

TENTATIVE AGENDA
STATE WATER CONTROL BOARD MEETING

September 21, 2026

IN PERSON ONLY – General Assembly Building, 2nd floor, House South Subcommittee Room (#210)

201 North 9th Street, Richmond, VA 23219

Meeting will be Live-Streamed. Go to: www.deq.virginia.gov

Any Updates To Details/Final Arrangements To Be Announced on Virginia Regulatory Town Hall

Convene – 10:00 A.M.

Agenda Item	Presenter	Tab
Minutes (June 23, 2026)	Porterfield	A pg 4
Proposed Regulations		
Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Vehicle Wash Facilities and Laundry Facilities (9VAC25-194) - amend and reissue the existing general permit regulation	Bilalagic	B pg 21
Fast-Track Regulations		
Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830) – to conform the regulations to current law	Williams	C pg 76
Virginia Erosion and Stormwater Management (VESM) Regulation (9VAC25-875) Amend the Virginia Erosion and Stormwater Management (VESM) Regulation (9VAC25-875) to Clarify Erosion and Sediment Control Minimum Standards	Robb	D pg 93
Other Business		
Report to the Board Regarding Controversial Permits-	Robb	
- Synagro Central LLC - Frederick County - VPA01585 - Arlington County Water Pollution Control Facility - VPDES permit VA0025143 - Mountain View Nursing Home - VPDES permit VA0063347 - Richmond International Airport - VPDES Permit VA0090301		
Mountain Valley Pipeline - Update	Robinson	
Future Meeting date- to be determined	Porterfield	
Public Forum (<i>time not to exceed 45 minutes- no public comment on agenda items or pending regulatory actions during public forum</i>)		

ADJOURN

NOTE: The Board reserves the right to revise this agenda without notice unless prohibited by law. Revisions to the agenda include, but are not limited to, scheduling changes, additions or deletions. Questions on the latest status of the agenda should be directed to Melissa S. Porterfield at (804) 698-4238.

PUBLIC COMMENTS AT STATE WATER CONTROL BOARD MEETINGS: The Board encourages public participation in the performance of its duties and responsibilities. To this end, the Board has adopted public participation procedures for regulatory action and for case decisions made by the Department of Environmental Quality (Department). These procedures establish the times for the public to provide appropriate comment to the Board for regulatory action and the Department for case decisions for consideration.

For **REGULATORY ACTIONS** (adoption, amendment or repeal of regulations), public participation is governed by the Administrative Process Act and the Board's Public Participation Guidelines. Public comment is accepted during the Notice of Intended Regulatory Action phase (minimum 30-day comment period) and during the Notice of Public Comment Period on Proposed Regulatory Action (minimum 60-day comment period). Notice of these comment periods is announced in the Virginia Register, by posting to the Department and Virginia Regulatory Town Hall web sites and by mail to those on the Regulatory Development Mailing List. The comments received during the announced public comment periods are summarized for the Board and considered by the Board when making a decision on the regulatory action.

For **CASE DECISIONS** (e.g., issuance and amendment of permits and enforcement orders), the Board adopts public participation procedures in the individual regulations which establish the permit programs. (Note: as of July 1, 2022, the Department takes final action on all case decisions.) As a general rule, public comment is accepted on a draft permit for a period of 30 days. In some cases a public hearing is held at the conclusion of the public comment period on a draft permit. In other cases there may be an additional comment period during which a public hearing is held, usually 45 days.

In light of these established procedures, the Board accepts public comment on regulatory actions as well as general comments, at Board meetings in accordance with the following:

REGULATORY ACTIONS: Comments on regulatory actions are allowed only when the staff initially presents a regulatory action to the Board for final adoption. At that time, those persons who commented during the public comment period on the proposal are allowed up to 3 minutes to respond to the summary of the comments presented to the Board. Adoption of an emergency regulation is a final adoption for the purposes of this policy. Also, public comment will be accepted for certain final exempt actions where there has been no public comment period. Persons are allowed up to 3 minutes to address the Board on the emergency regulation and final exempt actions under consideration.

POOLING MINUTES ON REGULATORY ACTIONS: Those persons who commented during the public hearing or public comment period and attend the Board meeting may pool their minutes to allow for a single presentation to the Board that does not exceed the time limitation of 3 minutes times the number of persons pooling minutes, or 15 minutes, whichever is less.

NEW INFORMATION ON A REGULATORY ACTION will not be accepted at the meeting. The Board expects comments and information on a regulatory action to be submitted during the established public comment periods. However, the Board recognizes that in rare instances new information may become available after the close of the public comment period. To provide for consideration of and ensure the appropriate review of this new information, persons who commented during the prior public

comment period shall submit the new information to the Department staff contact listed below at least 10 days prior to the Board meeting. The Board's decision will be based on the Department-developed official file and discussions at the Board meeting. Should the Board or Department decide that the new information was not reasonably available during the prior public comment period, is significant to the Board's decision and should be included in the official file, the Department may announce an additional public comment period in order for all interested persons to have an opportunity to participate.

PUBLIC FORUM: The Board schedules a public forum at each regular meeting to provide an opportunity for citizens to address the Board on matters other than those on the agenda or pending regulatory actions. Those persons wishing to address the Board during this time should indicate their desire on the sign-in cards/sheet and limit their presentations to 3 minutes or less. Note, there is no pooling of minutes during the public forum.

The Board reserves the right to alter the time limitations set forth in this policy without notice and to ensure comments presented at the meeting conform to this policy.

Department of Environmental Quality Staff Contact: Melissa S. Porterfield, Policy Analyst,
Department of Environmental Quality, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond,
Virginia 23218, phone (804) 698-4238, e-mail: Melissa.porterfield@deq.virginia.gov

Additional Meeting Information:

- No food or beverages allowed in meeting space.
- Attendees may not erect any signage inside or outside the meeting room or building.
- Attendees are not entitled to be disorderly or disrupt the meeting from proceeding in an orderly, efficient, and effective fashion. Disruptive behavior may result in a recess or removal from the meeting.
- Possession or use of any device that may disrupt the conduct of business is prohibited, including but not limited to: voice-amplification equipment; bullhorns; blow horns; sirens, or other noise-producing devices; as well as signs on sticks, poles or stakes; or helium-filled balloons.
- All attendees are asked to be respectful of all speakers.
- Rules will be enforced fairly and impartially not only to ensure the efficient and effective conduct of business, but also to ensure no interference with the business of the complex, its employees and guests.
- Attendees wishing to record the proceedings are welcome to do so; however, you may not interfere with the business of the meeting, nor impede the view or participation of other meeting attendees and staff.
- No smoking is allowed unless in a designated outside space. This includes tobacco & e-cigarettes.
- No alcohol, fireworks, pyrotechnics, weapons, or any substances/items controlled by law are allowed.
- No firearms are allowed in the State's contracted spaces except for firearms carried by law-enforcement officers or authorized security personnel.
- All violators may be subject to removal from the meeting facility.
- Anyone removed from the facility may not reenter.
- Anyone who fails to comply with removal may be charged with trespass.

TAB A



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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David L. Bulova
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director

MEMORANDUM

To: Members of the State Water Control Board

From : Melissa S. Porterfield

Date: September 1, 2026

Subject: Minutes

Attached are the minutes from your meeting on June 23, 2026. Staff will seek your approval of the minutes at your next meeting.

If you have any questions, please contact me at (804) 698-4238 or melissa.porterfield@deq.virginia.gov.



Commonwealth of Virginia

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STATE WATER CONTROL BOARD MEETING

General Assembly Building, 3rd Floor, Senate Room C,
201 North 9th Street, Richmond, VA 23219

TUESDAY JUNE 23, 2026

Board Members Present:

Lou Ann Jessee-Wallace, Chair
Tommy Branin
Jerry Kilgore
James Patteson
Steve Yob

Board Members Absent:

Scott Cameron, Vice-chair
Michelle Johnson

Department of Environmental Quality:

Michael Rolband, Director
Melissa Porterfield
Jill Hrynciw

Office of the Attorney General:

Emily Little, Assistant Attorney General

1. The attached minutes summarize activities that took place at this Board Meeting.
2. The meeting convened at 10:07 a.m. and adjourned at 11:53 a.m.



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Director

**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD
AT ITS MEETING ON JUNE 23, 2026**

Minute No. 1- Approval of meeting minutes

The Board voted 5-0 (Branin, Kilgore, Patteson, Wallace and Yob) to approve the minutes of the meeting held April 7, 2026.


Melissa S. Porterfield



Commonwealth of Virginia

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Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director

**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER
CONTROL BOARD AT ITS MEETING ON JUNE 23, 2026**

MINUTE NO. 2 – Regulations Governing the Discharge of Sewage and Other Wastes from Boats (9VAC25-71) Amendments – Adoption of 30 no discharge zone (NDZ) designations for water bodies in the Northern Neck and technical corrections to a previously adopted NDZ designation

Justin Williams, Manager, Office of Watershed and Local Government Assistance Programs, presented an amendment to the Regulations Governing the Discharge of Sewage and Other Wastes from Boats to adopt no discharge zone (NDZ) designations for water bodies in the Northern Neck and to make technical corrections to an existing NDZ regulatory description.

The 30 NDZs are in the Northern Neck area of the Commonwealth including the counties of Lancaster, Northumberland, Richmond, and Westmoreland. The U.S. Environmental Protection Agency issued a final affirmative determination in the May 7, 2026 publication of the Federal Register establishing these NDZs pursuant to the Clean Water Act § 312(f) and the amendment aligns the regulations with federal law. The amendment also provides a technical correction to an existing NDZ to remove a redundant “-“ in the longitude degrees and remove the redundant language, “No Discharge Zone” for Broad Creek, Jackson Creek, and Fishing Bay NDZ.

Board Decision:

Based on the Board Book briefing material and the staff presentation, the Board voted unanimously (5-0, Branin, Kilgore, Patteson, Wallace and Yob) to adopt the Regulations Governing the Discharge of Sewage and Other Wastes from Boats amendments and affirm that the Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

A handwritten signature in black ink, reading "Elizabeth McKercher".

Elizabeth McKercher, Director
Water Planning Division



Commonwealth of Virginia

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David L. Bulova
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director

**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD
AT ITS MEETING ON JUNE 23, 2026**

Minute No. 3 - Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Stormwater Associated with Industrial Activity (9VAC25-151) - Amendments in response to Chapter 1080 of the 2026 Acts of Assembly (HB952)

Prior to the meeting the Board was provided materials showing the proposed amendments to the regulation. Nelson Daniel, Policy Analyst, Policy Division, presented a summary of the proposed changes to the regulation. Mr. Daniel conveyed to the Board that the amendments are exempt from the requirements of Article 2 of the Administrative Process Act pursuant to VA Code § 2.2-4006(A)(4)(a).

Board member Steven Yob submitted to DEQ staff a signed transactional disclosure statement pursuant to the Virginia State and Local Government Conflict of Interests Act before participating in/voting on this agenda item. He indicated he has a personal interest affected by the transaction being considered because of his employment as Deputy County Manager for Community Operations by Henrico County. He indicated he was able to participate in the transaction fairly, objectively, and in the public interest.

Board Decision:

Based on the Board Book briefing material and the staff presentation, the Board voted unanimously (5-0, Branin, Kilgore, Patteson, Wallace, and Yob) to adopt the Amendments to the Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Stormwater Associated with Industrial Activity (9VAC25-151) and affirmed that the Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

A handwritten signature in black ink, appearing to read "N. Daniel".

Nelson Daniel
Analyst, Policy Division



Commonwealth of Virginia

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David L. Bulova
Secretary of Natural and Historic Resources

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Director

**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD
AT ITS MEETING ON JUNE 23, 2026**

Minute No. 4 - Water Withdrawal Reporting (9VAC25-200) - Amendments in response to Chapters 623 and 896 of the 2026 Acts of Assembly (HB496/SB553)

Prior to the meeting the Board was provided materials showing the proposed amendments to the regulation. Nelson Daniel, Policy Analyst, Policy Division, presented a summary of the proposed changes to the regulation. Mr. Daniel conveyed to the Board that the amendments are exempt from the requirements of Article 2 of the Administrative Process Act pursuant to VA Code § 2.2-4006(A)(4)(a). Ms. Andrea Wortzel, representing Mission H2O, addressed the Board and raised concerns and questions about the implementation of the regulation.

Board member Steven Yob submitted to DEQ staff a signed transactional disclosure statement pursuant to the Virginia State and Local Government Conflict of Interests Act before participating in/voting on this agenda item. He indicated he has a personal interest affected by the transaction being considered because of his employment as Deputy County Manager for Community Operations by Henrico County. He indicated he was able to participate in the transaction fairly, objectively, and in the public interest.

Board Decision:

Based on the Board Book briefing material and the staff presentation, the Board voted unanimously (5-0, Branin, Kilgore, Patteson, Wallace, and Yob) to adopt the Amendments to the Water Withdrawal Reporting regulation (9VAC25-200) and affirmed that the Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

A handwritten signature in black ink, appearing to read "N. Daniel".

Nelson Daniel
Analyst, Policy Division



Commonwealth of Virginia

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Director

**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD
AT ITS MEETING ON JUNE 23, 2026**

Minute No. 5 - Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9VAC25-31) Implementation of Chapters 709 and 710 of the 2026 Acts of Assembly

Prior to the meeting the Board was provided materials showing the proposed amendments to the regulation. Nelson Daniel, Policy Analyst, Policy Division, presented a summary of the proposed changes to the regulation. Mr. Daniel conveyed to the Board that the amendments are exempt from the requirements of Article 2 of the Administrative Process Act pursuant to VA Code § 2.2-4006(A)(4)(a).

Board member Steven Yob submitted to DEQ staff a signed transactional disclosure statement pursuant to the Virginia State and Local Government Conflict of Interests Act before participating in/voting on this agenda item. He indicated he has a personal interest affected by the transaction being considered because of his employment as Deputy County Manager for Community Operations by Henrico County. He indicated he was able to participate in the transaction fairly, objectively, and in the public interest.

Board Decision:

Based on the Board Book briefing material and the staff presentation, the Board voted unanimously (5-0, Branin, Kilgore, Patteson, Wallace, and Yob) to adopt the Amendments to the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9VAC25-31) and affirmed that the Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

A handwritten signature in dark ink, appearing to read "N. Daniel".

Nelson Daniel
Analyst, Policy Division



Commonwealth of Virginia

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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT
ITS MEETING ON JUNE 23, 2026**

Minute No. 6 - Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9VAC25-31) and Virginia Pollution Abatement (VPA) Permit Regulation (9VAC25-32) - Implementation of Chapters 853 and 854 of the 2026 Acts of Assembly

Prior to the meeting the Board was provided materials showing the proposed amendments to the regulation. Nelson Daniel, Policy Analyst, Policy Division, presented a summary of the proposed changes to the regulation. Mr. Daniel conveyed to the Board that the amendments are exempt from the requirements of Article 2 of the Administrative Process Act pursuant to VA Code § 2.2-4006(A)(4)(a).

Board member Steven Yob submitted to DEQ staff a signed transactional disclosure statement pursuant to the Virginia State and Local Government Conflict of Interests Act before participating in/voting on this agenda item. He indicated he has a personal interest affected by the transaction being considered because of his employment as Deputy County Manager for Community Operations by Henrico County. He indicated he was able to participate in the transaction fairly, objectively, and in the public interest.

Board Decision:

Based on the Board Book briefing material and the staff presentation, the Board voted unanimously (5-0, Branin, Kilgore, Patteson, Wallace, and Yob) to adopt the Amendments to the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9VAC25-31) and Virginia Pollution Abatement (VPA) Permit Regulation (9VAC25-32) and affirmed that the Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

A handwritten signature in blue ink, appearing to read "N. Daniel".

Nelson Daniel
Analyst, Policy Division



Commonwealth of Virginia

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David L. Bulova
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director

**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD
AT ITS MEETING ON JUNE 23, 2026**

**Minute No. 7 - Fees for Permits and Certificates (9VAC25-20) regulation - Implementation of
Chapter 933 of the 2026 Acts of Assembly (HB1072 - Del Laufer)**

Prior to the meeting the Board was provided materials showing the proposed amendments to the regulation. Nelson Daniel, Policy Analyst, Policy Division, presented a summary of the proposed changes to the regulation. Mr. Daniel conveyed to the Board that the amendments are exempt from the requirements of Article 2 of the Administrative Process Act pursuant to VA Code § 2.2-4006(A)(4)(a).

Board Decision:

Based on the Board Book briefing material and the staff presentation, the Board voted unanimously (5-0, Branin, Kilgore, Patteson, Wallace, and Yob) to adopt the Amendments to the Fees for Permits and Certificates (9VAC25-20) regulation and affirmed that the Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

A handwritten signature in black ink, appearing to read "N. Daniel".

Nelson Daniel
Analyst, Policy Division



Commonwealth of Virginia

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Secretary of Natural and Historic Resources

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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD
AT ITS MEETING ON JUNE 23, 2026**

Minute No. 8 - Petition for rulemaking concerning discharges into dry ditch or intermittent streams for wastewater facilities discharging 1,000 gallons or more each day

Prior to the meeting the Board was provided materials including a briefing memo which contained a copy of the petition and a summary of comments received during the petition comment period. Nelson Daniel, Policy Analyst, Policy Division, presented an overview of the petition, a summary of comments received, and a discussion of the applicability of federal and state laws and regulations.

Board Decision:

Based on the Board Book briefing material and the staff presentation, the Board voted unanimously (5-0, Branin, Kilgore, Patteson, Wallace, and Yob) to not initiate a rulemaking in response to the petition.

A handwritten signature in black ink, appearing to read "N. Daniel".

Nelson Daniel
Analyst, Policy Division



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Stefanie K. Taillon
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director

**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD
AT ITS MEETING ON JUNE 23, 2026**

**Minute No. 9- Revised Project Priority List - Virginia Clean Water Revolving Loan Fund
Final Authorization for the 2025 State Revolving Fund Supplemental Appropriation for
Hurricanes Helene and Milton and the Hawai'i Wildfires**

Meghan Mayfield, Director, Clean Water Finance and Training Services, made a presentation to the Board based on a memorandum dated May 7, 2026. On December 21, 2024, the American Relief Act, 2025, P.L. 118-158, ("the Act") became law. The funding for the Environmental Protection Agency (EPA) in Title VII of the Act included \$3 billion in disaster relief supplemental funding for the State Revolving Fund programs, of which, \$1.23 billion was allotted to the Clean Water State Revolving Fund (CWSRF), available only to states or territories in EPA Regions 3, 4, and 9 for wastewater treatment works impacted by Hurricanes Helene and Milton and the Hawai'i wildfires. Only the States of Florida, Georgia, Hawai'i, North Carolina, South Carolina, Tennessee, and Virginia are eligible to apply for these supplemental funds. The 2025 State Revolving Fund Supplemental Appropriation for Hurricanes Helene and Milton and the Hawai'i Wildfires (SA-HMW) for Clean Water will be administered by the Virginia Department of Environmental Quality's (DEQ) Clean Water Financing and Assistance Program (CWFAP) via the Virginia Clean Water Revolving Loan Fund. The Board previously approved a Project Priority List (PPL) for the use of the centralized funds in the amount of \$9,307,000. This request is for approval of the Revised PPL for the inclusion of monies for decentralized wastewater systems in the amount of \$1,645,000.

