

COMMONWEALTH OF VIRGINIA

Department of Environmental Quality

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**Subject:** Guidance Memo No. 21-2004 - **Implementation Guidance for Reissuance of the General VPDES Permit for Nonmetallic Mineral Mining Facilities VAG84**

**To:** VPDES Water Permitting Managers, VPDES Water Compliance Managers

**From:** Melanie D. Davenport, Director, Water Permitting Division *Melanie D. Davenport*

**Date:** April 28, 2021

**Copies:** Drew Hammond, Manager, Division of Water Permitting; Allan Brockenbrough, Manager, Office of VPDES Permits; Debra Harris, Office of Regulatory Affairs

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**Summary:**

This guidance memo replaces Guidance Memo No.14-2008, Implementation Guidance for Reissuance of the Virginia Pollution Discharge Elimination System (VPDES) General Permit for Nonmetallic Mineral Mining Facilities. On April 15, 2019, the State Water Control Board adopted amendments to the VPDES General Permit Regulation for Nonmetallic Mineral Mining Facilities, 9VAC25-190, which modified VAG84. These amendments are effective July 1, 2019. Copies of the amended permit regulation, fact sheet, registration statement, general permit and other items are attached. The purpose of this guidance is to identify changes that have been made to General Permit VAG84, 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.

**Electronic Copy:**

Once effective, an electronic copy of this guidance will be available on:

- The Virginia Regulatory Town Hall under the Department of Environmental Quality (<http://www.townhall.virginia.gov/L/gdocs.cfm?agencynumber=440> ) .

**Contact Information:**

Please contact Peter Sherman, Office of VPDES Permits, (804) 698-4044 or [peter.sherman@deq.virginia.gov](mailto:peter.sherman@deq.virginia.gov) with any questions regarding the application of this guidance.

**Certification:**

As required by Subsection B of [§ 2.2-4002.1](#) of the APA, the agency certifies that this guidance document conforms to the definition of a guidance document in [§ 2.2-4101](#) of the Code of Virginia.

**Disclaimer:**

**This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, it does not mandate any particular method nor does it prohibit any particular method. If alternative proposals are made, such proposals should be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.**

Effective Date: \_\_\_\_\_

Initials: \_\_\_\_\_

## 1. Changes to the General Permit and Rationale

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
9VAC25-190-10. Definitions.		The definitions of “colocated facilities” and “Industrial activity” include the applicable Standard Industrial Classification (SIC) codes.	Maintained the SIC codes, however, since SICs are no longer maintained by OMB we added the North American Industry Classification System (NAICS) codes that correspond to each SIC code to these two definitions.
9VAC25-190-10. Definitions.		NA	Added a definition of “control measure,” since U.S. EPA 2015 MSGP and the VPDES ISWGP are moving from the term BMP to control measure.
9VAC25-190-10. Definitions.		NA	Added a definition of “minimize,” since the term is used in this general permit and is defined in similar VPDES general permits (e.g., industrial stormwater, concrete).
9VAC25-190-10. Definitions.		NA	Added a definition of “NAICS” (North American Industry Classification System), since SIC code is defined and NAICS codes are being added.
9VAC25-190-10. Definitions.		Definitions of “significant spills” and “twenty-five year, 24-hour storm event.”	Made non-substantive editorial changes.
9VAC25-190-10. Definitions.		NA	Added a definition of “Virginia Environmental Excellence Program” (VEEP) since a conditional exception based on VEEP participation is being added to the general permit.
9VAC25-190-10. Definitions.		Definition of vehicle or equipment degreasing.	Removed this definition based on removal of TPH monitoring requirement.
9VAC25-190-10. Definitions.		NA	For clarification and in response to comment, added a definition of “temporarily inactive sites”
9VAC25-190-10. Definitions.		Description of “inactive mining operations” within the definition of “Industrial activity.”	Made the existing description of “inactive mining operations” within the definition of “Industrial activity” into a stand-alone definition for clarification and in response to comment.
9VAC25-190-15. Applicability of incorporated references based on the dates that they became effective.		This section updates all Title 40 Code of Federal Regulations (CFR) within the document to be those published as of July 1, 2013. This is a recommendation from the DEQ Office of Policy so dates do not need to be added for each CFR reference.	Changed the date to July 1, 2018, which will be the latest EPA update prior to issuance of the final permit.
9VAC25-190-20. Purpose; delegation of authority; effective date of permit.		Purpose to regulate wastewater from nonmetallic mines.	Revised purpose to regulate wastewater and stormwater discharges to surface waters from nonmetallic mines.
9VAC25-190-20 and 70.		Effective date from July 1, 2014 to expiration date of June 30, 2019.	Effective date from July 1, 2019 to expiration date of June 30, 2024.
9VAC25-190-20. Purpose; delegation of authority; effective date of permit.		Describes applicability of the general permit including SIC codes.	Added NAICS codes that correspond to each SIC code.
9VAC25-190-20. Purpose; delegation of		Indicates the permit was last effective on July 1, 2014 and expires on June 30, 2019.	Revised the effective and expiration date of the permit to be July 1, 2019 and June 30, 2024, respectively, to reflect reissuance of the permit

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authority; effective date of permit.			regulation and the five-year term specified for VPDES permits.  These revised dates are also included in 9VAC25-190-20 and 70.
9VAC25-190-50. Authorization to discharge.		Owner must have a DMME permit to obtain authorization under this general permit.	Owner must have and maintain DMME permit during this permit term.
9VAC25-190-50. Authorization to discharge.		Compliance with permit constitutes compliance with the CWA and State Water Control Law.	Added specific sections of CWA, consistent with other state general permits.
9VAC25-190-50. Authorization to discharge.		Continuation of permit coverage requires submittal of complete registration statement before July 1, 2014.	Removed the specific date and provide that a complete registration statement must be submitted at least 60 days prior to permit expiration or as specified by the Board.
9VAC25-190-50. Authorization to discharge.		Alternatives for addressing owner covered under expiring or expired permit who has violated permit.	Made non-substantive edits to remove reference to specific years.
9VAC25-190-60.Registration Statement.		Requirement that new facilities submit registration statement 45 days prior to commencement of the discharge.  Requirement that existing facilities covered under an individual permit and seeking general coverage submit a registration statement 210 days prior to expiration of the individual permit, and those under the general permit that became effective July 1, 2009 submit a registration before on or before April 1, 2014.	Changed 45 days to 60 days to be consistent with the industrial stormwater general permit, and allowed for a later date established by the Board.  For existing facilities covered by an individual permit and seeking general permit coverage, changed registration submittal from 210 to 240 days prior to expiration of the individual permit.  For existing facilities covered under the expiring general permit, removed the specific permit effective date (July 1, 2009) and provide that a complete registration statement must be submitted at least 60 days prior to permit expiration or as specified by the Board.
9VAC25-190-60. Registration Statement.		Late registration statement will be accepted after June 30, 2014, but authorization will not be retroactive. Existing covered facilities that submit a registration after April 1, 2014 but before July 1, 2014 are authorized to discharge.	Removed the June 30, 2014 date and replaced with after the expiration date of this permit. Removed the sentence pertaining to submission of registration after April 1, 2014.
9VAC25-190-60. Registration Statement.		Include with the registration statement the latitude and longitude of the facility.	Removed the facility latitude and longitude requirement (retain for outfalls). For consistency with other general permits.
9VAC25-190-60. Registration Statement.		Include on registration statement a list of chemicals added to water that could be discharged.	Include on registration statement a list of chemicals added to water that could be discharged, including Safety Data Sheets, the maximum proposed dosing rates, and a demonstration that application or use will not result in aquatic toxicity, to protect water quality.
9VAC25-190-60. Registration Statement.		If a facility will discharge to an MS4 it must notify the MS4 owner within 30 days of coverage and copy DEQ.	Require notification of the MS4 at the time of registration and include the notification with the registration statement.
9VAC25-190-60. Registration Statement.		Registration statement must include monitoring data to determine compliance with Chickahominy special water quality standards.	Removed the data requirement, since the Chickahominy special standard is being removed from the general permit since it has been revised and is only applicable to treatment of organic nutrient discharges.
9VAC25-190-60.	C.18	NA	Added a requirement that applicants must submit their State Corporation Commission entity

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Registration Statement.			identification number if the facility is required to obtain an entity identification number by law. This ensures the correct entity is permitted and the permittee is authorized to conduct business in the state.
9VAC25-190-60. Registration Statement.		Registration statement may be delivered to the department by either postal or electronic mail.	Changed “may” to “shall” to clarify that submittal is mandatory.
9VAC25-190-70. General Permit.		Owners covered under the general permit must comply with the general permit and be subject to all the requirements of 9VAC25-31.	Changed 9VAC25-31 to 9VAC25-31-190, which is all of the general permit regulation.
9VAC25-190-70. General Permit.		The authorized discharge must be in accordance with the permit coverage page, Part I, Part II and Part III of the general permit.	Added that the discharge must also be in accordance with the information submitted with the registration statement. This ensures the authorization is further conditioned on such information.
9VAC25-190-70. General Permit.		Monitoring is required for TPH for process water outfalls from vehicle or equipment degreasing for diesel range organics.	Removing TPH monitoring for process water outfalls from vehicle or equipment degreasing. Data levels predominantly below detection. Removed associated footnote 3.
9VAC25-190-70. General Permit.		Part I.A.1, footnote 1 specifies quarterly DMR submittals dates.	For clarity, added language describing the quarterly periods.
9VAC25-190-70. General Permit.		I.A.2 specifies stormwater only monitoring.	Moved the TSS evaluation instructions from special conditions (IB) to footnote 3.  Added I.A.2.b, which relocates visual monitoring requirement (with associated documentation) from routine inspection section, except the reference to substitute sampling was not included in I.A.2.b (permit does not provide for substitute sampling). For clarity, added language describing the quarterly periods
9VAC25-190-70. General Permit.		Requires certain documentation regarding the scope of visual monitoring, including consideration of the “nature of discharge.”	Added consideration of the “nature of discharge” and clarified in response to comment that this means whether the discharge is a result of runoff or snowmelt.
9VAC25-190-70. General Permit.		I.B specifies special conditions. Condition 3 specifies that no chemicals shall be added to the discharge other than those listed on the owner’s approved registration statement.	Allowed additional chemicals to be discharged if prior approval is granted by the board.
9VAC25-190-70. General Permit.		I.B specifies special conditions. Condition 5 requires notification of the department for discharges of specified toxics.	Minor non-substantive edits for readability/ clarity.
9VAC25-190-70. General Permit.		I.B materials handling storage.	Replaced existing text with language from GM14-2003 VPDES guidance document (boilerplate).
9VAC25-190-70. General Permit.		I.B.8 addresses dust suppression.	Added language clarifying that dust suppression shall not occur during a storm that results in an actual discharge.
9VAC25-190-70. General Permit.		I.B.10 addresses prohibitions.	Clarified existing prohibitions by breaking distinct restrictions out as sub-items (list).  Clarified in response to comment that the prohibition on solids deposition to surface water applies to discharges associated with industrial activity.

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9VAC25-190-70. General Permit.		I.B 12 addresses the evaluation value for stormwater only TSS levels.	Specified that if a facility exceeds the evaluation value the permittee must conduct an inspection within 5 days of becoming aware of the exceedance, and correct any deficiency with 60 days of identification. Moved this from special conditions (I B) to I A 2 a footnote 3.
9VAC25-190-70. General Permit.		I.B.14 requires certain discharges to meet special water quality standards in 9VAC25-260-310 m.	Deleted requirement to meet special Chickahominy water quality standard since the standard has been revised to only apply to wastewater treatment facilities treating an organic nutrient source.
9VAC25-190-70. General Permit.	I.B.16	NA	Added a new provision that requires the use of BMPs to ensure that contaminants do not enter surface waters as a result of blasting. One regional office identified a concern with ammonia associated with explosives.
9VAC25-190-70. General Permit.		I.B.19 Notice of termination. In item b(4)(b) the closure information requirement refers to an O&M Manual, but this general permit does not require an O&M Manual.	Removed reference to the O&M Manual.
9VAC25-190-70. General Permit.		I.B.19.d requires submittal of termination to the department.	Revised to require submittal to the DEQ regional office serving the location of the discharge.
9VAC25-190-70. General Permit.		II. Stormwater Management, B addresses representative discharges (i.e., allows for the monitoring of one stormwater discharge that is representative of others).	Revised to address representative outfalls, consider the frequency of discharges, document representative outfalls in the SWPPP, clarify that representative outfall monitoring applies to benchmark and quarterly visual monitoring, and specify the information that must be included in the SWPPP. Reworded slightly to be similar to the VPDES Industrial Stormwater General Permit.
9VAC25-190-70. General Permit.		II.C Stormwater sampling waivers allowed when there is no measureable storm event during sampling period.	Narrowed this so it is only applicable to quarterly visual stormwater monitoring. The Department maintains that annual stormwater monitoring does not need a waiver based on the lack of a storm event over a one-year period.
9VAC25-190-70. General Permit.		II.E Existing facilities must update and implement revisions to their SWPPP within 90 days of the board granting permit coverage.	Changed 90 days to 60 days to be consistent with other SWPPP revision/ update provisions in this and other related general permits.
9VAC25-190-70. General Permit.		II.F Permittees must make SWPPP, annual site compliance inspection or other information available to the department upon request.	Changed annual site compliance inspection to routine (i.e., quarterly) inspection documentation, since annual site compliance inspection is being merged into the routine inspection consistent with U.S. EPA's MSGP.
9VAC25-190-70. General Permit.		II.G Maintaining updated SWPPP. Requires SWPPP update within 30 days of determining need to update.	Removed annual compliance evaluation as a reason to update SWPPP since annual evaluation is being merged into routine inspection. Changes 30 days to 60 days to improve consistency regarding making changes to SWPPP.
9VAC25-190-70. General Permit.		II.H Site map must identify the locations of stormwater conveyances, the direction of flow, and the types of pollutants present in stormwater discharges associated with industrial activity.	Removed the limitation to discharges associated with industrial activity "with the potential for containing significant amounts of pollutants." To improve clarity and make consistent with ISWGP.
9VAC25-190-70. General Permit.		II.H.3 BMPs must be implemented to prevent or control pollutants discharged.	Changed "BMPs" to "control measures" for consistency with ISWGP and U.S. EPA MSGP general permit.

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9VAC25-190-70. General Permit.		II.H.3.a Good housekeeping requires the clean and orderly maintenance of areas that may contribute pollutants to stormwater discharges.	Added “the permittee shall keep clean all exposed areas of the facility that are potential sources of pollutants in stormwater. The permittee shall sweep or vacuum paved surfaces of the site that are exposed to stormwater at regular intervals or use other equivalent measures, to minimize the potential discharge of these materials in stormwater. Indicate in the SWPPP the frequency of sweeping, vacuuming, or other equivalent measures.” This language is for consistency with the ISWGP and U.S. EPA MSGP.
9VAC25-190-70. General Permit.		II.H.3.d Routine facility inspections are required at least quarterly.	Added “such inspections must include all areas where industrial materials or activities are exposed to stormwater as identified in Part II H 2 b (inventory exposed materials)” as part of merging annual compliance inspection. Moved quarterly visual inspection and documentation to limits and monitoring section to group like requirements.
9VAC25-190-70. General Permit.		II.H.3.d.4 requires tracking or follow-up procedures to ensure appropriate actions taken in response to inspections.	Clarified that such actions must include updating pollution sources, updating pollution prevention measures and controls, and updating the SWPPP as appropriate based on information developed during the inspections.
9VAC25-190-70. General Permit.	II.H.3.d.(5)	NA	Added “the requirement for routine facility inspections is waived for facilities that have maintained an active VEEP E3/E4 status.” This is consistent with the ISWGP. The VEEP program requires a fully implemented EMS, pollution prevention program, and demonstrated environmental compliance.
9VAC25-190-70. General Permit.		II.H.3 Stormwater controls. Requires periodic dates in SWPPP for training.	Added that employee training shall be conducted at least annually at active mining and temporarily inactive sites, consistent with ISWGP and staff input. Training must be documented in SWPPP. Clarified in response to comment that training is required at temporarily inactive sites only if staffed.
9VAC25-190-70. General Permit.	II.I	NA	Added a list of authorized non-stormwater discharges consistent with the ISWGP. Revised the entry addressing pavement wash waters in response to comment to specify that pavement wash waters shall be managed in a manner to avoid instream impacts.
9VAC25-190-70. General Permit.		II.H.4 Comprehensive site compliance evaluation required requires an annual compliance evaluation.	Deleted consistent with ISWGP and U.S. EPA MSGP. Portions not already addressed under routine inspections have been added to that section.
9VAC25-190-70. General Permit.		III. Standard Conditions includes conditions applicable to all VPDES permits.	Non-substantive edits to make permit language consistent with general permit regulations and process and promote consistency across general permits.

## 2. Coverage

This general permit covers:

- a. Discharges of process wastewater as well as stormwater associated with industrial activity from active and inactive mineral mines classified nonmetallic mineral mining facilities under the following Standard Industrial Classification (SIC) codes:
  - 1411 - dimension stone,
  - 1422 - crushed and broken limestone,
  - 1423 - crushed and broken granite,
  - 1429 - crushed and broken stone, not elsewhere classified,
  - 1442 - construction sand and gravel,
  - 1455 - kaolin and ball clay,
  - 1459 - clay, ceramic, and refractory mineral, not elsewhere classified; the general permit excludes bentonite and magnesite mines from coverage,
  - 1475 - phosphate rock, and
  - 1499 - miscellaneous nonmetallic mineral, except fuels; the general permit excludes gypsum, graphite, asbestos, diatomite, jade, novaculite, wollastonite, tripoli or asphaltic mineral from coverage.

Note: SIC Code 1446 and several specific operations within SIC Codes 1459 and 1499 are not included in this general permit since EPA effluent guidelines for these operations are more stringent than those in the general permit.
- b. Discharges for active and inactive nonmetallic mineral mining facilities in SIC Major Group 14 composed entirely of stormwater associated with industrial activity.

Any nonmetallic mineral mining activity not addressed under this general permit with a discharge will require an individual VPDES permit.

Discharges associated with industrial activities other than mineral mining may be provided coverage under this permit (colocated facility). The other industrial activity must have wastewater characteristics similar to those of the mineral mine and be located within the permitted mining area. The regulation lists manufacturing of ready-mix concrete (SIC Code 3273), concrete products (SIC Codes 3271 and 3272) and asphalt paving materials excluding asphalt emulsion manufacturing (SIC Code 2951) as common colocated facilities that may be provided coverage under this general permit. The waste and stormwater from the colocated facilities are very small in volume compared to the mining activity waste and stormwater.

## 3. Restrictions to Coverage

Coverage for facilities that discharge process wastewater and/or stormwater from a nonmetallic mineral mining operation is subject to the following restrictions. Coverage is not allowed if:

- a. The owner is required by DEQ to obtain an individual permit per 9VAC25-31-170 B 3;
- b. The discharge(s) is to any state waters specifically named in other board regulations which prohibit such discharges (e.g. exceptional waters in 9VAC25-260-30);



- c. The discharge(s) will violate Virginia’s antidegradation policy in the Water Quality Standards (9VAC25-260-30). Staff does not anticipate antidegradation policy problems from existing discharges, 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;
- d. The discharge is inconsistent with the assumptions and requirements of an approved Total Maximum Daily Loading (TMDL). The current assumption in TMDLs is that any loads of a relevant pollutant 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 allocations ‘growth factor.’ Either way, the loads from general permits are tracked by DEQ TMDL 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 an applicable waste load allocation for a parameter not covered by the general permit, then an individual permit may be necessary; or
- e. The owner does not have a mineral mining permit approved by the Virginia Department of Mines, Minerals and Energy, Division of Mineral Mining (DMME) (or an associated waived program, locality, or state agency) under provisions and requirements of Title 45.1 of the Code of Virginia. Mineral. Mines located in bordering states with discharges in Virginia shall provide documentation that they have a mining permit from the appropriate state authority. Mineral mines owned and operated by governmental bodies not subject to the provisions and requirements of Title 45.1 of the Code of Virginia are exempt from this requirement.

Other items for authorization of coverage:

- f. The owner must submit a registration statement in accordance with 9VAC25-190-60 and the registration must be accepted by the Board;
- g. The owner must submit the permit fee (\$600); and
- h. The owner must comply with the applicable effluent limits and other requirements of the existing permit.

#### **4. Registration Statements, Fees and Due Dates**

The information required to be submitted on the registration statement is contained in 9VAC25-190-60. The permittee is not required to use the DEQ registration form to apply for coverage under the general permit. However, all the information required for registration listed in the permit regulation (including the certification) is required to process an application for coverage. The registration statement and its instructions are included with this guidance ([Attachment C](#)) and can be found on



[DEQnet](#) and on the DEQ public web site. Per 9VAC25-190-60 E, the registration statement may be submitted electronically and a hard copy follow-up is not required.

### Due Dates

The prior general permit (2014) provided under 9VAC25-190-50 D that owners of existing facilities that are covered by General Permit VAG84 must submit a registration statement before July 1, 2014 in order to continue coverage under the reissued permit. This date was for the 2014 reissuance. In addition, under Part III M, “Duty to reapply”, the 210 day deadline for submittal of registration statements for reapplication in the 2014 permit has been waived. In the 2019 general permit, reapplication is generally required 60 days prior to expiration.

