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Exempt Action Proposed Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation(s)	9VAC25-193
Regulation title(s)	Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Concrete Products Facilities
Action title	Amend and reissue the Concrete Products Facilities General Permit
Date this document prepared	March 15, 2018

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

Brief summary

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of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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

This rulemaking is proposed in order to reissue the existing VPDES general permit which expires on September 30, 2018. The general permit contains limitations and monitoring requirements for point source discharge of treated wastewaters from concrete products facilities to surface waters. The permit also contains stormwater management requirements. The general permit regulation is being reissued in order to continue making it available for these facilities to continue to discharge.

Substantive changes to the existing regulation include:

- Requiring Municipal Separate Storm Sewer owner notification with the registration statement;
- Requiring State Corporation Commission identification number to attain the proper legal owner name of the company for permitting and enforcement purposes;

- Removing the limits and requirements for noncontact cooling water as this industry does not use these systems;
- Clarifying that any waste concrete and any dredged solids from the settling basins are two different types of waste and any associated wastewater or stormwater must be collected for recycle or treated prior to discharge as this was always the intent;
- Simplifying the one foot freeboard log reporting requirement for the settling basins per TAC discussions;
- Requiring reports per Part III H of an unusual or extraordinary discharge for facilities designed to operate as ‘no discharge’ when or if they discharge during 25-year, 24-hour storm events and reporting of unauthorized discharge per Part III G if a discharge occurs outside of 25-year, 24-hour storm event. This provides some type of notification for discharge since DMRs are not required for these systems. The same requirement is in the non-metallic mineral mining permit since that industry also often operates in a no discharge mode;
- Adding that dust suppression spraying shall not occur during measureable rain events as it is unnecessary and more likely to result in a discharge from the site;
- Removed sampling waivers for benchmark monitoring as it was generally agreed upon in the TAC that one annual stormwater sample can easily be collected during a calendar year with proper planning. The sampling waivers for quarterly visual examinations were moved to the next section. Deleting this waiver also removes the requirement for a substitute sample the following period;
- Clarified that when visual assessments indicate stormwater pollution, stormwater controls must be updated. This follow-up for corrective action was missing from this requirement;
- Added documentation of routine facility inspections as this was missing from this requirement;
- Where appropriate, changed language to match the EPA Multi-sector General Permit for Stormwater Discharges Associated with Industrial Activity; and
- Throughout the regulation, where appropriate, made due dates for various requirements 60 days (registration, outfall changes and stormwater plan updates and corrections) for consistency.

In addition, a periodic review/small business impact review was conducted as part of this regulatory action. Please see the periodic review/small business impact review result section for additional information.

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.

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- BMP: Best Management Process
 - DEQ: Department of Environmental Quality
 - EPA (U.S. EPA): United States Environmental Protection Agency
 - ISWGP: VPDES Industrial Stormwater General Permit 9VAC 25-151
 - MS4: Municipal Separate Storm Sewer System
 - MSGP: NPDES Multi-Sector Industrial Stormwater General Permit
 - NAICS: North American Industry Classification System
 - NPDES: National Pollutant Discharge Elimination System
 - O&M: Operations and Maintenance
 - SIC: Standard Industrial Classification
 - TMDL: Total Maximum Daily Load
 - USC: United States Code
 - VAC: Virginia Administrative Code
 - VPDES: Virginia Pollutant Discharge Elimination System

Legal basis

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

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

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

Purpose

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

This proposed regulatory action is needed in order to establish appropriate and necessary permitting requirements for discharges of wastewater and stormwater to surface waters from concrete products facilities to protect the quality of state waters. Protecting water quality in the Commonwealth’s surface waters is necessary to protect the health, safety and welfare of citizens. These discharges are considered to be point sources of pollutants and thus are subject to regulation under the VPDES permit program. The primary issue that needs to be addressed is that the existing general permit expires on September 30, 2018 and must be reissued in order to continue making it available after that date.

