

VPDES General Permit Regulation for Discharges from Groundwater Remediation of Contaminated Sites, Dewatering Activities of Contaminated Sites, and Hydrostatic Tests (9VAC25-120)

Reissuance

Technical Advisory Committee Meeting

May 28, 2026, 10:00 am

4949-A Cox Road, Glen Allen, Virginia 23060

(DEQ Piedmont Regional Office, Training Room)

DRAFT Agenda

- Introductions
- Purpose, exempt regulatory process, role of the TAC
- Overview of the General Permit (9VAC25-120)
- NOIRA comments received
- Challenges
- Known revisions to the General Permit
- Open discussion

If you need more information regarding this regulatory action, please call or contact Laura Galli (804) 573-5674 or laura.galli@deq.virginia.gov, or Bill Norris at (804) 350-2743 or william.norris@deq.virginia.gov.

1 **9VAC25-120-10. Definitions.**

2 The words and terms used in this chapter shall have the meanings defined in the State Water
3 Control Law and 9VAC25-31 (VPDES Permit Regulation) unless the context clearly indicates
4 otherwise, except that for the purposes of this chapter:

5 "Board" means the State Water Control Board. When used outside the context of the
6 promulgation of regulations, including regulations to establish general permits, "board" means
7 the Department of Environmental Quality.

8 "Central wastewater treatment facilities" means any facility that treats (for disposal, recycling, or
9 recovery of materials) or recycles hazardous or nonhazardous waste, hazardous or nonhazardous
10 industrial wastewater, or used material from off-site. This includes both a facility that treats
11 waste received from off-site exclusively, and a facility that treats waste generated on-site as well
12 as waste received from off-site.

13 "Chlorinated hydrocarbon solvents" means solvents containing carbon, hydrogen, and chlorine
14 atoms and the constituents resulting from the degradation of chlorinated hydrocarbon solvents.

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

16 "Director" means the Director of the Virginia Department of Environmental Quality or an
17 authorized representative.

18 "Petroleum products" means petroleum-based substances comprised of a complex blend of
19 hydrocarbons derived from crude oil such as motor fuels, jet fuels, distillate fuel oils, residual
20 fuel oils, lubricants, petroleum solvents, and used oils. "Petroleum products" does not include
21 hazardous waste as defined by the Virginia Hazardous Waste Management Regulations
22 (9VAC20-60).

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

28 **9VAC25-120-15. Applicability of incorporated references based on the dates that they**
29 **became effective.**

30 Except as noted, when a regulation of the U.S. Environmental Protection Agency (EPA) set forth
31 in Title 40 of the Code of Federal Regulations (CFR) is referenced or adopted in this chapter and
32 incorporated by reference, that regulation shall be as it exists and has been published as of July 1,
33 2024~~2~~; however, references to 40 CFR Part 136 are incorporated as published in the July 1,
34 2024, update.

35 **9VAC25-120-20. Purpose.**

36 A. This general permit regulation governs the discharge of wastewaters from the following
37 contaminants and activities:

- 38 1. Discharges resulting from petroleum product, chlorinated hydrocarbon solvents,
39 metals or other contaminated site cleanup; ~~petroleum contaminated sites, non-~~
40 ~~petroleum contaminated sites;~~

2. Groundwater remediation discharges (pumping contaminated groundwater to remove free product, discharges resulting from petroleum products, chlorinated hydrocarbon solvent, metals or other contaminated site cleanups);
3. Dewatering activities;
4. Aquifer tests to characterize site conditions;
5. Hydrostatic testing of natural gas storage tanks and pipelines;
6. Hydrostatic testing and dewatering of petroleum storage tank systems and associated distribution equipment; and the
7. Hydrostatic testing of water storage tanks and pipelines.

~~These wastewaters may be discharged from the following activities: excavation dewatering, conducting aquifer tests to characterize site conditions, pumping contaminated groundwater to remove free product, discharges resulting from another petroleum product, chlorinated hydrocarbon solvent, metals or other contaminated site cleanup, hydrostatic tests of natural gas and petroleum storage tanks or pipelines, hydrostatic tests and dewatering of storage tanks and associated distribution equipment, and hydrostatic tests of water storage tank systems or pipelines. Discharges not associated with petroleum contaminated water, water contaminated by chlorinated hydrocarbon solvents, or hydrostatic tests are not covered under this general permit.~~

9VAC25-120-50. Effective date of the permit.

This general permit will become effective on March 1, 2028~~3~~. This general permit will expire on February 29~~28~~, 2028~~2033~~. This general permit is effective as to any covered owner upon compliance with all the provisions of 9VAC25-120-60.

9VAC25-120-60. Authorization to discharge.

A. Any owner governed by this general permit is hereby authorized to discharge to surface waters within the Commonwealth of Virginia provided that:

1. The owner submits a registration statement, if required to do so, in accordance with 9VAC25-120-70, and that registration statement is accepted by the department;
2. The owner complies with the applicable effluent limitations and other requirements of 9VAC25-120-80; and
3. The department has not notified the owner that the discharge is not eligible for coverage in accordance with subsection B of this section.

B. The department 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 of the VPDES Permit Regulation;
2. The owner is proposing to discharge within five miles upstream of a public water supply intake or to state waters specifically named in other board regulations which prohibit such discharges;

81 3. The owner is proposing to discharge to surface waters where there are permitted central
82 wastewater treatment facilities reasonably available, as determined by the department;

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

85 5. The discharge is not consistent with the assumptions and requirements of an approved
86 TMDL.

87 C. Compliance with this general permit constitutes compliance, for purposes of enforcement,
88 with §§ 301, 302, 306, 307, 318, 403, and 405 (a) through (b) of the federal Clean Water Act and
89 the State Water Control Law with the exceptions stated in 9VAC25-31-60 of the VPDES Permit
90 Regulation. Approval for coverage under this general permit does not relieve any owner of the
91 responsibility to comply with any other applicable federal, state, or local statute, ordinance, or
92 regulation, including compliance with the Water Withdrawal Reporting (9VAC25-200) and the
93 Groundwater Withdrawal Regulations (9VAC25-610).