Request the return of the registrations statements within 30 days of the date on the transmittal letter. Negotiate alternate return dates on a case-by-case basis as long as the registration return date is no later than June 30, 2019. Registration statements submitted for existing (2014) permittees submitted before July 1, 2019 may be eligible for administrative continuance. Registration statements submitted for existing (2014) permittees after June 30, 2019 may be accepted but coverage is not retroactive (any discharges after June 30, 2019 are unpermitted).

- a. Owners of qualifying new facilities must submit a registration statement 60 days prior to commencing discharge or a later submittal date established by the board in order to obtain coverage under the general permit. A stormwater pollution prevention plan (SWPPP) must be prepared and implemented prior to submitting the registration statement.
- b. Owners of 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. Owners of these facilities may apply for the general permit 240 days prior to expiration of the individual permit or have the individual permit voluntarily terminated and coverage under the general permit issued in its place. Permission for submission of a registration statement at a later date may be negotiated on a case-by-case basis but the registration statement shall not be submitted later than the expiration date of the individual permit. There is no refund for the difference of the application fee between the individual and general VPDES permits when the individual VPDES permit is terminated. If the individual permit coverage is voluntarily terminated during the 5-year individual permit cycle, it should be converted to general permit coverage prior to April 1<sup>st</sup> of the billing year to avoid having to pay the DEQ Annual Maintenance Fee for that billing year.

### Registration Statement and Fee Submittals

The transmittal letter and registration statement indicating the need to reapply for coverage may be sent to permittees by email ([Attachment E](#)).

The original [fee form](#) and the check must be submitted to Receipts Control at the DEQ Central Office. Include copies of the Revenue Collections (RTLs organized by fiscal year in [DEQnet](#)) in the RO permit file. Copies of completed permit fee forms (with federal tax identification numbers/social security numbers) and checks (showing bank account numbers) *should be destroyed*

once the RTL spreadsheet can be verified and matched to a specific permit number or permit application to support a complete application determination. There is no pro-rating of fees.

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

### Registration Statement Evaluation

Review the registration statement to determine if the application is complete and if the facility qualifies for coverage. Staff should use the instructions to the registration statement as a guide for the type information required for each item on the registration statement. Specific evaluation guidance for the registration statement is as follows:

- a. *No Discharge Systems for Process Wastewater (Item 7 of Registration Statement)*: This permit reissuance continues to allow the permittee to indicate that the process wastewater system is designed not to discharge except in rain events greater than a 25-year, 24-hour storm event. This design may occur in a process wastewater system that is commingled with stormwater. The signature on the registration statement is the certification that this is true in order to move forward with the registration evaluation. These outfalls should also be identified in discharge information (Item 16) and on the aerial photo or scale map (Item 14) but numerical limits do not apply and DMRs are not required. Reporting only occurs per Part III H of the permit (unusual or extraordinary discharge if a discharge occurs during a >25-year, 24-hour storm event) or Part III G (unauthorized discharge if a discharge occurs any other time).
- b. *Representative Discharges/Outfalls (Item 8)*: The permittee may submit information with the registration statement requesting that two or more substantially identical stormwater outfalls be represented by sampling one outfall and submittal of DMR data for the representative stormwater outfall during the reporting period. Representative stormwater outfalls for this sector are identified at the time of registration. Representative outfall changes during the permit term can occur to reflect relevant design or operational changes at a facility but will require a new registration statement or similar documentation with certification addressing item number eight (8) of the NMMM 2019 registration statement. Staff should consider similarity of industrial activity, significant materials, frequency of discharges, management practices and activities within the area drained by the outfalls to determine if the request is acceptable. One DMR will be provided to the permittee for reporting and sampling per representative outfall. Rotation of sampling locations is not a requirement of the permit. Consistent with U.S. EPA regulations, DEQ is in the process of implementing electronic reporting requirements (see 9VAC25-31-1020). As electronic reporting is implemented, these requirements are expected to affect the process and potentially some requirements for the submittal of various documents including discharge monitoring reports. If electronic reporting is made effective for the 2019 general permit, start dates for any electronic reporting requirements will be provided in a schedule approved by the department, along with additional information as deemed appropriate.

The DMME regulations (4VAC25-31) include erosion and sedimentation control practices for facilities covered under this general permit. The erosion and sedimentation control

practices mandated by the DMME regulations and imposed on the owners or operators of a mineral mine through their mining permit include adequate drainage, erosion and sediment control measures installed and maintained in accordance with a mandated and approved drainage plan, as well as requirements that temporary and permanent control facilities for mining operations be designed with outlets that can accommodate the rainfall from at least the 50-year and 100-year storm event, respectively. In addition, DMME regulations require that mineral mining sediment basins provide for 0.125 acre-feet per disturbed acre of storage capacity.

For facilities where settling basins meet the design criteria approved by DMME, it is expected that the stormwater discharges from these settling basins will be substantially similar and upon meeting registration statement documentation requirements may be represented by sampling one representative outfall.

*Provide DMME Registration Statement:* Provide a copy of the final complete registration statement to the DMME contact below.

[Tom.Bibb@dmme.virginia.gov](mailto:Tom.Bibb@dmme.virginia.gov)

- c. *Chickahominy Special Standards:* The registration statement requirement to submit monitoring data to determine compliance with the Chickahominy Special Standards (9VAC25-260-310 m) has been deleted in the 2019 general permit, since special condition 14 (2014 permit) has been removed.
- d. *SCC Number (Item 17):* The 2019 general permit adds a requirement that applicants must submit their State Corporation Commission (SCC) entity identification number if the facility is required to obtain an entity identification number by law. In general, this includes corporations, limited liability companies and business entities such as business trusts, partnerships, limited partnerships and registered limited liability partnerships doing business in Virginia as a domestic entity (formed under Virginia law) or a foreign entity (formed under the corporate laws of another state or country). Sole proprietorships are not required to file with the SCC because they are not formed under corporate law. This information ensures the correct entity is permitted and the permittee is authorized to conduct business in the state.
- e. *Added Chemicals (Item 10):* The registration statement requires the applicant to list chemicals added to wastewater or stormwater and that could be discharged. Applicants must provide with the registration statement safety data sheets (SDS) for any such chemicals, as well as maximum proposed dosing rates and a demonstration that the application or use will not result in aquatic toxicity. A demonstration that chemical use will not result in aquatic toxicity is somewhat flexible but must include information that allows DEQ to make informed judgements that discharges from these facilities will not contain chemicals at levels that pose aquatic toxicity. Such a demonstration should include a description of when, where and how the chemicals will be used, the manufacturer's specification regarding the use or recommended concentration of the chemical, and calculations of the maximum concentration expected in the effluent or other documentation showing that the maximum concentration expected in the effluent is not expected to adversely affect aquatic life. Additional

information that could potentially support a demonstration includes why the chemical use is appropriate for the site conditions, whether the chemical is or is not a cationic polymer (such treatment chemicals are toxic to fish in certain conditions), if the chemical is used internally or as part of final treatment, controls or implementation procedures that protect water quality, and available toxicity data other than the SDS. If staff believes any chemical listed needs to be limited or controlled, the facility should not be covered by the general permit. The permit does not allow the discharge of any chemicals other than those listed on the registration statement. Prior approval from DEQ is required for discharges of new chemicals not listed on the registration statement. There is no instruction on the registration statement that added chemicals from colocated facilities must be listed. A registration may still be complete without the listing of chemicals at colocated facilities.

- f. *Colocated facilities (Item 11)*: The registration statement asks for a list of any colocated facilities (i.e., activity other than mineral mining, located within the permitted mining area, resulting in wastewater with characteristics similar to the mineral mine). The purpose of this question is to identify the discharges covered under this permit. Permittees are not required to list colocated facilities that are not owned or operated by the owner of the mining site. If additional discharges are found in the vicinity of the mining site and the nonmetallic mineral mining owner or operator is not responsible for them, those discharges must be covered under another permit (e.g. concrete or industrial stormwater).
- g. *Department of Mines, Minerals and Energy permit number (Item 15)*: Permittees must submit evidence that they have an active permit with DMME. This is normally a one page copy of the DMME permit/license to operate a mine. It contains the permit/license number and an issue, anniversary and effective date that should be up to date. DMME requires annual reissuances.
- h. *Other restrictions*: Before completing the evaluation, ensure the restrictions under #3 above are considered.

## 5. Issuance of the General Permit

Once it is determined that the registration statement indicates that a facility qualifies for coverage, the general permit pages can be prepared. The general permit pages are included with this guidance ([Attachment D](#)) and on [DEQnet](#). The cover page, Part I effluent limits, special conditions, and boilerplate should be assembled with the general permit registration number for the facility entered in the upper right hand corner of the Part I, II, and III pages.

Applicable Part I.A limitations will be determined by the types of discharge identified in the registration statement. The appropriate outfall number(s) must be added at the end of the first sentence in Part I.A.1 and A.2 (emergency outfalls should not be listed). For each facility with coverage, all outfall numbers shall be unique and may not be reused when outfalls are eliminated.

Applicable Part I.A pages will be determined by the types of discharge identified in the registration statement. If a facility only discharges process wastewater (which may be commingled with stormwater) only Part I.A.1 pages apply. You may delete Part I.A.2 if there is no separate

stormwater outfall monitoring requirements or you may type “Not Applicable” at the end of the first sentence in Part I.A.2 if coverage is not provided for separate stormwater discharges. If you delete any pages, you may have to renumber the remaining pages. The authorized discharges with coverage under this permit should be listed in the transmittal letter.

New permit registration numbers will continue to be assigned by CEDS. Existing permittees will retain the same permit registration number when they reapply. All permit registration numbers will begin with the same five characters: VAG84. Please remember that the permit registration number must be added to the permit pages, including the cover page, before the permit is sent to the permittee. Formatting changes are allowed but no changes to the language content are authorized.

The general permit requires quarterly (for process discharge) or annual (for stormwater) monitoring and reporting. Therefore, Discharge Monitoring Reports (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.

Every stormwater outfall will be issued an individual DMR unless they are substantially identical. The DMR for each outfall will also list all the substantially identical discharges that may be represented by the submittal of a single DMR for the required reporting period (if any). This information will be automatically pulled from the Outfall Information screen in CEDS. Separate guidance will detail CEDS procedures. Although CEDS can generate a DMR for each substantially identical outfall, the permittee will only get a DMR for the ‘representative outfall.’ Sampling a different outfall each monitoring period is not a requirement.

Use the appropriate letter to transmit the permit and DMRs to the permittee ([Attachment F](#) and [DEQnet](#)). It is not necessary to copy the DEQ Office of VPDES Permits or EPA on coverage under a general permit. Correspondence may be sent electronically if the permittee has agreed to that on the registration statement (Item 18).

## **6. Termination of Coverage and Change of Ownership**

If an owner requests termination of coverage ([Attachment G](#)) under the general permit, the regional office can terminate coverage under regional letterhead ([Attachment H](#)). Prior to terminating permit coverage, it is recommended that an inspection be conducted to ensure that a permit is no longer needed, and that any compliance issues have been adequately resolved.

If there is a request for change of ownership, then the new owner assumes the coverage under the general permit and the permit registration number does not change. The change of ownership agreement form that may be used to request the revised coverage is included as [Attachment L](#). A new registration statement is not required. Part III Y of the permit allows for automatic transfer of ownership if the 30-day prior notice (permission for a later date may be granted by the permit writer since this 30-day prior notice requirement is difficult to meet) and the required written agreement between the new and the old owners are provided. Changes of ownership are handled as automatic transfers since modifications do not occur in general permits. Any change of ownership should be noted in CEDS.

## 7. Compliance Reporting

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

Tracking of compliance with the effluent limits and other requirements of the permit should be done according to the established Compliance Auditing System. Reporting requirements for noncompliance, unusual or extraordinary discharges, etc., are the same as for individual permits.

For stormwater discharges, only representative stormwater outfall(s) will be issued a DMR. The DMR also lists all the substantially identical outfalls. To meet the annual reporting requirement for outfalls with substantially identical discharges, the permittee is only required to submit the DMR for the representative stormwater outfall(s). For the sampled outfall enter all monitoring information (including flow) into CEDS. The permittee is not required to rotate sampling among substantially identical outfalls. As discussed in 4, above, as electronic reporting is implemented, such requirements are expected to affect the process and potentially some requirements for the submittal of various documents, including discharge monitoring reports.

## 8. Inspection of Facility Covered

Facilities covered under this general permit are classed in the industrial minor/small category of facilities in DEQ's inspection strategy. As such, they should be inspected at least once every five years (Note: DMME inspects sites two times per year). More frequent inspections can help prevent compliance problems and each regional office should consider more frequent inspections as time and resources allow. The inspections should verify proper operation and maintenance of each unit process and implementation of the SWPPP. The following items should be reviewed during site inspection:

- a. Verify the discharge points, either to MS4s or directly to surface waters.
- b. Verify that no solids have entered surface waters.
- c. Note if an oil sheen is present in settling basins, then verify that no oil sheen is present in surface waters.
- d. If applicable, verify the type and location of onsite vehicle or equipment degreasing activities, vehicle washing, reuse of wastewater for dust suppression and reuse of mine dewater process wastewater for agricultural use.
- e. If the owner has indicated (in the registration statement) that the facility has "no discharge" (for process wastewater), verify the emergency outfall and that no discharge has taken place (see special condition 15). If a discharge has taken place, the permittee should have reported an unusual or extraordinary (Part III H) discharge (when a 25-year, 24-hour storm event has occurred) or unauthorized discharge (Part III G) in all other cases.
- f. If applicable, verify that substantially identical outfalls are appropriate and note if there are any new or previously unidentified outfalls (see #12 below).
- g. Verify the SWPPP is available, updated and contains the elements of Part II H.
- h. Verify that sampling has occurred properly as per Part II A. Note the distinction between 'representative samples' from stormwater management structures vs. all other types of stormwater discharges described in the Stormwater Sampling section (12 below).

- i. If Total Suspended Solids (TSS) has exceeded 100 mg/l at stormwater outfalls, check that an inspection has taken place per Part I A 2 a and deficiencies corrected.
- j. If stormwater visual monitoring has not occurred, check that the sampling waiver is documented as per Part II C.
- k. If a site has been designated “inactive and unstaffed” verify that an annual site inspection has taken place per Part II H 3 d. Process or stormwater monitoring, routine inspections and quarterly visual stormwater monitoring are not required at inactive and unstaffed sites.
- l. Take pictures whenever possible if concerns are noted.

## **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, permittee names, contact information and permit numbers.

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

- a. Registration statement and information required by the registration statement;
- b. Any correspondence, analysis or clarifications done by staff or the permittee;
- c. The general permit and DMR(s) sent to the permittee;
- d. DMRs submitted by the permittee; and
- e. Inspection reports related to the permit.

## **10. Monitoring Data Review at Reissuance**

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

## **11. General Permit Limits and Special Conditions Guidance**

### Part I A – Total Petroleum Hydrocarbons (TPH)

TPH monitoring is no longer required in the 2019 general permit. The data collected over the recent term do not indicate that this is a significant concern across the category.

### Special Condition 4 – Adding or Ending Outfalls

When DMME approves a change in the DMME permit that affects the outfall location, the permittee submits a new registration statement with the updated information about the outfall(s) along with a plat showing the outfall location, which can be appended to the original registration statement. To add or end an outfall in CEDS, use the permit-authorized change (PAC) function. When adding an outfall, the limit start and end dates should remain the permit term dates. The monitoring start date for relevant new outfall parameters should be the beginning of the next full monitoring period following the PAC date. New outfall information should be completed as appropriate, including



geospatial information. Similarly, when ending an outfall using a PAC, check the “end outfall” box, enter the PAC date as the outfall end date, add a comment describing the reason for ending the outfall (e.g., PAC, plus a reason why), change the limit end date to the PAC date, and notify the compliance auditor and ICIS coordinator. If an outfall is being deleted (i.e., permanently removed), during the permit term use the procedure for ending an outfall and then delete the outfall (including parameters and limits) at the next reissuance. Prepare a transmittal letter for a revised or new limits page and DMR, as appropriate, to the permittee. A transmittal letter is included as [Attachment K](#).

#### Special Condition 8 – Process Wastewater for Dust Suppression

Process wastewater may be used on site for the purpose of dust suppression provided that ponding or direct runoff from the site does not occur during or immediately following the application. The use of process wastewater to suppress dust must be part of a best management practice. Dust suppression is not to be used as a wastewater disposal method, which means untreated wastewater is not to be used for dust suppression. Similarly, dust suppression may not be conducted during a storm event that results in an actual discharge from the site.

#### Special Condition 9 – Process Wastewater Provided for Local Agricultural Use

Process wastewater from mine dewatering may be provided to local property owners for beneficial agricultural use.

#### Special Condition 10 – No Solids, Foam, Oil

This special condition states that there shall be no discharge of floating solids or visible foam in other than trace amounts from the process water discharges. Additionally, there shall be no solids deposition to surface water as a result of a discharge associated with industrial activity or oil sheen from petroleum products discharged to surface water as a result of such activity.

#### Special Condition 11 - Significant Digits

At least two significant digits are required for all parameters with monitoring in the permit. Regardless of the rounding convention used (i.e., 5 always rounding up or to the nearest even number) consistent use of the chosen convention by both the permittee and the commercial laboratory is required.

#### Special Condition 14 (2014 permit) – Chickahominy Special Standards

Special condition 14 from the 2014 general permit has been removed in this general permit. That special condition addressed discharges in the Chickahominy watershed above Walker's Dam and subject such discharges to the effluent limitations in 9VAC25-260-310 m. Special condition 14 was removed in this general permit because the standards in 310 m were revised in 2017 to only apply to wastewater treatment facilities treating an organic nutrient source.

#### Special Condition 14 – Inactive and Unstaffed Sites (including temporarily inactive sites and unstaffed facilities)

This special condition provides a waiver for process and stormwater monitoring and routine inspections (including quarterly visual monitoring of stormwater discharges) at a facility that is both inactive and unstaffed. The permittee is still required to conduct an annual site inspection that is accordance with Part II H 3 d to ensure all BMPs are in place and maintained. No DMRs are required for inactive and unstaffed sites. Where this waiver is granted during the permit term, use

the permit-authorized change (PAC) function to modify the limit end date for each parameter to match the PAC date, and notify the compliance auditor. Add a PAC change reason. Also, enter the original inactive start date in the General Information screen in CEDs. Note that simply entering a date in the inactive start date does not cancel DMR generation. If the waiver is granted at permit reissuance and the facility had a waiver under the expiring permit, change the limit end dates to 7/2/2019 in Application, and enter the original inactive start date in the General Information screen in CEDs. Where an inactive and unstaffed site is reactivated, use a PAC and change the limit end date back to the original date in accordance with the permit term. Also change the monitoring start date to the beginning of the first full monitoring period following the PAC. The waiver must be approved by the board. Inactive and unstaffed site approvals should be done in consultation with DMME and a site visit may be necessary. Inactive and unstaffed site approval and reactivation letters are included as [Attachments I](#) and [J](#).

#### Special Condition 15 – Process wastewater systems designed to operate as “no discharge”

This special condition recognizes systems that are designed not to discharge except in very large storm events. The regulation does not allow discharge except in storm events greater than a 25-year, 24-hour storm event. In the event of such a discharge, the permittee must report an unusual or extraordinary discharge per Part III H of the permit. No sampling or DMR is required for these discharges as they are considered to be discharging in emergency discharge conditions. These discharges must not contravene the Water Quality Standards (9VAC25-260), as adopted and amended by the Board, or any provision of the State Water Control Law. Any other discharge from this type of system is prohibited, and must be reported as an unauthorized discharge per Part III G of the permit. Since there are no DMRs associated with them, these discharges must be tracked through 24-hour reporting, pollution response reporting,<sup>1</sup> inspections, and site visits.

#### Special Condition 16 – BMPs for Blasting

The 2019 general permit requires that permittees use best management practices to ensure that contaminants do not enter surface water as a result of blasting at the site. Some examples of BMPs that could be used as deemed appropriate include planning, proper procedures, explosive selection, explosive management, observation and assessment, and management of blasted materials.

## **12. Stormwater Sampling**

Part II A requires that sampling of stormwater discharges (other than snowmelt or discharges from stormwater management structures) must be collected during a storm event that results in an actual discharge (defined as a “measurable storm event”) and that follows the preceding measurable storm event by at least 72 hours (3 days). The 72-hour (3-day) storm interval does not apply if the permittee is able to document that less than a 72-hour (3-day) interval is representative for local storm events during the sampling period. All sampling, including stormwater sampling, must be representative of the monitored activity. The grab sample shall be taken during the first 30 minutes of the stormwater discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first three hours of the discharge, and the permittee shall submit with the monitoring report a description of why a grab sample during the first 30 minutes was impracticable and maintain such documentation with the SWPPP.

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<sup>1</sup> The updated reporting webpage is at: <https://www.deq.virginia.gov/get-involved/pollution-response/report-pollution>.

Stormwater samples from snowmelt or discharges from stormwater management structures (e.g., a series of large sedimentation basins) must be representative of the stormwater that is discharged from the basins and must be taken at the time the discharge occurs. Such samples can be taken at times other than during a measurable storm event and do not have to follow the last storm event by 72 hours or be taken during the first 30 minutes of discharge. There is no requirement for reporting rainfall (in inches) and duration of rain events.