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 existing regulation include:

- 9VAC25-193-60 (Registration statement) and 9VAC25-193-70 Part I B (General permit) – Requiring MS4 owner notification with the registration statement;

- 9VAC25-193-60 (Registration statement) - Requiring State Corporation Commission identification number;
- 9VAC25-193-60 (Registration statement) and 9VAC25-193-70 Part I A and B (General permit) - Removing the limits and requirements for noncontact cooling water;
- 9VAC25-193-70 Part I B (General permit) - Clarified that any waste concrete and any dredged solids from the settling basins are two different types of waste and any associated wastewater or stormwater must be collected for recycle or treated prior to discharge;
- 9VAC25-193-70 Part I B (General permit) - Simplifying the one foot freeboard log reporting requirement for the settling basins;
- 9VAC25-193-70 Part I B (General permit) - Requiring reports per Part III H of unusual or extraordinary discharges of the permit for facilities designed to operate as “no discharge” when or if they discharge during a 25-year, 24-hour storm event and to report unauthorized discharge per Part III G if a discharge occurs outside of a 25-year, 24-hour storm event;
- 9VAC25-193-70 Part I B (General permit) - Adding that dust suppression spraying shall not occur during measureable rain events;
- 9VAC25-193-70 Part II C (Stormwater management) - Removed sampling waivers for benchmark monitoring;
- 9VAC25-193-70 Part II C (Stormwater management) - Clarified that when visual assessments indicate stormwater pollution, stormwater controls must be updated;
- 9VAC25-193-70 Part II F - Added documentation of routine facility inspections; and
- 9VAC25-193-70 Part II – Where appropriate, changed language to match the EPA Multi-sector General Permit for Stormwater Discharges Associated with Industrial Activity; and
- 9VAC25-193-70 Part II – Where appropriate, made due dates for outfall changes and stormwater plan updates and corrections to within 60 days.

Issues

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

The advantages to the public and the agency are that a VPDES general permit will continue to be available to concrete products facilities to enable them to discharge safely to surface waters without the increased cost and more complicated application process associated with issuing an individual permit. There are no disadvantages.

Requirements more restrictive than federal

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

There are no requirements that are more restrictive than applicable federal requirements.

Localities particularly affected

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

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

Alternatives

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

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

Public comment

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

Commenter	Comment	Agency response
Sam L. Hollins Aggregates Program Manager VA Transportation Construction Alliance	Asked to have a representative from VA Transportation Construction Alliance (Walter Beck) on the TAC.	Invited to participate on the TAC.
Jamie Pearce Office Manager Nansemond Pre-Cast Concrete Co., Inc.	I am sending this email to comment on the Public Notice we received regarding the General VPDES Permit for Concrete Products Facilities. We do not necessarily have any requests or concerns related to the topics or issues that are specifically mentioned in the letter we received, but we do have some concerns related to sampling and the safety of those taking samples. Because the permit requires the sampling of discharge within the first 30 minutes, an employee may be required to report to our facility during non-daylight hours to obtain the discharge sample. This is a major safety concern because this employee is alone in these instances. More consideration needs to be given to the hours of operation for facilities covered by this permit.	DEQ believes that the one annual stormwater sample can be collected during normal hours sometime during the year. With proper planning, there should be no need for an employee to take a sample during non-daylight hours. The only more frequent stormwater monitoring is for the quarterly visual examinations and the permit specifies that these examinations are done during normal working hours.
Chris Monahan The Lane Construction	Asked to participate on the TAC to help develop this environmental regulation proposal by sharing industry perspective and	Invited to participate on the TAC.

Corporation; and Virginia Paving Company	to keep these changes achievable and as meaningful as possible.	
Tom Foley Environmental Manager Vulcan Materials - Mideast Division and Virginia Concrete	Asked to participate on the TAC along with Walter Beck.	Invited to participate on the TAC.
Jay Lipscomb Branscome, Inc.	Asked to participate on the TAC.	Invited to participate on the TAC.
Helen T. Whittemore Vice President Capital Concrete, Inc.	Asked to participate on the TAC along with Scott Wooten, Environmental Manager.	Invited to participate on the TAC.
Doug Ruhin Resource Management Associates.	Asked to participate on the TAC. Representing Resource Management Assoc., numerous ready mixed concrete plants (Superior Concrete, Essroc / Hanson RM, Shockey Precast, Vulcan Materials are existing clients. Is a member of NRMCA (Environmental Task Group, and creator and principal instructor of their Environmental Professional Certification Course). In the process of seeing who VRMCA will have on this Committee, and would be happy to assist them or the Virginia Precast Concrete Association if needed. Served in a similar capacity for several other state's NPDES concrete industry specific general permits, including NJ, PA, DE and more. One of the foremost experts in concrete industry environmental matters in the US.	Invited to participate on the TAC.
Ken Waegerle, CSP, Corporate EHS Manager Chandler Concrete and VA Ready Mix Concrete Association	Was communicating with the VA Ready Mix Concrete Assoc. to identify a representative to be on the TAC. Also provided a similar general permit from South Carolina.	Did not receive a follow up communication. But there were a number of industry representatives on the TAC.
Kerry McAvoy One Environmental Group, LLC	Asked for Michael T. Deyo to participate on the TAC representing Allied Concrete Products, LLC.	Invited to participate on the TAC.
Trieste Lockwood, Policy & Campaigns Manager Virginia Conservation Network.	Asked to participate on the TAC.	Invited to participate on the TAC.
Cliff Bocchicchio Environmental Manager Titan America, LLC	Asked to participate on the TAC.	Invited to participate on 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, the impacts of the regulated community and the impacts of the regulation on farm or forest land preservation.