The Virginia Clean Water Revolving Loan Fund's objective for the SA-HMW funds, for the eligible decentralized wastewater system projects, is to enhance resiliency to rapid hydrologic change or natural disaster, as defined by section 212 of the Federal Water Pollution Control Act, and for other eligible tasks at such treatment locations or facilities necessary to further such purposes.

Virginia will utilize the additional \$1,656,000 in SA-HMW funds for project loans with full principal forgiveness as all the communities that were affected by Hurricane Helene are financially stressed and considered disadvantaged communities within the Commonwealth. Virginia's revised draft IUP for Supplemental Appropriations Under the SA-HMW and PPL, adds two projects for decentralized wastewater systems funding. The Virginia's revised draft

IUP and PPL were posted on Virginia's Regulatory Town Hall website May 11, 2026, to June 10, 2026, with no comments received.

The following projects and corresponding loan amounts were presented to the board with full principal forgiveness:

- Wythe County; \$1,190,000.00
- Washington County Public Service Authority; \$466,000.00

Staff Recommendation

Authorize the execution of loan agreements for the two projects identified, as well as loan amounts, with full principal forgiveness, resulting in no additional debt to be borne by the locality recipients of these loans.

Board Decision

Based on the briefing material and the staff presentation, the Board voted unanimously (5-0, Branin, Kilgore, Patteson, Wallace, and Yob) to approve the staff recommendation.



Meghan Mayfield, Director,
Clean Water Finance and Training Services



Commonwealth of Virginia

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David L. Bulova
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director

**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD
AT ITS MEETING ON JUNE 23, 2026**

Minute No. 10 - Report to the Board Regarding Controversial Permits:

- Synagro Central LLC – Essex County - VPA00831
- Synagro Central LLC – Orange County VPA00075
- Synagro Central LLC - Frederick County - VPA01585
- Lexington Golf & Country Club- VWP Individual Permit No. 24-2886
- Arlington County Water Pollution Control Facility - VPDES permit VA0025143
- Mountain View Nursing Home - VPDES permit VA0063347
- Amazon Data Services Inc. – Lake Anna Tech Campus - VPDES permit VA0093319

In accordance with § 10.1-1184.1 B of the Code of Virginia, Melanie Davenport provided the Controversial Permit Report to the Board. The report included each permit number, location of the activities, a summary of events prior to the Board meeting and the schedule for the remaining actions to be taken by the Department. The Board was provided with the opportunity to respond to the Department's presentation and provide commentary regarding the permits.

A handwritten signature in blue ink that reads "Melanie D. Davenport".

Melanie D. Davenport



Commonwealth of Virginia

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Director

**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT
ITS MEETING ON June 23, 2026**

Minute No. 11: Mountain Valley Pipeline — Update

Mr. Robinson presented an update on the status of the project. He reported that the project remains in the post-restoration phase. Activities during this quarter have focused on establishing permanent vegetation, maintaining erosion and sediment controls until ground cover is uniform, mature, and self-sustaining, and performing routine pipeline operational maintenance. Erosion and sediment controls are also being removed in areas where they are no longer needed. He also provided an overview of compliance activities conducted between March 11, 2026, and June 10, 2026. During that reporting period, the DEQ assessed no stipulated penalties (\$0.00).

A handwritten signature in black ink, appearing to read "Zack Robinson".

Zack Robinson



Commonwealth of Virginia

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Director

**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT
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Minute No. 12A- Future Meeting Date

No future meeting dates were confirmed at this meeting.


Melissa S. Porterfield



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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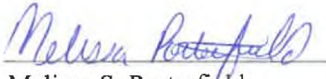
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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT
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Minute No. 12B- Public Forum

Mr. Ray Bassi addressed the Board during the public forum. Mr. Bassi expressed concerns related to construction of the Expedition Generating Station in Fluvanna County and the associated water use.


Melissa S. Porterfield

TAB B



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

www.deq.virginia.gov

David L. Bulova
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director

August 20, 2026

MEMORANDUM

TO: State Water Control Board Members

FROM: Jaime Robb, Director, Water Operations *Jaime B. Robb*

SUBJECT: Reissuance of Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Vehicle Wash Facilities and Laundry Facilities, 9VAC25-194

At the September 21, 2026, meeting of the State Water Control Board (Board), the Board will consider proposed amendments to the Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Vehicle Wash Facilities and Laundry Facilities, 9VAC25-194.

Background

The current VPDES General Permit for Vehicle Wash Facilities and Laundry Facilities (9VAC25-194) will expire on December 31, 2027, and the regulation establishing this general permit is being amended to reissue it for another five-year term. The Virginia Department of Environmental Quality (department) staff is bringing this proposed regulation amendment before the Board to request authorization to hold a public comment period and a public hearing.

A Notice of Intended Regulatory Action (NOIRA) for the amendment was published February 9, 2026. One comment was received and is included in the attached Agency Background Document, Form TH-08. Following the conclusion of the 30-day public comment period, the department formed a technical advisory committee (TAC) to assist in the development of the proposed amendments. The proposed regulation takes into consideration the recommendations of the TAC formed for this regulatory action.

Proposed Amendments

The Board adopted final amendments to the current regulation during the August 25, 2022, meeting to conform to changes in Virginia statutory law (Chapter 365 of the 2022 Acts of Assembly) regarding Board authority. In this proposed regulatory action, sections of the general permit/regulation that were not amended in 2022 will change the term "board" to "department" where the context relates to any action except the adoption of regulations.

Substantive amendments to the existing regulation that are being proposed include:

9VAC25-194-10 – Definitions

- Removed definition for “Board” as this term is defined in 9VAC25-31-10 and is incorporated by reference into this chapter.
- Updated the edition of the North American Industry Classification System (NAICS) Manual which is also being added as a document incorporated by reference.

9VAC25-194-15 – Applicability of Incorporated References

- Changed date to indicate that incorporated references are based on the Code of Federal Regulations published as of July 1, 2026.

9VAC25-194-40 – Effective Date of the Permit

- Revised effective date to January 1, 2028, and expiration date to December 31, 2032.

9VAC25-194-50 – Authorization to discharge

- Updated regulatory language to ensure consistency with changes in Virginia statutory law (Chapter 365 of the 2022 Acts of Assembly) regarding Board authority, clarifying that regulatory actions fall under the Board, while permitting actions fall under the department.

9VAC25-194-60 Registration Statement

- Updated regulatory language to ensure consistency with changes in Virginia statutory law (Chapter 365 of the 2022 Acts of Assembly) regarding Board authority, clarifying that regulatory actions fall under the Board, while permitting actions fall under the department.
- Part E – Added a condition to address incomplete Registration Statement submittals and to clarify when an incomplete registration statement may be closed without further processing by the department.

9VAC25-194-70 General Permit

- Revised effective date to January 1, 2028, and expiration date to December 31, 2032.
- Updated regulatory language to ensure consistency with changes in Virginia statutory law (Chapter 365 of the 2022 Acts of Assembly) regarding Board authority, clarifying that regulatory actions fall under the Board, while permitting actions fall under the department.

Part I – Effluent Limitations and Monitoring Requirements

- Part I A 1 through Part I A 4 – Clarified language regarding quarterly, semiannual, and annual monitoring and reporting requirements.
- Part I A 3 and Part I A 4 – Revised effluent limitations for *E. coli* and Enterococci to reflect the more stringent water quality standards that became effective October 21, 2019. Added a leading zero to the Total Residual Chlorine effluent limitation for clarity.
- Part I B 15 – Revised to avoid end-result provisions. On March 4, 2025, the U.S. Supreme Court in *City and County of San Francisco v. Environmental Protection Agency* held that “end-result” permit requirements are not allowed under the Clean Water Act. The Supreme Court characterized

end-result requirements as “permit provisions that do not spell out what a permittee must do or refrain from doing,” but instead make a permit holder responsible for receiving water’s quality. The revised condition specifies that authorized discharges 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.

Part II – Conditions Applicable to All VPDES Permits

- Part II I 4 – Revised language such that permittees reporting significant noncompliance make a 24-hour oral or online report to DEQ. Indicated that 24-hour reports must be made to the applicable DEQ regional office via telephone or online. Specified that reports outside of normal working hours must be made using the online portal. Provided an updated contact name for emergencies.
- Part II Y 2 – Updated language to state that coverage under this permit may be administratively transferred to a new owner if the current permittee notifies the department at least 30 days in advance of the proposed transfer. Language added to clarify that the current permittee must provide sufficient evidence of title transfer before the department can administratively transfer the permit to the new owner.

Documents Incorporated by Reference

- Added the *2022 North American Industry Classification System (NAICS) Manual* as a document incorporated by reference.

Attorney General Certification

The Office of the Attorney General will be sent the proposed regulation for certification of statutory authority. The U.S. Environmental Protection Agency will also need to review and approve the general permit prior to final adoption.

Staff Recommendation

Staff recommends the Board approve the proposed Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Vehicle Wash Facilities and Laundry Facilities, 9VAC25-194, and authorize staff to proceed to notice of public comment and hearing and authorize the staff to serve as the hearing officer at the public hearing

Presenter Contact Information

Azra Bilalagic

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Email: Azra.Bilalagic@deq.virginia.gov

Attachments:

TAC Membership

Draft General Permit Regulation

Agency Background Document (Town Hall)

Draft Fact Sheet

Board Memo

August 20, 2026

VPDES General Permit Regulation Vehicle Wash Facilities and Laundry Facilities, 9VAC25-194

Technical Advisory Committee Membership for VPDES General Permit Regulation for Vehicle Wash Facilities and Laundry Facilities (9VAC25-194)

- **Representatives of the Regulated Community**
 - Mike Ashley, Mid-Atlantic Carwash Association
 - Buddy Davis, Terry Volkswagon Subaru
 - Karl Mertig, CPWD, Kimley-Horn
 - Christina Vanlear, Norfolk Department of Public Works - Storm Water
 - Mark Wisdom, Arlington County Department of Environmental Services, Office of Sustainability and Environmental Management
- **DEQ Central Staff:**
 - Joseph Bryan, VPDES Permits Manager (alternate: Erica Duncan, Manager Office of VPDES Permits)

Project 8564 - Proposed

State Water Control Board

CH 194 – 2028 Amend and Reissue the Existing General Permit Regulation

Chapter 194

Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Vehicle Wash Facilities and Laundry Facilities

9VAC25-194-10. Definitions.

The words and terms used in this chapter shall have the meanings defined in the State Water Control Law and 9VAC25-31 (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.~~

"Construction equipment" means trenchers, backhoes, boring equipment, bulldozers, loaders, dump trucks, and any other piece of earth moving equipment.

"Golf course equipment" means carts, utility vehicles, bunker rakes, groomers, seeders, and other turf equipment but does not mean equipment used in fertilizer, pesticide, or herbicide application.

"Inlet protection measures" means equipment and best management practices to minimize pollution to state waters via the storm drain. Equipment includes containment berms, barriers, or seals designed to prevent water from entering the inlet, weighted filters, or socks designed to remove metals, oil and grease, solids, and debris combined with other measures, including vacuuming of wastewater, shut off hose nozzles, washing, or directing wastewater to grassy areas.

"Laundry" means any self-service facility where the washing of clothes is conducted as designated by NAICS Code 812310 and SIC 7215. It does not include facilities that engage in dry cleaning.

"Lawn maintenance equipment" means motorized or hand operated lawn care equipment, including mowers, hedgers, aerators, augers, blowers, brush clearers, brush cutters, dethatchers, edgers, pole saws, power rakes, and tillers, but does not mean equipment used in fertilizer, pesticide, or herbicide application.

"NAICS" means North American Industry Classification System from the U.S. Office of Management and Budget, ~~2017~~ 2022 edition.

"SIC" means the Standard Industrial Classification from the U.S. Office of Management and Budget Standard Industrial Classification Manual, 1987 edition.

"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.

"Vehicle maintenance" means vehicle and equipment rehabilitation, mechanical repairs, painting, fueling, and lubrication.

"Vehicle wash" means any fixed or mobile facility where the manual, automatic, or self-service exterior washing of vehicles is conducted and includes the following:

1. Vehicles that convey passengers or goods on streets or highways, such as automobiles, trucks, motor homes, buses, motorcycles, ambulances, fire trucks, and tractor trailers. This industry primarily comprises establishments engaged in cleaning, washing, or waxing automotive vehicles, such as passenger cars, trucks, and vans, and trailers as designated by NAICS Code 811192 and ~~Standard Industrial Classification (SIC) Code 7542~~;
2. Incidental floor cleaning wash waters associated with facilities that wash vehicles where the floor wash water also passes through the vehicle wash treatment system;
3. Golf course equipment and lawn maintenance equipment;
4. Maintenance and construction equipment;
5. Street sweepers and catch basin cleaner trucks; and
6. Recreational boats less than 8.6' beam and 25' in length towed by a vehicle.

"Vehicle wash" does not mean engine cleaning or degreasing; the cleaning of floors in vehicle maintenance areas, cleaning of the interior of tanks or trailers carrying bulk or raw material, cleaning of equipment used in the paving industry, cleaning of chemical, fertilizer, or pesticide spreading equipment, or cleaning of tanker trucks, garbage trucks, livestock trailers, trains, boats larger than 8.6' beam and 25' in length, or aircraft; or the use of acid caustic metal brighteners or steam heated water.

9VAC25-194-15. 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 (EPA) set forth in Title 40 of the Code of Federal Regulations (CFR) is referenced or adopted in this chapter and incorporated by reference, that regulation shall be as it exists and has been published as of July 1, 2021 2026; however, references to 40 CFR Part 136 are incorporated as published in the July 1, 2024, update.

9VAC25-194-40. Effective date of the permit.

This general permit will become effective on January 1, ~~2023~~ 2028. This general permit will expire on December 31, ~~2027~~ 2032. This general permit is effective for any covered owner upon compliance with all the provisions of 9VAC25-194-50.

9VAC25-194-50. Authorization to discharge.

A. Any owner governed by this general permit is hereby authorized to discharge wastewater as described in 9VAC25-194-20 to surface waters of the Commonwealth of Virginia provided that:

1. The owner files a registration statement in accordance with 9VAC25-194-60, and that registration statement is accepted by the ~~board~~ department;
2. The owner submits the required permit fee;
3. The owner complies with the applicable effluent limitations and other requirements of 9VAC25-194-70; and
4. The owner has not been notified by the ~~board~~ department that the discharge is not eligible for coverage under this permit in accordance with subsection B of this section.

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

87 1. The owner is required to obtain an individual permit in accordance with 9VAC25-31-
88 170 B 3 of the VPDES Permit Regulation;

89 2. The owner is proposing to discharge to state waters specifically named in other board
90 regulations that prohibit such discharges;

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

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

95 5. The discharge is to surface waters where there are central wastewater treatment
96 facilities reasonably available, as determined by the ~~board~~ department.

97 C. Mobile vehicle wash owners shall operate such that there is no discharge to surface
98 waters and storm sewers unless they have coverage under this permit.

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

105 E. Continuation of permit coverage.

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

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

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

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

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

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

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

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

9VAC25-194-60. Registration statement.

A. Deadlines for submitting registration statements. Any owner seeking coverage under this general permit shall submit a complete VPDES general permit registration statement in accordance with this chapter, which shall serve as a notice of intent for coverage under the VPDES general permit regulation for vehicle wash facilities and laundry facilities.

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

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 ~~board~~ department.

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

c. Any owner of a vehicle wash facility covered under this permit that had a monthly average flow rate of less than 5,000 gallons per day, and the flow rate increases above a monthly average flow rate of 5,000 gallons per day, shall submit an amended registration statement to the department within 60 days of the increased flow or a later submittal established by the ~~board~~ department.

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

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

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

2. Facility street address (if different from mailing address);

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

4. Whether the facility discharges to surface waters. If "yes," name of receiving stream; if "no," describe the discharge;

5. Whether the facility discharges to a municipal separate storm sewer system (MS4). If "yes," the facility owner must provide the name of the MS4 and notify the owner of the municipal separate storm sewer system of the existence of the discharge at the time of registration under this permit and include that notification with the registration statement. The notice shall include the following information: the name of the facility, a contact person, phone number, email, the location of the discharge, the nature of the discharge, and the facility's VPDES general permit number;

6. Whether the facility has a current VPDES permit. If "yes," provide permit number;

7. Whether the locality requires connection to central wastewater treatment facilities;

8. Whether central wastewater treatment facilities are available to serve the site. If "yes," the option of discharging to the central wastewater facility must be evaluated and the result of that evaluation reported here;

9. A U.S. Geological Survey (USGS) 7.5 - minute topographic map or equivalent computer - generated map showing with sufficient resolution to clearly show the facility location, the discharge locations, latitude and longitude, and receiving stream;

10. ~~Provide a~~ A brief description of the type of washing activity. ~~Include,~~ including (as applicable) the type of vehicles washed, number of vehicle washing bays, and the number of laundry machines;

11. Highest average monthly flow rate for each washing activity or combined washing activity, reported as gallons per day;

12. Facility line (water balance) drawing;

13. Description of wastewater treatment or stormwater inlet protection measures;

14. Information on use of chemicals at the facility. ~~Include,~~ including detergents, soaps, waxes, and other chemicals;

15. Whether detergent used for washing vehicles contains more than 0.5% phosphorus by weight;

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

17. 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."

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

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

E. Incomplete Registration Statements. An incomplete registration statement for coverage under this general permit may be closed as incomplete by the department for failure to provide the required information within 30 calendar days of the date of the department's latest written request for additional information. When the department closes a registration because it is incomplete, a new, complete, registration statement will be required for an owner seeking coverage under this general permit.

212 **9VAC25-194-70. General permit.**

213 Any owner whose registration statement is accepted by the ~~board~~ department shall comply
214 with the requirements of the general permit and be subject to all requirements of 9VAC25-31-
215 170 of the VPDES Permit Regulation.

216 General Permit No.: VAG75

217 Effective Date: January 1, ~~2023~~ 2028

218 Expiration Date: December 31, ~~2027~~ 2032

219 **GENERAL PERMIT FOR VEHICLE WASH FACILITIES AND LAUNDRY FACILITIES**

220 **AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE**
221 **ELIMINATION SYSTEM AND THE VIRGINIA STATE WATER CONTROL LAW**

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

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

231 **Part I**

232 **A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.**

233 1. During the period beginning with the permittee's coverage under this general permit
234 and lasting until the permit's expiration date, the permittee is authorized to discharge
235 wastewater originating from vehicle wash facilities that discharge a monthly average flow
236 rate less than or equal to 5,000 gallons per day from outfalls:

237 Such discharges shall be limited and monitored by the permittee as specified ~~below~~ in
238 the following table:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Frequency (3)	Sample Type
Flow (GPD)	NA	5,000	1/Year	Estimate
pH (S.U.)	6.0 ⁽¹⁾	9.0 ⁽¹⁾	1/Year	Grab
TSS (mg/l _L)	NA	60 ⁽²⁾	1/Year	Composite (4)
Oil and Grease (mg/l _L)	NA	15	1/Year	Grab
NL - No Limitation, monitoring requirement only				
NA - Not applicable				

- (1)Where the Water Quality Standards (9VAC25-260) establish alternate standards for pH in waters receiving the discharge, those standards shall be the maximum and minimum effluent limitations.
- (2)Limit given is expressed in two significant figures.
- (3) ~~Discharge Monitoring Reports (DMRs) of yearly monitoring (January 1 to December 31)~~ Annual samples shall be collected by December 31 of each year and reported on the facility's Discharge Monitoring Report (DMR). DMRs shall be submitted to the DEQ regional office no later than the 10th day of January 10 of each the following calendar year.
- (4)Five grab samples evenly spaced over an eight-hour period or five grab samples evenly spaced for the duration of the discharge if less than eight hours in length.