94 D. Continuation of permit coverage.

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

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

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

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

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

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

111 c. Issue an individual permit with appropriate conditions; or

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

113 **9VAC25-120-70. Registration statement.**

114 A. Any owner seeking coverage under this general permit that is required to submit a registration
115 statement shall submit a complete VPDES general permit registration statement in accordance
116 with this section, which shall serve as a notice of intent for coverage under the VPDES general

117 permit for discharges from groundwater remediation of contaminated sites, dewatering activities
118 of contaminated sites, and hydrostatic tests.

119 B. Owners of the following types of proposed or existing discharges are not required to submit a
120 registration statement to apply for coverage under this general permit:

121 1. Short term projects (14 consecutive calendar days or less in duration) including:

122 a. Emergency repairs;

123 b. Dewatering projects;

124 c. Utility work and repairs in areas of known contamination;

125 d. Tank placement or removal in areas of known contamination;

126 e. Pilot studies or pilot tests, including aquifer tests; and

127 f. New well construction discharges of groundwater;

128 2. Hydrostatic testing of petroleum and natural gas storage tanks, pipelines, or distribution
129 system components; and

130 3. Hydrostatic testing of water storage tanks, pipelines, or distribution system components.

131 Owners of these types of discharges are authorized to discharge under this permit immediately
132 upon the permit's effective date of March 1, 202~~8~~³.

133 Owners shall notify the department's regional office in writing within 14 days of the completion
134 of the discharge. The notification shall include the owner's name and address, the type of
135 discharge that occurred, the physical location of the discharge work, and the receiving stream. If
136 the discharge is to a municipal separate storm sewer system (MS4), the owner shall also notify
137 the MS4 owner within 14 days of the completion of the discharge.

138 Owners of these types of discharges are not required to submit a notice of termination of permit
139 coverage at the completion of the discharge.

140 C. Deadlines for submitting registration statements.

141 1. New facilities. Any owner proposing a new discharge shall submit a complete registration
142 statement at least 30 days prior to the date planned for commencing operation of the new
143 discharge or a later submittal date established by the department, unless exempted by
144 subsection B of this section.

145 2. Existing facilities.

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

149 b. Any owner that was authorized to discharge under the expiring petroleum contaminated sites,
150 groundwater remediation, and hydrostatic tests VPDES general permit that is not exempted

151 under subsection B of this section and that intends to continue coverage under this general permit
152 shall submit a complete registration statement to the department at least ~~30~~60 days prior to the
153 expiration date of the existing permit or a later submittal established by the department.

154 D. Late registration statements. Registration statements will be accepted after the expiration date
155 of the permit, but authorization to discharge will not be retroactive.

156 E. The required registration statement shall contain the following information:

157 1. Facility name and mailing address, owner name and mailing address, telephone number,
158 and email address (if available);

159 2. Facility street address (if different from mailing address) or location (if the facility location
160 does not have a mailing address);

161 3. Facility operator (local contact) name, address, telephone number, and email address (if
162 available) if different than owner;

163 4. Nature of business conducted at the facility;

164 5. Type of petroleum or natural gas products, or chlorinated hydrocarbon solvents causing or
165 that caused the contamination;

166 6. Identification of activities that will result in a point source discharge from the site;

167 7. Whether a site characterization report for the site has been submitted to the Department of
168 Environmental Quality;

169 8. Characterization or description of the wastewater or nature of contamination including all
170 related analytical data;

171 9. The latitude and longitude in decimal degrees (six digits - ten-thousandths place) of the
172 discharge point and identification of the waterbody into which the discharge will occur. For
173 linear projects, the latitude and longitude in decimal degrees (six digits - ten-thousandths
174 place) of all the proposed discharge points along the project length and the associated
175 waterbody for each discharge point;

176 10. The frequency with which the discharge will occur (i.e., daily, monthly, continuously);

177 11. An estimate of how long each discharge will last;

178 12. An estimate of the total volume of wastewater to be discharged;

179 13. An estimate of the average and maximum flow rate of the discharge;

180 14. A diagram of the proposed wastewater treatment system identifying the individual
181 treatment units;

182 15. A USGS 7.5 minute topographic map or equivalent computer generated map that indicates
183 the receiving waterbody name, the discharge point, the property boundaries, as well as springs,
184 other surface waterbodies, drinking water wells, and public water supplies that are identified

185 in the public record or are otherwise known to the applicant within a 1/2 mile radius of the
186 proposed discharge or discharges;

187 16. A determination of whether the facility will discharge to an MS4. If the facility discharges
188 to an MS4, the facility owner must notify the owner of the MS4 of the existence of the
189 discharge information at the time of registration under this permit and include that notification
190 with the registration statement. The notice shall include the following information: the name
191 of the facility, a contact person and telephone number, the location of the discharge, the nature
192 of the discharge, and the facility's VPDES general permit number;

193 17. Whether central wastewater facilities are available to the site, and if so, whether the option
194 of discharging to the central wastewater facility has been evaluated and the results of that
195 evaluation;

196 18. Whether the facility currently has any permit issued by the department or general permit
197 issued as a regulation by the board, and if so, the permit number;

198 19. Any pollution complaint number or Voluntary Remediation Program (VRP) information
199 associated with the project;

200 20. A statement as to whether the material being treated or to be discharged is certified as a
201 hazardous waste under the Virginia Hazardous Waste Management Regulations (9VAC20-
202 60);

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

205 22. The following certification:

206 "I certify under penalty of law that this document and all attachments were prepared under my
207 direction or supervision in accordance with a system designed to assure that qualified
208 personnel properly gather and evaluate the information submitted. Based on my inquiry of the
209 person or persons who manage the system or those persons directly responsible for gathering
210 the information, the information submitted is to the best of my knowledge and belief true,
211 accurate, and complete. I am aware that there are significant penalties for submitting false
212 information including the possibility of fine and imprisonment for knowing violations. I do
213 also hereby grant duly authorized agents of the Department of Environmental Quality, upon
214 presentation of credentials, permission to enter the property for the purpose of determining the
215 suitability of the general permit."

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

217 G. The registration statement shall be delivered by either postal or electronic mail to the DEQ
218 regional office serving the area where the facility is located. Following notification from the
219 department of the start date for the required electronic submission of Notices of Intent to
220 discharge forms (i.e., registration statements), as provided for in 9VAC25-31-1020, such forms
221 submitted after that date shall be electronically submitted to the department in compliance with
222 this section and 9VAC25-31-1020. There shall be at least a three-month notice provided between
223 the notification from the department and the date after which such forms must be submitted
224 electronically.