In addition to any other comments, the Board is seeking comments on the costs and benefits of the proposal, the potential impacts of this regulatory proposal and any impacts of the regulation on farm and forest land preservation. Also, the agency/board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so by mail, email or fax to Elleanore Daub, P.O. Box 1105, Richmond, VA 23218, phone number (804) 698-4111, fax number (804) 698-4032 and elleanore.daub@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://www.virginia.gov/connect/commonwealth-calendar>). Both oral and written comments may be submitted at that time.

Family impact

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

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

Periodic review/small business impact review report of findings

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

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

There were no comments received following the publication of the Notice of Periodic Review in the Notice of Intent Comment Period. Public comments were received from several industry representatives requesting to participate on the technical advisory committee. They were all invited to participate. The necessity to protect public health, safety and welfare is addressed in “Purpose” above. The complexity of

the regulation and ideas to make it clearer were discussed in the technical advisory committee and appropriate changes were made. The regulation does not overlap, duplicate, or conflict with federal or state law or regulation as the State Water Control Board is the delegated authority to regulate point source discharges to surface water. The regulation was evaluated in 2013 when the permit was reissued last permit term.

Detail of changes

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

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
10		Definitions contain Standard Industrial Classification (SIC) Codes.	Added North American Industry Classification System (NAICS) Codes that correspond to the concrete industry. NAICS codes are a more up to date industry classification system. No impact.
10		Definition of MS4.	Definition of MS4 deleted. The definition of MS4 is in the permit regulation (9VAC25-31-10) and incorporated by reference so it does not need to be repeated in this regulation. No impact.
10		No definition of "minimize", "no discharge system" and "25-year, 24-hour storm event."	Definitions of "minimize", "no discharge system" and "25-year, 24-hour storm event" added. These terms are used in the permit and these are clarifications of those terms. No impact.
15		Effective date for the Title 40 CFR is July 1, 2012	Effective date for the Title 40 CFR changed to July 1, 2017. No impact.
20		Purpose governs the discharge of process and stormwater for SIC codes 3271, 3272 and 3273.	Added NAICS codes to the list.
40		Effective date of permit October 1, 2013 to September 30, 2018.	Updated effective dates of permit October 1, 2018 to September 30, 2023.
50 C		Same requirement.	Authorization –Clarified that "Compliance with this general permit constitutes compliance <u>for purposes of enforcement</u> with the federal Clean Water Act §§ 301, 302, 306, 307, 318, 403 and 405 (a) through (b), the State Water Control Law, and applicable regulations under either, with the exceptions stated in 9VAC25-31-60 of the VPDES Permit Regulation" which better mirrors the language in the permit regulation at 9VAC25-31-60. No impact as this is a clarification.
50 D		Same requirement.	Updated and clarified continuation of permit coverage dates. No impact.
60 A and B		Same requirement.	Updated due dates for registration statements. Made all due dates 60 days prior to expiration or commencement of discharge. This gives the industry more time to submit registration statements but DEQ less time to process them.
60 C		Similar requirements.	Removed requirement to provide any current VPDES or VPA permit numbers. Not needed as DEQ can easily track this. Clarified questions about "no discharge" systems and settling basin liner materials. No impact.