#### Stormwater TSS Evaluation

The permittee is required in Part I A 2 a to evaluate if changes to the SWPPP are necessary when Part I.A.2 stormwater monitoring results show TSS exceeds 100 mg/l. The permittee is also required to perform a routine facility inspection within five days of becoming aware of the exceedance and maintain documentation of the inspections as described in Part II.H.3.d for outfalls where discharges exceed the evaluation value of 100 mg/l. Any deficiencies noted during the permittee's inspection must be corrected within 60 days of being identified.

#### Representative Outfalls (Stormwater)

Representative stormwater outfalls may be identified based on information submitted in the registration statement. Enter representative outfalls in CEDS (e.g., 002 is representative of 003 and 004) using the appropriate check boxes for each outfall and the "Rep Outfall" dropdown entry. Under the current paper DMR system, the permittee only needs to submit one DMR to DEQ for the representative outfall when other stormwater outfalls are substantially identical (i.e., CEDS does not generate a DMR for outfalls marked substantially identical). There is no requirement to vary representative outfalls. Any stormwater outfall that is NOT substantially identical to the representative outfall must have a DMR. When E-reporting of DMRs becomes effective for this general permit all stormwater outfalls will need to have a DMR since these data will be shared with U.S. EPA's Integrated Compliance Information System (it is expected that DMRs for substantially identical outfalls will simply be able to be marked as such and submitted).

#### Stormwater Pollution Prevention Plan (SWPPP)

A SWPPP must be developed and implemented for each facility. For existing permittees covered on July 1, 2019, the SWPPP should be updated by August 29, 2019. Existing permittees covered after July 1, 2014 should have updated SWPPPs 60 days after coverage (date of transmittal letter). New permittees should have a SWPPP at time of registration statement submittal. If a SWPPP does not contain all of the required elements of Part II.H, the permittee must develop the missing plan elements and include them in the required SWPPP.

Links to the regulation, fact sheet, registration statement, and notice of termination can be found at: <https://www.deq.virginia.gov/permits-regulations/permits/water/surface-water-virginia-pollutant-discharge-elimination-system>

#### **Attachments:**

- A. [General Permit Regulation](#)
- B. [Fact Sheet](#)
- C. [Registration Statement and Instructions](#)
- D. [General Permit Pages](#)

- E. [Example Registration Statement Transmittal Letter](#)
- F. [Example Transmittal Letter for General Permit Issuance](#)
- G. [Termination Letter Form](#)
- H. [Example Termination Letter](#)
- I. [Example Inactive and Unstaffed Facility \(Temporary Closure\) Approval Letter](#)
- J. [Example Reactivate Inactive and Unstaffed Facility \(Temporary Closure\) Letter](#)
- K. [Example Add or Delete Outfall Letter](#)
- L. [Change of Ownership Form](#)

# **ATTACHMENT A**

## **VPDES General Permit Regulation**

## **9VAC25-190 - VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) GENERAL PERMIT REGULATION FOR NONMETALLIC MINERAL MINING**

### **9VAC25-190-10. Definitions.**

The words and terms used in this chapter shall have the meanings defined in the State Water Control Law Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia and the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9VAC25-31) unless the context clearly indicates otherwise. Additionally, 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.

"Colocated facility" means an industrial activity other than mineral mining operating on a site where the primary industrial activity is mineral mining. Such an activity must have wastewater characteristics similar to those of the mineral mine and be located within the permitted mining area. The term refers to activities that are commonly found at mining sites such as manufacturing of ready-mix concrete (SIC Code 3273, NAICS Code 327320), concrete products (SIC Codes 3271 and 3272, NAICS Codes 327331, 327332, and 327390), and asphalt paving materials (SIC Code 2951, NAICS Code 324121) except asphalt emulsion manufacturing. It does not mean industrial activity that is specifically excluded from this permit.

"Control measure" means any best management practice or other method (including effluent limitations) used to prevent or reduce the discharge of pollutants to surface waters.

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

"Inactive mining operations" means mining sites that are not being actively mined, but which have an identifiable owner or operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim.

"Industrial activity" means activity associated with mineral mining facilities generally identified by SIC Major Group 14 including active or inactive mining operations that discharge stormwater that has come into contact with any overburden, raw material, intermediate products, finished products, by-products or waste products located on the site of such operations. This includes activity at facilities or those portions of a facility where the primary purpose is classified as:

1. North American Industry Classification System (NAICS) Code 212311 - Dimension Stone Mining and Quarrying, and Standard Industrial Classification (SIC) Code 1411 - Dimension Stone;
2. NAICS Code 212312 - Crushed and Broken Limestone Mining and Quarrying, and SIC Code 1422 Crushed and Broken Limestone;
3. NAICS Code 212313 - Crushed and Broken Granite Mining and Quarrying, and SIC Code 1423 -Crushed and Broken Granite;
4. NAICS Code 212319 - Crushed and Broken Stone not elsewhere classified (NEC), and SIC Code 1429 Crushed and Broken Stone NEC;
5. NAICS Code 212321 - Construction Sand and Gravel, and SIC Code 1442 - Construction Sand and Gravel;
6. NAICS Code 212324 - Kaolin and Ball Clay Mining, and SIC Code 1455 - Kaolin and Ball Clay;
7. NAICS Code 212325 - Clay and Ceramic and Refractory Minerals Mining, and SIC Code 1459 -Clay and Related Minerals, NEC (excluding for purposes of both NAICS and SIC bentonite and magnesite mines);

8. NAICS Code 212392 - Phosphate Rock Mining, and SIC Code 1475 - Phosphate Rock; and

9. NAICS Codes 212399 - All Other Nonmetallic Mineral Mining, and SIC Code 1499 - Miscellaneous Nonmetallic Minerals, except fuels (excluding for purposes of both NAICS and SIC gypsum, graphite, asbestos, diatomite, jade, novaculite, wollastonite, Tripoli, or asphaltic mineral mines).

Industrial activity also includes facilities classified under other SIC codes that may be collocated within the mineral mine permit area, unless they are expressly excluded by this general permit.

"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.

"Municipal separate storm sewer system" or "MS4" means a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains (i) owned or operated by a state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under § 208 of the Clean Water Act that discharges to surface waters of the state; (ii) designed or used for collecting or conveying stormwater; (iii) that is not a combined sewer; and (iv) that is not part of a publicly owned treatment works (POTW).

"NAICS" means North American Industry Classification System, U.S. Office of Management and Budget, 2017.

"Permittee" means the owner of a nonmetallic mineral mine covered under this general permit.

"Process wastewater" means any wastewater used in the slurry transport of mined material, air emissions control, or processing exclusive of mining, and any other water that becomes commingled with such wastewater in a pit, pond, lagoon, mine, or other facility used for treatment of such wastewater. It includes mine pit dewatering, water used in the process of washing stone, noncontact cooling water, wastewater from vehicle or equipment degreasing activities, vehicle washing and return water from operations where mined material is dredged and miscellaneous plant cleanup wastewaters.

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

"SIC" means the Standard Industrial Classification Code or Industrial Grouping from the U.S. Office of Management and Budget Standard Industrial Classification Manual, 1987 Edition.

"Significant materials" includes raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials; hazardous substances designated under § 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 USC § 9601 et seq.); any chemical the owner is required to report pursuant to § 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (42 USC § 11001 et seq.); fertilizers; pesticides; and waste products such as ashes, slag and sludge (including pond sediments) that have the potential to be released with stormwater discharges.

"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).

"Stormwater" means stormwater runoff, snow melt runoff, and surface runoff and drainage.

"Stormwater discharge associated with industrial activity" means the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does



not include discharges from facilities or activities excluded from the VPDES program under 9VAC25-31. For the categories of industries identified in the "industrial activity" definition, the term includes stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the mineral mine; material handling sites; refuse sites; sites used for the application or disposal of process wastewaters; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with stormwater drained from the above described areas.

"Temporarily inactive mineral mining facility" means a site or portion of a site where nonmetallic mineral mining or milling occurred in the past but currently is not being actively undertaken, and the facility is covered by an active mining permit issued by the applicable state or federal agency.

"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.

"Twenty-five-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.

"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.

**9VAC25-190-15. 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.

**9VAC25-190-20. Purpose; delegation of authority; effective date of permit.**

A. The purpose of this chapter is to establish General Permit Number VAG84 to regulate wastewater and stormwater discharges to surface waters from nonmetallic mineral mines as follows:

1. For active and inactive nonmetallic mineral mining facilities in SIC Major Group 14, this general permit covers discharges composed entirely of stormwater associated with industrial activity.
2. This general permit authorizes the discharge of process wastewater as well as stormwater associated with industrial activity from active and inactive mineral mines classified under:
  - a. SIC Code 1411 - NAICS Code 212311,

- b. SIC Code 1422 - NAICS Code 212312,
  - c. SIC Code 1423 - NAICS Code 212313,
  - d. SIC Code 1429 - NAICS Code 212319,
  - e. SIC Code 1442 - NAICS Code 212321,
  - f. SIC Code 1455 - NAICS Code 212324,
  - g. SIC Code 1459 - NAICS Code 212325, excluding bentonite and magnesite mines,
  - h. SIC Code 1475 - NACIS Code 212392, and
  - i. SIC Code 1499 - NAICS Code 212399, excluding gypsum, graphite, asbestos, diatomite, jade, novaculite, wollastonite, tripoli or asphaltic mineral mines.
3. Coal mining, metal mining, and oil and gas extraction are not covered by this general permit.

B. The director, or an authorized representative, may perform any act of the board provided under this chapter, except as limited by § 62.1-44.14 of the Code of Virginia.

C. This general permit will become effective on July 1, 2019, and will expire June 30, 2024. For any covered owner, this general permit is effective upon compliance with all the provisions of 9VAC25-190-50 and the receipt of this general permit.

**9VAC25-190-50. Authorization to discharge.**

A. Any owner governed by this general permit is authorized to discharge process wastewater and stormwater as described in 9VAC25-190-20 A 1 and 2 to surface waters of the Commonwealth of Virginia provided that:

1. The owner submits a registration statement in accordance with 9VAC25-190-60, 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 9VAC25-190-70;
4. The owner has and maintains during such authorization a mineral mining permit for the operation to be covered by this general permit that has been approved by the Virginia Department of Mines, Minerals and Energy, Division of Mineral Mining (or an associated waived program, locality, or state agency) under provisions and requirements of Title 45.1 of the Code of Virginia. Mineral mines located in bordering states with discharges in Virginia shall provide documentation that they have a mining permit from the appropriate state authority. Mineral mines owned and operated by governmental bodies not subject to the provisions and requirements of Title 45.1 of the Code of Virginia are exempt from this requirement; and
5. 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 violates or 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(b) of the federal Clean Water Act 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 the applicable permit 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 date 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 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).

**9VAC25-190-60. Registration statement.**

A. 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 VPDES general permit for nonmetallic mineral mining facilities.

1. New facilities. Any owner proposing a 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 date established by the board.

2. Existing facilities.

a. Any owner covered by an VPDES individual 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 VPDES general permit for nonmetallic mineral mining and that 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 of the existing permit or a later submittal date 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 owner and operator or other contact name, address, email address, and telephone number;
2. Facility name, county, and location;
3. Description of mining activity;
4. Primary and secondary SIC codes;
5. Discharge information including:

- a. A list of outfalls identified by outfall numbers;
  - b. Characterization of the type of each listed outfall's discharge as either process wastewater, stormwater, or process wastewater commingled with stormwater;
  - c. Characterization of the source of each listed outfall's discharge as either mine pit dewatering, stormwater associated with industrial activity (see definition in 9VAC25-190-10), stormwater not associated with industrial activity, groundwater infiltration, wastewater from vehicle or equipment degreasing activities, vehicle washing and return water from operations where mined material is dredged, mined material washing, noncontact cooling water, miscellaneous plant cleanup wastewater, colocated facility discharges (identify the colocated facility), other discharges not listed here (describe), or any combination of the above;
  - d. The receiving stream, including wetlands for each outfall listed;
  - e. The latitude and longitude for each outfall listed; and
  - f. Indicate which stormwater outfalls will be representative outfalls that require a single discharge monitoring report (DMR). For stormwater outfalls that are to be represented by other outfall discharges, provide a description of the activities associated with those outfalls and explain why they are substantially the same as the representative outfall to be sampled;
6. Indicate if the facility has a current VPDES permit and the permit number if it does;
  7. Description of wastewater treatment, reuse or recycle systems, or both;
  8. List of any treatment chemicals added to wastewater or stormwater that could be discharged. Include safety data sheets, the maximum proposed dosing rates, and a demonstration that application or use will not result in aquatic toxicity;
  9. List of colocated facilities;
  10. Indicate if the facility is a hazardous waste treatment, storage, or disposal facility;
  11. Schematic drawing showing water flow from source to water-using industrial operations to waste treatment and disposal, and disposal of any solids removed from wastewater;
  12. Aerial photo or scale map that clearly shows the property boundaries, plant site, drainage areas associated with each outfall, locations of all mine pit dewatering, existing, significant sources of materials exposed to precipitation, stormwater or process wastewater outfalls and the receiving streams;
  13. Evidence, such as the permit-license to operate a mine page, that the operation to be covered by this general permit has a mining permit that has been approved by the Virginia Department of Mines, Minerals and Energy, Division of Mineral Mining (or associated waived program) under the provisions and requirements of Title 45.1 of the Code of Virginia (or appropriate bordering state authorization). Mineral mines owned and operated by governmental bodies not subject to the provisions and requirements of Title 45.1 of the Code of Virginia are exempt from this requirement;
  14. Mining permit number;
  15. Whether the permitted 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;
  16. 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;
  - 17.

Provide certification that the process wastewater system is designed to operate as "no discharge" if special condition Part I B 15 is to apply to the facility. Identify the emergency outfall number;

18. State Corporation Commission entity identification number if the facility is required to obtain an entity identification number by law; and

19. 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."

D. The registration statement shall be signed in accordance with 9VAC25-31-110.

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

**9VAC25-190-70. 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 9VAC25-31-190.

General Permit No.: VAG84  
 Effective date: July 1, 2019  
 Expiration date: June 30, 2024

**GENERAL PERMIT FOR NONMETALLIC MINERAL MINING  
 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 to it, owners of nonmetallic mineral mines 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. 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 and commingled stormwater associated with industrial activity from outfalls.

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

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS	
	Monthly Average	Daily Minimum	Daily Maximum	Frequency <sup>(1)</sup>	Sample Type
Flow (MGD)	NL	NA	NL	1/3 Months	Estimate

Total Suspended Solids (mg/l)	30	NA	60	1/3 Months	Grab
pH (standard units) <sup>(2)</sup>	NA	6.0	9.0	1/3 Months	Grab

NL = No Limitation, monitoring required

NA = Not Applicable

<sup>(1)</sup>1/3 Months equals the following three-month periods each year of permit coverage: January through March, April through June, July through September, and October through December. Discharge Monitoring Reports (DMRs) of quarterly monitoring shall be submitted to the DEQ regional office no later than the 10th day of April, July, October, and January.

<sup>(2)</sup>Where the Water Quality Standards (9VAC25-260) establish alternate standards for pH, those standards shall be the minimum and maximum pH effluent limits.

2. During the period beginning with the permittee's coverage under the 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 wastewaters prior to discharge from outfalls.

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

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS	
	Monthly Average	Daily Minimum	Daily Maximum	Frequency <sup>(1)</sup>	Sample Type
Flow (MG)	NA	NA	NL	1/Year	Estimate <sup>(2)</sup>
Total Suspended Solids (mg/l)	NA	NA	NL <sup>(3)</sup>	1/Year	Grab
pH (standard units)	NA	NL	NL	1/Year	Grab

NL = No Limitation, monitoring required

NA = Not applicable

<sup>(1)</sup>Discharge Monitoring Reports (DMRs) of yearly monitoring (January 1 to December 31) shall be submitted to the DEQ regional office no later than the 10th day of January.

<sup>(2)</sup> Estimate of the total volume of the discharge during the storm event.

<sup>(3)</sup> Permittees shall review the results of the TSS monitoring required by Part I A 2 a to determine if changes to the stormwater pollution prevention plan (SWPPP) may be necessary. If the TSS monitoring results are greater than the evaluation value of 100 mg/l, then the permittee shall perform a routine facility inspection within five days of becoming aware of the exceedance and maintain documentation as described in Part II H 3 d for that outfall. Any deficiencies noted during the inspection shall be corrected within 60 days of being identified.

b. The permittee shall conduct calendar quarterly visual monitoring of stormwater discharges associated with industrial activity. The monitoring shall include examination of stormwater samples representative of storm event discharges from the facility and observation of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution. Documentation of visual monitoring of stormwater shall be maintained onsite in the SWPPP and include the examination date and time, examination personnel, outfall location, the nature of the discharge (i.e., runoff or snowmelt), visual quality of the stormwater discharge and probable sources of any observed stormwater contamination. Part II A regarding monitoring instructions, Part II B regarding representative outfalls, and Part II C regarding sampling waivers shall

apply to the taking of samples for visual monitoring except that the documentation required by these sections shall be retained with the SWPPP rather than submitted to the department. Calendar quarters equal the following three-month periods each year of permit coverage: January through March, April through June, July through September, and October through December.

B. Special conditions.

1. Vehicles and equipment utilized during the industrial activity on a site must be operated and maintained in such a manner as to prevent the potential or actual point source pollution of the surface or groundwaters of the state. 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 groundwaters 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 groundwaters of the state.
2. No sewage shall be discharged from this mineral mining activity except under the provisions of another VPDES permit specifically issued for that purpose.
3. There shall be no chemicals added to the discharge, other than those listed on the owner's approved registration statement, unless prior approval of the chemical is granted by the board.
4. The permittee shall submit a new registration statement if the mining permit approved by the Division of Mineral Mining (or associated waived program, or bordering state mine authority) is modified or reissued in any way that would affect the outfall location or the characteristics of a discharge covered by this general permit. Government owned and operated mines without mining permits shall submit the registration statement whenever outfall location or characteristics are altered. The new registration statement shall be filed within 30 days of the outfall relocation or change in the characteristics of the discharge.
5. The permittee shall notify the department as soon as they know or have 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.
  - b. That any activity has occurred or will occur that would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant that 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.
6. Any and all 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, by-product, or wastes shall be handled, disposed of, or stored in such a manner and consistent with best management practices, so as not to permit a



discharge of such product, materials, industrial wastes, or other wastes to state waters, except as expressly authorized.

7. There shall be no discharge of process wastewater pollutants from colocated asphalt paving materials operations. For the purposes of this special condition, process wastewater pollutants are any pollutants present in water used in asphalt paving materials manufacturing that come into direct contact with any raw materials, intermediate product, by-product or product related to the asphalt paving materials manufacturing process.

8. Process water may be used on site for the purpose of dust suppression. Dust suppression shall be carried out as a best management practice but not as a wastewater disposal method provided that ponding or direct runoff from the site does not occur during or immediately following its application. Dust suppression shall not occur during a storm event that results in an actual discharge from the site.

9. Process water from mine dewatering may be provided to local property owners for beneficial agricultural use.

10. There shall be no:

- a. Discharge of floating solids or visible foam in other than trace amounts from process water discharges;
- b. Solids deposition to surface water as a result of a discharge associated with industrial activity; or
- c. Oil sheen resulting from petroleum products discharged to surface water as a result of the industrial activity.

11. 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.

12.

Discharges to waters subject to TMDL wasteload allocations. Owners of facilities that are a source of the specified pollutant of concern to waters for which a total maximum daily load (TMDL) wasteload allocation has been approved prior to the term of this permit shall incorporate measures and controls into the SWPPP required by Part II that are consistent with the assumptions and requirements of the TMDL. The department will provide written notification to the owner that a facility is subject to the TMDL requirements. If the TMDL establishes a numeric wasteload allocation that applies to discharges from the facility, the owner shall perform any required monitoring in accordance with Part I A and implement measures necessary to meet that allocation.

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

14. Inactive and unstaffed facilities (including temporarily inactive and unstaffed facilities).

- a. A waiver of the process and stormwater monitoring and routine inspections may be exercised by the board at a facility that is both inactive and unstaffed as long as the facility remains inactive and unstaffed. Such a facility is required to conduct an annual site inspection in accordance with the requirements in Part II H 3 d. No DMR reports will be required to be submitted when a facility is approved as inactive and unstaffed.
- b. An inactive and unstaffed sites waiver request shall be submitted to the board for approval and shall include the name of the facility; the facility's VPDES general permit registration number; a contact person, phone number, and email address (if available); the reason for the request; and the date the facility became or will become inactive and unstaffed. The waiver request shall be signed and certified in accordance with Part III K. If this waiver is granted, a copy of the request and the board's written approval of the waiver shall be maintained with the SWPPP.

c. To reactivate the site the permittee shall notify the department within 30 days or an alternate timeframe if written approval is received in advance from the board, and all process and stormwater monitoring and routine inspections shall be resumed 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.

d. The board retains the authority to revoke this waiver when it is determined that the discharge causes, has a reasonable potential to cause, or contributes to a water quality standards violation.

15. Process wastewater systems 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. These discharges 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. 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.

16. Best management practices for blasting. The permittee shall utilize best management practices to ensure that contaminants do not enter surface water as a result of blasting at the site.

