

VPDES General Permit Regulation for Potable Water Treatment Plants (9VAC25-860)

Reissuance

Technical Advisory Committee Meeting

August 31, 2026, 10:00 am

4949-A Cox Road, Glen Allen, Virginia 23060

(DEQ Piedmont Regional Office, Training Room)

- Introductions
- Purpose, exempt regulatory process, role of the TAC
- Overview of the General Permit (9VAC25-860)
- Known revisions to the General Permit
- Open discussion

If you need more information regarding this regulatory action, please call or contact Azra Bilalagic (804) 584-6674 or azra.bilalagic@deq.virginia.gov or Jeanette Ruiz, PhD at ((804) 494-9636 or jeanette.ruiz@deq.virginia.gov.

Project 8554 - None

State Water Control Board

2028 Reissuance of VPDES GP Potable Water treatment plants

Chapter 860

Virginia Pollutant Discharge Elimination System General Permit Regulation for Potable Water Treatment Plants

9VAC25-860-10. Definitions.

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

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

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

"Conventional filtration treatment" means a series of processes including coagulation, flocculation, sedimentation, and filtration resulting in substantial particulate removal.

"Membrane treatment" means a pressure or vacuum driven process using synthetic materials to separate constituents from water. Membranes are used for dissolved solids or suspended solids removal. Membrane treatment for dissolved solids removal includes reverse osmosis and nanofiltration. Membrane treatment for suspended solids removal includes ultrafiltration and microfiltration.

"Microfiltration" means a method of membrane treatment designed to remove particles down to 0.1 µm in size. The treatment removes cysts, bacteria, and most (but not all) particulates.

"Nanofiltration" or "low-pressure reverse osmosis" or "membrane softening" means a method of membrane treatment designed to remove multivalent ions (softening) and removes contaminants down to 1 nm (nanometer = 0.001 µm) in size.

"Potable water treatment plant" means an establishment engaged in producing water for domestic, commercial, or industrial use as designated by North American Industry Classification System (NAICS) Code 221310 - Water Supply and Irrigation Systems, (Executive Office of the President, Office of Management and Budget, United States, 2017), Standard Industrial Classified (SIC) Code 4941 - Water Supply (Office of Management and Budget (OMB) SIC Manual, 1987), or others as approved by the department.

"Reverse osmosis" means a method of membrane treatment designed to remove salts and low-molecular weight solutes and remove all contaminants down to 0.0001 µm (microns) in size. Reverse osmosis methods apply pressure in excess of osmotic pressure to force water through a semi-permeable membrane from a region of high salt concentration to a region of lower salt concentration.

"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.

"Ultrafiltration" means a method of membrane treatment designed to remove particles down to 0.01 µm in size. The treatment removes cysts, bacteria, and viruses as well as suspended solids.

9VAC25-860-15. 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 (CFR) is referenced and incorporated in this chapter, that regulation shall be as it exists and has been published as of July 1, 202~~26~~²⁸; however, references to 40 CFR Part 136 are incorporated as published in the July 1, 202~~26~~²⁸, update.

9VAC25-860-20. Purpose.

This general permit regulation governs the discharge of process wastewater from potable water treatment plants to surface waters.

9VAC25-860-40. Effective date of the permit.

This general VPDES permit will become effective on July 1, 202~~28~~³⁰, and will expire on June 30, 20~~32~~³⁴. This general permit is effective for any covered owner upon compliance with all the provisions of 9VAC25-860-50.

9VAC25-860-50. Authorization to discharge.

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

1. The owner submits a registration statement in accordance with 9VAC25-860-60 and that registration statement is accepted by the department;
2. The owner submits the required permit fee;
3. The owner complies with the applicable effluent limitations and other requirements of 9VAC25-860-70; and
4. 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 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;
4. The discharge is not consistent with the assumptions and requirements of an approved TMDL;
5. The facility is subject to the requirements of 9VAC25-820-70 Part I G 1 (General VPDES Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Watershed in Virginia - Requirement to Register); and
6. An owner applying for coverage under this general permit submits the results of representative whole effluent toxicity testing of the discharge, and the results demonstrate that there is a reasonable potential for toxicity.

