



townhall.virginia.gov

Exempt Action: Proposed Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC25-890
VAC Chapter title(s)	General VPDES Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4)
Action title	Amend and Reissue the Small MS4 General Permit
Date this document prepared	December 2, 2022

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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”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 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

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

- APA: Administrative Process Act
- BMP: Best Management Practices
- CFR: Code of Federal Regulations
- DCR: Department of Conservation and Recreation
- DEQ: Department of Environmental Quality
- EPA (U.S. EPA): United States Environmental Protection Agency
- 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

Legal Basis

Please 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.

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

Please 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 is intended to solve.

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 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

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

Substantive changes to the regulation includes 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 publically 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 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 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 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.

Issues

Please 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 is 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

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

There are no requirements that exceed applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Please identify any other state agencies, localities, or other entities particularly affected by the regulatory change. "Particularly affected" are those that are likely to bear any identified disproportionate material impact, which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, 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 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.

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.

Public Comment Received

Please summarize all comments received during the public comment period following the publication of the NOIRA, and provide the agency response. Ensure to include all comments submitted: including those 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
<p>Patrick Fanning and Joe Wood Chesapeake Bay Foundation (CBF)</p>	<ol style="list-style-type: none"> 1. CBF believes Virginia committed to three cycles of reductions for small MS4s to be implemented by 2025. 2. CBF believes Phase I MS4s are even farther off track, with some permit cycles lagging the General Permit by more than five years. 3. CBF requests to accelerate the timeline for evaluating and updating TMDL Action Plans to six months. 4. CBF requests DEQ to identify new requirements in this permit reissuance to address other parameters, including PCBs and chloride. 5. Requested to be on the TAC. 	<ol style="list-style-type: none"> 1. DEQ committed to three full permits to allow MS4 operators to achieve pollution reductions for the Chesapeake Bay TMDL. Virginia is on track to meet 2025 reduction goals in aggregate. Overachieved reductions from the wastewater sector will cover MS4 reduction shortfalls until 100% of MS4 reductions are implemented after 2025. 2. Comment noted, but not applicable to this Phase II MS4 Rulemaking. 3. A draft Phase III Chesapeake Bay TMDL action plan is required to be submitted with the registration statement and there is little to no benefit in requiring a final action plan six months after the effective date of the permit versus the current requirement to have a final action plan 12 months after permit issuance. Regardless of when the final action plan is due, the plan must be fully implemented and 100% of reductions must be achieved by 10/31/28. 4. Three PCB TMDLS are in development and permittees will have to develop PCB TMDL action plans for any PCB TMDLs approved by EPA prior to October 31, 2023. <p>The proposed permit introduces new requirements for road, street, sidewalk, and parking lot maintenance written procedures to be updated to include implementation of best management practices for anti-icing and deicing agent application, transport, and storage.</p> <p>Chloride TMDL action plan requirements have been introduced to the proposed permit and include requiring traditional permittees to implement of at least two education and outreach strategies 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 deicing agents. Action plans are also required to implement at least two additional BMPs for pollution prevention and good housekeeping.</p> <ol style="list-style-type: none"> 5. Appointed to the TAC.

Commenter	Comment	Agency response
<p>Anna Killius James River Association (JRA)</p>	<p>1. JRA believes Virginia's Phase III Watershed Implementation Plan (WIP), suggests that the Commonwealth is not on track to meet its Bay cleanup goals.</p> <p>2. JRA requests the permit be reissued in a timely manner and include stringent measures that will help set the developed sector up for success in meeting the WIP, the Bay TMDL, and the James River's chlorophyll a criteria.</p> <p>3. Requested to be on the TAC.</p>	<p>1. See response to CBF above.</p> <p>2. DEQ intends to reissue the general permit 11/1/23 without administrative continuance.</p> <p>Many permittees are struggling to find a path to 100% of their Chesapeake Bay TMDL reduction goals; however, DEQ remains committed to assisting permittees with achieving required reductions by the end of the next permit term. The proposed permit includes a new provision requiring a minimum 40% of achieved reductions be maintained throughout the next permit term.</p> <p>The draft permit introduces requirements for Chesapeake Bay TMDL implementation annual status reports that shall be maintained as separate documents and posted to the permittee's publically accessible stormwater webpage in order to ensure pertinent information is reported that clearly demonstrates permittee progress and also allows DEQ and interested parties to easily track permittee progress.</p> <p>3. Appointed to the TAC.</p>

