

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER PERMITTING DIVISION**

Subject: **Guidance Memo No.18-2009**, Implementation Guidance for Reissuance of the VPDES General Permit for Concrete Products Facilities (VAG11)

To: VPDES Water Permitting Managers, VPDES Water Compliance Managers

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Summary:

This guidance memo replaces Guidance Memo No.13-2004, Implementation Guidance for Reissuance of the General VPDES Permit for Concrete Products Facilities. On September 20, 2018, the State Water Control Board adopted amendments to the VPDES General Permit for Concrete Products Facilities, 9VAC25-193, which modified General Permit VAG11. These modifications are effective January 1, 2019. Copies of the amended permit regulation, fact sheet, registration statement, general permit, fee form, and all transmittal letters can be found on [DEQNet](#).

Public information can be found at on the [DEQ Water VPDES website](#).

The purpose of this guidance memo is to identify changes that have been made to the General Permit VAG11, to provide DEQ staff with guidance on implementation of these changes, to provide guidance on aspects of the permit that have raised questions and to provide example letters that staff may use for the administration of the regulation.

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Disclaimer:

This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, it does not mandate or prohibit any particular action not otherwise required or prohibited by law or regulation. If alternative proposals are made, such proposals will be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.

1. Background

The amendments to the concrete product general permit regulation are effective January 1, 2019. The existing general permit was due to expire on September 30, 2018 but coverage was administratively continued to all permittees that submitted a complete registration statement before expiration. All facilities currently covered under VAG11 must submit a complete registration statement which includes the appropriate fee to be permitted under the amended general permit. The 2013 registration statement was used for the 2018 reissuance because the new registration requirements were not effective yet and there were not significant changes to the registration statement. The regions were provided the registration statement, transmittal letter, fee form and public notice on May 4, 2018 to be mailed out on May 14, 2018. The industry was notified that the new registration date was August 1, 2018.

2. Changes to the General Permit 2013

The following are the substantive changes made to the regulation effective January 1, 2019:

- Moving the effective and expiration dates ahead because permit coverage will be administratively continued past the current expiration date;
- 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;
- Clarifying that the O&M manual requirements for wastewater treatment process units do not apply to facilities that do not operate such units in response to public comment;
- Removing the one foot freeboard log reporting requirement for the settling basins in response to public comment;
- 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 during a storm event with an intensity less than a 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;
- Adding a requirement to conduct an annual routine facility inspection at inactive sites in accordance with the EPA NPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity, 2015 (MSGP);
- Removing 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;
- Clarifying that when visual monitoring indicates stormwater pollution, stormwater controls must be updated. This follow-up for corrective action was missing from this requirement;
- Removing the requirement to collect and treat pavement wash water because it is an allowable nonstormwater discharge. However, a requirement was added to the allowable nonstormwater

discharges that pavement wash waters shall be managed to prevent the discharge of pollutants to control solids discharges and deposition off site;

- Added documentation of routine facility inspections as this was missing from this requirement;
- Removing the requirement for a signed certification for routine facility inspections;
- Adding a waiver for routine facility inspections for facilities that maintain an active Virginia Environmental Excellence Program E3/E4 status to be consistent with the VPDES Industrial Stormwater General Permit;
- Removing comprehensive annual inspections to correspond with the EPA NPDES MSGP;
- Moving the non-stormwater SWPPP documentation requirements into the SWPPP subsection;
- Where appropriate, changing language to match the EPA NPDES MSGP for Stormwater Discharges Associated with Industrial Activity; and
- Throughout the regulation, where appropriate, making due dates for various requirements 60 days (registration, outfall changes and stormwater plan updates and corrections) for consistency.

3. Coverage and Restrictions

The general permit is applicable to discharges of process wastewater and stormwater associated with industrial activity from SIC Codes 3271 (concrete block and brick), 3272 (concrete products, except block and brick), and 3273 (ready-mix concrete plants). SIC codes 3271 and 3272 were added in 2006. Process wastewater includes input from vehicle wash water, and vehicle or equipment degreasing activities, and may be commingled with stormwater associated with industrial activity. Boiler blowdown is not specifically listed in the permit but may be a small component of the process wastewater at some sites and the facility may be covered under this permit.

Included under this permit are facilities that are designed not to discharge. Early in the history of this general permit (1998) there were a number of “no discharge” facilities covered under VPA permits. It became agency policy to consolidate the discharge and no discharge sites into one general VPDES permit. A no discharge facility will normally not have a process wastewater outfall or the settling basin is large enough to (is designed) hold all stormwater up to a 25-year 24-hour storm event. See Registration question #7 and special condition Part I B 11.

Although this general permit provides coverage where the majority of the industrial activity is the production of ready-mixed concrete, it also provides coverage to a facility which produces several products but the only wastewater discharge is from the ready-mixed concrete production area. Both permanent and portable plants are included in the definition of ‘industrial activity’ and both could be covered under this general permit. The definition of portable plants does not include rental of a cement mixer for personal use and this activity is not covered under this general permit. It is recommended that the regions set up procedures for the DEQ air staff to inform the water staff when a portable plant requests an air permit so the water staff can ensure a general permit has been issued for the operation.

Facilities will need to meet the following conditions to qualify for coverage:

- A complete registration statement (including the \$600 fee) has been approved;
- The facility is engaged in producing concrete products as designated by SIC code 3271, 3272 or 3273;
- The owner has complied with the applicable effluent limitations and other requirements of the permit. Treatment systems for new facilities should be evaluated in the registrations statements to determine if the discharge will meet permit limits;

- The owner is not required to obtain an individual permit as per [9VAC25-31-170 B 3](#) of the Permit Regulation;
- The discharge is not to any state waters specifically named in other board regulations or policies which prohibit such discharges (e.g., Exceptional Waters listed in [9VAC25-260-30](#));
- The discharge meets the board’s antidegradation requirements in [9VAC25.260-30](#) in high quality (Tier 2) waters or exceptional waters. Staff did not anticipate antidegradation policy problems from existing discharges in the concrete industry, although staff in the regions should be aware of new discharges to Tier 2 waters and consult with central office to see if the new discharge conforms to antidegradation requirements;
- The discharge is consistent with the assumptions and requirements of an approved TMDL. The current assumption in TMDLs is that any loads to impaired waters from discharges covered under general permits are either considered insignificant to the waste load allocation or have been included in the load allocation growth factor. Either way, the loads from general permits are tracked by DEQ staff and when or if the load either becomes significant or exceeds what is allowed by the growth factor, then DEQ staff must revise the TMDL. Normally, that means the permit limit concentrations and the flow from each facility are used to adjust the waste load allocations in the TMDL. This means that a TMDL in the receiving stream will not usually keep permittees from getting coverage. If a TMDL is developed that contains a waste load allocation for a parameter not covered by the general permit, then an individual permit may be necessary.

4. Registration Statements and Fees

The permittee is not required to use the DEQ registration statement form to apply for coverage under the general permit. However, they must submit all the information required for registration listed in the general permit regulation (including the certification) in section 60. The registration statement form and its instructions are on [DEQnet](#) and on the [DEQ website](#). The 2013 registration statement was used for the 2018 reissuance because the new registration requirements were not effective yet and there were no significant changes to the registration statement.

Questions that were deleted during the 2019 reissuance are indicated in CEDS (i.e. the cooling water questions). These questions will no longer be seen in CEDS after October 1, 2018 but the data elements will still be in LOGI for querying.

The numbering used in the registration guidance below is using the numbering of the new (2019) regulation:

Registration questions #1 and #2 asks for basin facility, owner and contact information. Email information is requested but not required by the regulation.

Registration question #3 asks for SIC code information. This must match one of the following SIC codes: 3271, 3272 or 3273. Note that the corresponding NAICS codes were added to the regulation and the CEDS drop down choices for NAICS will correspond to these SIC codes.

Registration question #4 asks for the “Nature of Business.” In the text box in CEDS, indicate the type of operation (e.g., ready-mix) and if the plant is a portable plant.

Registration question #5 asks if the facility is proposed or existing and if existing to provide the current VPDES or VPA permit number. Regardless of the status, the effluent limits should be populated in CEDS and DMRs submitted with “NR” or “Not Required” until commencement of the discharge. New facilities

are actually not required to submit registration statements until 60 days prior to the date planned for commencement of the new discharge or a later submittal established by the board (a later date approved by the regional office).

Registration question #6 asks for a description of the wastewater treatment; including whether any of the wastewater is reused or recycled. Wastewater should be reused or recycled whenever feasible per special condition Part I B 6. Many concrete facilities will opt to reuse wastewater in the admixtures or for dust suppression to save costs. Feasibility does not normally need to be considered by the permit writer.

Registration question #7 asks which treatment units (process, commingled or stormwater) are designed not to discharge. Consider the answer to this question carefully because the permittee is not required to submit a DMR in this scenario. These discharges are considered to be discharging only in emergency discharge conditions. If DMR data has been submitted during the previous permit cycle, the validity of “no discharge” should be questioned. “No Discharge” facilities may at one time have held VPA permits, may not contain process wastewater settling basins (or outfalls) such as block/paver plants that do not operate batch plants, will not normally have a process wastewater outfall or the settling basin is large enough (designed) to hold all stormwater up to a 25-year 24-hour storm event. A rainfall event of this magnitude is approximately 6 inches in eastern Virginia and 5 inches in western Virginia (see NOAA web site for site specific rainfall information). There are currently no stormwater only “no discharge” operations. If a discharge occurs during a 25-year, 24-hour storm event, the permittee must report an unusual or extraordinary discharge per Part III H of the permit (per special condition Part I B 11). No outfall should be created for these types of treatment units. Many facilities may be able to operate a facility without discharging through dust suppression and use of process wastewater in the production of concrete, but these treatment units are not specifically designed not to discharge.

Registration question #8 asks for the date of construction of the settling basins and what the basins are lined with. The purpose of this question is to determine compliance with [§62.1-44.15:5.2](#) which states that all settling basins, used for treatment and control of process wastewater and commingled stormwater that were constructed on or after February 2, 1998, are required to be lined with concrete or any other impermeable materials prior to commencing operation. Recommendations for liners are either a synthetic liner of at least 20 millimeters thickness or a compacted soil liner of at least one foot thickness with a maximum permeability rating of 0.0014 inches per hour. Total soil liner thickness should be one foot after compaction of two separate lifts of equal thickness. If concrete is used, a minimum thickness of one foot reinforced concrete is recommended. This only applies to process or commingled settling basins. See also special condition Part I B 13.

Registration questions #9, 10, 11 and 12 are self-explanatory.

Registration question #13 asks for discharge flow information (maximum, average, hours per day and days per week). This data is entered at the outfall level in CEDS. Do not enter any value into CEDS for stormwater only outfalls even if it is submitted with the registration statement. These are rainfall dependent and not required per the e-reporting rule. Maximum and average flow data is required to be submitted in GPD per 9VAC25-193-60 C 13 of the concrete general permit regulation. Make sure the data seems reasonable for that outfall and is in GPD. This is important because each piece of data is uploaded to ICIS per the e-reporting rule.

Registration question #14 asks for identification of representative stormwater outfalls, if any. Representative outfalls will be identified on the edit outfall screen in the application in CEDS so only one DMR will be submitted to DEQ. The registration asks for locations, estimate of size of the drainage area,

an estimate of the runoff coefficient (low: under 40% (parks, forests, unimproved areas); medium: 40% to 65% (residential, farmland, pasture); high: above 65% (business, industrial, commercial, apartments, paved, steep slopes)) of the drainage areas and why the outfalls are expected to discharge substantially identical effluents including effluent data if it is available. Representative outfalls will be identified on the edit outfall screen in the application in CEDS and the representative outfall DMR will be submitted to DEQ. Enter into DMR information comments box for the representative outfall a description similar to the following – “Outfall 00X is the representative outfall and observations also apply to substantially identical outfall(s) 00X and 00X.”

Registration question #15 is self-explanatory.

Registration question #16 asks for documentation that the permittee has notified the MS4 owner if they discharge to the MS4. An email to the MS4 owner will suffice. A response from the MS4 owner is not necessary.

Registration question #17 asks for closure plans for portable plants using the requirements in the O&M manual special condition Part I B 8 (4).

Registration question #18 asks for the State Corporation Commission entity identification number. The permit writer should check the SCC database using the entity number to obtain the proper owner name. Any discrepancies from the registration statement should be followed up with the permittee contact or owner. Make sure CEDS Core data entry staff are aware of changes.

Registration question #19 is the certification signature.

Beginning January 1, 2019, the cooling water questions will not be required as those limits have been removed from the permit.

The registration form and transmittal letter were sent to the regions on May 4, 2018 and should have been transmitted to any existing permittees on or about May 14, 2018. May 14 was chosen as the date because this was the date of the public notice publication and the agency determined that one mail-out that included the public notice, the transmittal letter and the registration be sent out at the same time due to the comment period and the due date for the registration (August 1, 2018) being in close time periods. The transmittal letter is included with this guidance in [Attachment A](#). Alternate return dates could have been negotiated on a case by case basis as long as they are returned in time to obtain a complete registration statement before the expiration date of the permit (September 30, 2018). Registration statements were accepted through September 30, 2018 to be considered for administrative continuance and registration statements will be accepted after October 1, 2018 but coverage will not be retroactive. This means that registration statements will be accepted after the expiration date but the period of time between expiration date and day of the transmittal letter with their new permit could result in enforcement action if they discharge during that time (discharging without a permit). Since the permit is expired, no new coverages may be allowed between October 1, 2018 and January 1, 2019 (the new effective date). A 2019 registration statement will be available after the effective date of January 1, 2019 and will be on [DEQnet](#) and the [DEQ website](#).

Qualifying new discharges must submit a registration statement 30 days prior to commencing discharge in order to obtain coverage under the general permit.

Qualified facilities that currently discharge process wastewater and/or stormwater under an individual VPDES permit can apply for coverage under the general permit but need not apply immediately. It is preferable that such application be timed to coincide with the expiration of the individual permit. These facilities may allow their individual VPDES permit to expire and apply for the general permit 240 days prior to expiration of the individual permit or have the individual permit voluntarily terminated and the general permit issued in its place. Because there is no refund for the difference of the annual maintenance fees between the individual and general VPDES permits when the individual VPDES permit is terminated, most permittees will likely choose to terminate the individual permit and then replace it with the general permit. Individual permit coverage should be converted to general permit coverage prior to April 1st of the billing year to avoid having to pay the DEQ Annual Maintenance Fee for that billing year. Negotiate alternate registration due dates as needed.

Original signed registration statements must be submitted to the regional office with jurisdiction over the locality in which the discharge takes place. The original fee form and the check must be submitted to Receipts Control at the DEQ Central Office. We do not want a copy of the fee form or a copy of the applicant's check to be sent with the registration statement. The fee must be paid in full at the time the registration statement is submitted for coverage under the general permit.

Online registration capability does not exist but will eventually be developed to meet the requirements of the e-reporting rule.

For CEDS and other purposes, the date of permit application receipt (APRD) should be based on the date the signed registration statement is received.

The fee for registration under this general permit is \$600. There is no pro-rating of fees.

Please refer to the instructions associated with the registration statement. These should be sufficiently detailed to aid both the registrant and the reviewer.

5. Issuance of the General Permit

Once it is determined that the registration statement represents a facility that qualifies for coverage, the general permit pages can be prepared. The general permit pages are on [DEQnet](#). These include, the cover page, appropriate Part I effluent limits pages, special conditions, Part II stormwater management and Part III conditions applicable to all permits. Insert the general permit registration number for the facility on the cover page and in the upper right hand corner of the Part I, II, and III pages. For existing permitted facilities, the registration number will be the same one that was used for the previous issuance. For new facilities, the registration number will be generated by CEDS when the facility is entered into the system. All registration numbers will begin with the same five characters: VAG11.

Applicable Part I A pages will be determined by the types of discharge identified in the registration statement. For example, if a facility discharges process wastewater and stormwater through separate outfalls, Part I A 1 and A 2 will be applicable and included in the general permit issued to the facility. If a facility only discharges process wastewater (which may be commingled with stormwater) only Part I A 1 pages apply. You may delete the Part I A pages that DO NOT apply to your facility. Check page numbering in the upper right hand corner of the permit pages and adjust if necessary. The appropriate outfall number must be added at the end of the first sentence on each effluent limits page. No other changes to the language of the general permit are authorized.

Some concrete facilities do not have a separate outfall for their stormwater discharges. Instead, some (or all) the stormwater draining from the facility discharges through the process wastewater outfall 001, but it does not commingle with the process wastewater until after the treatment system. These facilities should be required to monitor the process wastewater under Part I A 1, and the un-comingled stormwater separately under Part I A 2. This stormwater should be assigned its own outfall number (e.g. 901) and all stormwater requirements will apply to the 901 outfall. Physically it is the same outfall, but the data reported is either for 001 (process wastewater commingled with stormwater) or 901 (stormwater).

The general permit requires quarterly or annual monitoring and reporting. Therefore, DMRs are necessary for reporting and compliance tracking. DMRs should be prepared to reflect the applicable effluent limitations and monitoring requirements for each outfall addressed in Part I A of the permit. All process wastewater discharges have been reduced from monthly to quarterly and no further reductions are allowed. Note that e-DMR may become available to these permittees during the term of this permit.

A letter to transmit the permit and DMRs to the permittee is included in [Attachment B](#). It is not necessary to copy the DEQ Office of Water Permits or EPA on coverage under a general permit. The transmittal letter for coverage under a general permit does not contain the two paragraphs referencing the owner's right to appeal the decision to cover them under a general permit. The transmittal letter indicates when DMRs are due and where the DMRs are to be sent and any instructions for representative outfall monitoring.

6. Termination of Coverage and Change of Ownership

A Notice of Termination (NOT) special condition (SC #18) spells out the procedures the permittee must follow to terminate permit coverage. The permittee is not required to use our Notice of Termination form to terminate coverage under the general permit. However, they must submit all the information required for termination listed in the general permit special condition (including the certification). The NOT form is on [DEQnet](#). If an owner requests termination of coverage under the general permit the regional office can terminate coverage under regional letterhead. [Attachment C](#) contains an example termination letter that can be used to terminate coverage under the permit. Note that a NOT does not need to be submitted if the permit is transferred to a new owner and a change of ownership agreement form is submitted.