239 Part I

240 A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

241 2. During the period beginning with the permittee's coverage under this general permit
 242 and lasting until the permit's expiration date, the permittee is authorized to discharge
 243 wastewater originating from vehicle wash facilities that discharge a monthly average flow
 244 rate greater than 5,000 gallons per day from outfalls:

245 Such discharges shall be limited and monitored by the permittee as specified ~~below~~ in
 246 the following table:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Frequency (3)	Sample Type
Flow (GPD)	NA	NL	1/6 Months	Estimate
pH (S.U.)	6.0 ⁽¹⁾	9.0 ⁽¹⁾	1/6 Months	Grab
TSS (mg/l _L)	NA	60 ⁽²⁾	1/6 Months	Composite (4)
Oil and Grease (mg/l _L)	NA	15	1/6 Months	Grab

NL - No Limitation, monitoring requirement only

NA - Not applicable

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

(2)Limit given is expressed in two significant figures.

(3) ~~Samples~~ Semiannual samples shall be collected by December 31 and June 30 of each year and reported on the facility's Discharge Monitoring Report (DMR). DMRs shall be submitted by to the DEQ regional office no later than January 10 and July 10 of each year following each applicable semiannual monitoring period.

(4)Five grab samples evenly spaced over an eight-hour period or five grab

samples evenly spaced for the duration of the discharge if less than eight hours in length.

247 Part I

248 A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

249 3. During the period beginning with the permittee's coverage under this general permit
250 and lasting until the permit's expiration date, the permittee is authorized to discharge
251 wastewater originating from a laundry facility from outfalls:

252 Such discharges shall be limited and monitored by the permittee as specified below in
253 the following table:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Frequency (3)	Sample Type
Flow (GPD)	NA	NL	1/Quarter	Estimate
pH (S.U.)	6.0 ⁽¹⁾	9.0 ⁽¹⁾	1/Quarter	Grab
TSS (mg/l _L)	NA	60 ⁽²⁾	1/Quarter	Grab
BOD ₅ (mg/l _L)	NA	60 ⁽¹⁾ , (2)	1/Quarter	Grab
Dissolved Oxygen (mg/l _L)	6.0 ⁽¹⁾	NA	1/Quarter	Grab
Temperature °C	NA	32 ⁽¹⁾ , (4)	1/6 Months	Immersion Stabilization
Total Residual Chlorine (mg/l _L)	NA	0.011 ⁽¹⁾	1/Quarter	Grab
E. Coli ⁽⁵⁾	NA	235 126 CFU/100 ml _L	1/6 Months	Grab
Enterococci ⁽⁶⁾	NA	104 35 CFU/100 ml _L	1/6 Months	Grab
Fecal Coliform ⁽⁷⁾	NA	200 CFU/100 ml _L	1/6 Months	Grab

NL - No Limitation, monitoring requirement only

NA - Not applicable

CFU – Colony forming units

⁽¹⁾Where the Water Quality Standards (9VAC25-260) establish alternate standards for pH, BOD₅, DO, TRC and temperature in waters receiving the discharge, those standards shall be, as appropriate, the maximum and

minimum effluent limitations.

(2) Limit given is expressed in two significant figures.

(3) Reports of quarterly monitoring. Quarterly samples shall be collected by March 31, June 30, September 30, and December 31 of each year and reported on the facility's Discharge Monitoring Report (DMR). DMRs shall be submitted to the DEQ regional office no later than the 10th day of April 10, July 10, October 10, and January 10 following each applicable quarterly period. Reports of once per six months Semiannual samples shall be collected by June 30 and December 31 of each year and reported on the facility's DMR. DMRs shall be submitted to the DEQ regional office no later than the 10th day of January 10 and the 10th day of July 10 for samples collected by December 31 and June 30 of each year following each applicable semiannual monitoring period.

(4) The effluent temperature shall not exceed a maximum 32°C for discharges to nontidal coastal and piedmont waters, 31°C for mountain and upper piedmont waters, 21°C for put and take trout waters, or 20°C for natural trout waters. For estuarine waters, nontidal coastal and piedmont waters, mountain and upper piedmont waters, and put and take trout waters, the effluent shall not cause an increase in temperature of the receiving stream of more than 3°C above the natural water temperature. For natural trout waters, the temperature of the effluent shall not cause an increase of 1°C above natural water temperature. The effluent shall not cause the temperature in the receiving stream to change more than 2°C per hour, except in the case of natural trout waters where the hourly temperature change shall not exceed 0.5°C.

(5) Applies only when the discharge is into freshwater (see 9VAC25-260-140 C for the classes of waters and boundary designations).

(6) Applies only when the discharge is into saltwater or the transition zone (see 9VAC25-260-140 C for the classes of waters and boundary designations).

(7) Applies only when the discharge is into shellfish waters (see 9VAC25-260-160 for the description of what are shellfish waters).

254 Part I

255 A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

256 4. During the period beginning with the permittee's coverage under this general permit
257 and lasting until the permit's expiration date, the permittee is authorized to discharge
258 wastewater originating from a combined vehicle wash and laundry facility from outfalls:

259 Such discharges shall be limited and monitored by the permittee as specified below in
260 the following table:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Frequency (3)	Sample Type
Flow (GPD)	NA	NL	1/Quarter	Estimate

pH (S.U.)	6.0 ⁽¹⁾	9.0 ⁽¹⁾	1/Quarter	Grab
TSS (mg/ℓ)	NA	60 ⁽²⁾	1/Quarter	5G/8HC
BOD ₅ (mg/ℓ)	NA	60 ^{(1), (2)}	1/Quarter	Grab
Oil and Grease (mg/L)	NA	15	1/6 Months	Grab
Dissolved Oxygen (mg/ℓ)	6.0 ⁽¹⁾	NA	1/Quarter	Grab
Temperature °C	NA	32 ^{(1), (4)}	1/6 Months	Immersion Stabilization
Total Residual Chlorine (mg/ℓ)	NA	0.011 ⁽¹⁾	1/Quarter	Grab
E. Coli ⁽⁵⁾	NA	235 <u>126</u> CFU/100 ml ℓ	1/6 Months	Grab
Enterococci ⁽⁶⁾	NA	104 <u>35</u> CFU/100 ml ℓ	1/6 Months	Grab
Fecal Coliform ⁽⁷⁾	NA	200 CFU/100 ml ℓ	1/6 Months	Grab

NL - No Limitation, monitoring requirement only

NA - Not applicable

CFU – Colony forming units

⁽¹⁾Where the Water Quality Standards (9VAC25-260) establish alternate standards for pH, BOD₅, DO, TRC and temperature in waters receiving the discharge, those standards shall be, as appropriate, the maximum and minimum effluent limitations.

⁽²⁾Limit given is expressed in two significant figures.

⁽³⁾ ~~Reports of quarterly monitoring shall. Quarterly samples shall be collected by March 31, June 30, September 30 and December 31 of each year and reported on the facility's Discharge Monitoring Report (DMR). DMRs shall be submitted to the DEQ regional office no later than the 10th day of April 10, July 10, October 10, and January 10 following each applicable quarterly monitoring period. Semiannual samples shall be collected by June 30 and December 31 of each year and reported on the facility's DMR. Reports of once per six months DMRs shall be submitted to the DEQ regional office no later than the 40th day of January 10 and the 10th day of July 10 for samples collected by December 31 and June 30 of each year following each applicable semiannual monitoring period.~~

⁽⁴⁾The effluent temperature shall not exceed a maximum 32°C for discharges to nontidal coastal and piedmont waters, 31°C for mountain and upper piedmont waters, 21°C for put and take trout waters, or 20°C for natural trout waters. For estuarine waters, nontidal coastal and piedmont waters, mountain and upper piedmont waters, and put and take trout waters, the effluent shall

not cause an increase in temperature of the receiving stream of more than 3°C above the natural water temperature. For natural trout waters, the temperature of the effluent shall not cause an increase of 1°C above natural water temperature. The effluent shall not cause the temperature in the receiving stream to change more than 2°C per hour, except in the case of natural trout waters where the hourly temperature change shall not exceed 0.5°C.

⁽⁵⁾Applies only when the discharge is into freshwater (see 9VAC25-260-140 C for the classes of waters and boundary designations).

⁽⁶⁾Applies only when the discharge is into saltwater or the transition zone (see 9VAC25-260-140 C for the classes of waters and boundary designations).

⁽⁷⁾Applies only when the discharge is into shellfish waters (see 9VAC25-260-160 for the description of what are shellfish waters).

261 B. Special conditions.

262 1. The permittee of a vehicle wash facility shall perform visual examinations of the
263 effluent including sheens, floating solids, or visible foam and maintenance of the
264 wastewater treatment facilities and inlet protection measures, if applicable, at least once
265 per week and document this visual examination and maintenance activities in the
266 operational log. This operational log shall include the examination date and time,
267 examination personnel, presence of a discharge, and the visual quality of the discharge.
268 The operational log shall be made available for review by the department personnel
269 upon request.

270 2. The effluent shall be free of sheens. There shall be no discharge of floating solids or
271 visible foam in other than trace amounts.

272 3. No sewage shall be discharged from a point source to surface waters from this facility
273 except under the provisions of another VPDES permit specifically issued for that
274 purpose.

275 4. There shall be no chemicals added to the water or waste that may be discharged
276 other than those listed on the owner's accepted registration statement, unless prior
277 approval of the chemical is granted by the ~~board~~ department.

278 5. Wastewater should be reused or recycled whenever feasible.

279 6. The permittee of a vehicle wash facility shall comply with the following solids
280 management ~~plan~~ requirements, where applicable:

281 a. Any settling basins or oil water separators shall be cleaned in accordance with the
282 schedule outlined in the operation and maintenance (O&M) manual and at a frequent
283 enough interval to achieve effective treatment.

284 b. Any solids from settling basins, oil water separators, trash, or other debris shall be
285 handled, stored, and disposed of so as to prevent a discharge to state waters of such
286 solids.

287 7. Washing of vehicles or containers bearing residue of animal manure or toxic
288 chemicals (fertilizers, organic chemicals, etc.) is prohibited. If the facility is a self-service
289 operation, the permittee shall post this prohibition on a sign prominently located and of
290 sufficient size to be easily read by all patrons.

291 8. If the facility has a vehicle wash discharge with a monthly average flow rate of less
292 than 5,000 gallons per day, and the flow rate increases above a monthly average flow

rate of 5,000 gallons per day, an amended registration statement shall be filed within 30 days of the increased flow.

9. A permittee submitting a registration statement in accordance with Part II M and discharging into a municipal separate storm sewer shall notify the owner of the municipal separate storm sewer system of the existence of the discharge at the time of registration under this permit and include that notification with the registration statement. The notice shall include the following information: the name of the facility, a contact person and contact information (phone number and email), the location of the discharge, the nature of the discharge, and the facility's VPDES general permit number, if known or existing.

10. 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.

11. The owner of a facility discharging vehicle wash water directly to a stormwater drain shall provide inlet protection measures in addition to meeting all other requirements of the permit.

12. 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 for acrolein and acrylonitrile; five hundred micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter for antimony;

(3) Five times the maximum concentration value reported for that pollutant in the permit application; or

(4) The level established by the board or 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 of the toxic pollutant;

(2) One milligram per liter for antimony;

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

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

13. Operation and maintenance manual requirement. The permittee shall develop and maintain an accurate operation and maintenance (O&M) manual for the wastewater treatment works and applicable inlet protection measures. This manual shall detail the practices and procedures that will be followed to ensure compliance with the requirements of this permit. The permittee shall operate and maintain the treatment works and the inlet protection measures in accordance with the O&M manual. The O&M manual shall be reviewed and updated at least annually and shall be signed and certified in accordance with Part II K of this permit. The O&M manual shall be made available for

review by the department personnel upon request. The O&M manual shall include the following items, as appropriate:

- a. Techniques to be employed in the collection, preservation, and analysis of effluent samples;
- b. Stormwater inlet protection measure directions for use and maintenance of equipment;
- c. Best management practices employed;
- d. Treatment system operation, routine preventive maintenance of units within the treatment system, critical spare parts inventory, and recordkeeping;
- e. ~~A sludge~~Sludge/solids management plan practices, including the schedule for settling basin or oil water separator cleaning and solids handling as required by Part I B 6;
- f. Procedures for performing the visual examination and maintenance required by Part I B 1 including example log sheets and the location of the operational log; and
- g. Date when the O&M manual was updated or reviewed and any changes that were made.

14. Compliance reporting under Part I A 1 through 4.

- a. The quantification levels (QL) shall be as follows:

Effluent Characteristic	Quantification Level
BOD ₅	2 mg/l _L
TSS	1.0 mg/l _L
Oil and Grease	5.0 mg/l _L
Chlorine	0.10 mg/l _L

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

b. Reporting. Any single datum required shall be reported as "<QL" if it is less than the QL in subdivision 14 a of this subsection. Otherwise, the numerical value shall be reported. The QL must be less than or equal to the QL in subdivision 14 a of this subsection.

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

15. The discharges authorized by this permit shall be controlled as necessary ~~to meet applicable~~ 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.

16. Discharges to waters with an approved total maximum daily load (TMDL). Owners of facilities that are a source of the specified pollutant of concern to waters where an

approved TMDL has been established shall implement measures and controls that are consistent with the assumptions and requirements of the TMDL.

17. 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 wastewater discharges from vehicle wash or laundry activities from the facility;

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

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

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

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

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

(2) Facility name and location;

(3) VPDES vehicle wash facilities and laundry facilities general permit number; 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 wastewater discharges from vehicle wash or laundry activities from the facility;

(c) A statement indicating that all wastewater discharges from vehicle wash facilities and laundry facilities have been covered by an individual VPDES permit; or

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

c. The following certification:

"I certify under penalty of law that all wastewater discharges from vehicle wash or laundry facilities from the identified facility that are authorized by this VPDES general permit have been eliminated, or covered under a VPDES individual or alternative permit, or that I am no longer the owner of the industrial activity, 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 wastewater from vehicle wash facilities or laundry facilities in accordance with the general permit, and that discharging pollutants in wastewater from vehicle wash facilities or laundry facilities 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."

- 413 d. The notice of termination shall be signed in accordance with Part II K.
414 e. The notice of termination shall be submitted to the DEQ regional office serving the
415 area where the vehicle wash or laundry facility is located.

416 Part II

417 CONDITIONS APPLICABLE TO ALL VPDES PERMITS

418 A. Monitoring.

- 419 1. Samples and measurements taken as required by this permit shall be representative
420 of the monitored activity.
421 2. Monitoring shall be conducted according to procedures approved under 40 CFR Part
422 136 or alternative methods approved by the U.S. Environmental Protection Agency
423 unless other procedures have been specified in this permit.
424 3. The permittee shall periodically calibrate and perform maintenance procedures on all
425 monitoring and analytical instrumentation at intervals that will ensure accuracy of
426 measurements.
427 4. Samples taken as required by this permit shall be analyzed in accordance with
428 1VAC30-45, Certification for Noncommercial Environmental Laboratories, or 1VAC30-
429 46, Accreditation for Commercial Environmental Laboratories.

430 B. Records.

- 431 1. Records of monitoring information shall include:
432 a. The date, exact place, and time of sampling or measurements;
433 b. The individuals who performed the sampling or measurements;
434 c. The dates and times analyses were performed;
435 d. The individuals who performed the analyses;
436 e. The analytical techniques or methods used; and
437 f. The results of such analyses.
438 2. Except for records of monitoring information required by this permit related to the
439 permittee's sewage sludge use and disposal activities, which shall be retained for a
440 period of at least five years, the permittee shall retain records of all monitoring
441 information, including all calibration and maintenance records and all original strip chart
442 recordings for continuous monitoring instrumentation, copies of all reports required by
443 this permit, and records of all data used to complete the registration statement for this
444 permit, for a period of at least three years from the date of the sample, measurement,
445 report or request for coverage. This period of retention shall be extended automatically
446 during the course of any unresolved litigation regarding the regulated activity or
447 regarding control standards applicable to the permittee, or as requested by the ~~board~~
448 department.

449 C. Reporting monitoring results.

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

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

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

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

D. Duty to provide information. The permittee shall furnish to the department, within a reasonable time, any information that the ~~board~~ department may request to determine whether cause exists for terminating coverage under this permit or to determine compliance with this permit. The ~~board~~ 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 ~~board~~ 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 who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II F, or who 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 4) 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;

- 500 3. The date on which the discharge occurred;
501 4. The length of time that the discharge continued;
502 5. The volume of the discharge;
503 6. If the discharge is continuing, how long it is expected to continue;
504 7. If the discharge is continuing, what the expected total volume of the discharge will be;
505 and
506 8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the
507 present discharge or any future discharges not authorized by this permit.

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

510 H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary
511 discharge, including a bypass or upset, should occur from a treatment works, and the discharge
512 enters or could be expected to enter state waters, the permittee shall promptly notify (see Part II
513 I 4), in no case later than 24 hours, the department after the discovery of the discharge. This
514 notification shall provide all available details of the incident, including any adverse effects on
515 aquatic life and the known number of fish killed. The permittee shall submit the report to the
516 department in writing within five days of discovery of the discharge in accordance with Part II I 2.
517 Unusual and extraordinary discharges include any discharge resulting from:

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

523 I. Reports of noncompliance. The permittee shall report any noncompliance that may
524 adversely affect state waters or may endanger public health.

525 1. An oral or online report shall be provided within 24 hours from the time the permittee
526 becomes aware of the circumstances. The following shall be included as information that
527 shall be reported within 24 hours under this subsection:

- 528 a. Any unanticipated bypass; and
529 b. Any upset which causes a discharge to surface waters.

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

- 531 a. A description of the noncompliance and its cause;
532 b. The period of noncompliance, including exact dates and times, and if the
533 noncompliance has not been corrected, the anticipated time it is expected to
534 continue; and
535 c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the
536 noncompliance.

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

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

4. The immediate (within 24 hours) reports required in Part II G, H, and I ~~may~~ 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, ~~leave a message and this the online portal shall fulfill the immediate reporting requirement be used~~. For emergencies, ~~call the Virginia Department of Emergency Operations Center (24 hours) Management maintains a 24-hour telephone service at 804-750-8845.~~

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

J. Notice of planned changes.

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

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

(1) After promulgation of standards of performance under § 306 of 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 specified in Part I B 12; 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

585 decisions that govern the operation of the regulated facility including having the
586 explicit or implicit duty of making major capital investment recommendations, and
587 initiating and directing other comprehensive measures to ~~assure~~ ensure long-term
588 environmental compliance with environmental laws and regulations; the manager
589 can ensure that the necessary systems are established or actions taken to gather
590 complete and accurate information for permit registration requirements; and where
591 authority to sign documents has been assigned or delegated to the manager in
592 accordance with corporate procedures;

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

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

600 2. Reporting requirements. All reports required by permits and other information
601 requested by the ~~board~~ department shall be signed by a person described in Part II K 1
602 or by a duly authorized representative of that person. A person is a duly authorized
603 representative only if:

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

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

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

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

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

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

627 L. Duty to comply. The permittee shall comply with all conditions of this permit. Any permit
628 noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act,
629 except that noncompliance with certain provisions of this permit may constitute a violation of the
630 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 a permit coverage renewal application.