225 H. Incomplete registration statements: An incomplete rRegistration sStatement for coverage
226 under this general permit may be closed as incomplete by the department for failure to provide
227 the required information after within 30 calendar days from the date of the latest written
228 information request made by the department. An applicant may proceed with the withdrawal of
229 their Registration Statement; however, rResubmittal of a Registration Statement for the same
230 facility after the time that the original Registration Statement was returnedclosed as incomplete
231 by the department, or withdrawn by the applicant, shall require submittal of an additional
232 Registration Statement fee.

233 **9VAC25-120-80. General permit.**

234 Any owner whose registration statement is accepted by the department, or that is automatically
235 authorized to discharge under this permit, shall comply with the requirements of the general
236 permit and be subject to all requirements of 9VAC25-31-170 B of the VPDES Permit
237 Regulation. Not all of Part I A of the general permit will apply to every permittee. The
238 determination of which provisions apply will be based on the type of contamination at the
239 individual site and the nature of the waters receiving the discharge. Part I B and all of Part II
240 apply to all permittees.

241 General Permit No.: VAG83

242 Effective Date: March 1, ~~2023~~2028

243 Expiration Date: February ~~29~~28, ~~2028~~2033

244 VPDES GENERAL PERMIT FOR DISCHARGES FROM GROUNDWATER
245 REMEDIATION OF CONTAMINATED SITES, DEWATERING ACTIVITIES OF
246 CONTAMINATED SITES, AND HYDROSTATIC TESTS

247 AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE
248 ELIMINATION SYSTEM PERMIT PROGRAM AND THE VIRGINIA STATE WATER
249 CONTROL LAW

250 In compliance with the provisions of the Clean Water Act, as amended, the State Water Control
251 Law and regulations adopted pursuant thereto, the owner is authorized to discharge to surface
252 waters within the boundaries of the Commonwealth of Virginia, except to designated public
253 water supplies or waters specifically named in other board regulations which prohibit such
254 discharges.

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

259 If there is any conflict between the requirements of a department approved cleanup plan and this
260 permit, the requirements of this permit shall govern.

261 Part I

262 A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

263 1. SHORT TERM PROJECTS.

264 The following types of short term projects (14 consecutive calendar days or less in duration)
 265 are authorized under this permit:

- 266 a. Emergency repairs;
- 267 b. Dewatering projects. Dewatering projects shall be managed to control the volume and velocity
 268 of the discharge, including peak flow rates and total volume, to minimize erosion at outlets and
 269 to minimize downstream channel and stream bank erosion;
- 270 c. Utility work and repairs in areas of known contamination;
- 271 d. Tank placement or removal in areas of known contamination;
- 272 e. Pilot studies or pilot tests, including aquifer tests; and
- 273 f. New well construction discharges of groundwater.

274 Effluent limits for short term projects correspond to the type of contamination at the project
 275 site and are given in Tables A 3 through A 6 below. The sampling frequency for these projects
 276 shall be once per discharge. Discharge monitoring reports for these projects are not required to
 277 be submitted to the department, but shall be retained by the owner for a period of at least three
 278 years from the completion date of the project.

279 Owners shall notify the department's regional office in writing within 14 days of the
 280 completion of the project discharge. The notification shall include the owner's name and
 281 address, the type of discharge that occurred, the physical location of the project work, and the
 282 receiving stream. If the discharge is to a municipal separate storm sewer system (MS4), the
 283 owner shall also notify the MS4 owner within 14 days of the completion of the discharge.

284 Part I

285 A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

286 2. DISCHARGES OF HYDROSTATIC TEST WATERS -- ALL RECEIVING WATERS.

287 During the period beginning with the permittee's coverage under this general permit and
 288 lasting until the permit's expiration date, the permittee is authorized to discharge from outfall
 289 ~~serial number-xxxx~~. Samples taken in compliance with the monitoring requirements specified
 290 below shall be taken at the following location: outfall from the final treatment unit prior to
 291 mixing with any other waters.

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

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS ⁽²⁾	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow (GPD)	NA	NL	1/discharge	Estimate

pH (standard units)	6.0	9.0	1/discharge	Grab
Total Petroleum Hydrocarbons (TPH, mg/l) ⁽¹⁾	NA	15	1/discharge	Grab
Total Organic Carbon (TOC, mg/l)	NA	NL	1/discharge	Grab
Total Residual Chlorine (TRC, mg/l) ⁽³⁾	NA	0.011 ⁽³⁾	1/discharge	Grab
Total Suspended Solids (TSS)	NA	NL	1/discharge	Grab

NL = No limitation, monitoring required

NA = Not applicable

The equipment being tested shall be substantially free of debris, raw material, product, or other residual materials.

The discharge flow shall be managed to control the volume and velocity of the discharge, including peak flow rates and total volume, to minimize erosion at outlets, and to minimize downstream channel and stream bank erosion.

⁽¹⁾TPH is the sum of individual gasoline range organics and diesel range organics or TPH-GRO and TPH-DRO to be measured by EPA SW 846 Method 8015C (2000) or EPA SW 846 Method 8015C (2007) for gasoline and diesel range organics, or by EPA SW 846 Methods 8260B (1996) and 8270D (2014) or 8270E (2018).

⁽²⁾Discharge monitoring reports for hydrostatic test discharges are not required to be submitted to the department but shall be retained by the owner for a period of at least three years from the completion date of the hydrostatic test.

Owners shall notify the department's regional office in writing within 14 days of the completion of the hydrostatic test discharge. The notification shall include the owner's name and address, the type of hydrostatic test that occurred, the physical location of the test work, and the receiving stream.

⁽³⁾Total residual chlorine limitation of 0.011 mg/l and chlorine monitoring only apply to discharges of test water that have been chlorinated or come from a chlorinated water supply. All data below the quantification level (QL) of 0.1 mg/L shall be reported as "<QL."

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294 Part I

295 A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

296 3. GASOLINE CONTAMINATION -- ALL RECEIVING WATERS.