<p>Timothy Mitchell Virginia Municipal Stormwater Association (VAMSA)</p>	<ol style="list-style-type: none"> 1. General Structure and Key Features – Recommends wholesale changes not be made. 2. Recommends to maintain three permit terms for achieving Chesapeake Bay TMDL reductions. 3. The reissued permit should be based on the MEP compliance standard, and should allow MS4 communities to implement adaptive, iterative, and financially feasible programs for improving water quality over time. 4. VAMSA requests that DEQ delete references to anticipated end dates for local TMDL action plans. 5. VAMSA supports reissuance with a July 1, 2023 effective date and with annual reports due each year by October 1st (with a July 1 to June 30 reporting period). 6. VAMSA supports keeping the existing permit text that allows a permittee to obtain nutrient or sediment credits to comply with Chesapeake Bay TMDL reduction requirements. 7. VAMSA supports keeping the existing regulatory text in 9VAC25-890(20)(E) that gives: (i) a permittee the opportunity to explain extraordinary circumstances, like COVID, that may impact compliance efforts and (ii) the Board the discretion to consider these Acts of God when making enforcement decisions. 8. VAMSA supports keeping the existing regulatory text in the Small MS4 GP that allows a permittee to choose strategies for minimum control measures 1, 2, and Bacterial TMDLs. 9. VAMSA requests that DEQ clarify with reissuance that the permittee must report on stormwater complaints related to regulated land-disturbance in the MS4 service area. 10. The current permit requires that permittees reflect on the MS4 map: (i) the estimated regulated acreage draining to the outfall or point of discharge and (ii) the predominant land use for each outfall discharging to an impaired water. VAMSA requests that these requirements be deleted. 11. VAMSA requests that DEQ allow a permittee to adopt a risk-based approach to outfall screening. 12. VAMSA requests that DEQ clarify in reissuance that permittees are not expected to investigate 	<ol style="list-style-type: none"> 1. The draft permit does not introduce major changes, but rather clarifies and streamlines existing requirements and also builds upon requirements in the existing permit framework in the spirit of the iterative and adaptive approach DEQ promotes in the MS4 Program. 2. DEQ remains committed to ensuring three full permit terms to achieve Chesapeake Bay TMDL required reductions. 3. MEP remains the compliance standard for this permit and demonstrated progress towards meeting a WLA constitutes MEP for this permit (i.e. achieving a WLA may not be MEP for some TMDLs) 4. See previous comment. 5. DEQ discussed reissuance date options with the TAC and consensus was reached on establishing 11/1/23 as the effective date of the permit. TAC members appeared to desire staying consistent with the current permit cycle timeline and DEQ aims to have the permit reissued by this 11/1/23 in accordance with TAC recommendations. No changes to annual report due dates were proposed by DEQ or the TAC. 6. DEQ thanks VAMSA for its support and the proposed permit clarifies nutrient and sediment credits generated in a local nutrient or sediment TMDL within the Chesapeake Bay watershed that are transferred to a permittee may be applied to both the Chesapeake Bay and local applicable TMDL. 7. DEQ thanks VAMSA for its support. 8. DEQ thanks VAMSA for its support. 9. The mechanism for the public to report stormwater pollution complaints is intended to promote public involvement in stormwater issues effecting the permittee’s community. Minimum control measure 2 is not intended to be limited in scope to complaints derived from the MS4 service area since it is not expected that citizens should consider whether or not their complaint pertains to the permittee’s regulated MS4 service area. For annual reporting purposes, limiting complaints reported to the MS4 service area may create
---	---	---

	<p>each pre-2013 BMP to assess/verify pervious and impervious acres treated.</p> <p>13. VAMSA urges DEQ to include stormwater managers from VAMSA localities across the State.</p> <p>14. Requested Lisa Ochsenhirt be on the TAC.</p>	<p>an additional task of determining which complaints need to be captured in the annual report and which complaints may be omitted.</p> <p>After much debate with the TAC, the proposed permit amends the public complaint annual reporting requirement to require <u>a summary</u> of stormwater <u>pollution</u> complaints received and specifically excludes flooding complaints. Additionally, this reporting requirement was revised to specify only complaints received under the procedures and mechanism established in accordance with minimum control measure 2 are required to be included in annual reports. These changes were made in response to concerns the TAC raised in regard to complaint annual reporting requirements being too broad and could be interpreted as requiring permittee staff to contact every department that may have received stormwater complaints and compile complaints for annual reporting.</p> <p>10. It is imperative that permittees include estimated regulated acreage draining to the outfall in the MS4 outfall information table or in a GIS shapefile attribute table in order for the permittee characterize lands draining to permittee's MS4. This required data field is consistent with the Chesapeake Bay TMDL special condition requiring permittees to determine the acreage of land draining to the permittee's system within the 2010 census urbanized area. DEQ recognizes that lands outside of the 2010 census urbanized area draining to regulated outfalls may be an important component of characterizing permittee MS4s; however, since this lands are unregulated, characterization of such lands is fully at the discretion of the permittee.</p> <p>After much discussion with the TAC and DEQ TMDL staff, it was determined that the predominate land use for each outfall discharging to impaired waters is a generalized mapping data element not useful to permittees or DEQ. The Virginia Land Cover Dataset (VLCD) used in conjunction with outfall drainage delineation data can be utilized for TMDL development. This outfall data requirement has been removed from the proposed permit</p> <p>11. The proposed permit introduces provisions allowing permittees to adopt a</p>
--	--	--