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 ~~board~~ department. The ~~board~~ 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 ~~it not~~ authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State law. Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by § 510 of the Clean Water Act. Except as provided in permit conditions on "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 Article 11 (§ 62.1-44.34:14 et seq.) 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 which 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. The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Part 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.

3. Prohibition of bypass.

a. Bypass is prohibited, and the ~~board~~ 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 ~~board~~ department may approve an anticipated bypass, after considering its adverse effects, if the ~~board~~ 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 proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and entry. The permittee shall allow the director, or an authorized representative, (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

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

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

X. Permit actions. Permit coverage may be terminated for cause. The filing of a request by the permittee for a permit coverage 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.

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

FORMS (9VAC25-194)

[Registration Statement for the General Virginia Pollutant Discharge Elimination System \(VPDES\) Permit for Vehicle Wash Facilities and Laundry Facilities 2022 Reissuance \(rev. 6/2022\)](#)

Documents Incorporated by Reference (9VAC25-194)

- 759** Standard Industrial Classification (SIC) Manual, 1987, U.S. Office of Management and
760 Budget, National Technical Information Service, Order No. PB 87-100012.
- 761** [North American Industry Classification System \(NAICS\) Manual, 2022, U.S. Office of](#)
762 [Management and Budget, National Technical System Information Service](#)


townhall.virginia.gov

Exempt Action: Proposed Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC25-194
VAC Chapter title(s)	Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Vehicle Wash Facilities and Laundry Facilities
Action title	Ch 194 – 2028 Amend and Reissue the Existing General Permit Regulation
Date this document prepared	August 20, 2026

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

This general permit establishes limitations, monitoring requirements, and other special conditions for point source discharge of wastewater from vehicle wash facilities (primarily car wash and rental car business, car and truck dealerships, and local or government fleet vehicle and equipment washing) and laundry facilities to surface waters in order to maintain surface water quality.

This regulatory action is proposed to amend and reissue the existing general permit which expires on December 31, 2027. The proposed changes to the regulation are being made in response to Technical Advisory Committee suggestions and staff requests to revise, update, and clarify the permit conditions.

In addition, a periodic and small business impact review of this regulation will be conducted as part of this regulatory action.

Mandate and Impetus

Identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

The impetus of this regulatory change is § 62.1-44.15 (5a) of the Code of Virginia which states, "All certificates issued by the Board under this chapter shall have fixed terms. The term of a Virginia Pollution Discharge Elimination System permit shall not exceed five years."

This general permit expires on December 31, 2027, and must be reissued to make coverage available for vehicle wash facilities and laundry facilities that discharge to surface waters after December 31, 2027.

The periodic review of this regulation is being conducted in accordance with § 2.2-4007.1 of the Code of Virginia.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

Board: State Water Control Board
Department or DEQ: Department of Environmental Quality
GPD: gallons per day
NOIRA: Notice of Intended Regulatory Action
NPDES: National Pollutant Discharge Elimination System
TAC: Technical Advisory Committee
TMDL: Total Maximum Daily Load
USC: United States Code
U.S. EPA: United States Environmental Protection Agency
VAC: Virginia Administrative Code
VPDES: Virginia Pollutant Discharge Elimination System

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.

The basis for this regulation is the State Water Control Law, § 62.1-44.2 et seq. of the Code of Virginia. Specifically, § 62.1-44.15 (5) of the Code of Virginia authorizes the State Water Control Board (Board) to issue permits for the discharge of treated sewage, industrial wastes or other waste into or adjacent to state waters and § 62.1-44.15 (7) of the Code of Virginia authorizes the Board to adopt rules governing the procedures of the Board with respect to the issuance of permits. Further § 62.1-44.15 (10) of the Code of Virginia authorizes the Board to adopt such regulations as it deems necessary to enforce the general water quality management program, § 62.1-44.15 (14) of the Code of Virginia authorizes the Board to establish requirements for the treatment of sewage, industrial wastes, and other wastes, § 62.1-

44.16 of the Code of Virginia specifies the Board's authority to regulate discharge of industrial waste, § 62.1-44.20 of the Code of Virginia provides that agents of the Board may have the right of entry to public or private property for the purpose of obtaining information or conducting necessary surveys or investigations, and § 62.1-44.21 of the Code of Virginia authorizes the Board to require owners to furnish information necessary to determine the effect of the wastes from a discharge on the quality of state waters.

Section 402 of the federal Clean Water Act (33 USC § 1342) authorizes the state to administer the National Pollutant Discharge Elimination System (NPDES) permit program under state law. The Commonwealth of Virginia received such authorization in 1975 under the terms of a Memorandum of Understanding with the U.S. Environmental Protection Agency (U.S. EPA). This Memorandum was modified on May 20, 1991, to authorize the Commonwealth to administer a General VPDES Permit Program.

40 CFR Parts 122, 123, and 124 implement the NPDES permit program under § 402 of the federal Clean Water Act. These provisions cover basic U.S. EPA permitting requirements, what a State must do to obtain approval to operate its program in lieu of a federal program and minimum requirements for administering the approved State program, and procedures for U.S. EPA processing of permit applications and appeals. Section 122.1 requires permits for the discharge of "pollutants" from any "point source" into "waters of the United States."

Changes to this chapter of the Virginia Administrative Code are exempt from Article 2 of the Administrative Process Act (§ 2.2-4006 A 8 of the Code of Virginia).

Purpose

Please explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

This regulatory action is needed in order to establish permitting requirements for discharges from vehicle wash facilities and laundry facilities to protect the health, safety, and welfare of Virginia's citizens. The existing general permit expires on December 31, 2027, and must be amended and reissued to cover existing and new vehicle wash facilities and laundry facilities.

Other issues that needed consideration were updating effluent limitations and monitoring frequencies and reviewing Total Maximum Daily Load (TMDL) requirements and special conditions to ensure they remain protective of water quality.

Issuing a general permit as opposed to individual permit is the less intrusive and less costly alternative for small businesses. General permits also require fewer DEQ staff resources to issue.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

The general permit establishes limitations and monitoring requirements for point source discharges from vehicle wash facilities and laundry facilities. The primary issue that needs to be addressed is that the existing general permit expires on December 31, 2027, and must be reissued in order to continue making it available after that date. Some issues that needed to be addressed included updating effluent

limitations and monitoring frequencies and reviewing TMDL requirements and special conditions to ensure they remain protective of water quality.

Proposed changes to the general permit regulation include:

- Revise the term of the general permit regulation to January 1, 2028 – December 31, 2032.
- Update regulatory language to ensure consistency with changes in Virginia statutory law (Chapter 365 of the 2022 Acts of Assembly) regarding Board authority, clarifying that regulatory actions fall under the State Water Control Board (SWCB), while permitting actions fall under the Department of Environmental Quality (DEQ);
- Update published date of Federal Regulations.
- Addition of a subsection to notify applicants that DEQ will not process incomplete registration statements.
- Revise effluent limitations for E. coli and enterococci to reflect the more stringent water quality standards that became effective October 21, 2019.
- Clarify language for annual, semi-annual, and quarterly reporting requirements.
- Revise language to avoid end-result provisions. The proposed revised condition specifies that authorized discharges 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.
- Update compliance reporting requirements (Part II, Conditions Applicable to All Permits, I) including revising provisions to address online reporting.
- Update language to state that coverage under this permit may be administratively transferred to a new owner if the current permittee notifies the department at least 30 days in advance of the proposed transfer instead of within 30 days of the proposed transfer. Additionally, language added to clarify that the current permittee must provide sufficient evidence of title transfer before the department can administratively transfer the permit to the new owner.
- Update the edition of the North American Industry Classification System (NAICS) Manual incorporated by reference.

Issues

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

The advantages to the public, permittees, and the agency of reissuing this general permit are that a Virginia Pollutant Discharge Elimination System (VPDES) General Permit will continue to be available to facilities with eligible discharges enabling them to discharge to surface waters in a manner that is protective of those waters. In addition, the continued availability of this general permit avoids the increased cost and more complicated application process for permittees associated with issuing an individual permit and makes permit administration more reasonable for DEQ. There are no known disadvantages to the public, agency, Commonwealth, or regulated community.

Requirements More Restrictive than Federal

Please identify and describe any requirement of the regulatory change that is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal

requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no requirements in the proposed regulation that are more restrictive than applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Please identify any other state agencies, localities, or other entities particularly affected by the regulatory change. "Particularly affected" are those that are likely to bear any identified disproportionate material impact, which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected:

There are no state agencies that bear a disproportionate material impact as the general permit is available and applies statewide. The proposed amendments to the regulation apply statewide.

Localities Particularly Affected:

There are no localities that bear a disproportionate material impact as the general permit is available and applies statewide. The proposed amendments to the regulation apply statewide.

Other Entities Particularly Affected:

Facilities that discharge wastewater from vehicle wash facilities and laundry facilities must do so in a manner that is consistent with the requirements of the general permit. No other entities are particularly affected by the proposed regulation.

Regulatory Flexibility Analysis

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

This general permit applies to vehicle wash facilities and laundry facilities, many of which are small businesses, that discharge wastewater to surface waters. The reissuance of this VPDES permit meets the objectives of applicable law while minimizing implementation costs for affected small business owners. Without this general permit, a small business owner would need to obtain an individual permit, which would increase the complexity of the application process, permit requirements, and compliance costs.

Public Comment Received

Please summarize all comments received during the public comment period following the publication of the NOIRA, and provide the agency response. Ensure to include all comments submitted: including those

received on Town Hall, in a public hearing, or submitted directly to the agency or board. If no comment was received, enter a specific statement to that effect.

A public comment period was held from February 9, 2026, through March 11, 2026. One comment was submitted via email during the public comment period.

Commenter	Comment	Agency response
Mr. Buddy Davis, Terry VW/Subaru	As a dealership that sells both new and used vehicles, periodic washing of cars is a small part of our business. In an effort to minimize water use and protect downstream water quality, we have used low-flow sprayers, neutral pH cleaning products, and a replaceable filter system for our discharge water for many years now. Our 2 car wash bays typically generate less than 200 gallons per day of discharge water. We understand the importance of protecting our water resources and want to be a good corporate citizen in our community. We also recognize that even small volumes of some contaminants can have a disproportionate impact on aquatic organisms and over ecosystem health. In the new VPDES25-194 permit, we simply ask that VDEQ consider including a minimum flow threshold below which annual water quality sampling/testing would not be required.	DEQ discussed this recommendation with the Technical Advisory Committee and concluded that 71 of the 74 facilities covered by this permit fall below the 5,000 gpd threshold. Flow data also indicate that the majority of these facilities discharge less than 2,500 gpd. The 5,000 gpd threshold already represents reduced monitoring compared to the higher flow tier, and the monitoring requirements at this threshold are minimal (once per year). Retaining the existing thresholds and associated monitoring requirements will allow the agency to obtain sufficient data to reliably assess compliance with the permit limitations and protect water quality.

Public Participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.

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

Anyone wishing to submit written comments for the public comment file may do so by mail or email to **Azra Bilalagic, Guidance and Regulation Coordinator, DEQ Office of VPDES Permits, P.O. Box 1105, Richmond, Virginia, 23218, phone: 804-584-6674 and azra.bilalagic@deq.virginia.gov**. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at

(<http://www.townhall.virginia.gov>). Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of this stage and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov/>). Both oral and written comments may be submitted at that time.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. If the regulatory change will be a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory change. Please include citations to the specific section(s) of the regulation that are changing.

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
9VAC25-194-10		Definitions	Removed definition for "Board" since this term is defined in 9VAC25-31-10 and is incorporated by reference into this section. Revised the North American Classification System (NAICS) manual referenced to the most recent version. Struck "Standard Industrial Classification" from the definition of "Vehicle Wash" to improve readability. Minor changes were made to terms throughout this section to ensure consistent use of terminology and improve readability. These minor changes did not alter, narrow, or expand the meaning of terms.

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
9VAC25-194-15		Applicability of incorporated references based on the dates that they became effective.	Except as noted, when a regulation of the U.S. Environmental Protection Agency set forth in Title 40 of the Code of Federal Regulations is referenced or adopted in this chapter and incorporated by reference, that regulation shall be as it exists and has been published as of July 1, 2021<u>2026</u>. This section will be updated to the most recent version prior to reissuing the general permit regulation.
9VAC25-194-40		Effective date of the permit.	Revised to reflect the new permit term.
9VAC25-194-50, 9VAC25-194-60, 9VAC25-194-70		Authorization to discharge., Registration statement., General permit.	The term “board” was changed to “department” throughout the regulation to ensure consistency with changes in Virginia statutory law (Chapter 365 of the 2022 Acts of Assembly) regarding Board authority, clarifying that regulatory actions fall under the State Water Control Board (SWCB), while permitting actions fall under the Department of Environmental Quality (DEQ).
9VAC25-194-60 C 9		Registration statements.	Added language to clarify requirements for maps of the facility included with registration statements.
9VAC25-194-60 C 10		Registration statements.	Clarified language regarding the description of the washing activity.
	9VAC25-194-60 E	Incomplete Registration Statement	Added language to clarify when an incomplete registration statement may be closed without further processing by the department. This change will improve the efficiency of the permitting process by focusing permitting resources on complete registration statements.
9VAC25-194-70		General permit	Revised to reflect the new permit term.
9VAC25-194-70 Part I A 1		Effluent limitations and monitoring requirements	Minor editorial changes to clarify requirements for the submission of annual monitoring reports.
9VAC25-194-70 Part I A 2		Effluent limitations and monitoring requirements	Minor editorial changes to clarify requirements for the submission of semiannual monitoring reports.

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
9VAC25-194-70 Part I A 3		Effluent limitations and monitoring requirements Maximum discharge limitations are 235 CFU/100 ml for <i>E. Coli</i> and 104 CFU/100ml for Enterococci.	Minor editorial changes to clarify requirements for the submission of quarterly and semiannual monitoring reports. Updated maximum discharge limitations for <i>E. coli</i> and enterococci to reflect the more stringent water quality standards that became effective October 21, 2019. The new maximum discharge limitations are 126 CFU/100ML for <i>E. Coli</i> and 35 CFU/100ML for Enterococci.
9VAC25-194-70 Part I A 4		Effluent limitations and monitoring requirements Maximum discharge limitations are 235 CFU/100 ml for <i>E. Coli</i> and 104 CFU/100ml for Enterococci.	Minor editorial changes to clarify requirements for the submission of quarterly and semiannual monitoring reports. Updated maximum discharge limitations for <i>E. coli</i> and enterococci to reflect the more stringent water quality standards that became effective October 21, 2019. The new maximum discharge limitations are 126 CFU/100ML for <i>E. Coli</i> and 35 CFU/100ML for Enterococci.
9VAC-25-194-70 Part I B 6		Special conditions Details the management of solids.	The term “plan” has been replaced by the term “requirements” as the condition lists requirements that need to be met and does not require a solids management plan.
9VAC25-194-70 Part I B 13 e		Special conditions Operation and maintenance manual requirement	The term “plan” has been replaced with “practices” as the intent of the condition is for the O&M manual to describe practices for solids management, and not require a solids management plan.
9VAC25-194-70 Part I B 15		Special Conditions The discharges authorized by this permit shall be controlled as necessary to meet applicable water quality standards in 9VAC25-260.	Condition revised to avoid end-result provisions. On March 4, 2025, the U.S. Supreme Court in <i>City and County of San Francisco v. Environmental Protection Agency</i> , 604 U.S. 334 (2025), held that “end-result” permit requirements are not allowed under the Clean Water Act (“CWA”). The Supreme Court characterized end-result requirements as “permit provisions that do not spell out what a permittee must do or refrain from doing,” but instead make a permit holder

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			responsible for receiving water's quality. The revised condition specifies what a permittee must do – that authorized discharges 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.
9VAC25-194-70 Part II C 2		Reporting monitoring results	Minor editorial changes to improve clarity and to improve readability.
9VAC25-194-70 Part II F 2		Unauthorized discharges	Minor editorial changes to improve clarity and to improve readability.
9VAC25-194-70 Part II G		Reports of unauthorized discharges	Minor editorial changes to improve clarity and to improve readability.
9VAC25-194-70 Part II I 1		Reports of noncompliance	Revised language to clarify reporting requirements by replacing the requirement to provide “an oral” report within 24 hours with “An oral or online report” to allow the option of electronic reporting. The changes clarify existing mandatory reporting requirements for permittees and allow electronic reporting. They also make the existing requirements consistent with other VPDES general permits.
9VAC25-194-70 Part II I 4		Reports of noncompliance	Revised language to specify that for immediate reports, reports shall be made to the regional office. For reports outside of normal working hours, reporting shall be done using the online portal (instead of leaving a message). Updated the contact name for emergencies to the Virginia Emergency Operations Center to be consistent with updates in state reporting requirements.
9VAC25-194-70 Part II Y 2 a		Transfer of permit coverage	Updated language to state that coverage under this permit may be administratively transferred to a new

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		Establishes the conditions under which permit coverage may be automatically transferred from a permittee to a new permittee. These include: notice to the department, a written agreement between the current permittee and the department not notifying the current and new permittees of its intent to modify or revoke and reissue the permit.	owner if (a) the current permittee notifies the department at least 30 days in advance of the proposed transfer, (b) the notice includes a written agreement between the current permittee and new owner, and, to verify the transfer of title to the property that is the subject of the permit is actually transferred, (c) the department receives sufficient evidence of the transfer of title. Subdivision Y 3 includes the existing condition that the department may notify the permittee and new owner of its intent to modify or revoke and reissue the permit, otherwise the transfer is effective when the department receives sufficient evidence. The changes ensure the property that is the subject of the permit is actually transferred. The current language has resulted in situations where the permit is transferred automatically, but the sale or transfer of the property did not occur. This amendment provides certainty to the current permittee, new owner, and department. h
Documents Incorporated by Reference			Adding the most recent North American Classification System (NAICS) manual referenced in the regulation as a document incorporated by reference. NAICS codes are used to identify regulated activities.

Family Impact

In accordance with § 2.2-606 of the Code of Virginia, please assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the

assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

This general permit applies to point source discharge of wastewater from vehicle wash facilities and laundry facilities to surface waters and has been designed to minimize burden while achieving a level of water quality protection consistent with state and federal requirements. This regulatory action does not address and will have no direct impact on 1) the authority and rights of parents, 2) economic self-sufficiency, self-pride, or assumption of familial responsibilities, 3) marital commitments, or disposable family income.

FACT SHEET
REISSUANCE OF A VPDES GENERAL PERMIT FOR VEHICLE WASH FACILITIES
AND LAUNDRY FACILITIES

Effective Date of Permit January 1, 2028

The Virginia State Water Control Board (Board) has under consideration the reissuance of a Virginia Pollutant Discharge Elimination System (VPDES) general permit (GP) for point source discharges from vehicle wash facilities and laundry facilities.

