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## Exempt Action: Final Regulation Agency Background Document

<b>Agency name</b>	State Water Control Board
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	9VAC25-890
<b>VAC Chapter title(s)</b>	General VPDES Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4)
<b>Action title</b>	Amend and Reissue the Small MS4 General Permit
<b>Final agency action date</b>	August 23, 2023
<b>Date this document prepared</b>	July 6, 2023

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

This rulemaking is proposed in order to amend and reissue the existing general permit which expires on October 31, 2023. The general permit governs local governments and state and federal agencies that discharge stormwater from municipally owned separate storm sewer systems located within the Census Urbanized Area as determined by the Bureau of Census.

### Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or*

*board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”*

The impetus of the regulatory change is Virginia Code § 62.1-44.15 (5a) which states, "All certificates issued by the Board under this chapter shall have fixed terms. The term of a Virginia Pollutant Discharge Elimination System permit shall not exceed five years." This general permit expires on October 31, 2023, and must be reissued in order to make coverage available for Small Municipal Separate Storm Sewer Systems discharging to surface waters. If this permit is not re-issued in a timely manner, no new coverage is available to any new facility owner or operator and such owners or operators would be required to obtain individual Virginia Pollutant Discharge Elimination System (VPDES) permits, which require more time to develop and issue, and impose significantly greater burden and costs on permittees and increased administrative burden on DEQ.

### Acronyms and Definitions

*Define all acronyms used in this form, and any technical terms that are not also defined in the “Definitions” section of the regulation.*

APA: Administrative Process Act  
 BMP: Best Management Practices  
 CFR: Code of Federal Regulations  
 DCR: Department of Conservation and Recreation  
 DEQ: Department of Environmental Quality  
 EPA (U.S. EPA): United States Environmental Protection Agency  
 MCM: Minimum Control Measure  
 MEP: Maximum Extent practicable  
 MS4: Municipal Separate Storm Sewer System  
 NPDES: National Pollutant Discharge Elimination System  
 SWPPP: Stormwater Pollution Prevention Plan  
 TAC: Technical Advisory Committee  
 TMDL: Total Maximum Daily Load  
 USC: United States Code  
 VAC: Virginia Administrative Code  
 VPDES: Virginia Pollutant Discharge Elimination System  
 WIP: Watershed Implementation Plan

### Statement of Final Agency Action

*Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.*

On August 23, 2023, the State Water Control Board adopted the General VPDES Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4) – 9VAC25-890 as a final regulation.

### Legal Basis

*Identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity’s overall regulatory authority.*

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The basis of this regulation is §62.1-44.15:25 of the Code of Virginia which authorizes the State Water Control Board under the Virginia Stormwater Management Act to issue, deny, revoke, terminate or amend stormwater permits and adopt regulations for the control of stormwater discharges from Municipal Separate Storm Systems to surface 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.

Changes to this chapter of the Virginia Administrative Code are exempt from Article 2 of the Administrative Process Act (2.2-4006 A 8).

**Purpose**

*Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it’s intended to solve.*

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The proposed regulatory action protects water quality in the Commonwealth of Virginia which is essential to the health, safety and welfare of Virginia’s citizens. The proposed action authorizes municipal owners or operators of separate storm sewer systems located within the Census Urbanized Area to discharge stormwater to waters of the state. The general permit establishes the minimum control measures to reduce the potential discharge of pollutants in municipal stormwater as well as requirements for demonstration of compliance with Total Maximum Daily Load (TMDL) wasteload allocations for local watersheds and the Chesapeake Bay. The primary issue that needs to be addressed is that the existing general permit expires on October 31, 2023, and must be reissued to authorize small MS4s to continue to discharge under the general permit. This regulatory action updates the permit and the regulation to be consistent with other VPDES general permits and protect water quality.

**Substance**

*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.*

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Substantive changes to the regulation include the following revisions:

1. Adding definitions for common MS4 terminology and modifying the high-priority facility definition.
2. Requiring electronic submission of annual reports after at least three months’ notice provided by the Department in accordance with 9VAC25-31-1020.
3. Adding permit conditions specific to traditional and nontraditional MS4 permittees to address existing permit conditions that are inherently not applicable to nontraditional permittees or not practicable for nontraditional permittee implementation.
4. Requiring third phase Chesapeake Bay TMDL action plan submittal and completion of 100% of required nitrogen, phosphorus, and sediment reductions no later than 10/31/2028.
5. Requiring Chesapeake Bay TMDL implementation annual status reports be maintained as separate documents from annual reports and posted to the permittee’s publicly accessible stormwater webpage.
6. Requiring permittees to provide MS4 maps in a GIS shapefile format and no longer allowing pdf format to satisfy this requirement and establishing data standards for GIS shapefile submission.

7. Adding provisions allowing permittees to adopt a risk-based approach to dry weather screening identifying observation points based upon illicit discharge risks upstream of an outfall. Each observation point screened may be counted as one outfall screening activity equivalent; however, at least 50% of the minimum annual screening events must include outfalls. These provisions are voluntary, and permittees may choose to adopt this approach at their discretion.
8. Removing electronic Best Management Practices (BMP) database requirements as these requirements are duplicative of BMP Warehouse reporting requirements.
9. Moving BMP warehouse reporting conditions to new permit section (Part III) and adding reporting requirements for ecosystem restoration projects.
10. Reformatting and integrating good housekeeping requirements:
  - a. For written procedures, differentiating between the objectives each procedure shall meet and activities that require procedures.
  - b. Incorporating existing good housekeeping permit conditions into written procedure requirements and improving linkage to contract language and training requirements.
  - c. Removed subjectivity from Stormwater Pollution Prevention Plan (SWPPP) applicability, clarified SWPPP requirements, and integrated utilization of applicable written good housekeeping procedures.
11. Requiring good housekeeping written procedures for the following activities:
  - a. Requiring permittees that apply anti-icing and deicing agents to update road, street, sidewalk, and parking lot procedures to include implementation of best management practices for anti-icing and deicing agent application, transport, and storage.
  - b. Requiring permittees to develop written procedures for renovation and significant exterior maintenance activities.
  - c. Clarifying written good housekeeping procedures for temporary storage of landscaping materials recognizing that long-term bulk storage meets the definition of a high-priority facility.
12. Requiring Department of Conservation and Recreation (DCR) approval and renewal of nutrient management plans.
13. Requiring chloride TMDL Action Plans where applicable.
14. Requiring inspection and maintenance procedures for ecosystem restoration projects.
15. Removing sediment reduction requirements from the Chesapeake Bay TMDL special condition.
16. Added the requirement for permittees to submit registration statements electronically 90 days after notification from the department as required by 9VAC25-31-102 Implementation of electronic reporting requirements for VPDES Permittees.
17. Various permit sections were impacted by the requirement to address the 2020 Census expanded urban areas. Addition requirements were added to the definition, illicit discharge detection and elimination (Minimum Control Measure 3 (MCM3)), post construction stormwater management for new development and development on prior developed lands (MCM5), pollution prevention and good housekeeping (MCM6), and the Chesapeake Bay special condition sections along with schedules, where appropriate, to implement existing the MS4 program elements in the newly designated areas.

**Issues**

*Identify the issues associated with the regulatory change, 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, include a specific statement to that effect.*

The advantages to the public and the agency are that a VPDES general permit will continue to be available to small MS4s to enable them to discharge safely to surface waters without the increased cost and more complicated application process associated with issuing an individual permit. Additionally, advantages to the Commonwealth of Virginia are the implementation of additional nutrient and sediment reductions from municipal stormwater discharges to the Chesapeake Bay watershed and local receiving

waters. Another advantage to the agency is that the clarifications to permit requirements and best management practices will assist with permit reporting, inspections and compliance reviews. There are no disadvantages to the public, agency, or Commonwealth.

**Requirements More Restrictive than Federal**

*List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any requirement of the regulatory change which is more restrictive than applicable federal requirements. If there are no changes to previously reported information, include a specific statement to that effect.*

There are no requirements that exceed applicable federal requirements.

**Agencies, Localities, and Other Entities Particularly Affected**

*List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any other state agencies, localities, or other entities that are particularly affected by the regulatory change. If there are no changes to previously reported information, include a specific statement to that effect.*

Other State Agencies Particularly Affected:

This general permit regulation is applicable statewide to any government entity operator of a municipal separate stormwater sewer system within the 2010 census defined urbanized area. The proposed amendments to the regulation apply statewide within the 2010 census defined urbanized area, with the exception of the Chesapeake Bay TMDL Special Condition, which only applies to 2010 census defined urbanized area within the Chesapeake Bay watershed. The proposed amendments to the regulation affect colleges, universities, and correctional facilities administered by state agencies. The general permit regulation implements the Commonwealth of Virginia’s Chesapeake Bay TMDL Phase I, II, and III Watershed Implementation Plans (WIPs) dated November 29, 2010, March 30, 2012, and August 23, 2019. These WIPs establish reductions in the load of total nitrogen, total phosphorus, and total suspended solids for regulated MS4s that discharge to receiving waters located in the Chesapeake Bay Watershed.

The proposed amendments are expected to impose a greater material water quality impact on any state agency in the Chesapeake Bay watershed than those state agencies outside of the Chesapeake Bay watershed.

DCR has expressed concerns regarding expired nutrient management plans held by MS4 permittees. The authority for nutrient management plan approval and renewal is unclear in the current permit. The proposed permit establishes DCR as the nutrient management plan approving authority and the nutrient management plan approval and renewal provisions were discussed with the DCR Director of Soil and Water Conservation and nutrient management staff. Permit conditions were developed based on DCR recommendations to ensure workload issues will not result from permit reissuance.

Localities Particularly Affected:

This general permit regulation is applicable statewide to any government entity operator of a municipal separate stormwater sewer system within the 2010 census defined urbanized area. The proposed amendments to the regulation apply statewide within the 2010 census defined urbanized area, with the exception of the Chesapeake Bay TMDL Special Condition, which only applies to 2010 census defined urbanized area within the Chesapeake Bay watershed. The general permit regulation implements the Commonwealth of Virginia’s Chesapeake Bay TMDL Phase I, II, and III WIPs dated November 29, 2010, March 30, 2012, and August 23, 2019. These WIPs establish reductions in the load of total nitrogen, total phosphorus, and total suspended solids for regulated MS4s that discharge to receiving waters located in the Chesapeake Bay Watershed.

The proposed amendments are expected to impose a greater material water quality impact on any locality in the Chesapeake Bay watershed than those localities outside of the Chesapeake Bay watershed.

Federal Agencies and Regional Authorities Particularly Affected:

This general permit regulation is applicable statewide to any operator of a municipal separate stormwater sewer system within the 2010 census defined urbanized area. The proposed amendments to the regulation apply statewide within the 2010 census defined urbanized area, with the exception of the Chesapeake Bay TMDL Special Condition, which only applies to 2010 census defined urbanized area within the Chesapeake Bay watershed. The proposed amendments to the regulation affect military installations, medical centers, research centers, transportation authorities, and correctional facilities administered by federal agencies and regional authorities. The general permit regulation implements the Commonwealth of Virginia’s Chesapeake Bay TMDL Phase I, II, and III WIPs dated November 29, 2010, March 30, 2012, and August 23, 2019. These WIPs establish reductions in the load of total nitrogen, total phosphorus, and total suspended solids for regulated MS4s that discharge to receiving waters located in the Chesapeake Bay Watershed.

The proposed amendments are expected to impose a greater material water quality impact on any federal agency or regional authority in the Chesapeake Bay watershed than those federal agencies or regional authorities outside of the Chesapeake Bay watershed.

**Public Comment**

*Summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. Ensure to include all comments submitted: including any received on Town Hall, in a public hearing, or submitted directly to the agency or board. If no comment was received, enter a specific statement to that effect.*

The following comments were received:

Commenter	Comment	Agency response
City of Charlottesville	The City notes that the cross-reference to 9VAC 25-31-220.D.1.a is not the most appropriate reference. In our opinion, the more appropriate cross-reference is to 9VAC25-870-400.D.1, which specifically addresses the VSMP regulations and requires permittees to develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act, the Virginia Stormwater Management Act, and the State Water Control Law.	Reviewed request and determined cross reference citation is correct. No changes needed.
Hampton Roads Planning District Commission	Non-Stormwater Discharges List The draft MS4 GP does not include routine external building washdown as an authorized non-stormwater discharge; however, it is included in the VPDES General Permit Regulation for Discharges Associated with Industrial Activity	This requirement will be added to all reissued Phase 1 individual permits. DEQ revised the list of non-stormwater discharges to include routine external building wash down provided no soaps, solvents, or detergents are used, external building surfaces do not contain hazardous substances, and the wash water is

	<p>(9VAC25-151-50). Industrial permittees can discharge waters into the MS4 that MS4 permittees are not allowed to discharge. Routine exterior building washdown should be added to the list in the draft MS4 GP. We support the conditions in the industrial permit that require the building washdown water to be free of detergents and hazardous products. Suggested Revision – Add the following to the list of authorized nonstormwater discharges (9VAC25-890-20.D.3): Routine external building washdown that does not use detergents or hazardous cleaning products;</p>	<p>filtered, settled, or similarly treated prior to discharge.</p>
<p>Virginia Municipal Stormwater Association (VAMSA)</p>	<p>Non-Stormwater Discharges – The current GP limits non-stormwater discharges to the MS4 to the list provided in 9VAC25-890-20. The proposed GP makes several proposed changes to the list. However, one change that is not included, but that should be, is allowing “Routine external building washdown where soaps, solvents, or detergents or hazardous cleaning products have not been used during the cleaning;” VAMSA understands DEQ wants to align all of the language on acceptable nonstormwater discharges across all GPs. The current Industrial Stormwater General Permit (ISWGP, 9VAC25-151-50, Authorization to discharge) allows an industrial facility to washdown a building and discharge to an MS4 if there are no detergents or hazardous cleaning products used during the cleaning. The current Construction Stormwater General Permit (CGP) also allows “Routine external building wash down where soaps, solvents, or detergents have not been used and the wash water has been filtered, settled, or similarly treated prior to discharge;” (9VAC25-880-30, Authorization to discharge). Requested Change: VAMSA requests that DEQ change the</p>	<p>This requirement will be added to all reissued Phase 1 individual permits. DEQ revised the list of non-stormwater discharges to include routine external building wash down provided no soaps, solvents, or detergents are used, external building surfaces do not contain hazardous substances, and the wash water is filtered, settled, or similarly treated prior to discharge.</p>

	acceptable nonstormwater discharge list at -890-20 to include building washdown. This would also impact MCM-6, which would require procedures for building power-washing (see discussion above). Justification: Consistency with the ISWGP and CGP.	
City of Bristol	The current permit focuses on reporting for the high priority issues. The new language expands reporting requirements and could increase expectations for the public education and outreach program. Small MS4s are already overwhelmed with permit requirements and do not have the staff to manage increased reporting and increased expectations.	The 2018-2023 MS4 General Permit required a list of high priority issues addressed as well as a list of the strategies used to communicate these issues. Changing the reporting element from a “list of strategies used to communicate the issues” to a “summary of activities conducted each report year” was necessary for DEQ to accurately assess this portion of the MS4 program. Likewise, the addition of the requirement to provide a description and rationale for any changes to the high priority issues or communication methods was necessary to adequately assess this part of the MS4 program. The addition of the reporting element for changes to high priority issues or their communication methods is intended to clearly indicate DEQ’s expectations to the permittee and other interested parties, that the permittee has the flexibility to adapt their public education program element to newly emerging concerns within their MS4 service area. No change has been made to the proposed regulation.
City of Charlottesville	Part I.E.1, Table 1 – the City is supportive of the addition of “Public Education Activities” and “Public Meetings” to the table.	Comment noted. No change is needed to the proposed regulation.
City of Bristol	Public Meetings have been added to both Table 1 and Table 2. Please clarify that a public meeting can be used to meet both the Public Education and Outreach Program and the Public Involvement Opportunity.	DEQ will revise Fact Sheet to be consistent with the general permit language.
City of Charlottesville	Part I.E.2, Table 2 - the City is supportive of the addition of “Public Meetings” to the table.	Comment noted. No change is needed to the proposed regulation.
Hampton Roads Planning District Commission	Table 2 of the draft MS4 GP includes examples of opportunities for public involvement. Revisions were made to the list, including deleting “participation on environmental advisory committees.” Page 14 of the draft Fact Sheet indicates it was removed because a new strategy	Participation on environmental advisory committees is an allowable activity under the Public Meeting category in Table 2 provided that the meeting is publicly announced and open to public participation. The requirement will remain as written.



	<p>category was added, “Public Meetings.” While advisory committee meetings provide opportunities for members of the public to be involved, serving as a member of an advisory committee is a significant commitment that should be highlighted. For example, the Stormwater Program Advisory Committee in James City County meets every other month, and its members identify project needs, review public engagement materials, assist staff by manning displays at events, etc. We would like to see this specific example preserved in the draft MS4 GP to help maintain support for advisory committees. Suggested Revision – Add “participation on environmental advisory committees” back to the list of examples of “Public Education Activities” in Table 2.</p>	
<p>The Metropolitan Airports Authority</p>	<p>Given proposed changes elsewhere in the document which change the word “public” to “target audience”, please clarify the meaning of the term “Public” in regard to the Public Involvement and Participation. Is the public referenced in this section the same as the previous Minimum Control Measure Public Education and Outreach in which the “Public” is the “target audience?”</p>	<p>For this specific element, Part I.E.2.a, public is referring to any interested party that wishes to provide a comment on the permittees’ MS4 program plan. Fact sheet amended to clarify that public and targeted audience are generally the same, however there are instances where the entire public cannot participate, and a target audience is necessary. No change has been made to the proposed regulation.</p>
<p>The Metropolitan Airports Authority</p>	<p>Clarification should be provided regarding “promote.” Please provide examples of activities that would satisfy this requirement (such as, would activities like facility-wide email, publications on an intranet, etc. meet the requirement?) to ensure proper understanding to ensure compliance and documentation requirements. Some nontraditional permittees have a relatively limited “target audience”, and the nature of the facility (e.g., highway) creates space and access constraints that present challenges for these types of activities and differ from traditional permittees (and, may also be unique to</p>	<p>The number of required activities was discussed with the TAC and the numbers found in the draft permit were considered appropriate and provides flexibility. Furthermore, the ability of non-traditional permittees to not just implement, but promote, participate in, or coordinate activities with another entity(s) provides the flexibility needed to satisfy this requirement. These activities are not limited to permittee property. No change has been made to the proposed regulation.</p>

	<p>particular nontraditional permittees). For these reasons, the Department should reduce the number of public involvement activities to a maximum of two activities for nontraditional permittees due to limited audience, space, access, and other variables that make many of the activities listed in Table 2 difficult to conduct.</p>	
<p>The Metropolitan Airports Authority</p>	<p>If there are access restrictions due to security and/or safety concerns (such as access/work along the Dulles Toll Road), the Department should allow nontraditional permittees to use staff to meet the Public Involvement requirement. This would be consistent with the intent of this section when the activity conducted for the facility are not part of the staff's routine day to day duties (even if the staff have, for example, maintenance responsibilities for parts of the permittee that are unrelated to the facility).</p>	<p>Staff are allowed to fulfil this requirement. The requirement is that the staff cannot solely be comprised of individuals that would have already received stormwater, groundskeeping and maintenance training as part of their regular duties. Any staff that do not have any of the above listed duties may satisfy this requirement. No change has been made to the proposed regulation.</p>
<p>Pentagon</p>	<p>Due to the secure nature of the Pentagon, Washington Headquarters Services (WHS) is unable to conduct many of the categories of public involvement opportunities listed in Table 2. Additionally, public involvement activities are restricted to tenants of the Pentagon building. WHS in the past has achieved compliance for this requirement through pollution prevention/good housekeeping training for WHS employees. Under the proposed Permit, WHS will be unable to use this type of employee training to achieve compliance with permit requirements. WHS requests that the proposed Permit language be revised to allow employee training to count towards compliance with the public education and outreach and public involvement and participation Minimum Control Measures (MCMs).</p>	<p>DEQ has recognized the difficulties some permittees have had in satisfying requirements for MCM1 and MCM2. In response to this, traditional and non-traditional permittee definitions have been added to the draft permit. The Pentagon will be classified as a non-traditional permittee. As such, the Pentagon will have the option of implementing, promoting, participating in, or coordinating activities. This provides additional opportunities for non-traditional permittees, particularly those of a secure nature like Department of Defense facilities, to satisfy this permit requirement. For example, the Pentagon may choose to promote a clean-up of a section of the Potomac River to its target audience that a different organization is implementing. Also, Pentagon staff may participate in these activities at the facility to satisfy this requirement. The requirement is that the staff cannot solely be comprised of individuals that would have already received stormwater, groundskeeping and maintenance training as part of their regular duties. Any staff that do not have any of the above listed duties may satisfy this requirement.</p>
<p>The Metropolitan</p>	<p>Provide clarification regarding staff. Could a training program that</p>	<p>Staff are allowed to fulfil this requirement. The requirement is that the staff cannot solely</p>

<p>Airports Authority</p>	<p>is directed to a permittee’s staff whose activities are not directly associated specifically with the MS4 stormwater, groundskeeping, and maintenance duties under its regulated area be counted toward this section?</p>	<p>be comprised of individuals that would have already received stormwater, groundskeeping and maintenance training as part of their regular duties. Any staff that do not have any of the above listed duties may satisfy this requirement. No change has been made to the proposed regulation.</p>
<p>City of Charlottesville</p>	<p>Part I.E.2.h.(3) - please consider inserting “types of” before “public involvement activities”. In the vein of the MS4 Program Plan being an implementation planning tool, this would allow the City the needed flexibility in planning for the expected public involvement activities without committing to specific activities that may or may not end up coming to fruition. The Annual Report is the appropriate place to report on the specific activities that the City participates in during the permit year.</p>	<p>The requirement allows for any type of public involvement activity. If one public involvement activity is not available, it can be replaced with another equivalent activity. No change has been made to the proposed regulation.</p>
<p>City of Charlottesville</p>	<p>Part I.E.2.i.(2) – the requirement to include a summary of all stormwater pollution complaints received and how the City responded in the Annual Reports is cumbersome and unnecessary. Please consider deleting this requirement.</p>	<p>This requirement was added to ensure that DEQ can accurately assess the permittees’ response to stormwater complaints and the potential for the need of the permittee to review and adjust elements of its MS4 Program Plan. It also allows any interested party to obtain information on stormwater complaints and the permittees’ response to those complaints. This requirement will remain.</p>
<p>Hampton Roads Planning District Commission</p>	<p>MCM 3 – Pervious and Impervious Acres in the Permittee’s MS4 Service Area The draft MS4 GP includes revisions to the MS4 mapping requirements. Specifically, Part I.E.3.a(3)(b)(iii) requires permittees to provide “a polygon feature class or shapefile for the MS4 service area as required in accordance with Part I.E.3.a(1)(d) with an attribute table containing the following information: MS4 service area pervious, impervious, and total acreage to the nearest hundredth.” While permittees report the pervious and impervious acreage of their service area as needed to calculate their pollutant loads and reductions for their Chesapeake Bay TMDL Action Plans, they have not been required to report them as a polygon feature class or</p>	<p>This request has been considered, and DEQ will revise Part I.E.3.a(3)(b)(iii) as follows: <u>MS4 service area total acreage rounded to the nearest hundredth.</u></p>

	<p>shapefile. While we understand that DEQ intends to develop a statewide map of regulated MS4 service area, the purpose of providing the pervious and impervious acreage is unclear. If DEQ is collecting this data to support Chesapeake Bay modeling efforts, as described in the draft Fact Sheet on page 15, it is unnecessary because the Chesapeake Bay Program has already identified these acres as part of the land use/cover update completed by The Chesapeake Conservancy. Additionally, the draft Fact Sheet on page 16 instructs permittees to provide the MS4 service area total acreage but makes no mention of the breakdown of pervious and impervious acres. Suggested Revision – Remove the requirement to provide pervious and impervious acreage and edit Part I.E.3.a(3)(b)(iii) as follows: MS4 service area pervious, impervious, and total acreage to the nearest hundredth.</p>	
<p>The Metropolitan Airports Authority</p>	<p>An exemption should be added for simple connections, i.e. a discharge point that only consists of one inlet and pipe. These points should be exempt from dry weather field screening, since the permittee would be aware if there was an unauthorized discharge and/or spill that impacted that specific system.</p>	<p>DEQ recognizes many of the systems in certain areas (e.g. airports, residential areas, commercial areas) may be considered simple connections; however, illicit connections or unknown unauthorized discharges may still occur in these systems and inspection of these structures are still required. No change has been made to the proposed regulation.</p>
<p>The Metropolitan Airports Authority</p>	<p>A means or method for submittal should be provided to permittees who do not have the ability or would require significant investment to generate GIS (geodatabase or shapefiles) files.</p>	<p>There are many cost-conscious geospatial data software, including, training tutorials available to provide this service. Moving to a GIS format will insure compatibility with DEQ’s Electronic Data mapper initiatives. This requirement will remain.</p>
<p>Pentagon</p>	<p>Due to security restrictions, WHS is unable to submit geospatial information pertaining to the Pentagon site utilities. WHS has previously submitted the Pentagon’s MS4 map as a PDF. WHS requests that submitting the Pentagon’s MS4 information as a map in PDF format continues to be an acceptable means to comply</p>	<p>This request has been considered, and DEQ will revise Part I.E.3.a(3)(b)(iii) as follows: <u>MS4 service area total acreage rounded to the nearest hundredth.</u></p>

	with the Permit’s mapping requirement.	
City of Bristol	The proposed requirements add a financial burden on Small MS4s to provide a GIS map with the MS4 Area broken out into pervious and impervious acreage. Small MS4s typically do not have this data and this is an overreach that Small MS4s cannot afford.	There are many cost-conscious geospatial data software available to provide this service. This request has been considered, and DEQ will revise Part I.E.3.a(3)(b)(iii) as follows: <u>MS4 service area total acreage rounded to the nearest hundredth.</u>
City of Charlottesville	Part I.E.3.a.(3).(d).(iii) – the requirement to include MS4 service area pervious and impervious acreage will be challenging for many small MS4s. Those that are in the Chesapeake Bay watershed have this information as of 6/30/09 but may not have updated or current acreages. It is unclear why DEQ needs this information. The City requests that this requirement be deleted.	This request has been considered, and DEQ will revise Part I.E.3.a(3)(b)(iii) as follows: <u>MS4 service area total acreage rounded to the nearest hundredth.</u>
Virginia Municipal Stormwater Association (VAMSA)	MCM-3 (Part I.E.3.a.3.b.iii) – The Proposed GP directs a permittee to submit a polygon feature class or shapefile with an attribute table that contains “MS4 service area pervious, impervious, and total acreage to the nearest hundredth.” Requested Change: VAMSA requests that DEQ delete this requirement. Justification: VAMSA does not remember this topic being discussed during TAC meetings and has serious concerns about this requirement. Permittees have impervious and total acreage for each BMP, but nowhere in the current permit is a permittee required to characterize the entire MS4 service area by pervious and impervious area. VAMSA questions why this information is needed given the burden associated with gathering it and adding it to a map. For purposes of the Chesapeake Bay TMDL, all that the Bay Program needs for modeling is the service area boundary for each MS4, not the amount of pervious, impervious, and acreage to the nearest hundredth. Additionally, this requirement is not in the Draft	This request has been considered, and DEQ will revise Part I.E.3.a(3)(b)(iii) as follows: <u>MS4 service area total acreage rounded to the nearest hundredth.</u>

	Fact Sheet (it references total acreage only) (p. 16).	
Chesapeake Bay Foundation (CBF)	The General Permit should incorporate the latest Census data consistent with EPA's Proposed Amendments to its NPDES Stormwater Phase II Regulations In light of EPA's recent proposal to fix a terminology issue between its Phase II regulations and new terminology used by the U.S. Census, DEQ should include language in the General Permit that would cover any new Phase II MS4 localities under the General Permit based on the 2020 Census, associated mapping, and EPA's changes to the Phase II regulations. DEQ should also include in the General Permit updated service areas for existing MS4s utilizing the 2020 Census mapping. This will ensure Virginia does not delay incorporating 2020 Census data for nearly eight years after the census. Any additional Bay TMDL nitrogen, phosphorus, and sediment reductions associated with new service areas should also be incorporated in the final permit.	Revised permit language to incorporate new 2020 census data.
Fauquier County	More information and collaboration is required as it relates to the changes proposed to Reporting – GIS shapefile submission.	There are many cost-conscious geospatial data software, including, training tutorials available to provide this service. Moving to a GIS format will insure compatibility with DEQ's Electronic Data mapper initiatives. This requirement will remain.
City of Bristol	– Why is accuracy to the fifth decimal place necessary? Point locations in GIS have variable GPS accuracies. It is not clear why this financial burden is being placed on Small MS4s who have already mapped the stormwater system years/decades ago with a different accuracy.	DEQ's standard for GIS data is five decimal places. The accuracy is necessary to ensure all GIS data submitted to the department meets specified minimum standards, as well as to ensure data consistency across permittee GIS data submittals. This requirement will remain.
Virginia Municipal Stormwater Association (VAMSA)	MCM-3 (Part I.E.3.a.4.c) – The Proposed GP states that all geodatabase feature classes or shapefiles shall be submitted with outfall location accuracy to the fifth decimal place. Requested Change: VAMSA requests that DEQ revise this requirement to align with the	DEQ's standard for GIS data is five decimal places. The accuracy is necessary to ensure all GIS data submitted to the department meets specified minimum standards, as well as to ensure data consistency across permittee GIS data submittals. This requirement will remain.

	<p>degree of accuracy currently being used by the permittee. Justification: Permittees have points mapped with variable GPS accuracies. It is unclear why requiring accuracy to the fifth decimal place is necessary and making these changes would be burdensome. In reality, if DEQ wanted to locate some of the database features it would need to ask for local assistance.</p>	
<p>City of Bristol</p>	<p>Why is DEQ interested in the physical condition of the outfall? This appears to cross into infrastructure maintenance instead of water quality. Will DEQ begin setting requirements for infrastructure maintenance?</p>	<p>Physical condition may be an indication of illicit discharge. Depending on how the physical condition of the outfall is noted, a permittee could begin to identify those outfalls at a higher risk and would allow the permittee to focus attention for a Risk-based Approach. DEQ does not require infrastructure maintenance above and beyond those already present in the MS4 permit. This requirement will remain.</p>
<p>Chesapeake Bay Foundation (CBF)</p>	<p>we appreciate the addition of language requiring permittees to provide information on the condition of outfalls for outfalls where a discharge was observed during dry weather screening. This information will help permittees ensure that outfalls are maintained in good condition so that derelict outfalls are not leading to additional pollutant loading to receiving waters and so permittees can sequence and prioritize outfall maintenance.</p>	<p>Comment noted. No change has been made to the proposed regulation.</p>
<p>City of Charlottesville</p>	<p>Part I.E.3.e.(1) – it is stated previously in Part I.E.3.a.(5) that updates to the MS4 map and information table are to be made by October 1 of each year; the requirement here to include a confirmation statement that the MS4 map and information table were updated to reflect changes occurring on or before June 30 of the reporting year is inconsistent. Please consider reconciling these dates.</p>	<p>The General Permit cycle has been set to the fiscal year of July 1<sup>st</sup> – June 30<sup>th</sup>. The October 1 reporting deadline is set to provide time for permittees to compile the necessary information for the entire annual reporting requirements. No change has been made to the proposed regulation.</p>
<p>Chesapeake Bay Foundation (CBF)</p>	<p>Stormwater runoff from developed lands often carries many contaminants that plague Virginia’s waterways, including chlorides from de-icing activities. DEQ’s salt management strategy illustrates</p>	<p>Comment noted. No change has been made to the proposed regulation.</p>

	<p>the need for MS4 permittees to be involved in managing salt application, which has important implications for water resources.<sup>11</sup> CBF and JRA support the new requirements in the General Permit for road, street, sidewalk, and parking lot maintenance written procedures for de-icing and Chloride TMDL action plan requirements for educating the public on impacts of de-icing agents on receiving streams.</p>	
<p>Chesapeake Bay Foundation (CBF)</p>	<p>We support the proposed changes to the General Permit in Part II(6) to require that areas required to be covered by a nutrient management plan (NMP) have such plans approved by the Virginia Department of Conservation and Recreation (DCR) and that such plans are updated so expired NMPs are not being relied upon for compliance.</p>	<p>Comment noted. No change has been made to the proposed regulation.</p>
<p>Chesapeake Bay Foundation (CBF)</p>	<p>We support the removal of the subjective language “high potential to discharge pollutants” in MCM 6, Part (E)(6) regarding high priority facilities. Removing this language will enhance permittees’ tracking of high priority facilities and will help ensure consistent interpretation and application of these requirements by all permittees.</p>	<p>Comment noted. No change has been made to the proposed regulation.</p>
<p>Fauquier County</p>	<p>More information is needed to understand how the changes to MCM6, Pollution Prevention and Good Housekeeping, will be administered. The requirement for additional nutrient management plans, coupled with the additional step of DCR approval of the plans, will be costly and time intensive.</p>	<p>NMPs are already required to be updated and approved by DCR (3 years for turf and 5 years for golf course). This requirement helps keep permittees with the compliance issue of allowing the NMP to lapse in approval. This requirement will remain.</p>
<p>Fauquier County</p>	<p>It is unclear what impact the changes to the SWPPP will have on the program as it relates to inspections and requirements for additional data.</p>	<p>The expectation of the SWPPP requirements is that the facility will have the necessary documentation showing they are performing necessary inspections, maintenance, procedures to prevent discharges, and a review process after an incident, to ensure that pollutants are not being discharged from the MS4. No additional language will be added.</p>
<p>City of Bristol</p>	<p>This requirement should be deleted as this is not included in Phase I permits. It is difficult to</p>	<p>The requirement clarifies issues for permittees and provides permittees clear expectations for their contractors. This</p>



	document compliance if the owner is not on-site. Building washing is allowed under other stormwater general permits and permittees should not be required to develop procedures for a stormwater discharge that is acceptable on an industrial or construction site.	requirement will be added to all reissued Phase 1 individual permits. DEQ revised the list of non-stormwater discharges to include routine external building wash down provided no soaps, solvents, or detergents are used, external building surfaces do not contain hazardous substances, and the wash water is filtered, settled, or similarly treated prior to discharge. In addition, this requirement will be added to all reissued Phase 1 individual permits.
City of Alexandria	Renovation and Significant Exterior Maintenance (MCM-6, Part I.E.6.b.2) – Within 36 months, permittees will be required to develop procedures to address “Renovation and significant exterior maintenance activities (e.g., painting, building power-washing, roof resealing, and HVAC coil cleaning) not covered under a separate VSMP construction general permit.” This requirement is not included in Phase I permits. These types of activities are generally included in Pollution Prevention and Good Housekeeping measures and should not be singled out for more stringent oversight that could require staff or an additional third party to act as an onsite inspector during these operations. The City requests that DEQ remove this requirement.	This requirement will be added to all reissued Phase 1 individual permits. DEQ revised the list of non-stormwater discharges to include routine external building wash down provided no soaps, solvents, or detergents are used, external building surfaces do not contain hazardous substances, and the wash water is filtered, settled, or similarly treated prior to discharge.
City of Charlottesville	Part I.E.6.b.(2) – the requirement to develop and implement written procedures for renovation and significant exterior building maintenance activities is an example of a proposed new requirement that is not even required of Phase I MS4 permittees. As such, the City requests that this requirement be deleted.	This requirement will be added to all reissued Phase 1 individual permits.
Hampton Roads Planning District Commission	MCM 6 – Good Housekeeping Procedures for Renovation and Significant Exterior Maintenance Part I.E.6.b(2) requires permittees to develop and implement good housekeeping procedures for “renovation and significant exterior building maintenance activities (e.g. painting, building power	This requirement will be added to all reissued Phase 1 individual permits.