17. Notice of termination.

a. The owner may terminate coverage under this general permit by filing a complete notice of termination. 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 a VPDES individual 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, and there are no longer discharges from the facility;

(c) A statement indicating that all discharges have been covered by a VPDES individual 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 wastewater 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 nonmetallic mineral mining wastewater 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 submitted to the DEQ regional office serving the area where the facility discharge is located and signed in accordance with Part III K.

## 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. In the case of snowmelt or a discharge from a stormwater management structure, a representative sample shall be taken at the time the discharge occurs.

b. For all other types of stormwater discharges, a minimum of one grab sample shall be taken resulting from a storm event that results in a 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 discharge monitoring report (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 DMR why a grab sample during the first 30 minutes was impracticable and maintains that documentation with the SWPPP.

B. Representative outfalls. If a facility has two or more exclusively stormwater outfalls that discharge substantially identical effluents, based on similarity of industrial activity, significant materials, frequency of discharges, and management practices and activities within the area drained by the outfalls, then the permittee may submit information with the registration statement substantiating the request for only one DMR to be issued for the outfall to be sampled that represents one or more substantially identical outfalls. The permittee shall document representative outfalls in the SWPPP and list on the DMR of the outfall to be sampled all outfall locations that are represented by the discharge. The representative outfall monitoring provisions apply to Part I A 2 a monitoring and quarterly visual monitoring.

The permittee must include the following information in the SWPPP:

1. The locations of the outfalls; and

2. An evaluation, including available monitoring data, indicating why the outfalls are expected to discharge substantially identical effluents

C. Sampling waivers. When a permittee is unable to conduct quarterly stormwater monitoring required under Part I A 2 b within the specified sampling period due to no measurable storm event or adverse weather conditions, documentation shall be submitted explaining the permittee's inability to conduct the stormwater monitoring. The documentation must include the dates and times that the outfalls were viewed and sampling was attempted. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical

storms, etc.). Acceptable documentation includes National Climatic Data Center weather station data, local weather station data, facility rainfall logs, and other appropriate supporting data. All documentation shall also be maintained with the SWPPP. This waiver is not applicable to annual monitoring required under Part I A 2 a.

D. Stormwater pollution prevention plans (SWPPP). An SWPPP shall be developed and implemented for the facility. The plan 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 all 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 mine drainage plan as required by the Virginia Division of Mineral Mining, a spill prevention control and countermeasure (SPCC) plan developed for the facility under § 311 of the federal 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 H (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 of the required elements of Part II H, the permittee must develop the missing SWPPP elements and include them in the required SWPPP.

E. Deadlines for SWPPP preparation and compliance.

1. Owners of existing facilities that were covered under the 2014 Nonmetallic Mineral Mining General Permit that 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.
2. Owners of new facilities, facilities previously covered by an expiring individual permit, and existing facilities not currently covered by a VPDES permit that elect to be covered under this general permit shall prepare and implement the SWPPP prior to submitting the registration statement.
3. 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 ownership change.
4. Upon a showing of good cause, the director may establish a later date in writing for the preparation and compliance with the SWPPP.

F. Signature and SWPPP review.

1. The SWPPP shall be signed in accordance with Part III K (signatory requirements), and be retained on site at the facility covered by this permit in accordance with Part III B (records) of this permit. When there are no on-site buildings or offices in which to store the plan, it shall be kept at the nearest company office.
2. The permittee shall make the SWPPP, routine inspection documentation, or other information available to the department upon request.
3. The director, or an authorized representative, may notify the permittee 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, or an authorized representative, the permittee shall make the required changes to the plan and shall submit to the department a written certification that the requested changes have been made.

G. Maintaining an updated SWPPP. The permittee shall review and amend the SWPPP as appropriate whenever:

1. 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;
2. Routine inspections determine that there are deficiencies in the BMPs;
3. Inspections by local, state, or federal officials determine that modifications to the SWPPP are necessary;
4. There is a spill, leak, or other release at the facility; or
5. There is an unauthorized discharge from the facility.

SWPPP modifications shall be made within 60 calendar days after discovery, observation, or an event requiring an SWPPP modification. Implementation of new or modified BMPs (distinct from regular preventive maintenance of existing BMPs described in Part II H 3 b (preventative maintenance) 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.

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.

H. Contents of SWPPP. The SWPPP shall include, at a minimum, the following items:

1. Pollution prevention team. Each plan shall identify the staff individuals by name or title who 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.
2. Summary of potential pollutant sources. The SWPPP shall identify where industrial materials or activities at the facility are exposed to stormwater. The description shall include:

a. Site map. The site map shall document:

(1) An outline of the drainage area of each stormwater outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in stormwater run-off, surface water bodies, locations where materials are exposed to precipitation, locations where major spills or leaks identified under Part II H 2 c (spills and leaks) of this permit have occurred, and the locations of the following activities where such activities are exposed to precipitation: fueling stations, vehicle or equipment degreasing, cleaning areas, loading or unloading, locations used for the treatment, storage or disposal of wastes and wastewaters, liquid storage tanks, processing areas, and storage areas. The map must indicate all outfall locations. The types of discharges contained in the drainage areas of the outfalls must be indicated either on the map or in an attached narrative.

(2) For each area of the facility that generates stormwater discharges associated with industrial activity, 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 significant spills or leaks of toxic or hazardous pollutants. Flows with a potential for causing erosion shall be identified.

b. Inventory of exposed materials. A list of the industrial materials or activities, including material handling equipment or activities, industrial machinery, raw

materials, industrial production and processes, intermediate products, by-products, final products, and waste products. Material handling activities include to the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product, or waste product.

c. 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.

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

3. Stormwater controls. Control measures shall be implemented for all areas identified in Part II H 2 b (inventory of exposed materials) 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. The BMPs shall also address the following minimum components, including a schedule for implementing such controls:

a. Good housekeeping. Good housekeeping requires the clean and orderly maintenance of areas that may contribute pollutants to stormwater discharges. The SWPPP shall describe procedures performed to minimize contact of materials with stormwater runoff. 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, loading or unloading areas, and vehicle entrance and exits. The permittee shall keep clean all exposed areas of the facility that are potential sources of pollutants in stormwater. The permittee shall sweep or vacuum paved surfaces of the site that are exposed to stormwater at regular intervals or use other equivalent measures to minimize the potential discharge of these materials in stormwater. Indicate in the SWPPP the frequency of sweeping, vacuuming, or other equivalent measures.

b. 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. All BMPs identified in the SWPPP shall be maintained in effective operating condition. The SWPPP shall include a description of procedures and a regular schedule for preventive maintenance and observation of all BMPs and shall include a description of the back-up practices that are in place should a run-off event occur while a BMP is off line or not operating effectively. The effectiveness of nonstructural BMPs shall also be maintained by appropriate means (e.g., spill response supplies available and personnel trained). If site inspections required by Part II H 3 d (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. 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, dates for repairs, dates that the BMPs returned to full function, and the justification for an extended maintenance or repair schedules. The maintenance program shall require periodic removal of debris from discharge diversions and conveyance systems. Permittees using settling basins to control their effluents must provide maintenance schedules for such basins in the SWPPP.

c. Spill prevention and response procedures. The SWPPP shall describe the procedures that will be followed for preventing and responding to spills and leaks, including barriers between material storage and traffic areas, secondary containment provisions, procedures for material storage and handling, response procedures for notification of appropriate facility personnel, emergency agencies, and regulatory agencies and 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. 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.

d. Routine facility inspections.

(1) Personnel who are familiar with the mining activity, the best management practices, and the SWPPP shall be identified to conduct routine facility inspections. Such inspections must include all areas where industrial materials or activities are exposed to stormwater as identified in Part II H 2 b (inventory of exposed materials), including material storage and handling areas, areas where aggregate is stockpiled outdoors, liquid storage tanks, hoppers or silos, material handling vehicles, equipment, and processing areas; off-site tracking of industrial or waste materials or sediment where vehicles enter or exit the site; vehicle and equipment maintenance areas and cleaning and fueling areas; best management practices; and discharge points.

(2) The inspection frequency shall be specified in the SWPPP based upon a consideration of the level of industrial activity at the facility, but shall be a minimum of quarterly. Inspections of best management practices shall include inspection of stormwater discharge diversions, conveyance systems, sediment control and collection systems, containment structures, vegetation, serrated slopes, and benched slopes to determine their adequacy and effectiveness, the integrity of control structures, if soil erosion has occurred, or if there is evidence of actual or potential discharge of contaminated stormwater.

(3) Site inspection and best management practices inspection results must be documented and maintained on-site with the SWPPP.

(4) A set of tracking or followup procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Such actions must include updating pollution sources, updating pollution prevention measures and controls, and updating the SWPPP as appropriate based on information developed during the inspections.

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

e. Employee training. Employee training shall be conducted at least annually at active mining sites and at those temporarily inactive sites that are staffed. Employee training programs shall inform personnel responsible for implementing activities identified in the SWPPP or otherwise responsible for stormwater management at all levels of responsibility of the components and goals of the stormwater pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. All employee training shall be documented in the SWPPP.

f. Recordkeeping and internal reporting procedures. A description of incidents such as spills, or other discharges, along with other information describing the quality and quantity of stormwater discharges shall be included in the SWPPP required under this part. Inspections and maintenance activities shall be documented and records of such



activities shall be incorporated into the SWPPP. Ineffective best management practices must be recorded and the date of their corrective action noted in the SWPPP.

g. Sediment and erosion control. The plan shall identify areas that, due to topography, land disturbance (e.g., construction, landscaping, site 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.

h. Management of runoff. The SWPPP shall describe the stormwater runoff 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, and wet detention or retention devices.

I. Authorized nonstormwater discharges. The following nonstormwater discharges are authorized by this permit:

1. Discharges from emergency firefighting activities;
2. Fire hydrant flushing, managed in a manner to avoid an instream impact;
3. Potable water, including water line flushing, managed in a manner to avoid instream impact;
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 fertilizers have been applied in accordance with approved labeling;
7. Routine external building washdown that does not use detergents or hazardous cleaning products;
8. 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 in a manner to avoid instream impacts;
9. Uncontaminated groundwater 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).

### 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 records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the registration statement for this permit, for a period of at least three years from the date of the sample, measurement, report or request for coverage. 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, or 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 (unauthorized discharges); 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 (see NOTE in Part III I), in no case later than 24 hours, the department after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse effects on aquatic life and the known number of fish killed. The 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 2. 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 Parts III I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part III I 2.

NOTE: The immediate (within 24 hours) reports required in Part III G, H and I may be made to the department's regional office. Reports may be made 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.

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 the federal Clean Water Act that are applicable to such source; or

(2) After proposal of standards of performance in accordance with § 306 of the federal 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 statement. All registration statements shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purposes of this section, a responsible corporate officer means: (i) a 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 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 federal 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 federal Clean Water Act. Permit noncompliance is grounds for enforcement action, for permit coverage termination, or for denial of permit coverage.
- 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 registration statement 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 registration statements 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 laws 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 federal

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 ensure efficient operation. These bypasses are not subject to the provisions of Parts 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 (reports of noncompliance).

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 cause 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 an authorized representative, 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 ensuring permit compliance or as otherwise authorized by the federal 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 modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

#### Y. Transfer of permit coverage.

1. Permit coverage is 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 at least 30 days in advance of the proposed transfer of the title to the facility or property unless permission for a later date has been granted by the department;
  - 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 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 B**

## **Fact Sheet**



**COMMONWEALTH OF VIRGINIA  
STATE WATER CONTROL BOARD**

**FACT SHEET  
REISSUANCE OF A GENERAL VPDES PERMIT  
FOR NONMETALLIC MINERAL MINING  
2019 REISSUANCE  
Revised May 2019**

The State Water Control Board (board) has authorized the reissuance of the Virginia Pollutant Discharge Elimination System (VPDES) general permit for point source discharges from nonmetallic mineral mining facilities. This general permit will replace VAG84, which expires June 30, 2019. Owners covered under the expiring general permit, who wish to continue to discharge under a general permit, must register for coverage under the new general permit.

Permit Number: VAG84

Name of Permittee: Any owner of a qualifying nonmetallic mineral mining facility with point source discharges that obtains coverage under the terms of this general permit.

Facility Location: Commonwealth of Virginia

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

Based on preliminary review and application of lawful standards and regulations, the board has proposed to reissue the general permit subject to certain conditions and has prepared a general permit. The board has determined that this category of discharges is appropriately controlled under a general permit as it involves facilities with the same or similar types of operations that discharge the same or similar types of wastes. The general permit requires that all covered facilities meet standardized effluent limitations, conditions and monitoring requirements and that all covered facilities develop a site-specific stormwater pollution prevention plan.

The staff contact for questions or obtaining information about this general permit may be reached at:

Peter Sherman  
Virginia Department of Environmental Quality  
P.O. Box 1105  
Richmond, Virginia 23218  
TEL: (804) 698-4044  
FAX: (804) 698-4032  
[E-mail: peter.sherman@deq.virginia.gov](mailto:peter.sherman@deq.virginia.gov)

## **I. Activities Covered by This General Permit**

The general permit will cover point source discharges associated with nonmetallic mineral mining operations classified in Standard Industrial Classification Major Group 14. The general permit will cover stormwater discharges for all qualifying facilities within this major group that have stormwater discharges only and, for specific SIC Codes, it will also provide coverage for process wastewater. Some of the Major Group 14 SIC codes or specific mining activities are excluded from the process wastewater coverage because the mining activities are subject to more stringent effluent limits under EPA effluent guidelines at 40 CFR Part 436. These facilities will require a separate, individual VPDES permit to discharge process wastewater.

Facilities for which the discharge of process wastewater is covered are those classified under SIC Codes 1411, 1422, 1423, 1429, 1442, 1455, 1459 except bentonite and magnesite mines, 1475 and 1499 except gypsum, graphite, asbestos, diatomite, jade, novaculite, wollastonite, tripoli and asphaltic mineral mining operations. For 2019, DEQ is including in the regulation North American Industry Classification Codes (NAICS) since these reflect the current classification system maintained by the federal government.

This general permit does not cover coal mining, metal mining, or oil and gas extraction.

Nonmetallic mineral mines may have other industrial activities co-located within the mine permit area. These activities may involve further processing of the mined material and discharges associated with them have characteristics similar to those of the mining operation. If the mineral mine is the primary industrial activity on the site and the characteristics of the wastewater from co-located industrial activities are similar to those of the mineral mine, the co-located activity discharges are also regulated under the general permit.

This permit does not allow discharge of process wastewater pollutants from co-located asphalt paving materials operations. For the purposes of this special condition, process wastewater pollutants are any pollutants present in water used in asphalt paving materials manufacturing which come into direct contact with any raw materials, intermediate product, by-product or product related to the asphalt paving materials manufacturing process.

No owner or operator of a mineral mine will be covered under the general permit until a mineral mining permit has been issued to the relevant facility by the Virginia Department of Mines, Minerals, and Energy, Division of Mineral Mining (DMM). In Virginia, mining activities that disturb the land surface and remove minerals at any site are required to have a mineral mining permit under the requirements of the Minerals Other Than Coal (MOTC) Surface Mining Law, Chapter 16, Title 45.1 of the Code of Virginia. The mineral mining permits are administered by DMM. The Surface Mining Law requires that no operator shall engage in mining without having first obtained from DMM an operating permit that covers the affected land. The exception to this requirement is for mineral mines owned and operated by governmental bodies, which are not required to have a mining permit, but will be eligible for coverage under VAG84. Mineral mining permits require the implementation of an erosion and sedimentation control plan as an enforceable part of the permit. The mineral mining permit application also requires the applicant to provide an acceptable mine reclamation plan that provides for adequate measures to prevent erosion and sedimentation from the reclaimed site. The mining permit and its requirements for erosion and sedimentation control are administered and enforced in such a manner as to provide protection of water quality and beneficial uses in the receiving waters from pollution caused by eroding material from mining activities. These requirements in the mineral

mining permit satisfy many of the stormwater pollution prevention plan requirements of the general permit.

## II. Effluent Limitations and Monitoring Requirements

The effluent limitations and monitoring requirements specified in the general permit are depicted in items A and B below.

### A. Discharge of process wastewater and commingled stormwater runoff:

<u>Parameter</u>	<u>Limitation</u>
Flow	Report average and maximum
Total Suspended Solids	30 mg/L monthly average, 60 mg/L daily maximum
pH	6.0 minimum, 9.0 maximum <sup>2</sup>

Discharge Monitoring Reports (DMRs) of quarterly monitoring shall be submitted to the applicable DEQ regional office no later than the 10th day of April, July, October and January. Monitoring frequency of once per every three months (1/3 Months) equals the following three-month periods each year of permit coverage: January through March, April through June, July through September, and October through December.

### B. Discharge of stormwater associated with industrial activity that does not combine with other wastewater:

<u>Parameter</u>	<u>Monitoring Requirement</u>
Flow	Report volume discharged during monitored storm event
Total Suspended Solids	Report maximum
pH	Report minimum and maximum

Monitoring and reporting of grab sample analysis results are required once per year for a storm event that produces a discharge from the site. A discharge from a stormwater management structure must be sampled at the time the discharge occurs and must be representative. All other stormwater discharges must be taken when the discharge occurs, provided the interval from the preceding measurable storm event is at least 72 hours. The sample must also be taken during the first 30 minutes of the discharge. There are some exemptions to these timing requirements.

DMRs of yearly stormwater monitoring (January 1<sup>st</sup> to December 31<sup>st</sup>) must be submitted to the applicable DEQ regional office no later than the 10<sup>th</sup> day January.

For stormwater that is not combined with other wastewater, if total suspended solids (TSS) monitoring results exceed 100 mg/L daily maximum, the stormwater pollution prevention plan (SWPPP) must be reviewed for necessary changes, a routine facility inspection must be performed within five days of becoming aware of the exceedance, documentation must be maintained as specified, and any deficiencies must be corrected.

Permittees also must conduct calendar quarterly visual monitoring of discharges of stormwater associated with industrial activity. This monitoring must include examination of

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<sup>2</sup> Where the Water Quality Standards establish alternate standards for pH, those standards shall be the minimum and maximum pH effluent limits.

representative storm event discharges from the facility including observations regarding color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution. This permit condition has been relocated in the general permit regulation to follow the stormwater effluent limits table (I A 2) from the conditions addressing routine facility inspections.

### **III. Basis for Part I Effluent Limits and Monitoring Requirements for Commingled Wastewater**

Mining area wastewaters are recycled as a source of processing water, lost by evaporation or discharged. The discharges that are not recycled are controlled by limitations in this general permit. These discharges may consist of stormwater associated with industrial activity which has come in contact with overburden, raw material, intermediate product, finished product, byproduct or waste product; process wastewater which may include water used in the process of washing mined materials, vehicle or equipment degreasing wastewater, miscellaneous plant cleanup wastewater and mine pit dewatering, which may include the above collected discharges along with accumulated groundwater that enters the mine. Treatment usually consists of sedimentation.

The discharge parameters to be limited are pH and TSS.

The pH limitation is based upon Virginia's water quality standards and federal effluent guidelines (40 CFR Part 436). Effluent guidelines (40 CFR Part 436) require pH limits of 6.0 – 9.0 Standard Units (SU). Stream standards for pH are in most cases in the range of 6 to 9 SU; however, there are special standards in effect in some areas (e.g., 6.5 – 9.5 in some valley streams or 3.7 – 8.0 in some swamp waters). However, because DEQ comports with federal effluent guidelines for its general permits, pH limits cannot go below 6.0 or above 9.0. For example, a 6.5 to 9.5 special stream standard will necessitate a 6.5 to 9.0 effluent limit and a 3.7 – 8.0 special stream standard will necessitate a 6.0 – 8.0 effluent limit.

TSS limitations are based on federal effluent guidelines for some of the industrial categories covered by the general permit and at levels that, based on the Department's experience with individual VPDES permits, will protect receiving waters from solids impacts.

TPH monitoring is not retained in this reissuance for outfalls that convey discharges from vehicle or equipment degreasing activities (normally through an oil-water separator). Review of TPH data from the last two permit cycles indicated negligible levels (i.e., generally below detection levels) of TPH being discharged.

The monitoring frequency and sample type have been established after considering the consistency and nature of these operations, the existing analytical data and the potential environmental risk and consequences of the discharges. Reporting of monitoring data is required quarterly.

### **IV. Basis for Part I Storm Event Monitoring Requirement**

Stormwater associated with industrial activity that is not combined with process wastewater may be discharged from mining activities covered by this permit subject to the applicable conditions of the permit, including annual monitoring for TSS and pH. This stormwater may have come in contact with or been exposed to overburden, raw material, intermediate product, finished

product or byproduct and it may contain sediments eroded from the exposed surfaces of the mine, stockpiles, overburden storage, processing areas, or overburden disposal areas. It is necessary for the protection of water quality in the streams receiving the stormwater runoff from a mining operation that appropriate erosion and sedimentation controls and practices be designed and implemented at these facilities. The erosion and sedimentation control practices mandated by the DMM regulations and imposed on the owners or operators of a mineral mine through their mining permit include adequate drainage, erosion and sediment control measures installed and maintained in accordance with a mandated and approved drainage plan, as well as requirements that temporary and permanent control facilities for mining operations be designed with outlets that can accommodate the rainfall from at least the 50-year and 100-year storm event, respectively. In addition, DMM regulations require that mineral mining sediment basins provide for 0.125 acre-feet per disturbed acre of storage capacity. This general permit also includes stormwater management requirements (see Section VI).