Permit Number: VAG75

Name of Permittee: Any owner of a qualifying vehicle wash facility or laundry facility with point source discharges to the surface waters of the Commonwealth of Virginia.

Facility Locations: Commonwealth of Virginia

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

On the basis of preliminary review and application of lawful standards and regulations, the Board proposes to reissue the general permit subject to certain conditions and has prepared a draft permit. The Board has determined that this category of discharges is appropriately controlled under a general permit. The category of discharges to be included involves facilities with the same or similar types of operations and the facilities discharge the same or similar types of wastewater. The draft general permit requires that all covered facilities meet standardized effluent limitations, conditions and monitoring requirements and that certain covered facilities develop a stormwater pollution prevention plan. This permit will maintain the Water Quality Standards adopted by the Board. This general permit will replace the general permit VAG75 which expires on December 31, 2027. Owners covered under the expiring general permit who wish to continue to discharge under a general permit must register for coverage under the new permit.

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

Azra Bilalagic
Virginia Department of Environmental Quality
Office of VPDES Programs
P.O. Box 1105, Richmond, VA 23218
Phone: 804-584-6674
Email: azra.bilalagic@deq.virginia.gov

The process for issuing or amending a VPDES general permit regulation includes publication of a Notice of Intended Regulatory Action (NOIRA) with a 30-day comment period, forming and meeting with a Technical Advisory Committee (TAC), presenting the proposed regulation to the Board, publication of a Notice of Public Comment (NOPC) with a 60-day public comment period, holding a public hearing, and adoption of the final regulation by the SWCB.

The NOPC 60-day comment period is published in a newspaper, the Virginia Register, the Virginia Regulatory Town Hall (<https://townhall.virginia.gov/L/ViewBoard.cfm?BoardID=103>), and is provided to an open mailing list. The NOPC specifies the methods and appropriate contacts for commenting, as well as the date, time and place for the public hearing.

Administrative

The general permit will have a fixed term of five (5) years effective, upon Board approval, January 1, 2028. Every authorization to discharge under this general permit will expire at the same time and all authorizations to discharge will be renewed on the same date. However, an owner is allowed to continue to discharge under the terms of their previous permit provided they have submitted a complete registration statement 60 days before the expiration date of the existing permit. This is also known as an administrative continuance and such a continuance is only available until the effective date of the reissued permit.

All persons desiring to be covered by this general permit must register with the Department by filing a registration statement and applicable fees. The majority of registrations will come from existing operations. Existing operations covered under the previous general permit seeking to retain coverage under the reissued general permit must file a new registration statement at least 60 days prior to expiration (prior to November 1, 2027).

For all new vehicle wash facilities and laundry facilities that will begin activities after the effective date of this permit, the registration statement must be filed at least 60 days prior to the commencement of operation.

Existing operations with individual VPDES permits that wish to seek coverage under the general permit must notify the Department 240 days prior to expiration of the individual permit. This time period is set so that the Agency has 30 days to determine if the facility is authorized for coverage and if coverage is not allowed, the permittee has 30 days to submit an individual permit application and still meet their 180 days prior to expiration deadline for the individual permit. This general permit does not cover activities or discharges covered by an individual VPDES permit until the individual permit has expired or has been terminated and coverage under this general permit has been granted. Any person conducting an activity covered by an individual permit which could be covered by this general permit may request that the individual permit be terminated and register for coverage under this general permit. Antibacksliding will be considered prior to granting coverage under this general permit.

Any owner or operator not wishing to be covered or limited by this general permit may make application for an individual VPDES permit in accordance with VPDES program procedures.

All facilities that the Department determines are eligible for coverage under this general permit will be authorized to discharge under the terms and conditions of the permit after a complete registration statement is submitted, the applicable permit fee is paid, and the Department sends a copy of the general permit to the applicant. If the department determines that coverage under this general permit is inappropriate, the applicant will be so notified and advised of the requirement to retain or obtain, as appropriate, an individual VPDES permit or alternate general permit.

Activities Covered by This Permit

This general permit will cover point source discharges of vehicle wash and/or laundry wastewater to surface waters of the Commonwealth of Virginia.

The type of systems for vehicle wash facilities to be covered include wastewater generated from any fixed or mobile facility where the manual, automatic, or self-service exterior washing of vehicles is conducted and discharges to surface waters. A manual type facility consists of manual washing, rinsing and/or waxing the vehicle by personnel. In a tunnel type facility, the vehicle is driven or pulled by a conveyor through the length of a building where separate washing, rinsing, and waxing operations are performed. In a rollover type facility, the vehicle remains stationary while the equipment passes over the vehicle using high pressure water streams and/or brushes

to clean and wax it. The wand type facility uses high-pressure streams of water to clean the vehicle.

The "vehicle wash" definition includes, but is not limited to, automobiles, trucks (except below), motor homes, buses, motorcycles, ambulances, fire trucks, tractor trailers, and other devices that convey passengers or goods on streets or highways. This industry primarily comprises establishments engaged in cleaning, washing, or waxing automotive vehicles, such as passenger cars, trucks, and vans, and trailers as designated by NAICS Code 811192 and Standard Industrial Classification (SIC) Code 7542. This definition also includes incidental floor cleaning wash waters associated with facilities that wash vehicles where the floor wash water also passes through the vehicle wash water treatment system, golf course equipment, lawn maintenance equipment, maintenance and construction equipment and recreational boats less than 8.6' beam and 25' in length towed by a vehicle. Construction equipment, maintenance equipment and recreational boats were added as allowable vehicles in 2017. The recreational boats in the definition are generally fiberglass or aluminum and not coated with ablative paints. This does NOT include hull cleaning and scraping or any type of maintenance of hulls typically performed at marinas. Trailer-able recreational boats are often rinsed off in car washes, particularly in saltwater areas. The size chosen (8.6' beam and 25' length) reflects the maximum length and beam that are safely towed by cars, SUVs or pick-up trucks.

The regulation in 9VAC25-194-10 also contains definitions for "construction equipment," "golf course equipment" and "lawn maintenance equipment."

Vehicle wash does not mean engine cleaning or degreasing, the cleaning of floors in vehicle maintenance areas, cleaning of the interior of tanks or trailers carrying bulk or raw material, cleaning of equipment used in the paving industry, cleaning of chemical, fertilizer or pesticide spreading equipment, or cleaning of tanker trucks, garbage trucks, livestock trailers, trains, boats larger than 8.6' beam and 25' in length or aircraft or the use of acid caustic metal brighteners or steam heated water. In 2017, construction equipment was moved from an excluded activity to an allowed activity and defined because of public comment received.

Owners of mobile vehicle washes may apply for coverage under this permit; however the standard procedure for these operations is to prevent the discharge of wash waters to surface waters or to storm sewers. DEQ urges mobile car wash owners to avoid a discharge to state waters or storm drains by applying technologies to collect wash water and dispose of it properly, recycle it, or use best management practices (evaporation, blocking storm drain entrances, use of permeable surfaces, etc.). Coverage as a mobile operator would require each discharge location to be covered separately and a registration statement submitted for each location.

Charity fundraising car washes are not covered under this general permit and are advised to conduct charity fund raising at permitted car wash facilities or avoid any surface water discharge via best management practices. As with mobile car washes, DEQ urges the charity car wash organizations to avoid a discharge to surface waters (see above). Fundraising car wash guidelines are available on the [DEQ website](#).

This permit also allows coverage for point source discharges of laundry wastewater to surface waters of the State. These are generally facilities that are located in rural areas and are not served by central sewage facilities. The type of systems to be covered include wastewater generated from laundries designated by SIC 7215. These are establishments primarily engaged in the operation of coin-operated or similar self-service laundry equipment for use on the premises (e.g., laundromats), or in apartments, dormitories, and similar locations. However, this permit does not cover facilities that engage in dry cleaning, or commercial laundries of any type.

Any owner is authorized to discharge to surface waters of the Commonwealth of Virginia under this general permit if the owner submits and receives acceptance by the Department of the registration statement per 9VAC25-194-60, submits the required permit fee, and complies with the effluent limitations and other requirements of 9VAC25-194-70, provided that the Department has not notified the owner that the discharge is not eligible for coverage because of one 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; or
5. The discharge is to surface waters where there are central wastewater treatment facilities reasonably available, as determined by the department.

The regulation also contains section 9VAC25-194-50 E which allows for continuation of permit coverage when an owner authorized to discharge under the general permit submits a complete and timely registration statement and is not violating conditions under the expiring or expired general permit.

Summary of Substantive Changes from the 2023 Vehicle Wash Facilities and Laundry Facilities General Permit

This general permit replaces the 2023 Vehicle Wash Facilities and Laundry Facilities GP which was issued for a five-year term on January 1, 2023. The following is a list of substantive changes included in the 2028 general permit regulation as compared to the 2023 regulation:

Section 10 – Definitions

- Section revised to remove the term “Board” as this term is defined in 9VAC25-31-10.

Section 15 – Applicability of Incorporated References

- Changed date to indicate that incorporated references are based on the Code of Federal Regulations published as of July 1, 2026.

Section 40 – Effective Date of the Permit

- Changed effective date to January 1, 2028 and expiration date to December 31, 2032.

Sections 50 – Authorization to discharge

- Updated regulatory language to ensure consistency with changes in Virginia statutory law (Chapter 365 of the 2022 Acts of Assembly) regarding Board authority, clarifying that regulatory actions fall under the State Water Control Board (SWCB), while permitting actions fall under the Department of Environmental Quality (DEQ).

Section 60 – Registration Statement

- Updated regulatory language to ensure consistency with changes in Virginia statutory law (Chapter 365 of the 2022 Acts of Assembly) regarding Board authority, clarifying that regulatory actions fall under the State Water Control Board (SWCB), while permitting actions fall under the Department of Environmental Quality (DEQ).

- Part E – Added language to clarify when an incomplete registration statement may be closed without further processing by the department. This change will improve the efficiency of the permitting process by focusing permitting resources on complete registration statements.

Section 70 – General Permit

- Revised term of the general permit: Effective Date: January 1, 2028; Expiration Date: December 31, 2032.
- Updated regulatory language to ensure consistency with changes in Virginia statutory law (Chapter 365 of the 2022 Acts of Assembly) regarding Board authority, clarifying that regulatory actions fall under the State Water Control Board (SWCB), while permitting actions fall under the Department of Environmental Quality (DEQ).

Part I – Effluent Limitations and Monitoring Requirements

- Part I A 1 through Part I A 4 – Clarified language regarding quarterly, semiannual, and annual monitoring and reporting requirements.
- Part I A 3 and Part I A 4 – Revised effluent limitations for *E. coli* and Enterococci to reflect the more stringent water quality standards that became effective October 21, 2019. Added a leading zero to the Total Residual Chlorine effluent limitation for clarity.

Part I B 15 – Condition revised to avoid end-result provisions. On March 4, 2025, the U.S. Supreme Court in *City and County of San Francisco v. Environmental Protection Agency* held that “end-result” permit requirements are not allowed under the Clean Water Act (“CWA”). The Supreme Court characterized end-result requirements as “permit provisions that do not spell out what a permittee must do or refrain from doing,” but instead make a permit holder responsible for receiving water’s quality. The revised condition specifies that authorized discharges 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.

Part II – Conditions Applicable to All VPDES Permits

- Part II I 4 – Revised language such that permittees reporting significant noncompliance make a 24-hour oral or online report to DEQ. Clarified that the written follow-up report may be waived if the oral or online report is timely and there is no adverse impact on state waters. Indicated that 24-hour reports must be made to the applicable DEQ regional office via telephone or online. Specified that reports out of normal working hours must be made using the online portal.
- Part II Y 2 a – Updated language to state that coverage under this permit may be administratively transferred to a new owner if the current permittee notifies the department at least 30 days in advance of the proposed transfer. The language has been revised for consistency with the VPDES Regulation (9VAC25-31-380, Transfer of Permits) and 40 CFR 122.61(b)(1). Language added to clarify that the current permittee must provide sufficient evidence of title transfer before the department can administratively transfer the permit to the new owner.

Basis for Effluent Limitations and Monitoring Requirements in Part I A

The Environmental Protection Agency has reviewed these categories of dischargers and concluded, in their Guidance Document for Effluent Discharges From the Auto and Other Laundries Point Source Category, dated February 1982, that the amounts and toxicity of pollutants in the discharges from these facilities did not justify national regulations.

In developing the proposed effluent limitations and special conditions the following information was reviewed: permitting strategies, effluent limitations, treatment technologies and special conditions that are being employed by the Department of Environmental Quality and the surrounding states for individual and general VPDES permits issued to car wash facilities, and the Environmental Protection Agency's Guidance Document for Effluent Discharges from the Auto and Other Laundries Point Source Category, February 1982 and the DRAFT Development Documents for Proposed Effluent Limitations Guidelines and New Sources Performance Standards for the Auto and Other Laundries Point Source Category, April 1974.

Determined by the nature of the business, the parameters to be limited for vehicle wash are flow, pH, total suspended solids, and oil/grease. For laundries, the parameters are pH, total suspended solids, BOD₅, dissolved oxygen, temperature, total residual chlorine and bacteria (*E. coli*, enterococci or fecal coliform as appropriate for each water body). The pH, temperature, dissolved oxygen, total residual chlorine and bacteria limitations are based upon Virginia's Water Quality Standards (9VAC25-260-50, 60, 70, 140, 160 and 170.). The enterococci and fecal coliform bacteria limits were added during the 2012 reissuance so that laundry discharges to salt water were clearly covered under this permit and have appropriate limitations. For discharges that may reach shellfish waters, this permit includes a maximum effluent limit of 200 CFU/100 mL by grab sample. Although the Virginia Water Quality Standards were amended on February 1, 2010, to remove the reference to the 200 CFU/100 mL effluent limit in shellfish waters, the Virginia Department of Health, Bureau of Shellfish Sanitation still uses fecal coliform as an indicator for determining the quality of shellfish waters, and it is necessary to ensure discharges meet this level. Since it has historically maintained the in-stream water quality criteria for fecal coliform of 14 / 43 MPN/100 mL, the 200 CFU/100 mL effluent limit will be used in shellfish waters to continue meeting the in-stream criteria and for the protection of shellfish under the general standard. The total suspended solids, BOD₅ and oil/grease parameters are based on professional judgment for the type of treatment employed by these systems. Complying with these parameters is an indication that the treatment system is being operated and maintained properly and is producing an acceptable quality effluent.

Vehicle wash facilities that discharge a monthly average flow rate less than or equal to 5,000 gallons per day (gpd) have a reduced frequency of analysis of 1/Year compared to the 1/6 Months frequency of analysis. The basis for the reduced frequency of analysis for small vehicle wash facilities is that their potential to affect water quality is minimal based on the small quantity of discharge. These are typically facilities that are located in rural areas and are not served by central sewerage facilities or car rental agencies that may discharge to municipal separate storm sewers (MS4) and may or may not have access to a central sewer that is feasible. The maximum flow limit of 5,000 GPD was added in the 2023 reissuance at the request of the technical advisory committee (TAC) to track when facilities need to be moved to the limits for a >5,000 GPD facility. The monitoring frequencies for both flow scenarios remain sufficient to evaluate compliance with the specified parameters.

The treatment systems commonly utilized at vehicle wash facilities consist of sediment traps in the bays followed by a larger sedimentation basin baffled to contain any floating material, sand filtration, and/or oil water separators. These treatment systems produce an acceptable quality

effluent and operate well when maintained properly. Laundry facilities would have a sedimentation basin and, depending on the size, would rarely discharge.

Effluent Limitations and Monitoring Requirements

Parts I A 1 and I A 2 (Vehicle Wash)

Two monitoring scenarios are proposed for vehicle wash facilities and are carried forward from the 2023 reissuance. Smaller facilities with average flow rates of less than or equal to 5,000 gallons per day are required to monitor once per year. All other facilities are required to monitor once per six months.

<u>Parameter</u>	<u>Limitation</u>	<u>Monitoring</u> ⁽³⁾
Flow	5,000 GPD or NL	Estimate
pH (S.U.)	6.0 min, 9.0 max ⁽¹⁾	Grab
Total Suspended Solids	60 mg/L max ⁽²⁾	Composite ⁽⁴⁾
Oil and Grease	15 mg/L max.	Grab

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

⁽²⁾ Limit given is expressed in two significant figures.

⁽³⁾ Annual samples (Part I A 1) shall be collected by December 31 of each year and reported on the facility's Discharge Monitoring Report (DMR). Annual DMRs shall be submitted by January 10 of each year. Semi-annual samples (Part I A 2) shall be collected by December 31 and June 30 of each year and reported on the facility's Discharge Monitoring Report (DMR) no later than January 10 and July 10 of each year following each applicable semiannual monitoring period.

⁽⁴⁾ Five grab samples evenly spaced over an 8-hour period or five grab samples evenly spaced for the duration of the discharge, if less than 8 hours in length.

Part I A 3 (Laundry)

Two monitoring frequencies are proposed for laundry facilities and are carried forward from the 2023 reissuance. Flow, pH, TSS, BOD₅, DO, TRC, are required to be monitored once per quarter. Temperature and bacteria (*E. coli*, enterococci or fecal coliform, as appropriate) are required to be monitored once per six months. These monitoring frequencies remain sufficient to evaluate compliance with the specified parameters.

<u>Parameter</u>	<u>Limitation</u>	<u>Monitoring</u> ⁽³⁾
Flow	NL	Estimate
pH (S.U.)	6.0 min, 9.0 max ⁽¹⁾	Grab
Total Suspended Solids	60 mg/L max ⁽²⁾	Grab
BOD ₅	60 mg/L max ⁽¹⁾⁽²⁾	Grab
Dissolved Oxygen	6.0 mg/L min ⁽¹⁾	Grab
Temperature °C	32 max ⁽¹⁾⁽⁴⁾	Immersion Stabilization
Total Residual Chlorine	0.011 mg/L max ⁽¹⁾	Grab
<i>E. coli</i> ⁽⁵⁾	126 CFU/100mL max	Grab
Enterococci ⁽⁶⁾	35 CFU/100mL max	Grab

Fecal Coliform ⁽⁷⁾

200 CFU/100mL max

Grab

- (1) Where the Water Quality Standards (9VAC25-260) establish alternate standards for pH, BOD₅, DO, TRC, and temperature in waters receiving the discharge, those standards shall be the maximum and/or minimum effluent limitations, as appropriate.
- (2) Limit given is expressed in two significant figures.
- (3) Reports of quarterly monitoring shall be submitted to the DEQ regional office no later than the April 10, July 10, October 10, and January 10 following each applicable quarterly period. Semiannual reports shall be submitted no later than January 10 and July 10 for samples collected by December 31 and June 30 of each year.
- (4) The effluent temperature shall not exceed a maximum 32°C for discharges to non-tidal coastal and piedmont waters, 31°C for mountain and upper piedmont waters, 21°C for put and take trout waters, or 20°C for natural trout waters. For estuarine waters, non-tidal coastal and piedmont waters, mountain and upper piedmont waters, and put and take trout waters, the effluent shall not cause an increase in temperature of the receiving stream of more than 3°C above the natural water temperature. For natural trout waters, the temperature of the effluent shall not cause an increase of 1°C above natural water temperature. The effluent shall not cause the temperature in the receiving stream to change more than 2°C per hour, except in the case of natural trout waters where the hourly temperature change shall not exceed 0.5°C.
- (5) Applies only when the discharge is into freshwater (see 9VAC25-260-140 C for the classes of waters and boundary designations).
- (6) Applies only when the discharge is into saltwater or the transition zone (see 9VAC25-260-140 C for the classes of waters and boundary designations).
- (7) Applies only when the discharge is into shellfish waters (see 9VAC25-260-160 for the description of what are shellfish waters). The Virginia Department of Health (VDH) Division of Shellfish Safety and Waterborne Hazards (DSS) has provided the following to define the areas of the major river basins below as shellfish waters:
 - Potomac River tributaries - Mathias Point upstream of the US 301 bridge
 - Rappahannock River - Tappahannock Bridge (US 360)
 - York River - upstream border of the Town of West Point
 - James River - line connecting Swanns Point on the south bank to Glass House Point on the north bank (upper end of Jamestown Island).