	<p>washing, roof sealing, and HVAC coil cleaning) not covered under a separate VSMP construction general permit.” These activities are typically performed by contractors and minimizing pollutants in stormwater runoff from activities performed by contractors is already addressed in Part I.E.6.c. Permittees are to “...require through the use of contract language, training, written procedures, or other measures within the permittee’s legal authority that contractors employed by the permittee and engaging in the activities described in Part I.E.6.a and b follow established good housekeeping procedures and use appropriate control measures to minimize the discharge of pollutants to the MS4.” Rather than develop vague good housekeeping procedures applicable to several renovation and significant exterior building maintenance activities, it is more effective to tailor either the contract language or the training to the specific maintenance activity, based on site characteristics and the work to be completed, as described in Part I.E.6.c. The requirement to develop good housekeeping procedures for renovation and exterior building maintenance should be deleted. Suggested Revision - Delete Part I.E.6.b(2).</p>	
<p>Virginia Municipal Stormwater Association (VAMSA)</p>	<p>Renovation and Significant Exterior Maintenance (MCM-6, Part I.E.6.b.2) – Within 36 months, permittees will be required to develop procedures to address “Renovation and significant exterior maintenance activities (e.g., painting, building power-washing, roof resealing, and HVAC coil cleaning) not covered under a separate VSMP construction general permit.” Requested Change: VAMSA requests that DEQ delete this requirement. Justification: This requirement is not included in Phase I permits.</p>	<p>This requirement will be added to all reissued Phase 1 individual permits. DEQ revised the list of non-stormwater discharges to include routine external building wash down provided no soaps, solvents, or detergents are used, external building surfaces do not contain hazardous substances, and the wash water is filtered, settled, or similarly treated prior to discharge.</p>

	<p>VAMSA is concerned that during an inspection DEQ or EPA could request documentation that the procedures were followed by a third-party contractor. Although an MS4 owner would ordinarily instruct a contractor on good housekeeping measures (even without the permit requirement), it is very difficult to document compliance if the owner is not on-site. DEQ or EPA regularly note in an inspection report if paperwork is not available to prove compliance. In addition, building washing is allowed under other stormwater general permits (see discussion below). Permittees should not be required to develop procedures for a stormwater discharge that is acceptable on an industrial or construction site.</p>	
<p>City of Bristol</p>	<p>This requirement is not included in Phase I permits. In addition, it is a significant expansion of the current requirement which would pull in all construction and maintenance across 2 the service area. There is not a 24- or 36-month period to allow permittees to revise existing procedures. This is unnecessary as a significant percentage of construction projects are covered by the Construction Stormwater General Permit.</p>	<p>This requirement will be added to all reissued Phase 1 individual permits. DEQ will revise the language as follows: <u>Discharging water pumped from construction and maintenance activities not covered by another permit covering such activities.</u></p>
<p>City of Alexandria</p>	<p>Utility Construction Discharges (MCM-6, Part I.E.6.b.3) – The Proposed General Permit requires procedures for “Discharging water pumped from construction and maintenance activities” (Part I.E.6.b.3) in comparison to the current General Permit which requires procedures for “Requiring implementation of best management practices when discharging water pumped from utility construction and maintenance activities” (Part I.E.6.a.4). This requirement is not included in Phase I permits. The existing requirement in the General Permit is for the implementation of “best management practices when discharging water pumped from</p>	<p>This requirement will be added to all reissued Phase 1 individual permits. DEQ will revise the language as follows: <u>Discharging water pumped from construction and maintenance activities not covered by another permit covering such activities.</u></p>

	<p>utility construction and maintenance activities” is adequate to protect water quality and included in standard operating procedures (SOP). Understanding that a large part of “utility construction and maintenance” activities are performed by utility companies operating under annual standards and specifications as authorized by DEQ, a localities’ SOPs are comparable and the preferred method. Because of this, the City requests that DEQ retain the current requirement</p>	
<p>Hampton Roads Planning District Commission</p>	<p>MCM 6 – Water Pumped from Utility Construction and Maintenance Activities Part I.E.6.b(3) requires permittees to develop and implement good housekeeping procedures for “discharging water pumped from construction and maintenance activities,” which expands the requirement in the existing MS4 GP, which is limited to “discharges from utility construction and maintenance activities.” Removing “utility” means that all construction and maintenance activities that discharge pumped water to the MS4 would need to be addressed in the procedures, which is unnecessary because these projects are managed using other state stormwater programs. Most construction projects are already subject to the water quality protection requirements in the VPDES General Permit Regulation for Discharges from Construction Activities (9VAC25-880-70). Projects that do not require Construction GP coverage are still subject to the Erosion and Sediment Control requirements in the regulations. Suggested Revision – Retain the language in the existing MS4 permit as follows: Require implementation of best management practices when discharging water pumped from utility construction and maintenance activities;</p>	<p>This requirement will be added to all reissued Phase 1 individual permits. DEQ will revise the language as follows: <u>Discharging water pumped from construction and maintenance activities not covered by another permit covering such activities.</u></p>

<p>Virginia Municipal Stormwater Association (VAMSA)</p>	<p>Utility Construction Discharges (MCM-6, Part I.E.6.b.3) – The Proposed GP requires procedures for “Discharging water pumped from construction and maintenance activities” (Part I.E.6.b.3) in comparison to the current GP that requires procedures for “Requiring implementation of best management practices when discharging water pumped from utility construction and maintenance activities;” (Part I.E.6.a.4, emphasis added). Requested Change: VAMSA requests that DEQ retain the current requirement. Justification: This requirement is not included in Phase I permits. In addition, it is a significant expansion of the current requirement which would pull in all construction and maintenance across the service area. There is no 24- or 36-month period to allow for permittees to revise existing procedures. Lastly, the requirement is unnecessary. A significant percentage of local construction projects are covered by the Construction Stormwater General Permit (CGP, 9VAC25-880-70). The CGP has extensive water quality protection requirements, including developing a stormwater pollution prevention plan (SWPPP) with an erosion and sediment control, stormwater management, and pollution prevention plan. Smaller construction projects that are not covered by the CGP are required to comply with the State’s Erosion and Sediment Control Regulations (in fact, utility construction is required to comply with MS-16) (9VAC25-840).</p>	<p>This requirement will be added to all reissued Phase 1 individual permits. DEQ will revise the language as follows: <u>Discharging water pumped from construction and maintenance activities not covered by another permit covering such activities.</u></p>
<p>City of Alexandria</p>	<p>Temporary Landscaping Materials (MCM-6, Part I.E.6.b.4) – The General Permit requires procedures for temporary storage of landscaping materials in addition to identifying any permittee facility with “long-term bulk materials storage” as a “high</p>	<p>This requirement will be added to all reissued Phase 1 individual permits. This requirement will remain.</p>

	<p>priority facility.” This is a new requirement in the General Permit and not included in Phase I permits. The temporary storage of small amounts of mulch is usually done in connection with onsite use where the material will soon be permanently placed and does not warrant separate procedures or inspections. Bulk storage is already identified as a “high priority facility” in the current permit. The City requests the removal of requirements for temporary storage.</p>	
<p>Hampton Roads Planning District Commission</p>	<p>MCM 6 – Temporary Storage of Landscaping Materials Part I.E.6.b(4) requires permittees to develop and implement good housekeeping procedures for the “temporary storage of landscaping materials.” This requirement is unnecessary because storing materials such as mulch for a short period of time before spreading it in garden beds or in bioretention BMPs has a low potential to impact water quality. When developing pollution prevention training materials, permittees should emphasize ways to minimize pollutants such as sediment, litter, vehicle fluids, hazardous materials, etc. from mobilizing in stormwater runoff. Permittees run the risk of diluting the effectiveness of their good housekeeping program if they prioritize procedures for activities that present little risk of stormwater pollution such as the temporary storage of landscaping materials. Permittees are also concerned about compliance with these procedures, and whether they would need to track each temporary pile of mulch used by a variety of landscaping contractors, even if it was staged for just a few hours before use. Suggested Revision - Delete Part I.E.6.b(4).</p>	<p>This requirement will be added to all reissued Phase 1 individual permits. This requirement will remain.</p>
<p>City of Bristol</p>	<p>This is a new requirement and is not included in Phase I permits and appears to attempt to address any de minimus impact. The storage of small mulch piles is a</p>	<p>This requirement will be added to all reissued Phase 1 individual permits. This requirement will remain.</p>

	<p>minor issue and the potential for any real water quality impacts from this activity is highly unlikely. In addition, the paperwork that documents the placement of each small mulch pile would be very burdensome.</p>	
<p>Virginia Municipal Stormwater Association (VAMSA)</p>	<p>Temporary Landscaping Materials (MCM-6, Part I.E.6.b.4) – The Proposed GP requires procedures for temporary storage of landscaping materials in addition to identifying any permittee facility with “long-term bulk materials storage” as a “high priority facility.” This is a new requirement and not included in Phase I permits.                  Requested Change: VAMSA requests that DEQ delete the requirement in MCM-6 to establish procedures for temporary storage of landscaping materials.                  Justification: The storage of small mulch piles is a minor issue and, on the whole, the potential for any real water quality impacts from this activity is highly unlikely. Identifying minor issues like landscaping materials (mulch) devalues the importance of other issues that should be addressed by the permittee. We are also concerned that we will be asked during an inspection to produce paperwork that documents the proper placement of each small mulch pile/compliance with the good housekeeping procedures developed under MCM-6. This would be very burdensome. As noted above, DEQ and EPA regularly note paperwork issues during inspections. This appears to be a compliance issue found during some MS4 audits. Compliance issues should be dealt with on a case-by-case basis not through broad permit language.</p>	<p>This requirement will be added to all reissued Phase 1 individual permits. This requirement will remain.</p>
<p>City of Charlottesville</p>	<p>Part I.E.6.b.(6) and (7) – it is unclear if the requirements for the application of materials are meant to represent activities for which written good housekeeping procedures are required. As written, they are not activities per</p>	<p>DEQ has reviewed this request and the language will remain as proposed.</p>

	<p>se, but rather stand alone requirements.</p>	
<p>Hampton Roads Planning District Commission</p>	<p>MCM 6 – Determining which High-Priority Facilities Require Stormwater Pollution Prevention Plans (SWPPPs) The existing MS4 GP requires permittees to develop SWPPPs for their highpriority facilities that have a “high potential of discharging pollutants.” The draft MS4 GP does not include the qualifier of “high potential of discharging pollutants.” Permittees would instead be required to develop SWPPPs for facilities that meet the revised definition of high-priority facility in section 9VAC25-890-1 and at least one of the conditions listed in Part I.E.6.g. Based on these changes, the universe of facilities requiring SWPPP coverage has expanded far beyond what we believe the intent to be. For example, a municipal park with a drop-off recycling center could qualify as needing SWPPP coverage because the facility engages in recycling and there is likely to be dog waste residuals on the ground exposed to runoff. SWPPPs should be tailored to those facilities that have a “high potential of discharging pollutants.” Permittees should not be burdened with developing and implementing SWPPPs for facilities that are not likely to contribute to water quality impairments. Page 25 of the draft Fact Sheet indicates that some permittees misconstrued the meaning of “a high potential of discharging pollutants” and that misunderstanding has led to enforcement action. However, the revisions made to the language in the draft MS4 GP have not made it clearer to determine which facilities should have SWPPP coverage. Instead, the changes require permittees to develop SWPPPs for high-priority facilities that are not likely to impact the MS4. Rather than change permit requirements for over 100 permittees, we ask</p>	<p>The old qualifier “high potential of discharging pollutants” was removed due to misinterpretation and consistency issues across permittees. DEQ understands that the new system may be confusing at first but should align permittee programs more consistently. Additional information will be given in the Fact Sheet to clarify the intent of this section. To the example given, if the recycling area is not covered, then there could be any number of possible items (i.e., lead batteries, petroleum products) in the recycling that could potentially cause a discharge and, therefore, would require a SWPPP. Public parks that could potentially have dog waste would not necessitate a SWPPP, but the addition of a recycling area, could constitute the addition of a SWPPP.</p>



	<p>DEQ to provide technical assistance to those permittees who are misunderstanding the intent of “a high potential of discharging pollutants.” Suggested Revisions – Use the original language in Part I.E.6.g so that it is clear to permittees that the intent is to develop SWPPPs to minimize pollution from facilities with a “high potential of discharging pollutants.” Part I.E.6.g should be edited to read as follows: g. The permittee shall maintain and implement a site specific SWPPP for each high-priority facility as defined in 9VAC25-890-1 that does not have or require separate VPDES permit coverage, and which has a high potential of discharging pollutants. Delete Part I.E.6.g(1)-(9).</p>	
City of Bristol	<p>This needs to be clarified that a maintenance schedule is not needed for controls that are replaced as needed. Certain controls are replaced as needed and do not have a maintenance schedule.</p>	<p>Replace as needed can be a maintenance schedule, as long as the criteria for what “as needed” entails are documented, and inspections are performed regularly to evaluate these criteria. No additional language is proposed.</p>
Virginia Municipal Stormwater Association (VAMSA)	<p>MCM-6 (Part I.E.6.h.5) – The Proposed GP states that a SWPPP for a high-priority facility must have a “maintenance schedule for all stormwater management facilities and other pollutant source controls applicable to SWPPP implementation...” Requested Change: VAMSA requests that DEQ revise this requirement to clarify that a maintenance schedule is not required for controls that are replaced as needed or for general maintenance. Justification: Controls like drop inlet protection or drip pads under equipment do not have a maintenance schedule, they are replaced as needed. Likewise, it is not clear if DEQ intends for a permittee to have a schedule for regular maintenance like grass cutting.</p>	<p>Replace as needed can be a maintenance schedule, as long as the criteria for what “as needed” entails are documented, and inspections are performed regularly to evaluate these criteria. No additional language is proposed.</p>
City of Bristol	<p>The permittees already are required to annually review the high-priority facilities list to</p>	<p>Permittees have historically dealt with the previous requirement in many ways and the revised language will assist permittees with</p>

	determine if a SWPPP is necessary. Maintaining a separate list of high-priority facilities that do not need a SWPPP is unnecessary paperwork.	consistent compliance. This requirement will remain.
Virginia Municipal Stormwater Association (VAMSA)	List of High-Priority Facilities Without SWPPP (MCM-6, Part I.E.6.i) – The Proposed GP requires that a permittee “maintain a list of all high-priority facilities owned or operated by the permittee not required to maintain a SWPPP...” Requested Change: VAMSA requests that DEQ delete this requirement. Justification: Permittees are already required to annually review the high-priority facilities list to determine if a SWPPP is necessary. Maintaining a list of high-priority facilities that do not need a SWPPP is paperwork for paperwork’s sake; VAMSA sees no benefit to this requirement.	Permittees have historically dealt with the previous requirement in many ways and the revised language will assist permittees with consistent compliance. This requirement will remain.
Hampton Roads Planning District Commission	MCM 6 – List of High-Priority Facilities that Do Not Require a SWPPP Part 1.E.11 of the draft MS4 GP requires permittees to maintain a list of highpriority facilities owned or operated by the permittee not required to maintain a SWPPP in accordance with Part I.E.6.g. The list is required to be made available upon request. This list is unnecessary because Part I.E.6.u already requires permittees to submit a confirmation statement as part of their Annual Report indicating all high-priority facilities were reviewed to determine if SWPPP coverage is required during the reporting period. Suggested Revision – Delete Part 1.E.11 of the draft MS4 GP.	Permittees have historically dealt with the previous requirement in many ways and the revised language will assist permittees with consistent compliance. This requirement will remain.
Hampton Roads Planning District Commission (HRPDC)	Chesapeake Bay TMDL Special Condition - TSS Reduction Requirements As described on page 5 of the draft Fact Sheet, Chesapeake Bay research has shown that the water clarity/submerged aquatic vegetation water quality standard is “generally more responsive to nutrient load reductions than it is to reduction in sediment loads.”	Comment noted. No change has been made to the proposed regulation.

	<p>HRPDC supports DEQ’s decision to remove the sediment reduction requirements from the draft MS4 GP. Page 5 of the draft Fact Sheet includes a description of the letter DEQ submitted to EPA explaining why they removed the sediment reduction requirements from the draft MS4 GP. When EPA responds to the letter, the draft Fact Sheet should be updated. Suggested Revision – Update page 5 of the draft Fact Sheet when guidance is provided by EPA.</p>	
<p>Chesapeake Bay Foundation (CBF)</p>	<p>Removing sediment load reduction requirements in the General Permit is inconsistent with the Clean Water Act. CBF and JRA strenuously object to DEQ’s last minute removal of sediment reduction requirements from the Chesapeake Bay Total Maximum Daily Load (TMDL) Special Condition. Not only did DEQ not provide any opportunity for the stakeholder group to discuss this critical issue during the regulatory development process, but the agency also failed to undertake required analysis under the Clean Water Act. What is more, the basis for DEQ’s removal of the sediment reduction requirements, a 2019 letter from EPA’s Chesapeake Bay Program Principals’ Staff Committee (PSC), is not new and there is no justification for DEQ’s delay in sharing this proposal and for failing to provide an opportunity for input during the stakeholder process. A. Removal of these sediment reduction obligations would be unlawful. First, removing the sediment reduction provisions from the General Permit would be unlawful because the Clean Water Act and Chesapeake Bay TMDL require National Pollutant Discharge Elimination System (NPDES) permits to be consistent with applicable TMDLs, including the Bay TMDL. According to 40 C.F.R. § 122.44(d)(1)(vii)(B), all NPDES discharge permits must</p>	<p>The Chesapeake Bay Program itself has indicated this. On August 12, 2019, the Chesapeake Bay Program Principals’ Staff Committee (PSC) approved the process, timeline, and proposed Phase III WIP language for developing the Phase III WIP sediment targets. Virginia included the PSC-approved language in its final Phase III WIP on Page 29, Section 5.2 (Sediment Targets). This language states in part, <i>“Sediment loads are managed in the Bay TMDL to specifically address the water clarity/submerged aquatic vegetation (SAV) water quality standards. Intuitively, it makes sense that the more sediment suspended in the water, the less makes it down to the SAV. Interestingly, research in the Chesapeake Bay has shown that the water clarity/SAV water quality standard is generally more responsive to nutrient load reductions than it is to reduction in sediment loads. This is because the algae that are fueled by the nutrients can block as much, or more, light from reaching the SAV as suspended sediments. The sediment targets will not affect the BMPs called for in the WIP, and are not intended to be the driver for implementation moving forward...”</i> This proposed change does not give MS4 permittees a “free pass” on sediment reductions. Sediment reductions will still occur when MS4s install various BMPs to meet the nutrient reduction requirements. Additionally, the removal of the sediment reduction requirement for the Chesapeake Bay TMDL does not relieve MS4 permittees of their responsibility to achieve sediment reductions required by local TMDLs. Sediment reductions to the Bay will still occur. This proposed general permit maintains sediment reduction BMP Warehouse reporting</p>

	<p>include water-quality based effluent limitations that are “consistent with the assumptions and requirements of any available wasteload allocation,” meaning the proposed MS4 permit will be unlawful unless it implements effluent limits that are consistent with the sediment Wasteload Allocations (WLA) of the Chesapeake Bay TMDL.<sup>1</sup> Since the existing MS4 permit terms, which require a 40% reduction in sediment loads, are currently compliant with the WLAs of the Bay TMDL,<sup>2</sup> removing this sediment reduction program in the revised permit would violate this requirement. Even though the sediment reduction requirements were calculated based on best management practice (BMP) implementation to meet nutrient targets, nowhere do the proposed changes in the General Permit make this connection. The proposed General Permit itself does not include any provision tying nutrient BMP implementation to associated sediment reductions, thus making the removal of sediment reductions inconsistent with the Bay TMDL. Second, the PSC letter does not have the authority to ratify this unlawful conduct. Nothing in the cited PSC letter altered or amended the enforceability of the sediment WLAs in the TMDL. Rather, the PSC letter merely notes that water clarity/submerged aquatic vegetation [SAV] is more responsive to nutrient reductions than sediment load reductions. However, the PSC letter itself notes that “there are detrimental effects of sediment on the clarity/SAV [Water Quality Standard] and state-level regulatory frameworks of the tidal CBP States address the issue of sediment’s detrimental effects on water clarity and SAV.” See Letter at 1.3 At a minimum, it is not clear the extent to which the PSC may</p>	<p>requirements under Part III since sediment reduction tracking for permittee BMP implementation is still necessary for Chesapeake Bay Program reporting purposes and Chesapeake Bay TMDL modeling efforts. No change has been made to the proposed regulation.</p>
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	<p>itself have been relying on the very sediment reductions in this permit in making such a statement; creating the potential that DEQ's proposed action may in fact undermine, and be inconsistent with, the assumptions in the PSC letter. Further, as EPA explains in the PSC letter, the methodology for calculating sediment targets has not changed since the Phase II Watershed Implementation Plan (WIP), and thus, since the last reissuance of this permit. Therefore, it is challenging to understand, and even more so given no opportunity to discuss this issue during the stakeholder process, why DEQ is choosing to make this change at this juncture.</p>	
<p>Chesapeake Bay Foundation (CBF)</p>	<p>DEQ failed to conduct required anti-backsliding analysis. DEQ's removal of the existing sediment effluent limit would also violate the CWA's antibacksliding provision. CWA Section 402(o)(1) prohibits the reissuance of permits with limitations based on TMDLs "which are less stringent than the comparable effluent limitations in the previous permit . . ." 33 U.S.C. Section 1342(o). Such limitations may only be revised pursuant to the conditions of 33 U.S.C. Section 1313(d)(4), neither of which DEQ has met. Even if DEQ did meet one of these conditions, in order to remove the sediment limitations in the permit, DEQ is required to undertake and document an anti-backsliding analysis (40 CFR Section 122.44(l)), which it has failed to do in the proposed reissuance. Because DEQ's proposed reissuance of the draft permit is completely devoid of any anti-backsliding analysis, it is impossible to determine under which standard, if any, DEQ believes the sediment limitations may be removed. DEQ's failure to include any anti-backsliding analysis violates the CWA and is arbitrary and capricious.</p>	<p>The Chesapeake Bay Program itself has indicated this. On August 12, 2019, the Chesapeake Bay Program Principals' Staff Committee (PSC) approved the process, timeline, and proposed Phase III WIP language for developing the Phase III WIP sediment targets. Virginia included the PSC-approved language in its final Phase III WIP on Page 29, Section 5.2 (Sediment Targets). This language states in part, "<i>Sediment loads are managed in the Bay TMDL to specifically address the water clarity/submerged aquatic vegetation (SAV) water quality standards. Intuitively, it makes sense that the more sediment suspended in the water, the less makes it down to the SAV. Interestingly, research in the Chesapeake Bay has shown that the water clarity/SAV water quality standard is generally more responsive to nutrient load reductions than it is to reduction in sediment loads. This is because the algae that are fueled by the nutrients can block as much, or more, light from reaching the SAV as suspended sediments. The sediment targets will not affect the BMPs called for in the WIP, and are not intended to be the driver for implementation moving forward...</i>" This proposed change does not give MS4 permittees a "free pass" on sediment reductions. Sediment reductions will still occur when MS4s install various BMPs to meet the nutrient reduction requirements. Additionally, the removal of the sediment reduction requirement for the Chesapeake Bay TMDL does not relieve MS4 permittees of their</p>

		<p>responsibility to achieve sediment reductions required by local TMDLs. Sediment reductions to the Bay will still occur. This proposed general permit maintains sediment reduction BMP Warehouse reporting requirements under Part III since sediment reduction tracking for permittee BMP implementation is still necessary for Chesapeake Bay Program reporting purposes and Chesapeake Bay TMDL modeling efforts. No change has been made to the proposed regulation.</p>
<p>Chesapeake Bay Foundation (CBF)</p>	<p>Requiring sediment load reduction is beneficial to the Bay and local water quality. The Chesapeake Bay TMDL explicitly singles out sediment as one of the three pollutants that pose the greatest threat to the Bay.<sup>4</sup> Not only this, but Virginia-based MS4s are identified as one of the largest contributors of sediment loads delivered to the Bay. Specifically, Virginia is responsible for 41% of the sediment loads delivered to the Bay, and point sources like MS4 facilities contribute 35% of this sediment delivery.<sup>5</sup> Half of the tidal segments of the Chesapeake Bay included in Virginia’s Integrated Report have been classified as impaired due to SAV/Water Clarity Issues.<sup>6</sup> Even if this designated use is more responsive to nutrient reductions, sediment still degrades these designated uses and DEQ has the responsibility to manage the degradation from sediment for impaired waterways both within the Bay watershed and beyond,<sup>7</sup> yet many lack local sediment TMDLs.<sup>8</sup> Further, Chesapeake Bay Program Partnership has suggested there is a need for additional analyses “in tributary open waters and shallow water habitats, where the estuary model currently struggles to predict water quality standards attainment.”<sup>9</sup> The current “Comprehensive Analysis of System Response” (CESR) effort has focused on the need to consider restoration efforts on shallow waters where aquatic</p>	<p>The Chesapeake Bay Program itself has indicated this. On August 12, 2019, the Chesapeake Bay Program Principals’ Staff Committee (PSC) approved the process, timeline, and proposed Phase III WIP language for developing the Phase III WIP sediment targets. Virginia included the PSC-approved language in its final Phase III WIP on Page 29, Section 5.2 (Sediment Targets). This language states in part, “<i>Sediment loads are managed in the Bay TMDL to specifically address the water clarity/submerged aquatic vegetation (SAV) water quality standards. Intuitively, it makes sense that the more sediment suspended in the water, the less makes it down to the SAV. Interestingly, research in the Chesapeake Bay has shown that the water clarity/SAV water quality standard is generally more responsive to nutrient load reductions than it is to reduction in sediment loads. This is because the algae that are fueled by the nutrients can block as much, or more, light from reaching the SAV as suspended sediments. The sediment targets will not affect the BMPs called for in the WIP, and are not intended to be the driver for implementation moving forward...</i>” This proposed change does not give MS4 permittees a “free pass” on sediment reductions. Sediment reductions will still occur when MS4s install various BMPs to meet the nutrient reduction requirements. Additionally, the removal of the sediment reduction requirement for the Chesapeake Bay TMDL does not relieve MS4 permittees of their responsibility to achieve sediment reductions required by local TMDLs. Sediment reductions to the Bay will still occur. This proposed general permit maintains sediment reduction BMP Warehouse reporting requirements under Part III since sediment reduction tracking for permittee BMP</p>

	<p>species abound and where impacts of sediment are most acutely felt.<sup>10</sup> Further, the quicker response to nutrient reductions could simply be driven by lag times whereby nutrients are flushed relatively quickly when sources are reduced whereas sediment loads may have longer lag times. If that is the case, it may take longer to see designated use response from sediment reductions. That, however, is not a reason not to manage this pollutant, and in fact, points to the importance of preventing sediment loads in order to avoid impairments that can last for long periods of time. Therefore, it is abundantly clear that reducing sediment loads from MS4s is an integral part of the Chesapeake Bay TMDL. DEQ cites the PSC’s statement that water clarity/SAV water quality is “generally more responsive to nutrient load reductions than it is to reduction in sediment loads;” however, MS4s should not lose sight of the sediment reductions they will achieve through BMPs they implement to address nitrogen and phosphorus—and such reductions should be tracked and reported as required in the existing permit. Finally, local streams within and outside the Bay watershed are impaired for sediment. Sediment in the watershed is already the subject of thousands of local sediment TMDLs in streams and rivers being implemented by the Chesapeake Bay Program partners. There are also many streams impaired for sediment for which TMDLs are yet to be completed.</p>	<p>implementation is still necessary for Chesapeake Bay Program reporting purposes and Chesapeake Bay TMDL modeling efforts. No change has been made to the proposed regulation.</p>
<p>Chesapeake Legal Alliance</p>	<p>Chesapeake Legal Alliance: CLA is concerned about the proposed elimination in the TMDL Special Condition section of the reduction requirements for TSS&gt; What is the legal, policy, and scientific justification for the elimination of reduction requirements for TSS? How would the removal of this</p>	<p>The Chesapeake Bay Program itself has indicated this. On August 12, 2019, the Chesapeake Bay Program Principals’ Staff Committee (PSC) approved the process, timeline, and proposed Phase III WIP language for developing the Phase III WIP sediment targets. Virginia included the PSC-approved language in its final Phase III WIP on Page 29, Section 5.2 (Sediment Targets).</p>

	<p>requirement impact sediment0impaired waters, TSS TMDLs, and any applicable WLA? Would the removal of these requirements impact efforts to help attain VA WQS?</p> <p>We are also concerned that the elimination of TSS reduction requirements will have an outsized impact on public health, particularly in disproportionately burdened communities and households. Because many toxic chemicals and pollutants bind to sediment, the inclusion of a sediment reduction target would be one of the best ways for point source dischargers to reduce their impacts on surrounding communities.</p>	<p>This language states in part, “<i>Sediment loads are managed in the Bay TMDL to specifically address the water clarity/submerged aquatic vegetation (SAV) water quality standards. Intuitively, it makes sense that the more sediment suspended in the water, the less makes it down to the SAV. Interestingly, research in the Chesapeake Bay has shown that the water clarity/SAV water quality standard is generally more responsive to nutrient load reductions than it is to reduction in sediment loads. This is because the algae that are fueled by the nutrients can block as much, or more, light from reaching the SAV as suspended sediments. The sediment targets will not affect the BMPs called for in the WIP, and are not intended to be the driver for implementation moving forward...</i>” This proposed change does not give MS4 permittees a “free pass” on sediment reductions. Sediment reductions will still occur when MS4s install various BMPs to meet the nutrient reduction requirements. Additionally, the removal of the sediment reduction requirement for the Chesapeake Bay TMDL does not relieve MS4 permittees of their responsibility to achieve sediment reductions required by local TMDLs. Sediment reductions to the Bay will still occur. This proposed general permit maintains sediment reduction BMP Warehouse reporting requirements under Part III since sediment reduction tracking for permittee BMP implementation is still necessary for Chesapeake Bay Program reporting purposes and Chesapeake Bay TMDL modeling efforts. No change has been made to the proposed regulation.</p>
<p>City of Alexandria</p>	<p>Removal of TSS Reductions from the TMDL Bay Special Condition The City supports DEQ’s decision to remove total suspended solids/sediment from the Chesapeake Bay TMDL special condition in the permit. We agree with DEQ’s statement in a letter to U.S. EPA’s Region 3 Administrator that the “sediment targets will not affect the BMPs called for in the WIP [Watershed Implementation Plan], and are not intended to be the driver for implementation moving forward...”. There is no scientific or practical basis for</p>	<p>Comment noted. No change has been made to the proposed regulation.</p>



	continued inclusion of sediment reductions in the GP.	
Virginia Municipal Stormwater Association (VAMSA)	VAMSA Supports Removal of TSS Reductions from the TMDL Bay Special Condition VAMSA supports DEQ's decision to remove total suspended solids (TSS)/sediment reduction requirements from the Proposed GP. There is strong scientific support for water clarity/submerged aquatic vegetation (SAV) being more responsive to nutrient reductions than sediment reductions. 3 It is logical for the State to focus permittee action on nutrient reductions during the upcoming permit cycle. VAMSA notes that Phase II MS4s have been successfully implementing Bay-related requirements for 10 years and are on schedule to hit nutrient reduction targets by 2028. There is no reason to believe that TSS reductions will be an issue given the excellent performance by permittees to date. In addition, there is at least one other Bay jurisdiction that has MS4 permit requirements that are not specifically pegged to nutrient reductions. Maryland has written its MS4 permits to mandate impervious area reduction, not nutrient and sediment reductions.	Comment noted. No change has been made to the proposed regulation.
Chesapeake Bay Foundation (CBF)	The timelines under the proposed permit must be accelerated in order to meet the 2025 TMDL goals. With the initiation of the Chesapeake Bay TMDL in 2010, Virginia committed to three cycles of reductions for small MS4s to be implemented by 2025. The reissuance of this General Permit, representing the third round of these permits and the majority of pollutant reductions, will not go into effect until 2023 and would give permittees until 2028 to achieve 60% of their Bay TMDL reductions, thereby failing to achieve the Commonwealth's commitment. In its Agency Background Document, DEQ rationalizes that in exchange	The original agreement between DCR and EPA was established based on three, five-year permit terms. The 2028 timeframe aligns with the original agreement. The proposed schedule will remain as written.