Commenter	Comment	Agency response
		<p>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. These provisions are voluntary and permittees may choose to adopt this approach at their discretion.</p> <p>12. The proposed permit replaces requirements for the permittee to maintain an electronic BMP database with BMP Warehouse reporting requirements and the BMP pervious area treated is not a required reporting data field in the BMP Warehouse; however, total acres and impervious acres treated are required reporting data fields.</p> <p>It is imperative that permittees report total acres and impervious acres treated by BMPs reported to the BMP Warehouse (as applicable) since this information is crucial for Chesapeake Bay TMDL modeling efforts and for the purposes of the BMP Warehouse and the proposed permit, BMP Warehouse reporting is required statewide while the electronic BMP database maintained by the permittee will no longer be required for the purposes of the proposed permit.</p> <p>13. Four local stormwater mangers participated on the TAC from eastern and western regions of the state.</p> <p>14. Lisa Ochsenhirt appointed to the TAC.</p>
<p>Normand Goulet Northern Virginia Regional Commission</p>	<p>Requested to be on the TAC.</p>	<p>Appointed to the TAC.</p>
<p>Jillian Sunderland Hampton Roads Planning District Commission</p>	<p>Requested to be on the TAC.</p>	<p>Appointed to the TAC.</p>
<p>John Burke Montgomery County</p>	<p>Requested to be on the TAC.</p>	<p>Appointed to the TAC.</p>

Commenter	Comment	Agency response
Erin Hawkins City of Lynchburg	Requested to be on the TAC.	Appointed to the TAC.
Dan Frisbee City of Charlottesville	Requested to be on the TAC.	Appointed to the TAC and subsequently withdrew due to covid-19 concerns and FOIA required in-person TAC meetings.
Jessica Wenger University of Virginia	Requested to be on the TAC.	Appointed to the TAC.
Ashely Hall Stantec	Requested to be on the TAC.	Appointed to the TAC.
Ginny Sneed American Society of Civil Engineers - Virginia	Requested to be on the TAC.	Appointed to the TAC.
Erin Rountree City of Suffolk	Requested to be on the TAC.	Appointed to the TAC.

Public Participation

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

In addition to any other comments, the department is seeking comments on the costs and benefits of the proposal, the potential impacts of this regulatory proposal and any impacts of the regulation on farm and forest land preservation. The agency/board is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation. Additionally, DEQ is also specifically soliciting comments on 1) the removal of sediment reduction requirements from the Chesapeake Bay TMDL special condition (9VAC25-890-40 Part II A) and 2) the impact of EPA’s December 2, 2022 publication of proposed amendments to its NPDES Stormwater Phase II regulations to clarify the designation criteria for small MS4s in response to the Census Bureau’s recent decision to discontinue its practice of publishing the location of “urbanized areas”.

Anyone wishing to submit written comments for the public comment file may do so by mail or email to Jeff Selengut, P.O. Box 1105, Richmond, Virginia 23219, 804-659-1314 and Jeffrey.Selengut@deq.virginia.gov. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at (<http://www.townhall.virginia.gov>). Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

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

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. If the regulatory change will be a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory change. Please include citations to the specific section(s) of the regulation that are changing.

Current section number	New section number, if applicable	Current requirement	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 requirement	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>
<p>9VAC25-890-1. Definitions.</p>		<p>New proposed definition.</p>	<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>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>
<p>9VAC25-890-1. Definitions.</p>		<p>New proposed definition.</p>	<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>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>
<p>9VAC25-890-1. Definitions.</p>		<p>"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)</p>	<p>"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</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		<p>storage for public works, (vi) recycling, (vii) salt storage , (viii) solid waste handling and transfer, and (ix) vehicle storage and maintenance.</p>	<p>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, and (viii) permittee owned or operated vehicle washing, maintenance, and salvage.</p> <p>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>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<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 classified as HPFs. Municipal parking lots are no longer classified as HPFs.</p>
<p>9VAC25-890-1. Definitions.</p>		<p>New proposed definition.</p>	<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>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</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>other regional authorities that may operate an MS4.</p> <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>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. This general permit will become effective on November 1,</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</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		2018 and will expire October 31, 2023.	<p>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>
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.		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>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, 2021, 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> <p>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;</p> <p>4. The board has not notified the operator that the discharge is ineligible for coverage in accordance with subsection C of this section.</p>	<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> <p>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;</p> <p>4. The department has not notified the operator that the discharge is ineligible for coverage in accordance with subsection C of this section.</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<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>
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>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<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 a manner to avoid instream impact” for clarification.</p> <p>s. Discharges or flows from emergency firefighting activities;</p> <p>Rationale: Added “emergency” to distinguish from non-emergency activities.</p> <p>t. 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 t. to distinguish from emergency activities subject to § 9.1-207.1 of the Code of Virginia.</p> <p>u. 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>