297 During the period beginning with the permittee's coverage under this general permit and
 298 lasting until the permit's expiration date, the permittee is authorized to discharge from outfall
 299 ~~serial number xxxx~~. Samples taken in compliance with the monitoring requirements specified

300 below shall be taken at the following location: outfall from the final treatment unit prior to
 301 mixing with any other waters.

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

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow (GPD)	NA	NL	(4)	Estimate
Benzene (µg/l) ⁽¹⁾	NA	5.8	(4)	Grab
Toluene (µg/l) ⁽¹⁾	NA	43	(4)	Grab
Ethylbenzene (µg/l) ⁽¹⁾	NA	4.3	(4)	Grab
Total Xylenes (µg/l) ⁽¹⁾	NA	33	(4)	Grab
MTBE (methyl tert-butyl ether) (µg/l) ⁽¹⁾				
Freshwaters not listed as public water supplies and saltwater	NA	440	1/Month ⁽⁴⁾	Grab
Freshwaters listed as public water supply	NA	15	2/Month ⁽⁴⁾	Grab
pH (standard units)	6.0	9.0	(4)	Grab
Total Recoverable Lead (µg/l) ⁽²⁾	NA	7.2	(4)	Grab
Total Hardness (mg/l CaCO ₃) ⁽²⁾	NL	NA	(4)	Grab
Ethylene Dibromide (µg/l) ⁽²⁾				
Freshwaters not listed as public water supplies and saltwater	NA	1.9	1/Month ⁽⁴⁾	Grab
Freshwaters listed as public water supply	NA	0.16	2/Month ⁽⁴⁾	Grab
1,2 Dichloroethane (µg/l) ⁽²⁾	NA	3.8	(4)	Grab
Ethanol (µg/l) ⁽³⁾	NA	4100	(4)	Grab

NL = No limitation, monitoring required

NA = Not applicable

⁽¹⁾Benzene, Toluene, Ethylbenzene, Total Xylenes and MTBE shall be analyzed according to a current and appropriate EPA Wastewater Method (40 CFR Part 136) or EPA SW 846 Method 8021B (2014).

⁽²⁾Monitoring for this parameter is required only when contamination results from leaded fuel. Lead shall be analyzed according to a current and appropriate EPA Wastewater Method (40 CFR Part 136). 1,2 dichloroethane and ethylene dibromide (EDB) shall be analyzed by a current and appropriate EPA SW 846 Method or EPA Wastewater Method from 40 CFR Part 136. EDB in wastewaters discharged to public water supplies shall be analyzed using EPA SW 846 Method 8011 (1992) or EPA Drinking Water Method 504.1 (1995).

⁽³⁾Monitoring for ethanol is only required for discharges of water contaminated by gasoline containing greater than 10% ethanol. Ethanol shall be analyzed according to EPA SW 846 Method 8015C (2000) or EPA SW 846 Method 8015C (2007) or EPA SW 846 Method 8260B (1996).

⁽⁴⁾The monitoring frequency for discharges into freshwaters not listed as public water supplies and saltwater shall be once per month. If the first 12 months of permit coverage results demonstrate full compliance with the effluent limitations, the permittee may request that the monitoring frequency for ethanol be reduced from monthly to 1/quarter. The written request shall be sent to the appropriate DEQ regional office for review. Upon written notification from the regional office, monitoring frequency may be reduced to 1/quarter. Should the permittee be issued a warning letter related to violation of effluent limitations or a notice of violation or be the subject of an active enforcement action, monitoring frequency for ethanol shall revert to 1/month upon issuance of the letter or notice or execution of the enforcement action and remain in effect until the permit's expiration date. Reports of quarterly monitoring shall be submitted to the DEQ regional office no later than the 10th day of April, July, October, and January in each year of permit coverage.

The monitoring frequency for discharges into freshwaters listed as public water supplies shall be twice per month for all constituents or parameters. If the first 12 months of permit coverage results demonstrate full compliance with the effluent limitations, the permittee may request that the monitoring frequency for ethanol be reduced to 1/quarter and the other parameters to 1/month. The written request shall be sent to the appropriate DEQ regional office for review. Upon written notification from the regional office, the monitoring frequency for ethanol may be reduced to 1/quarter and the other parameters to 1/month. Should the permittee be issued a warning letter related to violation of effluent limitations or a notice of violation or be the subject of an active enforcement action, monitoring frequency shall revert to 2/month upon issuance of the letter or notice or execution of the enforcement action and remain in effect until the permit's expiration date. Reports of quarterly monitoring shall be submitted to the DEQ regional office no later than the 10th day of April, July, October, and January in each year of permit coverage.

303

304

305 Part I

306 A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

307 4. CONTAMINATION BY PETROLEUM PRODUCTS OTHER THAN GASOLINE -- ALL
 308 RECEIVING WATERS.

309 During the period beginning with the permittee's coverage under this general permit and
 310 lasting until the permit's expiration date, the permittee is authorized to discharge from outfall
 311 ~~serial number xxxx~~. Samples taken in compliance with the monitoring requirements specified
 312 below shall be taken at the following location: outfall from the final treatment unit prior to
 313 mixing with any other waters.

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

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow (GPD)	NA	NL	(4)	Estimate
Naphthalene (µg/l) ⁽¹⁾	NA	8.9	(4)	Grab
Total Petroleum Hydrocarbons (mg/l) ⁽²⁾	NA	15	(4)	Grab
pH (standard units)	6.0	9.0	(4)	Grab
Benzene (µg/l) ⁽³⁾	NA	5.8	2/Month ⁽⁴⁾	Grab
MTBE (methyl tert-butyl ether) (µg/l) ⁽³⁾	NA	15	2/Month ⁽⁴⁾	Grab

NL = No limitation, monitoring required

NA = Not applicable

⁽¹⁾Naphthalene shall be analyzed by a current and appropriate EPA Wastewater Method from 40 CFR Part 136 or a current and appropriate EPA SW 846 Method.

⁽²⁾TPH shall be analyzed using EPA SW 846 Method 8015C (2000) or EPA SW 846 Method 8015C (2007) for diesel range organics, or by EPA SW 846 Method 8270D (2014) or 8270E (2018).