	<p>for removing sediment reductions from the General Permit, it will require nutrient load reductions “at a much-accelerated rate to focus on achieving the needed nitrogen and phosphorus reduction.”</p> <p>However, the language of the General Permit itself shows that DEQ continues to impose a schedule for nutrient reductions that goes beyond 2025. In fact, the General Permit evinces no acceleration of nutrient reductions. DEQ should include in its response to comments the specific section of the General Permit that requires any acceleration of nutrient reductions beyond the 2028 schedule it has long identified. Phase I MS4s are even farther off track, with some permit cycles lagging the General Permit by more than five years. The three phases of reductions have been known since before 2013 and it has also been common knowledge since that time that the greatest nutrient reductions were heavily backloaded for the third permit cycle. Localities have long been aware of these timelines and should have been planning for implementing necessary nutrient reductions regardless of the administrative delays that have occurred with the reissuances of these stormwater permits. We urge DEQ, through the reissuance of this General Permit and the accelerated reissuance of the remaining Phase I MS4 individual permits, to formally address these delays and accelerate timelines for MS4s to reduce nutrients consistent with the Commonwealth’s commitments. The Bay TMDL Action Plan requirements in the General Permit should likewise be modified to acknowledge the need to accelerate the timeline for evaluating and updating TMDL Action Plans so that nutrient reductions can be implemented more quickly given the looming</p>	
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	<p>2025 deadline. The existing twelve-month update timeframe for TMDL Action Plans will leave extremely limited time for localities to get practices in place to align with the 2025 Bay TMDL deadline. As a result, we encourage DEQ to reduce to six months the timeline for submission of updated TMDL Action Plans. In view of the current permit's requirement for submission of an updated Action Plan with the permittee's reapplication for coverage and the fact that changes are rarely made between the updated and final TMDL Action Plans, six months should be adequate to address any changes required by the new permit and, as mentioned above, the phased reductions have been long known by localities.</p>	
<p>Chesapeake Bay Foundation (CBF)</p>	<p>We also support DEQ requiring that Bay TMDL implementation be done in a standalone report and publicly posted on the permittee's website. This will aid the public in being able to more easily understand how their locality is achieving their Bay TMDL requirements.</p>	<p>Comment noted. No change has been made to the proposed regulation.</p>
<p>City of Charlottesville</p>	<p>Part II.A.3 – the second phase reduction of at least 35% of the L2 Scoping Run should be required by October 31, 2023 to coincide with the end of the current General Permit cycle, not by June 30, 2023.</p>	<p>The June 30, 2023 deadline will have elapsed prior to the reissuance of this permit. The date will not be changed.</p>
<p>City of Charlottesville</p>	<p>Part II.A.13.d.(1).(a) – what is the standard for determining the “BMP type” (Virginia BMP Clearinghouse, Chesapeake Bay Program, other)?</p>	<p>This information can be found in DEQ Guidance Memo 20-2003. No change has been made to the proposed regulation.</p>
<p>City of Charlottesville</p>	<p>Part II.A.13.d.(1).(b) – is DEQ only requesting the total, cumulative amount of POC reduction for each BMP type, and not for each individual BMP?</p>	<p>The Chesapeake Bay TMDL action plan report should include the pounds of POC reduction per year for each BMP type. Thus, multiple of the same BMP type can be reported cumulatively. No change has been made to the proposed regulation.</p>
<p>City of Charlottesville</p>	<p>Part II.A.13.d.(2).(a) – how should the location of the BMP be reported (address, latitude and longitude, other)?</p>	<p>The information submitted in the annual report should be consistent with the information submitted in the BMP Warehouse.</p>
<p>The Metropolitan</p>	<p>Annual practices should be credited in the year the practice is</p>	<p>Annual practices are credited in the year they are conducted. If an annual practice is</p>

Airports Authority	implemented and every year thereafter in which the annual practice is used. If annual practices cannot be credited each year the practice is used, an average of the pollutant load reductions from each year during the permit cycle should be used to instead of only the compliance year in which the annual practice was implemented.	conducted in year one of the permit, the pollution reduction is reported in the annual report for that year. Credit for annual practices can only be “applied” for the year in which the annual practice was conducted. Taking an average, of 3 years out of 5, or summing those 3 years is inappropriate. Annual practices are meant to be conducted each year, in an ongoing fashion, not used as a one-time BMP. This requirement will remain.
Environmental Integrity Project	Commenters are requesting that Virginia improve the bacteria conditions of the Draft Permit (Part II.B.5 of the Draft Permit, Bacterial TMDLs) by doing the following: 1. Requiring more specific bacteria BMPs, including adding numeric measurements. 2. Changing the general permit requirements so that MS4s must implement at least some of the more rigorous BMPs. 3. Requiring instream and/or outfall monitoring for MS4s. 4. Requiring every permittee to create a new local action plan for their bacteria TMDL.	Practical strategies are provided to allow flexibility by the permittee to achieve bacterial reductions in the most cost effective and achievable manner. No language changes are proposed.
City of Bristol	Is the update on progress supposed to be part of the annual MS4 permit?	The permittee has the option to submit a separate progress updated within 36 months after the effective date of the permit or may submit an addendum within the annual report clearly denoting it is to meet this requirement. No change has been made to the proposed regulation.
Virginia Municipal Stormwater Association (VAMSA)	Local Sediment, Phosphorus, and Nitrogen TMDLs (Part II.B.6.d) – The Proposed GP directs a permittee to provide an update on progress made toward achieving action plan goals 36 months after the permit effective date. VAMSA asks for clarification from DEQ regarding whether this should be a separate report or included in an annual report (if so, which? 36 months is November 1, 2026, one month after annual reports are due on October 1, 2026).	The permittee has the option to submit a separate progress updated within 36 months after the effective date of the permit or may submit an addendum within the annual report clearly denoting it is to meet this requirement. No change has been made to the proposed regulation.
City of Charlottesville	Part II.B.6.d - the City prefers that the General Permit does not include a requirement to submit anticipated end dates for meeting WLAs. Please consider deleting this requirement.	Comment noted. This requirement will remain unchanged.

<p>Hampton Roads Planning District Commission</p>	<p>Local PCB TMDLs – Monitoring and Product Testing Results Part II.B.7.c requires permittees to “...submit results of any action plan PCB monitoring or product testing conducted and any adaptive management strategies that have been incorporated into the updated action plan based upon monitoring or product testing results if the permittee has elected to perform monitoring or product testing or both.” This provision should be deleted because monitoring and product testing are optional activities which are not required to comply with the MS4 GP. In accordance with the partial remand of the Phase II stormwater regulations, which were revised and promulgated on January 9, 2017, the permitting authority is to establish what is necessary for the MS4 to “reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act.” In accordance with Option 1 of the remand rule, the permits are to contain all the requirements that are to be used to assess compliance. Providing the results of optional monitoring and product testing is an overreach, cannot be used to assess compliance, and should be deleted from the draft MS4 GP. Suggested Revision – Delete Part II.B.7.c.</p>	<p>As indicated, in accordance with the partial remand of the Phase II stormwater regulations, which were revised and promulgated on January 9, 2017, the permitting authority is to establish what is necessary for the MS4 to “reduce the discharge of pollutants from the MS4 to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act.” PCB is a pollutant. If identified, the requirement is for a strategy to be in place. The language will remain as written.</p>
<p>City of Bristol</p>	<p>This is not required of Phase I permits and is unnecessary. Many of these projects are funded through State and Federal grants and require maintenance and inspection of the projects. In addition, this could be construed as requiring all permittees to develop inspection and maintenance protocols regardless of whether such practices have been implemented based upon the definition of “ecosystem restoration practices”. If this section is included within the permit, then</p>	<p>If the project was completed because of the Chesapeake Bay TMDL, inspection and maintenance procedures are required in order to maintain pollution reductions provided by the project. If the project utilized State or Federal grants that require inspection and maintenance procedures, then the permittee may include those procedures by reference to satisfy this requirement. If the project was not installed to produce pollution reductions for a TMDL nor because of VSMP requirements, inspection and maintenance procedures do not need to be developed. The language will remain as written.</p>

	clarification is required that the protocols are only required if the permittee has implemented a restoration practice or has included a restoration practice in a TMDL action plan.	
Chesapeake Bay Foundation (CBF)	We support the many changes made to account for the reality that ecosystem restoration projects have been implemented in many Small MS4s and are an important aspect of their compliance obligations with the permits. We support the new definition of ecosystem restoration projects and the necessary inspection and maintenance requirements for these projects.	Comment noted. No change has been made to the proposed regulation.
Virginia Municipal Stormwater Association (VAMSA)	Inspection and Maintenance of Ecosystem Restoration Projects Used for TMDL Compliance (Part II.C) – Within 36 months, permittees will be required to develop inspection and maintenance procedures for ecosystem restoration projects; each project owned or operated by the permittee must be inspected no less than once every 60 months. Requested Change: VAMSA requests that DEQ delete this requirement. Justification: This is not included in Phase I permits and is unnecessary. VAMSA believes most permittees are already inspecting these projects under MCM-5. In addition, many of these projects are funded by the Stormwater Local Assistance Fund (SLAF). SLAF agreements require that a grantee have maintenance and inspection protocols and that the grantee inspects and verifies the project at least once every five years. We suggest that if DEQ has concerns, it could issue guidance explaining to all permittees that MCM-5 obligations cover ecosystem restoration projects as well as structural BMPs.	If the project was completed because of the Chesapeake Bay TMDL, inspection and maintenance procedures are required in order to maintain pollution reductions provided by the project. If the project utilized State or Federal grants that require inspection and maintenance procedures, then the permittee may include those procedures by reference to satisfy this requirement. If the project was not installed to produce pollution reductions for a TMDL nor because of VSMP requirements, inspection and maintenance procedures do not need to be developed. The language will remain as written.
City of Bristol	There are numerous issues with this section. This language suggests that all BMPs that are inspected, including both CGP and TMDL, must be tracked and	If the Construction General Permit requires post construction BMPs, and the proper process for terminating the CGP is followed, these BMPs will transition into the BMP warehouse from the Construction General

	<p>annually reported in the Warehouse. Small MS4s have limited staff and this would create a considerable burden to input all legacy facilities. This language could be construed to also require non-structural BMPs, such as street sweeping, storm drain cleaning, etc., to be entered into the Warehouse. Some Small MS4s, such as Bristol, have facilities maintained on spreadsheets, which will be very burdensome to input into the Warehouse. In addition, there is understanding that DEQ has transferred BMP data from the Construction Stormwater Database into the Warehouse. This will make it very difficult to determine how to update the Warehouse to include legacy BMPs without duplicating BMPs. This entire Part should be removed from the permit until these issues are resolved and coordination between DEQ and MS4s</p>	<p>Permit database. They should be in the permittees BMP listings and the permittee may enter the inspection and maintenance information for the following years. If non-structural BMPs are being used (street sweeping, storm drain inlet cleaning) for pollution reductions due to the Chesapeake Bay or any local TMDL, then these practices must be reported to the BMP warehouse. If a permittee is using non-structural BMPs for other reasons than achieving pollutant reductions, the practices will not need to be reported to the BMP Warehouse. It is intended that the BMP warehouse will be the sole reporting method for BMP information. The language will remain as written.</p>
<p>Chesapeake Bay Foundation (CBF)</p>	<p>We support the additions of BMP Warehouse reporting requirements including for total acreage and impervious acreage treated, even for pre-2013 BMPs. This is critical information for DEQ to utilize for Chesapeake Bay modeling efforts and the BMP Warehouse.</p>	<p>Comment noted. No change has been made to the proposed regulation.</p>
<p>City of Charlottesville</p>	<p>Part II.B.1 – this section talks about reporting BMPs to the DEQ Construction Stormwater BMP Database, but falls under the section for reporting the DEQ BMP Warehouse. Please consider whether this section might be fit better in another place.</p>	<p>This requirement is placed here to keep all BMP reporting requirements in one section, making all reporting responsibilities easier to find and track. The language will remain as written.</p>
<p>City of Charlottesville</p>	<p>Part III.B.2 – it is unclear what the “associated reporting template” is that is being referenced. Also, this section is presumably referring to BMPs reported to the DEQ BMP Warehouse, but that is not made explicitly clear.</p>	<p>The BMP Warehouse has several pre-made BMP reporting templates that cover various scenarios for BMP implementation (BMP installed to meet VSMP requirements, BMP installed solely to meet Chesapeake Bay TMDL requirements, etc). The permittee fills out the appropriate template for the particular BMP and submits that template to the BMP Warehouse. The language will remain as written.</p>
<p>Virginia Municipal</p>	<p>BMP Warehouse Reporting (Part III) – VAMSA has numerous</p>	<p>If the Construction General Permit requires post construction BMPs, and the proper</p>

<p>Stormwater Association (VAMSA)</p>	<p>questions and concerns regarding the new BMP Warehouse Reporting requirements. We respectfully request that DEQ clarify intentions in this section before reissuing the Proposed GP (and if this is not possible, deleting the text from the GP). • Did DEQ intend for Parts B.2 to B.4 to be separate reporting requirements? The criteria for B.2 is already very broad and appears to require reporting to the Warehouse anything that is not covered by B.1; are B.3 and B.4 needed or could they be deleted? • As a suggestion, for consistency with language in the current GP, VAMSA recommends pulling out III.B.1 on CGP database reporting and make it standalone section III.B. This is essentially the same language as in Part I.E.5.f of the current GP. Other requirements that pertain to working with the Warehouse (i.e., III.B.2, III.B.5, and III.D) could then be consolidated into new section III.C. • Current Part III.C should be revised to read: "The following information for each BMP reported in accordance with Part III B 1, B 2, B 3, or B 4 shall be reported to the DEQ Construction Stormwater Database or DEQ BMP Warehouse as applicable;" • The Proposed GP includes "annual practices" in BMP definition. Does this mean a permittee must report street sweeping, storm drain cleaning, etc. to the BMP Warehouse instead of in the TMDL reporting section of the Annual Report? If so, would these annual practices be reported once per year consistent with III.B.? • The Proposed GP suggests that all BMPs that are inspected need to be reported in the BMP Warehouse (B.5: "The permittee shall use the DEQ BMP Warehouse to report the most inspection data for BMPs in accordance with Part I E 5 b or 5 c, or in accordance with Part II C and</p>	<p>process for terminating the CGP is followed, these BMPs will transition into the BMP warehouse from the Construction General Permit database. They should be in the permittees BMP listings and the permittee may enter the inspection and maintenance information for the following years. If non-structural BMPs are being used (street sweeping, storm drain inlet cleaning) for pollution reductions due to the Chesapeake Bay or any local TMDL, then these practices must be reported to the BMP warehouse. If a permittee is using non-structural BMPs for other reasons than achieving pollutant reductions, the practices will not need to be reported to the BMP Warehouse. It is intended that the BMP warehouse will be the sole reporting method for BMP information. The BMP Warehouse has several pre-made BMP reporting templates that cover various scenarios for BMP implementation (BMP installed to meet VSMP requirements, BMP installed solely to meet Chesapeake Bay TMDL requirements, etc.). The permittee fills out the appropriate template for the particular BMP and submits that template to the BMP Warehouse. The language will remain as written.</p>
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	<p>the most recent associated TMDL action plan”). Inspection data has never been required in the Warehouse and has historically just been used as helpful information for documenting Bay TMDL progress. VAMSA is worried that DEQ intends that a permittee will have to add all legacy BMPs (BMPs installed before the permit effective date of November 1, 2023) to the Warehouse so that the permittee can input the inspection data for the associated BMP. Many of these legacy BMPs were not entered into the CGP database or the BMP Warehouse because there was no permit requirement to do so at the time the BMP was constructed. Some permittees have these facilities on spreadsheets, making it very burdensome to input them into the Warehouse. Moreover, we understand that in the past DEQ has transferred BMP data from the Construction Stormwater Database to the Warehouse. This makes it very difficult to determine how to update the Warehouse to include legacy BMPs without duplicating BMPs. Until DEQ and permittees have a common understanding for what is in the Warehouse and what is not, we suggest limiting the requirement to input inspection data to BMPs installed after the November 1, 2023 permit effective date.</p>	
<p>Virginia Municipal Stormwater Association (VAMSA)</p>	<p>Conditions Applicable to All State and VPDES Permits (Part IV.I) – The Proposed GP states that an “oral report” shall be made to DEQ within 24 hours for noncompliance. Later in that same section, it states that the report may be made by telephone, email, fax, or online. VAMSA prefers electronic reporting, especially for after-hours reporting. We request that DEQ deletes the word “oral” from Part IV.I.</p>	<p>Language revised as requested.</p>
<p>Chesapeake Bay Foundation (CBF)</p>	<p>Likewise, we support the new language in the General Permit that requires any PCB monitoring</p>	<p>Comment noted. No change has been made to the proposed regulation.</p>

	<p>or testing to be made available to DEQ or other permittees. This language could be further improved by making such information available to the public.</p>	
<p>City of Charlottesville</p>	<p>As a local government that owns and operates a municipal separate storm sewer system (MS4) the development of a new MS4 General Permit is of great significance to the City of Charlottesville. The City would like to acknowledge the hard work of the Virginia Department of Environmental Quality (DEQ) staff in engaging permit holders throughout the development of the proposed permit.</p>	<p>Comment noted. No change has been made to the proposed regulation.</p>
<p>City of Charlottesville</p>	<p>As an MS4 permit holder we take our responsibilities to the local environment very seriously; we strive every day for full compliance with our permit. However, we feel that the proposed General Permit would benefit from some textual changes to ensure the proposed permit does not include regulatory expectations that are not even required of larger Phase I MS4 permittees. The Commonwealth's smallest regulated MS4s should not be asked to implement permit conditions that are not mandated for the largest regulated MS4s.</p>	<p>Comment noted. No change has been made to the proposed regulation.</p>
<p>City of Charlottesville</p>	<p>The City requests that DEQ and the SWCB continue to stand by the commitment the State made in the Chesapeake Bay TMDL Phase I and II Watershed Implementation Plans (WIPs) that gives MS4s three full permit cycles (15 years) to make the reductions needed to meet the requirements in the Chesapeake Bay TMDL Special Condition, specifically the pollutants of concern reductions in the L2 scoping run. (Phase I WIP, p. 93; Phase II WIP, p. 25). Even though the third permit cycle will cover a period extending beyond 2025, the Chesapeake Bay Program/Principals' Staff Committee has long interpreted a permit-in-place as meeting CBP goals even though full permit</p>	<p>Comment noted. No change has been made to the proposed regulation.</p>

	implementation remains in progress.	
City of Charlottesville	The City conveys our general support for the comments submitted by the Virginia Municipal Stormwater Association (VAMSA), of which we are a member organization.	Comment noted. No change has been made to the proposed regulation.
City of Waynesboro	As a traditional MS4, Waynesboro takes our responsibilities to the local environment very seriously; we strive every day for full compliance with our permit. However, we agree with VAMSA that the Proposed GP would benefit from textual changes to bring the Proposed GP in line with the regulatory expectations for larger Phase I MS4 permittees. The Commonwealth's smallest regulated MS4s should not be asked to implement permit conditions that are not mandated for the largest regulated MS4s. As the guardians of public funds, we request that DEQ revise or delete the text identified in VAMSA's comments so that we can prioritize and spend limited resources on other significant stormwater programs and projects that will result in greater public health and environmental gains.	DEQ has responded to VAMSA's comments. Please see throughout.
City of Waynesboro	We support DEQ's decision to remove total suspended solids/sediment from the Chesapeake Bay TMDL special condition in the permit. We agree with DEQ's statement in a letter to U.S. EPA's Region 3 Administrator that the "sediment targets will not affect the BMPs called for in the WIP [Watershed Implementation Plan], and are not intended to be the driver for implementation moving forward..." There is no scientific or practical basis for continued inclusion of sediment reductions in the GP.	Comment noted. No change has been made to the proposed regulation.
Fauquier County	Clarity needs to be added to address the interim guidance on census elimination of "Urbanized Area" definition and subsequent proposed rule.	Revised permit language to incorporate new 2020 census data.

<p>Fauquier County</p>	<p>Streamlining the amount of information that is required to be submitted to various regulatory agencies would be beneficial. There is a tremendous amount of duplication, which in addition to the time it takes to compile, requires large storage space on localities' servers (Annual Reports, Nutrient Management Plans, Program Plan, TMDL Action Plan, Chesapeake Bay TMDL Implementation Annual Status Reports, and Screening Field Sheets).</p>	<p>Comment noted. No change has been made to the proposed regulation.</p>
<p>Fauquier County</p>	<p>Ample timelines need to be stated for the various changes to the plan. Several of the requirements could necessitate procurement of services which is required to follow specific guidelines in local government.</p>	<p>No timelines will be adjusted. No change has been made to the proposed regulation.</p>
<p>Fauquier County</p>	<p>Further clarification should be provided regarding the required template for the Annual Report submissions.</p>	<p>The electronic reporting (NForms) template is not yet available. Once available and ready for use, DEQ will provide at least a three month notice prior to the requirement for the permittee to use the new template. No change has been made to the proposed regulation.</p>
<p>Anonymous</p>	<p>"MS4 regulated service area" or "service area" means for Phase II permittees, the drainage area served by the permittee's MS4 that is located within an urbanized area as determined by the <b>2010 decennial census</b> performed by the Bureau of the Census. Why is the 2020 Census data not being used? or language similar to what is seen on VADEQ Permit portal "in "urbanized areas" (as defined by the latest decennial census)"?</p>	<p>Revised permit language to incorporate new 2020 census data.</p>
<p>Virginia Municipal Stormwater Association (VAMSA)</p>	<p>Illicit Discharge Detection and Elimination – The Draft Fact Sheet states that permittees will be submitting an updated map of the MS4 on an annual basis. The Proposed GP requires one submission of the updated MS4 map and then an annual confirmation that the map was updated. (p. 15)</p>	<p>The fact sheet was updated to be consistent with the general permit requirements.</p>
<p>Virginia Municipal Stormwater</p>	<p>Tracking – The Draft Fact Sheet states that "If an outfall exhibits indicators of illicit discharges, or</p>	<p>The fact sheet was updated to be consistent with the general permit requirements.</p>

<p>Association (VAMSA)</p>	<p>physical conditions that contribute to erosion, sediment loading, and nutrient loading, these observations shall be documented and tracked by the permittee." The Proposed GP does not require tracking of physical conditions that contribute to erosion, sediment loading, or nutrient loading. This should be removed from the Fact Sheet. (p. 18)</p>	
<p>Virginia Municipal Stormwater Association (VAMSA)</p>	<p>MCM-5 – The Draft Fact Sheet states that "Part III also replaces conditions in the 2018 permit that required permittees to electronically submit stormwater management facilities using a spreadsheet or database." The 2018 permit removed the requirement to submit the spreadsheet annually and changed the requirement to just certifying that the spreadsheet was maintained. This reference should be removed for accuracy. (p. 22)</p>	<p>The fact sheet was updated to be consistent with the general permit requirements.</p>
<p>Virginia Municipal Stormwater Association (VAMSA)</p>	<p>Local TMDL Special Condition – The Draft Fact Sheet states that "When sediment reduction efficiencies are not available permittees may use the Chesapeake Bay Program retrofit curves using runoff storage to establish a reduction efficiency for storage." VAMSA suggests adding "or other applicable sediment reduction efficiency protocols" to the end of this sentence. The retrofit curves were developed for the Chesapeake Bay watershed Piedmont and Coastal zone soils and do not work for the western part of the State and MS4s outside of the Chesapeake Bay. If permittees can find established, research based, sediment reduction efficiency calculation protocols from elsewhere that better match soils, topography, and climate, permittees should be allowed to use them. (p. 33)</p>	<p>The fact sheet was updated to be consistent with the general permit requirements.</p>

**Details of Changes Made Since the Previous Stage**

List all changes made to the text since the previous stage was published in the Virginia Register of Regulations and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. \* Put an asterisk next to any substantive changes.

Current chapter-section number	New chapter-section number, if applicable	New requirement from previous stage	Updated new requirement since previous stage	Change, intent, rationale, and likely impact of updated requirements
9VAC25-890-1 Definitions *		"MS4 regulated service area" or "service area" means for Phase II permittees, the drainage area served by the permittee's MS4 that is located within an urbanized area as determined by the by the Bureau of the Census. MS4 regulated service area may also be referred to as "served by the MS4" as it pertains to the tables in Part II A of this permit.	"MS4 regulated service area" or "service area" means for Phase II permittees, the drainage area served by the permittee's MS4 that is located within <u>the 2020 census urban areas with a population of least 50,000, or any previous decennial census</u> urbanized area as determined by the by the Bureau of the Census. MS4 regulated service area may also be referred to as "served by the MS4" as it pertains to the tables in Part II A of this permit.	<p>The revision was made to require permittees to include any expanded area due to the 2020 Cen sus.</p> <p>This language was added due to public and EPA comments, and EPA clarified their stance on the Census Bureau's changes to urbanized areas.</p> <p>Impact: Permittees must evaluate their MS4 service area in comparison to the 2020 urban area maps.</p>
9VAC25-890-20 Authorization to discharge	s	Discharges or flows from <u>emergency</u> firefighting activities;	Added Routine external building wash down provided no soaps, solvents, or detergents are used, external building surfaces do not contain hazardous substances, and the wash water is filtered, settled, or similarly treated prior to discharge;	<p>Added this language to make the MS4 general permit consistent with other VPDES permits.</p> <p>No impact.</p>

9VAC25-890-20 Authorization to discharge	t	s. Discharges or flows from <u>emergency firefighting activities</u> ;	Re-lettered from s. to t.	Re-lettered because of the new language in s.  No impact.
9VAC25-890-20 Authorization to discharge	u	t. <u>Discharges or flows of water for fire prevention or firefighting training activities managed in a manner to avoid instream impact in accordance with § 9.1-207.1 of the Code of Virginia</u> ;	Re-lettered from t. to u.	Re-lettered because of the new language in s.  No impact.
9VAC25-890-20 Authorization to discharge	v	u. Discharges from noncommercial fundraising car washes if the washing uses only biodegradable, phosphate-free, water-based cleaners <u>in accordance with § 15.2-2114.1 of the Code of Virginia</u> ; or	Re-lettered from u. to v.	Re-lettered because of the new language in s.  No impact.
9VAC25-890-20 Authorization to discharge	w	v. Other activities generating discharges identified by the department as not requiring VPDES authorization.; <u>or</u>	Re-lettered from v. to w.	Re-lettered because of the new language in s.  No impact.
9VAC25-890-30 B 7 b Registration statement		b. Whether or not the receiving waters are listed as impaired in the Virginia 2016 305(b)/303(d) Water Quality Assessment Integrated Report;	b. Whether or not the receiving waters are listed as impaired in the Virginia <u>2022</u> 305(b)/303(d) Water Quality Assessment Integrated Report;	Changed the date to the latest 305(b)/303(d) Report.  No impact.
9VAC25-890-30 E *			<u>Added Following notification from the department of the start date for the required electronic submission of Notices of Intent to discharge forms (i.e., registration statements) as provided for in 9VAC25-31-1020,</u>	Language added to require the use of Nforms for electronic submittal of registration statements as per 9VAC25-31-1020.  This language was added to satisfy an EPA requirement for electronic reporting.