Current section number	New section number, if applicable	Current requirement	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</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>to determine which public school systems have permit coverage</p> <p>Impact: Any school system that is not covered under a localities MS4 program or separate MS4 permit coverage may be required to obtain MS4 Permit coverage.</p>
9VAC25-890-30 B 10.		<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>
9VAC25-890-40. General permit.		<p>Effective Date: November 1, 2018 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>Part I Discharge Authorization and Special Conditions</p> <p>Rationale: General permit has been reorganized to include “DEQ BMP Warehouse Reporting” as Part III and added Part I Discharge</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>Authorization and Special Conditions heading.</p> <p>No impact.</p>
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.
Part I C 2 a.		The general VPDES permit for the discharge of stormwater shall not exceed the expiration date of the permit.	<p>The general VPDES permit for the discharge of stormwater shall not exceed October 31, 2028, unless the department grants a later date.</p> <p>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.</p> <p>Impact: Department may offer flexibility to new permittees for program development timelines.</p>
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.	<p>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. The report shall cover the previous year from July 1 to June 30.</p> <p>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 three</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>months' notice provided between the notification from the department and the date after which such forms and reports must be submitted electronically.</p> <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.	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

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>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 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, cation, planned green infrastructure redevelopment, planned ecosystem restoration, and illicit discharges from commercial sites.</p>	<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, 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>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
Part I E.1.d		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>The permittee shall use two or more of the strategies listed in Table 1 below 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 Strategies for media materials		Information disseminated through electronic media, radio, televisions, movie theater, or newspaper	<p>Information disseminated through electronic media, radio, televisions, movie theater, or newspaper, or GIS story maps</p> <p>Added GIS story maps to examples of media materials.</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 and Outreach	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	Public meetings on proposed community stormwater management retrofits, green infrastructure redevelopment, ecosystem restoration, TMDL development, voluntary residential

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>low impact development, or other stormwater issues</p> <p>Rationale: Expand examples of public education and outreach strategies.</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> <p>No impact</p>
Part I E.1.f (4)		None	<p>Nontraditional permittees may identify staff, students, 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, 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</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>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> <p>No impact</p>
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>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.	A description of any changes in high-priority stormwater issues including, strategies used to

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>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>
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>Rationale: Removed (3) – “Receiving public input or complaints.” 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 stream-lined, 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	Responding to public comments received on the MS4 program plan; and

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<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>
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 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>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
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 and no later than 30 days after the implementation status report has been deemed technically complete by the department if revisions were made as a result of a technical review completed by 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 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	<p>Rationale: Re-numbered, no change in requirement.</p> <p>No impact.</p>
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 input 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.</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	Federal and state nontraditional permittees with security policies

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>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 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> <p>Rational Changed “The permittee” to “Traditional permittees” to clarify permit requirement expectations for traditional permittees.</p> <p>No impact.</p>
N/A	Part I E.2.d	None	<p>d. Nontraditional permittees shall implement, promote, participate in, or coordinate on 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> <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,	Stream, or watershed, shoreline, beach, or park clean-up day, adopt-a-water way program, tree

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>plantings, and riparian buffer plantings</p> <p>Rationale: Expanded list of examples of restoration participation events</p>
<p>Part I E.2 Table 2: Educational events</p>	<p>Part I E.2 Table 2: Public Education Activities</p>	<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, participation on environmental advisory committees</p>	<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>
<p>N/A</p>	<p>Part I E.2 Table 2: Public Meetings</p>	<p>None.</p>	<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: Expanded participation on environmental advisory committees to Public meetings category in Table 2.</p> <p>No impact.</p>
<p>Part I E.2.d</p>	<p>Part I E.2.e</p>	<p>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>	<p>Rationale: Re-numbered. No change in requirement.</p> <p>No impact</p>
<p>N/A</p>	<p>Part I E.2.f</p>	<p>None</p>	<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, grounds keeping, and maintenance duties in order for an event to qualify as a public participation event.</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<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, grounds keeping, 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	<p>h. The MS4 program plan shall include:</p> <p>(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 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>	<p>Rationale: Re-numbered, no change.</p> <p>No Impact</p>
Part I E. 2.f	Part I E.2.i	The annual report shall include the following information:	The annual report shall include the following information:

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		<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 collaborated in the public involvement opportunities.</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 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;</p> <p>(6) 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>(7) 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.3.a(1)		A map of the storm sewer system owned or operated by the permittee within the census	An updated map of the MS4 owned or operated by the permittee within the census urbanized area

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		<p>urbanized area identified by the 2010 decennial census that includes, at a minimum:</p>	<p>identified by the 2010 decennial census no later than 12 months after the permit effective date that includes, at a minimum:</p> <p>Rationale: Revised the language in recognition that until the EPA decides its course of action in regards to the US Census Bureau's changes to 'Urban Areas", no significant changes to the MS4 map are required by this permit reissuance and also recognizes the need for the department to obtain up to date MS4 mapping data for Bay TMDL and DEQ Electronic Data Mapper (EDM) initiatives.</p> <p>No impact</p>
<p>Part I E.3.a(2)</p>		<p>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>	<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>
<p>Part I E.3.a(2)(f)</p>		<p>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>	<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>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
Part I E.3.a(2)(g)		The predominant land use for each outfall discharging to an impaired water; and	<p>No Impact.</p> <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 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>(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> <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:</p> <p>(i) MS4 operator name;</p> <p>(ii) MS4 permit number (VAR04); and</p> <p>(iii) MS4 service area pervious, impervious, and 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</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>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:</p> <p>(a) Point data in NAD83 or WGS84 decimal degrees global positional system coordinates;</p> <p>(b) Data projected in Virginia Lambert Conformal Conic format;</p> <p>(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</p> <p>(d) Metadata shall provide a description of each feature class or shapefile dataset, units of measure as applicable, coordinate system, and projection.</p> <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	<p>Renumbered, no change.</p> <p>No impact.</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		the immediate preceding reporting period.	
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.	Re-numbered, no change. No impact.
Part I E.3.c(2)(d)	Part I E.3.c(2)(d)-(g)	<p>A mechanism to track the following information:</p> <ul style="list-style-type: none"> (i) The unique outfall identifier; (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) Whether or not a discharge was observed; and (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, structural condition, and biology). 	<p>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 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</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>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:</p> <p>(i) The unique identifier for the outfall or observation point;</p> <p>(ii) Time since the last precipitation event;</p> <p>(iii) The estimated quantity of the last precipitation event;</p> <p>(iv) Site descriptions (e.g., conveyance type and dominant watershed land uses);</p> <p>(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.);</p> <p>(vi) Whether or not a discharge was observed;</p> <p>(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</p> <p>(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 and revised to</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>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)		<p>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>	<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.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>(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 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> <p>(a) The location and source of illicit discharge;</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<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 construction stormwater runoff problems;</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>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
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 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</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 activities 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</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		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:	under the Chesapeake Bay Preservation Act, or in accordance with more stringent thresholds established by the local government, as follows: Rationale: Added “nontraditional” permittee qualifier to (3), (4), and (5) for clarification. No impact.
Part I E.4.b		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.	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. Rationale: Removed “of the MS4” for clarification. No impact.
Part I E 6 I (5)	Part I E 4 c	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 and its attendant regulations;	Moved from MCM6 to MCM4 requirements to include certification requirements with other erosion and sediment control permit conditions. No change. No impact.
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;

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>Rationale: Added “erosion and sediment control program” for clarification.</p> <p>No impact.</p>
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):	<p>(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;</p> <p>(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):</p> <p>Rationale: Added (2) for clarification on towns that do not implement an erosion and sediment control program.</p> <p>No impact.</p>
Part I E 4 c (3)	Part I E 4 d (4)	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;	<p>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;</p> <p>Rationale: Reworded for clarity.</p> <p>No impact.</p>
Part I E 4 c (4)	Part I E 4 d (5)	Written inspection procedures to ensure the requirements are maintained in accordance with 9VAC25-840-90 A and onsite erosion and sediment controls are properly implemented and all associated documents utilized during inspection including the inspection schedule;	<p>For traditional permittees, written inspection procedures to ensure VESCP requirements are maintained in accordance with 9VAC25-840-90 A and onsite erosion and sediment 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</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>procedures and inspection schedules to reduce regulatory redundancy. No impact.</p>
<p>Part I E 4 c (5)</p>	<p>Part I E 4 d (6)-(8)</p>	<p>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. 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</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>local 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)	<p>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>	<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>(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>(1) 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> <p>Rationale: Revised for nontraditional clarification.</p> <p>No impact.</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		(3) The total number and type of enforcement actions implemented and the type of enforcement actions.	<p>(2) Total number of erosion and sediment control inspections conducted; and</p> <p>(3) Total number of each type of compliance action and enforcement action implemented and.</p> <p>Rationale: Revised for clarity.</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 develop an inspection and maintenance program in accordance with Parts 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 develop 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