C. Compliance with this general permit constitutes compliance, for purposes of enforcement, with §§ 301, 302, 306, 307, 318, 403, and 405 (a) through (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 established by the department, which cannot extend beyond the expiration date of the permit. The permittee is authorized to continue to discharge until such time as the department 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 department may choose to do any or all of the following:

- a. Initiate enforcement action based upon the general permit coverage that has been continued;
- b. Issue a notice of intent to deny coverage under the reissued general permit. If the general permit coverage is denied, the owner would then be required to cease the discharges authorized by the continued general permit coverage or be subject to enforcement action for discharging without a permit;
- c. Issue an individual permit with appropriate conditions; or
- d. Take other actions authorized by the VPDES Permit Regulation (9VAC25-31).

9VAC25-860-60. Registration statement.

A. Deadlines for submitting registration statement. The 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 regulation for potable water treatment plants.

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

2. Existing facilities.

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

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

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

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

1. Facility name and street address, owner name, mailing address, telephone number, and email address (if available);
2. Operator or other contact name, mailing address, telephone number, and email address;
3. The nature of the business;
4. A [U.S. Geological Survey \(USGS\)](#) 7.5-minute topographic map or equivalent computer-generated map [with sufficient resolution to clearly showing](#) the facility location extending to at least one mile beyond the property boundary, and the location of the discharge points;
5. The receiving waters of the discharge;
6. The outfall number, latitude and longitude (in decimal degrees (six digits - tenths and thousandths place)), the daily maximum and monthly average process wastewater flow (millions of gallons per day or gallons per day), duration of discharges, and frequency of discharge;
7. The type of water treatment (e.g., conventional filtration treatment, microfiltration, ultrafiltration, nanofiltration, reverse osmosis, or a combination of these) and, if applicable, a description of any treatment type changes since the previous registration statement was submitted;
8. The number of any existing VPDES or VPA permit;
9. The Virginia Department of Health Public Water Supply Identification (PWSID) number;
10. If the existing VPDES permit contains a groundwater monitoring plan requirement, a copy of the department-approved plan shall be submitted unless the plan has been previously submitted and approved and remains unchanged. If a plan has been previously approved, cite the plan and date of approval;
11. Information regarding the lining of any settling basins or lagoons, whether such units are earthen lined, and if so, whether the linings have a permeability of no greater than 10^{-6} cm/sec;
12. The results of any whole effluent toxicity evaluation required by the [2018-2023](#) potable water treatment plant general permit regulation, 9VAC25-860-50 A 3, or the current individual permit, if not previously submitted to the department;
13. A schematic drawing showing the treatment of the water from raw water intake through finished water distribution. Indicate clearly where backwash, reject water, clean in place water, and disinfection chemicals could enter the process wastewater and exit the outfall to state waters. Also include in schematic where solids from any treatment process are settled or dried;
14. Information on chemicals used in the production of drinking water and process wastewater treatment, to include (i) a description of chemicals, (ii) a proposed or actual schedule and quantity of chemical usage, (iii) a description of any chemical or chemical usage changes since the previous registration statement was submitted, and (iv) a description of which chemicals have no likelihood of entering the process wastewater;
15. A description of how solids and residue from any settling basins or lagoons are disposed;
16. Whether the facility will discharge to a municipal separate storm sewer system (MS4). If yes, the name of the MS4 owner must be provided. If the owner of the potable water treatment plant is not the owner of the MS4, the facility owner shall notify the MS4 owner of the existence of the discharge and include a copy of the notification with the registration statement. The notification shall include the following information: the name of the facility, a contact person and contact information (telephone number and email), the location of

181 the discharge, the nature of the discharge, and the owner's VPDES general permit
182 number;

183 17. If a new potable water treatment plant owner proposes to discharge within five miles
184 upstream of another public water supply system's intake, the new potable water treatment
185 plant owner shall notify the public water supply system's owner and include a copy of the
186 notification with the registration statement; and

187 18. The following certification:

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

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

197 E. The registration statement shall be delivered to the department's regional office where the
198 industrial facility is located by either postal or electronic mail. Following notification from the
199 department of the start date for the required electronic submission of Notices of Intent to discharge
200 forms (i.e., registration statements) as provided for in 9VAC25-31-1020, such forms submitted
201 after that date shall be electronically submitted to the department in compliance with this section
202 and 9VAC25-31-1020. There shall be at least a three-month notice provided between the
203 notification from the department and the date after which such forms must be submitted
204 electronically.