			<p><u>such forms submitted after that date shall be electronically submitted to the department in compliance with this section and 9VAC25-31-1020. There shall be at least three months' notice provided between the notification from the department and the date after which such forms must be submitted electronically.</u></p>	<p>Impact: After being notified 90 days in advance, permittees must use the electronic reporting platform specified by the Department.</p>
9VAC25-890-40 Part I E Table 1 General Permit			<p>Added to Public meetings examples, "Climate change's effects on stormwater management"</p>	<p>Added to expand options for activities. No Impact.</p>
9VAC25-890-40 Part I E 1 g (4) General Permit			<p>Added <u>(4) A description of public education and outreach activities conducted that included education regarding climate change.</u></p>	<p>Added to expand options for activities. No impact.</p>
9VAC25-890-40 Part I E 2 Table 2 General permit			<p>Added <u>climate change's effects on stormwater management to Public education activities examples, and to Public meetings examples</u></p>	<p>Added to expand options for activities. No impact.</p>
9VAC25-890-40 Part I E 2 i (6)			<p>Added <u>(6) A description of public education and outreach activities conducted that also included education regarding climate change.</u></p>	<p>Added to expand options for activities. No impact</p>



<p>9VAC25-890-40 Part I E 3 a (1) *</p>		<p>(1) A map of the storm sewer system owned or operated by the permittee within the census urbanized area identified by the 2010 decennial census no later than 12 months after the permit effective date that includes, at a minimum:</p>	<p>(1) A <u>An updated map of the MS4 owned or operated by the permittee within the 2020 census urban areas with a population of least 50,000 and any previous decennial census urbanized area no later than 24 months after the permit effective date</u> that includes, at a minimum:</p>	<p>The revision was made to require permittees to include any expanded area due to the 2020 Census.</p> <p>This language was added due to public and EPA comments, and EPA clarified their stance on the Census Bureau’s changes to urbanized areas.</p> <p>Impact:</p> <p>Permittees must evaluate their MS4 service area in comparison to the 2020 urban area maps.</p>
<p>9VAC25-890-40 Part I E 3 a (2) f</p>		<p>(f) An indication as to whether the receiving water is listed as impaired in the Virginia 2016 305(b)/303(d) Water Quality Assessment Integrated Report; <u>and</u></p>	<p>(f) An indication as to whether the receiving water is listed as impaired in the Virginia 2022 305(b)/303(d) Water Quality Assessment Integrated Report; <u>and</u></p>	<p>Changed the date to the latest 305(b)/303(d) Report.</p> <p>No impact.</p>
<p>9VAC25-890-40 Part I E 3 a (3)</p>		<p>No later than 12 months after permit issuance, the permittee shall submit to DEQ, a format file geodatabase or two shapefiles that contain at a minimum:</p>	<p>No later than 24 months after permit issuance, the permittee shall submit to DEQ a format file geodatabase or two shapefiles that contain at a minimum:</p>	<p>Changed submittal date to 24 months to allow adequate time for requirement completion.</p>
<p>9VAC25-890-40 Part I E 3 c (2) g v</p>		<p>.... (e.g., dying or dead vegetation, excessive vegetative growth, etc.);</p>	<p>(e.g., dying or dead vegetation, excessive vegetative growth);</p>	<p>Removed etc. for clarity.</p> <p>No impact.</p>
<p>9VAC25-890-40 part I E 3 D (2)</p>		<p>Copies of written notifications of new physical interconnections given by the permittee to other MS4s; and</p>	<p>Copies of written notifications of physical interconnections given by the permittee to other MS4s; and</p>	<p>Removed “new” to clarify intention to receive list of all interconnections.</p> <p>No impact.</p>

<p>9VAC25-890-40 Part I E 4 e</p>		<p>(1) For nontraditional permittees:                  (a) A confirmation statement that land disturbing projects that occurred during the reporting period have been conducted in accordance with the current department approved annual standards and specifications for erosion and sediment control; and                   (b) If any land disturbing projects were conducted without department approved annual standards and specifications, a list of all land disturbing projects that occurred during the reporting period with erosion and sediment control plan approval dates for each project.                  Total number of erosion and sediment control inspections conducted; and                  (2) <u>Total</u> number of each type of compliance action and enforcement action implemented.</p>	<p>Total number of erosion and sediment control inspections conducted; and                  (2) <u>Total</u> number of each type of compliance action and enforcement action implemented.                  (3) For nontraditional permittees:                  (a) A confirmation statement that land disturbing projects that occurred during the reporting period have been conducted in accordance with the current department approved <u>annual</u> standards and specifications for erosion and sediment control; and                  (b) If any land disturbing projects were conducted without department approved annual standards and specifications, a list of all land disturbing projects that occurred during the reporting period with erosion and sediment control plan approval dates for each project.</p>	<p>Moved For nontraditional permittees requirements to the end of the requirement to clarify intention that all permittees are subject to this requirement.                   No impact.</p>
<p>VAC25-890-40 Part I E 5 a (1)</p>		<p>... (§ 62.1-44.15:24 et seq. of the Code of Virginia) and VSMP Regulations (9VAC25-870) as well as develop an inspection and maintenance program in accordance with <u>Part I E 5 b</u> and c;</p>	<p>(§ 62.1-44.15:24 et seq. of the Code of Virginia) and VSMP Regulations (9VAC25-870) as well as maintain an inspection and maintenance program in accordance with <u>Part I E 5 b</u> and c;</p>	<p>Changed “develop” to “maintain” to clarify requirement.                   No impact.</p>

<p>VAC25-890-40 Part I E 5 a (2)</p>		<p>... post-construction stormwater runoff problems and develop an inspection and maintenance program in accordance with Part I E 5 c and d;</p>	<p>post-construction stormwater runoff problems and maintain an inspection and maintenance program in accordance with Part I E 5 c and d;</p>	<p>Changed “develop” to “maintain” to clarify requirement.  No impact.</p>
<p>VAC25-890-40 Part I E 5 a (4)</p>		<p>... the most recent department approved standards and specifications and develop an inspection and maintenance program in accordance with Part I E 5 b;</p>	<p>the most recent department approved standards and specifications and maintain an inspection and maintenance program in accordance with Part I E 5 b;</p>	<p>Changed “develop” to “maintain” to clarify requirement.  No impact.</p>
<p>VAC25-890-40 Part I E 5 a (5) *</p>		<p>... 9VAC25-870 and with the implementation of a maintenance and inspection program consistent with Part I E 5 b</p>	<p>9VAC25-870 and with the implementation of a maintenance and inspection program consistent with Part I E 5 b no later than 60 months after receiving permit coverage; <u>or</u></p>	<p>Added “no later than 60 months after receiving permit coverage” to account for potential new permittees due to expansion of urban areas as indicated by the 2020 census.  This language was added due to public and EPA comments, and EPA clarified their stance on the Census Bureau’s changes to urbanized areas.  Impact: No impact to existing permittees. Newly designated permittees will have adequate time to develop their MS4 program.</p>

<p>VAC25-890-40 Part I E 5 b (1) *</p>		<p>the permittee shall develop and maintain written inspection and maintenance procedures in order to ensure adequate long-term operation and maintenance of its stormwater management facilities. The permittee may use inspection and maintenance specifications available from the Virginia Stormwater BMP Clearinghouse or inspection and maintenance plans developed in accordance with the department's Stormwater Local Assistance Fund (SLAF) guidelines;</p>	<p>Within six months of the permit effective date, the permittee shall develop and maintain written inspection and maintenance procedures in order to ensure adequate long-term operation and maintenance of its stormwater management facilities. The permittee may use inspection and maintenance specifications available from the Virginia Stormwater BMP Clearinghouse or inspection and maintenance plans developed in accordance with the department's Stormwater Local Assistance Fund (SLAF) guidelines;</p>	<p>Added “within six months of the permit effective date” to account for potential new permittees due to expansion of urban areas as indicated by the 2020 census.</p> <p>This language was added due to public and EPA comments, and EPA clarified their stance on the Census Bureau’s changes to urbanized areas.</p> <p>Impact: No impact to existing permittees. Newly designated permittees will have adequate time to develop their MS4 program.</p>
<p>VAC25-890-40 Part I E 5 c (1) (b)</p>		<p>Require adequate long-term operation and maintenance by the owner of the stormwater....</p>	<p>Adequate long-term operation and maintenance by the owner of the stormwater</p>	<p>Removed “Require a” to align requirement language with Part I. E. 5. c. (1) .</p> <p>No impact.</p>
<p>VAC25-890-40 Part I E 6 b (2)</p>		<p>Renovation and significant exterior maintenance activities (e.g., painting, building power-washing, roof resealing, and HVAC coil cleaning).....</p>	<p>Renovation and significant exterior maintenance activities (e.g., painting, roof resealing, and HVAC coil cleaning).....</p>	<p>Removed “building power washing” as it was added to 9VAC25-890-20 Authorization to discharge above to maintain consistency among other VPDES permits.</p> <p>No impact.</p>
<p>VAC25-890-40 Part I E 6 b (3)</p>		<p>Discharging water pumped from construction and maintenance activities;</p>	<p>Discharging water pumped from construction and maintenance activities not covered by another permit covering such activities;</p>	<p>Added “not covered by another permit covering such activities” to clarify permit condition.</p> <p>No impact.</p>

<p>VAC25-890-40 Part I E 6 g *</p>		<p>g. The permittee shall maintain and implement a site specific stormwater pollution prevention plan (SWPPP) for each high-priority facility identified. High priority facilities that have a high potential for discharging pollutants are those facilities that are not covered under a as defined in 9VAC25-890-1 that does not have or require separate VPDES permit coverage, and which any of the following materials or activities occur and are expected to have exposure to stormwater resulting from rain, snow, snowmelt or runoff:</p>	<p>Added "Within 12 months of permit coverage, the permittee shall identify any new high-priority facilities located in expanded 2020 census urban areas with a population of at least 50,000. h. Within 36 months of permit coverage, the permittee shall implement SWPPPs for high-priority facilities meeting the conditions of Part I E 6 i and which are located in expanded 2020 census urban areas with a population of at least 50,000."</p>	<p>Added new language and moved existing language in g down to i to account for changes due to the 2020 census.</p> <p>This language was added due to public and EPA comments, and EPA clarified their stance on the Census Bureau's changes to urbanized areas.</p> <p>Impact: Permittees will need to evaluate any facilities that are within the 2020 Census expanded areas.</p>
<p>VAC25-890-40 Part I E 6 h *</p>		<p>h. A description of all structural control measures such as stormwater management facilities and other pollutant source controls applicable to SWPPP implementation (e.g., permeable pavement or oil-water separators that discharge to sanitary sewer are not applicable to the SWPPP) such as oil-water separators, and inlet protection designed to address potential pollutants and pollutant sources at risk of being discharged to the MS4;</p>	<p>Added "Within 36 months of permit coverage, the permittee shall implement SWPPPs for high-priority facilities meeting the conditions of Part I E 6 i and which are located in expanded 2020 census urban areas with a population of at least 50,000."</p>	<p>Added new language and moved existing language in h down to j to account for changes due to the 2020 census.</p> <p>This language was added due to public and EPA comments, and EPA clarified their stance on the Census Bureau's changes to urbanized areas.</p> <p>Impact: Permittees will need to develop SWPPPs for those High Priority facilities that they added due to the 2020 Census expanded urban area.</p>

VAC25-890-40 Part I E 6	i	g. The permittee shall maintain and implement a site specific (SWPPP) for each high-priority facility as defined in 9VAC25-890-1 that does not have or require separate VPDES permit coverage, and which any of the following materials or activities occur and are expected to have exposure to stormwater resulting from rain, snow, snowmelt or runoff: ...	Re-lettered from g to i	Re-lettered because of new language in g.  No impact.
VAC25-890-40 part I E 6	j	h. Each SWPPP as required in Part I E 6 e g shall include the following:.....	Re-lettered from h to j.	Re-lettered because of new language in h.  No impact.
VAC25-890-40 part I E 6	k	i. No later than June 30 of each year, the permittee shall annually review any high-priority facility owned or operated by the permittee for which an SWPPP has not been developed to determine if the facility.....	Re-lettered from i to k.	Re-lettered because of new language in g and h.  No impact.
VAC25-890-40 part I E 6	l	j. The permittee shall review the contents of any site specific SWPPP no later than 30 days after any unauthorized discharge.....	Re-lettered from j to l	Re-lettered because of new language in g and h.  No impact.
VAC25-890-40 part I E 6	m	k. The SWPPP shall be kept at the high-priority facility and utilized as part of employee SWPPP training required...	Re-lettered from k to m	Re-lettered because of new language in g and h.  No impact.
VAC25-890-40 part I E 6	n	l. If activities change at a facility such that the facility no longer meets the definition	Re-lettered from l to n	Re-lettered because of new language in g and h.

		of a high-priority facility...		No impact.
VAC25-890-40 part I E 6	o	m. If activities change at a facility such that the facility no longer meets the criteria requiring SWPPP coverage as described in Part I E 6 g, the permittee may remove the facility from the list of high-priority facilities that require SWPPP coverage.	Re-lettered from m to o	Re-lettered because of new language in g and h.  No impact.
VAC25-890-40 part I E 6	p	n. The permittee shall maintain and implement turf and landscape nutrient management plans that have been developed by a certified turf and landscape nutrient management planner in accordance with § 10.1-104.2...	Re-lettered from n to p	Re-lettered because of new language in g and h.  No impact.
VAC25-890-40 part I E 6 *	u	q. . Nutrient management plans that are expired as of the effective date of this permit shall be submitted to DCR for renewal within six months after the effective date...	Added " Within 12 months of permit coverage, the permittee shall identify contiguous areas greater than one acre located in expanded 2020 census urban areas with population of at least 50,000 and within the permittee's MS4 service area requiring turf and landscape nutrient management plans."	Added new language and moved existing language in q down to u to account for changes due to the 2020 census.  This language was added due to public and EPA comments, and EPA clarified their stance on the Census Bureau's changes to urbanized areas.  Impact: Permittees will need to identify any areas within the expanded MS4 service area due to the 2020 Census where nutrients are applied that meet the criteria.

<p>VAC25-890-40 part I E 6 *</p>	<p>v</p>	<p>r. Nutrient management plans may be maintained as a hard copy or electronically as long as the documents are available to employees at the applicable site.</p>	<p>Added "Within 36 months of permit coverage, the permittee shall implement turf and landscape nutrient management plans on contiguous areas greater than one acre located in expanded 2020 Census urban areas with a population of least 50,000 and within the permittee's MS4 service area."</p>	<p>Added new language and moved existing language in r down to v to account for changes due to the 2020 census.</p> <p>This language was added due to public and EPA comments, and EPA clarified their stance on the Census Bureau's changes to urbanized areas.</p> <p>Impact: Permittees will need to develop and maintain nutrient management plans on areas within the 2020 Census expanded service area, that meet the listed criteria.</p>
<p>VAC25-890-40 part I E 6</p>	<p>s</p>	<p>o. If nutrients are being applied to achieve final stabilization of a land disturbance project, application shall follow the manufacturer's recommendations. For newly established turf...</p>	<p>Re-lettered from o to s</p>	<p>Re-lettered because of new language in o and s.</p> <p>No impact.</p>
<p>VAC25-890-40 part I E 6</p>	<p>t</p>	<p>p. Nutrient management plans developed in accordance with Part I E 6 n shall be submitted to the Department of Conservation and Recreation (DCR) for approval.</p>	<p>Re-lettered from p to t</p>	<p>Re-lettered because of new language in o and s.</p> <p>No impact.</p>
<p>VAC25-890-40 part I E 6</p>	<p>u</p>	<p>q. Nutrient management plans that are expired as of the effective date of this permit shall be submitted to DCR for renewal within six months after the effective</p>	<p>Re-lettered from q to u</p>	<p>Re-lettered because of new language in o and s.</p> <p>No impact.</p>



		date of this permit. Thereafter...		
VAC25-890-40 part I E 6	v	r. Nutrient management plans may be maintained as a hard copy or electronically as long as the documents are available to employees at the applicable site.	Re-lettered from r to v	Re-lettered because of new language in o and s.  No impact.
VAC25-890-40 part I E 6	w	s. Nontraditional permittees with lands regulated under § 10.1-104.4 of the Code of Virginia, including state agencies, state colleges and universities, and other state government entities...	Re-lettered from s to w	Re-lettered because of new language in o and s.  No impact.
VAC25-890-40 part I E 6	x	t. The MS4 program plan shall include:...	Re-lettered from t to x	Re-lettered because of new language in o and s.  No impact.
VAC25-890-40 part I E 6	y	u. The annual report shall include the following:...	Re-lettered from u to y	Re-lettered because of new language in o and s.  No impact.
Part II A 1		... no later than October 31, 2028, of 100% of L2 will be achieved. Conditions of future permits will be consistent with the TMDL or WIP conditions in place at the time of permit issuance.	... no later than October 31, 2028, of 100% of L2 shall be achieved. Conditions of future permits will be consistent with the TMDL or WIP conditions in place at the time of permit issuance.	Changed "will" to "shall" to clarify permit condition.  No impact.
Part II A 7		Forty percent (40%) of L2 reductions for total nitrogen and total phosphorus shall at a minimum, be maintained by the permittee during the permit term.	40% of L2 reductions for total nitrogen and total phosphorus shall be maintained by the permittee during the permit term.	Removed "at a minimum" to clarify permit condition.  No impact.

<p>Part II A 12 a 3 and 4</p>			<p>Added “(3) <u>A preliminary schedule for implementation of the BMPs included in the Chesapeake Bay TMDL action plan; and</u></p> <p>(4) <u>A summary of any comments received as a result of public participation required in Part II A 14, the permittee’s response, identification of any public meetings to address public concerns, and any revisions made to Chesapeake Bay TMDL action plan as a result of public participation.</u>”</p>	<p>Added 3 and 4 in response to EPA comments and to clarify permit requirements.</p> <p>No impact.</p>
<p>Part II A 12 b (5) (d)</p>		<p>Percent removal efficiency for each pollutant of concern; and</p>	<p>Percent removal efficiency for each pollutant of concern;</p>	<p>Removed “and” to account for added language in Part II A 12 b (5) (f).</p> <p>No impact.</p>
<p>Part II A 12 b (5) (e)</p>		<p>Calculation of the reduction expected to be achieved by the BMP calculated and reported in accordance with the methodologies established in Part II A 9 for each pollutant of concern;</p>	<p>Calculation of the reduction expected to be achieved by the BMP calculated and reported in accordance with the methodologies established in Part II A 9 for each pollutant of concern;</p>	<p>Removed “and” to account for added language in Part II A 12 b (5) (f).</p> <p>No impact.</p>
<p>Part II A 12 b (5) (f)</p>			<p>Added “A preliminary schedule for implementation of the BMPs included in the Chesapeake Bay TMDL action plan; and...</p>	<p>Added (f) in response to EPA comments and to clarify permit requirements.</p> <p>No impact.</p>

Part II A 13		Prior to submittal of the action plan required in Part II A 12 b, the permittee shall provide an opportunity for public comment on the additional BMPs proposed in the phase III Chesapeake Bay TMDL action plan for no less than 15 days.	Prior to submittal of the action plan required in Part II A 12 a and b, permittees shall provide an opportunity for public comment on the additional BMPs proposed in the phase III Chesapeake Bay TMDL action plan for no less than 15 days.	Added 'a and" to clarify permit requirements. Pluralized permittee.  No impact.
Part II A 13 a to j	Part II A 14 a	Permittees previously covered under the General VPDES Permit for Discharges of Stormwater from MS4 effective November 1, 2018, shall submit a Chesapeake Bay TMDL implementation annual status report in a method (i.e., how the permittee must submit) and format (i.e., how the report shall be laid out) as specified by the department no later than October 1 of each year. The report shall cover the previous year from July 1 to June 30. b. Following notification from the department of the start date for the required electronic submission of Chesapeake Bay TMDL implementation annual status reports, as provided for in 9VAC25-31-1020, such forms and reports submitted after that	14. Chesapeake Bay TMDL implementation annual status report. Permittees previously covered under the General VPDES Permit for Discharges of Stormwater from MS4 effective November 1, 2018, shall submit a Chesapeake Bay TMDL implementation annual status report in a method (i.e., how the permittee must submit) and format (i.e., how the report shall be laid out) as specified by the department no later than October 1 of each year. The report shall cover the previous year from July 1 to June 30. b. Following notification from the department of the start date for the required electronic submission of Chesapeake Bay TMDL implementation annual status reports, as provided	Added new section number to clarify permit conditions and annual report requirements.  No impact.

		<p>date shall be electronically submitted to the department in compliance with 9VAC25-31-1020 and this section. There shall be at least a three-month notice provided between the notification from the department and the date after which such forms and reports must be submitted electronically.</p> <p>c. The year two Chesapeake Bay TMDL implementation annual status report shall contain a summary of any public comments on the Chesapeake Bay TMDL action plan received and how the permittee responded.</p> <p>d. Each Chesapeake Bay TMDL implementation annual status report shall include the following information:</p> <p>(1) A list of Chesapeake Bay TMDL action plan BMPs, not including annual practices, implemented prior to the reporting period that includes the following information for reported BMP;</p> <p>(a) The number of BMPs for each BMP type;</p> <p>(b) The estimated reduction of</p>	<p>for in 9VAC25-31-1020, such forms and reports submitted after that date shall be electronically submitted to the department in compliance with 9VAC25-31-1020 and this section. There shall be at least a three-month notice provided between the notification from the department and the date after which such forms and reports must be submitted electronically.</p> <p>c. The year two Chesapeake Bay TMDL implementation annual status report shall contain a summary of any public comments on the Chesapeake Bay TMDL action plan received and how the permittee responded.</p> <p>d. Each Chesapeake Bay TMDL implementation annual status report shall include the following information:</p> <p>(1) A list of Chesapeake Bay TMDL action plan BMPs, not including annual practices, implemented prior to the reporting period that includes the following information for reported BMP;</p>	
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		<p>pollutants of concern achieved by each BMP type and reported in pounds of pollutant reduction per year; and</p> <p>(c) A confirmation statement that the permittee electronically reported Chesapeake Bay TMDL action plan BMPs inspected using the DEQ BMP Warehouse in accordance with Part III B 5.</p> <p>(2) A list of newly implemented BMPs including annual practices implemented during the reporting period that includes the following information for each reported BMP or a statement that no BMPs were implemented during the reporting period:</p> <p>(a) The BMP type and a description of the location for each BMP;</p> <p>(b) The estimated reduction of pollutants of concern achieved by each BMP and reported in pounds of pollutant reduction per year; and</p> <p>(c) A confirmation statement that the permittee electronically reported BMPs using the DEQ BMP Warehouse in accordance with Part III B 3.</p>	<p>(a) The number of BMPs for each BMP type;</p> <p>(b) The estimated reduction of pollutants of concern achieved by each BMP type and reported in pounds of pollutant reduction per year; and</p> <p>(c) A confirmation statement that the permittee electronically reported Chesapeake Bay TMDL action plan BMPs inspected using the DEQ BMP Warehouse in accordance with Part III B 5.</p> <p>(2) A list of newly implemented BMPs including annual practices implemented during the reporting period that includes the following information for each reported BMP or a statement that no BMPs were implemented during the reporting period:</p> <p>(a) The BMP type and a description of the location for each BMP;</p> <p>(b) The estimated reduction of pollutants of concern achieved by each BMP and reported in pounds of pollutant reduction per year; and</p> <p>(c) A confirmation statement that the permittee electronically reported BMPs</p>	
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		<p>e. If the permittee acquired credits during the reporting period to meet all or a portion of the required reductions in Part II A 3, A 4, or A 5, a statement that credits were acquired.</p> <p>f. Pollutant load reductions generated by annual practices, such as street and storm drain cleaning, shall only be applied to the compliance year in which the annual practice was implemented.</p> <p>g. The progress, using the final design efficiency of the BMPs, toward meeting the required cumulative reductions for total nitrogen and total phosphorus.</p> <p>h. Any revisions made to the Chesapeake Bay TMDL action plan.</p> <p>i. A list of BMPs that are planned to be implemented during the next reporting period.</p>	<p>using the DEQ BMP Warehouse in accordance with Part III B 3.</p> <p>e. If the permittee acquired credits during the reporting period to meet all or a portion of the required reductions in Part II A 3, A 4, or A 5, a statement that credits were acquired.</p> <p>f. Pollutant load reductions generated by annual practices, such as street and storm drain cleaning, shall only be applied to the compliance year in which the annual practice was implemented.</p> <p>g. The progress, using the final design efficiency of the BMPs, toward meeting the required cumulative reductions for total nitrogen and total phosphorus.</p> <p>h. Any revisions made to the Chesapeake Bay TMDL action plan.</p> <p>i. A list of BMPs that are planned to be implemented during the next reporting period.</p>	
Part II A 15 *	Part II A 15		<p>Added "No later than 60 months after permit issuance, the permittee shall update the Phase III Chesapeake Bay TMDL action plan to offset the increased loads from new sources initiating construction between July 1,</p>	<p>Added language to account for potential expanded areas due to the 2020 census.</p> <p>This language was added due to public and EPA comments, and EPA clarified their stance on the Census</p>

			<p>2009, and June 30, 2024, that are located in the expanded 2020 census urban areas with a population of at least 50,000, and within the permittee's MS4 service area, and designed in accordance with 9VAC25-870 Part II C (9VAC25-870-93 et seq.), if the following conditions apply:</p> <ul style="list-style-type: none"> <li>a. The activity disturbed one acre or greater; and</li> <li>b. The resulting total phosphorous load was greater than 0.45 lb/acre/year, which is equivalent to an average land cover condition of 16% impervious cover.</li> <li>c. The permittee shall utilize Table 4 of Part II A 5 to develop the equivalent nitrogen pollutant load for new sources meeting the requirements of this condition." </li></ul>	<p>Bureau's changes to urbanized areas.</p> <p>Impact: Permittees will need to evaluate development projects within the 2020 expanded census urban areas to determine if any additional pollutant reductions are required.</p>
Part II A 16 *	Part II A 16		<p>Added " No later than 60 months after permit issuance, the permittee shall update the Phase III Chesapeake Bay TMDL action plan to offset the increased loads from projects grandfathered in accordance with 9VAC25-870-48 that are located in the expanded 2020 Census urban areas with a population of</p>	<p>Added language to require pollutant reduction offsets for certain projects that may be developed under different criteria.</p> <p>This language was added due to public and EPA comments, and EPA clarified their stance on the Census Bureau's changes to urbanized areas.</p>

			<p>least 50,000, and within the permittee’s MS4 service area, and began construction after July 1, 2014, if the following conditions apply:</p> <p>a. The activity disturbs one acre or greater; and</p> <p>b. The resulting total phosphorous load was greater than 0.45 lb/acre/year, which is equivalent to an average land cover condition of 16% impervious cover.</p> <p>c. The permittee shall utilize Table 4 of Part II A 5 to develop the equivalent nitrogen pollutant load for grandfathered sources meeting the requirements of this condition.”</p>	<p>Impact: Permittees will need to evaluate development projects within the 2020 expanded census urban areas to determine if any additional pollutant reductions are required.</p>
Part II B 3		<p>The permittee shall complete implementation of the TMDL action plans as soon as practicable. TMDL action plans may be implemented in...</p>	<p>The permittee shall complete implementation of the TMDL action plans as determined by the schedule. TMDL action plans may be implemented in...</p>	<p>Changed “ as soon as practicable” to “as determined by the schedule” to clarify permit requirement and in response to an EPA comment.</p> <p>No impact.</p>
Part II B 6 d		<p>... an update on the progress made toward achieving action plan goals...</p>	<p>an update on the progress made toward achieving local TMDL action plan goals...</p>	<p>Added “ local TMDL” to clarify permit requirement.</p> <p>No impact.</p>
Part II B 8 a		<p>Traditional permittees shall develop an anti-icing and deicing agent education and outreach strategy that identifies target audiences for increasing...</p>	<p>No later than 36 months after the permit effective date, permittees shall develop an anti-icing and deicing agent education and outreach strategy that identifies target</p>	<p>Added “ no later than 36 months after the permit effective date”, and removed “Traditional” to clarify permit requirements.</p> <p>No impact.</p>



			audiences for increasing...	
Part II B 8 b		Traditional permittee anti-icing and deicing agent education and outreach strategies shall contain a schedule to implement two...	Anti-icing and deicing agent education and outreach strategies shall contain a schedule to implement two...	Removed "traditional permittee" to clarify that this permit condition applies to all permittees.  No impact.
Part III B 1-5		Traditional permittees specified in Part I E 5 a (1) shall use the DEQ Construction Stormwater Database or other application as specified by the department to report each stormwater management facility installed after July 1, 2014, to address the control of post-construction runoff from land disturbing activities for which the permittee is required to obtain a General VPDES Permit for Discharges of Stormwater from Construction Activities. 2. The permittee shall use the associated reporting template for stormwater management facilities not reported in accordance with Part III B 1 including stormwater management facilities installed to control post-development stormwater runoff from land disturbing activities less than one acre in	1. The permittee shall use the associated reporting template for stormwater management facilities not reported in accordance with Part III B 1, including stormwater management facilities installed to control post-development stormwater runoff from land disturbing activities less than one acre in accordance with the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830), if applicable, and for which a General VPDES Permit for Discharges of Stormwater from Construction Activities was not required.  2. The permittee shall use the DEQ BMP Warehouse to report BMPs that were not reported in accordance with Part III B 1 or B 2 and were implemented as part of a TMDL action	Moved B1 to B5 to clarify permit conditions and renumbered the following conditions.  No impact.

		<p>accordance with the Chesapeake Bay Preservation Act regulations (9VAC25-830) if applicable and for which a General VPDES Permit for Discharges of Stormwater from Construction Activities was not required. 3. The permittee shall use the BMP Warehouse to report BMPs that were not reported in accordance with Part III B 1 or 2 and were implemented as part of a TMDL action plan to achieve nitrogen, phosphorus, and total suspended solids reductions in accordance with Part II A or B. 4. The permittee shall use the BMP Warehouse to report any BMPs that were not reported in accordance with Part III B 1, 2, or 3. 5. The permittee shall use the BMP Warehouse to report the most recent inspection date for BMPs in accordance with Part I E 5 b or c, or in accordance with Part II C and the most recent associated TMDL action plan.</p>	<p>plan to achieve nitrogen, phosphorus, and total suspended solids reductions in accordance with Part II A or B.</p> <p>3. The permittee shall use the DEQ BMP Warehouse to report any BMPs that were not reported in accordance with Part III B 1, B 2, or B 3.</p> <p>4. The permittee shall use the DEQ BMP Warehouse to report the most recent inspection date for BMPs in accordance with Part I E 5 b or 5 c, or in accordance with Part II C and the most recent associated TMDL action plan. 5. Traditional permittees specified in Part I E 5 a (1) shall use the DEQ Construction Stormwater Database or other application as specified by the department to report each stormwater management facility installed after July 1, 2014, to address the control of post-construction runoff from land disturbing activities for which the permittee is required to obtain a General VPDES Permit for Discharges of Stormwater from Construction Activities.</p>	
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**Details of All Changes Proposed in this Regulatory Action**

List all changes proposed in this action and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. \* Put an asterisk next to any substantive changes.

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
9VAC25-890		Provisions on “Board” authority outside the context promulgating regulations.	<p>Changed “Board” to “Department” pursuant to SB 657 of the 2022 General Assembly session transferring authority from the board to the department outside the context of promulgating regulations where applicable.</p> <p>No impact.</p>
9VAC25-890 (Title)		General (VPDES) Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems (formerly Part XV, 4VAC50-60 MS4s)	<p>Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4s).</p> <p>Rationale: Title updated to be consistent with other VPDES regulation titles and removed former DCR citation.</p> <p>Removed “small” from provisions referring to “small MS4s” for consistency with provisions that follow the title of this general permit regulation.</p> <p>No impact.</p>
9VAC25-890-1. Definitions.		The words and terms used in this chapter shall have the meanings defined in the Virginia Stormwater Management Act (Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia) and 9VAC25-870 unless the context clearly indicates otherwise, except that for the purposes of this chapter:	The words and terms used in this chapter shall have the meanings defined in the Virginia Stormwater Management Act (Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia) and the Virginia Stormwater Management Program (VSMP) Regulation (9VAC25-870) unless the context clearly indicates otherwise, except that for the purposes of this chapter:

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
			<p>Rationale: Added "Virginia Stormwater Management Program (VSMP) Regulation" title to 9VAC25-870 for clarification.</p> <p>No impact.</p>
9VAC25-890-1. Definitions.		New proposed definition.	<p>"Annual practice" means a nonstructural best management practice such as street or storm drain cleaning that reduces pollution for one compliance year upon implementation.</p> <p>Rationale: This definition was added to provide clarification that pollutant reductions generated by annual practices are creditable towards one compliance year for TMDL action plans (i.e., pollutant reductions generated must correspond to one compliance year).</p> <p>No impact.</p>
9VAC25-890-1. Definitions.		New proposed definition.	<p>"Ecosystem restoration projects" means practices implemented to reestablish and maintain natural systems that prevent, reduce, or remediate pollutant loadings. Examples of ecosystem restoration projects include stream restoration, shoreline restoration, land-use conversion, and reforestation.</p> <p>Rationale: This permit introduces the term ecosystem restoration projects in several provisions in order to recognize the regulatory distinction between ecosystem restoration projects and stormwater management facilities.</p> <p>No impact.</p>
9VAC25-890-1. Definitions. *		"High-priority facilities" means facilities owned or operated by the permittee that actively engage in one or more of the following activities: (i) composting, (ii) equipment storage and maintenance, (iii) materials storage, (iv) pesticide storage, (v) storage for public works, (vi) recycling, (vii) salt storage, (viii) solid	"High-priority facilities" means facilities owned or operated by the permittee with drainage to any permitted MS4 that actively engage in one or more of the following activities: (i) composting, (ii) equipment storage, cleaning, and maintenance, (iii) long-term bulk materials storage, (iv) pesticide, herbicide, and fertilizer storage, (v) recycling, (vi) anti-icing and deicing agent storage, handling, and transfer, (vii) solid waste handling and transfer,

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
		waste handling and transfer, and (ix) vehicle storage and maintenance.	<p>and (viii) permittee owned or operated vehicle washing, maintenance, and salvage.</p> <p>Rationale: Added the qualifier “with drainage to an MS4” to “facilities owned or operated by the permittee,” recognizing drainage to an MS4 is important for classifying high-priority facilities (HPFs).</p> <p>The following modifications were made to activities defining high-priority facilities HPFs:</p> <p>(ii) Added “cleaning” to equipment storage and maintenance for clarification.</p> <p>(iii) Added “long-term bulk” to materials storage as a qualifier to distinguish large permanent storage areas such as facility maintenance yards that continuously store building materials from smaller temporary material storage areas such as temporary on-site storage of construction and maintenance supplies.</p> <p>(iv) Added “herbicide and fertilizer” to pesticide storage for clarification.</p> <p>(v) Removed storage for public works” since this activity is ambiguous and overlaps other activities defining HPFs.</p> <p>(vi) Replaced “salt” with “anti-icing and deicing agent” to include all chemicals used for anti-icing and deicing and for consistency with the Virginia Salt Management Strategies (SaMS) guidance document.</p> <p>(vi) Added “handling and transfer” for clarification.</p> <p>(viii) Added “washing” and “salvage” to vehicle maintenance for clarification. Removed “storage” since this permit intent is not to classify every municipal parking lot as a HPF. “Salvage” was added to distinguish parking lots from damaged vehicle storage which have higher risk for leaking and pollutant discharges.</p> <p>Impact: Facilities that do not discharge to permitted MS4 are no longer</p>

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
			classified as HPFs. Municipal parking lots are no longer classified as HPFs.
9VAC25-890-1 Definitions *		"MS4 regulated service area" or "service area" means for Phase II permittees, the drainage area served by the permittee's MS4 that is located within an urbanized area as determined by the by the Bureau of the Census. MS4 regulated service area may also be referred to as "served by the MS4" as it pertains to the tables in Part II A of this permit.	"MS4 regulated service area" or "service area" means for Phase II permittees, the drainage area served by the permittee's MS4 that is located within the 2020 census urban areas with a population of least 50,000, or any previous decennial census urbanized area as determined by the Bureau of the Census. MS4 regulated service area may also be referred to as "served by the MS4" as it pertains to the tables in Part II A of this permit.
9VAC25-890-1. Definitions.		New proposed definition.	<p>"Nontraditional MS4 permittee" or "nontraditional permittee" means a government entity that operates a regulated MS4 that is not under the authority of a county board of supervisors, a city council, or a town council.</p> <p>Rationale: Nontraditional is a category of Phase II MS4 permittees and this term has been in common use within the MS4 program for many years.</p> <p>This permit introduces the term nontraditional permittee in several provisions recognizing the differences in jurisdictional authority between traditional local governments and all other government entities considered nontraditional permittees.</p> <p>Nontraditional permittees may include but are not limited to operators of state and federal facilities such as transportation infrastructure, college campuses, hospitals, correctional facilities, military installations, administrative campuses, and research facilities.</p> <p>Nontraditional permittees may also include local authority operators for facilities such as public school and other regional authorities that may operate an MS4.</p>