60 C		Question about noncontact cooling water chemicals.	Removed question about noncontact cooling water chemicals. This process is no longer used in the industry so the question is not needed. No impact.
60 C		Requirement for notification of MS4 owner within 30 days of coverage.	Requirement for notification of MS4 owner at time of registration. The MS4 owners prefer the notification sooner and DEQ has been making this change in all general permits as they come up for reissuance. It is a minimal impact as only a limited number of permittees discharge to an MS4 and the requirement only asks for the notification (e.g., an email to the MS4). It does not require a response from the MS4 owner.
60 C		No requirement.	Added requirement for the State Corporation Commission entity identification number. The agency recently decided to ask for this information to be clear on the owner's name is for permitting and enforcement purposes.
60 E		No paragraph E.	New paragraph explains the registration statement shall be delivered to the department's regional office by postal or electronic mail. No impact, although allowing electronic submittals of registration statements to DEQ is a recent allowance in all General Permits as they are reissued and should make it easier to submit registration statements.
70		The reference to the permit regulation is 9VAC25-31.	Clarified the reference to the permit regulation to 9VAC25-31-170. No impact.
70		Effective dates are 2013 – 2018.	Effective dates updated to 2018-2023.
70		Opening paragraph states the authorized discharge is in accordance with the cover page, Part I Effluent Limitations, Monitoring Requirements, and Part II Conditions Applicable to All VPPDES permit.	Added that the authorized discharge is also in accordance with the information submitted with the registration statement (because that is what DEQ uses to determine if the discharge can be authorized). Added also Special Conditions to Part I authorization because the special conditions are also part of the permit requirements. No impact, wording is similar to other general permits and individual permits.
70 Part I A		Contains effluent limitations for noncontact cooling water.	Removed effluent limitations for and references to noncontact cooling water as this process is not used by the industry any more. No impact.
70 Part 1 B 5		Special condition that requires any waste concrete and dredged solids from settling basins to be managed within designated areas and wastewaters and stormwaters must be collected for recycle or treated before discharge	Clarified requirement is for any waste concrete and <u>any</u> dredged solids. Clarification that waste concrete and dredged solids are two different types of waste. Waste concrete can be leftover wet concrete emptied from the concrete trucks. Dredged solids are the waste solids removed from the bottom of the settling basins. This may require some procedure changes at some facilities to ensure the wet concrete is emptied near the settling basins so water is funneled to the basins for treatment.
70 Part I B 8		Requires prior approval of noncontact cooling water chemicals.	Removed requirement since noncontact cooling water is no longer used by this industry. No impact. But this does change the numbering of the special conditions from this point forward.
70 Part I B 10 (renumbered as 9)		Requirement that if a facility discharges to an MS4, they must notify the MS4 owner within 30 days of coverage under the general permit.	Changed to that if a facility discharges to an MS4, they must notify the MS4 owner at the time of registration. The MS4 owners prefer the notification sooner and DEQ has been making this change in all general permits as they come up for reissuance. It is a minimal impact as only a limited number of permittees discharge to an MS4 and the requirement only asks for the notification (e.g., an email to the MS4). It does not require a response from the MS4 owner. The requirement is repeated here as a reminder in the permit itself that they will be required to notify the MS4 owner and include that notification with their registration statement.
70 Part I B 11 (renumbered		Requirement for one-foot freeboard in basins and lagoons and inspection daily log requirements.	Same requirement except removed some of the reporting requirements (removed DEQ notification, removed printed name and signature of inspector,

as 10)			changed measurement “in inches” to “if the one-foot minimum freeboard was maintained”). The industry representatives on the TAC thought the reporting requirements were too burdensome but staff thought the daily observations with minimal notations were still useful. This may relieve some compliance issues with the reporting log details.
70 Part I B 12 (renumbered as 11)		Requirement that systems designed as “no discharge” may only discharge during extreme storm events (25-year 24-hour storm events).	Same requirement except now the discharge must also be reported as an unusual or extraordinary discharge per Part II H of the permit and reporting of unauthorized discharge per Part III G if a discharge occurs outside of 25-year, 24-hour storm event. This same requirement is in the non-metallic mineral mining permit. The industry will have to be observant of overflows during extreme rain events. A 25-year 24-hour rain event is 6 inches of rainfall for most of Virginia.
70 Part I B 13 (renumbered as 12)		Boilerplate notification for certain toxic pollutants.	Clarifications. No impacts.
70 Part I B 15 (renumbered as 14)		Requirement for dust suppression of stockpiles to be used as a BMP but there shall be no direct discharge to surface waters.	Same requirement but reworded to match the same requirement in the non-metallic mineral mining general permit to clarify that there should be no ponding or direct run-off from the site. Also added that dust suppression shall not occur during a measureable rain event (a storm event that results in a discharge from the site). This was added in response to a staff concern that dust suppression was observed when it was raining (which is unnecessary and more likely to result in a discharge from the site). This may result in some facilities changing their operating procedures and the storm water pollution prevention plan.
70 Part I B 16 (renumbered as 15)		Requirement for laboratory quantification levels (QLs).	Same requirement except added “The QL is defined as the lowest concentration used to calibrate a measurement system in accordance with the procedures published for the test method.” This is the definition of QL used in all permits. No impact.
70 Part I B 18 (renumbered as 17)		Requirements for adding or deleting outfalls. DEQ must be notified within 30 days of the change.	Same requirement with some rewording to match the ISWGP language. Changed notification to DEQ to within 60 days of the change. No impact.
70 Part I B 19 (renumbered as 18)		Requirements for termination notification.	Same notification with some clarifications. No impact.
70 Part I B 20 (renumbered as 19)		Requirements for temporary closures at inactive and unstaffed sites.	Same requirement except added that the contact information, reason for the request, date of inactivity, date of closure plan completion and a signed certification. This information is required in the ISWGP and makes sense in this permit as well. Also added that the Board retains the right to revoke this waiver when it is determined that the discharge is causing, has a reasonable potential to cause, or contributes to a water quality standards violation to match the same requirement in the ISWGP. No significant impact. This special condition is not used frequently.
70 Part II A		Stormwater monitoring requires the permittee explain on the DMR why a grab sample during the first 30 minutes was impractical.	Stormwater monitoring requires the permittee explain in the SWPPP why a grab sample during the first 30 minutes was impractical. The SWPPP is where this information is required to be kept per the EPA MSGP.
70 Part II B		Requirements for representative discharges and substantially identical outfalls.	Same requirements with some clarifications. Added that they must report that the observations from the representative outfall also apply to the substantially identical outfalls. No significant impact.
70 Part II C		Sampling waivers allowed for	Deleted this paragraph and moved sampling