Part I A 4 (Combined Vehicle Wash and Laundry)

Two monitoring frequencies are proposed. Flow, pH, TSS, BOD₅, DO, TRC, are required to be monitored once per quarter. Oil and grease, temperature and bacteria (E. coli, enterococci or fecal coliform, as appropriate) are required to be monitored once per six months. These monitoring frequencies remain sufficient to evaluate compliance with the specified parameters.

<u>Parameter</u>	<u>Limitation</u>	<u>Monitoring</u> ⁽³⁾
Flow	NL	Estimate
pH	6.0 min, 9.0 max ⁽¹⁾	Grab
Total Suspended Solids	60 mg/L max ⁽²⁾	Grab
BOD ₅	60 mg/L max ^{(1), (2)}	Grab
Oil and Grease	15 mg/L max	Grab
Dissolved Oxygen	6.0 ⁽¹⁾ mg/L min	Grab

Temperature °C	32 max ^(1),4)	Immersion Stabilization
Total Residual Chlorine	0.011 max ⁽¹⁾ mg/L	Grab
<i>E. coli</i> ⁽⁵⁾	126 CFU/100mL max	Grab
Enterococci ⁽⁶⁾	35 CFU/100mL max	Grab
Fecal Coliform ⁽⁷⁾	200 CFU/100mL max	Grab

(1) Where the Water Quality Standards (9VAC 25-260) establish alternate standards for pH, BOD5, DO, TRC, and temperature in waters receiving the discharge, those standards shall be the maximum and/or minimum effluent limitations, as appropriate.

(2) Limit given is expressed in two significant figures.

(3) Reports of quarterly monitoring shall be submitted to the DEQ regional office no later than April 10, July 10, October 10, and January 10 following each applicable quarterly monitoring period. Reports of once per six months shall be submitted no later than January 10 and July 10 for samples collected by December 31 and June 30 of each year.

(4) The effluent temperature shall not exceed a maximum 32°C for discharges to non-tidal coastal and piedmont waters, 31°C for mountain and upper piedmont waters, 21°C for put and take trout waters, or 20°C for natural trout waters. For estuarine waters, non-tidal coastal and piedmont waters, mountain and upper piedmont waters, and put and take trout waters, the effluent shall not cause an increase in temperature of the receiving stream of more than 3°C above the natural water temperature. For natural trout waters, the temperature of the effluent shall not cause an increase of 1°C above natural water temperature. The effluent shall not cause the temperature in the receiving stream to change more than 2°C per hour, except in the case of natural trout waters where the hourly temperature change shall not exceed 0.5°C.

(5) Applies only when the discharge is into freshwater (see 9VAC25-260-140 C for the classes of waters and boundary designations).

(6) Applies only when the discharge is into saltwater or the transition zone (see 9VAC25-260-140 C for the classes of waters and boundary designations).

(7) Applies only when the discharge is into shellfish waters (see 9VAC25-260-160 for the description of what are shellfish waters). VDH DSS has provided the following to define the areas of the major river basins below as shellfish waters:

- Potomac River tributaries - Mathias Point upstream of the US 301 bridge
- Rappahannock River - Tappahannock Bridge (US 360)
- York River - upstream border of the Town of West Point
- James River - line connecting Swanns Point on the south bank to Glass House Point on the north bank (upper end of Jamestown Island).

Basis For Part I B Special Conditions

1. The permittee of a vehicle wash facility shall perform visual examinations of the effluent including sheens, floating solids, or visible foam and maintenance of the wastewater treatment facilities and inlet protection measures, if applicable, at least once per week and document this visual examination and maintenance activities in the operational log. This operational log shall include the examination date and time, examination personnel, presence of a discharge and the visual quality of the discharge. The operational log shall be made available for review by the department personnel upon request.

Rationale: 9VAC25-31-190 E and 40 CFR 122.41(e) require proper operation and maintenance of the permitted facility. The operational log is required so inspection staff can

ensure and verify whether the visual examinations have been taking place. Wastewater treatment facilities associated with vehicle wash facilities require more maintenance than at a laundry facility with a sedimentation basin so this condition does not apply to laundries.

2. The effluent shall be free of sheens. There shall be no discharge of floating solids or visible foam in other than trace amounts.

Rationale: This is a common condition for effluents that may contain oil and grease. This special condition was taken from the footnotes of Tables 1A from both the 2006 car wash permit and the 2011 coin laundry permit. This is a standard requirement for all permits and conforms to the general water quality criteria at 9VAC25-260-20.

3. No sewage shall be discharged from a point source to surface waters from this facility except under the provisions of another VPDES permits specifically issued for that purpose.

Rationale: The effluent limitations contained in this permit do not address pollutants typical of treated sewage; therefore, no sewage discharge to surface waters are permitted under the general permit.

4. There shall be no chemicals added to the water or waste which may be discharged other than those listed on the owner's accepted registration statement, unless prior approval of the chemical is granted by the board.

Rationale: This special condition assures protection of water quality and beneficial uses of the waters receiving the discharge.

5. Wastewater should be reused or recycled whenever feasible.

Rationale: The permit encourages reuse or recycle of wastewater whenever feasible. This language is included in keeping with DEQ's pollution prevention philosophy.

6. The permittee of a vehicle wash facility shall comply with the following solids management practices, where applicable:

- a. Any settling basins or oil water separators shall be cleaned in accordance with the schedule outlined in the O&M manual and at a frequent enough interval to achieve effective treatment.
- b. Any solids from settling basins, oil water separators, trash or other debris shall be handled, stored, and disposed of so as to prevent a discharge to state waters of such solids.

Rationale: This is a best management practice to ensure solids in treatment equipment do not accumulate to the point of impairing the treatment system and/or getting into surface waters. Best management practices are an integral part of pollution control in 9VAC25-31-220 K. This special condition is specific to the solids pollution that may be present at a vehicle wash facility.

7. Washing of vehicles or containers bearing residue of animal manure or toxic chemicals (fertilizers, organic chemicals, etc.) is prohibited. If the facility is a self-service operation, the permittee shall post this prohibition on a sign prominently located and of sufficient size to be easily read by all patrons.

Rationale: This prohibition will reduce the risk of toxics pollution and eliminate the need for a Toxic Management Program (Whole Effluent Toxicity Program) under 9VAC25-31-220 D 1 d.

8. If the facility has a vehicle wash discharge with a monthly average flow rate of less than 5,000 gallons per day, and the flow rate increases above a monthly average flow rate of 5,000 gallons per day, an amended registration statement shall be filed within 30 days of the increased flow.

Rationale: This requirement reiterates the registration requirement from Section 60 A 2 d of regulation to ensure the owner will see the requirement in their permit.

9. A permittee submitting a registration statement in accordance with Part II M and discharging into a municipal separate storm sewer shall notify the owner of the municipal separate storm sewer system (MS4) of the existence of the discharge at the time of registration under this permit and include that notification with the registration statement. The notice shall include the following information: the name of the facility, a contact person and contact information (phone number and email), the location of the discharge, the nature of the discharge, and the facility's VPDES general permit number, if known or existing.

Rationale: The general permit for MS4s (9VAC25-890-40) Part I 3 b and individual MS4 permits require the MS4 to prohibit unauthorized (illicit) nonstormwater discharges (i.e., non-permitted commercial vehicle wash or laundry facilities). A VPDES permitted vehicle or laundry facility discharging to the MS4 is not an illicit discharge but some MS4 localities have asked to be informed of all registrations under DEQ general permits. Furthermore, the locality can also advise DEQ on the feasibility of connecting to central wastewater treatment facilities per the registration requirement in 9VAC25-194-60 C 7.

10. 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.

Rationale: This special condition repeats the requirement in 9VAC25-194-50 (Authorization to discharge) so that the owner will see the requirement in their permit.

11. The owner of a facility discharging vehicle wash water directly to a stormwater drain shall provide inlet protection measures in addition to meeting all other requirements of the permit.

Rationale: This addresses a compliance issue associated with some vehicle wash facilities that were discharging directly to storm drains (MS4s) with no wastewater treatment and appearing as illicit discharges or potential water quality concerns in some MS4 monitoring programs. The general permit for MS4s (9VAC25-890-40) Part I 3 b requires the MS4 to prohibit unauthorized (illicit) nonstormwater discharges.

12. The permittee shall notify the Department as soon as they know or have reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:
 - (1) One hundred micrograms per liter;
 - (2) Two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms per liter for 2, 4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter for antimony;
 - (3) Five times the maximum concentration value reported for that pollutant in the permit application; or
 - (4) The level established by the Board.

- b. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:
 - (1) Five hundred micrograms per liter;
 - (2) One milligram per liter for antimony;
 - (3) Ten times the maximum concentration value reported for that pollutant in the permit application; or
 - (4) The level established by the Board.

Rationale: 9VAC25-31-200 A of the permit regulation requires these notifications for all manufacturing, commercial, mining, and silvicultural discharges.

13. Operation and maintenance manual requirement. The permittee shall develop and maintain an accurate operations and maintenance (O&M) manual for the treatment works and applicable inlet protection measures. This manual shall detail the practices and procedures that will be followed to ensure compliance with the requirements of this permit. The permittee shall operate and maintain the treatment works and the inlet protection measures in accordance with the O&M manual. The O&M manual shall be reviewed and updated at least annually and shall be signed and certified in accordance with Part II K of this permit. The O&M manual shall be made available for review by the department personnel upon request. The O&M manual shall include, but not necessarily be limited to, the following items, as appropriate:

- a. Techniques to be employed in the collection, preservation, and analysis of effluent samples;
- b. Stormwater inlet protection measure directions for use and maintenance of equipment;
- c. Best management practices employed;
- d. Treatment system operation, routine preventive maintenance of units within the treatment system, critical spare parts inventory, and recordkeeping;
- e. A sludge/solids management plan including the schedule for settling basin or oil water separator cleaning and solids handling as required by Part I B 6;
- f. Procedures for performing the visual examination and maintenance required by Part I B 1 and the location of the operational log; and
- g. Date(s) when the O&M manual was updated or reviewed and any changes that were made.

Rationale: Originally this special condition was taken from the 2011 coin operated laundry general permit, with some changes. The 2007 car wash general permit did not have an O&M manual requirement. The need to submit and receive approval from DEQ on the O&M manual, previously required under the 2011 coin laundry general permit, was eliminated. Also, the requirement to review and update the O&M manual annually was added during the 2012 reissuance. Adherence to an O&M manual is a vital pollution management mechanism in all general permits and individual permits, especially those with less frequent monitoring requirements (See 9VAC25-194-70 Part II Q, 9VAC25-120-80 Part I B 3 and Part II Q, 9VAC25-193-70 Part I B 8 and Part II Q, 9VAC25-196-70 Part I B 5 and Part II Q and 9VAC25-860-70 Part I B 9). Operation and maintenance of the facility is integral to maintaining limits during the rest of the year when effluent monitoring may not be required. Proper operations and maintenance is also required by the VPDES Permit Regulation 9VAC25-31-190 E, and 40 CFR 122.41(e).

14. Compliance Reporting under Part I A 1- 4.

- a. The quantification levels (QL) shall be as follows:

Effluent Characteristic	Quantification Level
BOD ₅	2 mg/L
TSS	1.0 mg/L
Oil and Grease	5.0 mg/L
Chlorine	0.10 mg/L

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

- b. Reporting. Any single datum required shall be reported as "<QL" if it is less than the QL in subdivision a. Otherwise the numerical value shall be reported.
- c. Monitoring results shall be reported using the same number of significant digits as listed in the permit. Regardless of the rounding convention used by the permittee (e.g., 5 always rounding up or to the nearest even number), the permittee shall use the convention consistently, and shall ensure that consulting laboratories employed by the permittee use the same convention.

Rationale: This matches similar language in compliance reporting special conditions used in other general and individual permits. This special condition helps to ensure consistent compliance reporting under the VPDES permit regulation 9VAC25-31-190 J 4 and 220 I. This condition is necessary when pollutants are monitored by the permittee and a maximum level of quantification and/or a specific analytical method is required in order to assess compliance with a permit limit or to compare effluent quality with a numeric criterion. The condition also establishes protocols for calculation of reported values.

15. 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.

Rationale: Similar special conditions are in all VPDES general permits. This is consistent with the VPDES permit regulation in 9VAC25-31-220 D and EPA recommendations. 9VAC25-31-220 D requires VPDES permits to be written to meet water quality standards. The Department does this by including water quality-based effluent limits (WQBELs) in permits and other requirements such as BMPs and O&M requirements where necessary. Unlike individual permits that include requirements tailored to site-specific considerations, general permits, while tailored to specific industrial processes or types of discharges, often do not contain site-specific WQBELs.

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

Rationale: This special condition is in all VPDES general permits. The condition was developed since general permit discharges are considered insignificant to the overall TMDL waste load allocation. This special condition allows staff more flexibility to allow permit coverage for discharges without requiring immediate modification of the TMDL and to enable the waste load allocation to be implemented in the general permit instead of requiring an

individual permit. DEQ will track all the general permit discharges and once they become significant for purposes of the TMDL, the TMDL will be modified to include the load.

17. Notice of Termination

- a. The owner may terminate coverage under this general permit by filing a complete notice of termination. The notice of termination may be filed after one or more of the following conditions have been met:
 - (1) Operations have ceased at the facility and there are no longer wastewater discharges from vehicle wash or laundry activities from the facility.
 - (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 or an alternative VPDES permit; or
 - (4) Notice of termination is requested for another reason provided the board agrees that coverage under this general permit is no longer needed.
- b. The notice of termination shall contain the following information:
 - (1) Owner's name, mailing address, telephone number, and email address (if available);
 - (2) Facility name and location;
 - (3) VPDES vehicle wash facilities and laundry facilities general permit number;
 - (4) The basis for submitting the notice of termination, including:
 - i. A statement indicating that a new owner has assumed responsibility for the facility;
 - ii. A statement indicating that operations have ceased at the facility and there are no longer wastewater discharges from vehicle wash or laundry activities from the facility;
 - iii. A statement indicating that all wastewater discharges from vehicle wash facilities and laundry facilities have been covered by an individual VPDES permit; or
 - iv. A statement indicating that termination of coverage is being requested for another reason (state the reason).
- c. The following certification: "I certify under penalty of law that all wastewater discharges from vehicle wash or laundry facilities from the identified facility that are authorized by this VPDES general permit have been eliminated, or covered under a VPDES individual or alternative permit, or that I am no longer the owner of the industrial activity, 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 wastewater from vehicle wash facilities or laundry facilities in accordance with the general permit, and that discharging pollutants in wastewater from vehicle wash facilities or laundry facilities to surface waters is unlawful where the discharge is not authorized by a VPDES permit. I also understand that the submittal of this notice of termination does not release an owner from liability for any violations of this permit or the Clean Water Act."
- d. The notice of termination shall be signed in accordance with Part II K.
- e. The notice of termination shall be submitted to the DEQ regional office serving the area where the vehicle wash or laundry facility is located.

Rationale: This notification requirement is included in the permit section of the regulation so that the owner can see the requirement in their permit. Permits may be terminated upon the request of the permittee or upon initiative by the Board (9VAC25-31-370 A). Permits may be terminated for the reasons specified in 9VAC25-31-410. The condition in 17 a (4) ("*Notice of termination is requested for another reason provided the department agrees that coverage*

under this general permit is no longer needed.") is not specifically in the permit regulation (9VAC25-31-410) but the language is in many general permits (e.g., the Industrial Stormwater general permit 9VAC25-151-70 Part I B 14, Seafood Processing (9VAC25-115-50 Part I B 10, Nonmetallic Mineral Mining (9VAC25-190-70 Part I B 17, Concrete (9VAC25-193 Part I B 18), Noncontact Cooling Water (9VAC25-196-70 Part I B 10) and Potable Water Treatment Plants (9VAC25-860-70 Part I B 12). The condition in 17 a (4) was added as a 'catch all' reason that an owner may request a termination as there may be other reasons an owner requests termination (e.g., connects to sanitary, goes to complete recycle and reuse) besides the other reasons that are listed (operations have ceased, new owner, covered by an individual permit).

Basis For Part II Requirements For Conditions Applicable To All VPDES Permits

This general permit is a VPDES permit. As such, it is necessary to include certain conditions required by the VPDES Permit Regulation, 9VAC25-31. These conditions are included in all VPDES permits. With a few minor exceptions, the language is not modified to reflect their use in the general permit. Conditions in this section of the permit may not have direct application at all covered facilities.

The requirements are generally consistent with 9VAC25-31-190 of the permit regulation and 40 CFR122.41 of the federal NPDES permit regulation.

TAB C



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

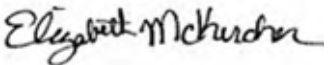
www.deq.virginia.gov

David L. Bulova
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director

MEMORANDUM

TO: State Water Control Board Members

FROM: Elizabeth McKercher
Director, Water Planning Division 

DATE: August 13, 2026

RE: Fast-track amendment to the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830) to conform the regulations to current law

At the September 21, 2026, meeting of the State Water Control Board (Board), the Board will consider the approval of amendments to the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830) using the fast-track rulemaking process. The amendments update statutory citations, civil penalties, and related regulatory text to align with the amendments to § 62.1-44.15 of the Code of Virginia and the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq. of the Code of Virginia) that became effective July 1, 2024.

Background

This rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process because the amendments improve clarity and certainty for the regulated community and the Department of Environmental Quality (Department) by making citations and requirements in the Chesapeake Bay Preservation Area Designation and Management Regulations consistent with the amendments to § 62.1-44.15 of the Code of Virginia and the Chesapeake Bay Preservation Act that became effective July 1, 2024.

Chapters 68 and 758 of the 2016 Acts of Assembly amended numerous sections of the State Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia) to create a combined erosion and sediment control and stormwater management program in Virginia. The ninth enactment clause of Chapters 68 and 758 provides that the provisions of the act shall become effective after the adoption by the Board of the regulations required to implement the act. Subsequently, Chapters 665 and 666 of the 2023 Acts of Assembly amended the ninth enactment clause and provided that the provisions of the act shall become effective concurrently with the associated regulations, as adopted by the Board, on July 1, 2024.