If there is a request for change of ownership, then the new owner assumes the coverage under the general permit and the permit number does not change. The new owner may submit a new registration statement, but it is not required. Part III Y of the permit provides for automatic transfer of ownership if the current permittee notifies DEQ within 30 days of the transfer of the title, unless a later date has been granted by the Board. The required written agreement between the new and the old owners must be provided. The [VPDES Change of Ownership Agreement Form](#) should be used, and the form is also on the "Miscellaneous Forms / Information / Regulations" section on [DEQ's website](#). CEDS must be updated for any change of ownership, and a MISC comment entered in the events screen stating *ownership change* and the date of the change.

Where the owner of an existing facility that is covered by this permit changes, the new owner of the facility has to update and implement any revisions to the SWPPP within 60 days of the ownership changes. However, upon a showing of good cause, the director may establish a later date in writing for completing the update, and compliance with the SWPPP.

7. Compliance Reporting

DMRs are due by the tenth of January, April, July and October for quarterly reporting and the tenth of January of each year for annual reporting.

Any reporting does not need to be submitted the 10th day of the month after monitoring takes place because the reporting schedule is specified on the limits page and this prevails over the condition in Part III C 1. Tracking of compliance with the effluent limits and other requirements of the permit should be done according to the Compliance Auditing System already established. Reporting requirements for noncompliance, unusual or extraordinary discharges, etc. are the same as for individual permits.

8. Inspection of Facility Covered

Facilities covered under this general permit are subject to the requirements for the industrial minor/small category of facilities as set forth in DEQ's Risk Based Inspection Strategy (RBIS). As such, they should be inspected at least once every five years. In accordance with the RBIS, more frequent inspections may be conducted. The inspections should verify proper operation and maintenance of each process wastewater treatment unit process; waste concrete handling; and implementation of the SWPPP. See more detailed guidance under # 11 below. Inspectors should also:

- Verify the discharge points, either to MS4s or surface waters and if they correspond to the registration statement. The facility only needs to notify the MS4 if they discharge to the MS4. Discharging to state waters in a MS4 area does not require notification to the MS4;
- Verify that no solids (including concrete product), visible foam or oil sheen are present in surface waters below the outfall(s);
- If applicable, verify type and location of facility vehicle or equipment degreasing activities and presence of materials, equipment or procedures to clean spills from petroleum products;
- Verify that reuse of wastewater for dust suppression is not entering surface waters;
- Educate the permittee to collect the annual benchmark stormwater sample in a timely and safe manner during normal business hours so that they do not run out of time at the end of the monitoring calendar year (waivers for benchmark sampling is no longer allowed);
- Verify that wet waste leftover concrete and any dredged solids from the settling basins are managed such that wastewater is collected or treated before discharge (or there is no discharge from any of these wet solids);
- Verify if truck washout and washdown is occurring in a designated location for treatment before discharge;
- Verify that an O&M manual exists for the process wastewater and appropriate O&M items for stormwater. If only stormwater at the facility, those O&M items may be included in the SWPPP per Part I B 8 c. Note if the appropriate procedures and practices are described in the manual (see more description in special condition Part I B 8 and Part I B 10 below);
- Note if there appears to have been an overflow from the process wastewater treatment units, or stormwater ponds that are designed to not discharge except in a 25-year, 24-hour storm event, if it reached surface waters and if so, was DEQ notified (per part I B 11 and Part III H). Any other overflow (no treatment has occurred) from a process wastewater unit that reaches surface waters is prohibited and is reported as an unauthorized discharge per Part III G;
- Note the type of lining in the process wastewater treatment units and whether any major structural repairs have been done;
- Whether freeboard is maintained at the proper location and if the O&M manual describes how freeboard will be maintained;
- If site has been approved as inactive for over one year, whether an annual routine facility inspection has been done (note that routine facility inspections are waived for facilities that maintain an active [VEEP](#) E3/E4 status; and

- Stormwater management procedures.

9. Record Keeping and Audit

Tracking of coverage under this general permit will be in CEDS. It is important that CEDS is kept updated with relevant information pertaining to the general permit, and this information is subject to audit. Database information must include, but is not limited to, facilities registered under the permit, permittees, contact information and permit numbers.

The file of record must be maintained in ECM. Electronic files that must be retained and are subject to audit include, but are not limited to, the following

- The registration statement and information required by the registration statement;
- The general permit and DMR(s) sent to the permittee;
- Correspondence documents;
- DMRs submitted by the permittee; and
- Inspection reports related to the facility.

10. Monitoring Data Review at Reissuance

Evaluation of collected data will be performed prior to the next round of general permit reissuance. The regional office should ensure that all relevant monitoring records are maintained and data entered into CEDS. The DMR data and any proposed limitations as a result of such evaluation should be brought to the Technical Advisory Committee for its consideration.

11. General Permit Limits, Special Conditions and Stormwater Requirements

This section provides additional guidance in selected parts of the permit where questions have come up or where the staff or TAC asked for clarification.

Part I A 1 and 2 Effluent Limits Pages - In the 2018 reissuance the cooling water limits were deleted since this process isn't used in the industry any more.

Benchmark monitoring applies to stormwater discharges only (not commingled stormwater and process wastewater). Footnote 2 of Part I A 2 requires that if TSS exceeds 100 mg/l or pH falls outside the range of 6.0 – 9.0 standard units, the permittee shall evaluate the overall effectiveness of the SWPPP.

Exceedance of a benchmark does not constitute a violation of the permit. The required response to an exceedance of a benchmark is to evaluate the effectiveness of the SWPPP and make appropriate changes in best management practices. Benchmark concentrations are not effluent limitations. Visual monitoring is only applicable to outfalls identified as stormwater under Part I A 2 (see footnote (5)).

Part I B Special Conditions

Part I B 1 - No Solids, Foam or Oil Sheen. There shall be no discharge of floating solids or visible foam in other than trace amounts. There shall be no solids deposition, or oil sheen from petroleum products in surface water in the vicinity of the outfall as a result of the industrial activity. If this is observed during a DEQ inspection, it could result in an enforcement action or require a subsequent clean-up. Coordination with the VWP program should occur if there is any disturbance of a wetland or stream by clearing, filling, excavating, draining, or ditching in order to correct the solids deposition in the stream.

Part I B 2 - Materials Handling and Storage. Raw materials and products are to be stored and handled so that any untreated discharge of pollutants to surface waters is prevented. This includes leftover wet concrete that is returned to the site. This wet concrete should be disposed of in an area that will collect any water or stormwater that will be in contact with the wet concrete.

Part I B 3 - Vehicle and Equipment Maintenance. Vehicles and equipment used in the industrial activity are to be operated and maintained in a manner that prevents pollution of surface or ground waters. This special condition addresses best management practices for activities associated with vehicle maintenance that take place at a typical concrete products facility.

Part I B 4 – Washdown and washout. Washdown and washout of trucks, mixers, transport buckets, forms, etc... shall be conducted within designated areas. That washdown and washout water shall be collected for recycle or treated to meet the Part I A page limits prior to discharge (normally this is settling and pH adjustment) to the receiving stream.

Part I B 5 - Waste Concrete. Any waste concrete or any solids dredged from the settling basins are managed such that the wastewaters and stormwaters will be collected and treated. Because of the reference to waters, the assumption here is that this is referring to wet waste concrete and wet dredged solids.

Part I B 6 - Recycle and Reuse. Wastewater should be reused or recycled whenever feasible. This is a recommendation seen in other general permits.

Part I B 7 - Prohibition of Sewage Discharge. The discharge of sewage is not permitted under the draft general permit. The limits of the permit do not address pollutants of concern in sewage.

Part I B 8 - Operations and Maintenance. Within 180 days after the date of coverage, the O&M manual must be developed for new permittees or reviewed and updated for existing permittees. This is not a compliance schedule event item that must be submitted to DEQ. It is only submitted upon request by DEQ. O&M requirements are verified during inspection. Most of the O&M practices apply only to the process wastewater treatment units. These are the O&M practices for the sedimentation basins (including how to maintain one foot of freeboard), practices for chemical and material storage areas, methods of estimating process wastewater flows, and management and disposal procedures of process wastewater solids from the basins.

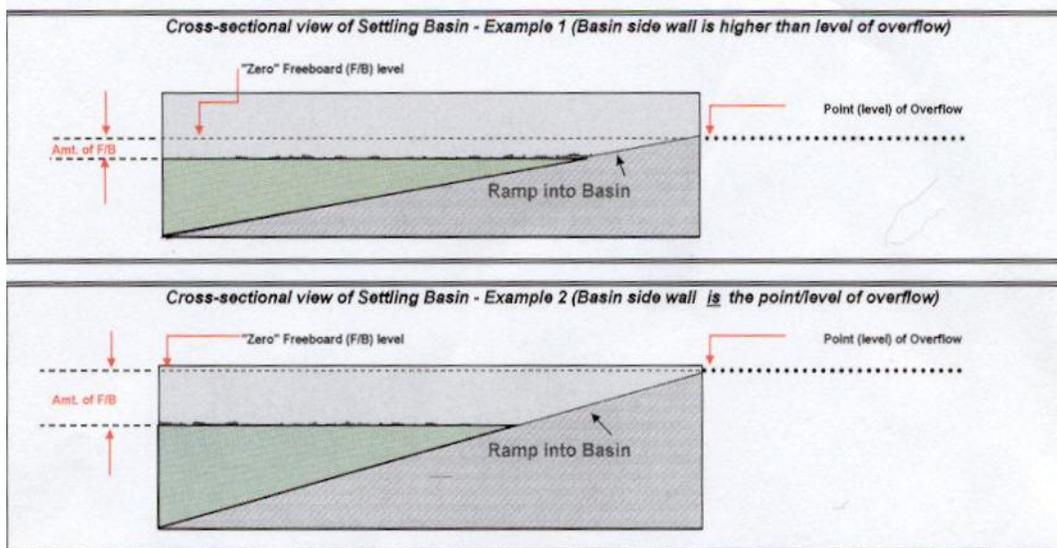
The remaining requirements of the O&M manual apply to both stormwater and process wastewater. These are temporary and long-term facility closure plans, testing requirements and procedures (for discharge monitoring sampling, benchmark and visuals), recordkeeping and reporting, and duties and roles of responsible officials. These officials are not the SWPPP team but rather owners, plant managers, other responsible officials and those designated to certify DMRs and SWPPPs. Those plants with no process wastewater units (only stormwater) may place these dual requirements in the SWPPP. A separate O&M manual is not required for stormwater only plants.

Part I B 9 - Notification of Municipal Separate Storm Sewer System. If the facility discharges through a municipal separate storm sewer system (MS4) to surface waters, the permittee must notify the owner of the storm sewer of the presence of the discharge and provide a copy of such notice to DEQ at the time of registration.

Part I B 10 - Freeboard Requirement. This condition is necessary to prevent overflow from the settling basins. Where basins are operated in series, the one foot freeboard requirement for the upper basins may be waived provided the final basin will maintain the freeboard requirements. This was added to reflect existing practice and design of these basins and to ensure the lower basin will not overflow in high flow rain events. It is deemed reasonable and protective since the additional treatment provided by series basins is preferred.

The waiver in the special condition is optional because there may be instances where freeboard is best measured and maintained elsewhere in the system. It is up to the inspector to determine if the waiver is appropriate at each facility. Some treatment systems may be set up to back flow to 'upper' basins and freeboard should be measured and maintained overall or in an 'upper' basin.

The following illustration shows how to correctly measure available freeboard. Both examples illustrate the measurement for freeboard start with the point of overflow at the edge of the ramp down to the water surface. Some permittees measure incorrectly from the top of the basin wall to the water surface which is only correct in example 2 when the basin wall matches the point of overflow.



In 2019 the freeboard daily log requirements were amended. The permittee must describe in the O&M manual (special condition Part I B 8 a (1)) how the facility will be managed to adhere to one foot of freeboard in the process wastewater basins. If the one-foot freeboard is not restored in the proper basin (normally the final basin) at the end of a 72-hour transition period, then measures should be taken to correct the problem before the next rain event and the daily monitoring and documentation of the freeboard shall be done on a daily basis until the freeboard is returned to one foot. The documentation can be a measurement (e.g., < 1 foot, > 1foot, = 1 foot) and date of the measurement which should be daily until freeboard is returned to one foot. Once one foot freeboard is returned, the daily measurements are not required.

Part I B 11 - No Discharge. This condition essentially provides a waiver for sampling and DMR submittals for facilities where process wastewater, commingled process wastewater and stormwater or stormwater treatment units are designed as "no discharge." These discharges are considered to be discharging only in emergency discharge conditions. "No Discharge" facilities may at one time have held VPA permits, may not contain process wastewater settling basins (or outfalls) such as block/paver plants that do not operate batch plants, will not normally have a process wastewater outfall or the settling basin is large enough (designed) to hold all stormwater up to a 25-year 24-hour storm event. A rainfall event of

this magnitude is approximately 6 inches in eastern Virginia and 5 inches in western Virginia (see NOAA web site for site specific rainfall information). There are currently no stormwater only “no discharge” operations. If a discharge occurs during a 25-year, 24-hour storm event, the permit must report an unusual or extraordinary discharge per Part III H of the permit. No outfall should be created for these types of treatment units. Many facilities may be able to operate a facility without discharging through dust suppression and use of process wastewater in the production of concrete, but these treatment units are not specifically designed not to discharge.

Part I B 12 - Notification Levels. The permittee is required to report the discharge of any toxic pollutant from any activity that has occurred or will occur when that discharge, either on routine or non-routine basis, will exceed the highest of the listed notification levels. This condition is required by the VPDES Permit Regulation (9VAC25-31-200 A).

Part I B 13 - Liner Requirement. This condition contains liner requirements for process wastewater (or commingled) settling basins built after February 1998 as set forth in the Code of Virginia § [62.1-44.15:5.2](#). If these settling basins are expanded or dewatered for major structural repairs, they must be lined with concrete or any other impermeable materials, regardless of the date of construction of the basin. Recommendations for liners are either a synthetic liner of at least 20 millimeters thickness or a compacted soil liner of at least one foot thickness with a maximum permeability rating of 0.0014 inches per hour. Total soil liner thickness should be one foot after compaction of two separate lifts of equal thickness. If concrete is used, a minimum thickness of one foot reinforced concrete is recommended. The liner requirement is not intended to apply to basins used as stormwater management best management practices.

Part I B 14 - Dust Suppression. Wastewater used for dust suppression or spraying stockpiles need only be ‘settled’, but no discharge to surface water is allowed as a result of dust suppression or stockpile spraying. Dust suppression shall not occur during a storm event that results in a discharge from the site.

Part I B 15 - Compliance Reporting. This reflects the same special condition in the individual permits.

Part I B 16 - TMDLs. TMDLs at this time for concrete facilities are for TSS. The loads are calculated based on the existing permit limits or benchmarks so they are consistent with the TMDL.

Part I B 17 - Adding or Deleting Outfalls. To add or delete outfalls, the permittee shall update the O&M manual (where applicable) and SWPPP and notify the department within 60 days of the change. The updated O&M manual and SWPPP do not need to be submitted to the department. For new outfalls, the permittee must submit a new or updated registration statement with an updated SWPPP site map. When an outfall is added or eliminated at a facility, the permit writer must initiate a Permit Authorized Change in CEDS. To do this the user will navigate to the Active record and select the Activity Type of Permit Authorized Change and click the Initiate Permit Authorized Change button to copy the existing Active record to Application classification for processing. All data are copied to application classification except for the information in the Activity Comments fields and the DTSIGN completed date.

The user will add or delete the outfall(s) in question, provide an explanation in the Activity Comments field, notify the compliance auditor regarding the changes made, enter the PAC effective date in the PAC complete date field and send new DMRs to the permittee for new outfalls.

For new outfalls you do need to add or edit the limit start date or limit end date in CEDS (the dates will automatically populate with the effective and expiration date of the permit). You will need to adjust the

monitor start date to correspond with the next full monitoring period. Send a revised or new limits page which includes the new outfall number and DMR, as appropriate, to the permittee and copy the compliance auditor. A suggested transmittal letter is provided in [Attachment F](#).

Part I B 18 - Termination procedures. This is self-explanatory.

Part I B 19 - Temporary Closure at Inactive and Unstaffed Sites. All monitoring and stormwater management requirements are waived when temporary closure at inactive and unstaffed sites is approved by the board. Note that to approve the inactive site waiver there must be no industrial material exposed to stormwater on the site and the closure plan must be implemented. Some discretion must be exercised in the review of this waiver request because usually the plant is not completely dismantled or permanently closed (structures will likely remain), but all aggregate must be removed or not be exposed, and the settling basins must be closed so there is no process wastewater discharge. After approval, a letter should be sent to the permittee verifying approval and that all monitoring is suspended. The compliance auditor should be copied on the letter. Suggested transmittal letters (site closure approval and site reactivation) are provided in [Attachments D](#) and [E](#). An annual routine facility inspection is required in accordance with Part II F 6 f (5); however, a stormwater discharge is not required at the time of this annual routine facility inspection. Permittees are to submit “NR” or “Not Required” on DMRs during the term of inactivity to meet e-reporting and future e-DMR requirements.

Part I B 20 - Water Quality Standards. It is assumed the permit limits and stormwater requirements will meet water quality standards. If agency monitoring indicates otherwise, an individual permit may be necessary.

Part I B 21 - Compliance with other laws. This reminds the permittee that having concrete general permit coverage is not a shield for other applicable laws (e.g., local zoning, instream construction or clean-up (VWP permit may be necessary)).

PART II Stormwater Management

Part II A - Monitoring. Monitoring is conducted for stormwater when a stormwater discharge from the designated outfall occurs. The same stormwater collection rules apply as in any stormwater permit (72-hour since the preceding discharge and during the first 30 minutes unless waived). The waivers should be explained on the DMR and maintained with the SWPPP. However, the regulation in this section is not quite this clear. There may be misinterpretations of where the waivers should be kept with the DMR or the SWPPP. Either place should be deemed acceptable for this permit.

Part II B - Representative Outfalls. Until e-DMR is available for concrete general permit holders (which may be available during this permit term), representative outfalls will be identified on the edit outfall screen in the application in CEDS so only one DMR will be submitted to DEQ. Enter into the DMR information comments box for the representative outfall a description similar to the following – “Outfall 00X is the representative outfall and observations also apply to substantially identical outfall(s) 00X and 00X.” There is no requirement to rotate the representative outfalls.