Under this general permit, permittees are required to monitor stormwater discharges for pH and TSS once per year over the term of the general permit and report the results to the Department. If TSS levels exceed an evaluation value, follow-up actions are specified. These stormwater monitoring requirements are comparable to benchmark provisions under the U.S. EPA 2015 Multi-sector General Permit (MSGP).

## **V. Basis for Special Conditions**

The VPDES permit regulation (9VAC25-260-31) delineates the procedures and requirements applicable in VPDES permits pursuant to the Clean Water Act and the State Water Control Law. All special conditions protect water quality as required by the VPDES permit regulation. Additional explanations and citations are below.

Special Condition No. 12 from the 2014 general permit, which required the review of TSS monitoring data and potential follow-up for stormwater that does not combine with other wastewaters, has been moved to follow the table in I A 2 a in this general permit. This permit condition is similar to a condition of the EPA 2015 MSGP. This has been deemed a more appropriate location in the general permit since this provision addresses monitoring. See the discussion under section II of this fact sheet.

Special Condition No. 14 from the 2014 general permit has been removed in the reissued general permit. This condition required dischargers to the Chickahominy watershed to meet special effluent limitations for BOD5, TSS, total phosphorus, ammonia and settleable solids. The basis for removing this permit condition is the fact that the applicability of the special Water Quality Standards at 9VAC25-260-310 m was revised so that the standards are only applicable to wastewater treatment facilities that treat an organic nutrient source. Nonmetallic mineral mines do not characteristically discharge an organic nutrient source. VPDES antibacksliding guidance<sup>3</sup> identifies the Chickahominy standards as technology limits (established by regulation) and indicates that antibacksliding restrictions do not apply to this category of limits. The guidance indicates that such standards are regulations and, thus, when applicable, no alternatives can be accepted; however, with the change in applicability, these regulations no longer apply to nonmetallic mineral mining.

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<sup>3</sup> Guidance Memo No. 00-2011; Guidance on Preparing VPDES Permit Limits; To: Regional Directors; From: Larry Lawson; August 24, 2000. Pgs. 32-42.

- A. Special Condition No. 1 requires that vehicles and equipment used in the industrial activity are to be operated and maintained in a manner that prevents pollution of surface or ground water. Petroleum products and other fluids are to be stored and handled in such a manner that the discharge of pollutants to state waters is prevented. The basis for this condition is the state water quality standards (9VAC25-260).
- B. Special Condition No. 2 prohibits sewage discharges to surface waters under this general permit. Any sewage discharges would require coverage by a separate, individual permit. This condition is based on the typical characteristics of discharges from nonmetallic mineral mines and the corresponding absence of federal secondary sewage treatment standards in this permit.
- C. Special Condition No. 3 prohibits the discharge of chemical additives other than those identified in the registration statement unless prior approval is granted by the board.
- D. Special Condition No. 4 requires that the permittee submit a new registration statement if the DMM mining permit is modified or renewed in any way that would affect the location or characteristics of any discharge covered by the general permit. Any change to the mining facility that could impact discharge quality requires additional review before coverage under the general permit is continued. The basis for the condition is state water quality standards.
- E. Special Condition No. 5 is a requirement for notification of discharges of any toxic pollutants not limited by the permit. The basis for the condition is 40 CFR 122.42(a) and 9VAC25-31-200 A.
- F. Special Condition No. 6 requires that all materials, products and wastes resulting from the purchase, sale, mining, traction, transport, preparation, or storage of raw or intermediate materials, final product, by-product, or wastes, be handled and stored or disposed of consistent with best management practices and so as to not permit a discharge of such product, materials industrial wastes, or other wastes to state waters, except as expressly authorized. The basis for the condition is state water quality standards.
- G. Special Condition No. 7 prohibits the discharge of process wastewater pollutants from co-located asphalt operations. The basis is 40 CFR Part 443.
- H. Special Condition No. 8 allows process water to be used for dust suppression on site. The basis for the condition is that, when implemented as a BMP, the use of process water as a dust suppressant can control or abate the discharge of pollutants. This condition also prohibits dust suppression during a storm event that results in an actual discharge from the site.
- I. Special Condition No. 9 allows process water from mine dewatering to be provided to local property owners for beneficial agricultural use. This language is included in keeping with DEQ's pollution prevention philosophy.

- J. Special Condition No. 10 prohibits the discharge of floating solids or visible foam in other than trace amount from process water discharges. This condition also prohibits solids deposition to surface water as a result of discharges associated with industrial activity. It further prohibits an oil sheen resulting from petroleum products discharged to surface water as a result of the industrial activity. Housekeeping and on site BMPs should maintain this requirement. The prohibition of oil sheen was added to a similar general permit (concrete products) in response to staff concerns that petroleum products are on the site and could lead to an oil discharge. Accidental spills of petroleum products are cleaned up immediately so as not to enter surface waters as per special condition No. 1. This special condition is an added measure of protection and something the inspector can look for to ensure proper BMPs, clean up measures or treatment is occurring. The citation in the water quality standards is 9VAC25-260-20.
- K. Special Condition No. 11 requires all effluent limitations to be written using two significant figures. The basis for this condition is Guidance Memo No. 06-2016, Significant Figures for Discharge Monitoring Reports.
- L. Special Condition No. 12 requires permittees subject to total maximum daily load (TMDL) waste load allocations established prior to this permit issuance to include measures and controls in the SWPPP that are consistent with the assumptions and requirements of the TMDL. If the TMDL establishes a numeric wasteload allocation that is applicable to discharges from the facility, the owner must conduct monitoring in accordance with Part I A and implement measures necessary to meet the allocation. The basis for this condition is Section 303(d) of the Clean Water Act, which requires that TMDLs be developed for streams listed as impaired, and 9VAC25-31-220 D.
- M. Special Condition No. 13 requires discharges to be controlled as necessary to meet applicable water quality standards. This condition is consistent with VPDES regulations (9VAC25-220) and EPA recommendations.
- N. Special Condition No. 14 provides a waiver for monitoring and routine quarterly inspections at sites that are inactive and unstaffed (temporarily closed). An annual site inspection is still required. The waiver request must be submitted to the board for approval. Reactivation of the site also requires board notification within 30 days unless approval for an alternate timeframe is received in advance from the board. Inactive and unstaffed facilities covered under are not required to meet the "no industrial materials or activities exposed to stormwater" standard to be eligible for this waiver, consistent with the conditional exemption requirements established in Part 8 Sector J (Non-Metallic Mineral Mining and Dressing) of the EPA 2015 MSGP.
- O. Special Condition No. 15 describes how process water systems designed to operate as "no discharge" must be implemented. These systems may not discharge except in storm events greater than a twenty-five-year, 24-hour storm event. In the event of such a discharge, the permittee must report an unusual or extraordinary discharge per Part III H of the permit. No sampling or DMR is required for these discharges as they are considered to be discharging in emergency discharge conditions. These discharges may not

contravene the water quality standards, or any provision of the State Water Control Law. 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. This special condition, which is a different design standard than the overflow provision in the pertinent ELGs, is based on best professional judgment of the staff and is consistent with the standard in Virginia's Pollution Abatement permit regulation (9VAC25-32-30 A).

- P. Special Condition No. 16 requires that permittees must use best management practices to ensure that contaminants do not enter surface waters as a result of blasting at the mining site. This condition addresses concerns with ammonia and nitrate deposition resulting from the use of explosives.
- Q. Special Condition No. 17 describes how terminations of coverage under a general permit will be implemented. Permittees need to know this is an option available to them. This is being added to all general permits as they are reissued.

It is believed that the above effluent limitations and special conditions will maintain state water quality standards.

## **VI. Basis for Requirements for Stormwater Management**

Stormwater management is required to reduce the potential for pollutants to reach state waters via stormwater discharges. Stormwater management requirements in Part II are generally current with stormwater management requirements in the VPDES General Permit for Discharges of Stormwater Associated with Industrial Activity (VAR05) and the EPA 2015 MSGP, while taking into account the characteristics of the industry to be regulated under this general permit.

Management of stormwater is to be achieved through the development of a stormwater pollution prevention plan (SWPPP). The SWPPP is intended to identify potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges as well as describe and ensure the implementation of practices that will reduce the pollutants in stormwater discharges. The SWPPP requirement maintains the flexibility for a site-specific plan to be developed and implemented but identifies specific components that the plan must address. These components include the pollution prevention team, a description of pollutant sources, and a description of stormwater controls (including BMPs, good housekeeping measures, preventative maintenance, spill prevention and response, routine inspections, employee training, recordkeeping and internal reporting, sediment and erosion control, and run-off management). As part of the contents of the SWPPP, the good housekeeping provisions in the general permit have been revised to include some additional language based on the EPA 2015 MSGP.

Quarterly inspections are required to identify sources of pollution and to evaluate whether the pollution prevention measures are being effectively implemented. The inspections are considered a means of determining compliance with permit conditions without requiring extensive sampling programs. The permittee is required to maintain records summarizing the results of inspections. The annual comprehensive site evaluation requirement has been removed in this reissued general permit and unique aspects of the comprehensive evaluation have been



merged into the quarterly inspection requirements. This change is based on EPA's 2015 MSGP, which consolidated the comprehensive site inspection and routine facility inspection procedures into one set of procedures to eliminate redundancies and reduce burden. In addition, this permit provides that where a facility has an E3 (Exemplary Environmental Enterprise) or E4 (Extraordinary Environmental Enterprise) status under Virginia's Environmental Excellence Program (VEEP), routine inspection requirements are waived. This is consistent with the VPDES General Permit for Discharges of Stormwater Associated with Industrial Activity and is based on the fact that such facilities are required under the VEEP program to implement an environmental management system (EMS), which includes implementation and evaluation components, as well as have a pollution prevention program and a record of sustained compliance with environmental requirements.

In its 2015 MSGP, U.S. EPA also included new provisions that address pre-mining earth-disturbing activities (i.e., section 8.J.4). Under Virginia law (§ 62.1-44.15:34) land-disturbing activities associated with surface mining are exempt from stormwater regulation provided such activities are conducted pursuant to a mining permit under Title 45.1. In addition, under § 62.1-44.15:55, permitted surface mining conducted under Title 45.1 is exempt from Virginia's erosion and sediment control law. Under state regulations, mining permits, which are required as a condition of this general permit, include an operation plan, drainage plan (including erosion and sediment control) and reclamation plan, and must meet performance standards that address topics including impoundments, drainage and sediment control, sediment basins, diversions, and water quality (4VAC25-31-10 through 570). These mining permit regulations apply starting with the first disturbance of any part of a site. Based on the statutory exclusions noted above and the existing state DMM permit regulations applicable to mineral mining, new pre-mining provisions have not been added to VAG84.

## **VII. Administrative**

The general permit will have a fixed term of five (5) years. Every authorization to discharge under this general permit will expire at the same time and most existing covered owners' authorizations to discharge will be renewed on the same date.

All persons desiring to be covered by this general permit must register with the Department by filing a registration statement and submitting applicable fees. Owners of nonmetallic mineral mining facilities that are discharging on the effective date of this general permit, and which have not been covered under the previous general permit or an individual VPDES permit and desire to be covered under this general permit, are required to submit the registration statement.

The reissued general permit includes a requirement to include on the registration statement a list of chemicals added to wastewater or stormwater and that could be discharged, including Safety Data Sheets (SDS), the maximum proposed dosing rates, and a demonstration that the application or use will not result in aquatic toxicity to protect water quality in receiving streams. The use of chemicals, including cationic chemicals, by nonmetallic mineral mining facilities is a potential concern due to the potential aquatic toxicity of certain chemicals in particular settings (e.g., see 8.J.4.1.8 in the federal 2015 MSGP. This provision reflects EPA concerns regarding the aquatic toxicity of cationic chemicals, as discussed in the fact sheet to EPA's 2012 Construction General Permit). The additional information being requested is to ensure that permit staff have adequate information to evaluate the potential toxicity of any added chemicals that could be discharged and to approve, restrict or condition such use as appropriate. A demonstration that chemical use will not result in aquatic toxicity is somewhat

flexible but must include information that allows DEQ to make informed judgements that discharges from these facilities will not contain chemicals at levels that pose aquatic toxicity. Such a demonstration should include a description of when, where and how the chemicals will be used, the manufacturer's specification regarding the use or recommended concentration of the chemical, and calculations of the maximum concentration expected in the effluent or other documentation showing that the maximum concentration expected in the effluent is not expected to adversely affect aquatic life. Additional information that could potentially support a demonstration includes why the chemical use is appropriate for the site conditions, whether the chemical is or is not a cationic polymer, if the chemical is used internally or as part of final treatment, controls or implementation procedures that protect water quality, and available toxicity data other than the SDS.

Owners of existing operations covered under an individual VPDES permit that wish to seek coverage under the general permit must file a registration statement at least 240 days prior to the expiration date of the individual VPDES permit. Owners of existing operations covered under the previous general permit seeking to retain coverage under the reissued general permit must file a new registration in accordance with the reissued general permit requirements at least 60 days prior to the expiration of the existing permit. For all new facilities that will begin activities after the effective date of this permit, the registration statement must be filed at least 60 days prior to the commencement of discharge.

This general permit does not cover activities or discharges covered by an individual VPDES permit until the individual permit has expired or has been terminated. Any person 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. 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 permit application procedures.

To gain coverage under this general permit an owner must submit the registration information required in 9VAC25-190-60 (a registration statement form will be provided by the board), submit the required permit fee and comply with the applicable effluent limitations and other requirements of the permit. An additional requirement for this general permit is that the owner must have a mineral mining permit approved by the Virginia Department of Mines, Minerals and Energy, Division of Mineral Mining under provisions and requirements of Title 45.1 of the Code of Virginia. Owners of mineral mines in bordering states with discharges in Virginia must provide documentation that they have a mining permit from the appropriate state authority. Mineral mines owned and operated by governmental bodies not subject to the provisions and requirement of Title 45.1 are exempt from this requirement.

Coverage under this general permit will not be issued for any new or increased discharge that will result a violation of the board's antidegradation policy contained in the Virginia Water Quality Standards at 9VAC25-260-30 or to a facility where the discharge is not consistent with the assumptions and requirements of an approved TMDL for the receiving stream. Coverage under the general permit is also not available to owners that discharge to state waters that are specifically named in other board regulations that prohibit such discharges (e.g., exceptional or tier 3 waters).

Consistent with U.S. EPA regulations, DEQ is in the process of implementing electronic reporting requirements (see generally, 9VAC25-31-1020). As electronic reporting is

implemented, these requirements are expected to affect the process and potentially some requirements for the submittal of registration statements, notices of termination, discharge monitoring reports, and select other reports. For this general permit, start dates for any electronic reporting requirements will be provided in a schedule approved by the department, along with additional information as deemed appropriate.

# **ATTACHMENT C**

## **Registration Statement and Instructions**

**Virginia Pollutant Discharge Elimination System (VPDES)  
General Permit for Nonmetallic Mineral Mining (VAG84)  
Registration Statement**

(Please Type or Print All Information)

**1. Facility Information:**

Facility Name:				
Facility Mailing Address:	(street)			
	(city)	(state)	(zip)	(phone)
	(county)			
Facility Location (if different than mailing address):	(street or location)			
	(city)	(state)	(zip)	(phone)
	Facility Local Contact:		(title)	
(phone)		(email)		

**2. Owner Information (the entity responsible for permit coverage):**

Owner Name:				
Owner Mailing Address:	(street)			
	(city)	(state)	(zip)	(phone)
	Owner Contact:		(title)	
(phone)		(email)		

**3. Description of mining activity (mineral mined):**

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**4. Existing VPDES permits assigned to facility (permit numbers):**

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**5. For a new facility, a facility previously covered by an expiring individual permit, or an existing facility not currently covered by a VPDES permit, has a Stormwater Pollution Prevention Plan (SWPPP) been prepared?**

Yes  No  (see instructions)

**6. Does the facility discharge to a Municipal Separate Storm Sewer System (MS4)?**

Yes  No  If yes, the facility owner must notify the owner of the MS4 of the existence of the discharge information at the time of registration under this permit and include that notification with this registration statement. The notice shall include the following information: the name of the facility, a contact person and contact information (e.g., telephone number), the location of the discharge, the nature of the discharge, and the facility's VPDES general permit number, if available.

**7. Is the process wastewater system designed to operate as "no discharge"?**

Yes  No  (see instructions)

**8. Stormwater:**

- a. Indicate which exclusively stormwater outfalls (if any) will be representative outfalls that require a Discharge Monitoring Report (DMR).

- b. For stormwater outfalls that are to be represented by other outfall discharges, attach a description of the activities associated with those outfalls and explain why they are substantially the same as the representative outfall to be sampled.
- c. Does the stormwater discharge from a stormwater management structure?

Yes  No

**9. Provide a description of facility wastewater treatment or reuse/ recycle systems, or both:**

- 10. List any treatment chemicals added to wastewater or stormwater and that could be discharged. For these chemicals, provide with this registration statement Safety Data Sheets (SDS), the maximum proposed dosing rates and a demonstration that the application or use will not result in aquatic toxicity:**

**11. List co-located facilities (see instructions):**

**12. Is this a hazardous waste treatment, storage, or disposal facility?**

Yes  No

- 13. Attach to this registration statement a schematic drawing showing the sources of water used for production, the industrial operations contributing to or using water, and the conceptual design of the methods of treatment and disposal of wastewater and solids.**

- 14. Attach to this registration statement an aerial photo or scale map which clearly shows the property boundaries, plant site, drainage areas associated with each outfall, locations of all mine pit dewatering, existing, significant sources of materials exposed to precipitation, stormwater management structures (if any), stormwater or process wastewater outfalls listed in item 16 and the receiving streams.**

- 15. Provide Virginia Department of Mines, Minerals and Energy (DMME) mining permit number. Attach to this registration statement evidence that the operation to be covered by this general permit has a mining permit that has been approved by the Virginia DMME, Division of Mineral Mining (or associated waived program) under the provisions and requirements of Title 45.1 of the Code of Virginia.**

(Mining permit no.)

**16. Outfall Information:**

Outfall Number	Outfall Type (see note 1)	Source of Discharge (see note 2)	SIC Code (up to 2 per outfall) (see note 3)	Discharge to MS4 (Yes/No) & MS4 System Name (if outfall discharges to MS4)	Receiving Stream	Latitude (deg-min-sec) (see note 4)	Longitude (deg-min-sec) (see note 4)

Notes:

1. Outfall Type - list as (1) process wastewater, (2) stormwater, or (3) process water commingled with stormwater.
2. Source of Discharge (If the outfall has a combination of these sources, list all that apply): (1) mine pit dewatering, (2) stormwater associated with industrial activity, (3) stormwater not associated with industrial activity, (4) ground water infiltration, (5) wastewater from vehicle or equipment degreasing activities, (6) vehicle washing, (7) mined material washing, (8) return water from operations where mined material is dredged, (9) noncontact cooling water, (10) miscellaneous plant cleanup wastewater, (11) co-located facility discharges (identify the co-located facility), (12) emergency outfall for process water systems designed as "no discharge" or (13) other discharges not listed here (describe).
3. Identify up to two four-digit Standard Industrial Classification (SIC) Codes that best represent the principal products or services rendered by the facility and major co-located activities
4. Latitude and longitude information may be obtained from DEQ's Virginia Environmental Geographic Information System (VEGIS) at the following: <https://www.deq.virginia.gov/ConnectWithDEQ/VEGIS.aspx>

**17. Provide the State Corporation Commission (SCC) entity identification number, if the owner is required to obtain an entity identification number by law. If not applicable to the owner, please indicate "NA" as your answer.**

**18. Electronic Transmittal of Permit Coverage:**

Indicate if DEQ may transmit the permit coverage documents electronically.

Yes  No

If "Yes" provide email:

**19. 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."

Print Name		Title:	
Signature:		Date:	

## **INSTRUCTION FOR COMPLETING THE REGISTRATION STATEMENT FOR THE VPDES GENERAL PERMIT FOR NONMETALLIC MINERAL MINING FACILITIES (VAG84)**

### **WHO MUST FILE THE REGISTRATION STATEMENT**

This registration statement must be completed and submitted by any Nonmetallic Mineral Mining facility requesting coverage under the above general permit for process wastewater discharges and/or regulated stormwater discharges.

### **WHERE TO FILE THE REGISTRATION STATEMENT**

The completed registration statement with signature should be sent to the Department of Environmental Quality Regional Office for your area. You may sign, scan and email the registration statement to the regional office but you must then maintain the original signed document for verification if needed. The fee form and your check for \$600 (made out to "Treasurer of Virginia") should be mailed to DEQ Receipts Control, P.O. Box 1104, Richmond, VA 23218. The Regional Office for your area depends on the county in which the discharge is located. Regional office addresses can be obtained from our website at <http://www.deq.virginia.gov/Locations.aspx>, or by calling the DEQ at (804) 698-4000. The fee form is available on DEQ's web site at <http://www.deq.virginia.gov/Programs/Water/PermittingCompliance/PollutionDischargeElimination/PermitsFees.aspx>.

### **COMPLETENESS**

In order for your application to be deemed complete and permit processing to proceed, all items must be completed as applicable. Attach extra sheets of paper if you need more space than the form allows.