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>approval from the department, 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 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 more stringent local requirements, if applicable, and with the implementation of a</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 develop an inspection and maintenance program in accordance with Part I E 5 b;</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 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. If the</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		<p>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>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>(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 for those stormwater management facilities owned or operated by the permittee that discharges to the MS4 as follows:	<p>The permittee shall implement an inspection and maintenance program for those stormwater management 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</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>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)		<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.</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 utilize inspection and maintenance specifications developed by 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.</p> <p>Impact: Reduces duplication of permittee efforts to develop procedures and promotes consistency with state specifications.</p>
Part I E 6 I (6)	Part I E 5 (2)	<p>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>	<p>Rationale: Moved certification requirements to post-construction stormwater management.</p> <p>No impact.</p>
Part I E 5 c		<p>For those permittees described in Part I E 5 a (1) or (2) the permittee shall:</p>	<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>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
Part I E 5 c (1) (b)		Adequate long-term operation and maintenance by the owner of the stormwater management facility by requiring the owner to develop and record a maintenance agreement, including an inspection schedule to the extent allowable under state or local law or other legal mechanism;	<p>Require adequate long-term operation and maintenance by the owner of the stormwater management facility by requiring the owner to develop and record a maintenance agreement, including an inspection schedule to the extent allowable under state or local law or other legal mechanism;</p> <p>Rationale: Added "Require" 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.	<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 requirement	Change, intent, rationale, and likely impact of new requirements
		<p>A database shall include the following information as applicable:</p> <p>(1) The stormwater management facility or BMP type;</p> <p>(2) The stormwater management facility or BMPs location as latitude and longitude;</p> <p>(3) The acres treated by the stormwater management facility or BMP, including total acres, pervious acres, and impervious acres;</p> <p>(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;</p> <p>(5) The 6th Order Hydrologic Unit Code in which the stormwater management facility is located;</p> <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</p>	

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		<p>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	<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>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>Rationale: Moved to Part III in order to clarify stormwater management 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)	<p>Written procedures for compliance and enforcement of inspection and maintenance requirements for privately owned BMPs.</p>	<p>Written procedures for compliance and enforcement of inspection and maintenance requirements for privately owned stormwater management facilities.</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>Rationale: Changed “BMPs” to “stormwater management facilities” for consistency.</p> <p>No impact.</p>
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	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

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>Stormwater from Construction Activities;</p> <p>Rationale: Changed recognizing nontraditional permittees do not have access to the Virginia Construction Stormwater General Permit database.</p> <p>No impact.</p>
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.	<p>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</p> <p>Rationale: Changed for clarity.</p> <p>No impact.</p>
N/A	Part I E 5 e (6)	None.	<p>A confirmation statement that the permittee electronically reported stormwater management facilities inspected using BMP Warehouse in accordance with Part III B 5.</p> <p>Rationale: Annual reporting element for providing most recent inspection dates to BMP Warehouse.</p> <p>No impact.</p>
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:	<p>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:</p> <p>Rationale: Reformatted to clarify objectives of written good housekeeping procedures.</p> <p>No impact.</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
Part I E 6 a (2)		Ensure the proper disposal of waste materials, including landscape wastes	<p>Ensure permittee staff or contractors properly dispose of waste materials, including landscape wastes and prevent waste materials from entering the MS4;</p> <p>Rationale: Changed for clarity.</p> <p>No impact.</p>
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;	<p>Prevent the discharge of wastewater or wash water not authorized in accordance with 9VAC25-890-20 D 3 t, or both into the MS4 without authorization under a separate VPDES permit; and</p> <p>Rationale: Changed for clarification.</p> <p>No impact.</p>
N/A	Part I E 6 a (4)	None.	<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 6 b	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>Rationale: Reformatted to clarify activities requiring written good housekeeping 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	(1) Road, street, sidewalk, and parking lot maintenance and cleaning;

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		<p>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>	<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 subsection 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 this subsection 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, building power-washing, 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;</p> <p>(4) Temporary storage of landscaping materials;</p> <p>Rationale: Reformatted to clarify activities requiring written good housekeeping procedures. Added (a) 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</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>(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 a (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	Part I E 6 b (6)	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>Application of materials, including pesticides, and herbicides shall not exceed manufacturer's recommendations; and</p> <p>Rationale: Reformatted to clearly identify activity requiring a procedure.</p> <p>No impact.</p>
Part I E 6 a	Part I E 6 b (7)	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>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</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			procedure with nutrient management plan considerations.
Part I E 6 l	Part I E 6 c	<p>The permittee shall require through the use of contract language, training, standard operating procedures, or other measures within the permittee's legal authority that contractors employed by the permittee and engaging in activities with the potential to discharge pollutants use appropriate control measures to minimize the discharge of pollutants to the MS4.</p>	<p>Rationale: Moved to proceed procedure requirements. No change.</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> <ul style="list-style-type: none"> (1) Field personnel receive training in the recognition and reporting of illicit discharges no less than once per 24 months; (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; (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; (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 	<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> <ul style="list-style-type: none"> (1) Applicable field personnel shall receive training in the prevention, recognition, and elimination of illicit discharges no less than once per 24 months; (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 than once per 24 months; (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 than once per 24 months; (4) Employees working in and around high-priority facilities with a