Part II C - Quarterly Visual Monitoring. The visual monitoring must be done during ‘normal working hours.’ Visual monitoring data or waiver documentation is not required to be submitted with the DMR. Visual monitoring information and waiver documentation is kept with the SWPPP. Waivers for visual monitoring are acceptable when no qualifying storm event occurs during the quarter or adverse weather

conditions created dangerous conditions for personnel during each measurable storm event during the monitoring quarter.

Visual monitoring data includes outfall location, monitoring date, monitoring personnel, nature of discharge (runoff or snow melt) and visual quality of the stormwater discharge (observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen and probable sources of any observed stormwater contamination).

If the visual monitoring shows obvious indicators of stormwater pollution, the SWPPP and stormwater controls must be updated per Part II F.

Part II D and E - Allowable non-stormwater discharges and hazardous substances. These are self-explanatory.

Part II F - SWPPP. This part of the stormwater requirement contains requirements about deadlines and reviews for SWPPPs, contents of the SWPPP, controls (including good housekeeping), routine quarterly inspections and BMP maintenance.

SWPPPs shall be updated and changes implemented within 60 days of permit coverage or ownership change. New facilities shall prepare and implement the SWPPP prior to commencing operations. SWPPPs must also be updated whenever there is construction or a change in operations that can significantly affect the discharge, when routine inspections or visual monitoring determine there are deficiencies in the BMPs, when local, state or federal officials determine that modifications are necessary, there is a spill, leak or other release, or there is an unauthorized discharge.

SWPPPs and SWPPP updates are signed in accordance with Part II K and may be kept at an offsite location if the site is inactive.

The contents of the SWPPP shall include:

- The pollution prevention team which should consist of staff involved with assisting the facility or plant manager with stormwater requirements. The facility inspections may be conducted by a consultant but at least one member of the pollution prevention team must participate in the inspection.
- Sources of pollution including lists of pollutants for each industrial activity.
- A site map which includes the drainage area of the stormwater outfalls inside the facility boundary. If extended beyond the facility boundary, that is also acceptable. Other important locations to be identified are structural controls, surface waters, materials are exposed to precipitation, locations of fueling stations, vehicle degreasing, maintenance areas, loading areas, vehicle wash down areas, bag house or dust control, recycle ponds, sedimentation ponds, or other wastewater treatment and the areas that drain to the treatment device, storage areas, and outfall locations.
- Good housekeeping measures which require keeping areas clean that may contribute pollutants (raw material, material handling areas, storage areas, liquid storage tanks, vehicle fueling and maintenance areas, and loading or unloading areas). Sweep or vacuum (or other equivalent measures) paved surfaces of the site at least once a week in areas where cement, aggregate, kiln dust, fly ash, or settled dust are being handled or processed. Coal combustion residuals are treated as aggregate. Prevent the exposure of fine granular solids (including cement, fly ash and kiln dust)

to stormwater, where practicable, by storing these materials in enclosed silos, hoppers, or buildings or under other covering. Off-site vehicle tracking of materials shall be minimized.

- Preventative maintenance, spill prevention and response procedures.
- Routine facility inspections are quarterly and the requirements have been changed due to the elimination of the annual comprehensive examinations. Routine facility inspections are done during normal facility hours. Routine facility inspections should be conducted during a stormwater discharge event at least once a year. Routine facility inspection shall observe the following:
 - Areas of industrial material or activities exposed to stormwater (material handling areas, above ground storage tanks, hoppers or silos, dust collection or containment system and truck wash down or equipment cleaning areas);
 - Discharge points (outfalls); and,
 - BMPs (for proper operation).

All of the above shall be documented and maintained with the SWPPP including:

- Inspection date;
- Names of inspectors;
- Observations of any discharges; physical condition of areas around outfalls (look for concrete product in the stream or turbidity), leaks or spills, offsite tracking, BMPs that need repair; and any incidents of noncompliance.

Inspections shall be performed by personnel who possess the knowledge and skill to assess the conditions and activities that could impact stormwater. This may be a consultant but at least one member of the stormwater pollution prevention team must also participate. The stormwater pollution prevention team is made up of facility employees.

Any corrections shall be done within 60 days of the routine facility inspection. Routine facility inspections do not need to be certified per Part III K; however, any changes to the SWPPP should be signed by a certified authority.

Routine facility inspections are waived for facilities that maintain an active [VEEP](#) E3/E4 status. There are a number of Luck Stone facilities with E3 status.

Part II F 7 - Maintenance of BMPs. This requirement to observe BMPs is part of a routine facility inspection. It does not need to be a separate piece of documentation. If inspections indicate BMPs are not operating effectively, implementation of new or modified BMPs (distinct from regular preventive maintenance of existing BMPs described in Part II F 7) shall be initiated before the next storm event if possible, but no later than 60 days after discovery, or as otherwise provided or approved by the director. The amount of time taken to modify a BMP or implement additional BMPs shall be documented in the SWPPP.

Note that comprehensive site compliance evaluations have been eliminated from this permit in accordance with the EPA NPDES MSGP, the VPDES Industrial Stormwater General Permit and the VPDES Nonmetallic Mineral Mining General Permit.

Part III Conditions Applicable to All Permits

Part III I 3 requires that where a permittee becomes aware that they failed to submit any relevant facts or submitted incorrect information in a permit registration statement or in any report to the department, that they shall promptly submit such facts or information. This requirement was added per EPA comments on previously issued general permits as a requirement in the federal permit regulation at 122.41 (1)(8). This requirement is in the “Reports of noncompliance” section which discusses 24-hour and 5-day reporting for noncompliance that may adversely affect state waters or endanger public health. So this new requirement is outside of the 24-hour and 5-day reporting that may adversely affect state waters or public health. Therefore, “promptly” generally means within 5 days of becoming aware of the failure to report the information.

Part III Y allows for transfer of permit coverage within 30 days of the transfer of the titles unless permission for a later date has been granted by the board. The ownership transfer form is the same form used for individual permits.

The rest of the standard boilerplate is typical for all VPDES permits. All references to “modifications” and “revoke and reissue” have been eliminated in the boilerplate because these permit actions do not apply to general permit coverage.

12. Miscellaneous

Hydro-demolition is not covered under this general permit. The management of this wastewater should be collected and hauled away. If a discharge is necessary, then an individual permit might be required.

Construction sites stormwater is permitted by General VPDES Permit for Discharges of Stormwater from Construction Activities (9VAC25-880 (VAR10)). The construction general permit prohibits discharge of concrete wash out process wastewater and requires it to be directed into a leak-proof container or leak-proof settling basin. The container or basin shall be designed so that no overflows can occur due to inadequate sizing or precipitation. Hardened concrete wastes shall be removed and disposed of in a manner consistent with the handling of other construction wastes. Liquid concrete wastes shall be removed and disposed of in a manner consistent with the handling of other construction wash waters and shall not be discharged to surface waters. The only instance concrete wash out process wastewater would potentially be discharged from a construction site would be if a portable concrete plant was built. This plant must be permitted under 9VAC25-193, including the stormwater requirements under 9VAC25-193. Outside of the portable plant area, the construction permit applies.

The construction general permit also authorizes stormwater discharges from concrete batch plants that do not discharge process wastewater provided that:

- The support activity is directly related to the construction activity that is required to have general permit coverage for discharges of stormwater from construction activities;
- The support activity is not a commercial operation, nor does it serve multiple unrelated construction activities by different operators;
- The support activity does not operate beyond the completion of the last construction activity it supports;
- The support activity is identified in the registration statement at the time of general permit coverage;
- Appropriate control measures are identified in a stormwater pollution prevention plan and implemented to address the discharges from the support activity areas; and
- All applicable state, federal, and local approvals are obtained for the support activity.

Attachments:

- A. Example Registration Statement Transmittal Letter
- B. Example General Permit Coverage Transmittal Letter
- C. Example Termination Letter
- D. Example Temporary Closure Approval Letter
- E. Reactivate Site after Temporary Closure Letter
- F. Add or Delete Outfall Letter
- G. General Permit Regulation
- H. General Permit Pages
- I. Fact Sheet

ATTACHMENT A
Registration Statement Transmittal Letter

[Go Back to Guidance Page](#)

Regional Letterhead

Transmittal Letter Registration Statement and Administrative Continuance Concrete Products Facilities

Regional Letterhead

[insert owner or designee, title]

Facility Name

Address

VAG11XXXX

SUBJECT: Registration for the General Virginia Pollutant Discharge Elimination System (VPDES) Permit (VAG11) for Concrete Products Facilities

Dear *[insert owner or designee]*:

The General VPDES permit regulation for Concrete Products Facilities will expire on September 30, 2018. The permit is currently in the rulemaking process (see attached **Notice of Public Comment and Hearing**) and expected to be finalized this fall but after the expiration date. Owners of facilities with discharges covered under the 2013 existing general permit (VAG11) must submit a registration statement if they wish to continue to be covered under the existing general permit past the expiration date. The registration package must be submitted on or before the August 1, 2018 deadline in the proposed regulation. This letters serves to extend the 90-day reapplication date contained in the 2013 concrete general permit. *[NOTE to permit writer: this due date cannot extend beyond the expiration date of the permit September 30, 2018]*

The following items are required to re-apply for your permit coverage:

1. The completed and signed **Registration Statement** to this office by **August 1, 2018**. Instructions for completing the registration form are included.
2. The application fee of \$600.00. Your check should be made out to "Treasurer of Virginia". Please submit the fee form and check to DEQ Receipts Control, P.O. Box 1104, Richmond, VA 23218.

If the information provided in the registration is complete and received by August 1, 2018, your current permit coverage provided under the 2013 general permit will be administratively continued in accordance with Section 9VAC25-31-70 of the VPDES Permit Regulation. We will notify you if the registration is incomplete.

This continuation of permit coverage means that all requirements included in your 2013 current, active permit shall remain in place and enforceable until the Department notifies you of the development of an updated VPDES general permit.

If you have any questions, please contact *[provide contact information]*.

Sincerely,

[insert title Water Permit Manager or designee]

Attachments: Registration Statement and Instructions, Fee Form and Public Notice

ATTACHMENT B
General Permit Coverage Transmittal Letter

[Go Back to Guidance Page](#)

Regional Letterhead

Facility Name
Address

ATTN: **[Owner or Designee]**

RE: Coverage under the General VPDES Permit for Concrete Products Facilities VAG11_____

Dear **[Owner or Designee]**:

We have reviewed your Registration Statement received on _____, and have determined that activities of the concrete products facility identified in the Registration Statement are hereby covered under the referenced general VPDES permit. Your coverage under this general permit becomes effective on January 1, 2019 or the date of this letter, whichever is later. The enclosed copy of the general permit contains the effluent limitations, monitoring requirements, stormwater requirements and other conditions of coverage.

A Discharge Monitoring Report (DMR) for your **[Choose all that apply: process wastewater / stormwater associated with an industrial activity]** [is / are] included with the permit. [The / Each] DMR specifies the applicable effluent limitations, monitoring requirements and monitoring frequency (i.e., quarterly or yearly) contained in the permit. **[Insert the following if applicable: Representative and substantially identical outfalls have been identified in the comments section of the applicable DMRs.]** A DMR is to be completed for each permitted outfall and you will be responsible for obtaining additional copies of the DMR[s]. For quarterly monitoring, the DMR[s] should be submitted by the tenth of January, April, July and October. For yearly stormwater monitoring, the DMR[s] should be submitted by the tenth of January. In accordance with the general permit, you are required to submit the DMR[s] to:

[Name of Regional Office and address]

Part I B 8 of the general permit requires that you develop and maintain an Operation and maintenance (O&M) manual for the permitted facility. This part of the permit requires that you develop (or review and update) an O&M manual within 180 days of permit coverage and at least annually after that. If there is an existing manual, that manual shall continue to be implemented until the manual is reviewed and updated. Please see part I B 8 of your permit for O&M manual minimum requirements.

This general permit constitutes coverage of your stormwater discharges as required by the stormwater regulations for your industry. Part II of the general permit pertains to these stormwater discharges. **[For a new covered facility:** This part of the permit requires that you develop and implement a Stormwater Pollution Prevention Plan prior to commencing operations.] **OR [For a facility previously covered under this general permit only:** This part of permit requires that you review and modify, as appropriate, the existing Stormwater Pollution Prevention Plan within 60 days of the Board granting coverage (which is March 2, 2019 or 60

days from the date of this letter, whichever is later) *[NOTE: You may enter an actual date if desired if the due date is 60 days from the date of the letter instead of March 2, 2019.]*. The existing plan shall continue to be implemented until a new plan, if required, is updated and implemented. *[NOTE to permit writers: The permit states that upon a showing of good cause, the director may establish a later date in writing for the preparation and compliance with the SWPPP.]*

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director of the Virginia Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period.

The general permit will expire on December 31, 2023. The conditions of the permit require that you submit a new registration statement at least 60 days prior to that date if you wish continued coverage under the general permit, unless permission is granted to submit a new registration statement on a later date. *[NOTE: Permission cannot be granted to submit the registration statement after the expiration date of the permit. Registration statements may be submitted after the expiration date, but coverage cannot be retroactive.]*

If you have any questions, please contact me at **[insert contact information]**.

Sincerely,

[Water Permit Manager or Designee]

ATTACHMENT C
Termination Letter

[Go Back to Guidance Page](#)

Regional Letterhead

Date

Facility Name

Address

ATTN: **[Owner or Designee]**

RE: Termination of Coverage under the General VPDES Permit for Concrete Products Facilities

Dear Permittee:

DEQ agrees to terminate your coverage under the General VPDES Permit for concrete products facilities, permit registration number VAG11____. Termination will become effective 30 days from the date of this notification unless you provide an objection in accordance with one of the two paragraphs below.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director of the Virginia Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period.

If you have any questions, please contact **[insert permit writer name]** at **[insert contact information]**.

Sincerely,

[Water Permit Manager or Designee]

C: **[Compliance Auditor]**

ATTACHMENT D
Temporary Closure Approval Letter

[Go Back to Guidance Page](#)

Regional Letterhead

Date

Facility Name

Address

ATTN:[**Owner or Designee**]

RE: Temporary Closure at the [**put name and registration no. of facility here**]

Dear Permittee:

The board has reviewed your request to temporarily close the [**put name of facility here**] site and approves the temporary closure. As of the date of this letter, you are no longer required to conduct effluent or benchmark monitoring or implement your stormwater requirements (quarterly visual or routine inspections). Your quarterly effluent or annual benchmark requirements may be submitted with “NR” (“Not Required”) in the reporting requirements on the discharge monitoring reports. You are required per Part I B 19 of your permit to conduct an annual routine facility inspection in accordance with Part II F 6 f (5). A stormwater discharge is not required at the time of this annual routine facility inspection. DEQ retains the right per Part III W of your permit to enter and inspect the site as needed. You must retain this approval with your request to temporarily close the site for at least three years from the date that coverage under this permit expires or is terminated.

To reactive the site you must notify us 30 days prior to reopening and commencing any point source discharges of either treated process wastewater or stormwater runoff associated with the industrial activities. This notification must be signed as per Part III K (Signatory requirements) of your permit. You must still retain your records (permit, discharge monitoring reports, operations and maintenance manual and all stormwater related documentation) in accordance with part III B of your permit.

If you have any questions, please contact [**insert permit writer name**] at [**insert contact information**].

Sincerely,

[Water Permit Manager or Designee]

C: [**Compliance Auditor**]

ATTACHMENT E
Reactivate Site after Temporary Closure Letter

Regional Letterhead

Date

Facility Name

Address

ATTN: **[Owner or Designee]**

RE: Reactivation of **[put name and permit no of facility here]**

Dear **[Owner or Designee]**:

The board has reviewed your request to reactivate **[put name of facility here]** site that was temporarily closed on **[insert date of closure approval letter]**. As of the date of this letter, all effluent or benchmark monitoring must be conducted and all stormwater requirements (quarterly visuals, routine inspections, comprehensive evaluations) must be implemented. Your next discharge monitoring report(s) are due **[insert date here which gives them a full quarter to monitor for process discharges, Example: this letter dated March 31, their next DMR is due July 10 for process wastewater. Example: this letter dated August 3, next DMR due January 10 for process wastewater. For annual storm water monitoring, insert a date here which gives them a full year to monitor for storm water discharges. Example: this letter dated March 31, 2014 their next DMR is due January 10, 2016.]**

If you have any questions, please contact **[insert permit writer name]** at **[insert contact information]**.

Sincerely,

[Water Permit Manager or Designee]

C: **[Compliance Auditor]**

ATTACHMENT F
Add or Delete Outfall Letter

[Go Back to Guidance Page](#)

Regional Letterhead

Date

Facility Name

Address

ATTN: **[Owner or Designee]**

RE: Outfall **[Addition or Deletion]** at the **[put name and permit no of facility here]**

Dear **[Owner or Designee]**:

The board has received your request to **[add or delete]** outfall **[outfall number]** at the **[name of facility here]** site. **[For new outfalls]** Enclosed you will find your revised permit limits pages and discharge monitoring report. You must make additional copies of this discharge monitoring report. Your next DMR is due **[Insert date here which gives them a full quarter to monitor for process wastewater discharges, Example: this letter dated March 31, their next DMR is due July 10 for process wastewater. Example: this letter dated August 3, next DMR due January 10 for process wastewater. For annual stormwater monitoring, insert a date here which gives them a full year to monitor for stormwater discharges. Example: this letter dated March 31, 2014 their next DMR is due January 10, 2016.]** **[For deleted outfalls]** You are no longer required to submit a DMR for outfall **[insert deleted outfall number]**. Your operations and maintenance manual and stormwater pollution prevention plan must be updated to reflect this change.

If you have any questions, please contact **[insert permit writer name]** at **[insert contact information]**.

Sincerely,

[Water Permit Manager or Designee]

C: **[Compliance Auditor]**

ATTACHMENT G

GENERAL PERMIT REGULATION

Virginia Pollutant Discharge Elimination System General Permit for
Concrete Products Facilities 9VAC25-8193 Sections 10 through 60

**NOTE: SECTION 70 OF THE REGULATION FOLLOWS IN THE NEXT ATTACHMENT
(PERMIT PAGES)**

CHAPTER 193
VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) GENERAL PERMIT
FOR CONCRETE PRODUCTS FACILITIES

9VAC25-193-10. Definitions.