205 E. Incomplete Registration Statements. An incomplete registration statement for coverage
206 under this general permit may be closed as incomplete by the department for failure to provide
207 the required information within 30 calendar days of the date of the department's latest written
208 request for additional information and a new registration statement will be required for coverage.

210 **9VAC25-860-70. General permit.**

211 Any owner whose registration statement is accepted by the department will receive coverage
212 under the following permit and shall comply with the requirements therein and be subject to all
213 requirements of 9VAC25-31.

214 General Permit No.: VAG64

215 Effective Date: July 1, 202~~8~~³

216 Expiration Date: June 30, 20~~33~~²⁸

217 GENERAL PERMIT FOR POTABLE WATER TREATMENT PLANTS

218 AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE
219 ELIMINATION SYSTEM AND THE VIRGINIA STATE WATER CONTROL LAW

220 In compliance with the provisions of the Clean Water Act, as amended, and pursuant to the
221 State Water Control Law and regulations adopted pursuant thereto, owners of potable water
222 treatment plants are authorized to discharge to surface waters within the boundaries of the

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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, Special Conditions and Part II - Conditions Applicable to All VPDES Permits, as set forth in this general permit.

Part I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

1. Facilities other than reverse osmosis or nanofiltration plants.

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 from outfalls: _____

Such discharges shall be limited and monitored as specified below:

EFFLUENT CHARACTERISTICS	EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS	
	Monthly Average	Minimum	Maximum	Frequency ⁽¹⁾	Sample Type
Flow (MGD)	NL	NA	NL	1/3 Months	Estimate ⁽²⁾
pH (SU) ^(3, 6)	NA	6.0	9.0	1/3 Months	Grab
Total Suspended Solids (mg/L)	30	NA	60	1/3 Months	Composite ⁽⁴⁾
Total Residual Chlorine ⁽⁵⁾ (mg/L)	0.011	NA	0.011	1/3 Months	Grab
Aluminum, Total Recoverable (mg/L) ^(6, 7)	NA	NA	NL	1/3 Months	Grab
Hardness (mg/L) ^(6, 7)	NA	NA	NL	1/3 Months	Grab
Dissolved Organic Carbon (mg/L) ^(6, 7)	NA	NA	NL	1/3 Months	Grab
NL - No Limitation, monitoring requirement only NA - Not applicable					
⁽¹⁾ Reports of quarterly monitoring shall be submitted to the DEQ regional office no later than the 10th day of April, July, October, and January.					
⁽²⁾ Reported estimated flow may be based on the technical evaluation of the sources contributing to the discharge.					

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Commented [JB1]: General info on alum use in water treatment (defer to TAC experts): Alum (aluminum sulfate) is commonly used as a coagulant in the pretreatment stage of water treatment plants. The primary destination for aluminum used in treatment is the sludge (also called water treatment residuals or WTR). The flocs formed during coagulation, which contain the captured impurities and the aluminum hydroxide, settle out and are removed.

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⁽³⁾Where the Water Quality Standards (9VAC25-260) establish alternate standards for pH in waters receiving the discharge, those standards shall be the minimum and maximum effluent limitations.

⁽⁴⁾Composite - For continuous discharges, five grab samples collected at hourly intervals. For batch discharges, five grab samples taken at evenly placed intervals for the duration of the discharge, or until a minimum of five grab samples have been collected. For batch discharges, the first grab shall occur within 15 minutes of commencement of the discharge. Composite sample procedures for batch discharges unable to meet the requirements in this table may be approved by DEQ on a case-by-case basis.

⁽⁵⁾ Total residual chlorine limit shall only be applicable if chlorine is present in the process wastewater.

⁽⁶⁾ Total hardness (as CaCO₃), pH, and dissolved organic carbon samples shall be collected concurrently with the aluminum samples. Any pH measurement conducted concurrently with total recoverable aluminum sampling may be used to satisfy the pH monitoring requirements in Part I.A above. Sampling for total recoverable aluminum, hardness, and dissolved organic carbon shall be conducted during the first three years following the effective date of the permit.