Among the changes that resulted from Chapters 68 and 758, § 62.1-44.15:71 of the Code of Virginia, which previously contained the Chesapeake Bay Preservation Act enforcement provisions for local government compliance reviews, was repealed. These provisions are now contained in subdivision (19)

of § 62.1-44.15 of the Code of Virginia, which consolidates the Board's authority to conduct compliance reviews and issue orders for the payment of civil penalties and charges for multiple local government programs.

Amendments

The Agency Background Document (Form TH-04) and amendments that are being presented to the Board for approval to proceed with the fast-track rulemaking process are attached. Detailed changes to the Chesapeake Bay Preservation Area Designation and Management Regulations are listed in the TH-04 and are summarized below:

- Update citations to the State Water Control Law in 9VAC25-830-260 and 9VAC25-830-270 so they are consistent with § 62.1-44.15 of the Code of Virginia and the Chesapeake Bay Preservation Act, as effective July 1, 2024.
- Update the civil penalty amounts in 9VAC25-830-260 from \$5,000 per day and \$20,000 per day per violation to \$5,000 per violation and \$50,000 per order to be consistent with subdivision (19) of § 62.1-44.15 of the Code of Virginia.
- Add the option to provide in an order issued against the locality for the payment of civil charges for violations in lieu of civil penalties, in specific sums not to exceed the limits of \$5,000 per violation and \$50,000 per order to be consistent with subdivision (19) of § 62.1-44.15 of the Code of Virginia.

Attorney General Certification

The Office of the Attorney General will be sent the final regulation for certification of statutory authority.

Staff Recommendation

Staff recommends the Board authorize the Department to promulgate the amendments to the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830) for public comment using the fast-track process established in § 2.2-4012.1 of the Administrative Process Act for regulations expected to be non-controversial. The Board's authorization constitutes its adoption of the regulation at the end of the public comment period provided that (i) no objection to use of the fast-track process is received from 10 or more persons, or any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, and (ii) the Department does not find it necessary, based on public comments or for any other reason, to make any changes to the amendments.

Staff also recommends that the Board authorize the Department to set an effective date no earlier than 15 days after the close of the 30-day public comment period provided (i) the proposal completes the fast-track rulemaking process as provided in § 2.2-4012.1 of the Administrative Process Act and (ii) the Department does not find it necessary to make any changes to the amendments.

Presenter Contact Information:

Contact: Justin Williams, Manager, Office of Watershed & Local Government Assistance

Phone Number: (804) 659-1125

E-mail: Justin.Williams@DEQ.Virginia.gov

Attachments

- **Attachment I** –Text of Regulatory Amendments to the Chesapeake Bay Preservation Area Designation and Management Regulations
- **Attachment II** –Virginia Regulatory Town Hall Form TH-04

Project 8743 - Fast-Track

State Water Control Board

Correction to statutory citations

9VAC25-830-260. Administrative proceedings.

Subdivision 8 of § 62.1-44.15:69 and ~~§ 62.1-44.15:74~~ of the Act ~~provide~~ provides that the department shall ensure that local government comprehensive plans, subdivision ordinances and zoning ordinances are in accordance with the provisions of the Act, and that it shall determine such compliance in accordance with the provisions of the Administrative Process Act. Subdivision 10 of § 62.1-44.15:69 of the Act provides that the department shall take administrative and legal actions pursuant to subdivision (19) of § 62.1-44.15 of the Code of Virginia to ensure compliance by counties, cities, and towns with the provisions of the Act, including the proper enforcement and implementation of, and continual compliance with, the Act. The Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) shall govern the review activities and proceedings of the department and the judicial review thereof. The department will provide a copy of its decision to the local government. If any deficiencies are found, the department will establish a schedule for the local government to come into compliance.

1. In order to carry out its mandated responsibilities under subdivision (19) of § 62.1-44.15 of the Code of Virginia and subdivisions 8 and 10 of § 62.1-44.15:69 and ~~§ 62.1-44.15:74~~ of the Act, the department will:

a. Require that each Tidewater local government submit an annual implementation report outlining the implementation of the local program. The department will develop reporting criteria which outline the information to be included in the reports and the time frame for their submission. The department will use the information in these reports to assess local patterns of compliance with the Act and this chapter and to evaluate the need for an administrative proceeding to more closely review any individual local government's compliance. All proceedings of this nature will be developed and conducted in accordance with this section.

b. Develop a compliance review process. Reviews will occur on a five-year cycle, and, when feasible, will be conducted as part of the local government's comprehensive plan review and update process. The department may also conduct a comprehensive or partial program compliance review and evaluation of a local government program more frequently than the standard schedule. The review process shall consist of a self-evaluation by each local government of local program implementation and enforcement as well as an evaluation by department staff. Based on these evaluations, the department may find the program compliant or, if deficiencies are found, the department will establish a corrective action plan and a schedule for the local government to come into compliance. The department shall provide a copy of its decision to the local government that specifies the deficiencies, actions needed to be taken, and the approved compliance schedule. If the local government has not implemented the necessary compliance actions identified by the department within the schedule established by the department, or such additional period as is granted to complete the implementation of the compliance actions, then the department shall have the authority to (i) issue a special order to any local government imposing a civil penalty not to exceed \$5,000 per day violation with the maximum amount not to exceed \$20,000 \$50,000 per day per violation order for noncompliance with the state program, to be paid into the state treasury and deposited into the Virginia Stormwater Management Local Assistance Fund established by ~~§ 62.1-44.15:29~~ § 62.1-44.15:29.1

of the Code of Virginia or (ii) with the consent of the local government, provide in an order issued against the local government for the payment of civil charges for violations in lieu of civil penalties, in specific sums not to exceed the limit stated in this subdivision.

(1) The self-evaluation shall be conducted by each local government according to procedures developed by the department.

(2) At a minimum, the department staff's evaluation will include a review of previous annual reports and site visits.

2. Certification of a local program. Upon a satisfactory finding resulting from the compliance review process, the department will certify that the local program is being implemented and enforced by the local government consistent with the Act and this chapter and is, therefore, in compliance. Such a certification shall be valid for a period of five years until the local government's next scheduled review, unless the department finds a pattern of noncompliance during the interim period of time, pursuant to subdivision 1 of this section.

9VAC25-830-270. Legal proceedings.

Subdivision (19) of § 62.1-44.15 of the Code of Virginia and subdivision 10 of § 62.1-44.15:69 and ~~§ 62.1-44.15:74~~ of the Act provide that the department shall take administrative and legal actions to ensure compliance by local governments with the provisions of the Act. Before taking legal action against a local government to ensure compliance, the department shall, unless it finds extraordinary circumstances, initiate a proceeding under the Act and 9VAC25-830-260 to obtain such compliance and give the local government at least 15 days notice of the time and place at which it will decide whether or not to take legal action. If it finds extraordinary circumstances, the department may proceed directly to request the Attorney General to enforce compliance with the Act and this chapter. Administrative actions will be taken pursuant to 9VAC25-830-260.



townhall.virginia.gov

Fast-Track Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC25-830
VAC Chapter title(s)	Chesapeake Bay Preservation Area Designation and Management Regulations
Action title	Fast-track amendment to the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830) to conform the regulations to current law
Date this document prepared	August 5, 2026

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The intent of this fast-track regulatory action is to amend the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830) to update statutory citations, civil penalties, and related regulatory text to align with the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq. of the Code of Virginia) and § 62.1-44.15 of the Code of Virginia.

The substantive changes, associated with the penalty amount and possible penalty alternative, are based on a change in the law, making the regulation consistent with the law, as amended effective July 1, 2024, so none of the changes are expected to be controversial.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

Act: The Chesapeake Bay Preservation Act
Board: State Water Control Board
Department: Department of Environmental Quality

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

On September 21, 2026, the State Water Control Board (Board):

1. Authorized the Department to promulgate the amendments to the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830) for public comment using the fast-track process established in § 2.2-4012.1 of the Administrative Process Act for regulations expected to be non-controversial. The Board's authorization constitutes its adoption of the regulation at the end of the public comment period provided that (i) no objection to use of the fast-track process is received from 10 or more persons, or any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, and (ii) the Department does not find it necessary, based on public comments or for any other reason, to make any changes to the amendments, and
2. Authorized the Department to set an effective date no earlier than 15 days after the close of the 30-day public comment period provided (i) the proposal completes the fast-track rulemaking process as provided in § 2.2-4012.1 of the Administrative Process Act and (ii) the Department does not find it necessary to make any changes to the amendments.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

Consistent with Virginia Code § 2.2-4012.1, also explain why this rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process.

Chapters 68 and 758 of the 2016 Acts of Assembly amended numerous sections of the State Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia) to create a combined erosion and sediment control and stormwater management program in Virginia. The ninth enactment clause of Chapters 68 and 758 provides that the provisions of the act shall become effective after the adoption by the Board of the regulations required to implement the act. Subsequently, Chapters 665 and 666 of the 2023 Acts of

Assembly amended the ninth enactment clause and provided that the provisions of the act shall become effective concurrently with the associated regulations, as adopted by the Board, on July 1, 2024.

Among the changes that resulted from Chapters 68 and 758, § 62.1-44.15:71 of the Code of Virginia, which previously contained the Chesapeake Bay Preservation Act enforcement provisions for local government compliance reviews, was repealed. These provisions are now contained in subdivision (19) of § 62.1-44.15 of the Code of Virginia, which consolidates the Board's authority to conduct compliance reviews and issue orders for the payment of civil penalties and charges for multiple local government programs. Section 62.1-44.15 (19), as amended, also changed the civil penalty amount from \$5,000 per day and \$20,000 per violation to \$5,000 per violation and \$50,000 per order.

These amendments are necessary to update citations in the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830) which was last amended on September 25, 2024.

This rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process because the amendments improve clarity and certainty for the regulated community and the Department by making requirements in the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830) conform to current laws.

The limited scope of this rulemaking benefits the regulated community, the Department, and other stakeholders by updating the regulation and improving clarity in a timely manner.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Promulgating Entity

The promulgating entity for this regulation is the State Water Control Board.

State Requirements

Section 62.1-44.15 (10) of the Code of Virginia provides that the Board shall have the authority to adopt such regulations as it deems necessary to enforce the general soil erosion control and stormwater management program and water quality management program of the Board in all or part of the Commonwealth.

Section 62.1-44.15:69 of the Code of Virginia provides that the Board is responsible for carrying out the purposes of the Chesapeake Bay Preservation Act (Act, Article 2.5 of the State Water Control Law, § 62.1-44.15:67 et seq.), and is authorized to promulgate regulations pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), ensure that local government comprehensive plans, subdivision ordinances and zoning ordinances are in accordance with the provisions of the Act, and take administrative and legal actions pursuant to subdivision (19) of § 62.1-44.15 to ensure compliance by counties, cities, and towns with the provisions of the Act, including proper enforcement and implementation of, and continued compliance with the Act.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

SB673 (2016) and HB1250 (2016) – Chapters 68 and 758 of the 2016 Acts of Assembly repealed § 62.1-44.15:71 of the Code of Virginia, and recodified the requirements for local government program compliance that were in § 62.1-44.15:71 into § 62.1-44.15 (19) (effective July 1, 2024).

Section 62.1-44.15 (19), as amended, also changed the civil penalty amount from \$5,000 per day and \$20,000 per violation to \$5,000 per violation and \$50,000 per order.

The goal of this regulatory action is to amend the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830) to improve clarity and certainty by conforming the regulation to current laws, as amended by Chapters 68 and 758 of the 2016 Acts of Assembly,

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the “Detail of Changes” section below.

Amendments to the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830) include the following:

- Deleting reference to § 62.1-44.15:71 in 9VAC25-830-260 and 9VAC25-830-270
- Adding a reference to §62.1-44.15 (19) in 9VAC25-830-260 and 9VAC25-830-270
- Revising the civil penalty from “not to exceed \$5,000 per day” to “per violation” in 9VAC25-830-260 1 b
- Revising the maximum penalty amount from “\$20,000 per day per violation” to “\$50,000 per order” in 9VAC25-830-260 1 b.
- Updating the title of the “Virginia Stormwater Management Fund” to read “Stormwater Local Assistance Fund” in 9VAC25-830-260 1 b.

Collectively, these amendments will provide clarity and improve understanding of the regulation by revising the regulation to be consistent with state law.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public.

If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

1. Public: There are no direct impacts on the public as the amendments to the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830) update existing regulatory requirements, so they reflect current requirements in the State Water Control Law, which help to clarify requirements, improve understanding of the regulation, and contribute to the efficient and effective functioning of government. There are no disadvantages to the public.

2. The Department: The amendments update existing regulatory requirements and will allow the Department and local governments under the Chesapeake Bay Preservation Act to utilize regulations that reflect current requirements in the State Water Control Law, and improve the understanding of the Chesapeake Bay Preservation Area Designation and Management Regulations, which in turn contributes to the efficient and effective functioning of government. This is an advantage. There are no disadvantages to the department or the Commonwealth.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no applicable federal requirements and therefore no requirements that exceed federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

There is no state agency which will bear any identified disproportionate material impact due to the proposal which would not be experienced by other state agencies.

Localities Particularly Affected

There are 84 localities that are subject to the Chesapeake Bay Preservation Act and accompanying regulations and are required to directly implement the statute and regulations. These localities are not impacted by this amendment as this amendment only aligns the regulations with the statutory provisions which are in effect already. Localities will benefit from the alignment of the regulations with current statutory requirements.

The 84 localities includes the counties of and towns contained within Accomack, Arlington, Caroline, Charles City, Chesterfield, Essex, Fairfax, Gloucester, Hanover, Henrico, Isle of Wight, James City, King

and Queen, King George, King William, Lancaster, Mathews, Middlesex, New Kent, Northampton, Northumberland, Prince George, Prince William, Richmond, Spotsylvania, Stafford, Surry, Westmoreland, and York, and the Cities of Alexandria, Chesapeake, Colonial Heights, Fairfax, Falls Church, Fredericksburg, Hampton, Hopewell, Newport News, Norfolk, Petersburg, Poquoson, Portsmouth, Richmond, Suffolk, Virginia Beach, and Williamsburg.

Other Entities Particularly Affected

There is no entity which will bear any identified disproportionate material impact due to the proposal which would not be experienced by other entities.

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Impact on State Agencies

<i>For your agency:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including: a) fund source / fund detail. b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources	The regulatory change will not result in any economic impact (cost or benefit) to the Department.
<i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.	The regulatory change will not result in any economic impact (cost or benefit) to any state agency.
<i>For all agencies:</i> Benefits the regulatory change is designed to produce.	The direct benefit to state agencies of updating the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830) is to be consistent with recent changes in the Chesapeake Bay Preservation Act to improve clarity and consistency of regulatory requirements, which will result in increased certainty and compliance.

Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

Projected costs, savings, fees or revenues resulting from the regulatory change.	This regulatory change will not result in any costs, savings, fees or revenues for local governments that are in compliance with the regulatory requirements. These regulatory amendments change the penalty from \$5,000 per day and \$20,000 per day per violation to \$5,000 per violation and \$50,000 per order.
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	The Department has the authority to issue a special order to any local government imposing a civil penalty not to exceed \$5,000 per violation with the maximum amount not to exceed \$50,000 per order for noncompliance.
Benefits the regulatory change is designed to produce.	The direct benefit to local governments of creating consistency between the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830) and the Chesapeake Bay Preservation Act is increased clarity, consistency, and certainty in the regulatory process and a program that is efficiently and effectively administered.

Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	It is not anticipated that any other entities will be affected.
Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	N/A
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	N/A
Benefits the regulatory change is designed to produce.	The direct benefit to other entities of creating consistency between the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830) and the Chesapeake Bay Preservation Act is increased clarity, consistency, and certainty in the regulatory process and a program that is efficiently and effectively administered.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the

regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

There are no practical alternatives. Failing to update the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830) will likely cause misunderstanding, confusion, and inconsistent application of regulatory requirements for the Department and local governments under the Chesapeake Bay Preservation Act.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Regulatory Flexibility Analysis

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

There are no alternatives to this regulatory action other than continuing to operate with the existing language with no updates.

This regulatory change is very limited in scope to update statutory citations, civil penalties, and related regulatory text for consistency with state law, as amended by Chapters 68 and 758 of the 2016 Acts of Assembly (effective July 1, 2024) and to provide increased clarity and certainty in the regulatory process.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

Consistent with § 2.2-4011 of the Code of Virginia, if an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall: 1) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register and 2) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

If you are objecting to the use of the fast-track process as the means of promulgating this regulation, please clearly indicate your objection in your comment. Please also indicate the nature of, and reason for, your objection to using this process.

The Department is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal and any alternative approaches, (ii) the

potential impacts of the regulation, and (iii) the agency's regulatory flexibility analysis stated in this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail or email to Justin Williams, Virginia Department of Environmental Quality, P.O. Box 1105, Richmond, Virginia 23218, or justin.williams@deq.virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between existing VAC Chapter(s) and the proposed regulation. If existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
9VAC25-830-260		Administrative proceedings.	Updating references and terminology to provide clarity for the Department and localities subject to the Chesapeake Bay Preservation Act: § 62.1-44.15:71 of the Code of Virginia was repealed effective July 1, 2024, and the citation has been removed. Addition of language from § 62.1-44.15:69 10 to reference § 62.1-44.15 (19) of the Code of Virginia, the Board's general authority to take administrative and legal actions to ensure compliance with the Chesapeake Bay Preservation Act.

9VAC25-830-260 1		Administrative proceedings – the Administrative Process Act	Addition of reference to subdivision (19) of § 62.1-44.15 of the Code of Virginia. § 62.1-44.15:71 of the Code of Virginia was repealed effective July 1, 2024, and the citation has been removed. Updating references and terminology provides clarity for the Department and localities subject to the Chesapeake Bay Preservation Act.
9VAC25-830-260 1 b		Administrative proceedings – civil penalties	Updated the provision for a civil penalty not to exceed \$5,000 per day to per violation to be consistent with language originally from § 62.1-44.15:71 of the Code of Virginia. Updated provision for the maximum civil penalty amount not to exceed \$20,000 per day per violation to not to exceed \$50,000 per order to conform to language in § 62.1-44.15 (19). Updated language and reference from “deposited into the Virginia Stormwater Management Fund established by § 62.1-44.15:29 of the Code of Virginia” to “deposited into the Stormwater Local Assistance Fund established by § 62.1-44.15:29.1 of the Code of Virginia” to conform to language in § 62.1-44.15 (19) of the Code of Virginia. Added language to provide an option for the issuance of an “order against a locality” for payment of civil charges for violations in lieu of civil penalties” as specified in subdivision (19) of § 62.1-44.15 of the Code of Virginia. These amendments provide clarity for the Department and localities subject to the Chesapeake Bay Preservation Act.
9VAC25-830-270		Legal proceedings.	Update to references to provide clarity for the Department and localities subject to the Chesapeake Bay Preservation Act: Added reference to subdivision (19) of § 62.1-44.15 of the Code of Virginia.

			§ 62.1-44.15:71 of the Code of Virginia was repealed effective July 1, 2024, and the citation has been removed.
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Family Impact

In accordance with § 2.2-606 of the Code of Virginia, please assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The proposed regulatory action will not have an impact on families.