The words and terms used in this chapter shall have the meanings defined in § 62.1-44.2 et seq. of the Code of Virginia (State Water Control Law) and 9VAC25-31 (VPDES Permit Regulation), unless the context clearly indicates otherwise, except that for the purposes of this chapter:

"Best management practices" or "BMPs" means schedules of activities, practices and prohibitions of practices, structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to surface waters. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Department" or "DEQ" means the Virginia Department of Environmental Quality.

"Industrial activity" means facilities or those portions of a facility where the primary purpose is classified as:

1. North American Industry Classification System (NAICS) Code 327331 - Concrete Block and Brick Manufacturing, (Executive Office of the President, Office of Management and Budget, United States, 2017) and Standard Industrial Classification (SIC) Code 3271 - Concrete Block and Brick (Office of Management and Budget (OMB) SIC Manual, 1987);
2. NAICS Code 327332 Concrete Pipe Manufacturing, NAICS Code 327390 Other Concrete Product Manufacturing, NAICS Code 327999 All Other Miscellaneous Nonmetallic Mineral Product Manufacturing (dry mix concrete manufacturing only) and SIC Code 3272 - Concrete Products, Except Block and Brick; or
3. NAICS Code 327320 Ready-Mix Concrete Manufacturing and SIC Code 3273 - Ready-Mixed Concrete, including both permanent and portable plants.

These facilities are collectively defined as "Concrete Products Facilities."

"Minimize" means reduce or eliminate to the extent achievable using control measures, including best management practices, that are technologically available and economically practicable and achievable in light of best industry practice.

"No discharge system" means process, commingled, or stormwater systems designed to operate so that there is no discharge of wastewater or pollutants, except in storm events greater than a 25-year, 24-hour storm event.

"Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.

"Significant spills" includes releases of oil or hazardous substances in excess of reportable quantities under § 311 of the Clean Water Act (see 40 CFR 110.10 and 40 CFR 117.21) or § 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 USC § 9601 et seq.) (see 40 CFR 302.4).

"Total maximum daily load" or "TMDL" means a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges and load allocations (LAs) for nonpoint sources or natural background, or both, and must include a margin of safety (MOS) and account for seasonal variations.

"25-year, 24-hour storm event" means the maximum 24-hour precipitation event with a probable recurrence interval of once in 25 years as established by the National Weather Service or appropriate regional or state rainfall probability information.

"Vehicle or equipment degreasing" means the washing or steam cleaning of engines or other drive components of a vehicle or piece of equipment in which the purpose is to degrease and clean petroleum products from the equipment for maintenance purposes. Removing sediment and concrete residue is not considered vehicle or equipment degreasing.

"Virginia Environmental Excellence Program" or "VEEP" means a voluntary program established by the department to provide public recognition and regulatory incentives to encourage higher levels of environmental performance for program participants that develop and implement environmental management systems (EMSs). The program is based on the use of EMSs that improve compliance, prevent pollution, and utilize other measures to improve environmental performance.

9VAC25-193-15. 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 of the Code of Federal Regulations is referenced or adopted in this chapter and incorporated by reference, that regulation shall be as it exists and has been published as of July 1, 2018.

9VAC25-193-20. Purpose.

This general permit regulation governs the discharge of process wastewater and stormwater associated with industrial activity from concrete products facilities classified as NAICS Codes 327331, 327332, 327390, 327320, 327999 (dry mix concrete manufacturing only) and Standard Industrial Classification Codes 3271, 3272 and 3273, provided that the discharge is through a point source to surface waters.

9VAC25-193-40. Effective date of the permit.

This general VPDES permit will become effective on January 1, 2019, and it will expire on December 31, 2023. This general permit is effective for any covered owner upon compliance with all the provisions of 9VAC25-193-50.

9VAC25-193-50. Authorization to discharge.

A. Any owner governed by this general permit is hereby authorized to discharge process water, stormwater associated with this industrial activity or commingled discharges of these types to surface waters of the Commonwealth of Virginia provided that:

1. The owner submits a registration statement in accordance with 9VAC25-193-60 and that registration statement is accepted by the board;
2. The owner submits the required permit fee;
3. The owner complies with the applicable effluent limitations and other requirements of 9VAC25-193-70; and
4. The board has not notified the owner that the discharge is not eligible for coverage in accordance with subsection B of this section.

B. The board will notify an owner that the discharge is not eligible for coverage under this general permit in the event of any of the following:

1. The owner is required to obtain an individual permit in accordance with 9VAC25-31-170 B 3 of the VPDES Permit Regulation;
2. The owner is proposing to discharge to state waters specifically named in other board regulations that prohibit such discharges;

3. The discharge would violate the antidegradation policy in the Water Quality Standards at 9VAC25-260-30; or

4. The discharge is not consistent with the assumptions and requirements of an approved TMDL.

C. Compliance with this general permit constitutes compliance, for purposes of enforcement, with §§ 301, 302, 306, 307, 318, 403, and 405(a) through 405(b) of the federal Clean Water Act (33 USC § 1251 et seq.) and the State Water Control Law, with the exceptions stated in 9VAC25-31-60 of the VPDES Permit Regulation. Approval for coverage under this general permit does not relieve any owner of the responsibility to comply with any other applicable federal, state, or local statute, ordinance, or regulation.

D. Continuation of permit coverage.

1. Permit coverage shall expire at the end of its term. However, expiring permit coverages are automatically continued if the owner has submitted a complete registration statement at least 60 days prior to the expiration date of the permit, or a later submittal established by the board, which cannot extend beyond the expiration date of the permit. The permittee is authorized to continue to discharge until such time as the board either:

a. Issues coverage to the owner under this general permit; or

b. Notifies the owner that the discharge is not eligible for coverage under this general permit.

2. When the owner that was covered under the expiring or expired general permit has violated or is violating the conditions of that permit, the board may choose to do any or all of the following:

a. Initiate enforcement action based upon the general permit coverage that has been continued;

b. Issue a notice of intent to deny coverage under the reissued general permit. If the general permit coverage is denied, the owner would then be required to cease the discharges authorized by the continued general permit coverage or be subject to enforcement action for discharging without a permit;

c. Issue an individual permit with appropriate conditions; or

d. Take other actions authorized by the VPDES Permit Regulation (9VAC25-31).

9VAC25-193-60. Registration statement.

A. Deadlines for submitting registration statement. Any owner seeking coverage under this general permit shall submit a complete VPDES general permit registration statement in accordance with this section, which shall serve as a notice of intent for coverage under the general VPDES permit for concrete products facilities.

1. New facilities. Any owner proposing a new discharge shall submit a complete registration statement at least 60 days prior to the date planned for commencement of the discharge or a later submittal established by the board.

2. Existing facilities.

a. Any owner covered by an individual VPDES permit that is proposing to be covered by this general permit shall submit a complete registration statement at least 240 days prior to the expiration date of the individual VPDES permit.

b. Any owner that was authorized to discharge under the expiring general VPDES permit and who intends to continue coverage under this general permit shall submit a complete registration statement to the board at least 60 days prior to the expiration date of the existing permit or a later submittal established by the board.

B. Late registration statements. Registration statements for existing facilities covered under subdivision A 2 b of this section will be accepted after the expiration date of this permit, but authorization to discharge will not be retroactive.

C. The required registration statement shall contain the following information:

1. Facility name and address, owner name, mailing address, telephone number, and email address (if available);
2. Operator or other contact name, mailing address, telephone number, and email address (if available) if different from owner;
3. Facility's Standard Industrial Classification (SIC) Codes;
4. Nature of business at facility;
5. Indicate if the facility is proposed or existing; if the facility has a current VPDES or VPA Permit; and Permit Numbers for any current VPDES or VPA Permits;
6. Description of the wastewater treatment or reuse or recycle systems;
7. Indicate if there are any process wastewater, commingled process wastewater, and stormwater or stormwater treatment units designed to operate as "no discharge";
8. If settling basins are used for treatment and control of process wastewater or commingled process wastewater and stormwater, indicate the original date of construction, and describe the materials lining the process or commingled settling basins;
9. Indicate if there are vehicle or equipment degreasing activities performed on site. If yes, indicate if there is any process wastewater generated from these activities;
10. Description of any measures employed to reclaim, reuse, or dispose of the residual concrete materials;
11. A schematic drawing that shows the sources of water used on the property, the industrial operations contributing to or using water, the conceptual design of the methods of treatment and disposal of wastewater and solids, and the stormwater pollution prevention plan site map (see 9VAC25-193-70 Part II F 6 c);
12. A USGS 7.5 minute topographic map or equivalent computer generated map, extending to at least one mile beyond property boundary, which shows the property boundary, the location of each of its existing and proposed intake and discharge points, and the locations of any wells, springs, and other surface water bodies;
13. Discharge outfall information, including outfall numbers, description of wastewater discharged from each outfall, estimated flow (gallons per day), receiving water bodies, duration and frequency of each discharge (hours per day and days per week), and latitude and longitude of outfall location;
14. Indicate which stormwater outfalls will be representative outfalls (if any). For stormwater outfalls that are to be represented by other outfall discharges, provide the following:
 - a. The locations of the outfalls;
 - b. Why the outfalls are expected to discharge substantially identical effluents including, where available, evaluation of monitoring data;
 - c. Estimates of the size of the drainage area (in square feet) for each of the outfalls; and
 - d. An estimate of the runoff coefficient of the drainage areas (low: under 40%; medium: 40% to 65%; high: above 65%);
15. Indicate if a Stormwater Pollution Prevention Plan has been prepared;

16. Whether the facility will discharge to a municipal separate storm sewer system (MS4). If "yes," the facility owner shall notify the MS4 owner of the existence of the discharge at the time of registration under this permit and include that notification with the registration statement. The notification shall include the following information: the name of the facility, a contact person and contact information, the location of the discharge, the nature of the discharge, and the facility's VPDES general permit number (if assigned by DEQ);

17. For portable concrete products operations, submit a closure plan and include the requirements specified by the operation and maintenance manual in 9VAC25-193-70 Part I B 8 a (4) of the permit;

18. For applicants other than a sole proprietor, the State Corporation Commission entity identification number; and

19. The following certification: "I hereby grant to duly authorized agents of the Department of Environmental Quality, upon presentation of credentials, permission to enter the property where the treatment works is located for the purpose of determining compliance with or the suitability of coverage under the General Permit. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

D. The registration statement shall be signed in accordance with the requirements of 9VAC25-31-110 of the VPDES Permit Regulation.

E. Where to submit. The registration statement shall be delivered by either postal or electronic mail to the DEQ regional office serving the area where the facility is located.

9VAC25-193-70. General permit.

Any owner whose registration statement is accepted by the board will receive coverage under the following general permit and shall comply with the requirements in the general permit and be subject to all requirements of 9VAC25-31-170 of the VPDES Permit Regulation.

NOTE: THE REST OF SECTION 70 OF THE REGULATION FOLLOWS IN THE NEXT ATTACHMENT (PERMIT PAGES)

ATTACHMENT H

General Permit Pages for Concrete Products Facilities
9VAC25-193-70

See [DEQnet](#) for General Permit Pages for Each Limits Type
(Process, Commingled and Stormwater)



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

General Permit No: VAG11
Effective Date: January 1, 2019
Expiration Date: December 31, 2023

GENERAL PERMIT FOR CONCRETE PRODUCTS FACILITIES AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM AND THE VIRGINIA STATE WATER CONTROL LAW

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

The authorized discharge shall be in accordance with the information submitted with the registration statement, this cover page, Part I-Effluent Limitations, Monitoring Requirements, and Special Conditions, Part II-Stormwater Management, and Part III-Conditions Applicable to All VPDES Permits, as set forth in this permit.

Part I
 Effluent Limitations, Monitoring Requirements, and Special Conditions.

A. Effluent limitations and monitoring requirements.

1. Process wastewater.

During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge process wastewater that may contain input from vehicle wash water, or vehicle or equipment degreasing activities, and may be commingled with stormwater associated with industrial activity, or both. Samples taken in compliance with the monitoring requirements specified below shall be taken at outfalls:

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

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS	
	Average	Maximum	Minimum	Frequency ⁽³⁾	Sample Type
Flow (MGD)	NL	NL	NA	1/3 Months	Estimate
Total Suspended Solids (mg/l)	30	60	NA	1/3 Months	Grab
pH (standard units)	NA	9.0 ⁽¹⁾	6.0 ⁽¹⁾	1/3 Months	Grab
Total Petroleum Hydrocarbons ⁽²⁾ (mg/l)	NA	15	NA	1/3 Months	Grab

NL = No limitation, monitoring required

NA = Not applicable

⁽¹⁾Where the Water Quality Standards (9VAC25-260) establish alternate standards for pH in the waters receiving the discharge, those standards shall be the maximum and minimum effluent limitations.

⁽²⁾Total Petroleum Hydrocarbons limitation and monitoring are only required where a discharge contains process wastewater generated from the vehicle or equipment degreasing activities. Total Petroleum Hydrocarbons shall be analyzed using EPA SW-846 Method 8015 B (1996), 8015C (2000), 8015C (2007), 8015 D (2003) for diesel range organics or EPA 40 CFR Part 136.

⁽³⁾1/3 months means one sample collected per calendar quarter with reports due to the DEQ regional office no later than the 10th day of April, July, October, and January.

2. Stormwater associated with industrial activity from concrete products facilities.

During the period beginning with the permittee's coverage under this general permit and lasting until the permit's expiration date, the permittee is authorized to discharge stormwater associated with industrial activity that does not combine with other process wastewaters prior to discharge. Samples taken in compliance with the monitoring requirements specified below shall be taken at outfalls:

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

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS BENCHMARK MONITORING		MONITORING REQUIREMENTS ^{(3), (5)}	
	Maximum	Minimum	Frequency ⁽⁴⁾	Sample Type
Flow (MG)	NL	NA	1/Year	Estimate ⁽¹⁾
Total Suspended Solids (mg/l)	NL ⁽²⁾	NA	1/Year	Grab ⁽²⁾
pH (standard units)	NL ⁽²⁾	NL ⁽²⁾	1/Year	Grab ⁽²⁾

NL = No limitation, monitoring required

NA = Not applicable

⁽¹⁾ Estimate of the total volume of the discharge during the storm event in accordance with the operation and maintenance manual.

⁽²⁾ If the benchmark monitoring for TSS exceeds 100 mg/l maximum or the pH falls outside of the range of 6.0-9.0 standard units, the permittee shall evaluate the overall effectiveness of the stormwater pollution prevention plan (SWPPP) in controlling the discharge of pollutants to receiving waters. Benchmark concentration values are not effluent limitations. Exceedance of a benchmark concentration does not constitute a violation of this permit and does not indicate that violation of a water quality standard has occurred; however, it does signal that modifications to the SWPPP are necessary, unless justification is provided in the routine facility inspection.

⁽³⁾ Specific storm event data shall be reported with the Discharge Monitoring Report (DMR) in accordance with Part II A.

⁽⁴⁾ 1/year means one sample taken per calendar year with the annual DMR due to the DEQ regional office no later than the 10th day of January of each year.

⁽⁵⁾ Quarterly visual monitoring shall be performed and recorded in accordance with Part II C.

B. Special conditions.

1. There shall be no discharge of floating solids or visible foam in other than trace amounts. There shall be no solids deposition or oil sheen from petroleum products in surface water as a result of the industrial activity in the vicinity of the outfall.
2. Except as expressly authorized by this permit, no product, materials, industrial wastes, or other wastes resulting from the purchase, sale, mining, extraction, transport, preparation, or storage of raw or intermediate materials, final product, byproduct or wastes shall be handled, disposed of, or stored so as to permit a discharge of such product, materials, industrial wastes, or other wastes to surface waters.
3. Vehicles and equipment utilized during the industrial activity on a site must be operated and maintained in such a manner as to minimize the potential or actual point source pollution of surface waters. Fuels, lubricants, coolants, and hydraulic fluids, or any other petroleum products, shall not be disposed of by discharging on the ground or into surface waters. Spent fluids shall be disposed of in a manner so as not to enter the surface or ground waters of the state and in accordance with the applicable state and federal disposal regulations. Any spilled fluids shall be cleaned up and disposed of in a manner so as not to allow their entry into the surface or ground waters of the state.
4. All washdown and washout of trucks, mixers, transport buckets, forms or other equipment shall be conducted within designated washdown and washout areas. All washdown and washout water shall be collected for recycle or collected and treated to meet the limits in Part I A prior to discharge to the receiving stream.
5. Any waste concrete and any dredged solids from the settling basins shall be managed within a designated area, and any wastewaters including stormwater generated from these activities shall be collected for recycle or treated prior to discharge.
6. Wastewater should be reused or recycled whenever feasible.
7. No sewage discharges to surface waters are permitted under this general permit.
8. Operation and maintenance (O&M) manual.
 - a. Within 180 days after the date of coverage under this general permit, the permittee shall develop or review and update, as appropriate, an O&M manual for the permitted facility. The O&M manual shall include procedures and practices for the mitigation of pollutant discharges for the protection of state waters from the facility's operations and to ensure compliance with the requirements of the permit. The manual shall address, at a minimum:
 - (1) O&M practices for the process wastewater treatment units, if applicable, and chemical and material storage areas;
 - (2) Methods for estimating process wastewater flows, if applicable;
 - (3) Management and disposal procedures of process wastewater solids, if applicable;
 - (4) Temporary and long-term facility closure plans that shall include (i) treatment, removal, and final disposition of residual wastewater, if applicable, contaminated stormwater held at the facility, and solids; (ii) fate of structures; (iii) a removal plan for all exposed industrial materials; and (iv) description of the stabilization of land in which they were stored or placed;
 - (5) Testing requirements and procedures;
 - (6) Recordkeeping and reporting requirements; and
 - (7) Duties and roles of responsible officials.
 - b. The permittee shall operate the treatment works in accordance with the O&M manual. The O&M manual shall be reviewed and updated at least annually and shall be signed and certified in accordance

with Part III K of this permit. The O&M manual shall be made available for review by department personnel upon request.

c. For facilities that do not operate process wastewater treatment units, O&M requirements included in Part I 8 a (4) through 8 a (7) shall be included in either the O&M manual or the SWPPP.