⁽³⁾Monitoring for benzene and MTBE is only required for discharges into freshwaters listed as public water supplies. Benzene and MTBE shall be analyzed according to a current and appropriate EPA Wastewater Method (40 CFR Part 136) or EPA SW 846 Method.

⁽⁴⁾The monitoring frequency for discharges into freshwaters not listed as public water supplies and saltwater shall be once per month.

The monitoring frequency for discharges into freshwaters listed as public water supplies shall be twice per month for all constituents or parameters. If the first 12 months of permit coverage results demonstrate full compliance with the effluent limitations, the permittee may request that the monitoring frequency be reduced to once per month. The written request shall be sent to the appropriate DEQ regional office for review. Upon written notification from the regional office,

the monitoring frequency for ethanol may be reduced to 1/quarter or the other parameters to 1/month. Should the permittee be issued a warning letter related to violation of effluent limitations or a notice of violation or be the subject of an active enforcement action, monitoring frequency shall revert to 2/month upon issuance of the letter or notice or execution of the enforcement action and remain in effect until the permit's expiration date.

315

316 Part I

317 A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

318 5. CONTAMINATION BY CHLORINATED HYDROCARBON SOLVENTS -- ALL
319 RECEIVING WATERS.

320 During the period beginning with the permittee's coverage under this general permit and
321 lasting until the permit's expiration date, the permittee is authorized to discharge from outfall
322 ~~serial number xxxx~~. Samples taken in compliance with the monitoring requirements specified
323 below shall be taken at the following location: outfall from the final treatment unit prior to
324 mixing with any other waters.

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

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow (GPD)	NA	NL	1/Month	Estimate
			2/Month if public water supply ⁽²⁾	Estimate
Chloroform (CAS # 67663), (µg/l) ⁽¹⁾	NA	60	1/Month	Grab
			2/Month if public water supply ⁽²⁾	Grab
1,1 Dichloroethane (CAS # 75343) (µg/l) ⁽¹⁾	NA	2.4	1/Month	Grab
			2/Month if public water supply ⁽²⁾	Grab
1,2 Dichloroethane (CAS # 107062) (µg/l) ⁽¹⁾	NA	3.8	1/Month	Grab
			2/Month if public water supply ⁽²⁾	Grab

1,1 Dichloroethylene (CAS # 75354) ($\mu\text{g/l}$) ⁽¹⁾	NA	7.0	1/Month	Grab
			2/Month if public water supply ⁽²⁾	Grab
cis-1,2 Dichloroethylene (CAS # 159592) ($\mu\text{g/l}$) ⁽¹⁾	NA	70	1/Month	Grab
			2/Month if public water supply ⁽²⁾	Grab
trans 1,2 Dichloroethylene (CAS # 156605) ($\mu\text{g/l}$) ⁽¹⁾	NA	100	1/Month	Grab
			2/Month if public water supply ⁽²⁾	Grab
Methylene Chloride (CAS # 75092) ($\mu\text{g/l}$) ⁽¹⁾	NA	5.0	1/Month	Grab
			2/Month if public water supply ⁽²⁾	Grab
Tetrachloroethylene (CAS # 127184) ($\mu\text{g/l}$) ⁽¹⁾	NA	5.0	1/Month	Grab
			2/Month if public water supply ⁽²⁾	Grab
1,1,1 Trichloroethane (CAS # 71556) ($\mu\text{g/l}$) ⁽¹⁾	NA	54	1/Month	Grab
			2/Month if public water supply ⁽²⁾	Grab
1,1,2 Trichloroethane (CAS # 79005) ($\mu\text{g/l}$) ⁽¹⁾	NA	5.0	1/Month	Grab
			2/Month if public water supply ⁽²⁾	Grab
Trichloroethylene (CAS # 79016) ($\mu\text{g/l}$) ⁽¹⁾	NA	5.0	1/Month	Grab
			2/Month if public water supply ⁽²⁾	Grab
Vinyl Chloride (CAS # 75014) ($\mu\text{g/l}$) ⁽¹⁾	NA	2.0	1/Month	Grab
			2/Month if public water supply ⁽²⁾	Grab
	NA	2.3	1/Month	Grab

Carbon Tetrachloride (CAS # 56235) (µg/l) ⁽¹⁾			2/Month if public water supply ⁽²⁾	Grab
1,2 Dichlorobenzene (CAS # 95501) (µg/l) ⁽¹⁾	NA	16	1/Month	Grab
			2/Month if public water supply ⁽²⁾	Grab
Chlorobenzene (CAS # 108907) (µg/l) ⁽¹⁾	NA	3.4	1/Month	Grab
			2/Month if public water supply ⁽²⁾	Grab
Trichlorofluoromethane (CAS # 75694) (µg/l) ⁽¹⁾	NA	5.0	1/Month	Grab
			2/Month if public water supply ⁽²⁾	Grab
Chloroethane (CAS # 75003) (µg/l) ⁽¹⁾	NA	3.6	1/Month	Grab
			2/Month if public water supply ⁽²⁾	Grab
pH (standard units)	6.0	9.0	1/Month	Grab
			2/Month if public water supply ⁽²⁾	Grab

NL = No limitation, monitoring required

NA = Not applicable

⁽¹⁾This constituent shall be analyzed by a current and appropriate gas chromatograph/mass spectroscopy method from EPA SW 846 or the EPA Wastewater Method series from 40 CFR Part 136.

⁽²⁾Monitoring frequency for discharges into surface waters listed as public water supplies shall be 2/month for the first year of permit coverage. If the first 12 months of permit coverage results demonstrate full compliance with the effluent limitations, the permittee may request that the monitoring frequency be reduced from 2/month to 1/month. The written request shall be sent to the appropriate DEQ regional office for review. Upon written notification from the regional office, monitoring frequency may be reduced to 1/month. Should the permittee be issued a warning letter related to violation of effluent limitations or a notice of violation, or be the subject of an active enforcement action, monitoring frequency shall revert to 2/month upon issuance of the letter or notice or execution of the enforcement action and remain in effect until the permit's expiration date.

326

327 Part I

328 A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

329 6. DEWATERING ACTIVITIES WITH CONTAMINATION BY METALS -- ALL
 330 RECEIVING WATERS.