⁽⁷⁾ If analytical results from the first four consecutive quarters of monitoring demonstrate total recoverable aluminum is present at concentrations less than the applicable quantitation limit (QL), the permittee may request a monitoring waiver for total recoverable aluminum, hardness, and dissolved organic carbon. The waiver request shall include all supporting laboratory data and documentation of the analytical methods and QLs used.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

2. Reverse osmosis and nanofiltration plants.

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 originating from outfalls: _____

Such discharges shall be limited and monitored as specified below:

EFFLUENT CHARACTERISTICS	EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS	
	Monthly Average	Minimum	Maximum	Frequency	Sample Type
Flow (MGD)	NL	NA	NL	1/-Month	Estimate ⁽¹⁾
pH (SU) ^(2,6)	NA	6.0	9.0	1/-Month	Grab
Total Dissolved Solids (mg/l)	NA	NA	NL	1/-Month	Composite ⁽³⁾
Total Suspended Solids (mg/L) ⁽⁴⁾	30	NA	60	1/-Month	Composite ⁽³⁾

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Commented [BA2]: Alum is commonly added to raw water to neutralize colloidal particles and form flocs, which are then removed via sedimentation or filtration before reaching the RO membranes.

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Dissolved Oxygen (mg/L) ⁽⁵⁾	NA	4.0	NA	1/-Month	Grab
Total Residual Chlorine (mg/L) ⁽⁶⁾	0.011	NA	0.011	1/-Month	Grab
<u>Aluminum, Total Recoverable (mg/L) ^(6, 7)</u>	<u>NA</u>	<u>NA</u>	<u>NL</u>	<u>1/3 Months</u>	<u>Grab</u>
<u>Hardness (mg/L) ^(6, 7)</u>	<u>NA</u>	<u>NA</u>	<u>NL</u>	<u>1/3 Months</u>	<u>Grab</u>
<u>Dissolved Organic Carbon (mg/L) ^(6, 7)</u>	<u>NA</u>	<u>NA</u>	<u>NL</u>	<u>1/3 Months</u>	<u>Grab</u>
NL - No limitation, monitoring requirement only NA - Not applicable ⁽¹⁾Reported estimated flow may be based on the technical evaluation of the sources contributing to the discharge. ⁽²⁾Where the Water Quality Standards (9VAC25-260) establish alternate standards for pH in waters receiving the discharge, those standards shall be the minimum and maximum effluent limitations. ⁽³⁾Composite - For continuous discharges, five grab samples collected at hourly intervals. For batch discharges, five grab samples taken at evenly placed intervals for the duration of the discharge or until a minimum of five grab samples have been collected. For batch discharges, the first grab shall occur within 15 minutes of commencement of the discharge. Composite sample procedures for batch discharges unable to meet the requirements in this table may be approved by DEQ on a case-by-case basis. ⁽⁴⁾Applicable when conventional filtration treatment discharge is part of drinking water treatment and present in the process wastewater. ⁽⁵⁾Where the Water Quality Standards (9VAC25-260) establish alternate standards for dissolved oxygen in waters receiving the discharge, those standards shall be the minimum effluent limitations. ⁽⁶⁾Total residual chlorine limit shall only be applicable if chlorine is present in the process wastewater. ⁽⁶⁾ <u>Total hardness (as CaCO₃), pH, and dissolved organic carbon samples shall be collected concurrently with the aluminum samples. Any pH measurement conducted concurrently with total recoverable aluminum sampling may be used to satisfy the pH monitoring requirements in Part I.A above. Sampling for total recoverable aluminum, hardness, and dissolved organic carbon shall be conducted during the first three years following the effective date of the permit.</u> ⁽⁷⁾ <u>If analytical results from the first four consecutive quarters of monitoring demonstrate total recoverable aluminum is present at concentrations less than the applicable quantitation limit (QL), the permittee may request a monitoring waiver for total recoverable aluminum.</u>					

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hardness, and dissolved organic carbon. The waiver request shall include all supporting laboratory data and documentation of the analytical methods and QLs used.

B. Special conditions.

1. Inspection of the effluent, and maintenance of the process wastewater treatment facility, shall be performed daily. Documentation of the inspection and maintenance shall be recorded in an operational log. This operational log shall be made available for review by the department personnel upon request.

2. No domestic sewage discharges are permitted under this general permit.

3. No chemicals used for water and process wastewater treatment, other than those listed on the owner's accepted registration statement, are allowed. Prior approval shall be obtained from the department before any changes are made to the chemicals, in order to ~~assure~~ ensure protection of water quality and beneficial uses of the waters receiving the discharge. The owner shall indicate whether the chemical is likely to enter state waters through the process wastewater discharge.

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

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

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

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

(1) One hundred micrograms per liter 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 general permit registration statement; or

(4) The level established by the department.