### **ANTIDegradation Requirements**

Coverage under this general permit will not be granted unless the facility's process wastewater and stormwater discharges comply with Virginia's Antidegradation Policy under 9VAC25-260-30 of the Water Quality Standards. An individual permit application may be required to allow a proposed discharge to High Quality Waters (see 9VAC25-260-30 A 2), or permit coverage may be denied for a proposed discharge to Exceptional Waters (see 9VAC25-260-30 A 3). The Department will notify you if your discharges will not comply with the antidegradation requirements.

### **DEFINITIONS**

SIC Code mean the "Standard Industrial Classification" code listed in the Federal Office of Management and Budget (OMB) SIC Manual, 1987. SIC codes are used as identifiers of industries with certain characteristics (see <http://www.osha.gov/pls/imis/sicsearch.html>).

Stormwater means stormwater run-off, snowmelt run-off, and surface run-off and drainage.

Process Wastewater means any wastewater used in the slurry transport of mined material, air emissions control, or processing exclusive of mining, and any other water that becomes commingled with such wastewater in a pit, pond, lagoon, mine, or other facility used for treatment of such wastewater. It includes mine pit dewatering, water used in the process of washing stone, noncontact cooling water, wastewater from vehicle or equipment degreasing activities, vehicle washing and return water from operations where mined material is dredged and miscellaneous plant cleanup wastewaters.

### **SECTION-BY-SECTION INSTRUCTIONS**

#### ***Section 1 Facility Information***

Facility Name: Provide the name of the nonmetallic mineral mining facility.

Facility Mailing Address: Provide the mailing address of the facility.

Facility Location (if different than mailing address): Provide the location of the facility ('911' street address).

Facility Local Contact: Provide the name and title of the contact for the facility and with whom day-to-day business will be conducted, email, and phone number.

#### ***Section 2 Owner Information***

Owner Name: Provide the name of the person, partnership, LLC, corporation or other legal entity that owns the business.

Owner Mailing Address: Provide the complete mailing address and phone number for the legal entity that owns the business.

Owner Contact: Provide the name and title of the contact who represents the legal entity that owns the business, email, and phone number.

#### ***Section 3 Nature of the Business***

Provide a brief description of the mining activity (mineral mined) conducted at the facility that is to be covered under this general permit.

#### ***Section 4 Existing VPDES Permits***

List the permit number(s) of any existing VPDES permits issued to the facility.

#### ***Section 5 Stormwater Pollution Prevention Plan (SWPPP)***

If this is a new facility, a facility previously covered by an expiring individual permit, or an existing facility not currently covered by a VPDES permit, indicate whether a SWPPP has been prepared.

Owners of new facilities, facilities previously covered by an expiring individual permit, or an existing facility not currently covered by a VPDES permit who are applying for coverage under this general permit must prepare and implement a written SWPPP for the facility in accordance with the general permit requirements (see 9VAC25-190-70 et seq.) prior to submitting the Registration Statement. Stormwater pollution prevention plans (SWPPP) do not need to be submitted with this registration; however, such plans must be made available to the department upon request.



Existing facilities that were covered under the 2014 Nonmetallic Mineral Mining General Permit shall update and implement the SWPPP consistent with the 2019 Nonmetallic Mineral Mining General Permit within 60 days of the board granting coverage under this permit. Such facilities do not need to check either box in Section 5. SWPPPs being implemented based on the 2014 Nonmetallic Mineral Mining GP shall continue to be implemented until a revised plan is developed and implemented.

#### **Section 6 Discharges to a Municipal Separate Storm Sewer System (MS4)**

Indicate if the discharge is into an MS4. Generally, MS4s are a conveyance or system of conveyances (including roads with drainage systems (roadside ditches), municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains: (i) owned or operated by a state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity. Note that VDOT roadside ditches and drainage-ways are MS4s. MS4s eventually discharge to surface waters of the state and are designed or used for collecting or conveying stormwater. They are not part of a combined sewer (stormwater and sewage) and are not part of a Publicly Owned Treatment Works (POTW) (sanitary sewer). A list of MS4 owners are on the DEQ [MS4 web site](#). Generally, if you are within the boundaries of the locality or entity listed, you are in the MS4 area but that does not necessarily mean you discharge to the MS4. For example, if the discharge is to a stream that does not go through the MS4 conveyance (street, catch basin, curb, gutter, etc.) you do not have to notify the MS4 owner.

If you do discharge into an MS4, you must notify the MS4 owner in writing of the existence of your discharge and include that notification with this registration statement. The notification to the MS4 owner shall include the name of your facility, a contact person, contact information, the location of the discharge, the nature of the discharge and your VPDES general permit registration number if already assigned by DEQ. This may be a copy of a letter or email. No response from the MS4 owner is required.

#### **Section 7 Process Wastewater System Designed as “No Discharge”**

Indicate whether the process wastewater system is designed to operate as a “no discharge” system per section I B 15 of this general permit.

Process water systems designed to operate as “no discharge” are not to discharge 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 must report an unusual or extraordinary discharge per Part III H of the 2019 Nonmetallic Mineral Mining General Permit. No sampling or DMR is required for these discharges because they are considered to be discharging in emergency discharge conditions. These discharges cannot contravene the Water Quality Standards (9VAC25-260), or any provision of the State Water Control Law. Any other discharge from this type of system is prohibited and must be reported as an unauthorized discharge per Part III G of the general permit. If you prefer to turn in DMRs for process water systems designed as “no discharge” answer the question “no” and you will receive a DMR with process water limits and quarterly reporting (the DMRs may say “no discharge” but they must still be submitted quarterly).

#### **Section 8 Stormwater**

- a. Indicate which, if any, exclusively stormwater outfalls will be representative outfalls that require a Discharge Monitoring Report (DMR) for the outfall to be sampled that represents one or more substantially identical outfalls.
- b. For stormwater outfalls which are to be represented by other outfall discharges, identify the outfalls and attach a description of the activities associated with those outfalls and explain why they are substantially the same as the representative outfall to be sampled. The explanation must include a description of the industrial activity, significant materials, frequency of discharges, and management practices and activities within the area drained by the outfalls.
- c. Indicate whether the stormwater discharge is from a stormwater management structure (e.g., a series of large settling sedimentation basins). If you answer yes, the sample collection must be representative of the stormwater that is discharged from the structure. This means that the samples do not necessarily have to follow the last storm event by 72 hours or be taken during the first 30 minutes (or three hours if 30 minutes is impracticable) of discharge

#### **Section 9 Description of Wastewater Treatment or Reuse/ Recycle Systems (or both if applicable)**

Provide a description of the type(s) of wastewater treatment employed, including reuse/recycle system(s).

#### **Section 10 Treatment Chemicals Added to Wastewater or Stormwater**

List all treatment chemicals that are currently used or anticipated to be used within the life of the permit term on the registration statement. These chemicals include those added to wastewater or stormwater and that could be discharged. Include Safety Data Sheets (SDS) for treatment chemicals added to wastewater or stormwater, the maximum proposed dosing rates, and a demonstration that the application or use will not result in aquatic toxicity (e.g., a description of when, where, and how the chemical will be used; the manufacturer’s specification regarding the use or recommended concentration of the chemical; and calculations of the maximum concentration expected in the effluent or other documentation showing that the maximum concentration expected in the effluent is not expected to adversely affect aquatic life). The use of any chemical additives without prior approval is prohibited under this general permit. Prior approval shall be obtained from the DEQ before any changes are made to the chemical usage.

#### **Section 11 Co-Located Facilities**

List any co-located facilities. Secondary industrial activity co-located on site is also covered as long as the secondary activity has wastewater characteristics similar to those of the mineral mine and is located within the permitted mining area. Secondary activities commonly found at mining include manufacturing of ready-mix concrete, concrete products, and asphalt paving materials, except asphalt emulsion manufacturing. Such activities do not include industrial activities that are specifically excluded from this permit.

### **Section 12 Hazardous Waste TSD**

Indicate whether the facility is a hazardous waste treatment, storage or disposal facility.

### **Section 13 Schematic Drawing**

Attach to this registration statement a schematic drawing showing the source(s) of water used for production, the industrial operations contributing to or using water, and the conceptual design of the methods of treatment and disposal of wastewater and solid materials (such as solids from the settling basins and waste concrete materials). If a liner is installed in the settling basin(s), the drawing should reflect its specifications.

### **Section 14 Required Maps**

Attach to this registration statement an aerial photo or scale map which clearly shows the property boundaries, plant site, drainage areas associated with each outfall, locations of all mine pit dewatering, existing, significant sources of materials exposed to precipitation, stormwater or process wastewater outfalls, stormwater management structures (if any) and the receiving streams.

### **Section 15 Evidence of Department of Miners, Minerals and Energy Permit**

Provide the mining permit number and attach evidence (e.g., DMME permit cover page) that the operation to be covered by this general permit has a mining permit which has been approved by the Virginia Department of Mines, Minerals and Energy, Division of Mineral Mining (or associated waived program) under the provisions and requirements of Title 45.1 of the Code of Virginia. Mineral mines owned and operated by governmental bodies not subject to the provisions and requirements of Title 45.1 of the Code of Virginia are exempt from this requirement.

### **Section 16 Outfall Information**

**All outfall information in the Table in Section 16 must be completed for each facility outfall.**

- Outfall number - Outfalls shall be numbered using a unique numerical identification code (numbers only, no letters) for each outfall. For example, Outfall Number 001, Outfall Number 002, etc.
- Outfall type - List as either: (1) process wastewater, (2) stormwater, or (3) process water commingled with stormwater.
- Source of discharge - List as any one or combination of the following: (1) mine pit dewatering, (2) stormwater associated with industrial activity, (3) stormwater not associated with industrial activity, (4) ground water infiltration, (5) wastewater from vehicle or equipment degreasing activities, (6) vehicle washing, (7) mined material washing, (8) return water from operations where mined material is dredged, (9) noncontact cooling water, (10) miscellaneous plant cleanup wastewater, (11) co-located facility discharges (identify the co-located facility), (12) ) emergency outfall for process water systems designed as “no discharge” or (13) other discharges not listed here (describe). If the outfall has a combination of these sources, list all that apply.
- SIC Codes - Identify up to two four-digit Standard Industrial Classification (SIC) codes that best represent the principal products or services rendered by the facility and major co-located industrial activities.
  - Provide the primary and (if applicable) secondary SIC Codes. This permit covers discharges of process wastewater as well as stormwater associated with industrial activity from active and inactive mineral mines classified nonmetallic mineral mining facilities under SIC codes 1411, 1422, 1423, 1429, 1442, 1455, 1459 excluding bentonite and magnesite mines, 1475, and 1499 excluding gypsum, graphite, asbestos, diatomite, jade, novaculite, wollastonite, tripoli or asphaltic mineral.
  - Secondary industrial activities co-located on site are also covered as long as the secondary activity has wastewater characteristics similar to those of the mineral mine and is located within the permitted mining area. These secondary activities commonly found at such mines include manufacturing of ready-mix concrete (SIC Code 3273), concrete products (SIC Codes 3271 and 3272), and asphalt paving materials (SIC Code 2951) except asphalt emulsion manufacturing. Secondary activities do not include industrial activity that is specifically excluded from this permit.
- Indicate if each outfall discharges to a MS4 conveyance and, if yes, provide the MS4 system name.
- List the receiving water body name receiving a stormwater discharge from each outfall (not required if discharge is to an MS4).
- Provide the latitude of each outfall.
- Provide the longitude of each outfall.

Latitude and longitude information may be obtained from DEQ's Virginia Environmental Geographic Information System (VEGIS) at the following: <https://geohub-vadeq.hub.arcgis.com/>

### **Section 17 State Corporation Commission**

Provide the [State Corporation Commission entity identification number](#) if the facility is required to obtain an entity identification number by law. If this is not applicable to the owner, please indicate “NA” as your answer.

### **Section 18 Electronic Transmittal of Permit Coverage**

Please indicate whether the Department of Environmental Quality (DEQ) may transmit permit coverage and related permit documents via email. If "yes," provide instructions as to who should receive it (e.g., send to emails provided in Part I - Applicant Information, send to facility contact, send to owner, or provide an email, etc...).

### **Section 19 Signature and Certification**

State statutes provide for severe penalties for submitting false information on this Registration Statement. State regulations require this Registration Statement to be signed as follows:

- For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (2) the manager of one or more manufacturing, production, or operating facilities provided the manager is authorized to make management decisions which 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 application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; ***[Note: if the title of the individual signing this form is "Plant Manager", submit a written verification that the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures]***;
- For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipality, state, Federal, or other public facility: by a principal executive officer or ranking elected official.

# **ATTACHMENT D**

## **General VPDES Permit Pages**



# *COMMONWEALTH of VIRGINIA*

## *DEPARTMENT OF ENVIRONMENTAL QUALITY*

General Permit No.: VAG84  
Effective date: July 1, 2019  
Expiration date: June 30, 2024

### GENERAL PERMIT FOR NONMETALLIC MINERAL MINING

#### 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 to it, owners of nonmetallic mineral mines 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. 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 and commingled stormwater associated with industrial activity from outfalls.

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

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

NL = No Limitation, monitoring required

NA = Not Applicable

<sup>(1)</sup>1/3 Months equals the following three-month periods each year of permit coverage: January through March, April through June, July through September, and October through December. Discharge Monitoring Reports (DMRs) of quarterly monitoring shall be submitted to the DEQ regional office no later than the 10th day of April, July, October, and January.

<sup>(2)</sup>Where the Water Quality Standards (9VAC25-260) establish alternate standards for pH, those standards shall be the minimum and maximum pH effluent limits.

2. During the period beginning with the permittee's coverage under the 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 wastewaters prior to discharge from outfalls.

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

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS	
	Monthly Average	Daily Minimum	Daily Maximum	Frequency <sup>(1)</sup>	Sample Type
Flow (MG)	NA	NA	NL	1/Year	Estimate <sup>(2)</sup>
Total Suspended Solids (mg/l)	NA	NA	NL <sup>(3)</sup>	1/Year	Grab
pH (standard units)	NA	NL	NL	1/Year	Grab

NL = No Limitation, monitoring required

NA = Not applicable

<sup>(1)</sup>Discharge Monitoring Reports (DMRs) of yearly monitoring (January 1 to December 31) shall be submitted to the DEQ regional office no later than the 10th day of January.

<sup>(2)</sup> Estimate of the total volume of the discharge during the storm event.

<sup>(3)</sup> Permittees shall review the results of the TSS monitoring required by Part I A 2 a to determine if changes to the stormwater pollution prevention plan (SWPPP) may be necessary. If the TSS monitoring results are greater than the evaluation value of 100 mg/l, then the permittee shall perform a routine facility inspection within five days of becoming aware of the exceedance and maintain documentation as described in Part II H 3 d for that outfall. Any deficiencies noted during the inspection shall be corrected within 60 days of being identified.

b. The permittee shall conduct calendar quarterly visual monitoring of stormwater discharges associated with industrial activity. The monitoring shall include examination of stormwater samples representative of storm event discharges from the facility and observation of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution. Documentation of visual monitoring of stormwater shall be maintained onsite in the SWPPP and include the examination date and time, examination personnel, outfall location, the nature of the discharge (i.e., runoff or snowmelt), visual quality of the stormwater discharge and probable sources of any observed stormwater contamination. Part II A regarding monitoring instructions, Part II B regarding representative outfalls, and Part II C regarding sampling waivers shall apply to the taking of samples for visual monitoring except that the documentation required by these sections shall be retained with the SWPPP rather than submitted to the department. Calendar quarters equal the following three-month periods each year of permit coverage: January through March, April through June, July through September, and October through December.

**B. Special conditions.**

1. Vehicles and equipment utilized during the industrial activity on a site must be operated and maintained in such a manner as to prevent the potential or actual point source pollution of the surface or groundwaters of the state. 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 groundwaters 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 groundwaters of the state.
2. No sewage shall be discharged from this mineral mining activity except under the provisions of another VPDES permit specifically issued for that purpose.
3. There shall be no chemicals added to the discharge, other than those listed on the owner's approved registration statement, unless prior approval of the chemical is granted by the board.
4. The permittee shall submit a new registration statement if the mining permit approved by the Division of Mineral Mining (or associated waived program, or bordering state mine authority) is modified or reissued in any way that would affect the outfall location or the characteristics of a discharge covered by this general permit. Government owned and operated mines without mining permits shall submit the registration statement whenever outfall location or characteristics are altered. The new registration statement shall be filed within 30 days of the outfall relocation or change in the characteristics of the discharge.
5. The permittee shall notify the department as soon as they know or have 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.
  - b. That any activity has occurred or will occur that would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant that 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.
6. Any and all 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, by-product, or wastes shall be handled, disposed of, or stored in such a manner and consistent with best management practices, so as not to permit a discharge of such product, materials, industrial wastes, or other wastes to state waters, except as expressly authorized.
7. There shall be no discharge of process wastewater pollutants from colocated asphalt paving materials operations. For the purposes of this special condition, process wastewater pollutants are any pollutants present in water used in asphalt paving materials manufacturing that come



into direct contact with any raw materials, intermediate product, by-product or product related to the asphalt paving materials manufacturing process.

8. Process water may be used on site for the purpose of dust suppression. Dust suppression shall be carried out as a best management practice but not as a wastewater disposal method provided that ponding or direct runoff from the site does not occur during or immediately following its application. Dust suppression shall not occur during a storm event that results in an actual discharge from the site.

9. Process water from mine dewatering may be provided to local property owners for beneficial agricultural use.

10. There shall be no:

- a. Discharge of floating solids or visible foam in other than trace amounts from process water discharges;
- b. Solids deposition to surface water as a result of a discharge associated with industrial activity; or
- c. Oil sheen resulting from petroleum products discharged to surface water as a result of the industrial activity.

11. 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.

12. Discharges to waters subject to TMDL wasteload allocations. Owners of facilities that are a source of the specified pollutant of concern to waters for which a total maximum daily load (TMDL) wasteload allocation has been approved prior to the term of this permit shall incorporate measures and controls into the SWPPP required by Part II that are consistent with the assumptions and requirements of the TMDL. The department will provide written notification to the owner that a facility is subject to the TMDL requirements. If the TMDL establishes a numeric wasteload allocation that applies to discharges from the facility, the owner shall perform any required monitoring in accordance with Part I A and implement measures necessary to meet that allocation.

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

14. Inactive and unstaffed facilities (including temporarily inactive and unstaffed facilities).

a. A waiver of the process and stormwater monitoring and routine inspections may be exercised by the board at a facility that is both inactive and unstaffed as long as the facility remains inactive and unstaffed. Such a facility is required to conduct an annual site inspection in accordance with the requirements in Part II H 3 d. No DMR reports will be required to be submitted when a facility is approved as inactive and unstaffed.

b. An inactive and unstaffed sites waiver request shall be submitted to the board for approval and shall include the name of the facility; the facility's VPDES general permit registration number; a contact person, phone number, and email address (if available); the reason for the request; and the date the facility became or will become inactive and unstaffed. The waiver request shall be signed and certified in accordance with Part III K. If this waiver is granted, a copy of the request and the board's written approval of the waiver shall be maintained with the SWPPP.

c. To reactivate the site the permittee shall notify the department within 30 days or an alternate timeframe if written approval is received in advance from the board, and all process and stormwater monitoring and routine inspections shall be resumed 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.

d. The board retains the authority to revoke this waiver when it is determined that the discharge causes, has a reasonable potential to cause, or contributes to a water quality standards violation.

15. Process wastewater systems 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. These discharges 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. 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.

16. Best management practices for blasting. The permittee shall utilize best management practices to ensure that contaminants do not enter surface water as a result of blasting at the site.

17. Notice of termination.

a. The owner may terminate coverage under this general permit by filing a complete notice of termination. 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 a VPDES individual 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, and there are no longer discharges from the facility;

(c) A statement indicating that all discharges have been covered by a VPDES individual 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 wastewater 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 nonmetallic mineral mining wastewater 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 submitted to the DEQ regional office serving the area where the facility discharge is located and signed in accordance with Part III K.

## 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. In the case of snowmelt or a discharge from a stormwater management structure, a representative sample shall be taken at the time the discharge occurs.

b. For all other types of stormwater discharges, a minimum of one grab sample shall be taken resulting from a storm event that results in a 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 discharge monitoring report (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 DMR why a grab sample during the first 30 minutes was impracticable and maintains that documentation with the SWPPP.

B. Representative outfalls. If a facility has two or more exclusively stormwater outfalls that discharge substantially identical effluents, based on similarity of industrial activity, significant materials, frequency of discharges, and management practices and activities within the area drained by the outfalls, then the permittee may submit information with the registration statement substantiating the request for only one DMR to be issued for the outfall to be sampled that represents one or more substantially identical outfalls. The permittee shall document representative outfalls in the SWPPP and list on the DMR of the outfall to be sampled all outfall locations that are represented by the discharge. The representative outfall monitoring provisions apply to Part I A 2 a monitoring and quarterly visual monitoring.

The permittee must include the following information in the SWPPP:

1. The locations of the outfalls; and
2. An evaluation, including available monitoring data, indicating why the outfalls are expected to discharge substantially identical effluents.