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		<p>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 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:</p> <p>(1) The date of the training event;</p>	<p>stormwater pollution prevention plan (SWPPP) shall receive training in applicable site specific SWPPP procedures no less than once per 24 months;</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.</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>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		<p>(2) The number of employees attending the training event; and</p> <p>(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>(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 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	<p>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 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>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>Rationale: Reformatted and revised to reduce subjectivity of permit condition.</p> <p>Impact: More objective permit condition.</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
N/A	Part I E 6 h (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: Added (4) to include source control description in SWPPP.</p> <p>Impact: Adds crucial information to SWPPPs.</p>
N/A	Part I E 6 h (5)	None.	<p>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).</p> <p>Rationale: Added (5) to include source control maintenance schedule in SWPPP.</p> <p>Impact: Adds crucial information to SWPPPs.</p>
N/A	Part I E 6 h (6)	None.	<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>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			Impact: Integrates SWPPPs with good housekeeping procedures.
Part I E 6 d (6)	Removed	Procedures to conduct an annual comprehensive site compliance evaluation	Rationale: Duplicative of other permit conditions. Impact: Reduces duplicative efforts.
N/A	Part I E 6 h (9) and (10)	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 operation requiring SWPPP modification; and (11) The point of contact for SWPPP implementation. 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. Impact: Keeps record of vital changes for SWPPP implementation and promotes transparency.
Part I E 6 e	Part I E 6 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 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	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 a 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 a

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		<p>later than December 31 of that same year.</p>	<p>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>
<p>Part I E 6 g-h</p>	<p>Part I E 6 k-m</p>	<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>k. 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>l. 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>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.</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</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>no longer require SWPPP coverage.</p> <p>Impact: Clarifies classification of high-priority facilities and SWPPP applicability.</p>
Part I E 6 i	Part I 6 n	<p>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 of the Code of Virginia on all lands owned or operated by the permittee where nutrients are applied to a contiguous area greater than one acre. If nutrients are being applied to achieve final stabilization of a land disturbance project, application shall follow the manufacturer's recommendations.</p>	<p>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 of the Code of Virginia on all lands owned or operated by the permittee where nutrients are applied to a contiguous area greater than one acre.</p> <p>Rationale: Moved last sentence to following section.</p> <p>No impact.</p>
N/A	Part I E 6 o-r	None.	<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 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.</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>q. 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</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>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>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>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	Part I E 6 s	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>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> <p>No impact.</p>
Part I E 6 p (1)-(3)	Part I E 6 t (1)-(3)	(1) The written procedures for the operations and maintenance	(1) A list of written good housekeeping procedures for the operations and

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		<p>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:</p> <p>(a) The total acreage on which nutrients are applied;</p> <p>(b) The date of the most recently approved nutrient management plan for the property; and</p> <p>(c) The location in which the individual turf and landscape nutrient management plan is located;</p>	<p>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:</p> <p>(a) The total acreage covered by each nutrient management plan;</p> <p>(b) The DCR approval date and expiration date for each nutrient management plan;</p> <p>(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 u	<p>(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</p>	<p>(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</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		<p>accordance Part I E 6 c during the reporting period;</p> <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:</p> <p>(a) Location and the total acreage of each land area; and</p> <p>(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:</p> <p>(a) The date of the training event;</p> <p>(b) The number of employees who attended the training event; and</p> <p>(c) The objective of the training event.</p>	<p>to determine if SWPPP coverage is needed during the reporting period;</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, l, or 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:</p> <p>(a) The completion date for the training activity;</p> <p>(b) The number of employees who completed the training activity; and</p> <p>(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)</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>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 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</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>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 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		<ol style="list-style-type: none"> 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 	<ol style="list-style-type: none"> 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

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		<p>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 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>necessary reductions. This permit is consistent with the Chesapeake Bay TMDL and the Virginia Phase I, Phase II, and Phase III WIP 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 2010 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 will 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> <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>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		<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) 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>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, 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 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 reduction shall be calculated using Tables 3a, 3b, 3c, and 3d below as applicable:</p> <p>Rationale: Updated to include Phase III WIP and requirements for achieving 100% of L2.</p> <p>No impact.</p>
		<p>Calculation Sheets for Estimating Existing Source Loads and</p>	