9. If the concrete products facility discharges through a municipal separate storm sewer system to surface waters, the permittee shall notify the owner of the municipal separate storm sewer system of the existence of the discharge and include that notification with the registration statement. The notification shall include the following information: the name of the facility, a contact person and contact information, the location of the discharge, the nature of the discharge, and the facility's VPDES general permit number.

10. The permittee shall ensure that all process wastewater basins and lagoons maintain a minimum freeboard of one foot at all times except during a 72-hour transition period after a measurable rainfall event. During the 72-hour transition period, no discharge from the basins and lagoons shall occur unless it is in accordance with this permit. Within 72 hours after a measurable rainfall event, the freeboard in all basins and lagoons shall be returned to the minimum freeboard of one foot. Where basins are operated in a series mode of operation, the one-foot freeboard requirement for the upper basins may be waived provided the final basin will maintain the freeboard requirements of this special condition. A description of how the permittee will manage the facility to adhere to one foot of freeboard shall be included in the O&M manual required in Part I B 8 a (1). Should the one-foot freeboard not be restored by the end of the 72-hour transition period, the permittee shall take measures to correct the problem before the next rain event. In addition, the permittee shall immediately begin to monitor and document the freeboard on a daily basis until the freeboard is returned to the minimum of one foot.

11. Process wastewater, commingled process wastewater, and stormwater or stormwater treatment units designed to operate as "no discharge" shall have no discharge of wastewater or pollutants except in storm events greater than a 25-year, 24-hour storm event. In the event of such a discharge, the permittee shall report an unusual or extraordinary discharge per Part III H of this permit. No sampling or DMR is required for these discharges as they are considered to be discharging in emergency discharge conditions. All other conditions in Part I B, Part II, and Part III apply. Any other discharge from this type of system is prohibited and shall be reported as an unauthorized discharge per Part III G of this permit. The operation of these systems shall not contravene the Water Quality Standards (9VAC25-260), as adopted and amended by the board, or any provision of the State Water Control Law.

12. The permittee shall notify the department as soon as he knows or has reason to believe:

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

- (1) One hundred micrograms per liter (100 µg/l) of the toxic pollutant;
- (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
- (3) Five times the maximum concentration value reported for that pollutant in the permit application; or
- (4) The level established by the board in accordance with 9VAC25-31-220 F.

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

- (1) Five hundred micrograms per liter (500 µg/l) of the toxic pollutant;

- (2) One milligram per liter (1 mg/l) for antimony;
- (3) Ten times the maximum concentration value reported for that pollutant in the permit application; or
- (4) The level established by the board in accordance with 9VAC25-31-220 F.

13. All settling basins used for treatment and control of process wastewater or process wastewater commingled with stormwater that were constructed on or after February 2, 1998, shall be lined with concrete or any other impermeable materials. Regardless of date of construction, all settling basins used for treatment and control of process wastewater or process wastewater commingled with stormwater that are expanded or dewatered for major structural repairs shall be lined with concrete or any other impermeable materials.

14. Settled wastewater may be used on site for the purposes of dust suppression or for spraying stockpiles. Dust suppression shall be carried out as a best management practice but not as a wastewater disposal method provided that ponding or direct run-off from the site does not occur during or immediately following its application. Dust suppression shall not occur during a "measurable" rain event (a storm event that results in an actual discharge from the site).

15. Compliance reporting under Part I A.

a. The quantification levels (QL) shall be less than or equal to the following concentrations:

Effluent Characteristic	Quantification Level
TSS	1.0 mg/l
TPH	5.0 mg/l

The QL is defined as the lowest concentration used to calibrate a measurement system in accordance with the procedures published for the test method.

b. Reporting.

(1) Monthly average. Compliance with the monthly average limitations or reporting requirements for the parameters listed in Part I A shall be determined as follows: All concentration data below the QL listed in subdivision 15 a of this subsection shall be treated as zero. All concentration data equal to or above the QL listed shall be treated as it is reported. An arithmetic average shall be calculated using all reported data, including the defined zeros, for the month. This arithmetic average shall be reported on the DMR as calculated. If all data are below the QL then the average shall be reported as "<QL." If reporting for quantity is required on the DMR and the calculated concentration is <QL then report "<QL" for the quantity, otherwise use the calculated concentration.

(2) Daily maximum. Compliance with the daily maximum limitations or reporting requirements for the parameters listed in Part I A shall be determined as follows: All concentration data below the QL listed in subdivision 15 a of this subsection shall be treated as zero. All concentration data equal to or above the QL shall be treated as reported. An arithmetic average of the values shall be calculated using all reported data, including the defined zeros, collected for each day during the reporting month. The maximum value of these daily averages thus determined shall be reported on the DMR as the daily maximum. If all data are below the QL then the average shall be reported as "<QL." If reporting for quantity is required on the DMR and the calculated concentration is <QL then report "<QL" for the quantity, otherwise use the calculated concentration.

(3) Any single datum required shall be reported as "<QL" if it less than the QL listed in subdivision 15 a of this subsection. Otherwise the numerical value shall be reported. The QL must be less than or equal to the QL in subdivision 15 a of this subsection.

(4) The permittee shall report at least two significant digits for a given parameter. Regardless of the rounding convention used (i.e., five always rounding up or to the nearest even number) by the permittee,

the permittee shall use the convention consistently and shall ensure that consulting laboratories employed by the permittee use the same convention.

16. Discharges to waters with an approved total maximum daily load (TMDL). Owners of facilities that are a source of the specified pollutant of concern to waters where an approved TMDL has been established shall implement measures and controls that are consistent with the assumptions and requirements of the TMDL.

17. Adding or deleting outfalls. The permittee may add new or delete existing outfalls at the facility as necessary and appropriate. The permittee shall update the O&M manual and SWPPP and notify the department of all outfall changes within 60 days of the change. The permittee shall submit an updated registration statement including an updated SWPPP site map.

18. Notice of termination.

a. The owner may terminate coverage under this general permit by filing a complete notice of termination with the department. The notice of termination may be filed after one or more of the following conditions have been met:

(1) Operations have ceased at the facility, and there are no longer discharges of process wastewater or stormwater associated with the industrial activity;

(2) A new owner has assumed responsibility for the facility. A notice of termination does not have to be submitted if a VPDES Change of Ownership Agreement form has been submitted;

(3) All discharges associated with this facility have been covered by an individual VPDES permit or an alternative VPDES permit; or

(4) Termination of coverage is being requested for another reason, provided the board agrees that coverage under this general permit is no longer needed.

b. The notice of termination shall contain the following information:

(1) Owner's name, mailing address, telephone number, and email address (if available);

(2) Facility name and location;

(3) VPDES general permit registration number for the facility; and

(4) The basis for submitting the notice of termination, including:

(a) A statement indicating that a new owner has assumed responsibility for the facility;

(b) A statement indicating that operations have ceased at the facility, a closure plan has been implemented according to the O&M manual, and there are no longer discharges from the facility;

(c) A statement indicating that all discharges have been covered by an individual VPDES permit; or

(d) A statement indicating that termination of coverage is being requested for another reason (state the reason).

c. The following certification: "I certify under penalty of law that all concrete products waste water and stormwater discharges from the identified facility that are authorized by this VPDES general permit have been eliminated, or covered under a VPDES individual or alternative permit, or that I am no longer the owner of the facility, or permit coverage should be terminated for another reason listed above. I understand that by submitting this notice of termination, that I am no longer authorized to discharge concrete products waste water or stormwater in accordance with the general permit, and that discharging pollutants to surface waters is unlawful where the discharge is not authorized by a VPDES permit. I also understand that the submittal of this notice of termination does not release an owner from liability for any violations of this permit or the Clean Water Act."

d. The notice of termination shall be signed in accordance with Part III K.

e. The notice of termination shall be submitted to the DEQ regional office serving the area where the concrete products facility discharge is located.

19. Temporary closure at inactive and unstaffed sites waiver.

a. A waiver of the effluent monitoring, benchmark monitoring, visual monitoring, and routine facility inspections may be granted by the board at a facility that is both inactive and unstaffed and there are no industrial materials or activities exposed to stormwater. The waiver request shall be submitted to the board for approval and shall include the information in the temporary closure plan specified in Part I B 8 a (4), the facility's VPDES general permit registration number; a contact person, telephone number, and email address (if available); the reason for the request; the date the facility became or will become inactive and unstaffed; and the date the closure plan will be completed. The waiver shall be signed and certified in accordance with Part III K. If this waiver is granted, the permittee must retain a copy of the request and the board's written approval of the waiver in the SWPPP. The permittee is required to conduct an annual routine facility inspection in accordance with Part II F 6 f (5). A stormwater discharge is not required at the time of this annual routine facility inspection.

b. To reactivate the site the permittee must notify the department within 30 days of reopening the facility and commencing any point source discharges of either treated process wastewater or stormwater runoff associated with industrial activities. Upon reactivation all effluent monitoring, benchmark monitoring, visual monitoring, and routine facility inspections shall resume immediately. This notification must be submitted to the department, signed in accordance with Part III K, and retained on site at the facility covered by this permit in accordance with Part III B.

c. 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.

20. The discharges authorized by this permit shall be controlled as necessary to meet applicable water quality standards.

21. Approval for coverage under this general permit does not relieve any owner of the responsibility to comply with any other applicable federal, state, or local statute, ordinance, or regulation.

Part II
Stormwater Management.

A. Monitoring instructions.

1. Collection and analysis of samples. Sampling requirements shall be assessed on an outfall by outfall basis. Samples shall be collected and analyzed in accordance with the requirements of Part III A.
2. When and how to sample. A minimum of one grab sample shall be taken resulting from a storm event that results in an actual discharge from the site (defined as a "measurable storm event"), providing the interval from the preceding measurable storm event is at least 72 hours. The 72-hour storm interval is waived if the permittee is able to document with the DMR that less than a 72-hour interval is representative for local storm events during the sampling period. The grab sample shall be taken during the first 30 minutes of the discharge. If it is not practicable to take the sample during the first 30 minutes, the sample may be taken during the first three hours of discharge provided that the permittee explains with the SWPPP why a grab sample during the first 30 minutes was impractical.
3. Recording of results. For each discharge measurement or sample taken pursuant to the storm event monitoring requirements of this permit, the permittee shall record and report with the DMR the following information:
 - a. Date and duration (in hours) of the storm events sampled;
 - b. Rainfall measurements or estimates (in inches) of the storm event that generated the sampled discharge; and
 - c. Duration between the storm event sampled and the end of the previous measurable storm event.

B. Representative outfalls - substantially identical outfalls. If a facility has two or more exclusively stormwater outfalls that discharge substantially identical effluents, based on similarities of the industrial activities, significant materials, size of drainage areas, and stormwater management practices occurring within the drainage areas of the outfalls, the permittee may monitor the effluent of just one of the outfalls and report that the observations also apply to the substantially identical outfall. Representative outfalls must be identified in the registration statement submitted for coverage under this permit. Substantially identical outfall monitoring can apply to quarterly visual and benchmark monitoring. The permittee must include the following information in the SWPPP:

1. The locations of the outfalls;
2. Why the outfalls are expected to discharge substantially identical effluents, including evaluation of monitoring data where available;
3. Estimates of the size of the drainage area (in square feet) for each of the outfalls; and
4. An estimate of the runoff coefficient of the drainage areas (low: under 40%; medium: 40% to 65%; high: above 65%).

C. Quarterly visual monitoring of stormwater quality. The permittee shall perform and document visual monitoring of stormwater discharges associated with industrial activity from each outfall, except discharges waived in Part II C 4 . The visual monitoring must be made during normal working hours, at least once in each of the following three-month periods: January through March, April through June, July through September, and October through December.

1. Samples will be in a clean, colorless glass or plastic container and examined in a well-lit area.
2. Samples will be collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed three hours, provided that the permittee explains in the SWPPP why an examination

during the first 30 minutes was impractical) of when the runoff or snowmelt begins discharging. All such samples shall be collected from the discharge resulting from a storm event that results in an actual discharge from the site (defined as a "measurable storm event") providing the interval from the preceding measurable storm event is at least 72 hours. The required 72-hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge from the facility. The 72-hour storm event interval may also be waived where the permittee documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted.

3. The examination shall observe color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution.

4. If no qualifying storm event resulted in discharge from the facility during a monitoring period, or adverse weather conditions create dangerous conditions for personnel during each measurable storm event during a monitoring period, visual monitoring is exempted provided this is documented in the SWPPP.

5. Visual monitoring reports shall be maintained onsite with the SWPPP. The report shall include the outfall location, the monitoring date and time, monitoring personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the stormwater discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution), and probable sources of any observed stormwater contamination.

6. Whenever the visual monitoring shows obvious indicators of stormwater pollution, the SWPPP and stormwater controls shall be updated per Part II F.

D. Allowable nonstormwater discharges. The following nonstormwater discharges are authorized by this permit.

1. Discharges from emergency firefighting activities;

2. Fire hydrant flushings;

3. Potable water including water line flushings;

4. Uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids;

5. Irrigation drainage;

6. Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;

7. Pavement wash waters where no detergents or hazardous cleaning products are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed). Pavement wash waters shall be managed to prevent the discharge of pollutants;

8. Routine external building washdown that does not use detergents or hazardous cleaning products;

9. Uncontaminated ground water or spring water;

10. Foundation or footing drains where flows are not contaminated with process materials; and

11. Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).

E. Releases of hazardous substances or oil in excess of reportable quantities. The discharge of hazardous substances or oil in the stormwater discharges from this facility shall be prevented or

minimized in accordance with the SWPPP for the facility. This permit does not authorize the discharge of hazardous substances or oil resulting from an onsite spill. This permit does not relieve the permittee of the reporting requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 or § 62.1-44.34:19 of the Code of Virginia.

Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302 occurs during a 24-hour period:

1. The permittee is required to notify the department in accordance with the requirements of Part III G as soon as he has knowledge of the discharge;
2. Where a release enters a municipal separate storm sewer system (MS4), the permittee shall also notify the owner of the MS4; and
3. The SWPPP required by this permit shall be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

F. Stormwater pollution prevention plans (SWPPP). A SWPPP shall be developed and implemented for the facility. The SWPPP shall include best management practices (BMPs) that are reasonable, economically practicable, and appropriate in light of current industry practices. The BMPs shall be selected, designed, installed, implemented, and maintained in accordance with good engineering practices to eliminate or reduce the pollutants in all stormwater discharges from the facility. The SWPPP shall also include any control measures necessary for the stormwater discharges to meet applicable water quality standards.

The SWPPP requirements of this general permit may be fulfilled, in part, by incorporating by reference other plans or documents such as an erosion and sediment control plan, a spill prevention control and countermeasure (SPCC) plan developed for the facility under § 311 of the Clean Water Act or BMP programs otherwise required for the facility provided that the incorporated plan meets or exceeds the SWPPP requirements of Part II F 6 (Contents of SWPPP). All plans incorporated by reference into the SWPPP become enforceable under this permit. If a plan incorporated by reference does not contain all the requirements of Part II F 6, the permittee shall develop the missing SWPPP elements and include them in the required plan.

1. Deadlines for SWPPP preparation and compliance.
 - a. Owners of facilities that were covered under the 2013 Concrete Products General Permit who are continuing coverage under this general permit shall update and implement any revisions to the SWPPP within 60 days of the board granting coverage under this permit.
 - b. Owners of new facilities, facilities previously covered by an expiring individual permit, and existing facilities not currently covered by a VPDES permit who elect to be covered under this general permit shall prepare and implement the SWPPP prior to commencing operations.
 - c. Where the owner of an existing facility that is covered by this permit changes, the new owner of the facility shall update and implement any revisions to the SWPPP within 60 days of the ownership change.
 - d. Upon a showing of good cause, the director may establish a later date in writing for the preparation and compliance with the SWPPP.
2. Signature and SWPPP review.

- a. The SWPPP shall be signed in accordance with Part III K and be retained on-site at the facility covered by this permit in accordance with Part III B. For inactive sites, the SWPPP may be kept at the nearest office of the permittee.
 - b. The permittee shall make the SWPPP or other information available to the department upon request.
 - c. The director, or his designee, may notify the permittee in writing at any time that the SWPPP, BMPs, or other components of the facility's stormwater program do not meet one or more of the requirements of this part. Such notification shall identify specific provisions of the permit that are not being met and may include required modifications to the stormwater program, additional monitoring requirements, and special reporting requirements. Within 60 days of such notification from the director, or as otherwise provided by the director, the permittee shall make the required changes to the SWPPP and shall submit to the department a written certification that the requested changes have been made.
3. Maintaining an updated SWPPP. The permittee shall review and amend the SWPPP as appropriate whenever:
- a. There is construction or a change in design, operation, or maintenance that has a significant effect on the discharge or the potential for the discharge of pollutants to surface waters;
 - b. Routine inspections or visual monitoring determine that there are deficiencies in the BMPs;
 - c. Inspections by local, state, or federal officials determine that modifications to the SWPPP are necessary;
 - d. There is a spill, leak, or other release at the facility; or
 - e. There is an unauthorized discharge from the facility.
4. SWPPP modifications shall be made within 60 calendar days after discovery, observation, or event requiring a SWPPP modification. Implementation of new or modified BMPs (distinct from regular preventive maintenance of existing BMPs described in Part II F 7) shall be initiated before the next storm event if possible, but no later than 60 days after discovery, or as otherwise provided or approved by the director. The amount of time taken to modify a BMP or implement additional BMPs shall be documented in the SWPPP.
5. If the SWPPP modification is based on a release or unauthorized discharge, include a description and date of the release, the circumstances leading to the release, actions taken in response to the release, and measures to prevent the recurrence of such releases. Unauthorized releases and discharges are subject to the reporting requirements of Part III G of this permit.
6. Contents of SWPPP. The SWPPP shall include, at a minimum, the following items:
- a. Pollution prevention team. Each SWPPP shall identify the staff individuals by name or title that comprise the facility's stormwater pollution prevention team. The pollution prevention team is responsible for assisting the facility or plant manager in developing, implementing, maintaining, revising, and ensuring compliance with the facility's SWPPP. Specific responsibilities of each staff individual on the team shall be identified and listed.
 - b. Summary of potential pollutant sources. The plan shall identify where industrial materials or activities at the facility are exposed to stormwater. Industrial materials or activities include: material handling equipment or activities, industrial machinery, raw materials, industrial production and processes, intermediate products, byproducts, final products, and waste products. Material handling activities include: the storage, loading and unloading,

transportation, disposal, or conveyance of any raw material, intermediate product, final product, or waste product. The description shall include:

- (1) A list of the activities (e.g., material storage, equipment fueling and cleaning, cutting steel beams); and
- (2) A list of the associated pollutants, pollutant constituents, or industrial chemicals for each activity. The pollutant list shall include all significant materials handled, treated, stored, or disposed that have been exposed to stormwater in the three years prior to the date this SWPPP was prepared or amended. This list shall include any hazardous substances or oil at the facility.

c. Site map. The site map shall document:

- (1) An outline of the drainage area of each stormwater outfall that are within the facility boundaries;
- (2) Each existing structural control measure to reduce pollutants in stormwater runoff;
- (3) Surface water bodies;
- (4) Locations where materials are exposed to precipitation;
- (5) Locations where major spills or leaks identified under Part II F 6 d have occurred;
- (6) Locations of fueling stations, vehicle or equipment degreasing activities, maintenance areas, loading or unloading areas, vehicle wash down areas, vehicle wash out areas, bag house or other dust control device, recycle ponds, sedimentation ponds, or clarifiers or other devices used for the treatment of process wastewater (and the areas that drain to the treatment device);
- (7) Locations used for the storage or disposal of wastes; liquid storage tanks; processing areas; and storage areas;
- (8) Outfall locations, designation (e.g., 001) and the types of discharges contained in the drainage areas of the outfalls;
- (9) For each area of the facility that generates stormwater discharges associated with industrial activity with a potential for containing significant amounts of pollutants, locations of stormwater conveyances including ditches, pipes, swales, and inlets, and the directions of stormwater flow and an identification of the types of pollutants that are likely to be present in stormwater discharges associated with industrial activity. Factors to consider include the toxicity of the chemicals; quantity of chemicals used, produced, or discharged; the likelihood of contact with stormwater; and history of leaks or spills of toxic or hazardous pollutants; and
- (10) Flows with a potential for causing erosion shall be identified.

d. Spills and leaks. A list of significant spills and leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a stormwater conveyance at the facility after the date of three years prior to the date of coverage under this general permit. Such list shall be updated as appropriate during the term of the permit.

e. Sampling data. The plan shall include a summary of existing stormwater discharge sampling data taken at the facility. The summary shall include, at a minimum, any data collected during the previous three years.

f. Stormwater controls.