331 During the period beginning with the permittee's coverage under this general permit and
 332 lasting until the permit's expiration date, the permittee is authorized to discharge from outfall
 333 ~~serial number xxxx~~. Samples taken in compliance with the monitoring requirements specified
 334 below shall be taken at the following location: outfall from the final treatment unit prior to
 335 mixing with any other waters.

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

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow (GPD)	NA	NL	1/Month	Estimate
			2/Month if public water supply ⁽³⁾	Estimate
Total Hardness (as CaCO ₃ in mg/l) ⁽²⁾	NA	NL	1/Month	Grab
			2/Month if public water supply ⁽³⁾	Grab
Total Recoverable Antimony (µg/l) ⁽¹⁾	NA	5.6	1/Month	Grab
			2/Month if public water supply ⁽³⁾	Grab
Total Recoverable Arsenic (µg/l) ⁽¹⁾	NA	10	1/Month	Grab
			2/Month if public water supply ⁽³⁾	Grab
Total Recoverable Cadmium (µg/l) ⁽¹⁾	NA	0.55	1/Month	Grab
			2/Month if public water supply ⁽³⁾	Grab

			1/Month	Grab
Total Recoverable Chromium ($\mu\text{g/l}$) ⁽¹⁾	NA	11	2/Month if public water supply ⁽³⁾	Grab
			1/Month	Grab
Total Recoverable Copper ($\mu\text{g/l}$) ⁽¹⁾	NA	6.6	2/Month if public water supply ⁽³⁾	Grab
			1/Month	Grab
Total Recoverable Lead ($\mu\text{g/l}$) ⁽¹⁾	NA	7.2	2/Month if public water supply ⁽³⁾	Grab
			1/Month	Grab
Total Recoverable Mercury ($\mu\text{g/l}$) ⁽¹⁾	NA	0.77	2/Month if public water supply ⁽³⁾	Grab
			1/Month	Grab
Total Recoverable Nickel ($\mu\text{g/l}$) ⁽¹⁾	NA	15	2/Month if public water supply ⁽³⁾	Grab
			1/Month	Grab
Total Recoverable Selenium ($\mu\text{g/l}$) ⁽¹⁾	NA	5.0	2/Month if public water supply ⁽³⁾	Grab
			1/Month	Grab
Total Recoverable Silver ($\mu\text{g/l}$) ⁽¹⁾	NA	1.9	2/Month if public water supply ⁽³⁾	Grab

			1/Month	Grab
Total Recoverable Thallium (µg/l) ⁽¹⁾	NA	0.24	2/Month if public water supply ⁽³⁾	Grab
			1/Month	Grab
Total Recoverable Zinc (µg/l) ⁽¹⁾	NA	87	2/Month if public water supply ⁽³⁾	Grab
			1/Month	Grab
pH (standard units)	6.0	9.0	2/Month if public water supply ⁽³⁾	Grab
<p>NL = No limitation, monitoring required</p> <p>NA = Not applicable</p> <p>⁽¹⁾Metals shall be analyzed by a current and appropriate EPA Wastewater Method from 40 CFR Part 136.</p> <p>⁽²⁾Total Hardness shall be collected concurrently with the metals.</p> <p>⁽³⁾The monitoring frequency for discharges into freshwaters not listed as public water supplies and saltwater shall be once per month.</p> <p>The monitoring frequency for discharges into freshwaters listed as public water supplies shall be twice per month for all constituents or parameters. If the first 12 months of permit coverage results demonstrate full compliance with the effluent limitations, the permittee may request that the monitoring frequency be reduced to once per month. The written request shall be sent to the appropriate DEQ regional office for review. Upon written notification from the regional office, the monitoring frequency for ethanol may be reduced to 1/quarter or the other parameters to 1/month. Should the permittee be issued a warning letter related to violation of effluent limitations or a notice of violation or be the subject of an active enforcement action, monitoring frequency shall revert to 2/month upon issuance of the letter or notice or execution of the enforcement action and remain in effect until the permit's expiration date.</p>				

337 Part I

338 B. Special conditions.

339 1. There shall be no discharge of floating solids or visible foam in other than trace amounts.

340 2. The permittee shall sample each permitted outfall each calendar month in which a discharge
341 occurs. When no discharge occurs from an outfall during a calendar month, the discharge
342 monitoring report for that outfall shall be submitted indicating "No Discharge."

343 3. Operation and maintenance (O&M) manual. If the permitted discharge is through a
344 treatment works, within 30 days of coverage under this general permit, the permittee shall
345 develop and maintain on-site, an O&M manual for the treatment works permitted in this
346 general permit. This manual shall detail practices and procedures that will be followed to
347 ensure compliance with the requirements of this permit. The permittee shall operate the
348 treatment works in accordance with the O&M manual. The manual shall be made available to
349 the department upon request.

350 4. Operation schedule. The permittee shall construct, install and begin operating the treatment
351 works described in the registration statement prior to discharging to surface waters. The
352 permittee shall notify the department's regional office within five days after the completion of
353 installation and commencement of operation.

354 5. Materials storage. Except as expressly authorized by this permit or another permit issued by
355 the department or general permit adopted by the board, no product, materials, industrial
356 wastes, or other wastes resulting from the purchase, sale, mining, extraction, transport,
357 preparation, or storage of raw or intermediate materials, final product, byproduct or wastes,
358 shall be handled, disposed of, or stored so as to permit a discharge of such product, materials,
359 industrial wastes, or other wastes to state waters.

360 6. If the permittee discharges to surface waters through an MS4, the permittee shall, within 30
361 days of coverage under this general permit, notify the owner of the municipal separate storm
362 sewer system in writing of the existence of the discharge and provide the following
363 information: the name of the facility, a contact person, and telephone number, the location of
364 the discharge, the nature of the discharge, and the facility's VPDES general permit number. A
365 copy of such notification shall be provided to the department. Discharge Monitoring Reports
366 (DMRs) required to be submitted under this permit shall be submitted to both the department
367 and the owner of the municipal separate storm sewer system.

368 7. Monitoring results shall be reported using the same number of significant digits as listed in
369 the permit. Regardless of the rounding convention used by the permittee (e.g., five always
370 rounding up or to the nearest even number), the permittee shall use the convention consistently
371 and shall ensure that consulting laboratories employed by the permittee use the same
372 convention.