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;

(2) One milligram per liter for antimony;

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

(4) The level established by the board or department.

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279 7. Groundwater Monitoring Plan.

280 If a department-approved groundwater monitoring plan was submitted with the registration
281 statement, the permittee shall continue to sample and report in accordance with the plan.
282 The approved plan shall be an enforceable part of this permit. The department or the
283 owner, with department approval, may evaluate the groundwater monitoring data and
284 demonstrate that revisions to or the cessation of the groundwater monitoring are
285 appropriate. If the department determines that monitoring indicates that groundwater is
286 contaminated, the permittee shall submit a corrective action plan within 60 days of being
287 notified by the regional office. The plan shall set forth the steps to ensure the
288 contamination source is eliminated or that the contaminant plume is contained on the
289 permittee's property. In addition, based on the extent of contamination, a risk analysis may
290 be required. Once approved, this plan or analysis shall become an enforceable part of this
291 permit.

292 8. Compliance reporting under Part I A.

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

Effluent Characteristic	Quantification Level
Chlorine	0.10 mg/L
TSS	1.0 mg/L

294 The QL is defined as the lowest concentration used to calibrate a measurement
295 system in accordance with the procedures published for the test method.
296

297 b. Reporting.

298 (1) Monthly average. Compliance with the monthly average limitations and reporting
299 requirements for the parameters listed in subdivision 8 a of this subsection shall be
300 determined as follows: all concentration data below the QL listed in subdivision 8 a
301 shall be treated as zero. All concentration data equal to or above the QL listed in
302 subdivision 8 a shall be treated as it is reported. An arithmetic average shall be
303 calculated using all reported data for the month, including the defined zeros. This
304 arithmetic average shall be reported on the Discharge Monitoring Report (DMR) as
305 calculated. If all data are below the QL, then the average shall be reported as "<QL."
306 For quarterly monitoring frequencies, the monthly average value to be reported on the
307 DMR shall be the maximum of the arithmetic monthly averages calculated for each
308 calendar month during the monitoring period.

309 (2) Daily maximum. Compliance with the daily maximum limitations or reporting
310 requirements for the parameters listed in subdivision 8 a of this subsection shall be
311 determined as follows: all concentration data below the QL listed in subdivision 8 a
312 shall be treated as zero. All concentration data equal to or above the QL shall be
313 treated as reported. An arithmetic average shall be calculated using all reported data,
314 including the defined zeros, collected within each day during the reporting month. The
315 maximum value of these daily averages thus determined shall be reported on the DMR

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as the daily maximum. If all data are below the QL, then the average shall be reported as "<QL." For quarterly monitoring frequencies, the daily maximum value to be reported on the DMR shall be the maximum of the daily values for each calendar day during the monitoring period.

c. Any single datum required shall be reported as "<QL" if it is less than the QL in subdivision 8 a of this subsection. Otherwise, the numerical value shall be reported.

d. The permittee shall report at least the same number of significant digits as the permit limit 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.

9. Operation and maintenance manual requirement.

a. Within 90 days after the date of coverage under this general permit, the permittee shall develop or update an operation and maintenance (O&M) manual for the process wastewater treatment works. The O&M manual shall be reviewed within 90 days of changes to the treatment system. The O&M manual shall be certified in accordance with Part II K of this permit. The O&M manual shall be made available for review by department personnel upon request.

b. This manual shall detail the practices and procedures that will be followed to ensure compliance with the requirements of this permit. Within 30 days of a request by the department, the current O&M manual shall be submitted to the department for review and approval. The permittee shall operate the process wastewater treatment works in accordance with the O&M manual. Noncompliance with the O&M manual shall be deemed a violation of the permit.

c. This manual shall include, but not necessarily be limited to, the following items, as appropriate:

(1) Techniques to be employed in the collection, preservation, and analysis of effluent samples;

(2) Discussion of best management practices;

(3) Process wastewater treatment system design, operation, routine preventive maintenance of units within the process wastewater treatment system, critical spare parts inventory, and recordkeeping;

(4) A plan for the management or disposal of waste solids and residues, which includes a requirement to clean settling basins and lagoons (if present at the facility) in order to achieve effective treatment and a requirement that all solids shall be handled, stored, and disposed of so as to prevent a discharge to state waters;

(5) Procedures for measuring and recording the duration and volume of treated process wastewater discharged; and

(6) Location of the operational log for performing the daily inspections of the effluent. The log shall note any solids or sheens and if there is no discharge at time of inspection.