- (1) BMPs shall be implemented for all areas identified in Part II F 6 b to prevent or control pollutants in stormwater discharges from the facility. All reasonable steps shall be taken to control or address the quality of discharges from the site that may not originate at the facility.

The SWPPP shall describe the type, location, and implementation of all BMPs for each area where industrial materials or activities are exposed to stormwater.

(2) Good housekeeping measures. Good housekeeping requires the clean and orderly maintenance of areas that may contribute pollutants to stormwater discharges. The permittee shall keep clean all exposed areas of the facility that are potential sources of pollutants in stormwater. Particular attention should be paid to areas where raw materials are stockpiled, material handling areas, storage areas, liquid storage tanks, vehicle fueling and maintenance areas, and loading or unloading areas. The SWPPP shall describe procedures performed to prevent or minimize the discharge of: spilled cement, aggregate (including sand and gravel), kiln dust, fly ash, settled dust, or other significant material in stormwater from paved portions of the site that are exposed to stormwater. Sweep or vacuum paved surfaces of the site that are exposed to stormwater at regular intervals or use other equivalent measures to minimize the potential discharge of these materials in stormwater. Indicate in the SWPPP the frequency of sweeping, vacuuming, or other equivalent measures. Determine the frequency based on the amount of industrial activity occurring in the area and the frequency of precipitation, but sweeping, vacuuming, or other equivalent measures shall be performed at least once a week in areas where cement, aggregate, kiln dust, fly ash, or settled dust are being handled or processed. Prevent the exposure of fine granular solids (including cement, fly ash and kiln dust) to stormwater, where practicable, by storing these materials in enclosed silos, hoppers, or buildings or under other covering. The generation of dust and off-site vehicle tracking of raw, final or waste materials, or sediments shall be minimized.

(3) Preventive maintenance. A preventive maintenance program shall involve regular inspection, testing, maintenance, and repairing of all industrial equipment and systems to avoid breakdowns or failures that could result in leaks, spills and other releases. This program is in addition to the specific BMP maintenance required under Part II F 7 (Maintenance of BMPs).

(4) Spill prevention and response procedures. The SWPPP shall describe the procedures that will be followed for preventing and responding to spills and leaks.

(a) Preventive measures include barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;

(b) Response procedures shall include (i) notification of appropriate facility personnel, emergency agencies, and regulatory agencies and (ii) procedures for stopping, containing, and cleaning up spills. Measures for cleaning up hazardous material spills or leaks shall be consistent with applicable RCRA regulations at 40 CFR Part 264 and 40 CFR Part 265. Employees who may cause, detect, or respond to a spill or leak shall be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals shall be a member of the pollution prevention team;

(c) Procedures for plainly labeling containers (e.g., "used oil," "spent solvents," "fertilizers and pesticides," etc.) to encourage proper handling and facilitate rapid response if spills or leaks occur; and

(d) Contact information for individuals and agencies that must be notified in the event of a spill shall be included in the SWPPP and in other locations where it will be readily available.

(5) Routine facility inspections.

(a) During normal facility operating hours inspections of areas of the facility covered by the requirements in this permit must be conducted and shall include observations of the following:

(i) Areas where industrial materials or activities are exposed to stormwater, including material handling areas, above ground storage tanks, hoppers or silos, dust collection or containment systems, and truck wash down or equipment cleaning areas;

(ii) Discharge points; and

(iii) Best management practices.

(b) Inspections shall be conducted at least quarterly. At least once each calendar year, the routine facility inspection should be conducted during a period when a stormwater discharge is occurring.

(c) Inspections shall be performed by personnel who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility and who can also evaluate the effectiveness of BMPs. At least one member of the stormwater pollution prevention team shall participate.

(d) Routine facility inspections shall be documented and maintained with the SWPPP. Document all findings including:

(i) Inspection date;

(ii) Names of the inspectors; and

(iii) Observations of any discharges; the physical condition of and around all outfalls (e.g., concrete product in the stream or turbidity); leaks or spills from industrial equipment, drums, tanks or other containers; offsite tracking of industrial materials or sediment; any additional best management practices that need to be repaired, maintained, or added; and any incidents of noncompliance.

(e) A set of tracking or followup procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained with the SWPPP. Any deficiencies in the implementation of the SWPPP that are found shall be corrected as soon as practicable, but not later than within 60 days of the inspection, unless permission for a later date is granted in writing by the director. The results of the inspections shall be documented in the SWPPP, along with the dates and descriptions of any corrective actions that were taken in response to any deficiencies or opportunities for improvement that were identified.

(f) The requirement for routine facility inspections is waived for facilities that have maintained an active VEEP E3/E4 status.

(6) Employee training. The permittee shall implement a stormwater employee training program for the facility. The SWPPP shall include a schedule for all types of necessary training and shall document all training sessions and the employees who received the training. Training shall be provided for all employees who work in areas where industrial materials or activities are exposed to stormwater and for employees who are responsible for implementing activities identified in the SWPPP (e.g., inspectors, maintenance personnel, etc.). The training shall cover the components and goals of the SWPPP and include such topics as spill response, good housekeeping, material management practices, BMP operation and maintenance, etc. The SWPPP shall include a summary of any training performed.

(7) Sediment and erosion control. The SWPPP shall identify areas that, due to topography, land disturbance (e.g., construction, landscaping, sit grading), or other factors, have a potential for soil erosion. The permittee shall identify and implement structural, vegetative, or stabilization BMPs to prevent or control on-site and off-site erosion and sedimentation.

(8) Management of runoff. The SWPPP shall describe the stormwater run-off management practices (i.e., permanent structural BMPs) for the facility. These types of BMPs are typically used to divert, infiltrate, reuse, or otherwise reduce pollutants in stormwater discharges from the site. Appropriate measures may include: vegetative swales and practices, reuse of collected stormwater (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, wet detention/retention devices; or other equivalent measures. Some structural BMPs may require a separate permit under § 404 of the Clean Water Act and the Virginia Water Protection Permit Program Regulation (9VAC25-210) before installation begins.

7. Maintenance of BMPs. All BMPs identified in the SWPPP shall be maintained in effective operating condition. Stormwater BMPs identified in the SWPPP shall be observed during active operation where feasible (i.e., during a stormwater runoff event) to ensure that they are functioning correctly. Where discharge locations are inaccessible, nearby downstream locations shall be observed. The observations shall be documented in the SWPPP.

The SWPPP shall include a description of procedures and a regular schedule for preventive maintenance of all BMPs and shall include a description of the back-up practices that are in place should a runoff event occur while a BMP is off line. The effectiveness of nonstructural BMPs shall also be maintained by appropriate means (e.g., spill response supplies available and personnel trained, etc.).

If site inspections required by Part II F 6 f (5) (Routine facility inspections) identify BMPs that are not operating effectively, repairs or maintenance shall be performed before the next anticipated storm event. If maintenance prior to the next anticipated storm event is not possible, maintenance shall be scheduled and accomplished as soon as practicable. In the interim, back-up measures shall be employed and documented in the SWPPP until repairs or maintenance is complete. Documentation shall be kept with the SWPPP of maintenance and repairs of BMPs, including the dates of regular maintenance, dates of discovery of areas in need of repair or replacement, and for repairs, dates that the BMPs returned to full function, and the justification for any extended maintenance or repair schedules.

8. Nonstormwater discharges.

a. Except for flows from emergency firefighting activities, the SWPPP must include:

- (1) Identification of each allowable nonstormwater source;
- (2) The location where it is likely to be discharged; and
- (3) Descriptions of appropriate BMPs for each source.

b. Documentation that all outfalls have been evaluated annually for the presence of unauthorized discharges (i.e., discharges other than stormwater, the authorized nonstormwater discharges described in Part II D, or discharges covered under a separate VPDES permit or this permit). The documentation shall include:

- (1) The date of the evaluation;
- (2) A description of the evaluation criteria used;
- (3) A list of the outfalls or onsite drainage points that were directly observed during the evaluation;
- (4) A description of the results of the evaluation for the presence of unauthorized discharges; and
- (5) The actions taken to eliminate identified unauthorized discharges.

Part III
Conditions Applicable to All VPDES Permits.

A. Monitoring.

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 or alternative methods approved by the U.S. Environmental Protection Agency unless other procedures have been specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will ensure accuracy of measurements.
4. Samples taken as required by this permit shall be analyzed in accordance with 1VAC30-45 (Certification for Noncommercial Environmental Laboratories) or 1VAC30-46 (Accreditation for Commercial Environmental Laboratories).

B. Records.

1. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individuals who performed the sampling or measurements;
 - c. The dates and times analyses were performed;
 - d. The individuals who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
2. The permittee shall retain (i) records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, (ii) copies of all reports required by this permit, and (iii) records of all data used to complete the registration statement for this permit for a period of at least three years from the date that coverage under this permit expires or is terminated. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the board.

C. Reporting monitoring results.

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to the department's regional office.
2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the department.
3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under 40 CFR Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the department.
4. Calculations for all limitations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to provide information. The permittee shall furnish to the department, within a reasonable time, any information that the board may request to determine whether cause exists for terminating coverage under this permit or to determine compliance with this permit. The board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from its discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the department upon request copies of records required to be kept by this permit.

E. Compliance schedule reports. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized discharges. Except in compliance with this permit, or another permit issued by the board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, for recreation, or for other uses.

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

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

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

H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse effects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the department within five days of discovery of the discharge in accordance with Part III I 1 b. Unusual and extraordinary discharges include any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of noncompliance.

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

a. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information that shall be reported within 24 hours under this subdivision:

- (1) Any unanticipated bypass; and
- (2) Any upset that causes a discharge to surface waters.

b. A written report shall be submitted within five days and shall contain:

- (1) A description of the noncompliance and its cause;
- (2) The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- (3) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

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

2. The permittee shall report all instances of noncompliance not reported under Part III I 1 a or 1 b, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part III I 1 b.

NOTE: The immediate (within 24 hours) reports required in Part III G, H and I may be made to the department's regional office by telephone, FAX, or online at <http://www.deq.virginia.gov/Programs/PollutionResponsePreparedness/MakingaReport.aspx>.

For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.

3. Where the permittee becomes aware that it failed to submit any relevant facts in a permit registration statement, or submitted incorrect information in a permit registration statement or in any report to the department, it shall promptly submit such facts or information.

J. Notice of planned changes.

1. The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

- (1) After promulgation of standards of performance under § 306 of Clean Water Act that are applicable to such source; or

(2) After proposal of standards of performance in accordance with § 306 of Clean Water Act that are applicable to such source, but only if the standards are promulgated in accordance with § 306 within 120 days of their proposal;

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or

c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit registration process or not reported pursuant to an approved land application plan.

2. The permittee shall give advance notice to the department of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

K. Signatory requirements.

1. Registration statements. All registration statements shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation or (ii) the manager of one or more manufacturing, production, or operating facilities provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit registration requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes (i) the chief executive officer of the agency or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports and other information. All reports required by permits and other information requested by the board shall be signed by a person described in Part III K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part III K 1;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and

c. The written authorization is submitted to the department.

3. Changes to authorization. If an authorization under Part III K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part III K 2 shall be submitted to the department prior to or together with any reports, or information to be signed by an authorized representative.

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

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

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

The permittee shall comply with effluent standards or prohibitions established under § 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under § 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain coverage under a new permit. All permittees with currently effective permit coverage shall submit a new application at least 60 days before the expiration date of the existing permit, unless permission for a later date has been granted by the board. The board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

N. Effect of a permit. This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state, or local law or regulations.

O. State law. Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by § 510 of the Clean Water Act. Except as provided in permit conditions on "bypass" (Part III U), and "upset" (Part III V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under §§ 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and

adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of solids or sludges. Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

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

T. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass.

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

2. Notice.

a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least 10 days before the date of the bypass.

b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part III I.

3. Prohibition of bypass.

a. Bypass is prohibited, and the board may take enforcement action against a permittee for bypass, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The permittee submitted notices as required under Part III U 2.

b. The board may approve an anticipated bypass, after considering its adverse effects, if the board determines that it will meet the three conditions listed in Part III U 3 a.

V. Upset.

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

2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An upset occurred and that the permittee can identify the causes of the upset;
- b. The permitted facility was at the time being properly operated;
- c. The permittee submitted notice of the upset as required in Part III I; and
- d. The permittee complied with any remedial measures required under Part III S.

3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and entry. The permittee shall allow the director, or his designee, upon presentation of credentials and other documents as may be required by law, to:

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

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

X. Permit actions. Permit coverage may be terminated for cause. The filing of a request by the permittee for a permit termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permit coverage.

1. Permits are not transferable to any person except after notice to the department.
2. Coverage under this permit may be automatically transferred to a new permittee if:
 - a. The current permittee notifies the department within 30 days of the transfer of the title to the facility or property unless permission for a later date has been granted by the board;
 - b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 - c. The board does not notify the existing permittee and the proposed new permittee of its intent to deny the new permittee coverage under the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part III Y 2 b.

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

ATTACHMENT I
Fact Sheet

FACT SHEET
REISSUANCE OF A VPDES GENERAL PERMIT
FOR CONCRETE PRODUCTS FACILITIES

2019 Reissuance

The Virginia State Water Control Board has under consideration the reissuance of a general VPDES permit for point source discharges for process wastewater and stormwater from the concrete products facilities to surface waters.

Permit Number: VAG11

Name of Permittee: Any owner of a qualifying concrete products facility in the Commonwealth of Virginia.

Facility Location: Commonwealth of Virginia

Receiving Stream: Surface waters within the boundaries of the Commonwealth of Virginia, except those specifically named in Board Regulations which prohibit such discharges. Discharge to surface waters may be through a municipal separate storm sewer system.

The Virginia State Water Control Board has under consideration the reissuance of the VPDES general permit from the concrete products industrial category. The category of discharges is appropriately controlled under a general permit. The category of discharges involves facilities with the same or similar types of operations and the facilities discharge the same or similar types of wastes. The draft general permit requires that all covered facilities meet standardized effluent limitations and monitoring requirements. This permit will be effective January 1, 2019 and will expire on December 31, 2023.

All pertinent information is on file and may be inspected, and arrangements made for copying by contacting Eleanore Daub at:

Virginia Department of Environmental Quality
P.O. Box 1105
Richmond, Virginia 23218
TEL: (804) 698-4111
FAX: (804) 698-4032

E-mail: elleanore.daub@deq.virginia.gov

Activities Covered by this General Permit and Process Descriptions

This general permit will cover point source discharges of process wastewaters and stormwater runoff associated with the operation of concrete products facilities that fall under the industrial classification systems below. Coverage also includes temporary or portable ready-mixed plants erected on or near construction sites. This general permit does not exclude the coverage for a concrete product facility with a secondary industrial activity co-located on site as long as the secondary activity does not generate any point source discharges or the point source discharge is covered under a separate VPDES permit.

1. North American Industry Classification System (NAICS) Code 327331 – Concrete Block and Brick Manufacturing, (Executive Office of the President, Office of Management and Budget, United States, 2017) and Standard Industrial Classification (SIC) Code 3271 - Concrete Block and Brick (Office of Management and Budget (OMB) SIC Manual, 1987);
2. NAICS Code 327332 Concrete Pipe Manufacturing , NAICS Code 327390 Other Concrete Product Manufacturing, NAICS Code 327999 All Other Miscellaneous Nonmetallic Mineral Product

Manufacturing (dry mix concrete manufacturing only) and SIC Code 3272 - Concrete Products, Except Block and Brick; or

3. NAICS Code 327320 Ready-Mix Concrete Manufacturing and SIC Code 3273 - Ready-Mixed Concrete, including both permanent and portable plants.

These facilities are collectively defined as "Concrete Products Facilities." The types of industrial activities are described below.