		benchmark monitoring and visual examinations.	waivers for quarterly visual monitoring to Part II D (renumbered to C because of the deletion). This deletion removes sampling waivers for benchmarks because it was generally agreed upon in the TAC that one annual stormwater sample can easily be collected during a calendar year with proper planning. Deleting this waiver also removes the requirement for a substitute sample the following period. All following subsections are renumbered because of the deletion.
70 Part II D (renumbered as C)		Requirement for quarterly visual examinations of stormwater quality.	Similar requirements with the clarification that the samples will be collected in a clean, colorless glass or plastic container and examined in a well-lit area. This is a requirement in the EPA MSGP and made sense to include it here. Added the adverse weather conditions waiver from the deleted subsection C above. Clarified that the adverse weather waiver is documented in the SWPPP for each measureable storm event in the monitoring period. Added a requirement that whenever the visual assessment shows obvious indicators of stormwater pollution, the SWPPP and stormwater controls shall be updated per Part II F. This follow-up for corrective action was missing from this requirement. Some of the sentences were moved around for clarification.
70 Part II E (renumbered as D)		Allowable nonstormwater discharges.	Slightly reworded to match the ISWGP and for clarification. No impact.
70 Part II G (renumbered as F)		SWPPP requirements.	Some deadlines for plan preparation and compliance were made more generic and any 30 day notification due dates were changed to 60 days. This was done, where appropriate, to make due dates consistent and less confusing. Clarified that SWPPPs for inactive sites may be kept at the nearest office of the permittee.
70 Part II G (renumbered as F)		SWPPP good housekeeping requirements.	Similar requirements, except the wording for sweeping and enclosing certain materials was adjusted to be more like EPA's MSGP.
70 Part II G (renumbered as F)		SWPPP good housekeeping requirements.	Added procedures for labeling containers to encourage proper handling and facilitate rapid response if spills or leaks occur
70 Part II G (renumbered as F)		SWPPP routine facility inspections.	Added documentation of inspection date and time, name and initials of inspector, observations of discharges, outfall conditions, leaks or spills, offsite tracking and BMP practices that need to be repaired and other wording adjustments to be more similar to the EPA MSGP. The additions were missing, are sensible and make the routine facility inspections more robust. The additional documentation will take more time to do the routine facility inspections and add to documentation kept at the facility.
70 Part III D, L and X		Conditions applicable to all permits.	Removed references to modifications and revoke and reissue because these permit actions are not done on general permits.
70 Part III L, M, X, and Y		Conditions applicable to all permits.	Changed references to the "permit" to "permit coverage" since registrants do not apply for the permit, they apply for permit coverage
70 Part III K and L			. Also changed reference to the "permit application" to the "permit registration" as that is the correct terminology for general permits.
70 Part III Y		Conditions applicable to all permits. Notification of transfer of permit must be done at least 30 days in advance of the proposed transfer of the title.	Changed transfer of permit coverage requirement to be within 30 days of the transfer of title. This change is being made to all general permits since permittees are rarely able to notify the department 30 days prior to a transfer.
10 - 70		Storm water in various sections two words.	Replace "Storm water" with "stormwater" (one word) throughout regulation to match current ISWGP and EPA terminology.

Regulatory flexibility analysis

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

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