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

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

377 10. Discharges to waters with an approved TMDL. Owners of facilities that are a source of the
378 specified pollutant of concern to waters where an approved TMDL has been established shall
379 implement measures and controls that are consistent with the assumptions and requirements of
380 the TMDL.

381 11. Termination of coverage. Provided that the department agrees that the discharge covered
382 under this general permit is no longer needed, the permittee may request termination of
383 coverage under the general permit, for the entire facility or for specific outfalls, by submitting

384 a request for termination of coverage. This request for termination of coverage shall be sent to
385 the department's regional office with appropriate documentation or references to
386 documentation already in the department's possession. Upon the permittee's receipt of the
387 regional director's approval, coverage under this general permit will be terminated.
388 Termination of coverage under this general permit does not relieve the permittee of
389 responsibilities under other board regulations or department directives.

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

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

395 (1) One hundred micrograms per liter;

396 (2) Two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms
397 per liter for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter for
398 antimony;

399 (3) Five times the maximum concentration value reported for that pollutant in the general permit
400 registration statement; or

401 (4) The level established by the board.

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

405 (1) Five hundred micrograms per liter;

406 (2) One milligram per liter for antimony;

407 (3) Ten times the maximum concentration value reported for that pollutant in the general permit
408 registration statement; or

409 (4) The level established by the board.

410 Part II

411 Conditions Applicable to All VPDES Permits

412 A. Monitoring.

413 1. Samples and measurements taken as required by this permit shall be representative of the
414 monitored activity.

415 2. Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 or
416 alternative methods approved by the U.S. Environmental Protection Agency, unless other
417 procedures have been specified in this permit.

418 3. The permittee shall periodically calibrate and perform maintenance procedures on all
419 monitoring and analytical instrumentation at intervals that will ensure accuracy of
420 measurements.

421 4. Samples taken as required by this permit shall be analyzed in accordance with 1VAC30-45,
422 Certification for Noncommercial Environmental Laboratories, or 1VAC30-46, Accreditation
423 for Commercial Environmental Laboratories.

424 B. Records.

425 1. Records of monitoring information shall include:

426 a. The date, exact place, and time of sampling or measurements;

427 b. The individuals who performed the sampling or measurements;

428 c. The dates and times analyses were performed;

429 d. The individual who performed the analyses;

430 e. The analytical techniques or methods used; and

431 f. The results of such analyses.

432 2. Except for records of monitoring information required by this permit related to the
433 permittee's sewage sludge use and disposal activities, which shall be retained for a period of at
434 least five years, the permittee shall retain records of all monitoring information, including all
435 calibration and maintenance records and all original strip chart recordings for continuous
436 monitoring instrumentation; copies of all reports required by this permit; and records of all
437 data used to complete the registration statement for this permit for a period of at least three
438 years from the date of the sample, measurement, report, or request for coverage. This period of
439 retention shall be extended automatically during the course of any unresolved litigation
440 regarding the regulated activity or regarding control standards applicable to the permittee, or
441 as requested by the department.

442 C. Reporting monitoring results.

443 1. The permittee shall submit the results of the monitoring required by this permit not later
444 than the 10th day of the month after monitoring takes place unless another reporting schedule
445 is specified elsewhere in this permit. Monitoring results shall be submitted to the department's
446 regional office.

447 2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms
448 provided, approved or specified by the department. Following notification from the
449 department of the start date for the required electronic submission of monitoring reports, as
450 provided for in 9VAC25-31-1020, such forms and reports submitted after that date shall be
451 electronically submitted to the department in compliance with this section and 9VAC25-31-
452 1020. There shall be at least a three-month notice provided between the notification from the
453 department and the date after which such forms and reports must be submitted electronically.

454 3. If the permittee monitors any pollutant specifically addressed by this permit more frequently
455 than required by this permit using test procedures approved under 40 CFR Part 136 or using
456 other test procedures approved by the U.S. Environmental Protection Agency or using
457 procedures specified in this permit, the results of this monitoring shall be included in the
458 calculation and reporting of the data submitted in the DMR or reporting form specified by the
459 department.

460 4. Calculations for all limitations that require averaging of measurements shall utilize an
461 arithmetic mean unless otherwise specified in this permit.

462 D. Duty to provide information. The permittee shall furnish to the department, within a
463 reasonable time, any information which the department may request to determine whether cause
464 exists for terminating this permit or to determine compliance with this permit. The department
465 may require the permittee to furnish, upon request, such plans, specifications, and other pertinent
466 information as may be necessary to determine the effect of the wastes from the permittee's
467 discharge on the quality of state waters or such other information as may be necessary to
468 accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the
469 department upon request copies of records required to be kept by this permit.

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

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

475 1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or
476 deleterious substances; or

477 2. Otherwise alter the physical, chemical, or biological properties of such state waters and
478 make them detrimental to the public health, to animal or aquatic life, to the use of such waters
479 for domestic or industrial consumption, for recreation, or for other uses.

480 G. Reports of unauthorized discharges. Any permittee that discharges or causes or allows a
481 discharge of sewage, industrial waste, other wastes, or any noxious or deleterious substance into
482 or upon state waters in violation of Part II F or that discharges or causes or allows a discharge
483 that may reasonably be expected to enter state waters in violation of Part II F shall notify the
484 department of the discharge immediately (see Part II I 3) upon discovery of the discharge, but in
485 no case later than 24 hours after the discovery. A written report of the unauthorized discharge
486 shall be submitted to the department within five days of discovery of the discharge. The written
487 report shall contain:

488 1. A description of the nature and location of the discharge;

489 2. The cause of the discharge;

490 3. The date on which the discharge occurred;

491 4. The length of time that the discharge continued;

- 492 5. The volume of the discharge;
- 493 6. If the discharge is continuing, how long it is expected to continue;
- 494 7. If the discharge is continuing, what the expected total volume of the discharge will be; and
- 495 8. Any steps planned or taken to reduce, eliminate, and prevent a recurrence of the present
- 496 discharge or any future discharges not authorized by this permit.

497 Discharges reportable to the department under the immediate reporting requirements of other

498 regulations are exempted from this requirement.