[SIC 3273 - Ready-mix](#)

Ready-mixed concrete is basically produced by two methods: dry batch mixing and central mixing. For dry batch mixing, the mix of cement and aggregate is weighed and transferred in a dry state to the truck along with a proportioned amount of water. The concrete is mixed in the truck on the way to the job. For central mixing, the concrete is prepared in a central mixer then transferred to a truck mixer or agitator for delivery.

In addition to cement, fly ash and aggregate, ready-mixed concrete typically contains admixtures and entrained air. Entrained air improves resistance to freezing and thawing. Admixtures may include calcium chloride, triethanolamine, calcium salt, lignosulfonic acid, vinsol, saponin, keratin, sulfonated hydrocarbon, fatty acid glyceride, vinyl acetate, and styrene copolymer of vinyl acetate as ingredients. These compounds may be added to obtain desired characteristics, such as slower or more rapid curing times.

Generally, there are two types of ready-mixed concrete plants: permanent (also known as stationary) and temporary which are usually portable. A permanent plant usually produces various types of concrete for numerous customers. The permanent plant may operate either as a dry batch mixing plant or central mixing plant. A large facility may even consist of both processes. Portable plants are used on large highway and airport paving jobs. These plants can operate using either dry batch mixing or central mixing. Portable plants have the same significant materials and industrial activities as permanent facilities. Therefore, portable plants are covered under this general permit.

The wastewater discharge from ready-mixed concrete plants includes truck washout, truck wash-off, central mixer washout, water from wet waste concrete and stormwater runoff.

Process wastewater is generated by the cleaning of trucks and equipment that come in contact with cement and "wet" concrete. Trucks are usually washed on the outside after they are loaded with fresh concrete, before leaving the plant. They are also washed inside and out at the end of the day. Washing down of areas where this cleaning takes place also generates process wastewater. Process wastewater can be generated from engine steam cleaning in the vehicle/equipment maintenance shop. Discharges of process wastewater may contain some stormwater associated with industrial activity which has come in contact with raw material stockpiles, dried waste concrete, or vehicle parking or maintenance areas. The stormwater can be contaminated at the truck loading site and at the truck washing area.

Treatment or control of process wastewater and commingled stormwater usually consists of settling basins to reduce the solids content and acid addition to neutralize the high pH of the wastewater. Solids removal may be accomplished through a series of settling ponds or sloped slab separation basins. Mechanical clarification devices such as screw washers are used by some facilities to recover coarse aggregate and sand for reuse. The clarified wastewater may be completely or partially

recycled and reused. When discharge is necessary, pH neutralization often is required prior to discharge. Mode of discharge can be batch or continuous.

Stormwater associated with industrial activity may be discharged from ready-mixed concrete plants. This stormwater may have come in contact with or been exposed to raw material (sand, gravel or stone) stockpiles, dried waste concrete, or vehicle parking or maintenance areas. Fugitive dust is prevalent on the grounds at concrete plants. Shrouds and vacuum recovery units are used to minimize dust releases at concrete mixing and truck loading locations. Cement and aggregate unloading from railroad cars, trucks or barges is another potential source of contamination for stormwater. No treatment is normally employed prior to such discharge. Some facilities store the stormwater in a retention pond and operate the basin in a "no-discharge" mode. The water collected in the retention pond either evaporates, infiltrates, or is used as process wastewater on site.

SIC 3272 - Concrete Products, Except Block and Brick

Concrete Products, Except Block and Brick include concrete pipe, precast concrete products, and prestressed concrete products.

Concrete Pipe. Concrete pipe products include: culvert pipe (reinforced and non-reinforced), storm sewer pipe (reinforced and non-reinforced), sanitary sewer pipe (reinforced and non-reinforced), pressure pipe (reinforced, prestressed, pretensioned and other pressure pipe), irrigation pipe and drain (tile), and other concrete pipe (e.g., manholes and conduits).

Concrete pipe is generally produced by three methods: (1) the vertical packerhead (tamping) method; (2) the vertical cast method; and (3) the spin casting production method. The vertical packerhead method uses a machine called a packerhead to compact and vibrate a moist concrete mix into a steel form. The method is used to produce pipe up to five feet in diameter. The vertical cast method is used to produce reinforced pipe. Due to labor cost and time, this method is generally limited to production of reinforced pipe over five feet in diameter. A wet concrete mix from a central mixer is transported by buckets and poured into a vertical steel form containing a reinforcing cage. The steel forms are stripped from the pipe after the concrete sets. The spin casting production method is used to produce reinforced pipe up to four feet in diameter. The form containing a reinforcing cage is placed horizontally and rotated at a high rate, while concrete is added by a reciprocating nozzle. The spinning action densifies the concrete on the inside of the form and dewater it. The inner surface of the pipe is finished by a mechanical roller. Reinforced concrete pressure pipe, produced by spin casting, uses a hydraulically tested sheet steel cylinder form that remains as part of the finished pipe.

All concrete pipe is cured at ambient conditions or spray cured, until it reaches a certain green strength, at which time it is cured by low pressure steam either in a kiln or in a chamber constructed around the pipe. For pipe produced by the packerhead method, the forms are usually removed before steam curing, while for the vertical cast and spin casting methods the forms usually remain on the pipe during curing. In all cases except reinforced concrete pressure pipe, a form release oil is used. In the production of reinforced concrete pressure pipe additional processes include: hydraulic testing of the cylinder, wrapping the cured pipe with high strength steel wire, and coating the steel wire wrap with concrete grout. There is no waste water from atmospheric curing. Waste water from steam curing and spray curing contains suspended solids, oil and grease and has a high pH.

Precast Concrete Products. Precast concrete products include: roof and floor units (slabs and tile; joints and beams); architectural wall panels; pilings, posts and poles; cast stone (products for

architectural purposes); prefabricated building systems; other precast construction prod.; burial vaults and boxes; silo staves; septic tanks; dry-mixed concrete materials (e.g., Sakrete); other precast (e.g., laundry tubs).

Simple precast concrete products are produced by pouring the concrete from a mixer into steel forms, and allowing the product to cure, either at ambient conditions, with low pressure steam, or with a water spray. Curing takes place in two steps, first with the form on then off. The second curing step usually takes place at ambient conditions. Reinforced concrete products contain steel structural members to provide increased strength.

Precast architectural wall panels are generally finished to produce a decorative surface of exposed aggregate. For the most common production method, a retarder is spread in the form bottom, reinforcing steel is placed in the form, and the concrete mix is cast. When the concrete has set and the form is removed, the surface is washed with a weak acid solution, sandblasted, or washed with high pressure water to clean away the unset surface cement and expose the coarse aggregate. The panel is then cured completely in a storage yard.

Prestressed Concrete Products. Prestressed concrete products are chiefly used as structural and architectural components and include: single tees, double tees, and channels; piling, bearing piles, and sheet piles; bridge beams; solid and hollow cored slabs and panels; other prestressed products (e.g., arches); joist, girders, and beams (other than bridge beams).

Prestressed concrete products are produced in similar fashion as precast reinforced concrete products with the substitution of steel cables under tension instead of steel rods for reinforcement. Prestressed concrete products may be either pretensioned or post-tensioned.

The wastewater discharge from Concrete Products, Except Block and Brick facilities includes transport bucket and central mixer washout, form wash-off, condensate from steam curing, spray curing wastewater, surface finishing water, spin cast wash-water, pre-wetting of imbedded pressure pipe, stormwater, boiler blowdown, and miscellaneous equipment wash-off. Pollutants in the wastewater discharge include suspended solids, oil and grease, and high pH.

SIC 3271 - Concrete Block and Brick

Concrete block and brick are classified into the following products: structural block produced with lightweight aggregate such as cinder, expanded shale, pumice or other materials; structural block produced with heavyweight aggregate such as sand, gravel, crushed stone or other materials; decorative block - such as screen block, split block, slump block and shadowal block; and concrete brick.

The manufacturing process for concrete block and brick consists of mixing, forming, and curing. Typically, the aggregate, cement and water are weighed and mixed in batches of about four cubic yards in a rotary mixer. The concrete mix used for production of block and brick contains less water than ready-mixed concrete. The type of aggregate being used will determine if a lightweight or heavyweight product is produced. Color may be added to the mix to produce decorative block. The mixed concrete is fed into an automatic block molding machine, where the moist mix is rammed, pressed or vibrated into the desired shape. Following forming, the material is stacked onto iron framework cars and allowed to cure. To produce a structural high-strength block within a reasonable time period, the block must be cured under moist conditions. The three basic methods of curing are: (1) atmospheric; (2) low pressure steam; and (3) autoclave or high pressure steam.

Atmospheric curing produces a lower strength block than the other two methods of curing. Atmospheric curing uses ambient heat and humidity, and heat of hydration to cure the block, and also includes curing within enclosures at ambient conditions. Curing usually takes place for about four hours. There are no additional wastewaters produced from this curing process.

In the low pressure steam method, the loaded curing cars are placed into a chamber or kiln where low pressure steam less than 150 psi is injected from perforated pipes for approximately 8-10 hours, depending on mix conditions, user specifications, and ambient temperature. Waste water from this curing method consists primarily of steam condensate, which contains some suspended solids, dissolved solids, COD, oil and grease and a high pH. The low pressure steam is generated by a boiler which requires periodic blowdown.

The autoclave or high pressure steam curing method produces a higher strength block with less shrinkage in less time than the low pressure steam curing method. For this method the curing cars are loaded in a large horizontal, cylindrically shaped autoclave where high pressure steam (greater than 150 psi) is injected or convected. After a curing cycle of about 8 hours the steam is released to the atmosphere and the blocks are removed and stored. An alternative method of steam production uses a hot oil convection method, where water is placed in a trough within the autoclave and hot oil heats the water into steam. Following curing, the autoclave is allowed to cool and a portion of the steam condenses back into the trough. Periodically the trough water is discharged because the alkalinity, due to the pickup of calcium oxide, makes the water corrosive to the steel racks of the curing cars. Wastewater discharges from the autoclave curing process can include boiler blowdown, autoclave blowdown condensate, and autoclave purge. Pollutants include suspended solids, COD, oil and grease, and high pH, resulting from autoclave blowdown condensate and in the convection process, autoclave purge.

The primary source of wastewater from concrete block and brick facilities is equipment wash-off, including: delivery trucks, conveyor belts, transport buckets, central mixers and forms. Generally only suspended solids are a problem in this wastewater and can be handled with simple settling. Other potential sources of wastewater include: accidental spill wash-down and stormwater runoff. Spill wash-down and stormwater runoff can be handled with other wash-waters.

General Permit Coverage and Registration

The general permit has a term of 5 years. The previous term of the permit ended September 30, 2018; however, permit coverage was administratively continued until January 1, 2019. Every authorization under this general permit will expire at the same time (December 31, 2023). All existing permittees will receive renewed coverage on the same date (January 1, 2019), provided a complete registration statement has been filed prior to the general permit's prior expiration date (September 30, 2018). Any new permittees seeking coverage between October 1, 2018 and January 1, 2019 will be unable to receive coverage until the new effective date of January 1, 2019.

The registration asks the question if a stormwater pollution prevention plan (SWPPP) has been prepared. The registration statement instructs the new applicants to have a SWPPP before commencement of discharge and existing permittees to update and implement revisions to the SWPPP within 60 days of coverage. The registration also asks for representative outfall information. One of the questions to support representative outfalls asks for monitoring data, if available. The permittees that discharge to a MS4 are required to submit notification to the MS4. A copy of a letter or email to the MS4 will suffice. The registration also asks for State Corporation Commission entity identification number. If this is not

submitted, the permit writer should check the SCC database. Also portable concrete plants must submit a closure plan with the registration in order to be approved for coverage. The items needed in a closure plan include treatment, removal and final disposition of residual wastewater, contaminated stormwater held at the facility and solids, fate of structures, a removal plan for all exposed industrial materials and description of the stabilization of land in which they were stored or placed.

All persons desiring to be covered by this general permit must register with the Department by filing a registration statement and applicable fees (\$600). The registration statement shall be submitted and a notification of coverage issued prior to any discharges or other activities for which this permit is required. Continued administrative coverage past the expiration date was approved by the Department for existing permittees after the September 30, 2018 expiration date.

Concrete Products facilities that are discharging process wastewater and/or stormwater associated with industrial activity to surface waters on the effective date of this general permit and which have not been issued an individual VPDES permit, are required to submit the registration statement 60 days prior to expiration. Existing operations with individual VPDES permits that wish to seek coverage under the proposed general permit would have to file a registration statement at least 240 days prior to the expiration date of the individual VPDES permit. This gives staff some time to decide whether they can have coverage and if not, the permittee can still meet the 180 day before expiration VPDES application requirement. For all new concrete products facilities that will have discharges of process wastewater or stormwater associated with industrial activity and that will begin activities after the effective date of this permit, the registration statement shall be filed at least 60 days prior to the commencement of operation of the concrete plant unless a different date is approved by the board.

Any permittee conducting an activity covered by an individual permit, which could be covered by this general permit, may request that the individual permit be terminated and register for coverage under this general permit. Antibacksliding will be considered prior to granting the coverage under this general permit. Any owner or operator not wishing to be covered or limited by this general permit may make application for an individual VPDES permit, in accordance with VPDES procedures. This general permit will not apply to any new or increased discharge that will result in significant effects to the receiving waters. The determination is made in accordance with the State Water Control Board's Antidegradation Policy contained in the Virginia Water Quality Standards, 9VAC25-260-30.

All facilities that the Department believes are eligible for coverage under this general permit will be authorized to discharge under the terms and conditions of the permit after a complete registration statement is submitted, the applicable permit fee is paid and the Department sends a copy of the general permit to the applicant. If this general permit is inappropriate, the applicant will be so notified and the requirement that an individual permit or alternate general permit is needed will remain in effect.

Part I A - Effluent Limitations, Monitoring Requirements and Their Basis

The parameters to be limited in process wastewater discharges are pH, total suspended solids and total petroleum hydrocarbons (TPH). These parameters were chosen based on the evaluation of 1992-1996 DMR data for the issuance of the first general 'ready-mix' permit in 1998. TPH, is a pollutant of concern when vehicle or equipment degreasing wastewater are commingled with the process wastewater. Specific rationale for all parameters and when they apply is discussed below.

1. Discharge of process wastewater which may contain input from the vehicle/equipment maintenance activities and may be commingled stormwater runoff:

<u>Parameter</u>	<u>Limitation</u>	<u>Frequency⁽³⁾</u>
Flow	No limit, estimate and report average and maximum values	
Total Suspended Solids	30 mg/l avg, 60 mg/l max.	
pH	6.0 minimum, 9.0 maximum ⁽¹⁾	
Total Petroleum Hydrocarbons ⁽²⁾	15 mg/l maximum	

(1) Where the Water Quality Standards (9 VAC 25-260) establish alternate standards for pH in the waters receiving the discharge, those standards shall be the maximum and minimum effluent limitations.

(2) Total Petroleum Hydrocarbons limits are only to be placed in the permit when vehicle degreasing occurs on site. Vehicle degreasing or equipment degreasing has been clearly defined to mean the washing or steam cleaning of engines or other drive components of a vehicle or equipment in which the purpose is to degrease and clean petroleum products. It does not mean washing sediment or concrete off trucks. Total Petroleum Hydrocarbons shall be analyzed using the EPA SW-846 Methods 8015B (1996), 8015C (2000 or 2007), 8015D (2003) for diesel range organics or 40 CFR 136.

A QL of 5.0 mg/L has been established for TPH. The QLs are consistent with the VPDES individual and general permit program QLs.

(3) All grab samples are collected quarterly.

TSS

Although there are no water quality standards or federal effluent guidelines for total suspended solids for the industrial category covered by the general permit, the Department has decided that such limits are necessary for the protection of the receiving waters. The total suspended solids limitations are established at levels which, based on the Department's experience with individual VPDES permits, are achievable with conventional treatment technology and which will prevent the build-up of solids on the bottoms of receiving waters. A QL of 1.0 mg/L has been established for TSS. The QL is consistent with the VPDES individual and general permit program QLs.

pH

The pH limitation is based upon Virginia's Water Quality Standards (9 VAC 25-260). Where alternate standards for pH are established in the Water Quality Standards, those standards may be used. Because the facility may discharge into the receiving water at zero low flow conditions, the limitation of the water quality standard on the effluent is appropriate.

TPH

Due to the concern that process wastewater generated from engine steam cleaning during vehicle or equipment degreasing will carry petroleum-based pollutants (diesel range organics), this general permit proposes a TPH limitation of 15 mg/l for a discharge with such input. The TPH maximum limitation is based on the ability of simple oil/water separator equipment. Historically, oil and grease (O&G) limits have been placed in the VPDES permits for many facilities that handle petroleum products or where contamination by petroleum products is of concern. The O&G limits are expressed as Total Petroleum Hydrocarbons (TPH) instead since there is little reason to expect fatty matter from plant and animal sources. Based on the recommendation provided by Guidance Memo # 96-002, a one to one ratio between O&G and TPH is assumed. The TPH testing protocols were updated during the 2003 general permit issuance, in 2008 and 2013.

All limits should be considered as two significant digits for compliance purposes as per special condition Part I.B.15 b (4) and in accordance with Guidance Memo No. 06-2016 Significant Figures for Discharge Monitoring Reports.

2. Discharge of stormwater which does not combine with process wastewater:

<u>Parameter</u>	<u>Benchmark Monitoring</u>
Flow	No limit, estimate volume (MG) discharged during entire monitored storm event
Total Suspended Solids	100 mg/l
Total pH	6.0 – 9.0 standard units

The permit states that should the benchmark monitoring for TSS exceed 100 mg/l maximum or the pH fall outside of the range of 6.0-9.0 standard units, the permittee shall evaluate the overall effectiveness of the SWPPP in controlling the discharge of pollutants to receiving waters. Benchmark concentration values are not effluent limitations. Exceedance of a benchmark concentration does not constitute a violation of this permit and does not indicate that violation of a water quality standard has occurred; however, it does signal that modifications to the SWPPP are necessary, unless justification is provided in the routine facility inspection or comprehensive site compliance evaluation (Part II F 6 and Part II F 8). The SWPPP does not have to be modified if justification is provided. For example, if all appropriate BMPs are in place and maintained correctly, that would be sufficient justification to indicate that the exceedance was an anomaly and additional modification of the SWPP is unnecessary.