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
			<p>Traditional and nontraditional permittee differences in authority, public, and systems necessitated the need for distinct permit conditions for traditional and nontraditional permittees.</p> <p>No impact.</p>
<p>9VAC25-890-1. Definitions.</p>		<p>New proposed definition.</p>	<p>"Traditional MS4 permittee" or "traditional permittee" means a local government that operates a regulated MS4 under the authority of a county board of supervisors, a city council, or a town council.</p> <p>Rationale: Traditional is a category of Phase II MS4 permittees and these terms have been in common use within the MS4 program for many years.</p> <p>This permit introduces the terms traditional and nontraditional permittee in several provisions recognizing the differences in jurisdictional authority between traditional local governments and all other government entities considered nontraditional permittees. Traditional permittees are limited to counties, cities, and towns.</p> <p>Traditional and nontraditional permittee differences necessitated the need for distinct permit conditions for traditional and nontraditional permittees.</p> <p>No impact</p>
<p>9VAC25-890-10 A.</p>		<p>This general permit regulation governs point source stormwater discharges from regulated small municipal separate storm sewer systems (small MS4s) to surface waters of the Commonwealth of Virginia.</p>	<p>This general permit regulation governs point source stormwater discharges from regulated small municipal separate storm sewer systems (MS4s) to surface waters of the Commonwealth of Virginia. Nonmunicipal stormwater or wastewater discharges are not authorized by this permit except in accordance with 9VAC25-890-20 D.</p> <p>Removed "small" for consistency with provisions that follow the title of this general permit regulation.</p> <p>No impact.</p>

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
9VAC25-890-10 B. date of the state permit.		This general permit will become effective on November 1, 2018 and will expire October 31, 2023.	<p>This general permit will become effective on November 1, 2023 and will expire October 31, 2028.</p> <p>Updated the effective and expiration date of the general permit.</p> <p>No impact.</p>
9VAC25-890-15. Applicability of incorporated references based on the dates that they became effective.		<p>Except as noted, when a regulation of the U.S. Environmental Protection Agency set forth in Title 40 CFR is referenced and incorporated in this chapter, that regulation shall be as it exists and has been published in the July 1, 2017, update. The final rule published in the Federal Register on August 28, 2017 (82 FR 40836), which amends 40 CFR Part 136, is also incorporated by reference in this chapter.</p>	<p>Except as noted, when a regulation of the U.S. Environmental Protection Agency set forth in Title 40 of the Code of Federal Regulations (CFR) is referenced and incorporated in this chapter, that regulation shall be as it exists and has been published in the July 1, 2022, update.</p> <p>Consolidated and updated the Title 40 CFR publication date.</p> <p>No impact.</p>
9VAC25-890-20 A. Authorization to discharge		<p>Any operator covered by this general permit is authorized to discharge stormwater from the small municipal separate storm sewer system (MS4) to surface waters of the Commonwealth of Virginia provided that:</p> <ol style="list-style-type: none"> <li>1. The operator submits a complete and accurate registration statement in accordance with 9VAC25-890-30 and that registration statement is accepted by the board;</li> <li>4. The board has not notified the operator that the discharge is ineligible for coverage in accordance with subsection C of this section.</li> </ol>	<p>Any operator covered by this general permit is authorized to discharge stormwater from the MS4 to surface waters of the Commonwealth of Virginia provided that:</p> <ol style="list-style-type: none"> <li>1. The operator submits a complete and accurate registration statement in accordance with 9VAC25-890-30 and that registration statement is accepted by the department;</li> <li>4. The department has not notified the operator that the discharge is ineligible for coverage in accordance with subsection C of this section.</li> </ol> <p>Removed “small municipal separate storm sewer system” as the acronym for MS4 is spelled out in a previous section.</p> <p>“Board” has been changed to “department” recognizing the transfer of authority.</p> <p>No impact.</p>



Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
9VAC25-890-20 C. Authorization to discharge		The board will notify an operator that the discharge is not eligible for coverage under this general permit in the event of any of the following:	<p>The department will notify an operator that the discharge is not eligible for coverage under this general permit in the event of any of the following:</p> <p>“Board” has been changed to “department” recognizing the transfer of authority.</p> <p>No impact.</p>
9VAC25-890-20 D 3. Authorization to discharge		<p>The nonstormwater discharges or flows are identified in this subdivision D 3 and have not been identified by the operator or by the board as significant contributors of pollutants to the small MS4:</p> <p>g. Discharges from potable water sources;</p> <p>p. Flows from riparian habitats and wetlands;</p> <p>q. Dechlorinated swimming pool discharges;</p> <p>r. Street wash waters;</p> <p>s. Discharges or flows from firefighting activities;</p> <p>t. Discharges from noncommercial fundraising car washes if the washing uses only biodegradable, phosphate-free, water-based cleaners</p>	<p>The nonstormwater discharges or flows are identified in this subdivision D 3 and have not been identified by the operator or by the department as significant contributors of pollutants to the small MS4:</p> <p>Rationale: “Board” has been changed to “department” recognizing the transfer of authority and “small” has been removed from MS4.</p> <p>g. Discharges from potable water sources managed in a manner to avoid instream impact;</p> <p>Rationale: Added “managed in a manner to avoid instream impact” for clarification recognizing discharges of potable may have an instream impact depending on the volume of the discharge and the size of the stream.</p> <p>q. Dechlorinated freshwater swimming pool discharges managed in a manner to avoid instream impact;</p> <p>Rationale: Added “freshwater” to exclude saltwater swimming pool discharges and “managed in a manner to avoid instream impact” for clarification.</p> <p>r. Street and pavement wash waters that do not contain cleaning additives or are otherwise managed in a manner to avoid instream impact;</p> <p>Rationale: Added “pavement wash waters that do not contain cleaning additives or are otherwise managed in</p>

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
			<p>a manner to avoid instream impact” for clarification.</p> <p>t. Discharges or flows from emergency firefighting activities;</p> <p>Rationale: Added “emergency” to distinguish from non-emergency activities.</p> <p>u. Discharges or flows of water for fire prevention or firefighting training activities managed in a manner to avoid instream impact in accordance with § 9.1-207.1 of the Code of Virginia;</p> <p>Rationale: Added u. to distinguish from emergency activities subject to § 9.1-207.1 of the Code of Virginia.</p> <p>v. Discharges from noncommercial fundraising car washes if the washing uses only biodegradable, phosphate-free, water-based cleaners in accordance with § 15.2-2114.1 of the Code of Virginia; or</p> <p>Rationale: Added “in accordance with § 15.2-2114.1 of the Code of Virginia” for context.</p> <p>No impact.</p>
9VAC25-890-20 Authorization to discharge	s	Discharges or flows from emergency firefighting activities;	<p>Added: “Routine external building wash down provided no soaps, solvents, or detergents are used, external building surfaces do not contain hazardous substances, and the wash water is filtered, settled, or similarly treated prior to discharge;”</p> <p>Rationale: Added this language to make the MS4 general permit consistent with other VPDES permits.</p> <p>No impact.</p>
9VAC25-890-20 Authorization to discharge	w	v. Other activities generating discharges identified by the department as not requiring VPDES authorization.; <u>or</u>	<p>Re-lettered from u. to w.</p> <p>No impact.</p>

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
9VAC25-890-20 K. Continuation of permit coverage.		<p>1. Any permittee that was authorized to discharge under the state permit effective July 1, 2013, and that submits a complete registration statement on or before June 1, 2018, is authorized to continue to discharge under the terms of the July 1, 2018, state permit until such time as the board either:</p> <p>2. When the permittee is not in compliance with the conditions of the expiring or expired general permit, the board may choose to do any or all of the following:</p> <p>a. Initiate enforcement action based upon the 2013 general permit;</p>	<p>1. Any permittee that was authorized to discharge under the state permit effective November 1, 2018, and that submits a complete registration statement on or before October 1, 2023, is authorized to continue to discharge under the terms of the November 1, 2018, state permit until such time as the department either:</p> <p>2. When the permittee is not in compliance with the conditions of the expiring or expired general permit, the department may choose to do any or all of the following:</p> <p>a. Initiate enforcement action based upon the 2018 general permit;</p> <p>Rationale: Updated timeframes consistent with previous permit.</p> <p>No impact.</p>
9VAC25-890-30 A 2. Registration statement.		<p>In order to continue uninterrupted coverage under the general permit, operators of small MS4s shall submit a new registration statement no later than June 1, 2018, unless permission for a later date has been granted by the board. The board shall not grant permission for registration statements to be submitted later than the expiration date of the existing state permit.</p>	<p>In order to continue uninterrupted coverage under the general permit, operators of small MS4s shall submit a new registration statement no later than October 1, 2023, unless permission for a later date has been granted by the department. The board shall not grant permission for registration statements to be submitted later than the expiration date of the existing state permit.</p> <p>Rationale: Updated timeframes consistent with previous permit.</p> <p>No impact.</p>
9VAC25-890-30 B 5. Registration statement. *		<p>None.</p>	<p>If the MS4 is operated under the authority of a city council or a county board of supervisors, indicate if public school facilities are included in the application.</p> <p>Rationale: The department is requesting this information in order to determine which public school systems have permit coverage</p> <p>Impact: Any school system that is not covered under a localities MS4</p>

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
			<p>program or separate MS4 permit coverage may be required to obtain MS4 Permit coverage.</p>
<p>9VAC25-890-30 B 7 b Registration statement</p>		<p>b. Whether or not the receiving waters are listed as impaired in the Virginia 2016 305(b)/303(d) Water Quality Assessment Integrated Report;</p>	<p>b. Whether or not the receiving waters are listed as impaired in the Virginia <u>2022</u> 305(b)/303(d) Water Quality Assessment Integrated Report;</p> <p>Rationale: Changed the date to the latest 305(b)/303(d) Report.</p> <p>No impact.</p>
<p>9VAC25-890-30 B 10.</p>		<p>For those permittees whose regulated MS4 is located partially or entirely in the Chesapeake Bay watershed, a draft second phase Chesapeake Bay TMDL action plan; and</p>	<p>For permittees previously covered under the General VPDES Permit for the Discharge of Stormwater from MS4 effective November 1, 2018, whose regulated MS4 is located partially or entirely in the Chesapeake Bay watershed, a draft third phase Chesapeake Bay TMDL action plan; and</p> <p>Updated to require a draft third phase Chesapeake Bay TMDL action plan with registration.</p> <p>No Impact</p>

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
9VAC25-890-30 E *		None.	<p>Added: Following notification from the department of the start date for the required electronic submission of Notices of Intent to discharge forms (i.e., registration statements) as provided for in 9VAC25-31-1020, such forms submitted after that date shall be electronically submitted to the department in compliance with this section and 9VAC25-31-1020. There shall be at least three months' notice provided between the notification from the department and the date after which such forms must be submitted electronically.</p> <p>Language added to require the use of Nforms for electronic submittal of registration statements as per 9VAC25-31-1020. This language was added to satisfy an EPA requirement for electronic reporting.</p> <p>Impact: After being notified 90 days in advance, permittees must use the electronic reporting platform specified by the Department.</p>
9VAC25-890-40. General permit.		<p>Effective Date: November 1, 2018</p> <p>Expiration Date: October 31, 2023</p>	<p>Effective Date: November 1, 2023 Expiration Date: October 31, 2028</p> <p>Rationale: New permit cycle.</p> <p>No impact.</p>
9VAC25-890-40. General permit.		<p>The authorized discharge shall be in accordance with the registration statement filed with the department, this cover page, Part I - Discharge Authorization and Special Conditions, Part II - TMDL Special Conditions, and Part III - Conditions Applicable to All State and VPDES Permits, as set forth in this general permit.</p>	<p>The authorized discharge shall be in accordance with the registration statement filed with the department, this cover page, Part I - Discharge Authorization and Special Conditions, Part II - TMDL Special Conditions, and Part III - DEQ BMP Warehouse Reporting, and Part IV - Conditions Applicable to All State and VPDES Permits, as set forth in this general permit.</p> <p>Rationale: General permit has been reorganized to include "DEQ BMP Warehouse Reporting" as Part III and added Part I Discharge Authorization and Special Conditions heading.</p>

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
			No impact.
Part I B.		The permittee shall develop, implement, and enforce a MS4 program designed to reduce the discharge of pollutants from the small MS4 to the maximum extent practicable.	Removed “small” from in front of “MS4” to maintain consistency throughout the permit.  No impact.
Part I C 2 a.		...that does not exceed the expiration date of this permit; and	...that does not exceed October 31, 2028, unless the department grants a later date; and  Rationale: This section pertains to permittees receiving initial coverage under the proposed permit the department recognizes there may be circumstances where permit coverage was issued late in the permit cycle and fully developing a program plan in shortened term may not be feasible.  Impact: Department may offer flexibility to new permittees for program development timelines.
Part I D. *		1. The permittee shall submit an annual report to the department no later than October 1 of each year in a format as specified by the department. The report shall cover the previous year from July 1 to June 30.	1. The permittee shall submit an annual report to the department no later than October 1 of each year in a method, (i.e., how the permittee must submit) and format (i.e., how the report shall be laid out) as specified by the department; the required content of the annual report is specified in Part I E and Part II B. The report shall cover the previous year from July 1 to June 30.  2. Following notification from the department of the start date for the required electronic submission of annual reports, as provided for in 9VAC25-31-1020, such forms and reports submitted after that date shall be electronically submitted to the department in compliance with this section and 9VAC25-31-1020. There shall be at least a three-month notice provided between the notification from the department and the date after which such forms and reports must be submitted electronically.

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
			<p>Rationale: Added annual reporting clarification on method, (i.e. how the permittee must submit) and format (i.e. how the report shall be laid out).</p> <p>The format and required content of the annual report is specified in Part I E.</p> <p>Methods and Annual reporting requirements have been updated to reflect the new notification requirements for the department. The method of annual report submittals “Nform” is being developed by the department and guidance for the use of Nform will be provided to permittees on Nform annual report submittals once the MS4 Nform module is fully developed for roll-out and permittee use. Nform permittee reporting is part of the department’s strategy to fulfill EPA’s e-reporting rule.</p> <p>Impact: Allows DEQ and permittees to comply with EPA e-reporting rule.</p>
Part I D.4		For those permittees with requirements established under Part II A, the annual report shall include a status report on the implementation of the Chesapeake Bay TMDL action plan in accordance with Part II A of this permit including any revisions to the plan.	<p>Removed from this section.</p> <p>Rationale: Moved to reporting requirements for the Chesapeake Bay TMDL special condition have Part II A of this permit.</p> <p>No impact.</p>
Part I D.6 *		For the purposes of this permit, the MS4 program plan and annual report shall be maintained separately and submitted to the department as required by this permit as two separate documents.	<p>For the purposes of this permit, the MS4 program plan, annual reports, the Chesapeake Bay TMDL action plan, and Chesapeake Bay TMDL implementation annual status reports shall be maintained as separate documents and submitted to the department as required by this permit as separate documents.</p> <p>Rationale: Added additional clarification that the MS4 program plan, annual reports, the Chesapeake Bay TMDL action plan, and Chesapeake Bay TMDL implementation annual</p>

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
			<p>status reports, shall be maintained as separate documents primarily to promote public transparency and to facilitate department tracking to ensure permittees achieve 100% of the Chesapeake Bay TMDL target reductions by the end of the permit cycle.</p> <p>Impact: Require those permittees that have combined documents to split them into separate documents.</p>
Part I E.1.b		<p>The permittee shall identify no less than three high-priority stormwater issues to meet the goal of educating the public in accordance with Part I E 1 a. High-priority issues may include the following examples: Chesapeake Bay nutrients, pet wastes, local receiving water impairments, TMDLs, high-quality receiving waters, and illicit discharges from commercial sites.</p>	<p>The permittee shall identify no fewer than three high-priority stormwater issues to meet the goal of educating the public in accordance with Part I E 1 a. High-priority issues may include the following examples: Chesapeake Bay nutrients, pet wastes, local receiving water impairments, TMDLs, high-quality receiving waters, litter control, BMP maintenance, anti-icing and deicing agent application, planned green infrastructure redevelopment, planned ecosystem restoration, and illicit discharges from commercial sites.</p> <p>Rationale: Added “litter control, BMP maintenance, anti-icing and de-icing agent application, planned green infrastructure redevelopment, planned ecosystem restoration” to expand examples of high priority issues.</p> <p>No Impact.</p>
Part I E.1.d		<p>The permittee shall use two or more of the strategies listed in Table 1 below per year to communicate to the public the high-priority stormwater issues identified in accordance with Part I E 1 b including how to reduce stormwater pollution.</p>	<p>The permittee shall use two or more of the strategies listed in Table 1 per year to communicate to the target audience the high-priority stormwater issues identified in accordance with Part I E 1 b including how to reduce stormwater pollution.</p> <p>Rationale: Replaced “public” with “target audience” to clarify that a high priority issue might be targeted towards a specific audience which may include the general public.</p> <p>No impact.</p>
Part I E.1 Table 1		Information disseminated through electronic media,	Information disseminated through electronic media, radio, televisions,



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Strategies for media materials		radio, televisions, movie theater, or newspaper	<p>movie theater, newspaper, or GIS story maps</p> <p>Rationale: Added GIS story maps to examples of media materials to expand examples of public education and outreach strategies.</p> <p>No impact.</p>
N/A	Part I E.1 Table 1: Strategies for Public education activities	None.	<p>Booth at community fair, demonstration of stormwater control projects, presentation of stormwater materials to schools to meet applicable education Standards of Learning or curriculum requirements, or watershed walks</p> <p>Rationale: Expand examples of public education and outreach strategies.</p> <p>No impact.</p>
N/A	Part I E.1 Table 1: Strategies for Public meetings	None.	<p>Public meetings on proposed community stormwater management retrofits, green infrastructure redevelopment, ecosystem restoration, TMDL development, voluntary residential low impact development, or other stormwater issues</p> <p>Rationale: Expand examples of public education and outreach strategies.</p> <p>No impact.</p>
N/A	Part I E.1 Table 1: Strategies for Public Meetings	None.	<p>Added to Public meetings examples: "climate change's effects on stormwater management,"</p> <p>Rationale: Added to expand options for activities in response to EPA comments.</p> <p>No impact.</p>
Part I E.1.f (3)		Identification of the public audience to receive each high-priority stormwater message;	<p>Identification of the target audience to receive each high-priority stormwater message;</p> <p>Rationale: Replaced "public" with "target audience" for consistency with EPA guidance and to clarify that a high priority issue might be targeted towards a specific audience which may include the general public.</p>

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
Part I E.1.f (4) *		None	<p>No impact.</p> <p>Nontraditional permittees may identify staff, students, members of the general public, and other facility users operated by the permittee as the target audience for education and outreach strategies.</p> <p>Rationale: Added (4) - Nontraditional permittees may identify staff, students, members of the general public, and other facility users operated by the permittee as the target audience for education and outreach strategies for clarification</p> <p>Impact: This added clarification will help nontraditional permittees to better define targeted audiences.</p>
Part I E.1.f (5) *		None	<p>Traditional permittees may identify staff and students as part of the target audience for education and outreach strategies; however, staff shall not be the majority of the target audience.</p> <p>Rationale: Added (5) - Traditional permittees may identify staff and students as part of the target audience for education and outreach strategies; however, staff shall not be the majority of the target audience for clarification.</p> <p>Impact: This added clarification will help permittees better define target audiences while differentiating target audiences for traditional and nontraditional permittees.</p>
Part I E.1.f (6)		None	<p>Staff training required in accordance with Part I E 6 d does not qualify as a strategy for public education and outreach.</p> <p>Rationale: Added (6) - Staff training required in accordance with Part I E 6 d does not qualify as a strategy for public education and outreach. This added clarification reinforces the intent of the public education requirement and that education and outreach programs with all staff as the targeted audience are to be included in the good housekeeping training program.</p>

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
Part I E.1.g (1)		A list of the high-priority stormwater issues the permittee addressed in the public education and outreach program; and	<p>No impact</p> <p>A list of the high-priority stormwater issues the permittee addressed in the public education and outreach program;</p> <p>Rationale: Removed “and”</p> <p>No impact.</p>
Part I E.1.g (2)		None	<p>A summary of the public education and outreach activities conducted for the report year, including the strategies used to communicate the identified high-priority issues; and</p> <p>Rationale: The added summary language is more useful in the annual report than a list as required by the replaced language.</p> <p>Impact: Changed submitted information from a list format to a more useful summary format.</p>
Part I E.1.g (3)		A list of the strategies used to communicate each high-priority stormwater issue.	<p>A description of any changes in high-priority stormwater issues including, strategies used to communicate high-priority stormwater issues or target audiences for the public education and outreach plan. The permittee shall provide a rationale for any of the above changes.</p> <p>Rationale: Revised language to “A description of any changes in high priority stormwater issues, strategies used to communicate high-priority stormwater issues, or target audiences for the public education and outreach plan. The permittee shall provide a rationale for any of the above changes.” The revised language clarifies the expectations for documenting an iterative education and outreach program.</p> <p>No Impact.</p>

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
Part I E 1 g (4)		None.	<p>Added: (4) A description of public education and outreach activities conducted that included education regarding climate change.</p> <p>Rationale: Added to expand options for activities in response to EPA comments.</p> <p>No Impact.</p>
Part I E.2.a (2)		The public to provide input on the permittee's MS4 program plan;	<p>The public to provide comments on the permittee's MS4 program plan;</p> <p>Rationale: Replaced "input" with "comments" to clarify expectations for public comment on program plans.</p> <p>No impact</p>
Part I E.2.a (3)		Receiving public input or complaints;	<p>Removed (3) – "Receiving public input or complaints."</p> <p>Rationale: This provision was redundant with Part I E 2 a (1) and (2) requirements and may inadvertently require permittees to capture input or complaints beyond the scope of this permit for issues such as flooding which this permit does not address.</p> <p>Impact: This revision makes the permit more streamlined, less redundant, and clarifies department expectations.</p>
Part I E.2.a (4)	9VAC25-890-40 E.2.a (3)	Responding to public input received on the MS4 program plan or complaints; and	<p>Responding to public comments received on the MS4 program plan; and</p> <p>Rationale: Changed "input" to comments to maintain consistency with changes to Part I.E.2,a (2) above.</p> <p>No impact.</p>
Part I E.2.a (5)	Part I E.2.a (4)	Maintaining documentation of public input received on the MS4 program and associated MS4 program plan and the permittee's response.	<p>Maintaining documentation of public comments received on the MS4 program and associated MS4 program plan and the permittee's response.</p> <p>Rationale: Changed "input" to comments to maintain consistency with changes to Part I.E.2,a (2) and (4).</p> <p>No impact.</p>

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
Part I E.2.b		No later than three months after this permit's effective date, the permittee shall develop and maintain a webpage dedicated to the MS4 program and stormwater pollution prevention. The following information shall be posted on this webpage:	<p>No later than three months after this permit's effective date, the existing permittee shall update and maintain the webpage dedicated to the MS4 program and stormwater pollution prevention. The following information shall be posted on this webpage:</p> <p>Rationale: Changed “develop and maintain” to “update and maintain” as the webpage should already exist.</p> <p>No Impact.</p>
N/A	Part I E.2.b(4)	None	<p>For permittees whose regulated MS4 is located partially or entirely in the Chesapeake Bay watershed, the most current Chesapeake Bay TMDL action plan or location where the Chesapeake Bay TMDL action plan can be obtained;</p> <p>Rationale: Added to clarify permit requirement expectations in conjunction with maintaining Chesapeake Bay TMDL action plans as a separate document from the program plan in accordance with 9VAC25-890-40 D.6.</p> <p>No impact.</p>
N/A	Part I E.2.b(5)	None	<p>For permittees whose regulated MS4 is located partially or entirely in the Chesapeake Bay watershed, the Chesapeake Bay TMDL implementation annual status reports for each year of the term covered by this permit no later than 30 days after submittal to the department;</p> <p>Rationale: Added to clarify permit requirement expectations in conjunction with maintaining Chesapeake Bay TMDL implementation status reports as a separate document from the annual report in accordance with 9VAC25-890-40 D.6.</p> <p>No Impact.</p>
Part I E.2.b(4)	Part I E.2.b(6)	A mechanism for the public to report potential illicit discharges, improper	Rationale: Re-numbered, no change in requirement.

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
		disposal, or spills to the MS4, complaints regarding land disturbing activities, or other potential stormwater pollution concerns in accordance with Part I E 2 a (1); and	No impact.
Part I E.2.b(5)	Part I E,2,b,(7)	(7) Methods for how the public can provide input comments on the permittee's MS4 program plan in accordance with Part I E 2 a (2)	<p>(7) Methods for how the public can provide comments on the permittee's MS4 program plan in accordance with Part I E 2 a (2) and if applicable, the Chesapeake Bay TMDL action plan in accordance with Part II A 13; and</p> <p>Rationale: Additional language added to clarify permit requirement expectations for receiving public comments on Chesapeake Bay TMDL action plans.</p> <p>No impact.</p>
N/A	Part I E.2.b(8)	None	<p>Federal and state nontraditional permittees with security policies preventing a MS4 program and stormwater pollution prevention webpage from being publicly accessible may utilize an internal staff accessible webpage such as an intranet webpage to meet the requirements of Part 1 E 2 b.</p> <p>Rationale: Added to provide a mechanism for government entities with restrictive security policies such as DOD and correctional facilities to demonstrate compliance with MS4 program webpage requirements.</p> <p>No impact.</p>
Part I E.2.c		The permittee shall implement no less than four activities per year from two or more of the categories listed in Table 2 below to provide an opportunity for public involvement to improve water quality and support local restoration and clean-up projects.	<p>Traditional permittees shall implement no fewer than four activities per year from two or more of the categories listed in Table 2 to provide an opportunity for public involvement to improve water quality and support local restoration and clean-up projects.</p> <p>Rationale: Changed "The permittee" to "Traditional permittees" to clarify permit requirement expectations for traditional permittees.</p>

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
N/A	Part I E.2.d	None	<p>No impact.</p> <p>d. Nontraditional permittees shall implement, promote, participate in, or coordinate on no fewer than four activities per year from two or more of the categories listed in Table 2 to provide an opportunity for public involvement to improve water quality and support local restoration and clean-up projects.</p> <p>Rationale: Added to clarify permit requirement expectations for nontraditional permittees.</p> <p>No impact.</p>
Part I E.2 Table 2: Restoration		Stream or watershed clean-up day, adopt-a-water way program,	<p>Stream, watershed, shoreline, beach, or park clean-up day, adopt-a-waterway program, tree plantings, and riparian buffer plantings</p> <p>Rationale: Expanded list of examples of restoration participation events.</p> <p>No impact.</p>
Part I E.2 Table 2: Educational events	Part I E.2 Table 2: Public education activities	Booth at community fair, demonstration of stormwater control projects, presentation of stormwater materials to schools to meet applicable education Standards of Learning or curriculum requirements, or watershed walks, participation on environmental advisory committees	<p>Booth at community fair, demonstration of stormwater control projects, presentation of stormwater materials to schools to meet applicable education Standards of Learning or curriculum requirements, or watershed walks</p> <p>Rationale: Expanded participation on environmental advisory committees in Table 2 Public meetings examples.</p> <p>No impact.</p>
Part I E.2 Table 2: Educational events	Part I E.2 Table 2: Public education activities	None.	<p>Added “climate change’s effects on stormwater management,” to Public education activities examples, and to Public meetings examples.</p> <p>Rationale: Added to expand options for activities in response to EPA comments.</p> <p>No Impact</p>
N/A	Part I E.2 Table 2: Public Meetings	None.	Public meetings on proposed community stormwater management retrofits, green infrastructure redevelopment, ecosystem restoration, TMDL development, voluntary

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
			<p>residential low impact development, or other stormwater issues</p> <p>Rationale: Expanded participation on environmental advisory committees to Public meetings category in Table 2.</p> <p>No impact.</p>
Part I E.2.d	Part I E.2.e	The permittee may coordinate the public involvement opportunities listed in Table 2 with other MS4 permittees; however, each permittee shall be individually responsible for meeting all of the permit requirements.	<p>Rationale: Re-numbered. No change in requirement.</p> <p>No impact.</p>
N/A	Part I E.2.f	None	<p>The Permittee may include staff and students in public participation events; however, the activity cannot solely include or be limited to staff participants with stormwater, groundskeeping, and maintenance duties in order for an event to qualify as a public participation event.</p> <p>Rationale: Added f. to clarify permit requirement expectations.</p> <p>No impact.</p>
N/A	Part I E.2.g	None.	<p>Staff training required in accordance with Part I E 6 d does not qualify as a public participation event unless the training activity solicits participation from target audiences beyond staff or contractors with stormwater, groundskeeping, and maintenance duties.</p> <p>Rationale: Added g. to clarify permit requirement expectations.</p> <p>No impact.</p>
Part I E. 2.e	Part I E.2.h	h. The MS4 program plan shall include: (1) The webpage address where mechanisms for the public to report (i) potential illicit discharges, improper disposal, or spills to the MS4, (ii) complaints regarding land	<p>Rationale: Re-numbered, no change.</p> <p>No Impact</p>



Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
		<p>disturbing activities, or (iii) other potential stormwater pollution concerns;</p> <p>(2) The webpage address that contains the methods for how the public can provide input on the permittee's MS4 program; and</p> <p>(3) A description of the public involvement activities to be implemented by the permittee, the anticipated time period the activities will occur, and a metric for each activity to determine if the activity is beneficial to water quality. An example of metrics may include the weight of trash collected from a stream cleanup, the number of participants in a hazardous waste collection event, etc.</p>	
Part I E.2.f	Part I E.2.i	<p>The annual report shall include the following information:</p> <p>(1) A summary of any public input on the MS4 program received (including stormwater complaints) and how the permittee responded;</p> <p>(2) A webpage address to the permittee's MS4 program and stormwater website;</p> <p>(3) A description of the public involvement activities implemented by the permittee;</p> <p>(4) A report of the metric as defined for each activity and an evaluation as to whether or not the activity is beneficial to improving water quality; and</p> <p>(5) The name of other MS4 permittees with whom the permittee</p>	<p>The annual report shall include the following information:</p> <p>(1) A summary of any public comments on the MS4 program received and how the permittee responded;</p> <p>(2) A summary of stormwater pollution complaints received under the procedures established in Part I E 2 a (1) (excluding natural flooding complaints) and how the permittee responded;</p> <p>(3) A webpage address to the permittee's MS4 program and stormwater website;</p> <p>(4) Federal and state nontraditional permittees with security policies preventing the MS4 program and stormwater pollution prevention webpage from being publicly accessible utilizing an internal staff accessible website such as intranet shall provide evidence of the current internal MS4 program and stormwater pollution prevention webpage;</p> <p>(5) A description of the public involvement activities implemented by the permittee, including any efforts to</p>

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
		collaborated in the public involvement opportunities.	<p>reach out to and engage all economic and ethnic groups;</p> <p>(7) A report of the metric as defined for each activity and an evaluation as to whether or not the activity is beneficial to improving water quality; and</p> <p>(8) The name of other MS4 permittees with whom the permittee collaborated in the public involvement opportunities.</p> <p>Rationale: Added (2) to clarify permit requirement expectation.</p> <p>Impact: Removes flooding complaints from reporting requirements.</p> <p>Rationale: Added (4) to clarify permit requirements.</p> <p>No impact.</p>
Part I E 2 i (6)		None.	<p>Added: (6) A description of public education and outreach activities conducted that also included education regarding climate change;</p> <p>Rationale: Added to expand options for activities in response to EPA comments.</p> <p>No Impact.</p>
Part I E.3.a(1) *		A map of the storm sewer system owned or operated by the permittee within the census urbanized area identified by the 2010 decennial census that includes, at a minimum:	<p>(1) An updated map of the MS4 owned or operated by the permittee within the 2020 census urban areas with a population of least 50,000 and any previous decennial census urbanized area no later than 24 months after the permit effective date that includes, at a minimum:</p> <p>Rationale: The revision was made to require permittees to include any expanded area due to the 2020 Census. This language was added due to public and EPA comments, and EPA clarified their stance on the Census Bureau's changes to urbanized areas.</p> <p>Impact: Permittees must evaluate their MS4 service area in comparison to the 2020 urban area maps.</p>

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Part I E.3.a(2)		The permittee shall maintain an information table associated with the storm sewer system map that includes the following information for each outfall or point of discharge for those cases in which the permittee elects to map the known point of discharge in accordance with Part I E 3 a (1) (a):	<p>The permittee shall maintain an outfall information table associated with the MS4 map that includes the following information for each outfall or point of discharge for those cases in which the permittee elects to map the known point of discharge in accordance with Part I E 3 a (1) (a). The outfall information table may be maintained as a shapefile attribute table. The outfall information table shall contain the following:</p> <p>Rationale: Revised language to clarify the use of GIS-compatible data tables and what information is required for the outfall information table.</p> <p>Impact: Makes maintaining the table less burdensome and more useful to the permittees.</p>
Part I E.3.a(2)(f)		An indication as to whether the receiving water is listed as impaired in the Virginia 2016 305(b)/303(d) Water Quality Assessment Integrated Report; and	<p>An indication as to whether the receiving water is listed as impaired in the Virginia 2020 305(b)/303(d) Water Quality Assessment Integrated Report; and</p> <p>Rationale: Update date to the most current report.</p> <p>No Impact.</p>
Part I E.3.a(2)(g)		The predominant land use for each outfall discharging to an impaired water; and	<p>Removed.</p> <p>Rationale: Predominant land use information is not useful and burdensome for the permittees.</p> <p>Impact: Less burdensome tracking requirements for the permittee without sacrificing useful information.</p>
Part I E.3.a.(3) *		No later than July 1, 2019, the permittee shall submit to DEQ, a GIS-compatible shapefile of the permittee's MS4 map as described in Part I E 3 a. If the permittee does not have an MS4 map in a GIS format, the permittee shall provide the map as a PDF document.	<p>No later than 24 months after permit issuance, the permittee shall submit to DEQ, a format file geodatabase or two shapefiles that contain at a minimum:</p> <p>(a) A point feature class or shapefile for outfalls with an attribute table containing outfall data elements required in accordance with Part I E 3 a (2); and</p>