499 H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge

500 including a bypass or upset should occur from a treatment works and the discharge enters or

501 could be expected to enter state waters, the permittee shall promptly notify (see Part II I 3) the

502 department after the discovery of the discharge. This notification shall provide all available

503 details of the incident, including any adverse effects on aquatic life and the known number of

504 fish killed. The permittee shall reduce the report to writing and shall submit the report to the

505 department within five days of discovery of the discharge in accordance with Part II I 1 b.

506 Unusual and extraordinary discharges include any discharge resulting from:

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

511 I. Reports of noncompliance.

512 1. The permittee shall report any noncompliance that may adversely affect state waters or may

513 endanger public health.

514 a. An oral or online report shall be provided within 24 hours from the time the permittee

515 becomes aware of the circumstances. The following shall be included as information, which shall

516 be reported within 24 hours under this subsection:

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

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

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

524 The department may waive the written report on a case-by-case basis for reports of
525 noncompliance under Part II I if the oral or online report has been received within 24 hours
526 and no adverse impact on state waters has been reported.

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

530 3. The immediate (within 24 hours) reports required in Part II G, H and I shall be made to the
531 department's regional office. Reports may be made by telephone or online
532 at <https://www.deq.virginia.gov/our-programs/pollution-response> (online reporting is
533 preferred). For reports outside normal working hours, the online portal shall be used. For
534 emergencies, call the Virginia Department of Emergency Management's Emergency
535 Operations Center (24-hours) at ~~1-800-468-8892~~804-750-8845.

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

539 J. Notice of planned changes.

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

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

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

546 (2) After proposal of standards of performance in accordance with § 306 of the Clean Water Act
547 that are applicable to such source, but only if the standards are promulgated in accordance with §
548 306 of the Act within 120 days of their proposal;

549 b. The alteration or addition could significantly change the nature or increase the quantity of
550 pollutants discharged. This notification applies to pollutants that are subject neither to effluent
551 limitations nor to notification requirements under Part I B 12; or

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

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

559 K. Signatory requirements.

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

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

573 b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
574 c. For a municipality, state, federal, or other public agency: by either a principal executive officer
575 or ranking elected official. For purposes of this section, a principal executive officer of a public
576 agency includes (i) the chief executive officer of the agency or (ii) a senior executive officer
577 having responsibility for the overall operations of a principal geographic unit of the agency.

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

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

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

588 c. The written authorization is submitted to the department.

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

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

596 "I certify under penalty of law that this document and all attachments were prepared under my
597 direction or supervision in accordance with a system designed to ensure that qualified personnel
598 properly gather and evaluate the information submitted. Based on my inquiry of the person or
599 persons who manage the system, or those persons directly responsible for gathering the
600 information, the information submitted is, to the best of my knowledge and belief, true, accurate,

601 and complete. I am aware that there are significant penalties for submitting false information,
602 including the possibility of fine and imprisonment for knowing violations."

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

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

613 M. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after
614 the expiration date of this permit, the permittee shall submit a new registration statement at least
615 60 days before the expiration date of the existing permit, unless permission for a later date has
616 been granted by the department. The department shall not grant permission for registration
617 statements to be submitted later than the expiration date of the existing permit.

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

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

628 P. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the
629 institution of any legal action or relieve the permittee from any responsibilities, liabilities, or
630 penalties to which the permittee is or may be subject under Article 11 (§ 62.1-44.34:14 et seq.) of
631 the State Water Control Law.

632 Q. Proper operation and maintenance. The permittee shall at all times properly operate and
633 maintain all facilities and systems of treatment and control (and related appurtenances) which are
634 installed or used by the permittee to achieve compliance with the conditions of this permit.
635 Proper operation and maintenance also includes effective plant performance, adequate funding,
636 adequate staffing, and adequate laboratory and process controls, including appropriate quality
637 assurance procedures. This provision requires the operation of back-up or auxiliary facilities or
638 similar systems that are installed by the permittee only when the operation is necessary to
639 achieve compliance with the conditions of this permit.

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

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

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

649 U. Bypass.

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

654 2. Notice.

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

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

659 3. Prohibition of bypass.

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

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

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

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

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

671 V. Upset.

672 1. An upset constitutes an affirmative defense to an action brought for noncompliance with
673 technology-based permit effluent limitations if the requirements of Part II V 2 are met. A
674 determination made during administrative review of claims that noncompliance was caused by

675 upset and before an action for noncompliance is not a final administrative action subject to
676 judicial review.

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

679 a. An upset occurred and that the permittee can identify the cause or causes of the upset;

680 b. The permitted facility was at the time being properly operated;

681 c. The permittee submitted notice of the upset as required in Part II I; and

682 d. The permittee complied with any remedial measures required under Part II S.

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

685 W. Inspection and entry. The permittee shall allow the director or an authorized representative,
686 including an authorized contractor acting as a representative of the administrator, upon
687 presentation of credentials and other documents as may be required by law, to:

688 1. Enter upon the permittee's premises where a regulated facility or activity is located or
689 conducted or where records must be kept under the conditions of this permit;

690 2. Have access to and copy, at reasonable times, any records that must be kept under the
691 conditions of this permit;

692 3. Inspect at reasonable times any facilities, equipment (including monitoring and control
693 equipment), practices, or operations regulated or required under this permit; and

694 4. Sample or monitor at reasonable times, for the purposes of ensuring permit compliance or
695 as otherwise authorized by the Clean Water Act and the State Water Control Law any
696 substances or parameters at any location.

697 For purposes of this section, the time for inspection shall be deemed reasonable during regular
698 business hours or whenever the facility is discharging. Nothing contained in this general permit
699 shall make an inspection unreasonable during an emergency.

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

703 Y. Transfer of permit coverage.

704 1. Permit coverage is not transferable to any person except after notice to the department.

705 2. Coverage under this permit may be automatically transferred to a new permittee if:

706 a. The current permittee notifies the department ~~within~~ at least 30 days in advance of the transfer
707 of the title to the facility or property, unless permission for a later date has been granted by the
708 department;

709 b. The notice includes a written agreement between the existing and new permittees containing a
710 specific date for transfer of permit responsibility, coverage, and liability between them; and

711 c. The department does not notify the existing permittee and the proposed new permittee of its
712 intent to deny permit coverage. If this notice is not received, the transfer is effective on the date
713 specified in the agreement mentioned in Part II Y 2 b.

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