Monitoring is required once per calendar year by grab sample, collected during the first thirty minutes of the discharge. If during the first thirty minutes it was impracticable, then a grab sample shall be taken during the first three hours of discharge.

Guidance on the conduct of stormwater sampling is provided by the EPA in the document titled [Industrial Stormwater Monitoring and Sampling /Guide](#), EPA832-B-09-003.

Samples taken in compliance with the monitoring requirements specified in Part II A (Stormwater Management) shall be taken at the outfall location(s) identified in the approved registration statement. In the cases where discharges to surface waters are through the municipal separate storm sewer systems, samples should be taken at the point where the discharge enters the municipal separate storm sewer system.

The monitoring requirements for stormwater are consistent with the monitoring requirements of the original stormwater general permits (1994) which were based on EPA's Baseline Industrial Activity Storm Water General Permit (1992). Historically, oil and grease (O&G) limits have been placed in the VPDES permits for many facilities that handle petroleum products or where contamination by petroleum products is of concern. The O&G monitoring requirement from 1998 - 2008 was expressed as Total Petroleum Hydrocarbons (TPH) instead of O&G since there is little reason to expect fatty matter from plant and animal sources. Based on the recommendation provided by Guidance Memo # 96-002, a one to one ratio between O&G and TPH was assumed. In 2013, the TPH limit was removed from stormwater monitoring. Total petroleum hydrocarbons are not suggested for monitoring in this type of industrial stormwater by the EPA per the NPDES Multi-Sector General Permit for Stormwater

Discharges Associated with Industrial Activity (MSGP), 2015. Also, levels consistently have remained undetectable or very low over the years.

In 2003, in order to maintain consistency with the EPA NPDES MSGP, total recoverable iron was added and chemical oxygen demand deleted from the parameter list for stormwater discharges. In 2013, the total recoverable iron limit was removed from stormwater monitoring primarily because iron is naturally high in soils in Virginia and expected to be high in stormwater. Also, there is no feasible alternative to remove iron in stormwater when it is naturally occurring (except to the amount the existing technology removes solids and solids are limited under the permit). DEQ has collected iron data from stormwater since 1998 and has no reason to continue to monitor. The DEQ does not think that total iron is an appropriate benchmark for Virginia. Other surrounding states (Maryland and North Carolina) do not use iron as a benchmark. TSS is a more appropriate benchmark to determine SWPPP success.

Quarterly visual monitoring was added in 2003. The deadline for annual monitoring report was also changed in 2003 to the tenth day of January of each year. Specific storm event data is required to be submitted with the DMR or on the DMR.

All limits should be considered as two significant digits for compliance purposes as per special condition Part I B 16 b (4) and in accordance with Guidance Memo No. 06-2016 Significant Figures for Discharge Monitoring Reports.

Part I B - Special Conditions

1. Restriction of floating solids, visible foam, solids deposition, oil sheen.

This condition is required to implement the Water Quality Standards (9VAC25-260-20). Restriction of oil sheen is to ensure that the petroleum products that are on the site do not appear in the stream. Accidental spills of petroleum products are cleaned up immediately so as not to enter surface waters as per special condition #3. If vehicle degreasing is occurring on the site then those process wastewater discharges have total petroleum hydrocarbon limits. This addition is just an added measure of protection and something the inspector can look for to ensure proper BMPs, clean up measures or treatment is occurring. The restriction of solids deposition in surface water in the vicinity of the outfall as a result of the industrial activity is due to concerns from staff of concrete and raw product residue entering the stream at some operations. Improved housekeeping on site should maintain this requirement.

2. Materials handling/storage

Raw materials and products are to be stored and handled so that any untreated discharge of pollutants to surface waters is prevented. This includes leftover wet concrete that is returned to the site. This wet concrete should be disposed of in an area that will collect any water or stormwater that will be in contact with the wet concrete.

3. Vehicles and equipment maintenance

Vehicles and equipment used in the industrial activity are to be operated and maintained in a manner that prevents pollution of surface or ground waters. This special condition addresses best management practices for activities associated with vehicle maintenance that take place at a typical concrete products facility.

4. Restrictions of washing activities

All washdown and washout of trucks, mixers, transport buckets, forms or other equipment is restricted to the designated washdown and washout areas. Wastewater generated in this area is to be recycled or collected and treated to meet the limits in Part I A prior to discharge. The storage of raw materials and washing of trucks and other equipment are necessary aspects of concrete products facilities. These activities are allowed by the general permit as long as they are handled in a way that provides for treatment of any wastewater prior to discharge. This special condition is consistent with the EPA NPDES MSGP for “concrete products facilities” for industrial stormwater and applies to all equipment that is washed out of product (not just trucks).

5. Restrictions of waste concrete reclamation

Waste concrete is wet concrete that returns to the plant and is either reclaimed at the truck washing facility or it is unloaded on the plant site for drying and later reclaimed for off-site fill or road base. The general permit restricts this practice to a designated area and prohibits any untreated discharge from it to surface waters. Until this concrete is dry, this wet waste concrete should be in a designated area that drains to the settling basins, the wet concrete is completely contained and cannot reach the receiving stream (even during normal (not 25-year-24 hour storm event) rain events) or the facility operates in a ‘no-discharge’ mode (see special condition 11 below). The same requirement applies to the dredged solids from the settling basins.

6. Recycle and Reuse

Wastewater should be reused or recycled whenever feasible. This is not a requirement and is a general suggestion seen in other general permits. The industry frequently reuses settled wastewater for dust suppression.

7. Prohibition of sewage discharge

The discharge of sewage is not permitted under the draft general permit. The limits of the permit do not address pollutants of concern in sewage.

8. Operation and maintenance (O&M) manual requirement

The permittee is required to develop and implement an O&M manual which includes procedures and practices for the mitigation of pollutant discharges and for the protection of state waters from the facility's operations. This will document procedures for plant personnel so that the other special conditions can be met. It specifies operations and maintenance practices for process wastewater treatment units and chemical and material storage areas, methods for estimating process wastewater flow, process wastewater solids management and disposal procedures, temporary and long-term facility closure plans, testing requirements and procedures, recordkeeping and reporting requirements and duties and roles of responsible officials. Facilities shall develop or review and update, as appropriate the O&M manual within 180 days of coverage and review annually thereafter. In 2013, the O&M special condition was reformatted, review periods made annual and specific items required for closure plans were added. These specific items include (i) treatment, removal, and final disposition of residual wastewater, contaminated stormwater held at the facility, and solids; (ii) fate of structures; (iii) a removal plan for all exposed industrial materials; and (iv) description of the stabilization of land in which they were stored or placed. For the 2019 permit, the O&M manual was amended to allow O&M requirements inapplicable to process wastewater units to be included in the SWPPP. This was in response to public comment for facilities that only have stormwater discharges.

9. Notification of municipal separate storm sewer system

If the facility discharges through a municipal separate storm sewer system (MS4) to surface waters, the permittee must notify the owner of the storm sewer of the presence of the discharge and provide a copy of such notice to DEQ at the time of registration.

10. Freeboard requirement

The purpose of this special condition is to prevent overflow. A minimum freeboard of one foot for the basins and lagoons is required to be maintained except during a 72-hour transition period after a measurable rainfall event. The transition period will provide sufficient flexibility for proper operation and maintenance of the facility. During the transition period, no discharge from the basins and lagoons shall occur unless it is in accordance with this permit. Within 72 hours after a measurable rainfall event, the freeboard must return to the minimum freeboard of one foot. Where basins are operated in a series mode of operation, the one foot freeboard requirement for the upper basins may be waived provided the final basin will maintain the freeboard requirements of this special condition. This reflects existing practice and design of these basins. It is deemed reasonable and protective since the additional treatment provided by series basins is preferred. A description of how the permittee will manage the facility to adhere to one foot of freeboard is included in the O&M manual. The daily inspection requirement is only required if the one-foot freeboard is not restored by the end of the 72-hour transition period. The continuous daily log requirement was removed in 2019 in response to public comment.

11. Requirement for "no discharge" mode operation

In the cases where either the process wastewater which may be commingled with stormwater runoff, or the stormwater associated with industrial activity are retained in a treatment/storage system which operates in a "no-discharge" mode, this general permit prohibits any discharge of pollutants to surface waters from such system except in the case of a storm event which is greater than a 25-year, 24 hour storm event. This special condition only applies to those operations which the permittee had designated as "no-discharge" in the accepted registration statement. If a discharge does occur, the permittee is required to report an unusual or extraordinary discharge per Part III H (Conditions applicable to all permits). This reporting reminder was added in the 2019 reissuance and is the same reporting required in the non-metallic mineral mining general permit (9VAC25-190) for "no-discharge" facilities. The recognition of "no discharge" facilities was included in this permit because prior to the VPDES discharge general permit in 1993, many facilities were covered under a VPA "no discharge" certificate. These facilities often still have stormwater discharges.

12. Notification levels

The permittee is required to report the discharge of any toxic pollutant from any activity that has occurred or will occur when that discharge, either on routine or non-routine basis, will exceed the highest of the listed notification levels. This condition is required by the VPDES Permit Regulation (9VAC25-31-200 A).

13. Liner requirements for the settling basins

In order to comply with the statutory mandate (State Water Control Law §62.1-44.15:5.2), House Bill 972 passed by the 1998 Session of the General Assembly and effective July 1, 1998, all settling basins, used for treatment and control of process wastewater and commingled stormwater that were constructed on or after February 2, 1998, are required to be lined with concrete or any other impermeable materials prior to commencing operation. The law also states that the general permit may include a requirement that settling basins built before February 2, 1998 may include the same

requirement. Regardless of date of construction, all settling basins used for treatment and control of process wastewater or process wastewater commingled with stormwater that are expanded or dewatered for major structural repairs shall be lined with concrete or any other impermeable materials. Major structural repairs include construction activities that disturb the bottom or sides of the basin. These requirements are not intended for basins constructed as best management practices for stormwater.

Concrete is the liner material of choice because settling basins are routinely shoveled out with heavy equipment. Clay is allowed but must be carefully managed so the liner remains intact. Recommendations for liners are either a synthetic liner of at least 20 millimeters thickness or a compacted soil liner of at least one foot thickness with a maximum permeability rating of 0.0014 inches per hour. Total soil liner thickness should be one foot after compaction of two separate lifts of equal thickness. If concrete is used, a minimum thickness of one foot reinforced concrete is recommended.

14. Reuse of treated (settled) wastewater for dust control or spraying stockpiles

Reuse of settled wastewater for dust suppression or spraying stockpiles to prepare the material for making concrete is a common practice for most of the concrete products facilities and must be carried out as a best management practice and not a wastewater disposal method unless ponding or direct runoff from the site does not occur. This condition is to ensure that reuse of treated wastewater on site for these purposes is managed properly so that none of the water enters surface waters without being treated first. The reused wastewater does not need pH adjustment before reuse (but it does before discharge to surface waters). Much of the reused wastewater is adsorbed and evaporated but some may enter the treatment system. Dust suppression must not be carried out in a measurable rain event as that is unnecessary and more likely to result in a discharge of the untreated water;

15. Compliance reporting

In accordance with Guidance Memo#00-2001, Amendment #3 and Guidance Memo 06-2016 (Significant Figures for Discharge Monitoring Reports, this special condition identifies the quantification levels for TSS and TPH using two significant digits, and prescribes data handling protocols for the purposes of compliance reporting. In accordance with Guidance Memo 06-2016, the condition ensures that the permittee reports discharge monitoring in two significant digits. 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.

16. TMDL Requirements

EPA does not want DEQ to authorize general permits that are not in conformance with any applicable TMDL. This was a requirement added to the regulation in section 50 'Authorization to Discharge.' Staff thought it important to repeat as a special condition in the permit itself as follows:

“Owners of facilities that are a source of the specified pollutant of concern to waters where an approved TMDL has been established shall implement measures and controls that are consistent with the assumptions and requirements of the TMDL.” It reinforces the way general permits are currently handled in TMDLs. The assumption of the TMDL is that general permits are insignificant to the total load until such time that the TMDL program determines that the load is significant and the TMDL needs to be modified to include the load.

17. Adding and deleting outfalls.

This is a special condition that allows for adding or deleting outfalls. The permittee must update the O&M manual and the SWPPP within 60 days of the change. This happens occasionally and staff wanted a clear way to do this in the permit. The DEQ 2009 industrial stormwater general permit has similar language.

18. Terminations

This special condition describes how terminations of a general permit will be implemented because permittees need to know this is an option available to them.

19. Temporary facility closures

This is a special condition was added that describes how temporary facility closures at inactive and unstaffed sites will be implemented. Inactive site waivers are recognized in the EPA NPDES MSGP. In 2019, this special condition was amended to require an annual routine facility inspection to correspond with requirements in the EPA MSGP. The special condition was also clarified to state the stormwater management requirements that are waived at an inactive site (effluent, benchmark and visual monitoring and routine facility inspections (except for once per year)).

20. Water Quality Standards

This is a general requirement that *"The discharges authorized by this permit shall be controlled as necessary to meet applicable water quality standards."* This matches similar language going into other general permits.

21. Responsibilities for Other Laws

This is a special condition that reminds the permittee that they must still comply with other laws. *"Approval for coverage under this general permit does not relieve any owner of the responsibility to comply with any other federal, state or local statute, ordinance or regulation."* This requirement is part of the regulation at section 50 C and staff thought it should be repeated in the permit to remind the permittee of the responsibility.

Part II Stormwater Management

This section is generally based on the 2014 VPDES Industrial Stormwater Permit and parts of the EPA NPDES MSGP. There are a few differences based on TAC consensus or determinations that certain requirements or allowances are not appropriate for this sector.

Part II A Monitoring

This provides instructions for collecting stormwater samples and the rainfall data that must be submitted with the DMR. The rainfall data is reviewed by DEQ inspectors for compliance purposes.

Part II B Representative Outfalls – substantially identical outfalls

Representative outfalls are decided and approved with the registration statement instead of with each DMR.

Part II C Sampling waivers

In 2019 this subsection was deleted and sampling waivers for visual examinations was moved to quarterly visual examination of stormwater quality. This effectively eliminated sampling waivers for benchmark monitoring. It was decided that an annual stormwater sample was always possible with

proper planning and should not be waived. Also, the requirement to take a substitute sample during the following monitoring period is not a requirement in the EPA NPDES MSGP.

Part II C Quarterly visual

This is a requirement for a quarterly visual monitoring of the quality of the water (color odor, clarity, solids, foam, oils or other obvious pollution indicators). Visual examination reports are maintained onsite with the SWPPP and contain the outfall location, the monitoring date and time, personnel, type of stormwater (runoff or snow melt), and visual observations. Visual examination of these areas will provide a useful and inexpensive means for permittees to evaluate the effectiveness of their stormwater pollution prevention plans and make any necessary modifications in housekeeping to address the results of the visual monitoring.

Part II D Allowable nonstormwater discharges

In order to be an allowable nonstormwater discharge, the sources of nonstormwater must be identified in the SWPPP and, except for flows from emergency firefighting activities, the plan must identify and ensure the implementation of appropriate pollution prevention measures for such discharges.

Part II E Hazardous substances or oil release

Discharge of hazardous substances or oil from a facility must be eliminated or minimized in accordance with the SWPPP developed for this facility. When a release of a hazardous substance or oil is in excess of a reportable amount, the permittee must notify the Department as soon as possible. Where a release enters a MS4, the permittee must notify the owner of the MS4. In addition, the SWPPP must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified as needed.

Part II F Stormwater pollution prevention plans (SWPPPs)

The stormwater pollution prevention plan is basically a set of best management practices used to eliminate or reduce pollutants in stormwater from reaching surface waters. For a new discharge, the plan shall be prepared and implemented prior to commencing operations. For an existing discharge, the time frame for updates and implementation of the plan is 60 days after coverage is granted. The SWPPP shall also be reviewed and amended when there is construction or a change in design, operation or maintenance which has a significant effect on the discharge of pollutants, when routine inspections or local, state or federal inspections determine deficiencies, if there is a spill, leak or other release, or if there is an unauthorized discharge from the facility. Modifications to the SWPPP are done within 60 days after discovery, observation or event that required a modification. New or modified BMPs shall be initiated before the next storm event if possible, but no later than 60 days after discovery. If there is a release of an unauthorized discharge, the circumstances, actions taken and measures to prevent the recurrences should be in the SWPPP and the Department notified per Part III G.

The SWPPP contains the pollution prevention team, summary of potential pollutants sources, a site map (previously called the drainage map), a list of spills and leaks, a summary of sampling data for the previous three years, description of BMPs where industrial materials or activities are exposed to stormwater, good housekeeping measures, a preventive maintenance program, spill prevention and response procedures, instructions on routine facility inspections, employee training program implementation and schedule, identification of areas which have a potential for soil erosion and description of stormwater run-off management practices.

All BMPs must be maintained and observed during a stormwater event when feasible to ensure they are functioning correctly. Where discharge locations are inaccessible, nearby downstream locations shall be observed. All observations are documented in the SWPPP. Procedures and schedules for maintenance of all BMPs are in the SWPPP. Any needed repairs shall be done before the next storm event or as soon as practicable. Back-up measures shall be employed until repairs can be completed. All maintenance and repair information goes in the SWPPP.

Nonstormwater discharge evaluations are also part of the SWPPP and these requirements were moved from the comprehensive site evaluations and the nonstormwater discharge special condition in 2019.

Annual comprehensive site evaluations were removed from the 2019 permit in accordance with the EPA NPDES MSGP.

Part III Conditions Applicable to All Permits

This section contains language from the permit regulation at 9VAC25-31-190 for conditions applicable to all permits. Differences are described below.

An additional condition is included to recognize the Virginia Accredited Laboratory Program requirements in Part III A.

Records retention is 3 years from permit expiration or termination rather than from the date of sampling. This makes more sense for documents like SWPPPs and waivers.

In duty to reapply in Part III M is changed to 60 days before expiration to match the registration statement requirements in 9VAC25-193-60.

In transfer of permits Part III Y allows for transfer of permits within 30 days of the transfer of the title instead of 30 days prior to the transfer. Permittees are rarely able to notify the department 30 days prior to a transfer and this is a reasonable allowance for general permits.

Throughout Part III, references to “revoke and reissue” and “modification” have been removed because these permit actions do not apply to general permit coverage. Also references to “permit” and “applications” are replaced with “permit coverage” and “registrations.”