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			<p>(b) A polygon feature class or shapefile for the MS4 service area as required in accordance with Part I E 3 a (1) (d) with an attribute table containing the following information:                      (i) MS4 operator name;                      (ii) MS4 permit number (VAR04); and                      (iii) MS4 service area total acreage rounded to the nearest hundredth.</p> <p>Rational: Revised language to specify GIS-compatible formats for GIS data submittals to ensure consistency in data received by the department.</p> <p>Removed "If the permittee does not have an MS4 map in a GIS compatible format, the permittee shall provide the map as a PDF document" since open-source geospatial data software is available for use to permittees and there are also recorded tutorial resources for software use training available on YouTube, etc.</p> <p>Added (a) and (b) to ensure consistency and adequate detail of the MS4 service area and data.</p> <p>Impact: All map submittals will be compatible with Agency GIS systems and guidelines.</p>
N/A	Part I E.3.a(4) *	None.	<p>All file geodatabase feature classes or shapefiles shall be submitted in the following data format standards:                      (a) Point data in NAD83 or WGS84 decimal degrees global positional system coordinates;                      (b) Data projected in Virginia Lambert Conformal Conic format;                      (c) Outfall location accuracy shall be represented in decimal degrees rounded to at least the fifth decimal place for latitude and longitude to ensure point location accuracy (e.g., 37.61741, -78.15279); and                      (d) Metadata that shall provide a description of each feature class or shapefile dataset, units of measure as applicable, coordinate system, and projection.</p>

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			<p>Rationale: Added (4) to ensure consistency and adequate detail of the MS4 service area and data.</p> <p>Impact: Makes map files uniform, and more useful for various application, as well being compatible with Agency systems and guidelines.</p>
Part I E.3.a(4)	Part I E.3.a(5)	No later than October 1 of each year, the permittee shall update the MS4 map and outfall information table to include any new outfalls constructed or TMDLs approved or both during the immediate preceding reporting period.	<p>Renumbered, no change.</p> <p>No impact.</p>
Part I E.3.a(5)	Part I E.3.a(6)	The permittee shall provide written notification to any downstream adjacent MS4 of any known physical interconnection established or discovered after the effective date of this permit.	<p>Re-numbered, no change.</p> <p>No impact.</p>
Part I E.3.c(2)(d) *	Part I E.3.c(2)(d)-(g)	<p>(d) A mechanism to track the following information:</p> <ul style="list-style-type: none"> <li>(i) The unique outfall identifier;</li> <li>(ii) Time since the last precipitation event;</li> <li>(iii) The estimated quantity of the last precipitation event;</li> <li>(iv) Site descriptions (e.g., conveyance type and dominant watershed land uses);</li> <li>(v) Whether or not a discharge was observed; and</li> <li>(vi) If a discharge was observed, the estimated discharge rate (e.g., width and depth of discharge flow rate) and visual characteristics of the discharge (e.g., odor, color, clarity, floatables, deposits or stains, vegetation condition,</li> </ul>	<p>(d) The permittee may adopt a risk-based approach to dry weather screening identifying observation points based upon illicit discharge risks upstream of an outfall. Observation points may include points of interconnection, manholes, points of discharge, conveyances, or inlets suspected to have a high likelihood of receiving illicit discharges;</p> <p>(e) Each observation point screened may be counted as one outfall screening activity equivalent and counted towards the requirements of Part I E 3 c (2) (b) or (2) (c); however, at least 50% of the minimum annual screening events must include outfall screening;</p> <p>(f) Illicit discharges reported by the public and subsequent investigations may not be counted as screening events; however once the resolution of the investigation and the date the investigation was closed has been documented, an observation point may</p>

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		structural condition, and biology).	<p>be established for future screening events; and</p> <p>Rationale: (d) was revised and (e)-(f) were added to expand the dry weather screening program to incorporate an optional risk based approach that goes beyond the outfall, based upon permittee historical programmatic IDDE knowledge and land use that allows for a more targeted approach. This risk-based option may allow for better resource allocation and a potentially more productive and directed screening efforts.</p> <p>Impact: Increased flexibility for achieving permit conditions and program enhancement.</p> <p>(g) A checklist or mechanism to track the following information for dry weather screening events:                      (i) The unique identifier for the outfall or observation point;                      (ii) Time since the last precipitation event;                      (iii) The estimated quantity of the last precipitation event;                      (iv) Site descriptions (e.g., conveyance type and dominant watershed land uses);                      (v) Observed indicators of possible illicit discharge events such as, floatables, deposits, stains, and vegetative conditions (e.g., dying or dead vegetation, excessive vegetative growth, etc.);                      (vi) Whether or not a discharge was observed;                      (vii) If a discharge was observed, the estimated discharge rate and visual characteristics of the discharge (e.g., odor, color, clarity) and the physical condition of the outfall; and                      (viii) For observation points, the location, downstream outfall unique identifier, and risk factors or rationale for establishing the observation point.</p> <p>Rationale: Dry weather screening information tracking was reformatted</p>

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			<p>and revised to incorporate the potential use of observation points for risk-based approaches.</p> <p>Observed indicators of illicit discharges were moved to (v) and the indicator list was expanded to ensure illicit discharge indicators are part of all dry-weather screening events and not limited to outfalls with an observed discharge present during inspection.</p> <p>Impact: Dry weather screening enhanced effectiveness.</p>
Part I E.3.d(1)		The MS4 map and information table required by Part I E 3 a. The map and information table may be incorporated into the MS4 program plan by reference. The map shall be made available to the department within 14 days upon request;	<p>The MS4 map and outfall information table required by Part I E 3 a. The map and outfall information table may be incorporated into the MS4 program plan by reference. The map shall be made available to the department within 14 days upon request;</p> <p>Rationale: Added “outfall” descriptor for “information table” clarification.</p> <p>No impact.</p>
Part I E.3.d(2)		Copies of written notifications of new physical interconnections given by the permittee to other MS4s; and	<p>Copies of written notifications of physical interconnections given by the permittee to other MS4s; and</p> <p>Rationale: Removed “new” to require that all physical interconnections to other regulated permittees are provided written notification.</p> <p>No impact.</p>
Part I E.3.e(1)-(3)		<p>(1) A confirmation statement that the MS4 map and information table have been updated to reflect any changes to the MS4 occurring on or before June 30 of the reporting year;</p> <p>(2) The total number of outfalls screened during the reporting period as part of the dry weather screening program; and</p>	<p>(1) A confirmation statement that the MS4 map and outfall information table have been updated to reflect any changes to the MS4 occurring on or before June 30 of the reporting year;</p> <p>(2) The total number of outfalls and observation points screened during the reporting period as part of the dry weather screening program; and</p> <p>(3) A list of illicit discharges to the MS4 including spills reaching the MS4 with information as follows:</p>

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		<p>(3) A list of illicit discharges to the MS4 including spills reaching the MS4 with information as follows:</p> <p>(a) The source of illicit discharge;</p>	<p>(a) The location and source of illicit discharge;</p> <p>Rationale: (1) Added “outfall” to “information table”, (2) added “and observation points,” and (3) (a) added “location and” to “source of illicit discharge” for clarification.</p> <p>No impact.</p>
Part I E.4		Construction site stormwater runoff.	<p>Construction site stormwater runoff and erosion and sediment control.</p> <p>Rationale: Added “and erosion and sediment control” for clarification on other state programs utilized for satisfying Part I E 4 requirements.</p> <p>No impact.</p>
Part I E.4.a (1) and (2)		<p>(1) If the permittee is a city, county, or town that has adopted a Virginia Erosion and Sediment Control Program (VESCP), the permittee shall implement the VESCP consistent with the Virginia Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq. of the Code of Virginia) and Virginia Erosion and Sediment Control Regulations (9VAC25-840);</p> <p>(2) If the permittee is a town that has not adopted a VESCP, implementation of a VESCP consistent with the Virginia Erosion and Sediment Control Law (§ 62.1-44:15:51 et seq. of the Code of Virginia) and Virginia Erosion and Sediment Control Regulations (9VAC25-840) by the surrounding county shall constitute compliance with Part I E 4 a; such town shall notify the surrounding county of erosion, sedimentation or other</p>	<p>(1) If the traditional permittee is a city, county, or town that has adopted a Virginia Erosion and Sediment Control Program (VESCP), the permittee shall implement the VESCP consistent with the Virginia Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq. of the Code of Virginia) and Virginia Erosion and Sediment Control Regulations (9VAC25-840);</p> <p>(2) If the traditional permittee is a town that has not adopted a VESCP, implementation of a VESCP consistent with the Virginia Erosion and Sediment Control Law (§ 62.1-44:15:51 et seq. of the Code of Virginia) and Virginia Erosion and Sediment Control Regulations (9VAC25-840) by the surrounding county shall constitute compliance with Part I E 4 a; such town shall notify the surrounding county of erosion, sedimentation or other construction stormwater runoff problems;</p> <p>Rationale: Added “traditional” permittee qualifier to (1) and (2) for clarification.</p> <p>No impact.</p>



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		construction stormwater runoff problems;	
Part I E.4.a(3), (4) and (5)		<p>(3) If the permittee is a state agency; public institution of higher education including community colleges, colleges, and universities; or federal entity and has developed standards and specifications in accordance with the Virginia Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq. of the Code of Virginia) and Virginia Erosion and Sediment Control Regulations (9VAC25-840), the permittee shall implement the most recent department approved standards and specifications; or</p> <p>(4) If the permittee is a state agency; public institution of higher education including community colleges, colleges, and universities; or federal entity and has not developed standards and specifications in accordance with the Virginia Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq. of the Code of Virginia) and Virginia Erosion and Sediment Control Regulations (9VAC25-840), the permittee shall inspect all land disturbing activities as defined in § 62.1-44.15:51 of the Code of Virginia that result in the disturbance activities of 10,000 square feet or greater, or 2,500 square feet or greater in accordance with areas designated under the Chesapeake Bay</p>	<p>(3) If the nontraditional permittee is a state agency; public institution of higher education including community colleges, colleges, and universities; or federal entity and has developed standards and specifications in accordance with the Virginia Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq. of the Code of Virginia) and Virginia Erosion and Sediment Control Regulations (9VAC25-840), the permittee shall implement the most recent department approved standards and specifications; or</p> <p>(4) If the nontraditional permittee is a state agency; public institution of higher education including community colleges, colleges, and universities; or federal entity and has not developed standards and specifications in accordance with the Virginia Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq. of the Code of Virginia) and Virginia Erosion and Sediment Control Regulations (9VAC25-840), the permittee shall inspect all land disturbing activities as defined in § 62.1-44.15:51 of the Code of Virginia that result in the disturbance of 10,000 square feet or greater, or 2,500 square feet or greater in accordance with areas designated under the Chesapeake Bay Preservation Act, as follows:</p> <p>(5) If the nontraditional permittee is a school board or other local government body, the permittee shall inspect those projects resulting in a land disturbance as defined in § 62.1-44.15.51 of the Code of Virginia occurring on lands owned or operated by the permittee that result in the disturbance of 10,000 square feet or greater, 2,500 square feet or greater in accordance with areas designated under the Chesapeake Bay Preservation Act, or in accordance with more stringent</p>

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		<p>Preservation Act, as follows:</p> <p>(5) If the permittee is a subdivision of a local government such as a school board or other local government body, the permittee shall inspect those projects resulting in a land disturbance as defined in § 62.1-44.15.51 of the Code of Virginia occurring on lands owned or operated by the permittee that result in the disturbance of 10,000 square feet or greater, 2,500 square feet or greater in accordance with areas designated under the Chesapeake Bay Preservation Act, or in accordance with more stringent thresholds established by the local government, as follows:</p>	<p>thresholds established by the local government, as follows:</p> <p>Rationale: Added “nontraditional” permittee qualifier to (3), (4), and (5) for clarification.</p> <p>No impact.</p>
Part I E.4.b		<p>The permittee shall require implementation of appropriate controls to prevent nonstormwater discharges to the MS4, such as wastewater, concrete washout, fuels and oils, and other illicit discharges identified during land disturbing activity inspections of the MS4. The discharge of nonstormwater discharges other than those identified in 9VAC25-890-20 D through the MS4 is not authorized by this state permit.</p>	<p>The permittee shall require implementation of appropriate controls to prevent nonstormwater discharges to the MS4, such as wastewater, concrete washout, fuels and oils, and other illicit discharges identified during land disturbing activity inspections. The discharge of nonstormwater discharges other than those identified in 9VAC25-890-20 D through the MS4 is not authorized by this state permit.</p> <p>Rationale: Removed “of the MS4” for clarification.</p> <p>No impact.</p>
Part I E 6 I (5)	Part I E 4 c	<p>Employees and contractors serving as plan reviewers, inspectors, program administrators, and construction site operators shall obtain the appropriate certifications as required under the Virginia Erosion and Sediment Control Law</p>	<p>Moved from MCM6 to MCM4 requirements to include certification requirements with other erosion and sediment control permit conditions. No change.</p> <p>No impact.</p>

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		and its attendant regulations;	
Part I E 4 c	Part I E 4 d	The permittee's MS4 program plan shall include:	Rationale: Moved to d. No change. No impact
Part I E 4 c (1)	Part I E 4 d (1)	If the permittee implements a construction site stormwater runoff control program in accordance with Part I E 4 a (1), the local ordinance citations for the VESCP program;	If the permittee implements an erosion and sediment control program for construction site stormwater runoff in accordance with Part I E 4 a (1), the local ordinance citations for the VESCP program;  Rationale: Added "erosion and sediment control program" for clarification.  No impact.
Part I E 4 c (2)	Part I E 4 d (2) and (3)	(2) If the permittee implements a construction site stormwater runoff control program in accordance with Part I E 4 a (3):	(2) If the permittee is a town that does not implement an erosion and sediment control program for construction site stormwater runoff in accordance with Part I E 4 a (2), the county ordinance citations for the VESCP program the town is subject to; (3) If the permittee implements annual standards and specifications for erosion and sediment control and construction site stormwater runoff in accordance with Part I E 4 a (3):  Rationale: Added (2) for clarification on towns that do not implement an erosion and sediment control program.  No impact.
Part I E 4 c (3)	Part I E 4 d (4)	(3) A description of the legal authorities utilized to ensure compliance with Part I E 4 a to control construction site stormwater runoff control such as ordinances, permits, orders, specific contract language, policies, and interjurisdictional agreements;	(4) A description of the legal authorities utilized to ensure compliance with Part I E 4 a for erosion and sediment control and construction site stormwater runoff control such as ordinances, permits, orders, specific contract language, policies, and interjurisdictional agreements;  Rationale: Reworded for clarity.  No impact.
Part I E 4 c (4)	Part I E 4 d (5)	(4) Written inspection procedures to ensure the erosion and sediment controls are properly implemented and all	(5) For traditional permittees, written inspection procedures to ensure VESCP requirements are maintained in accordance with 9VAC25-840-90 A and onsite erosion and sediment

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		<p>associated documents utilized during inspection including the inspection schedule;</p>	<p>controls are properly implemented in accordance with 9VAC25-840-60 B;</p> <p>Rationale: Reformatted to apply to traditional permittees with erosion and sediment control program requirements for written inspection procedures and inspection schedules to reduce regulatory redundancy.</p> <p>No impact.</p>
<p>Part I E 4 c (5) *</p>	<p>Part I E 4 d (6)-(8)</p>	<p>(5) Written procedures for requiring compliance through corrective action or enforcement action to the extent allowable under federal, state, or local law, regulation, ordinance, or other legal mechanisms; and</p>	<p>(6) For nontraditional permittees, erosion and sediment control plans or annual standards and specifications shall be approved by the department in accordance with § 62.1-44.15:55 of the Code of Virginia. Compliance with approved erosion and sediment control plans or annual standards and specifications shall be ensured by the permittee with written inspection procedures that at minimum include the following:</p> <p>(a) An inspection checklist for documenting onsite erosion and sediment control structures and systems are properly maintained and repaired as needed to insure continued performance of their intended function; and</p> <p>(b) A list of all associated documents utilized for inspections including checklists, department approved erosion and sediment control plans, or the most recently department approved annual standards and specifications, and any other documents utilized;</p> <p>(7) Traditional permittees shall maintain written procedures for requiring VESCP compliance through corrective action or enforcement action in accordance with § 62.1-44.15:58 of the Code of Virginia;</p> <p>(8) Nontraditional permittees shall maintain written procedures for requiring compliance with department approved erosion and sediment control plans and annual standards and specifications through corrective action or enforcement action to the extent allowable under federal, state, or local</p>

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			<p>law, regulation, ordinance, or other legal mechanisms; and</p> <p>Rationale: Clarified expectations for traditional and nontraditional permittees to facilitate nontraditional permittee compliance.</p> <p>Impact: Streamlines traditional permittee requirements and clarifies nontraditional permittee expectations.</p>
Part I E 4 c (6)	Part I E 4 d (9)	The roles and responsibilities of each of the permittee's departments, divisions, or subdivisions in implementing the construction site stormwater runoff control requirements in Part I E 4.	<p>The roles and responsibilities of each of the permittee's departments, divisions, or subdivisions in implementing erosion and sediment control and construction site stormwater runoff control requirements in Part I E 4.</p> <p>Rationale: Added "erosion and sediment control" for clarification.</p> <p>No impact.</p>
Part I E 4 d	Part I E 4 e	<p>The annual report shall include the following:</p> <p>(1) If the permittee implements a construction site stormwater runoff program in accordance with Part I E 4 a (3):</p> <p>(a) A confirmation statement that land disturbing projects that occurred during the reporting period have been conducted in accordance with the current department approved standards and specifications for erosion and sediment control; and</p> <p>(b) If one or more of the land disturbing projects were not conducted with the department approved standards and specifications, an explanation as to why the projects did not conform to the approved standards and specifications.</p> <p>(2) Total number of inspections conducted; and</p>	<p>The annual report shall include the following:</p> <p>(1) Total number of erosion and sediment control inspections conducted;</p> <p>(2) Total number of each type of compliance action and enforcement action implemented; and</p> <p>Rationale: Revised for clarity.</p> <p>No impact.</p> <p>(3) For nontraditional permittees:</p> <p>(a) A confirmation statement that land disturbing projects that occurred during the reporting period have been conducted in accordance with the current department approved annual standards and specifications for erosion and sediment control; and</p> <p>(b) If any land disturbing projects were conducted without department approved annual standards and specifications, a list of all land disturbing projects that occurred during the reporting period with erosion and sediment control plan approval dates for each project.</p>

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		(3) The total number and type of enforcement actions implemented and the type of enforcement actions.	<p>Rationale: Revised for nontraditional clarification.</p> <p>No impact.</p>
Part I E 5 a (1) and (2)		<p>(1) If the permittee is a city, county, or town, with an approved Virginia Stormwater Management Program (VSMP), the permittee shall implement the VSMP consistent with the Virginia Stormwater Management Act (§ 62.1-44.15:24 et seq. of the Code of Virginia) and VSMP Regulations (9VAC25-870) as well as develop an inspection and maintenance program in accordance with Parts I E 5 b and c;</p> <p>(2) If the permittee is a town that has not adopted a VSMP, implementation of a VSMP consistent with the Virginia Stormwater Management Act (§ 62.1-44.15:24 et seq. of the Code of Virginia) and VSMP Regulations (9VAC25-870) by the surrounding county shall constitute compliance with Part I E 5 a; such town shall notify the surrounding county of erosion, sedimentation, or other post-construction stormwater runoff problems and develop an inspection and maintenance program in accordance with Part I E 5 b and c;</p>	<p>(1) If the traditional permittee is a city, county, or town, with an approved Virginia Stormwater Management Program (VSMP), the permittee shall implement the VSMP consistent with the Virginia Stormwater Management Act (§ 62.1-44.15:24 et seq. of the Code of Virginia) and VSMP Regulations (9VAC25-870) as well as maintain an inspection and maintenance program in accordance with Part I E 5 b and c;</p> <p>(2) If the traditional permittee is a town that has not adopted a VSMP, implementation of a VSMP consistent with the Virginia Stormwater Management Act (§ 62.1-44.15:24 et seq. of the Code of Virginia) and VSMP Regulations (9VAC25-870) by the surrounding county shall constitute compliance with Part I E 5 a; such town shall notify the surrounding county of erosion, sedimentation, or other post-construction stormwater runoff problems and maintain an inspection and maintenance program in accordance with Part I E 5 c and d;</p> <p>Rationale: Added “traditional” permittee qualifier for clarification.</p> <p>No impact.</p>
N/A	Part I E 5 a (3) *	None.	If the traditional permittee is a city, county, or town receiving initial permit coverage during the permit term and must obtain VSMP approval from the department, the permittee shall implement the VSMP consistent with the Virginia Stormwater Management

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			<p>Act (§ 62.1-44.15:24 et seq. of the Code of Virginia) and VSMP Regulations (9VAC25-870) as well as develop an inspection and maintenance program in accordance with Part I E 5 b and c no later than 60 months after receiving permit coverage;</p> <p>Rationale: Permit condition for new traditional permittees recognizing they may be required to adopt a VSMP program if not already a VSMP authority.</p> <p>Impact: Gives new traditional permittees time to develop VSMP.</p>
Part I E 5 a (3)-(5)	Part I E 5 a (4)-(6)	<p>(3) If the permittee is a state agency; public institution of higher education including community colleges, colleges, and universities; or federal entity and has developed standards and specifications in accordance with the Virginia Stormwater Management Act (§ 62.1-44.15:24 et seq. of the Code of Virginia) and VSMP Regulations (9VAC25-870), the permittee shall implement the most recent department approved standards and specifications and develop an inspection and maintenance program in accordance with Part I E 5 b;</p> <p>(4) If the permittee is a subdivision of a local government such as a school board or other local government body, the permittee shall implement a post-construction stormwater runoff control program through compliance with 9VAC25-870 or in accordance with</p>	<p>(4) If the nontraditional permittee is a state agency; public institution of higher education including community colleges, colleges, and universities; or federal entity and has developed standards and specifications in accordance with the Virginia Stormwater Management Act (§ 62.1-44.15:24 et seq. of the Code of Virginia) and VSMP Regulations (9VAC25-870), the permittee shall implement the most recent department approved standards and specifications and maintain an inspection and maintenance program in accordance with Part I E 5 b;</p> <p>(5) If the nontraditional permittee is a state agency; public institution of higher education, including community colleges, colleges, and universities; or federal entity, and has not developed standards and specifications in accordance with the Virginia Stormwater Management Act (§ 62.1-44.15:24 et seq. of the Code of Virginia) and VSMP Regulations (9VAC25-870), the permittee shall implement a post-construction stormwater runoff control program through compliance with 9VAC25-870 and with the implementation of a maintenance and inspection program consistent with Part I E 5 b no later</p>

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		<p>more stringent local requirements, if applicable, and with the implementation of a maintenance and inspection program consistent with Part I E 5 b. If the nontraditional permittee is a state agency; public institution of higher education including community colleges, colleges, and universities; or federal entity and has not developed standards and specifications in accordance with the Virginia Stormwater Management Act (§ 62.1-44.15:24 et seq. of the Code of Virginia) and Virginia Stormwater Management Regulations (9VAC25-870) the permittee shall implement a post-construction stormwater runoff control program through compliance with 9VAC25-870 and with the implementation of a maintenance and inspection program consistent with Part I E 5 b; or</p> <p>(5) If the permittee is a school board or other local government body, the permittee shall implement a post-construction stormwater runoff control program through compliance with 9VAC25-870 or in accordance with more stringent local requirements, if applicable, and with the implementation of a maintenance and inspection program consistent with Part I E 5 b.</p>	<p>than 60 months after receiving permit coverage; or</p> <p>(6) If the nontraditional permittee is a school board or other local government body, the permittee shall implement a post-construction stormwater runoff control program through compliance with 9VAC25-870 or in accordance with more stringent local requirements, if applicable, and with the implementation of a maintenance and inspection program consistent with Part I E 5 b.</p> <p>Rationale: Added “nontraditional” qualifier for clarity.</p> <p>No impact.</p>
Part I E 5 b		The permittee shall implement an inspection and maintenance program	The permittee shall implement an inspection and maintenance program for those stormwater management



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		for those stormwater management facilities owned or operated by the permittee that discharges to the MS4 as follows:	<p>facilities owned or operated by the permittee as follows:</p> <p>Rationale: Removed “that discharges to the MS4” for clarification because stormwater management facilities owned or operated by the permittee within the MS4 service area are inherently part of the permittee’s system regardless of whether the facility discharges to the MS4.</p> <p>No impact.</p>
Part I E 5 b (1)		(1) The permittee shall develop and maintain written inspection and maintenance procedures in order to ensure adequate long-term operation and maintenance of its stormwater management facilities.	<p>(1) Within six months of the permit effective date, the permittee shall develop and maintain written inspection and maintenance procedures in order to ensure adequate long-term operation and maintenance of its stormwater management facilities. The permittee may use inspection and maintenance specifications available from the Virginia Stormwater BMP Clearinghouse or inspection and maintenance plans developed in accordance with the department’s Stormwater Local Assistance Fund (SLAF) guidelines;</p> <p>Rationale: Added clarification that permittees may utilized established inspection and maintenance specifications or maintenance plans. In addition, this language was added due to public and EPA comments</p> <p>Impact: Reduces duplication of permittee efforts to develop procedures and promotes consistency with state specifications. Newly designated permittees will have adequate time to develop their MS4 program.</p>
Part I E 6 I (6)	Part I E 5 (2)	Employees and contractors implementing the stormwater program shall obtain the appropriate certifications as required under the Virginia Stormwater Management Act and its attendant regulations;	<p>Rationale: Moved certification requirements to post-construction stormwater management.</p> <p>No impact.</p>

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
Part I E 5 c		For those permittees described in Part I E 5 a (1) or (2) the permittee shall:	<p>For traditional permittees described in Part I E 5 a (1), (2), or (3), the permittee shall:</p> <p>Rationale: Added “traditional” permittee requirement for clarification.</p> <p>No impact.</p>
Part I E 5 c (2)		Utilize its legal authority for enforcement of the maintenance responsibilities if maintenance is neglected by the owner; and	<p>Utilize its legal authority for enforcement of the maintenance responsibilities in accordance with 9VAC25-870-112 if maintenance is neglected by the owner; and</p> <p>Rationale: Added 9VAC25-870-112 for clarification.</p> <p>No impact.</p>
N/A	Part I E 5 c (4)	None.	<p>The permittee may utilize the inspection reports provided by the owner of a stormwater management facility as part of an inspection and enforcement program in accordance with 9VAC25-870-114 C.</p> <p>Rationale: Added (4) for clarification on satisfying inspection and enforcement program requirements.</p> <p>No impact.</p>
Part I E 5 d-e	Removed	d. The permittee shall maintain an electronic database or spreadsheet of all known permittee-owned or permittee-operated and privately owned stormwater management facilities that discharge into the MS4. The database shall also include all BMPs implemented by the permittee to meet the Chesapeake Bay TMDL load reduction as required in Part II A. A database shall include the following information as applicable: (1) The stormwater management facility or BMP type; (2) The stormwater management facility or	<p>Rationale: Removed because maintaining this database for the purposes of this permit is duplicative of BMP Warehouse Reporting requirements (moved to Part III).</p> <p>Impact: Reduces duplication of tracking and reporting requirements for stormwater management facilities.</p>

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
		<p>BMPs location as latitude and longitude;                      (3) The acres treated by the stormwater management facility or BMP, including total acres, pervious acres, and impervious acres;                      (4) The date the facility was brought online (MM/YYYY). If the date brought online is not known, the permittee shall use June 30, 2005;                      (5) The 6th Order Hydrologic Unit Code in which the stormwater management facility is located;                      (6) Whether the stormwater management facility or BMP is owned or operated by the permittee or privately owned;                      (7) Whether or not the stormwater management facility or BMP is part of the permittee's Chesapeake Bay TMDL action plan required in Part II A or local TMDL action plan required in Part II B, or both;                      (8) If the stormwater management facility or BMP is privately owned, whether a maintenance agreement exists; and                      (9) The date of the permittee's most recent inspection of the BMP.                      e. The electronic database or spreadsheet shall be updated no later than 30 days after a new stormwater management facility is brought online, a new BMP is implemented to meet a TMDL load reduction as required in Part II, or discovered if it is an existing stormwater management facility.</p>	
Part I E 5 f-g *	Part III	f. The permittee shall use the DEQ Construction	Rationale: Moved to Part III in order to clarify stormwater management

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		<p>Stormwater Database or other application as specified by the department to report each stormwater management facility installed after July 1, 2014, to address the control of post-construction runoff from land disturbing activities for which the permittee is required to obtain a General VPDES Permit for Discharges of Stormwater from Construction Activities.</p> <p>g. No later than October 1 of each year, the permittee shall electronically report the stormwater management facilities and BMPs implemented between July 1 and June 30 of each year using the DEQ BMP Warehouse and associated reporting template for any practices not reported in accordance with Part I E 5 f including stormwater management facilities installed to control post-development stormwater runoff from land disturbing activities less than one acre in accordance with the Chesapeake Bay Preservation Act regulations (9VAC25-830) and for which a General VPDES Permit for Discharges of Stormwater from Construction Activities was not required.</p>	<p>facilities are considered a subcategory of BMPs that are defined in the context of Part III.</p> <p>Impact: Clarifies reporting expectations for BMP Warehouse Reporting.</p>
Part I E 5 h (1) (c)	Part I E 5 d (1) (c)	Written procedures for compliance and enforcement of inspection and maintenance requirements for privately owned BMPs.	<p>Written procedures for compliance and enforcement of inspection and maintenance requirements for privately owned stormwater management facilities.</p> <p>Rationale: Changed “BMPs” to “stormwater management facilities” for consistency.</p>

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			No impact.
Part I E 5 h (4)	Part I E 5 d (4)	Written inspection procedures and all associated documents utilized during inspection of stormwater management facilities owned or operated by the permittee;	<p>Written inspection and maintenance procedures and other associated template documents utilized during inspection and maintenance of stormwater management facilities owned or operated by the permittee; and</p> <p>Rationale: Changed for clarity.</p> <p>No impact.</p>
Part I E 5 h (6) *	Removed	The stormwater management facility spreadsheet or database incorporated by reference and the location or webpage address where the spreadsheet or database can be reviewed.	<p>Rationale: Removed database requirement because this program plan element is duplicative of BMP Warehouse reporting.</p> <p>Impact: Reduces permittee program plan update burden.</p>
Part I E 5 i (1)	Part I E 5 e (1)	If the permittee implements a Virginia Stormwater Management Program in accordance with Part I E 5 a (1) and (2):	<p>If the traditional permittee implements a VSMP in accordance with Part I E 5 a (1), (2), and (3):</p> <p>Rationale: Changed for clarity.</p> <p>No impact.</p>
Part I E 5 i (4)	Part I E 5 e (4)	A confirmation statement that the permittee submitted stormwater management facility information through the Virginia Construction Stormwater General Permit database for those land disturbing activities for which the permittee was required to obtain coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities in accordance with Part I E 5 f or a statement that the permittee did not complete any projects requiring coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities; and	<p>For traditional permittees as specified in Part I E 5 a (1), a confirmation statement that the permittee submitted stormwater management facility information through the Virginia Construction Stormwater General Permit database for those land disturbing activities for which the permittee was required to obtain coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities in accordance with Part III B 1 or a statement that the permittee did not complete any projects requiring coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities (9VAC25-880); and</p> <p>Rationale: Changed recognizing nontraditional permittees do not have access to the Virginia Construction Stormwater General Permit database.</p>

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			No impact.
Part I E 5 i (5)	Part I E 5 e (5)	A confirmation statement that the permittee electronically reported BMPs using the DEQ BMP Warehouse in accordance with Part I E 5 g and the date on which the information was submitted.	A confirmation statement that the permittee electronically reported stormwater management facilities using the DEQ BMP Warehouse in accordance with Part III B 1 and 2; and  Rationale: Changed for clarity.  No impact.
N/A	Part I E 5 e (6)	None.	A confirmation statement that the permittee electronically reported stormwater management facilities inspected using BMP Warehouse in accordance with Part III B 5.  Rationale: Annual reporting element for providing most recent inspection dates to BMP Warehouse.  No impact.
Part I E 6 a		The permittee shall maintain and implement written procedures for those activities at facilities owned or operated by the permittee, such as road, street, and parking lot maintenance; equipment maintenance; and the application, storage, transport, and disposal of pesticides, herbicides, and fertilizers designed to:	The permittee shall maintain and implement written good housekeeping procedures for those activities listed in Part I E 6 b at facilities owned or operated by the permittee designed to meet the following objectives:  Rationale: Reformatted to clarify objectives of written good housekeeping procedures.  No impact.
Part I E 6 a (2)		Ensure the proper disposal of waste materials, including landscape wastes	Ensure permittee staff or contractors properly dispose of waste materials, including landscape wastes and prevent waste materials from entering the MS4;  Rationale: Changed for clarity.  No impact.
Part I E 6 a (3)		Prevent the discharge of wastewater or permittee vehicle wash water or both into the MS4 without authorization under a separate VPDES permit;	Prevent the discharge of wastewater or wash water not authorized in accordance with 9VAC25-890-20 D 3 u, into the MS4 without authorization under a separate VPDES permit; and  Rationale: Changed for clarification.