C. Sampling waivers. When a permittee is unable to conduct quarterly stormwater monitoring required under Part I A 2 b within the specified sampling period due to no measurable storm event or adverse weather conditions, documentation shall be submitted explaining the permittee's inability to conduct the stormwater monitoring. The documentation must include the dates and times that the outfalls were viewed and sampling was attempted. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.). Acceptable documentation includes National Climatic Data Center weather station data, local weather station data, facility rainfall logs, and other appropriate supporting data. All documentation shall also be maintained with the SWPPP. This waiver is not applicable to annual monitoring required under Part I A 2 a.

D. Stormwater pollution prevention plans (SWPPP). An SWPPP shall be developed and implemented for the facility. The plan 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 all 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 mine drainage plan as required by the Virginia Division of Mineral Mining, a spill prevention control and countermeasure (SPCC) plan developed for the facility under § 311 of the federal 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 H (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 of the required elements of Part II H, the permittee must develop the missing SWPPP elements and include them in the required SWPPP.

E. Deadlines for SWPPP preparation and compliance.

1. Owners of existing facilities that were covered under the 2014 Nonmetallic Mineral Mining General Permit that 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.
2. Owners of new facilities, facilities previously covered by an expiring individual permit, and existing facilities not currently covered by a VPDES permit that elect to be covered under this general permit shall prepare and implement the SWPPP prior to submitting the registration statement.
3. 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 ownership change.
4. Upon a showing of good cause, the director may establish a later date in writing for the preparation and compliance with the SWPPP.

F. Signature and SWPPP review.

1. The SWPPP shall be signed in accordance with Part III K (signatory requirements), and be retained on site at the facility covered by this permit in accordance with Part III B (records) of this permit. When there are no on-site buildings or offices in which to store the plan, it shall be kept at the nearest company office.
2. The permittee shall make the SWPPP, routine inspection documentation, or other information available to the department upon request.
3. The director, or an authorized representative, may notify the permittee 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, or an authorized representative, the permittee shall make the required changes to the plan and shall submit to the department a written certification that the requested changes have been made.

G. Maintaining an updated SWPPP. The permittee shall review and amend the SWPPP as appropriate whenever:

1. 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;
2. Routine inspections determine that there are deficiencies in the BMPs;
3. Inspections by local, state, or federal officials determine that modifications to the SWPPP are necessary;
4. There is a spill, leak, or other release at the facility; or
5. There is an unauthorized discharge from the facility.

SWPPP modifications shall be made within 60 calendar days after discovery, observation, or an event requiring an SWPPP modification. Implementation of new or modified BMPs (distinct from regular preventive maintenance of existing BMPs described in Part II H 3 b (preventative maintenance) 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.

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.

H. Contents of SWPPP. The SWPPP shall include, at a minimum, the following items:

1. Pollution prevention team. Each plan shall identify the staff individuals by name or title who 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.

2. Summary of potential pollutant sources. The SWPPP shall identify where industrial materials or activities at the facility are exposed to stormwater. The description shall include:

a. Site map. The site map shall document:

(1) An outline of the drainage area of each stormwater outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in stormwater runoff, surface water bodies, locations where materials are exposed to precipitation, locations where major spills or leaks identified under Part II H 2 c (spills and leaks) of this permit have occurred, and the locations of the following activities where such activities are exposed to precipitation: fueling stations, vehicle or equipment degreasing, cleaning areas, loading or unloading, locations used for the treatment, storage or disposal of wastes and wastewaters, liquid storage tanks, processing areas, and storage areas. The map must indicate all outfall locations. The types of discharges contained in the drainage areas of the outfalls must be indicated either on the map or in an attached narrative.

(2) For each area of the facility that generates stormwater discharges associated with industrial activity, 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 significant spills or leaks of toxic or hazardous pollutants. Flows with a potential for causing erosion shall be identified.

b. Inventory of exposed materials. A list of the industrial materials or activities, including material handling equipment or activities, industrial machinery, raw materials, industrial production and processes, intermediate products, by-products, final products, and waste products. Material handling activities include to the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product, or waste product.

c. 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.

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

3. Stormwater controls. Control measures shall be implemented for all areas identified in Part II H 2 b (inventory of exposed materials) 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. The BMPs shall also address the following minimum components, including a schedule for implementing such controls:

a. Good housekeeping. Good housekeeping requires the clean and orderly maintenance of areas that may contribute pollutants to stormwater discharges. The SWPPP shall describe procedures performed to minimize contact of materials with stormwater runoff. 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, loading or unloading areas, and vehicle entrance and exits. The permittee shall keep clean all exposed areas of the facility that are potential sources of pollutants in stormwater. The permittee shall sweep or vacuum paved surfaces of the site that are exposed to stormwater at regular intervals or use other equivalent measures to minimize the potential discharge of these materials in stormwater. Indicate in the SWPPP the frequency of sweeping, vacuuming, or other equivalent measures.

b. 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. All BMPs identified in the SWPPP shall be maintained in effective operating condition. The SWPPP shall include a description of procedures and a regular schedule for preventive maintenance and observation of all BMPs and shall include a description of the back-up practices that are in place should a run-off event occur while a BMP is off line or not operating effectively. The effectiveness of nonstructural BMPs shall also be maintained by appropriate means (e.g., spill response supplies available and personnel trained). If site inspections required by Part II H 3 d (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. 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, dates for repairs, dates that the BMPs returned to full function, and the justification for an extended maintenance or repair schedules. The maintenance program shall require periodic removal of debris from discharge diversions and conveyance systems. Permittees using settling basins to control their effluents must provide maintenance schedules for such basins in the SWPPP.

c. Spill prevention and response procedures. The SWPPP shall describe the procedures that will be followed for preventing and responding to spills and leaks, including barriers between material storage and traffic areas, secondary containment provisions, procedures for material storage and handling, response procedures for notification of appropriate facility personnel, emergency agencies, and regulatory agencies and 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. 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.

d. Routine facility inspections.

(1) Personnel who are familiar with the mining activity, the best management practices, and the SWPPP shall be identified to conduct routine facility inspections. Such inspections must include all areas where industrial materials or activities are exposed to stormwater as identified in Part II H 2 b (inventory of exposed materials), including material storage and handling areas, areas where aggregate is stockpiled outdoors, liquid storage tanks, hoppers or silos, material handling vehicles, equipment, and processing areas; off-site tracking of industrial or waste materials or sediment where vehicles enter or exit the site; vehicle and equipment maintenance areas and cleaning and fueling areas; best management practices; and discharge points.

(2) The inspection frequency shall be specified in the SWPPP based upon a consideration of the level of industrial activity at the facility, but shall be a minimum of quarterly. Inspections of best management practices shall include inspection of stormwater discharge diversions, conveyance systems, sediment control and collection systems, containment structures, vegetation, serrated slopes, and benched slopes to determine their adequacy and effectiveness, the integrity of control structures, if soil erosion has occurred, or if there is evidence of actual or potential discharge of contaminated stormwater.

(3) Site inspection and best management practices inspection results must be documented and maintained on-site with the SWPPP.

(4) A set of tracking or followup procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Such actions must include updating pollution sources, updating pollution prevention measures and controls, and updating the SWPPP as appropriate based on information developed during the inspections.

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

e. Employee training. Employee training shall be conducted at least annually at active mining sites and at those temporarily inactive sites that are staffed. Employee training programs shall inform personnel responsible for implementing activities identified in the SWPPP or otherwise responsible for stormwater management at all levels of responsibility of the components and goals of the stormwater pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. All employee training shall be documented in the SWPPP.

f. Recordkeeping and internal reporting procedures. A description of incidents such as spills, or other discharges, along with other information describing the quality and quantity of stormwater discharges shall be included in the SWPPP required under this part. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the SWPPP. Ineffective best management practices must be recorded and the date of their corrective action noted in the SWPPP.

g. Sediment and erosion control. The plan shall identify areas that, due to topography, land disturbance (e.g., construction, landscaping, site 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.

h. Management of runoff. The SWPPP shall describe the stormwater runoff 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, and wet detention or retention devices.

I. Authorized nonstormwater discharges. The following nonstormwater discharges are authorized by this permit:



1. Discharges from emergency firefighting activities;
2. Fire hydrant flushing, managed in a manner to avoid an instream impact;
3. Potable water, including water line flushing, managed in a manner to avoid instream impact;
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 fertilizers have been applied in accordance with approved labeling;
7. Routine external building washdown that does not use detergents or hazardous cleaning products;
8. 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 in a manner to avoid instream impacts;
9. Uncontaminated groundwater 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).

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 records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the registration statement for this permit, for a period of at least three years from the date of the sample, measurement, report or request for coverage. 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, or 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 (unauthorized discharges); 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 (see NOTE in Part III I), in no case later than 24 hours, the department after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse effects on aquatic life and the known number of fish killed. The 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 2. 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 Parts III I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part III I 2.

NOTE: The immediate (within 24 hours) reports required in Part III G, H and I may be made to the department's regional office. Reports may be made 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.

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 the federal Clean Water Act that are applicable to such source; or
    - (2) After proposal of standards of performance in accordance with § 306 of the federal 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 statement. All registration statements shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purposes of this section, a responsible corporate officer means: (i) a 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 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 federal 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 federal Clean Water Act. Permit noncompliance is grounds for enforcement action, for permit coverage termination, or for denial of permit coverage.

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 registration statement 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 registration statements 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 laws 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 federal 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 ensure efficient operation. These bypasses are not subject to the provisions of Parts 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 (reports of noncompliance).

#### 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 cause 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 an authorized representative, 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 ensuring permit compliance or as otherwise authorized by the federal 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 modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permit coverage.

1. Permit coverage is 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 at least 30 days in advance of the proposed transfer of the title to the facility or property unless permission for a later date has been granted by the department;
  - 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 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.



# *COMMONWEALTH of VIRGINIA*

## *DEPARTMENT OF ENVIRONMENTAL QUALITY*

General Permit No.: VAG84  
Effective date: July 1, 2019  
Expiration date: June 30, 2024

### GENERAL PERMIT FOR NONMETALLIC MINERAL MINING

#### 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 to it, owners of nonmetallic mineral mines 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. [Deleted. Does not apply when only stormwater discharges].
2. During the period beginning with the permittee's coverage under the 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 wastewaters prior to discharge from outfalls.

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

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS	
	Monthly Average	Daily Minimum	Daily Maximum	Frequency <sup>(1)</sup>	Sample Type
Flow (MG)	NA	NA	NL	1/Year	Estimate <sup>(2)</sup>
Total Suspended Solids (mg/l)	NA	NA	NL <sup>(3)</sup>	1/Year	Grab
pH (standard units)	NA	NL	NL	1/Year	Grab

NL = No Limitation, monitoring required

NA = Not applicable

<sup>(1)</sup> Discharge Monitoring Reports (DMRs) of yearly monitoring (January 1 to December 31) shall be submitted to the DEQ regional office no later than the 10th day of January.

<sup>(2)</sup> Estimate of the total volume of the discharge during the storm event.

<sup>(3)</sup> Permittees shall review the results of the TSS monitoring required by Part I A 2 a to determine if changes to the stormwater pollution prevention plan (SWPPP) may be necessary. If the TSS monitoring results are greater than the evaluation value of 100 mg/l, then the permittee shall perform a routine facility inspection within five days of becoming aware of the exceedance and maintain documentation as described in Part II H 3 d for that outfall. Any deficiencies noted during the inspection shall be corrected within 60 days of being identified.

b. The permittee shall conduct calendar quarterly visual monitoring of stormwater discharges associated with industrial activity. The monitoring shall include examination of stormwater samples representative of storm event discharges from the facility and observation of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution. Documentation of visual monitoring of stormwater shall be maintained onsite in the SWPPP and include the examination date and time, examination personnel, outfall location, the nature of the discharge (i.e., runoff or snowmelt), visual quality of the stormwater discharge and probable sources of any observed stormwater contamination. Part II A regarding monitoring instructions, Part II B regarding representative outfalls, and Part II C regarding sampling waivers shall apply to the taking of samples for visual monitoring except that the documentation required by these sections shall be retained with the SWPPP rather than submitted to the department. Calendar quarters equal the following three-month periods each year of permit coverage: January through March, April through June, July through September, and October through December.

**B. Special conditions.**

1. Vehicles and equipment utilized during the industrial activity on a site must be operated and maintained in such a manner as to prevent the potential or actual point source pollution of the surface or groundwaters of the state. 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 groundwaters 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 groundwaters of the state.
2. No sewage shall be discharged from this mineral mining activity except under the provisions of another VPDES permit specifically issued for that purpose.
3. There shall be no chemicals added to the discharge, other than those listed on the owner's approved registration statement, unless prior approval of the chemical is granted by the board.
4. The permittee shall submit a new registration statement if the mining permit approved by the Division of Mineral Mining (or associated waived program, or bordering state mine authority) is modified or reissued in any way that would affect the outfall location or the characteristics of a discharge covered by this general permit. Government owned and operated mines without mining permits shall submit the registration statement whenever outfall location or characteristics are altered. The new registration statement shall be filed within 30 days of the outfall relocation or change in the characteristics of the discharge.
5. The permittee shall notify the department as soon as they know or have 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.
  - b. That any activity has occurred or will occur that would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant that 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.
6. Any and all 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, by-product, or wastes shall be handled, disposed of, or stored in such a manner and consistent with best management practices, so as not to permit a discharge of such product, materials, industrial wastes, or other wastes to state waters, except as expressly authorized.
7. There shall be no discharge of process wastewater pollutants from colocated asphalt paving materials operations. For the purposes of this special condition, process wastewater pollutants are any pollutants present in water used in asphalt paving materials manufacturing that come

into direct contact with any raw materials, intermediate product, by-product or product related to the asphalt paving materials manufacturing process.

8. Process water may be used on site for the purpose of dust suppression. Dust suppression shall be carried out as a best management practice but not as a wastewater disposal method provided that ponding or direct runoff from the site does not occur during or immediately following its application. Dust suppression shall not occur during a storm event that results in an actual discharge from the site.

9. Process water from mine dewatering may be provided to local property owners for beneficial agricultural use.

10. There shall be no:

- a. Discharge of floating solids or visible foam in other than trace amounts from process water discharges;
- b. Solids deposition to surface water as a result of a discharge associated with industrial activity; or
- c. Oil sheen resulting from petroleum products discharged to surface water as a result of the industrial activity.

11. 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.

12. Discharges to waters subject to TMDL wasteload allocations. Owners of facilities that are a source of the specified pollutant of concern to waters for which a total maximum daily load (TMDL) wasteload allocation has been approved prior to the term of this permit shall incorporate measures and controls into the SWPPP required by Part II that are consistent with the assumptions and requirements of the TMDL. The department will provide written notification to the owner that a facility is subject to the TMDL requirements. If the TMDL establishes a numeric wasteload allocation that applies to discharges from the facility, the owner shall perform any required monitoring in accordance with Part I A and implement measures necessary to meet that allocation.

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

14. Inactive and unstaffed facilities (including temporarily inactive and unstaffed facilities).

a. A waiver of the process and stormwater monitoring and routine inspections may be exercised by the board at a facility that is both inactive and unstaffed as long as the facility remains inactive and unstaffed. Such a facility is required to conduct an annual site inspection in accordance with the requirements in Part II H 4 d 3. No DMR reports will be required to be submitted when a facility is approved as inactive and unstaffed.

b. An inactive and unstaffed sites waiver request shall be submitted to the board for approval and shall include the name of the facility; the facility's VPDES general permit registration number; a contact person, phone number, and email address (if available); the reason for the request; and the date the facility became or will become inactive and unstaffed. The waiver request shall be signed and certified in accordance with Part III K. If this waiver is granted, a copy of the request and the board's written approval of the waiver shall be maintained with the SWPPP.

c. To reactivate the site the permittee shall notify the department within 30 days or an alternate timeframe if written approval is received in advance from the board, and all process and stormwater monitoring and routine inspections shall be resumed 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.

d. The board retains the authority to revoke this waiver when it is determined that the discharge causes, has a reasonable potential to cause, or contributes to a water quality standards violation.

15. Process wastewater systems 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. These discharges 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. 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.

16. Best management practices for blasting. The permittee shall utilize best management practices to ensure that contaminants do not enter surface water as a result of blasting at the site.

17. Notice of termination.

a. The owner may terminate coverage under this general permit by filing a complete notice of termination. 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 a VPDES individual 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, and there are no longer discharges from the facility;

(c) A statement indicating that all discharges have been covered by a VPDES individual 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 wastewater 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 nonmetallic mineral mining wastewater 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 submitted to the DEQ regional office serving the area where the facility discharge is located and signed in accordance with Part III K.

## 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. In the case of snowmelt or a discharge from a stormwater management structure, a representative sample shall be taken at the time the discharge occurs.

b. For all other types of stormwater discharges, a minimum of one grab sample shall be taken resulting from a storm event that results in a 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 discharge monitoring report (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 DMR why a grab sample during the first 30 minutes was impracticable and maintains that documentation with the SWPPP.

B. Representative outfalls. If a facility has two or more exclusively stormwater outfalls that discharge substantially identical effluents, based on similarity of industrial activity, significant materials, frequency of discharges, and management practices and activities within the area drained by the outfalls, then the permittee may submit information with the registration statement substantiating the request for only one DMR to be issued for the outfall to be sampled that represents one or more substantially identical outfalls. The permittee shall document representative outfalls in the SWPPP and list on the DMR of the outfall to be sampled all outfall locations that are represented by the discharge. The representative outfall monitoring provisions apply to Part I A 2 a monitoring and quarterly visual monitoring.

The permittee must include the following information in the SWPPP:

1. The locations of the outfalls; and

2. An evaluation, including available monitoring data, indicating why the outfalls are expected to discharge substantially identical effluents.

C. Sampling waivers. When a permittee is unable to conduct quarterly stormwater monitoring required under Part I A 2 b within the specified sampling period due to no measurable storm event or adverse weather conditions, documentation shall be submitted explaining the permittee's inability to conduct the stormwater monitoring. The documentation must include the dates and times that the outfalls were viewed and sampling was attempted. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.). Acceptable documentation includes National Climatic Data Center weather station data, local weather station data, facility rainfall logs, and other appropriate supporting data. All documentation shall also be maintained with the SWPPP. This waiver is not applicable to annual monitoring required under Part I A 2 a.

D. Stormwater pollution prevention plans (SWPPP). An SWPPP shall be developed and implemented for the facility. The plan 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 all 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 mine drainage plan as required by the Virginia Division of Mineral Mining, a spill prevention control and countermeasure (SPCC) plan developed for the facility under § 311 of the federal 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 H (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 of the required elements of Part II H, the permittee must develop the missing SWPPP elements and include them in the required SWPPP.

E. Deadlines for SWPPP preparation and compliance.

1. Owners of existing facilities that were covered under the 2014 Nonmetallic Mineral Mining General Permit that 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.
2. Owners of new facilities, facilities previously covered by an expiring individual permit, and existing facilities not currently covered by a VPDES permit that elect to be covered under this general permit shall prepare and implement the SWPPP prior to submitting the registration statement.
3. 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 ownership change.
4. Upon a showing of good cause, the director may establish a later date in writing for the preparation and compliance with the SWPPP.

F. Signature and SWPPP review.

1. The SWPPP shall be signed in accordance with Part III K (signatory requirements), and be retained on site at the facility covered by this permit in accordance with Part III B (records) of this permit. When there are no on-site buildings or offices in which to store the plan, it shall be kept at the nearest company office.
2. The permittee shall make the SWPPP, routine inspection documentation, or other information available to the department upon request.
3. The director, or an authorized representative, may notify the permittee 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, or an authorized representative, the permittee shall make the required changes to the plan and shall submit to the department a written certification that the requested changes have been made.

G. Maintaining an updated SWPPP. The permittee shall review and amend the SWPPP as appropriate whenever:

1. 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;
2. Routine inspections determine that there are deficiencies in the BMPs;
3. Inspections by local, state, or federal officials determine that modifications to the SWPPP are necessary;
4. There is a spill, leak, or other release at the facility; or
5. There is an unauthorized discharge from the facility.

SWPPP modifications shall be made within 60 calendar days after discovery, observation, or an event requiring an SWPPP modification. Implementation of new or modified BMPs (distinct from regular preventive maintenance of existing BMPs described in Part II H 3 b (preventative maintenance) 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.

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.

H. Contents of SWPPP. The SWPPP shall include, at a minimum, the following items:

1. Pollution prevention team. Each plan shall identify the staff individuals by name or title who 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.

2. Summary of potential pollutant sources. The SWPPP shall identify where industrial materials or activities at the facility are exposed to stormwater. The description shall include:

a. Site map. The site map shall document:

(1) An outline of the drainage area of each stormwater outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in stormwater runoff, surface water bodies, locations where materials are exposed to precipitation, locations where major spills or leaks identified under Part II H 2 c (spills and leaks) of this permit have occurred, and the locations of the following activities where such activities are exposed to precipitation: fueling stations, vehicle or equipment degreasing, cleaning areas, loading or unloading, locations used for the treatment, storage or disposal of wastes and wastewaters, liquid storage tanks, processing areas, and storage areas. The map must indicate all outfall locations. The types of discharges contained in the drainage areas of the outfalls must be indicated either on the map or in an attached narrative.