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10. Whole Effluent Toxicity (WET) testing.

Owners of a facility with a daily maximum flow rate greater than or equal to 50,000 gallons per day over three consecutive monitoring periods that have not previously conducted whole effluent toxicity (WET) testing to demonstrate there is no reasonable potential for toxicity from their discharge shall conduct WET testing as described in subdivisions 10 a through 10 e of this subsection. Owners of a facility with a daily maximum flow rate greater than or equal to 50,000 gallons per day over three consecutive monitoring periods that previously performed WET testing but have with changes in treatment technology or chemical usage that change the characteristics of the discharge, and with a daily maximum flow rate greater than or equal to 50,000 gallons per day over three consecutive monitoring periods shall conduct WET testing as described in subdivisions 10 a through 10 e of this subsection.

- a. The WET testing shall consist of a minimum of four sets (a set includes both vertebrate and invertebrate tests) of acute or chronic tests that reflect the current characteristics of the process wastewater treatment plant effluent using the following tests and organisms:

For an intermittent or batch discharger	48 hour static acute toxicity tests
Freshwater organisms	Pimephales promelas or Oncorhynchus mykiss (for cold water) (vertebrates)
	Ceriodaphnia dubia (invertebrate)
Saltwater organisms	Cyprinodon variegatus (vertebrate)
	Americamysis bahia (invertebrate)
For continuous discharger	
Freshwater	7-Day Chronic Static Renewal Larval Survival and Growth Test with Pimephales promelas (vertebrate)
	3-Brood Chronic Static Renewal Survival and Reproduction Test with Ceriodaphnia dubia (invertebrate)
Saltwater	7-Day Chronic Static Renewal Larval Survival and Growth Test with Cyprinodon variegatus (vertebrate)
	7-Day Chronic Static Renewal Survival, Growth and Fecundity Test with Americamysis bahia (invertebrate)

Freshwater organisms are used where the salinity of the receiving water is less than 1.0‰ (parts per thousand). Where the salinity of the receiving water is greater than or equal to 1.0‰ but less than 5.0‰ either freshwater or saltwater organisms may be used. Saltwater organisms are used where the salinity is greater than or equal to 5.0‰. There shall be a minimum of 30 days between sets of tests, and test procedures shall follow 40 CFR Part 136, which references the EPA guidance manuals for WET testing.

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b. This testing shall be completed, at a minimum, during the first year of coverage under the general permit or within one year of commencing discharge.

c. The department will evaluate all representative data statistically to see if there is reasonable potential for toxicity in the facility discharge. If such reasonable potential exists and cannot be eliminated, the owner will be notified that the owner must apply for an individual VPDES permit at next reissuance and a WET limit will be included in that individual permit. If the potential cause of the toxicity is eliminated during the five-year term of this general permit, the owner may conduct additional WET testing to demonstrate that there is no longer reasonable potential for toxicity and an individual permit will not be required at the next reissuance.

d. If the department determines that no reasonable potential for toxicity exists in the facility discharge, no further WET testing is required unless changes in treatment technology or chemical usage are made at the plant that change the characteristics of the discharge. If there have been changes to the effluent characteristics, then four sets of WET testing, either acute or chronic tests as applicable to the current characteristics of the process wastewater treatment plant effluent, must be performed to recharacterize the discharge.

e. Any WET testing data will be submitted with the next required discharge monitoring report.

~~11. The discharges authorized by this permit shall be controlled as necessary to meet applicable water quality standards.~~

11. The discharges authorized by this permit shall be controlled as necessary through the effluent limitations, best management practices, and other conditions specified in this permit such that the discharges do not cause or contribute to a violation of water quality standards in 9VAC25-260.

12. Notice of termination.

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

(1) Operations have ceased at the facility and there are no longer discharges of process wastewater from the potable water treatment plant;

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

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

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

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

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(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 an individual VPDES permit; or

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

c. The following certification: "I certify under penalty of law that all process wastewater discharges from the identified facility that are authorized by this VPDES general permit have been eliminated, or covered under a VPDES individual or a VPDES general 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 process wastewater 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 department and signed in accordance with Part II K.

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

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Part II

CONDITIONS APPLICABLE TO ALL VPDES PERMITS.