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Part I E 6 a (4)		Require implementation of best management practices when discharging water pumped from utility construction and maintenance activities.	<p>No impact.</p> <p>Minimize the pollutants in stormwater runoff.</p> <p>Rationale: Reformatted this section to reduce redundancy since this objective is in multiple conditions for activities requiring written procedures.</p> <p>No impact.</p>
Part I E 6 a *	Part I E 6 b (1)-(4)	The permittee shall maintain and implement written procedures for those activities at facilities owned or operated by the permittee, such as road, street, and parking lot maintenance; equipment maintenance; and the application, storage, transport, and disposal of pesticides, herbicides, and fertilizers designed to:	<p>The permittee shall develop and implement written good housekeeping procedures that meet the objectives established in Part I E 6 a for the following activities:</p> <p>(1) Road, street, sidewalk, and parking lot maintenance and cleaning;</p> <p>(a) Within 24 months of permit issuance, permittees that apply anti-icing and deicing agents shall update and implement procedures in accordance with this Part 1 E to include implementation of best management practices for anti-icing and deicing agent application, transport, and storage;</p> <p>(b) Procedures developed in accordance with Part 1 E shall prohibit the application of any anti-icing or deicing agent containing urea or other forms of nitrogen or phosphorus;</p> <p>(2) Renovation and significant exterior maintenance activities (e.g., painting, roof resealing, and HVAC coil cleaning) not covered under a separate VSMP construction general permit. The permittee shall develop and implement procedures no later than 36 months of permit issuance;</p> <p>(3) Discharging water pumped from construction and maintenance activities not covered by another permit covering such activities;</p> <p>(4) Temporary storage of landscaping materials;</p> <p>Rationale: Reformatted to clarify activities requiring written good housekeeping procedures. Added (a)</p>

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
			<p>good housekeeping procedures for Road, street, sidewalk, and parking lot maintenance and cleaning anti-icing and deicing agent application update to ensure proper management of anti-icing and deicing activities. Integrated Part I E 6 k into (b). Added (2) since renovation and significant exterior maintenance activities have historically caused compliance issues in the MS4 program. Added (4) to distinguish landscaping temporary storage considerations from long-term bulk storage that meets the definition of a high-priority facility.</p> <p>Impact: Objectives of procedures and activities requiring procedures are clarified for permittees.</p>
Part I E 6 a (5)	Removed	Minimize the pollutants in stormwater runoff from bulk storage areas (e.g., salt storage, topsoil stockpiles) through the use of best management practices;	<p>Rationale: Removed as this provision is redundant and overlaps provisions on high-priority facilities.</p> <p>Impact: Eliminated overlapping permit conditions.</p>
Part I E 6 a (6)	Part I E 6 b (5)	Prevent pollutant discharge into the MS4 from leaking municipal automobiles and equipment; and	<p>Maintenance of permittee owned or operated vehicles and equipment (i.e., prevent pollutant discharges from leaking permittee vehicles and equipment);</p> <p>Rationale: Reformatted to fit activity list format.</p> <p>No impact.</p>
Part I E 6 a (7)	Part I E 6 b (6)-(7)	Ensure that the application of materials, including fertilizers and pesticides, is conducted in accordance with the manufacturer's recommendations.	<p>(6) Application of materials, including pesticides, and herbicides shall not exceed manufacturer's recommendations; and</p> <p>(7) Application of fertilizer shall not exceed maximum application rates established by applicable nutrient management plans. For areas not covered under nutrient management plans where fertilizer is applied, application rates shall not exceed manufacturer's recommendations.</p> <p>Rationale: Reformatted to clearly identify activity requiring a procedure with nutrient management plan considerations.</p>



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			No impact.
Part I E 6 b	Part I E 6 c	The written procedures established in accordance with Part I E 6 a shall be utilized as part of the employee training program at Part I E 6 m.	<p>The permittee shall require through the use of contract language, training, written procedures, or other measures within the permittee's legal authority that contractors employed by the permittee and engaging in activities described in Part I E 6 b follow established good housekeeping procedures and use appropriate control measures to minimize the discharge of pollutants to the MS4.</p> <p>Rationale: Moved to proceed procedure requirements. Added language for clarification on good housekeeping procedures and appropriate control measures.</p> <p>No impact.</p>
Part I E 6 m-o	Part I E 6 d-f	<p>m. The permittee shall develop a training plan in writing for applicable staff that ensures the following:</p> <p>(1) Field personnel receive training in the recognition and reporting of illicit discharges no less than once per 24 months;</p> <p>(2) Employees performing road, street, and parking lot maintenance receive training in pollution prevention and good housekeeping associated with those activities no less than once per 24 months;</p> <p>(3) Employees working in and around maintenance, public works, or recreational facilities receive training in good housekeeping and pollution prevention practices associated with those facilities no less than once per 24 months;</p>	<p>d. The written procedures established in accordance with Part I E 6 a and b shall be utilized as part of the employee training program at Part I E 6 m. and the permittee shall develop a written training plan for applicable field personnel that ensures the following:</p> <p>(1) Applicable field personnel shall receive training in the prevention, recognition, and elimination of illicit discharges no less often than once per 24 months;</p> <p>(2) Employees performing road, street, sidewalk, and parking lot maintenance shall receive training in good housekeeping procedures required under Part I E 6 b 1 no less often than once per 24 months;</p> <p>(3) Employees working in and around facility maintenance, public works, or recreational facilities shall receive training in applicable Part I E 6 a and b good housekeeping procedures required no less often than once per 24 months;</p> <p>(4) Employees working in and around high-priority facilities with a stormwater pollution prevention plan (SWPPP) shall receive training in applicable site specific SWPPP procedures no less often than once per 24 months;</p>

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		<p>(4) Employees and contractors hired by the permittee who apply pesticides and herbicides are trained or certified in accordance with the Virginia Pesticide Control Act (§ 3.2-3900 et seq. of the Code of Virginia). Certification by the Virginia Department of Agriculture and Consumer Services (VCACS) Pesticide and Herbicide Applicator program shall constitute compliance with this requirement;</p> <p>(5) Employees and contractors serving as plan reviewers, inspectors, program administrators, and construction site operators obtain the appropriate certifications as required under the Virginia Erosion and Sediment Control Law and its attendant regulations;</p> <p>(6) Employees and contractors implementing the stormwater program obtain the appropriate certifications as required under the Virginia Stormwater Management Act and its attendant regulations; and</p> <p>(7) Employees whose duties include emergency response have been trained in spill response. Training of emergency responders such as firefighters and law-enforcement officers on the handling of spill releases as part of a larger emergency response training</p>	<p>(5) Employees whose duties include emergency spill control and response shall be trained in spill control and response. Emergency responders such as firefighters and law-enforcement officers, trained on the handling of spill control and response as part of a larger emergency response training shall satisfy this training requirement and be documented in the training plan; and</p> <p>(6) Employees and contractors hired by the permittee who apply pesticides and herbicides shall be trained and certified in accordance with the Virginia Pesticide Control Act (§ 3.2-3900 et seq. of the Code of Virginia). Certification by the Virginia Department of Agriculture and Consumer Services (VDACS) Pesticide and Herbicide Applicator program shall constitute compliance with this requirement. Contracts for the application of pesticide and herbicides executed after the effective date of this permit shall require contractor certification.</p> <p>e. The permittee shall maintain documentation of each training activity conducted by the permittee to fulfill the requirements of Part I E 6 d for a minimum of three years after training activity completion. The documentation shall include the following information:</p> <p>(1) The date when applicable employees have completed the training activity;</p> <p>(2) The number of employees that have completed the training activity; and</p> <p>(3) The training objectives and good housekeeping procedures required under Part I E 6 a covered by training activity.</p> <p>f. The permittee may fulfill the training requirements in Part I E 6 d, in total or in part, through regional training programs involving two or more MS4 permittees; however, the permittee shall remain responsible for ensuring</p>

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		<p>shall satisfy this training requirement and be documented in the training plan.</p> <p>n. The permittee shall maintain documentation of each training event conducted by the permittee to fulfill the requirements of Part I E 6 m for a minimum of three years after the training event. The documentation shall include the following information:                      (1) The date of the training event;                      (2) The number of employees attending the training event; and                      (3) The objective of the training event.</p> <p>o. The permittee may fulfill the training requirements in Part I E 6 m, in total or in part, through regional training programs involving two or more MS4 permittees; however, the permittee shall remain responsible for ensuring compliance with the training requirements.</p>	<p>compliance with the training requirements.</p> <p>Rationale: Moved to proceed procedure and contract requirements. Added language for clarification on pesticide management, SWPPP training, and training activities.</p> <p>No impact.</p>
Part I E 6 c *	Part I E 6 g-i	<p>c. Within 12 months of state permit coverage, the permittee shall identify which of the high-priority facilities have a high potential of discharging pollutants. The permittee shall maintain and implement a site specific stormwater pollution prevention plan (SWPPP) for each facility identified. High priority facilities that have a high potential for discharging pollutants are those facilities that are not covered under a separate</p>	<p>g. Within 12 months of permit coverage, the permittee shall identify any new high-priority facilities located in expanded 2020 census urban areas with a population of at least 50,000.</p> <p>h. Within 36 months of permit coverage, the permittee shall implement SWPPPs for high-priority facilities meeting the conditions of Part I E 6 i and which are located in expanded 2020 census urban areas with a population of at least 50,000.</p> <p>i. The permittee shall maintain and implement a site specific stormwater pollution prevention plan (SWPPP) for</p>

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
		<p>VPDES permit and which any of the following materials or activities occur and are expected to have exposure to stormwater resulting from rain, snow, snowmelt or runoff:</p>	<p>each high-priority facility identified. High priority facilities that have a high potential for discharging pollutants are those facilities that are not covered under a as defined in 9VAC25-890-1 that does not have or require separate VPDES permit coverage, and which any of the following materials or activities occur and are expected to have exposure to stormwater resulting from rain, snow, snowmelt or runoff:</p> <p>Rationale: Added new language and moved existing language in g down to i to account for changes due to the 2020 census. This language was added due to public and EPA comments, and EPA clarified their stance on the Census Bureau's changes to urbanized areas.</p> <p>Impact: Permittees will need to evaluate any facilities that are within the 2020 Census expanded areas.</p>
Part I E 6 h	j	h. Each SWPPP as required in Part I E 6 c g shall include the following:.....	Re-lettered from h to j.
Part I E 6 d (4)	Part I E 6 j (4) *	Written procedures designed to reduce and prevent pollutant discharge;	<p>A description of all structural control measures, such as stormwater management facilities and other pollutant source controls, applicable to SWPPP implementation (e.g., permeable pavement or oil-water separators that discharge to sanitary sewer are not applicable to the SWPPP), such as oil-water separators, and inlet protection designed to address potential pollutants and pollutant sources at risk of being discharged to the MS4;</p> <p>Rationale: Revised (4) to include source control description in SWPPP.</p> <p>Impact: Adds crucial information to SWPPPs.</p>
N/A	Part I E 6 j (5) *	None.	A maintenance schedule of all structural stormwater management facilities and other pollutant source controls applicable to SWPPP implementation described in Part I E 6 h (4);

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			<p>Rationale: Added (5) to include source control maintenance schedule in SWPPP.</p> <p>Impact: Adds crucial information to SWPPPs.</p>
Part I E 6 d (6)	Part I E 6 h (6) *	Procedures to conduct an annual comprehensive site compliance evaluation;	<p>Site specific written procedures designed to reduce and prevent pollutant discharge that incorporate by reference applicable good housekeeping procedures required under Part I E 6 a and b;</p> <p>Rationale: Adds crucial information to SWPPPs that may utilize written good housekeeping procedures.</p> <p>Impact: Integrates SWPPPs with good housekeeping procedures.</p>
Part I E 6 d (5)	Part I E 6 j (7) *	A description of the applicable training as required in Part I E 6 m;	<p>A description of the applicable training as required in Part I E 6 d (4);</p> <p>Rationale: Re-lettered from 5 to 7 and corrected permit reference.</p> <p>No impact.</p>
Part I E 6 d (7)	Part I E 6 j (8)	An inspection frequency of no less than once per year and maintenance requirements for site specific source controls. The date of each inspection and associated findings and follow-up shall be logged in each SWPPP; and	<p>An inspection frequency of no less often than once per year and maintenance requirements for site specific source controls. The date of each inspection and associated findings and follow-up shall be logged in each SWPPP;</p> <p>Rationale: Revised for clarity.</p> <p>No impact.</p>
Part I E 6 d (8)	Part I E 6 j (9)	A log of each unauthorized discharge, release, or spill incident reported in accordance with Part III G including the following information: ...	<p>A log of each unauthorized discharge, release, or spill incident reported in accordance with Part IV G including the following information: ...</p> <p>Rationale: Corrected permit reference.</p> <p>No impact.</p>
N/A	Part I E 6 j (10) and (11) *	None.	(10) A log of modifications to the SWPPP made as the result of any unauthorized discharge, release, or spill in accordance Part I E 6 j or changes in facility activities and

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
			<p>operation requiring SWPPP modification; and</p> <p>(11) The point of contact for SWPPP implementation.</p> <p>Rationale: Condition for documenting issues or changes in facility activities requiring SWPPP modification. Added SWPPP point of contact in order for the Department to know whose responsible for SWPPP implementation.</p> <p>Impact: Keeps record of vital changes for SWPPP implementation and promotes transparency.</p>
Part I E 6 e *	Part I E 6 k	<p>No later than June 30 of each year, the permittee shall annually review any high-priority facility owned or operated by the permittee for which a SWPPP has not been developed to determine if the facility has a high potential to discharge pollutants as described in Part I E 6 c. If the facility is determined to be a high-priority facility with a high potential to discharge pollutants, the permittee shall develop a SWPPP meeting the requirements of Part I E 6 d no later than December 31 of that same year.</p>	<p>No later than June 30 of each year, the permittee shall annually review any high-priority facility owned or operated by the permittee for which a SWPPP has not been developed to determine if the facility meets any of the conditions described in Part I E 6 g. If the facility is determined to need a SWPPP, the permittee shall develop an SWPPP meeting the requirements of Part I E 6 h no later than December 31 of that same year. The permittee shall maintain a list of all high-priority facilities owned or operated by the permittee not required to maintain an SWPPP in accordance with Part I E 6 g and this list shall be available upon request.</p> <p>Rationale: Revised to reduce subjectivity and add requirement to maintain a list of high-priority facilities not required to maintain a SWPPP as this information is necessary to track for annual reviews.</p> <p>Impact: Reduces condition subjectivity and enhances high-priority facility tracking.</p>
Part I E 6 j	l	<p>j. The permittee shall review the contents of any site specific SWPPP no later than 30 days after any unauthorized discharge , release, or spill reported in</p>	<p>l. The permittee shall review the contents of any site specific SWPPP no later than 30 days after any unauthorized discharge , release, or spill reported in accordance with Part IV G ...</p>

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		accordance with Part III G ...	Rationale: Corrected permit reference.  No impact.
Part I E 6 g-h *	Part I E 6 m-n	<p>g. The SWPPP shall be kept at the high-priority facility with a high potential to discharge and utilized as part of staff training required in Part I E 6 m. The SWPPP and associated documents may be maintained as a hard copy or electronically as long as the documents are available to employees at the applicable site.</p> <p>h. If activities change at a facility such that the facility no longer meets the criteria of a high-priority facility with a high potential to discharge pollutants as described in Part I E 6 c, the permittee may remove the facility from the list of high-priority facilities with a high potential to discharge pollutants.</p>	<p>m. The SWPPP shall be kept at the high-priority facility and utilized as part of employee SWPPP training required in Part I E 6 m Part I E 6 d (4). The SWPPP and associated documents may be maintained as a hard copy or electronically as long as the documents are available to employees at the applicable site.</p> <p>n. If activities change at a facility such that the facility no longer meets the definition of a high-priority facility, the permittee may remove the facility from the list of high-priority facilities with a high potential to discharge pollutants.</p> <p>Rationale: Removed “with a high potential to discharge pollutants” to reduce subjectivity. Added (m) to distinguish between facility changes in activities that no longer meet the definition of a high-priority facility and changes in activities that no longer require SWPPP coverage.</p> <p>Impact: Clarifies classification of high-priority facilities and SWPPP applicability.</p>
N/A	Part I E 6 o	None.	<p>o. If activities change at a facility such that the facility no longer meets the criteria requiring SWPPP coverage as described in Part I E 6 g, the permittee may remove the facility from the list of high-priority facilities that require SWPPP coverage.</p> <p>Rationale: Added language allowing permitted to remove a facility from the list of high-priority facilities that require SWPPP coverage based on a change in facility activities.</p> <p>Impact: Clarifies classification of high-priority facilities and SWPPP applicability.</p>
Part I E 6 n	p	n. The permittee shall maintain and implement turf	Re-lettered from n to p.

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
		and landscape nutrient management plans that have been developed by a certified turf and landscape nutrient management planner in accordance with § 10.1-104.2...	
N/A	Part I E 6 q-r *	q. Nutrient management plans that are expired as of the effective date of this permit shall be submitted to DCR for renewal within six months after the effective date...	<p>q. Within 12 months of permit coverage, the permittee shall identify contiguous areas greater than one acre located in expanded 2020 census urban areas with population of at least 50,000 and within the permittee's MS4 service area requiring turf and landscape nutrient management plans.</p> <p>r. Within 36 months of permit coverage, the permittee shall implement turf and landscape nutrient management plans on contiguous areas greater than one acre located in expanded 2020 Census urban areas with a population of least 50,000 and within the permittee's MS4 service area.</p> <p>Rationale: Added new language and moved existing language in q down to u to account for changes due to the 2020 census. This language was added due to public and EPA comments, and EPA clarified their stance on the Census Bureau's changes to urbanized areas.</p> <p>Impact: Permittees will need to identify any areas within the expanded MS4 service area due to the 2020 Census where nutrients are applied that meet the criteria.</p>
N/A	Part I E 6 s - v *	None.	s. If nutrients are being applied to achieve final stabilization of a land disturbance project, application shall follow the manufacturer's recommendations. For newly established turf where nutrients are applied to a contiguous area greater than one acre, the permittee shall implement a nutrient management plan no later than six months after the site achieves final stabilization.



Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
			<p>t. Nutrient management plans developed in accordance with Part I E 6 n shall be submitted to the Department of Conservation and Recreation (DCR) for approval.</p> <p>u. Nutrient management plans that are expired as of the effective date of this permit shall be submitted to DCR for renewal no later than six months after the effective date of this permit. Thereafter, all nutrient management plans shall be submitted to DCR at least 30 days prior to nutrient management plan expiration. Within 36 months of permit coverage, no nutrient management plans maintained by the permittee in accordance with Part I E 6 n shall be expired due to DCR documented noncompliance with 4VAC50-85-130 provided to the permittee.</p> <p>v. Nutrient management plans may be maintained as a hard copy or electronically as long as the documents are available to employees at the applicable site.</p> <p>Rationale: Establish timeframe developing and renewing nutrient management plans and clarify DCR's role in plan review and approval.</p> <p>Impact: Requires renewal of expired nutrient management plans in established timeframe and DCR review.</p>
Part I E 6 j	w	j. Permittees with lands regulated under § 10.1-104.4 of the Code of Virginia, including state agencies, state colleges and universities, and other state government entities, shall continue to implement turf and landscape nutrient management plans in accordance with this statutory requirement.	<p>w. Nontraditional permittees with lands regulated under § 10.1-104.4 of the Code of Virginia, including state agencies, state colleges and universities, and other state government entities, shall continue to implement turf and landscape nutrient management plans in accordance with this statutory requirement.</p> <p>Rationale: Added nontraditional qualifier for clarification.</p>

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
Part I E 6 p (1)-(3) *	Part I E 6 x (1)-(3)	<p>(1) The written procedures for the operations and maintenance activities as required by Part I E 6 a;</p> <p>(2) A list of all high-priority facilities owned or operated by the permittee required in accordance with Part I E 6 c, and whether or not the facility has a high potential to discharge;</p> <p>(3) A list of lands for which turf and landscape nutrient management plans are required in accordance with Part I E 6 i and j, including the following information:                      (a) The total acreage on which nutrients are applied;                      (b) The date of the most recently approved nutrient management plan for the property; and                      (c) The location in which the individual turf and landscape nutrient management plan is located;</p>	<p>No impact.</p> <p>(1) A list of written good housekeeping procedures for the operations and maintenance activities as required by Part I E 6 a and b;</p> <p>(2) A list of all high-priority facilities owned or operated by the permittee required to maintain a SWPPP in accordance Part I E 6 g that includes the facility name, facility location, and the location of the SWPPP hardcopy or electronic document being maintained. The SWPPP for each high-priority facility shall be incorporated by reference;</p> <p>(3) A list of locations for which turf and landscape nutrient management plans are required in accordance with Part I E 6 n and s, including the following information:                      (a) The total acreage covered by each nutrient management plan;                      (b) The DCR approval date and expiration date for each nutrient management plan;                      (c) The location of the nutrient management plan hardcopy or electronic document being maintained;</p> <p>Rationale: Require a list of procedures instead of each procedure in its entirety and provided clarification on program plan requirements.</p> <p>Impact: Reduces the need for program plan updates every time a procedure is updated.</p>
Part I E 6 q	Part I E 6 y	<p>The annual report shall include the following:                      (1) A summary of any operational procedures developed or modified in accordance with Part I E 6 a during the reporting period;</p> <p>(2) A summary of any new SWPPPs developed in accordance Part I E 6 c during the reporting period;</p>	<p>The annual report shall include the following:                      (1) A summary of any written procedures developed or modified in accordance with Part I E 6 a and b during the reporting period;</p> <p>(2) A confirmation statement that all high-priority facilities were reviewed to determine if SWPPP coverage is needed during the reporting period;</p>

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
		<p>(3) A summary of any SWPPPs modified in accordance with Part I E 6 f or the rationale of any high priority facilities delisted in accordance with Part I E 6 h during the reporting period;</p> <p>(4) A summary of any new turf and landscape nutrient management plans developed that includes:                      (a) Location and the total acreage of each land area; and (b) The date of the approved nutrient management plan; and</p> <p>(5) A list of the training events conducted in accordance with Part I E 6 m, including the following information:                      (a) The date of the training event;                      (b) The number of employees who attended the training event; and                      (c) The objective of the training event.</p>	<p>(3) A list of any new SWPPPs developed in accordance Part I E 6 i during the reporting period;</p> <p>(4) A summary of any SWPPPs modified in accordance with Part I E 6 j, 6 l, or 6 m;</p> <p>(5) The rationale of any high-priority facilities delisted in accordance with Part I E 6 l or m during the reporting period;</p> <p>(6) The status of each nutrient management plan as of June 30 of the reporting year (e.g., approved, submitted and pending approval, and expired);</p> <p>(7) A list of the training activities conducted in accordance with Part I E 6 d, including the following information:                      (a) The completion date for the training activity;                      (b) The number of employees who completed the training activity; and                      (c) The objectives and good housekeeping procedures covered by the training activity.</p> <p>Rationale: Updated to provide clearer and more useful reporting information.</p> <p>No impact.</p>
Part II A *		Part II A total suspended solids and sediment reduction requirements.	<p>Removed Part II A total suspended solids and sediment reduction requirements.</p> <p>Rationale: On August 12, 2019, the Chesapeake Bay Program Principals' Staff Committee (PSC) approved the process, timeline, and proposed Phase III WIP language for developing the Phase III WIP sediment targets. Virginia included the PSC-approved language in its final Phase III WIP on Page 29, Section 5.2 (Sediment Targets). This language states in part, "Sediment loads are managed in the Bay TMDL to specifically address the water clarity/submerged aquatic vegetation (SAV) water quality</p>

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			<p>standards. Intuitively, it makes sense that the more sediment suspended in the water, the less makes it down to the SAV. Interestingly, research in the Chesapeake Bay has shown that the water clarity/SAV water quality standard is generally more responsive to nutrient load reductions than it is to reduction in sediment loads. This is because the algae that are fueled by the nutrients can block as much, or more, light from reaching the SAV as suspended sediments. The sediment targets will not affect the BMPs called for in the WIP, and are not intended to be the driver for implementation moving forward..."</p> <p>On November 22, 2022 the DEQ Agency Director submitted a letter to the EPA Region 3 Regional Administrator stating: "Based upon the Department of Environmental Quality's (DEQ) understanding of the PSC-approved language, DEQ intends to reissue its MS4 individual permits without the previously required sediment load reductions. The reissued individual permits will continue to include the required nutrient (i.e., total nitrogen and total phosphorus) load reductions at a much accelerated rate to focus on achieving the needed nitrogen and phosphorous reduction. In addition, DEQ intends to revise MS4 general permit regulation to remove the previously required sediment load reductions. The amended general permit regulation will continue to include the required nutrient load reductions."</p> <p>Based upon the above referenced Virginia Phase III WIP and November 22, 2022 letter, the proposed general permit Chesapeake Bay TMDL special condition (Part II A) has been revised, removing previously required sediment reductions under the 2018 general permit. These revisions have not been</p>

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			<p>discussed during TAC meetings; however, the TAC has been notified of the removal of sediment reduction requirements which arose late in the regulatory development process.</p> <p>On November 29, 2022, DEQ presented these amendments to the State Water Control Board and requested authorization to hold a 60-day public comment period specifically soliciting comment on the proposed removal of the sediment reduction requirements under the Chesapeake Bay TMDL special condition.</p> <p>Impact: This change will promote more cost-effective BMP implementation aimed at achieving nutrient reductions consistent with the Chesapeake Bay Phase III WIP goals.</p>
Part II A 1, 2 and 3		<p>1. The Commonwealth in its Phase I and Phase II Chesapeake Bay TMDL Watershed Implementation Plans (WIPs) committed to a phased approach for MS4s, affording MS4 permittees up to three full five-year permit cycles to implement necessary reductions. This permit is consistent with the Chesapeake Bay TMDL and the Virginia Phase I and Phase II WIPs to meet the Level 2 (L2) scoping run for existing developed lands as it represents an implementation of an additional 35% of L2 as specified in the 2010 Phase I and Phase II WIPs. In combination with the 5.0% reduction of L2 that has already been achieved, a total reduction at the end of this permit term of 40% of L2 will be achieved. Conditions of future permits will be consistent with the TMDL or WIP conditions in</p>	<p>1. The Commonwealth in its Phase I, Phase II, and Phase III Chesapeake Bay TMDL Watershed Implementation Plans (WIPs) committed to a phased approach for MS4s, affording MS4 permittees up to three full five-year permit cycles to implement necessary reductions. This permit is consistent with the Chesapeake Bay TMDL and the Virginia Phase I, Phase II, and Phase III WIPs to meet the Level 2 (L2) scoping run for existing developed lands as it represents an implementation of an additional 60% of L2 as specified in the Phase I, Phase II, and Phase III WIPs. In combination with the 40% reduction of L2 that has already been achieved, a total reduction no later than October 31, 2028, of 100% of L2 shall be achieved. Conditions of future permits will be consistent with the TMDL or WIP conditions in place at the time of permit issuance.</p> <p>2. The following definitions apply to Part II of this state permit for the purpose of the Chesapeake Bay TMDL special condition for discharges in the Chesapeake Bay Watershed:</p>

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		<p>place at the time of permit issuance.</p> <p>2. The following definitions apply to Part II of this state permit for the purpose of the Chesapeake Bay TMDL special condition for discharges in the Chesapeake Bay Watershed:</p> <p>"Existing sources" means pervious and impervious urban land uses served by the MS4 as of June 30, 2009.</p> <p>"New sources" means pervious and impervious urban land uses served by the MS4 developed or redeveloped on or after July 1, 2009.</p> <p>"Pollutants of concern" or "POC" means total nitrogen, total phosphorus, and total suspended solids.</p> <p>"Transitional sources" means regulated land disturbing activities that are temporary in nature and discharge through the MS4.</p> <p>3. Reduction requirements. No later than the expiration date of this permit, the permittee shall reduce the load of total nitrogen, total phosphorus, and total suspended solids from existing developed lands served by the MS4 as of June 30, 2009, within the 2010 Census urbanized areas by at least 40% of the Level 2 (L2) Scoping Run Reductions. The 40% reduction is the sum of (i)</p>	<p>"Existing sources" means pervious and impervious urban land uses served by the MS4 as of June 30, 2009.</p> <p>"New sources" means pervious and impervious urban land uses served by the MS4 developed or redeveloped on or after July 1, 2009.</p> <p>"Pollutants of concern" or "POC" means total nitrogen and total phosphorus.</p> <p>"Transitional sources" means regulated land disturbing activities that are temporary in nature and discharge through the MS4.</p> <p>3. Reduction requirements for permittees previously covered under the General VPDES Permit for the Discharge of Stormwater from MS4 effective November 1, 2018. No later than October 31, 2028, the permittee shall reduce the load of total nitrogen and total phosphorus from existing developed lands served by the MS4 as of June 30, 2009, within the 2010 Census urbanized areas by at least 100% of the Level 2 (L2) Scoping Run Reductions. The 100% reduction is the sum of (i) the first phase reduction of 5.0% of the L2 Scoping Run Reductions based on the lands located within the 2000 Census urbanized areas required by June 30, 2018; (ii) the second phase reduction of at least 35% of the L2 Scoping Run based on lands within the 2000 Census urbanized areas required by June 30, 2023; (iii) the second phase reduction of at least 40% of the L2 Scoping Run, which shall only apply to the additional lands that were added by the 2010 expanded Census urbanized areas required by June 30, 2023; and (iv) the third phase reduction of least 60% of the L2 Scoping Run based on lands within the 2000 and 2010 expanded Census urbanized areas required by October 31, 2028. The required</p>

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		<p>the first phase reduction of 5.0% of the L2 Scoping Run Reductions based on the lands located within the 2000 Census urbanized areas required by June 30, 2018; (ii) the second phase reduction of at least 35% of the L2 Scoping Run based on lands within the 2000 Census urbanized areas required by June 30, 2023; and (iii) the reduction of at least 40% of the L2 Scoping Run , which shall only apply to the additional lands that were added by the 2010 expanded Census urbanized areas required by June 30, 2023. The required reduction shall be calculated using Tables 3a, 3b, 3c, and 3d below as applicable:</p>	<p>reduction shall be calculated using Tables 3a, 3b, 3c, and 3d as applicable:</p> <p>Rationale: Updated to include Phase III WIP and requirements for achieving 100% of L2.</p> <p>No impact.</p>
<p>Part II A Table 3 a, b, c, and d</p>		<p>1. Calculation Sheets for Estimating Existing Source Loads and Reduction Requirements James, Potomac, Rappahannock, and York River Basins.</p>	<p>Rationale: Updated each table for calculating 100% cumulative reductions.</p> <p>No impact.</p>
<p>Part II A 4 and 5</p>		<p>4. No later than the expiration date of this permit, the permittee shall offset 40% of the increased loads from new sources initiating construction between July 1, 2009, and June 30, 2019, and designed in accordance with 9VAC25-870 Part II C (9VAC25-870-93 et seq.) if the following conditions apply:</p> <p>5. No later than the expiration date of this permit, the permittee shall offset the increased loads from projects grandfathered in accordance with</p>	<p>4. No later than October 31, 2028, the permittee shall offset 100% of the increased loads from new sources initiating construction between July 1, 2009, and October 31, 2023, and designed in accordance with 9VAC25-870 Part II C (9VAC25-870-93 et seq.) if the following conditions apply:</p> <p>5. No later than October 31, 2028, the permittee shall offset the increased loads from projects grandfathered in accordance with 9VAC25-870-48 that begin construction after July 1, 2014, if the following conditions apply:</p> <p>Rationale: Updated to 100% reductions.</p> <p>No impact.</p>

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		9VAC25-870-48 that begin construction after July 1, 2014, if the following conditions apply:	
N/A	Part II A 7	None.	<p>40% of L2 reductions for total nitrogen and total phosphorus shall be maintained by the permittee during the permit term.</p> <p>Rationale: Added to verify the permittee does not drop below the minimum 40% reduction required in the existing permit term.</p> <p>Impact: No impact.</p>
Part II A 11	Part II A 12	<p>11. No later than 12 months after the permit effective date, the permittee shall submit an updated Phase III Chesapeake Bay TMDL action plan for the reductions required in Part II A 3, A 4, and A 5 that includes the following information:</p> <p>a. Any new or modified legal authorities, such as ordinances, permits, policy, specific contract language, orders, and interjurisdictional agreements, implemented or needed to be implemented to meet the requirements of Part II A 3, A 4, and A 5.</p> <p>b. The load and cumulative reduction calculations for each river basin calculated in accordance with Part II A 3, A 4, and A 5.</p> <p>c. The total reductions achieved as of July 1, 2018, for each pollutant of concern in each river basin.</p> <p>d. A list of BMPs implemented prior to July 1, 2018, to achieve reductions associated with the</p>	<p>12. Chesapeake Bay TMDL action plan requirements.</p> <p>a. Permittees applying for initial coverage under this general permit shall submit a draft first phase Chesapeake Bay TMDL action plan to the department no later than October 31, 2028, unless the department grants a later date. The required reduction shall be calculated using Tables 3a, 3b, 3c, and 3d as applicable. The first phase action plan shall achieve a minimum reduction of least 40% of the L2 Scoping Run based on lands within the 2000 and 2010 expanded Census urbanized areas no later than October 31, 2033. The action plan shall include the following information:</p> <p>(1) The load and cumulative reduction calculations for each river basin calculated in accordance with Part II A 3, A 4, and A 5;</p> <p>(2) The BMPs to be implemented by the permittee to achieve 40% of the reductions calculated in Part II A 13 a:</p> <p>(a) Type of BMP;</p> <p>(b) Project name;</p> <p>(c) Location;</p> <p>(d) Percent removal efficiency for each pollutant of concern; and</p> <p>(e) Calculation of the reduction expected to be achieved by the BMP calculated and reported in accordance with the methodologies established in Part II A 9 for each pollutant of concern;</p>



Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
		<p>Chesapeake Bay TMDL including:</p> <ul style="list-style-type: none"> <li>(1) The date of implementation; and</li> <li>(2) The reductions achieved.</li> </ul> <p>e. The BMPs to be implemented by the permittee prior to the expiration of this permit to meet the cumulative reductions calculated in Part II A 3, A 4, and A 5, including as applicable:</p> <ul style="list-style-type: none"> <li>(1) Type of BMP;</li> <li>(2) Project name;</li> <li>(3) Location;</li> <li>(4) Percent removal efficiency for each pollutant of concern; and</li> <li>(5) Calculation of the reduction expected to be achieved by the BMP calculated and reported in accordance with the methodologies established in Part II A 8 for each pollutant of concern; and</li> </ul> <p>f. A summary of any comments received as a result of public participation required in Part II A 12, the permittee's response, identification of any public meetings to address public concerns, and any revisions made to Chesapeake Bay TMDL action plan as a result of public participation.</p>	<ul style="list-style-type: none"> <li>(3) A preliminary schedule for implementation of the BMPs included in the Chesapeake Bay TMDL action plan; and</li> <li>(4) A summary of any comments received as a result of public participation required in Part II A 14, the permittee's response, identification of any public meetings to address public concerns, and any revisions made to Chesapeake Bay TMDL action plan as a result of public participation.</li> </ul> <p>b. For permittees previously covered under the General VPDES Permit for the Discharge of Stormwater from MS4 effective November 1, 2018, no later than 12 months after the permit effective date, the permittee shall submit a third phase Chesapeake Bay TMDL action plan for the reductions required in Part II A 3, A 4, and A 5 that includes the following information:</p> <ul style="list-style-type: none"> <li>(1) Any new or modified legal authorities, such as ordinances, permits, policy, specific contract language, orders, and interjurisdictional agreements, implemented or needing to be implemented to meet the requirements of Part II A 3, A 4, and A 5.</li> <li>(2) The load and cumulative reduction calculations for each river basin calculated in accordance with Part II A 3, A 4, and A 5.</li> <li>(3) The total reductions achieved as of November 1, 2023, for each pollutant of concern in each river basin.</li> <li>(4) A list of BMPs implemented prior to November 1, 2023, to achieve reductions associated with the Chesapeake Bay TMDL including: <ul style="list-style-type: none"> <li>(a) The date of implementation; and</li> <li>(b) The reductions achieved.</li> </ul> </li> <li>(5) The BMPs to be implemented by the permittee within 60 months of the effective date of this permit to meet the cumulative reductions calculated in Part II A 3, A 4, and A 5, including as applicable: <ul style="list-style-type: none"> <li>(a) Type of BMP;</li> </ul> </li> </ul>

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			<p>(b) Project name;                      (c) Location;                      (d) Percent removal efficiency for each pollutant of concern;                      (e) Calculation of the reduction expected to be achieved by the BMP calculated and reported in accordance with the methodologies established in Part II A 9 for each pollutant of concern; and                      (f) A preliminary schedule for implementation of the BMPs included in the Chesapeake Bay TMDL action plan.                      (6) A summary of any comments received as a result of public participation required in Part II A 13, the permittee's response, identification of any public meetings to address public concerns, and any revisions made to Chesapeake Bay TMDL action plan as a result of public participation.</p> <p>Rationale: Establish expectation for new permittees to complete a draft action plan for 40% by the end of the permit term. Updated for existing permittees to achieve 100% reductions.</p> <p>No impact.</p>
Part II A 12	Part II A 13	Prior to submittal of the action plan required in Part II A 11, the permittee shall provide an opportunity for public comment on the additional BMPs proposed to meet the reductions not previously approved by the department in the first phase Chesapeake Bay TMDL action plan for no less than 15 days.	<p>Prior to submittal of the action plan required in Part II A 12 a and b, permittees shall provide an opportunity for public comment for no fewer than 15 days on the additional BMPs proposed in the third phase Chesapeake Bay TMDL action plan.</p> <p>Rationale: Revised for clarity.</p> <p>No impact.</p>
Part II A 13 a – d.	Part II A 14 a – i.	<p>For each reporting period, the corresponding annual report shall include the following information:</p> <p>a. A list of BMPs implemented during the reporting period but not</p>	<p>Chesapeake Bay TMDL implementation annual status report</p> <p>a. Permittees previously covered under the General VPDES Permit for the Discharge of Stormwater from MS4 effective November 1, 2018, shall submit a Chesapeake Bay TMDL</p>

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		<p>reported to the DEQ BMP Warehouse in accordance with Part I E 5 g and the estimated reduction of pollutants of concern achieved by each and reported in pounds per year;</p> <p>b. If the permittee acquired credits during the reporting period to meet all or a portion of the required reductions in Part II A 3, A 4, or A 5, a statement that credits were acquired;</p> <p>c. The progress, using the final design efficiency of the BMPs, toward meeting the required cumulative reductions for total nitrogen, total phosphorus, and total suspended solids; and</p> <p>d. A list of BMPs that are planned to be implemented during the next reporting period.</p>	<p>implementation annual status report in a method, (i.e. how the permittee must submit) and format (i.e. how the report shall be laid out) as specified by the department no later than October 1 of each year. The report shall cover the previous year from July 1 to June 30.</p> <p>b. Following notification from the department of the start date for the required electronic submission of Chesapeake Bay TMDL implementation annual status reports, as provided for in 9VAC25-31-1020, such forms and reports submitted after that date shall be electronically submitted to the department in compliance with 9VAC25-31-1020 and this section. There shall be at least a three-month notice provided between the notification from the department and the date after which such forms and reports must be submitted electronically.</p> <p>c. The year two Chesapeake Bay TMDL implementation annual status report shall contain a summary of any public comments on the Chesapeake Bay TMDL Action Plan received and how the permittee responded.</p> <p>d. Each Chesapeake Bay TMDL implementation annual status report shall include the following information:                      (1) A list of Chesapeake Bay TMDL action plan BMPs, not including annual practices, implemented prior to the reporting period that includes the following information for reported BMP;                      (a) The number of BMPs for each BMP type;                      (b) The estimated reduction of pollutants of concern achieved by each BMP type and reported in pounds of pollutant reduction per year; and                      (c) A confirmation statement that the permittee electronically reported Chesapeake Bay TMDL action plan BMPs inspected using the DEQ BMP Warehouse in accordance with Part III B 5.</p>

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			<p>(2) A list of newly implemented BMPs including annual practices implemented during the reporting period that includes the following information for each reported BMP or a statement that no BMPs were implemented during the reporting period:</p> <p>(a) The BMP type and a description of the location for each BMP;</p> <p>(b) The estimated reduction of pollutants of concern achieved by each BMP and reported in pounds of pollutant reduction per year; and</p> <p>(c) A confirmation statement that the permittee electronically reported BMPs using the DEQ BMP Warehouse in accordance with Part III B 3.</p> <p>e. If the permittee acquired credits during the reporting period to meet all or a portion of the required reductions in Part II A 3, A 4, or A 5, a statement that credits were acquired.</p> <p>f. Pollutant load reductions generated by annual practices, such as street and storm drain cleaning, shall only be applied to the compliance year in which the annual practice was implemented.</p> <p>g. The progress, using the final design efficiency of the BMPs, toward meeting the required cumulative reductions for total nitrogen and total phosphorus.</p> <p>h. Any revisions made to the Chesapeake Bay TMDL action plan.</p> <p>i. A list of BMPs that are planned to be implemented during the next reporting period.</p> <p>Rational: Revised to provide more consistent and useful reporting for Chesapeake Bay TMDL progress tracking.</p>
N/A	Part II A 15 *	None.	<p>Added: Within 60 months after permit issuance, the permittee shall update the Phase III Chesapeake Bay TMDL action plan to offset the increased</p>

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
			<p>loads from new sources initiating construction between July 1, 2009, and October 31, 2023, that are located in the expanded 2020 census urban areas with a population of at least 50,000, and within the permittee's MS4 service area, and designed in accordance with 9VAC25-870 Part II C (9VAC25-870-93 et seq.), if the following conditions apply:</p> <ul style="list-style-type: none"> <li>a. The activity disturbed one acre or greater; and</li> <li>b. The resulting total phosphorous load was greater than 0.45 lb/acre/year, which is equivalent to an average land cover condition of 16% impervious cover.</li> <li>c. The permittee shall utilize Table 4 of Part II A 5 to develop the equivalent nitrogen pollutant load for new sources meeting the requirements of this condition.</li> </ul> <p>Rationale: Added language to account for potential expanded areas due to the 2020 census. This language was added due to public and EPA comments, and EPA clarified their stance on the Census Bureau's changes to urbanized areas.</p> <p>Impact: Permittees will need to evaluate development projects within the 2020 expanded census urban areas to determine if any additional pollutant reductions are required.</p>
	Part II A 16 *		<p>Added: Within 60 months after permit issuance, the permittee shall update the Phase III Chesapeake Bay TMDL action plan to offset the increased loads from projects grandfathered in accordance with 9VAC25-870-48 that are located in the expanded 2020 Census urban areas with a population of at least 50,000, and within the permittee's MS4 service area, and began construction after July 1, 2014, if the following conditions apply:</p> <ul style="list-style-type: none"> <li>a. The activity disturbs one acre or greater; and</li> <li>b. The resulting total phosphorous load was greater than 0.45 lb/acre/year,</li> </ul>

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			<p>which is equivalent to an average land cover condition of 16% impervious cover.</p> <p>c. The permittee shall utilize Table 4 of Part II A 5 to develop the equivalent nitrogen pollutant load for grandfathered sources meeting the requirements of this condition.</p> <p>Rationale: Added language to require pollutant reduction offsets for certain projects that may be developed under different criteria. This language was added due to public and EPA comments, and EPA clarified their stance on the Census Bureau's changes to urbanized areas.</p> <p>Impact: Permittees will need to evaluate development projects within the 2020 expanded census urban areas to determine if any additional pollutant reductions are required.</p>
Part II B 1	Part II B 1 and 2	<p>1. The permittee shall develop a local TMDL action plan designed to reduce loadings for pollutants of concern if the permittee discharges the pollutants of concern to an impaired water for which a TMDL has been approved by the U.S. Environmental Protection Agency (EPA) as described in Part II B 1 a and 1 b:</p> <p>a. For TMDLs approved by the EPA prior to July 1, 2013, and in which an individual or aggregate wasteload has been allocated to the permittee, the permittee shall update the previously approved local TMDL action plans to meet the conditions of Part II B 3, B 4, B 5, B 6, and B 7 as applicable, no later than 18 months after the permit effective date and</p>	<p>1. Permittees applying for initial coverage under this general permit shall develop a draft local TMDL action plan designed to reduce loadings for pollutants of concern if the permittee discharges the pollutants of concern to an impaired water for which a TMDL has been approved by the U.S. Environmental Protection Agency (EPA) prior to October 31, 2023, and in which an individual or aggregate wasteload has been allocated to the permittee. The permittee shall develop action plans to meet the conditions of Part II B 4, B 5, B 6, B 7, and B 8 as applicable. Each local TMDL action plan shall be provided to the department no later than October 31, 2028, unless the department grants a later date.</p> <p>2. Permittees previously covered under the General VPDES Permit for the Discharge of Stormwater from MS4 effective November 1, 2018, shall develop and maintain a local TMDL action plan designed to reduce loadings for pollutants of concern if the permittee discharges the pollutants of concern to an impaired water for which</p>

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
		<p>continue implementation of the action plan; and</p> <p>b. For TMDLs approved by EPA on or after July 1, 2013, and prior to June 30, 2018, and in which an individual or aggregate wasteload has been allocated to the permittee, the permittee shall develop and initiate implementation of action plans to meet the conditions of Part II B 3, B 4, B 5, B 6, and B 7 as applicable for each pollutant for which wasteloads have been allocated to the permittee's MS4 no later than 30 months after the permit effective date.</p>	<p>a TMDL has been approved by the U.S. Environmental Protection Agency (EPA) as described in Part II B 2 a and 2 b:</p> <p>a. For TMDLs approved by EPA prior to July 1, 2018, and in which an individual or aggregate wasteload has been allocated to the permittee, the permittee shall develop and initiate or update as applicable the local TMDL action plans to meet the conditions of Part II B 4, B 5, B 6, B 7, and B 8 as applicable, no later than 18 months after the permit effective date and continue implementation of the action plan. Updated action plans shall include:</p> <ul style="list-style-type: none"> <li>(1) An evaluation of the results achieved by the previous action plan; and</li> <li>(2) Any adaptive management strategies incorporated into updated action plans based on action plan evaluation.</li> </ul> <p>b. For TMDLs approved by EPA on or after July 1, 2018, and prior to October 31, 2023, and in which an individual or aggregate wasteload has been allocated to the permittee, the permittee shall develop and initiate implementation of action plans to meet the conditions of Part II B 4, B 5, B 6, B 7, and B 8 as applicable no later than 30 months after the permit effective date.</p> <p>Rationale: Establish new permittee expectation to draft local action plans. Clarification on revised action plan expectations.</p> <p>No impact.</p>
Part II B 2	Part II B 3	2. The permittee shall complete implementation of the TMDL action plans as soon as practicable. TMDL action plans may be implemented in multiple phases over more than one permit cycle using the	3. The permittee shall complete implementation of the TMDL action plans as determined by the schedule. TMDL action plans may be implemented in multiple phases over more than one permit cycle using the adaptive iterative approach provided adequate progress is achieved in the

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		<p>adaptive iterative approach provided adequate progress is achieved in the implementation of BMPs designed to reduce pollutant discharges in a manner that is consistent with the assumptions and requirements of the applicable TMDL.</p>	<p>implementation of BMPs designed to reduce pollutant discharges in a manner that is consistent with the assumptions and requirements of the applicable TMDL.</p> <p>Rationale: Revised per EPA comment.</p> <p>No impact.</p>
Part II B 4 a and b	Part II B 5 a and b	<p>a. If the permittee is an approved VSMP authority, the permittee shall select and implement at least three of the strategies listed in Table 5 below designed to reduce the load of bacteria to the MS4. Selection of the strategies shall correspond to sources identified in Part II B 3 d.</p> <p>b. If the permittee is not an approved VSMP authority, the permittee shall select at least one strategy listed in Table 5 below designed to reduce the load of bacteria to the MS4 relevant to sources of bacteria applicable within the MS4 regulated service area. Selection of the strategies shall correspond to sources identified in Part II B 3 d.</p>	<p>a. Traditional permittees shall select and implement at least three of the strategies listed in Table 5 designed to reduce the load of bacteria to the MS4. Selection of the strategies shall correspond to sources identified in Part II B 4 d.</p> <p>b. Nontraditional permittees shall select at least one strategy listed in Table 5 designed to reduce the load of bacteria to the MS4 relevant to sources of bacteria applicable within the MS4 regulated service area. Selection of the strategies shall correspond to sources identified in Part II B 4 d.</p> <p>Rationale: Revised to pertain to traditional and nontraditional permittees.</p> <p>Impact: Traditional permittees that are not VSMP Authorities will have to implement three strategies for action plan.</p>
Part II B 5 a (2)	Part II B 6 a (2)	<p>One or more BMPs approved by the Chesapeake Bay Program; or</p>	<p>(2) One or more BMPs approved by the Chesapeake Bay Program. Pollutant load reductions generated by annual practices, such as street and storm drain cleaning, shall only be applied to the compliance year in which the annual practice was implemented; or</p> <p>Rational: Provide clarification on annual practices.</p> <p>No impact.</p>
Part II B 5 b-d	Part II B 6 b-d	<p>b. The permittee may meet the local TMDL requirements for sediment, phosphorus, or nitrogen</p>	<p>b. The permittee may meet the local TMDL requirements for sediment, phosphorus, or nitrogen through BMPs implemented or sediment, phosphorus,</p>



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		<p>through BMPs implemented to meet the requirements of the Chesapeake Bay TMDL in Part II A as long as the BMPs are implemented in the watershed for which local water quality is impaired.</p> <p>c. The permittee shall calculate the anticipated load reduction achieved from each BMP and include the calculations in the action plan required in Part II B 3 f.</p> <p>d. No later than 36 months after the effective date of this permit, the permittee shall submit to the department the anticipated end dates by which the permittee will meet each WLA for sediment, phosphorus, or nitrogen. The proposed end date may be developed in accordance with Part II B 2.</p>	<p>or nitrogen credits acquired. BMPs implemented and nutrient and sediment credits acquired to meet the requirements of the Chesapeake Bay TMDL in Part II A may also be utilized to meet local TMDL requirements as long as the BMPs are implemented or the credits are generated in the watershed for which local water quality is impaired.</p> <p>c. The permittee shall calculate the anticipated load reduction achieved from each BMP and include the calculations in the action plan required in Part II B 4 f.</p> <p>d. No later than 36 months after the effective date of this permit, the permittee shall submit to the department an update on the progress made toward achieving local TMDL action plan goals and the anticipated end dates by which the permittee will meet each wasteload allocation for sediment, phosphorus, or nitrogen. The proposed end date may be developed in accordance with Part II B 3.</p> <p>Rationale: Provide clarification on credit use and update on action plan goals.</p> <p>No impact.</p>
N/A	Part II B 7 c	None.	<p>As part of its annual reporting requirements, the permittee shall submit results of any action plan PCB monitoring or product testing conducted and any adaptive management strategies that have been incorporated into the updated action plan based upon monitoring or product testing results if the permittee has elected to perform monitoring or product testing or both.</p> <p>Rationale: To make the results of any voluntary PCB monitoring or testing available to the Department or other permittees.</p>

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N/A	Part II B 8 *	None.	<p>No impact.</p> <p>8. Chloride TMDLs</p> <p>a. No later than 36 months after the permit effective date, permittees shall develop an anti-icing and deicing agent education and outreach strategy that identifies target audiences for increasing awareness of anti-icing and deicing agent application impacts on receiving waters and encourages implementation of enhanced BMPs for application, handling, and storage of anti-icing and de-icing agents used for snow and ice management.</p> <p>b. Anti-icing and deicing agent education and outreach strategies shall contain a schedule to implement two or more of the strategies listed in Part I E 1 d Table 1 per year to communicate to target audiences the importance of responsible anti-icing and deicing agent application, transport, and storage.</p> <p>c. No later than 36 months after permit issuance, the permittee shall review good housekeeping procedures for anti-icing and deicing agent application, handling, storage, and transport activities required under Part I E 6 b (1) (a) and identify a minimum of two strategies for implementing enhanced BMPs that promote efficient management and application of anti-icing and deicing agents while maintaining public safety.</p> <p>Rationale: Added chloride TMDL action plan requirements to address approved chloride TMDLs.</p> <p>Impact: Permittees with an MS4 in chloride TMDL watersheds must develop an action plan.</p>
Part II C 7	Part II C 9	7. Prior to submittal of the action plan required in Part II B 1, the permittee shall provide an opportunity for public comment proposed to meet the local TMDL	9. Prior to submittal of the action plan required in Part II B 2, the permittee shall provide an opportunity for public comment for no fewer than 15 days on the proposal to meet the local TMDL action plan requirements.

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		action plan requirements for no less than 15 days.	Rationale: Revised for clarification.  No impact.
Part II C 8-9	Part II C 10-11	<p>8. The MS4 program plan as required by Part I B of this permit shall incorporate each local TMDL action plan. Local TMDL action plans may be incorporated by reference into the MS4 program plan provided that the program plan includes the date of the most recent local TMDL action plan and identification of the location where a copy of the local TMDL action plan may be obtained.</p> <p>9. For each reporting period, each annual report shall include a summary of actions conducted to implement each local TMDL action plan.</p>	Renumbered to 10 and 11.
N/A	Part II C *	None.	<p>C. Inspection and maintenance of ecosystem restoration projects used for TMDL compliance.</p> <p>1. Within 36 months of permit issuance the permittee shall develop and maintain written inspection and maintenance procedures in order to ensure adequate long-term operation and maintenance of ecosystem restoration projects as defined in 9VAC25-890-1 and implemented as part of a TMDL action plan developed in accordance with Part II A, B, or both. The permittee may utilize inspection and maintenance protocols developed by the Chesapeake Bay Program or inspection and maintenance plans developed in accordance with the department's Stormwater Local Assistance Fund (SLAF) guidelines.</p> <p>2. The permittee shall inspect ecosystem restoration projects owned or operated by the permittee and implemented as part of a current TMDL action plan developed in accordance</p>

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			<p>with Part II A or B no less than once every 60 months.</p> <p>Rationale: To establish ecosystem restoration project inspection and maintenance requirements for projects implemented for TMDL action plans.</p> <p>Impact: Require ecosystem restoration project inspection and maintenance in order to maintain action plan reductions achieved.</p>
Part I E 5 d-g	Part III	<p>d. The permittee shall maintain an electronic database or spreadsheet of all known permittee-owned or permittee-operated and privately owned stormwater management facilities that discharge into the MS4. The database shall also include all BMPs implemented by the permittee to meet the Chesapeake Bay TMDL load reduction as required in Part II A. A database shall include the following information as applicable:</p> <ol style="list-style-type: none"> <li>(1) The stormwater management facility or BMP type;</li> <li>(2) The stormwater management facility or BMPs location as latitude and longitude;</li> <li>(3) The acres treated by the stormwater management facility or BMP, including total acres, pervious acres, and impervious acres;</li> <li>(4) The date the facility was brought online (MM/YYYY). If the date brought online is not known, the permittee shall use June 30, 2005;</li> <li>(5) The 6th Order Hydrologic Unit Code in which the stormwater management facility is located;</li> </ol>	<p>Part III</p> <p>DEQ BMP Warehouse Reporting</p> <p>A. For the purpose of Part III of this permit, “best management practice” or “BMP” means a practice that achieves quantifiable nitrogen, phosphorus, or total suspended solids reductions including stormwater management facilities, ecosystem restoration projects, annual practices, and other practices approved by the department for reducing nitrogen, phosphorus, and total suspended solids pollutants.</p> <p>B. No later than October 1 of each year the permittee shall electronically report BMPs implemented and inspected as applicable between July 1 and June 30 of each year using the DEQ BMP Warehouse.</p> <ol style="list-style-type: none"> <li>1. The permittee shall use the associated reporting template for stormwater management facilities not reported in accordance with Part III B 1, including stormwater management facilities installed to control post-development stormwater runoff from land disturbing activities less than one acre in accordance with the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830), if applicable, and for which a General VPDES Permit for Discharges of Stormwater from Construction Activities was not required.</li> <li>2. The permittee shall use the DEQ BMP Warehouse to report BMPs that</li> </ol>

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		<p>(6) Whether the stormwater management facility or BMP is owned or operated by the permittee or privately owned;</p> <p>(7) Whether or not the stormwater management facility or BMP is part of the permittee's Chesapeake Bay TMDL action plan required in Part II A or local TMDL action plan required in Part II B, or both;</p> <p>(8) If the stormwater management facility or BMP is privately owned, whether a maintenance agreement exists; and</p> <p>(9) The date of the permittee's most recent inspection of the BMP.</p> <p>e. The electronic database or spreadsheet shall be updated no later than 30 days after a new stormwater management facility is brought online, a new BMP is implemented to meet a TMDL load reduction as required in Part II, or discovered if it is an existing stormwater management facility.</p> <p>f. The permittee shall use the DEQ Construction Stormwater Database or other application as specified by the department to report each stormwater management facility installed after July 1, 2014, to address the control of post-construction runoff from land disturbing activities for which the permittee is required to obtain a General VPDES Permit for Discharges of Stormwater from Construction Activities.</p>	<p>were not reported in accordance with Part III B 1 or B 2 and were implemented as part of a TMDL action plan to achieve nitrogen, phosphorus, and total suspended solids reductions in accordance with Part II A or B.</p> <p>3. The permittee shall use the DEQ BMP Warehouse to report any BMPs that were not reported in accordance with Part III B 1, B 2, or B 3.</p> <p>4. The permittee shall use the DEQ BMP Warehouse to report the most recent inspection date for BMPs in accordance with Part I E 5 b or c, or in accordance with Part II C and the most recent associated TMDL action plan.</p> <p>5. Traditional permittees specified in Part I E 5 a (1) shall use the DEQ Construction Stormwater Database or other application as specified by the department to report each stormwater management facility installed after July 1, 2014, to address the control of post-construction runoff from land disturbing activities for which the permittee is required to obtain a General VPDES Permit for Discharges of Stormwater from Construction Activities.</p> <p>C. The following information for each BMP reported in accordance with Part III B 1, B 2, B 3, or B 4 shall be reported to the DEQ BMP Warehouse as applicable:</p> <ol style="list-style-type: none"> <li>1. The BMP type;</li> <li>2. The BMP location as decimal degree latitude and longitude;</li> <li>3. The acres treated by the BMP, including total acres and impervious acres;</li> <li>4. The date the BMP was brought online (MM/YYYY). If the date brought online is not known, the permittee shall use 06/2005;</li> <li>5. The 6th Order Hydrologic Unit Code in which the BMP is located;</li> <li>6. Whether the BMP is owned or operated by the permittee or privately owned;</li> <li>7. Whether or not the BMP is part of the permittee's Chesapeake Bay TMDL action plan required in Part II A</li> </ol>

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		<p>g. No later than October 1 of each year, the permittee shall electronically report the stormwater management facilities and BMPs implemented between July 1 and June 30 of each year using the DEQ BMP Warehouse and associated reporting template for any practices not reported in accordance with Part I E 5 f including stormwater management facilities installed to control post-development stormwater runoff from land disturbing activities less than one acre in accordance with the Chesapeake Bay Preservation Act regulations (9VAC25-830) and for which a General VPDES Permit for Discharges of Stormwater from Construction Activities was not required.</p>	<p>or local TMDL action plan required in Part II B, or both;</p> <p>8. If the BMP is privately owned, whether a maintenance agreement exists;</p> <p>9. The date of the permittee's most recent inspection of the BMP; and</p> <p>10. Any other information specific to the BMP type required by the DEQ BMP Warehouse (e.g., linear feet of stream restoration).</p> <p>D. No later than October 1 of each year the DEQ BMP Warehouse shall be updated if an existing BMP is discovered between July 1 and June 30 that was not previously reported to the DEQ BMP warehouse.</p> <p>Rationale: Move BMP Warehouse reporting to new section of the permit to define BMP as an umbrella term for stormwater management facilities, ecosystem restoration projects, and annual practices. Provide clarification on BMPs to be reported to the BMP Warehouse.</p> <p>No impact.</p>
Part III C 2	Part IV C 2	<p>Monitoring results shall be reported on a discharge monitoring report (DMR); on forms provided, approved or specified by the department; or in any format provided that the date, location, parameter, method, and result of the monitoring activity are included.</p>	<p>Monitoring results shall be reported on a discharge monitoring report (DMR); on forms provided, approved, or specified by the department; or in any format provided that the date, location, parameter, method, and result of the monitoring activity are included.</p> <p>Following notification from the department of the start date for the required electronic submission of monitoring reports, as provided for in 9VAC25-31-1020, such forms and reports submitted after that date shall be electronically submitted to the department in compliance with 9VAC25-31-1020 and this section. There shall be at least a three-month notice provided between the notification from the department and the date after which such forms and reports must be submitted electronically.</p>

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			<p>Rationale: Establishes e-reporting requirements once the Department has given permittees three months' notice.</p> <p>Impact: Allows the Department to comply with EPA e-reporting rule.</p>
Part III D	Part IV D	<p>Duty to provide information. The operator shall furnish within a reasonable time, any information that the board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this state permit or to determine compliance with this state permit. The board, department, or EPA may require the operator 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 surface waters, or such other information as may be necessary to accomplish the purposes of the CWA and Virginia Stormwater Management Act. The operator shall also furnish to the board, department, or EPA upon request, copies of records required to be kept by this state permit.</p>	<p>Duty to provide information. The operator shall furnish within a reasonable time, any information that the department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this state permit or to determine compliance with this state permit. The department or EPA may require the operator to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from the permittee's discharge on the quality of surface waters, or such other information as may be necessary to accomplish the purposes of the CWA and Virginia Stormwater Management Act. The operator shall also furnish to the department or EPA upon request, copies of records required to be kept by this state permit.</p> <p>Rationale: Replaced "board" with "department" and "his discharge" with "the permittee's discharge."</p> <p>No impact</p>
Part III H	Part IV H	<p>Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge including a "bypass" (Part III U) or "upset," (Part III V), should occur from a facility and the discharge enters or could be expected to enter surface waters, the operator shall promptly notify, in no case later than within 24 hours, the department by telephone after the discovery of the discharge.</p>	<p>Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge, including a bypass in Part IV U or an upset in Part IV V, should occur from a facility and the discharge enters or could be expected to enter surface waters, the operator shall promptly notify (see Part IV I 4), in no case later than within 24 hours, the department after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse effects on aquatic life and the known number of fish killed. The</p>

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		<p>This notification shall provide all available details of the incident, including any adverse effects on aquatic life and the known number of fish killed. The operator 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 any discharge resulting from:</p>	<p>operator 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 IV I 2. Unusual and extraordinary discharges include any discharge resulting from:</p> <p>Rationale: The Department no longer require contact by telephone for this requirement.</p> <p>No impact.</p>
Part III I		<p>I. Reports of noncompliance. The operator shall report any noncompliance which may adversely affect surface waters or may endanger public health.</p> <p>1. An oral report to the department shall be provided within 24 hours from the time the operator becomes aware of the circumstances. The following shall be included as information that shall be reported within 24 hours under this subdivision:</p> <p>a. Any unanticipated bypass; and</p> <p>b. Any upset that causes a discharge to surface waters.</p> <p>2. A written report shall be submitted within five days and shall contain:</p> <p>a. A description of the noncompliance and its cause;</p> <p>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</p> <p>c. Steps taken or planned to reduce, eliminate, and</p>	<p>I. Reports of noncompliance.</p> <p>1. The operator shall report any noncompliance that may adversely affect surface waters or may endanger public health.</p> <p>a. A report to the department shall be provided within 24 hours from the time the operator becomes aware of the circumstances. The following shall be included as information that shall be reported within 24 hours under Part IV I:</p> <p>(1) Any unanticipated bypass; and</p> <p>(2) Any upset that causes a discharge to surface waters.</p> <p>b. A written report shall be submitted within five days and shall contain:</p> <p>(1) A description of the noncompliance and its cause;</p> <p>(2) 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</p> <p>(3) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The department may waive the written report on a case-by-case basis for reports of noncompliance under Part IV I if the report has been received within 24 hours and no adverse impact on surface waters has been reported.</p> <p>Rationale: The Department no longer requires oral reporting. Also, revised</p>



Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
		<p>prevent reoccurrence of the noncompliance. The department 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 surface waters has been reported.</p>	<p>for consistency with other VPDES permits.</p> <p>No impact.</p>
Part III I 3	Part IV I 2 and 3	<p>3. The operator shall report all instances of noncompliance not reported under Part III I 1 or 2, in writing, as part of the annual reports that are submitted. The reports shall contain the information listed in Part III I 2.</p> <p>NOTE: The reports required in Part III G, H, and I shall be made to the department. Reports may be made by telephone, email, or fax. For reports outside normal working hours, leaving a recorded message shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Management maintains a 24-hour telephone service at 1-800-468-8892.</p>	<p>2. The operator shall report all instances of noncompliance not reported under Part IV I 1 b, in writing, as part of the annual reports that are submitted. The reports shall contain the information listed in Part IV I 2.</p> <p>3. The immediate (within 24 hours) reports required in Part IV G, H, and I shall be made to the department. Reports may be made by telephone, email, fax, or online at <a href="https://www.deq.virginia.gov/our-programs/pollution-response/pollution-data-and-reporting">https://www.deq.virginia.gov/our-programs/pollution-response/pollution-data-and-reporting</a>. For reports outside normal working hours, the online portal shall be used. For emergencies, call the Virginia Department of Emergency Management's Emergency Operations Center (24-hours) at 1-800-468-8892.</p> <p>Rationale: Reformatting and updating department contact information.</p> <p>No impact.</p>

### 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) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing 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 regulatory change.*

The reissuance of the VPDES general permit accomplishes the objectives of applicable law and minimizes the costs to a small MS4 operator and simplifies the application process. Without the general permit, a small MS4 operator would be required to obtain an individual permit, which would increase the complexity of a permit application and permit costs.

### **Family Impact**

*In accordance with § 2.2-606 of the Code of Virginia, please assess the potential impact of the proposed 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.*

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This regulation is not expected to have a direct impact on the institution of the family or family stability.