(2) For each area of the facility that generates stormwater discharges associated with industrial activity, 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 significant spills or leaks of toxic or hazardous pollutants. Flows with a potential for causing erosion shall be identified.

b. Inventory of exposed materials. A list of the industrial materials or activities, including material handling equipment or activities, industrial machinery, raw materials, industrial production and processes, intermediate products, by-products, final products, and waste products. Material handling activities include to the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product, or waste product.

c. 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.

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

3. Stormwater controls. Control measures shall be implemented for all areas identified in Part II H 2 b (inventory of exposed materials) 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. The BMPs shall also address the following minimum components, including a schedule for implementing such controls:

a. Good housekeeping. Good housekeeping requires the clean and orderly maintenance of areas that may contribute pollutants to stormwater discharges. The SWPPP shall describe procedures performed to minimize contact of materials with stormwater runoff. 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, loading or unloading areas, and vehicle entrance and exits. The permittee shall keep clean all exposed areas of the facility that are potential sources of pollutants in stormwater. The permittee shall sweep or vacuum paved surfaces of the site that are exposed to stormwater at regular intervals or use other equivalent measures to minimize the potential discharge of these materials in stormwater. Indicate in the SWPPP the frequency of sweeping, vacuuming, or other equivalent measures.

b. 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. All BMPs identified in the SWPPP shall be maintained in effective operating condition. The SWPPP shall include a description of procedures and a regular schedule for preventive maintenance and observation of all BMPs and shall include a description of the back-up practices that are in place should a run-off event occur while a BMP is off line or not operating effectively. The effectiveness of nonstructural BMPs shall also be maintained by appropriate means (e.g., spill response supplies available and personnel trained). If site inspections required by Part II H 3 d (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. 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, dates for repairs, dates that the BMPs returned to full function, and the justification for an extended maintenance or repair schedules. The maintenance program shall require periodic removal of debris from discharge diversions and conveyance systems. Permittees using settling basins to control their effluents must provide maintenance schedules for such basins in the SWPPP.

c. Spill prevention and response procedures. The SWPPP shall describe the procedures that will be followed for preventing and responding to spills and leaks, including barriers between material storage and traffic areas, secondary containment provisions, procedures for material storage and handling, response procedures for notification of appropriate facility personnel, emergency agencies, and regulatory agencies and 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. 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.

d. Routine facility inspections.

(1) Personnel who are familiar with the mining activity, the best management practices, and the SWPPP shall be identified to conduct routine facility inspections. Such inspections must include all areas where industrial materials or activities are exposed to stormwater as identified in Part II H 2 b (inventory of exposed materials), including material storage and handling areas, areas where aggregate is stockpiled outdoors, liquid storage tanks, hoppers or silos, material handling vehicles, equipment, and processing areas; off-site tracking of industrial or waste materials or sediment where vehicles enter or exit the site; vehicle and equipment maintenance areas and cleaning and fueling areas; best management practices; and discharge points.

(2) The inspection frequency shall be specified in the SWPPP based upon a consideration of the level of industrial activity at the facility, but shall be a minimum of quarterly. Inspections of best management practices shall include inspection of stormwater discharge diversions, conveyance systems, sediment control and collection systems, containment structures, vegetation, serrated slopes, and benched slopes to determine their adequacy and effectiveness, the integrity of control structures, if soil erosion has occurred, or if there is evidence of actual or potential discharge of contaminated stormwater.

(3) Site inspection and best management practices inspection results must be documented and maintained on-site with the SWPPP.

(4) A set of tracking or followup procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Such actions must include updating pollution sources, updating pollution prevention measures and controls, and updating the SWPPP as appropriate based on information developed during the inspections.

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

e. Employee training. Employee training shall be conducted at least annually at active mining sites and at those temporarily inactive sites that are staffed. Employee training programs shall inform personnel responsible for implementing activities identified in the SWPPP or otherwise responsible for stormwater management at all levels of responsibility of the components and goals of the stormwater pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. All employee training shall be documented in the SWPPP.

f. Recordkeeping and internal reporting procedures. A description of incidents such as spills, or other discharges, along with other information describing the quality and quantity of stormwater discharges shall be included in the SWPPP required under this part. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the SWPPP. Ineffective best management practices must be recorded and the date of their corrective action noted in the SWPPP.

g. Sediment and erosion control. The plan shall identify areas that, due to topography, land disturbance (e.g., construction, landscaping, site 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.

h. Management of runoff. The SWPPP shall describe the stormwater runoff 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, and wet detention or retention devices.

I. Authorized nonstormwater discharges. The following nonstormwater discharges are authorized by this permit:

1. Discharges from emergency firefighting activities;
2. Fire hydrant flushing, managed in a manner to avoid an instream impact;
3. Potable water, including water line flushing, managed in a manner to avoid instream impact;
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 fertilizers have been applied in accordance with approved labeling;
7. Routine external building washdown that does not use detergents or hazardous cleaning products;
8. 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 in a manner to avoid instream impacts;
9. Uncontaminated groundwater 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).

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 records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the registration statement for this permit, for a period of at least three years from the date of the sample, measurement, report or request for coverage. 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, or 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 (unauthorized discharges); 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 (see NOTE in Part III I), in no case later than 24 hours, the department after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse effects on aquatic life and the known number of fish killed. The 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 2. 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 Parts III I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part III I 2.

NOTE: The immediate (within 24 hours) reports required in Part III G, H and I may be made to the department's regional office. Reports may be made 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.

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 the federal Clean Water Act that are applicable to such source; or
    - (2) After proposal of standards of performance in accordance with § 306 of the federal 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 statement. All registration statements shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purposes of this section, a responsible corporate officer means: (i) a 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 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 federal 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 federal Clean Water Act. Permit noncompliance is grounds for enforcement action, for permit coverage termination, or for denial of permit coverage.

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 registration statement 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 registration statements 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 laws 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 federal 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 ensure efficient operation. These bypasses are not subject to the provisions of Parts 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 (reports of noncompliance).

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 cause 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 an authorized representative, 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 ensuring permit compliance or as otherwise authorized by the federal 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 modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permit coverage.

1. Permit coverage is 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 at least 30 days in advance of the proposed transfer of the title to the facility or property unless permission for a later date has been granted by the department;
  - 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 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 E**

## **Reissuance Reminder Letter**

**Reissuance Reminder Letter  
Nonmetallic Mineral Mining Facilities General Permit Registration Statement**

**Regional Letterhead**

Permittee Name  
Facility Name  
Address  
City, State Zip

RE: Reissuance of the VPDES Nonmetallic Mineral Mining General Permit (VAG84)

Dear Permittee:

DEQ's Nonmetallic Mineral Mining General Permit, VAG84, will expire on June 30, 2019. If you plan to continue to operate your facility beyond the expiration date of the current permit, you must reapply for authorization to discharge under the new permit.

Attached is the 2019 revised Registration Statement and instructions to reapply for permit coverage. Also attached is the DEQ Water Permit Fee form. These forms are also available electronically online at: <http://www.deq.virginia.gov/Programs/Water/PermittingCompliance/PollutionDischargeElimination/PermitsFees.aspx>. **The Board is establishing a due date of June 1, 2019 for permittees currently covered under VAG84, consistent with Part III. M of the existing permit. Note, the revised Regulation authorizes DEQ to administratively continue coverage for permittees under the 2014 general permit if a *complete* Registration Statement is submitted no later than June 30, 2019 (see section 9VAC25-190-50 D of the proposed regulation).**

To renew permit coverage, please return the completed Registration Statement and its required attachments, to the DEQ [RO NAME] Regional Office at the following address:

DEQ [RO NAME] Regional Office  
[RO ADDRESS]  
[RO CITY], VA [RO ZIP]

Your Registration Statement may also be submitted electronically to your DEQ regional office at the following e-mail address: *[insert mailbox [name@deq.virginia.gov](mailto:name@deq.virginia.gov)]*. Please be sure to include all attachments and make sure the registration is signed by the appropriate person (see the Registration Statement instructions).

The **original** Fee Form and **original** check for \$600 made out to "Treasurer of Virginia" should be sent to:

DEQ Receipts Control  
P.O. Box 1104  
Richmond, VA 23218.

DEQ has started moving towards a paperless permit processing system. If you would like your permit sent to you electronically, we are asking that you check the "Yes" box on the Registration Statement, item 18, agreeing to allow us to transmit the final permit by email. We believe that electronic permit transfer has benefits for both you and DEQ.

If you have any questions, you may contact me at xxx-xxx-xxxx or by email [permit.writer@deq.virginia.gov](mailto:permit.writer@deq.virginia.gov).

Sincerely,

Permit Writer

Attachments

2019 Registration Statement

DEQ Water Permit Fee Form

# **ATTACHMENT F**

**Transmittal Letter for Issuing  
General Permit Coverage**



**Transmittal Letter**  
**Nonmetallic Mineral Mining Facilities General Permit**

**Regional Letterhead**

Permittee Name  
Facility Name  
Address  
City, State Zip

RE: Coverage under the General VPDES Permit for Nonmetallic Mineral Mining Facilities, Registration Number VAG84 \_\_\_\_\_

Dear [INSERT OWNER or DESIGNEE]:

DEQ staff have reviewed your Registration Statement received on [DATE], and have determined that activities of the nonmetallic mineral mining facility identified in the Registration Statement are hereby covered under the referenced general VPDES permit. Your coverage under this general permit becomes effective on [INSERT DATE WHICH IS EITHER July 1, 2019 OR THE DATE OF THIS LETTER, WHICHEVER IS LATER. ADD A STATEMENT IF ADMINISTRATIVELY CONTINUED e.g., Coverage under the 2014 permit was administratively continued and you have been allowed to continue to discharge under the 2014 permit until this new date of coverage.]. The [enclosed OR attached] copy of the general permit contains the applicable effluent limitations, monitoring requirements and other conditions of coverage.

A Discharge Monitoring Report (DMR) for your [CHOOSE ALL THAT APPLY: process water / process wastewater and commingled stormwater / 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. You are responsible for obtaining additional copies of the DMR[s].

[INSERT THE FOLLOWING IF REPRESENTATIVE OUTFALLS HAVE BEEN APPROVED] You have indicated on your Registration Statement that outfall [LIST OUTFALL] is a representative stormwater outfall and outfalls [LIST IDENTICAL OUTFALLS] are substantially identical to [LIST REPRESENTATIVE OUTFALL]. Stormwater monitoring is only required for the representative outfall each year. Only one DMR for [LIST REPRESENTATIVE OUTFALL] is required.

For quarterly monitoring, the DMR[s] should be submitted by the tenth of January, April, July and October. For yearly 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:

DEQ [RO NAME] Regional Office  
[RO ADDRESS]  
[RO CITY], VA [RO ZIP]

[INSERT THE FOLLOWING IF PROCESS WATER SYSTEMS DESIGNED AS 'NO DISCHARGE' HAVE BEEN APPROVED] You have indicated on your registration statement that you operate a 'no discharge' process water system associated with outfall [INSERT EMERGENCY NO DISCHARGE OUTFALL IF APPLICABLE]. No DMR is included for this outfall as no monitoring is required. No discharge of wastewater or pollutants, except in storm events greater than a 25-year, 24-hour storm event is allowed. In the event of such

a discharge, you must report an unusual or extraordinary discharge per Part III H of the general permit. Any other discharge from this outfall is prohibited, and must be reported as an unauthorized discharge per Part III G of the general permit.

This general permit constitutes coverage of your stormwater discharges as required by the stormwater regulations for your industry. [FOR A NEW FACILITY OR FACILITY PREVIOUSLY COVERED UNDER AN INDIVIDUAL PERMIT] Part II of the general permit requires that you implement a Stormwater Pollution Prevention Plan upon permit coverage.] [FOR A FACILITY PREVIOUSLY COVERED UNDER THE 2014 GENERAL PERMIT] Part II of the general permit requires that you review and modify, as appropriate, your existing Stormwater Pollution Prevention Plan to ensure that you are meeting the requirements of the general permit as expeditiously as practicable, but not later than 60 days from the date of coverage under the general permit. The existing plan should continue to be implemented until a new plan, if required, is developed and implemented.]

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 June 30, 2024. 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.

Please contact me at [INSERT CONTACT INFORMATION] if you have any questions.

Sincerely,

Water Permit Manager or Designee

Attachments: General Permit, DMR(s)

**ATTACHMENT G**  
**Termination Form**

**VPDES General Permit for Nonmetallic Mineral Mining (VAG84)**  
**Notice of Termination**

(Please Type or Print All Information)

**1. Owner Information**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

Email Address (where available): \_\_\_\_\_

**2. Facility Information**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**3. VPDES General Nonmetallic Mineral Mining Permit Registration Number:** \_\_\_\_\_

**4. Check the appropriate box indicating the reason for terminating coverage under the general permit.**

**A new owner has assumed responsibility for the facility. NOTE: This termination notice does not have to be submitted if a VPDES Change of Ownership Agreement Form has been submitted.**

**Operations have ceased at the facility and there are no longer discharges of process wastewater or stormwater associated with industrial activity from the facility.**

**All process wastewater or stormwater discharges associated with industrial activity have been covered by an individual VPDES permit.**

**Other (specify)** \_\_\_\_\_  
\_\_\_\_\_

**5. Certification:** "I certify under penalty of law that all wastewater 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 nonmetallic mineral mining wastewater 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."

Print Name \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

**For Department of Environmental Quality Use Only**

Accepted/Not Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTICE OF TERMINATION INSTRUCTIONS**  
**VPDES General Permit for Nonmetallic Mineral Mining (VAG84)**

**WHEN SHOULD A NOTICE OF TERMINATION BE FILED?**

A VPDES General Permit Notice of Termination may be submitted when an owner no longer wishes to be covered under the VPDES General Permit for Nonmetallic Mineral Mining (VAG84).

**Section 1 Facility Owner Information**

Give the legal name of the person, firm, public organization, or other entity that owns the facility or site described in this Notice of Termination and was issued the general permit for the facility. The name of the owner may or may not be the same as the name of the facility. Do not use a colloquial name. Enter the complete address, phone number and email address (where available) of the owner.

**Section 2 Facility Location Information**

Enter the facility's or site's official name and complete street address, including city, state and ZIP code.

**Section 3 Permit Information**

Enter the existing VPDES Nonmetallic Mineral Mining General Permit number assigned to the facility or site identified in Section 2.

**Section 4 Reason for Termination**

Check the appropriate statement indicating the reason for submitting this Notice of Termination.

**Section 5 Certification**

State statutes provide for severe penalties for submitting false information on this Termination Notice. State regulations require this Notice of Termination to be signed as follows:

For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (2) the manager of one or more manufacturing, production, or operating facilities provided the manager is authorized to make management decisions which 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 application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipality, state, Federal, or other public facility: by either a principal executive officer or ranking elected official.

**The Department of Environmental Quality reserves the right to request additional information not directly addressed by the Notice of Termination if, in its discretion, a facility or operation poses a potential impact on water quality.**

**ATTACHMENT H**  
**Termination Letter**

# Transmittal Letter Termination of Coverage Under the Nonmetallic Mineral Mining General Permit

**Regional Letterhead**

**Date**

Facility Name

Address

ATTN: **[Owner or Designee]**

RE: Termination of Coverage under the VPDES General Permit for Nonmetallic Mineral Mining

Dear Permittee:

DEQ agrees to terminate your coverage under the VPDES Permit for nonmetallic mineral mining, permit registration number VAG84\_\_\_\_. 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]**

cc: **[Compliance Auditor]**

**ATTACHMENT I**  
**Inactive and Unstaffed Facility (Temporary Closure) Approval Letter**



**Transmittal Letter Inactive and Unstaffed Facility Approval Letter**

**Regional Letterhead**

**Date**

Facility Name  
Address

ATTN: **[Owner or Designee]**

RE: Inactive and Unstaffed Site Waiver (Temporary Closure) at the **[put name and permit registration number of facility here]**

Dear Permittee:

The board has reviewed your request to waive the monitoring and inspection requirements of the General VPDES Permit for Nonmetallic Mineral Mining at **[put name of facility here]** because it is inactive and unstaffed and approves the waiver. As of the date of this letter, you are no longer required to conduct effluent or benchmark monitoring, routine facility inspections and quarterly visual examinations. Discharge monitoring reports are not required. You are still required to conduct annual site inspections in accordance with the requirements in permit Part II H 3 d. You must retain your waiver request and this approval with your stormwater pollution prevention plan (SWPPP) for at least three years from the date that coverage under this permit expires or is terminated.

To reactivate the site and commence any point source discharges of either treated process wastewater or stormwater runoff associated with industrial activities, you must notify us within 30 days (unless an alternate time frame has been approved in advance from the board) and all monitoring, routine inspection and quarterly visual examinations are resumed immediately. This notification must be signed as per Part III K (Signatory requirements) of the permit.

The Board retains the right to revoke this waiver when it is determined that facility discharges are causing, have a reasonable potential to cause, or contribute to a water quality standards violation.

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

Sincerely,

Regional WPM Name  
Water Permit Manager

cc: **[insert name of compliance auditor]**

**ATTACHMENT J**  
**Reactivate Inactive and Unstaffed Facility (Temporary Closure) Letter**

## Transmittal Letter Reactivate Inactive and Unstaffed Facility

Regional Letterhead

Date

Facility Name

Address

ATTN: **[Owner or Designee]**

RE: Reactivation of **[put name and permit registration number of facility here]**

Dear Permittee:

The board has reviewed your request to reactivate **[put name of facility here]** that was inactive and unstaffed (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 in Part II of the general permit must be implemented. Your next discharge monitoring report(s) (DMRs) are due **[insert date here which gives a full quarter to monitor for process discharges. Example: If this letter is dated March 31, their next DMR is due July 10 for process water. Example: If this letter dated August 3, the next DMR would be due January 10 for process water. For annual stormwater monitoring, insert a date here which gives them a full year to monitor for stormwater discharges. Example: If this letter is 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,

Regional WPM Name  
Water Permit Manager

cc: **[insert name of compliance auditor]**

**ATTACHMENT K**  
**Add or Delete Outfall Letter**

**Transmittal Letter Add or Delete Outfall**

**Regional Letterhead**

**Date**

Facility Name  
Address

ATTN: **[Owner or Designee]**

RE: Outfall **[Addition or Deletion]** at the **[put name and permit number of facility here]**

Dear Permittee:

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 discharges. Example: If this letter is dated March 31, their next DMR is due July 10 for process water. Example: If this letter is dated August 3, the next DMR would be due January 10 for process water. For annual stormwater monitoring, insert a date here which gives them a full year to monitor for stormwater discharges. Example: If this letter is 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 stormwater pollution prevention plan must be updated within 30 days of the outfall **[addition or deletion/removal]**.

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

Sincerely,

Regional WPM Name  
Water Permit Manager

cc: **[insert name of compliance auditor]**

**ATTACHMENT L**  
**Change of Ownership Form**

**Change of Ownership Agreement Form**

RE: Change of Ownership - VPDES Permit No. \_\_\_\_\_

Name of permitted facility: \_\_\_\_\_

\_\_\_\_\_ County

TO: Virginia Department of Environmental Quality  
**Regional Office Address**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

We, the undersigned, hereby request a transfer of ownership for the referenced permit.  
Anticipated date of transfer: \_\_\_\_\_

**CURRENT OWNER SHOWN ON PERMIT:** I (We) hereby agree to the transfer of ownership modification to the referenced VPDES Permit.

Attach verification that all current owner outstanding Annual Fee payments are up to date (YES/NO). If NO see statement under NEW OWNER below.

Current Owner name as listed on the VPDES Permit Cover Page: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

*[You may add the following consent for electronic transmittal of the termination if you don't already have it.]*  
The Department of Environmental Quality (DEQ) may deliver permits and certifications (this includes permit issuances, reissuances, modifications, revocation and reissuances, terminations and denials) to recipients, including applicants or permittees, by electronically certified mail where the recipients notify DEQ of their consent to receive mail electronically (§ 10.1-1183). Check *only one* of the following to consent to or decline receipt of electronic mail from DEQ as follows:

Applicant or permittee agrees to receive by electronic mail the permit that may be issued for the proposed pollutant management activity, and to certify receipt of such electronic mail when requested by the DEQ.

If yes, provide email: \_\_\_\_\_

Applicant or permittee declines to receive by electronic mail the permit that may be issued for the proposed pollutant management activity.

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**NEW OWNER TO ASSUME PERMIT:** I (We) hereby agree to the change of ownership modification to the referenced VPDES Permit, and agree to accept all conditions and responsibilities of the permit.

NEW OWNER agrees to pay all outstanding Annual Fee payments currently due by old owner YES/NO

Transferred permit to be issued to: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_

*[You may add the following consent for electronic transmittal if you don't already have it.]*

The Department of Environmental Quality (DEQ) may deliver permits and certifications (this includes permit issuances, reissuances, modifications, revocation and reissuances, terminations and denials) to recipients, including applicants or permittees, by electronically certified mail where the recipients notify DEQ of their consent to receive mail electronically (§ 10.1-1183). Check *only one* of the following to consent to or decline receipt of electronic mail from DEQ as follows:

Applicant or permittee agrees to receive by electronic mail the permit that may be issued for the proposed pollutant management activity, and to certify receipt of such electronic mail when requested by the DEQ.

If yes, provide email: \_\_\_\_\_

Applicant or permittee declines to receive by electronic mail the permit that may be issued for the proposed pollutant management activity.

**This form must be signed by properly authorized individuals as specified in the VPDES Permit Regulation and will not be processed until all fees are up to date.**