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A. Monitoring.

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

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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.

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

457 4. Samples taken as required by this permit shall be analyzed in accordance with 1VAC30-
458 45, Certification for Noncommercial Environmental Laboratories, or 1VAC30-46,
459 Accreditation for Commercial Environmental Laboratories.

460 B. Records.

461 1. Records of monitoring information shall include:

- 462 a. The date, exact place, and time of sampling or measurements;
- 463 b. The individuals who performed the sampling or measurements;
- 464 c. The dates and times analyses were performed;
- 465 d. The individuals who performed the analyses;
- 466 e. The analytical techniques or methods used; and
- 467 f. The results of such analyses.

468 2. The permittee shall retain records of all monitoring information, including all calibration
469 and maintenance records and all original strip chart recordings for continuous monitoring
470 instrumentation, copies of all reports required by this permit, and records of all data used
471 to complete the registration statement for this permit, for a period of at least three years
472 from the date of the sample, measurement, report or request for coverage. This period of
473 retention shall be extended automatically during the course of any unresolved litigation
474 regarding the regulated activity or regarding control standards applicable to the permittee,
475 or as requested by the department.

476 C. Reporting monitoring results.

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

481 2. Monitoring results shall be reported on a DMR or on forms provided, approved or
482 specified by the department. Following notification from the department of the start date
483 for the required electronic submission of monitoring reports, as provided for in 9VAC25-
484 31-1020, such forms and reports submitted after that date shall be electronically submitted
485 to the department in compliance with this section and 9VAC25-31-1020. There shall be at
486 least a three-month notice provided between the notification from the department and the
487 date after which such forms and reports must be submitted electronically.

488 3. If the permittee monitors any pollutant specifically addressed by this permit more
489 frequently than required by this permit using test procedures approved under 40 CFR Part
490 136 or using other test procedures approved by the U.S. Environmental Protection Agency
491 or using procedures specified in this permit, the results of this monitoring shall be included
492 in the calculation and reporting of the data submitted in the DMR or reporting form
493 specified by the department.

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

496 D. Duty to provide information. The permittee shall furnish to the department, within a
497 reasonable time, any information that the department may request to determine whether cause

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exists for terminating this permit or to determine compliance with this permit. The department 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 the permittee's 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 department, 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 that 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 II F, or that discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II F, shall notify the department of the discharge immediately (see Part II I 3) upon discovery of the discharge, but in no case later than 24 hours after ~~said the~~ 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 Part II I 3), 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

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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 II I 1 b. Unusual and extraordinary discharges include any discharge resulting from:

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

I. Reports of noncompliance.

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

a. An oral or online 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 subsection:

- (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 department may waive the written report on a case-by-case basis for reports of noncompliance under Part II I if the oral or online 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 II I 1, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II I 1 b.

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

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

J. Notice of planned changes.

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

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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 Clean Water Act that are applicable to such source; or

(2) After proposal of standards of performance in accordance with § 306 of the 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 under Part I B 6; 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 purpose 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 major capital investment recommendations, and initiating and directing other comprehensive measures to ~~assure~~ ensure 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 department shall be signed by a person described in Part II K 1, or by a

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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 II 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 II 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 II 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 II K 1 or 2 shall make the following certification:

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

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

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

M. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall 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 department. The department 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~~ This permit does not ~~it~~ authorize any injury to private

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property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State law. Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by § 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II U), and "upset" (Part II 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 which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Part II 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 II I.

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3. Prohibition of bypass.

a. Bypass is prohibited, and the department 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 II U 2.

b. The department may approve an anticipated bypass, after considering its adverse effects if the department determines that it will meet the three conditions listed in Part II 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 II V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.

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

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

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

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

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

3. In any enforcement preceding 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, including an authorized contractor acting as a representative of the administrator, 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

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

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

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

Y. Transfer of permit coverage.

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

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

a. The current permittee notifies the department ~~within at least~~ 30 days in advance of the 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 permittee and new ~~permittees owner~~ containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

c. The department receives, no later than 30 days after the title transfer date, sufficient evidence, which may include a signed purchase agreement, sale contract, or bill of sale to demonstrate that the title transfer has occurred.

~~3. c. If~~ The department does not notify the existing permittee and the proposed new permittee owner of its intent to deny modify or revoke and reissue the permit. the new permittee coverage under the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned documentation required in Part II Y 2 c.

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.

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