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
Part II A Table 3 a, b, c, and d		Reduction Requirements James, Potomac, Rappahannock, and York River Basins.	Rationale: Updated each table for calculating 100% cumulative reductions. No impact.
Part II A 4 and 5		<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 9VAC25-870-48 that begin construction after July 1, 2014, if the following conditions apply:</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>
N/A	Part II A 7	None.	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.
Part II A 11	Part II A 12	<p>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>c. The total reductions achieved as of July 1, 2018, for each pollutant of concern in each river basin.</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</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		<p>d. A list of BMPs implemented prior to July 1, 2018, to achieve reductions associated with the Chesapeake Bay TMDL including:</p> <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>	<p>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; and</p> <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 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>(3) The total reductions achieved as of November 1, 2023, for each pollutant of concern in each river basin.</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>(4) A list of BMPs implemented prior to November 1, 2023, to achieve reductions associated with the Chesapeake Bay TMDL including:</p> <p>(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:</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; and</p> <p>(6) 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.</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>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			No impact.
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 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.</p> <p>Rationale: Revised for clarity.</p> <p>No impact.</p>
Part II A 13	Part II A 14	<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 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</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 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 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</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		<p>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>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 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 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>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<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, total phosphorus, and total suspended solids.</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>
Part II B 1	Part II B 1 and 2	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	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

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		<p>approved by the U.S. Environmental Protection Agency (EPA) as described in Part II B 1 a and 1 b:</p>	<p>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 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>Rationale: Establish new permittee expectation to draft local action plans.</p>
Part II B 1 a and b	Part II B 2 a and b	<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 continue implementation of the action plan; and</p> <p>b. For TMDLs approved by EPA on or after July 1, 2013, and prior</p>	<p>a. For TMDLs approved by the 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>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		<p>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>(1) An evaluation of the results achieved by the previous action plan; and</p> <p>(2) Any adaptive management strategies incorporated into updated action plans based on action plan evaluation.</p> <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: Clarification on revised action plan expectations.</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 below 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 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 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</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			to implement three strategies for action plan.
Part II B 5 a (2)	Part II B 6 a (2)	One or more BMPs approved by the Chesapeake Bay Program; or	<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 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>b. The permittee may meet the local TMDL requirements for sediment, phosphorus, or nitrogen through BMPs implemented or sediment, phosphorus, 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 43 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 action plan goals and the anticipated end dates by which the permittee will meet each WLA for sediment, phosphorus, or nitrogen. The proposed end date may be</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>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>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> <p>No impact.</p>
N/A	Part II B 8	None.	<p>8. Chloride TMDLs</p> <p>a. Traditional 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. Traditional permittee 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</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>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>
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>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<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 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> <p>(1) The stormwater management facility or BMP type;</p> <p>(2) The stormwater management facility or BMPs location as latitude and longitude;</p> <p>(3) The acres treated by the stormwater management facility or BMP, including total acres, pervious acres, and impervious acres;</p> <p>(4) The date the facility was brought online (MM/YYYY). If the</p>	<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> <p>1. 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</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		<p>date brought online is not known, the permittee shall use June 30, 2005;</p> <p>(5) The 6th Order Hydrologic Unit Code in which the stormwater management facility is located;</p> <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</p>	<p>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>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 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.</p> <p>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.</p> <p>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.</p> <p>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>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		<p>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>C. The following information for each BMP reported in accordance with Part III B 1, 2, 3, or 4 shall be reported to the BMP Warehouse as applicable:</p> <ol style="list-style-type: none"> 1. The BMP type; 2. The BMP location as decimal degree latitude and longitude; 3. The acres treated by the BMP, including total acres and impervious acres; 4. The date the BMP was brought online (MM/YYYY). If the date brought online is not known, the permittee shall use 06/2005; 5. The 6th Order Hydrologic Unit Code in which the BMP is located; 6. Whether the BMP is owned or operated by the permittee or privately owned; 7. Whether or not the 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 BMP is privately owned, whether a maintenance agreement exists; 9. The date of the permittee's most recent inspection of the BMP; and 10. Any other information specific to the BMP type required by the BMP warehouse (e.g. linear feet of stream restoration). <p>D. No later than October 1 of each year the BMP Warehouse shall be updated if an existing BMP is discovered between July 1 and June 30 that was not previously reported to the BMP warehouse.</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<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. 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 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 and reports must be submitted electronically.</p> <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</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,</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		<p>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>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 "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. 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>Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge, including a "bypass" (Part IV U) or "upset," (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 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>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>Rationale: The Department no longer require contact by telephone for this requirement.</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 https://www.deq.virginia.gov/get-involved/pollution-response. 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>

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.

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