TAB D



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

www.deq.virginia.gov

David L. Bulova
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director

MEMORANDUM

TO: State Water Control Board Members

FROM: Jaime B. Robb, Water Operations Director *Jaime B. Robb*

DATE: August 31, 2026

SUBJECT: Amend the Virginia Erosion and Stormwater Management (VESM) Regulation (9VAC25-875) to Clarify Erosion and Sediment Control Minimum Standards

At the September 21, 2026, meeting of the State Water Control Board (Board), the Board will consider the approval of amendments to the Virginia Erosion and Stormwater Management (VESM) Regulation (9VAC25-875) using the fast-track rulemaking process. Specifically, amendments are applied to Minimum Standards 2, 4, 11, and 17 in 9VAC25-875-560. The amendments (i) increase regulatory clarity; (ii) improve alignment with the language used in associated federal and state permits, regulation, and guidance; (iii) improve consistency in the interpretation, implementation, and enforcement of the regulation; and (iv) improve the effectiveness of the regulation in protecting water quality throughout the Commonwealth.

Background

Sections 62.1-44.15:28 and 62.1-44.15:52 of the Code of Virginia authorize the Board to adopt regulations that establish requirements for the effective control of soil erosion, sediment deposition, and stormwater, including nonagricultural runoff, that shall be met to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources; subsection 5 of § 62.1-44.15:28 requires the Board's regulations to contain conservation standards for various types of soils and land uses, which shall include criteria, techniques, and methods for the control of soil erosion and sediment resulting from land-disturbing activities; and subsection 10 of § 62.1-44.15:28 requires the Board's regulations to establish statewide standards for soil erosion control and stormwater management from land-disturbing activities.

Section 560 of the VESM Regulation establishes that an erosion and sediment control plan consistent with specified criteria, techniques, and methods (i.e. the "Minimum Standards") shall be submitted to the Virginia Erosion and Stormwater Management Program (VESMP) authority

or the Virginia Erosion and Sediment Control Program (VESCP) authority, as appropriate, for review and approval, and that all regulated land-disturbing activities shall be conducted in a manner consistent with the applicable Minimum Standards. The Minimum Standards are designed to protect downgradient areas and waterways from erosion and sedimentation. However, as they currently exist, Minimum Standards 2, 4, 11, and 17 contain ambiguities which this regulatory action intends to resolve. Ambiguity in the Minimum Standards can result in differing interpretations of the requirements, inconsistent implementation by the regulated community, and inconsistent enforcement by state and local authorities. The amendments will allow the regulated community to more readily achieve compliance, will improve the efficiency of state and local government in ensuring compliance, and will improve the effectiveness of the Minimum Standards in protecting water quality throughout the Commonwealth.

This rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process because it does not significantly change the burden on the regulated community. The regulatory change is narrow in scope and does not change the substantive requirements for applicants, owners, and operators to submit plans, obtain permits, and maintain compliance with the Minimum Standards, rather it clarifies aspects of the regulation that are ambiguous. This rulemaking benefits the regulated community, localities, the Department of Environmental Quality (DEQ), and other stakeholders by providing regulatory clarity and certainty.

The impetus for this change is DEQ's goal to establish statewide standards for soil erosion control, as directed by §§ 62.1-44.15:28 and 62.1-44.15:52 of the Code of Virginia, that are effective, clear, and consistent.

Amendments

The Agency Background Document (Form TH-04) and amendments that are being presented to the Board for approval to proceed with the fast-track rulemaking process are attached. Detailed changes to the VESM Regulation are listed in the TH-04 and are summarized below:

- Minimum Standard 2 (9VAC25-875-560 A 2): clarify that (i) soil stockpiles and borrow areas shall be immediately protected with sediment trapping measures; (ii) stabilization shall be applied in accordance with Minimum Standard 1; and (iii) protection of stockpiles and borrow areas is in addition to perimeter site controls.
- Minimum Standard 4 (9VAC25-875-560 A 4): clarify that (i) initial perimeter erosion and sediment control measures shall be constructed and made functional prior to the commencement of land-disturbing activities; (ii) minimal initial disturbance necessary to install these control measures is permitted; and (iii) construction phasing and sequencing shall ensure all necessary erosion and sediment control measures are constructed and functional prior to subsequent disturbance.
- Minimum Standard 11 (9VAC25-875-560 A 11): replace the phrase “made operational” with “commence conveying stormwater.”

- Minimum Standard 17 (9VAC25-875-560 A 17): clarify that (i) the road surface shall be cleaned throughout the day as necessary to remove accumulated sediment deposits; (ii) sediment transport shall be minimized on both paved and public road surfaces; and (iii) that accumulated sediment is to be removed from paved or public road surfaces that construction vehicle access roads “intersect” or “access.”

Attorney General Certification

The Office of the Attorney General will be sent the final regulation for certification of statutory authority.

Staff Recommendation

Staff recommends the Board authorize DEQ to promulgate the amendments to the VESM Regulation for public comment using the fast-track process established in § 2.2-4012.1 of the Administrative Process Act for regulations expected to be non-controversial. The Board’s authorization constitutes its adoption at the end of the public comment period provided that (i) no objection to use of the fast-track process is received from 10 or more persons, or any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, and (ii) DEQ does not find it necessary, based on public comments or for any other reason, to make any changes to the amendments.

Staff also recommends that the Board authorize DEQ to set an effective date no earlier than 15 days after close of the 30-day public comment period, provided (i) the proposal completes the fast-track rulemaking process as provided in § 2.2-4012.1 of the Administrative Process Act and (ii) DEQ does not find it necessary to make any changes to the amendments.

Presenter Contact Information

Name: Jaime Robb, Water Operations Director
Phone: 804-527-5086
Email: Jaime.Robb@deq.virginia.gov

Attachments

Attachment A: Text of Regulatory Amendments to the VESM Regulation (9VAC25-875)
Attachment B: Agency Background Document (Form TH-04)

Project 8777 - Fast-Track

State Water Control Board

Fast-Track Action to Amend the VESM Regulation to Clarify Minimum Standards

9VAC25-875-560. Erosion and sediment control criteria, techniques, and methods: minimum standards.

A. An erosion and sediment control plan consistent with the following criteria, techniques, and methods shall be submitted to the VESMP authority or VESCP authority for review and approval:

1. Permanent or temporary soil stabilization shall be applied to denuded areas within seven days after final grade is reached on any portion of the site. Temporary soil stabilization shall be applied within seven days to denuded areas that may not be at final grade but will remain dormant for longer than 14 days. Permanent stabilization shall be applied to areas that are to be left dormant for more than one year.

2. During construction of the project, soil stockpiles and borrow areas shall be ~~stabilized or immediately~~ protected with sediment trapping measures and stabilized in accordance with subdivision 1 of this subsection. Protection of stockpiles and borrow areas shall be in addition to perimeter site controls. The applicant is responsible for the temporary protection and permanent stabilization of all soil stockpiles on site as well as borrow areas and soil intentionally transported from the project site.

3. A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until a ground cover is achieved that is uniform, is mature enough to survive, and will inhibit erosion.

4. ~~Sediment basins and traps, perimeter dikes, sediment barriers, and other measures intended to trap sediment shall be constructed as a first step in any land-disturbing activity and shall be made functional before upslope land disturbance takes place. Prior to commencement of land-disturbing activities, initial perimeter erosion and sediment control measures shall be constructed and made functional. Minimal initial disturbance necessary to install the initial perimeter erosion and sediment control measures is permitted. Following the installation of the initial perimeter erosion and sediment control measures, construction phasing and sequencing shall ensure all erosion and sediment control measures necessary to protect downgradient areas are constructed and functional prior to subsequent land-disturbing activities.~~

5. Stabilization measures shall be applied to earthen structures such as dams, dikes, and diversions immediately after installation.

6. Sediment traps and sediment basins shall be designed and constructed based upon the total drainage area to be served by the trap or basin.

a. The minimum storage capacity of a sediment trap shall be 134 cubic yards per acre of drainage area and the trap shall only control drainage areas less than three acres.

b. Surface runoff from disturbed areas that is comprised of flow from drainage areas greater than or equal to three acres shall be controlled by a sediment basin. The minimum storage capacity of a sediment basin shall be 134 cubic yards per acre of drainage area. The outfall system shall, at a minimum, maintain the structural integrity of the basin during a 25-year storm of 24-hour duration. Runoff coefficients used in runoff calculations shall correspond to a bare earth condition or those conditions expected to exist while the sediment basin is utilized.

7. Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion. Slopes that are found to be eroding excessively within one year of permanent stabilization shall be provided with additional slope stabilizing measures until the problem is corrected.

8. Concentrated runoff shall not flow down cut or fill slopes unless contained within an adequate temporary or permanent channel, flume, or slope drain structure.

9. Whenever water seeps from a slope face, adequate drainage or other protection shall be provided.

10. All storm sewer inlets that are made operable during construction shall be protected so that sediment-laden water cannot enter the conveyance system without first being filtered or otherwise treated to remove sediment.

11. Before newly constructed stormwater conveyance channels or pipes ~~are made operational~~ commence conveying stormwater, adequate outlet protection and any required temporary or permanent channel lining shall be installed in both the conveyance channel and receiving channel.

12. When work in a live watercourse is performed, precautions shall be taken to minimize encroachment, control sediment transport, and stabilize the work area to the greatest extent possible during construction. Nonerodible material shall be used for the construction of causeways and cofferdams. Earthen fill may be used for these structures if armored by nonerodible cover materials.

13. When a live watercourse must be crossed by construction vehicles more than twice in any six-month period, a temporary vehicular stream crossing constructed of nonerodible material shall be provided.

14. All applicable federal, state, and local requirements pertaining to working in or crossing live watercourses shall be met.

15. The bed and banks of a watercourse shall be stabilized immediately after work in the watercourse is completed.

16. Underground utility lines shall be installed in accordance with the following standards in addition to other applicable criteria:

a. No more than 500 linear feet of trench may be opened at one time.

b. Excavated material shall be placed on the uphill side of trenches.

c. Effluent from dewatering operations shall be filtered or passed through an approved sediment trapping device, or both and discharged in a manner that does not adversely affect flowing streams or off-site property.

d. Material used for backfilling trenches shall be properly compacted in order to minimize erosion and promote stabilization.

e. Restabilization shall be accomplished in accordance with this chapter.

f. Applicable safety requirements shall be complied with.

17. Where construction vehicle access routes intersect or access paved or public roads, provisions shall be made to minimize the transport of sediment by vehicular tracking onto the paved or public road surface. ~~Where~~ When sediment is transported onto a paved or public road surface, the road surface shall be cleaned throughout the day as necessary to remove accumulated sediment deposits and shall be cleaned thoroughly at the end of each day. Sediment shall be removed from the roads by shoveling or sweeping and transported to a sediment control disposal area. Street washing shall be allowed only after sediment is removed in this manner. This provision shall apply to individual development lots as well as to larger land-disturbing activities.

93 18. All temporary erosion and sediment control measures shall be removed within 30 days
94 after final site stabilization or after the temporary measures are no longer needed, unless
95 otherwise authorized by the VESCP or VESMP authority. Trapped sediment and the
96 disturbed soil areas resulting from the disposition of temporary measures shall be
97 permanently stabilized to prevent further erosion and sedimentation.

98 19. Properties and waterways downstream from development sites shall be protected from
99 sediment deposition, erosion, and damage due to increases in volume, velocity, and peak
100 flow rate of stormwater runoff for the stated frequency storm of 24-hour duration in
101 accordance with the following standards and criteria. Stream restoration and relocation
102 projects that incorporate natural channel design concepts are not manmade channels and
103 shall be exempt from any flow rate capacity and velocity requirements for natural or
104 manmade channels:

105 a. Concentrated stormwater runoff leaving a development site shall be discharged
106 directly into an adequate natural or manmade receiving channel, pipe, or storm sewer
107 system. For those sites where runoff is discharged into a pipe or pipe system,
108 downstream stability analyses at the outfall of the pipe or pipe system shall be
109 performed.

110 b. Adequacy of all channels and pipes shall be verified in the following manner:

111 (1) The applicant shall demonstrate that the total drainage area to the point of analysis
112 within the channel is 100 times greater than the contributing drainage area of the
113 project in question; or

114 (2) (a) Natural channels shall be analyzed by the use of a two-year storm to verify that
115 stormwater will not overtop channel banks nor cause erosion of channel bed or banks;

116 (b) All previously constructed manmade channels shall be analyzed by the use of a
117 10-year storm to verify that stormwater will not overtop the stormwater's banks and by
118 the use of a two-year storm to demonstrate that stormwater will not cause erosion of
119 channel bed or banks; and

120 (c) Pipes and storm sewer systems shall be analyzed by the use of a 10-year storm to
121 verify that stormwater will be contained within the pipe or system.

122 c. If existing natural receiving channels or previously constructed manmade channels
123 or pipes are not adequate, the applicant shall:

124 (1) Improve the channels to a condition where a 10-year storm will not overtop the
125 banks and a two-year storm will not cause erosion to the channel, the bed, or the
126 banks;

127 (2) Improve the pipe or pipe system to a condition where the 10-year storm is
128 contained within the appurtenances;

129 (3) Develop a site design that will not cause the predevelopment peak runoff rate from
130 a two-year storm to increase when runoff outfalls into a natural channel or will not
131 cause the predevelopment peak runoff rate from a 10-year storm to increase when
132 runoff outfalls into a manmade channel; or

133 (4) Provide a combination of channel improvement, stormwater detention, or other
134 measures that is satisfactory to the VESCP or VESMP authority to prevent
135 downstream erosion.

136 d. The applicant shall provide evidence of permission to make the improvements.

137 e. All hydrologic analyses shall be based on the existing watershed characteristics and
138 the ultimate development condition of the subject project.

139 f. If the applicant chooses an option that includes stormwater detention, the applicant
140 shall obtain approval from the VESCP or VESMP authority for a plan for maintenance
141 of the detention facilities. The plan shall set forth the maintenance requirements of the
142 facility and the person responsible for performing the maintenance.

143 g. Outfall from a detention facility shall be discharged to a receiving channel, and
144 energy dissipators shall be placed at the outfall of all detention facilities as necessary
145 to provide a stabilized transition from the facility to the receiving channel.

146 h. All onsite channels must be verified to be adequate.

147 i. Increased volumes of sheet flows that may cause erosion or sedimentation on
148 adjacent property shall be diverted to a stable outlet, adequate channel, pipe, or pipe
149 system or to a detention facility.

150 j. In applying these stormwater management criteria, individual lots or parcels in a
151 residential, commercial, or industrial development shall not be considered to be
152 separate development projects. Instead, the development as a whole shall be
153 considered to be a single development project. Hydrologic parameters that reflect the
154 ultimate development condition shall be used in all engineering calculations.

155 k. All measures used to protect properties and waterways shall be employed in a
156 manner that minimizes impacts on the physical, chemical, and biological integrity of
157 rivers, streams, and other waters of the state.

158 l. Any plan approved prior to July 1, 2014, that provides for stormwater management
159 that addresses any flow rate capacity and velocity requirements for natural or
160 manmade channels shall satisfy the flow rate capacity and velocity requirements for
161 natural or manmade channels if the practices are designed to (i) detain the water
162 quality volume and to release it over 48 hours; (ii) detain and release over a 24-hour
163 period the expected rainfall resulting from the one year, 24-hour storm; and (iii) reduce
164 the allowable peak flow rate resulting from the 1.5-year, two-year, and 10-year 24-hour
165 storms to a level that is less than or equal to the peak flow rate from the site assuming
166 the site was in a good forested condition, achieved through multiplication of the
167 forested peak flow rate by a reduction factor that is equal to the runoff volume from the
168 site when the site was in a good forested condition divided by the runoff volume from
169 the site in the site's proposed condition, and shall be exempt from any flow rate
170 capacity and velocity requirements for natural or manmade channels as defined in any
171 regulations promulgated pursuant to § 62.1-44.15:28 of the Code of Virginia (VESMA)
172 or § 62.1-44.15:54 or 62.1-44.15:65 of the Code of Virginia (ESCL).

173 m. For plans approved on and after July 1, 2014, the flow rate capacity and velocity
174 requirements of § 62.1-44.15:52 A of the Code of Virginia (ESCL) and this subdivision
175 19 shall be satisfied by compliance with water quantity requirements in the VESMA
176 and attendant regulations, unless such land-disturbing activities (i) are in accordance
177 with provisions for time limits on applicability of approved design criteria in 9VAC25-
178 875-480 or grandfathering in 9VAC25-875-490, in which case the flow rate capacity
179 and velocity requirements of § 62.1-44.15:52 A of the Code of Virginia (ESCL) shall
180 apply; or (ii) are exempt pursuant to § 62.1-44.15:34 G 2 of the Code of Virginia
181 (VESMA).

182 n. Compliance with the water quantity minimum standards set out in 9VAC25-875-600
183 shall be deemed to satisfy the requirements of this subdivision 19.

184 B. All land-disturbing activities shall be conducted in a manner that is consistent with the
185 applicable requirements of subsection A of this section.



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Fast-Track Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	9 VAC 25-875
VAC Chapter title(s)	Virginia Erosion and Stormwater Management Regulation
Action title	Amend the Virginia Erosion and Stormwater Management (VESM) Regulation to Clarify Erosion and Sediment Control Minimum Standards
Date this document prepared	August 31, 2026

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The intent of this fast-track regulatory action is to amend the Minimum Standards in the Virginia Erosion and Stormwater Management (VESM) Regulation (9VAC25-875) to improve the clarity, consistency, and effectiveness of the regulation. Specifically, amendments are applied to subdivisions A 2, A 4, A 11, and A 17 of 9VAC25-875-560. Section 560 of the VESM Regulation establishes that an erosion and sediment control plan consistent with specified criteria, techniques, and methods (i.e. the "Minimum Standards") shall be submitted to the Virginia Erosion and Stormwater Management Program (VESMP) authority or the Virginia Erosion and Sediment Control Program (VЕСP) authority, as appropriate, for review and approval, and that all regulated land-disturbing activities shall be conducted in a manner consistent with the applicable Minimum Standards.

The Minimum Standards are designed to protect downgradient areas and waterways from erosion and sedimentation. However, as they currently exist, the Minimum Standards contain ambiguities which can result in differing interpretations and inconsistent implementation and enforcement. This action intends to resolve these ambiguities. Because the amendments clarify existing provisions of the regulation, this action is expected to require minimal effort to align with current practices. The amendments create clarity and certainty for the regulated community, the Department of Environmental Quality (DEQ), and VESMP and VESCP authorities, while also improving the effectiveness of the regulation in protecting water quality throughout the Commonwealth.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

Board: State Water Control Board
CGP: Construction General Permit
DEQ: Department of Environmental Quality
U.S. EPA: United States Environmental Protection Agency
VESCP: Virginia Erosion and Sediment Control Program
VESM Regulation: Virginia Erosion and Stormwater Management Regulation, 9VAC25-875
VESMP: Virginia Erosion and Stormwater Management Program
VPDES: Virginia Pollutant Discharge Elimination System

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

On September 21, 2026, the State Water Control Board (Board):

1. Authorized DEQ to promulgate the amendments to the VESM Regulation (9VAC25-875) for public comment using the fast-track process established in § 2.2-4012.1 of the Administrative Process Act for regulations expected to be non-controversial. The Board's authorization constitutes its adoption of the regulation at the end of the public comment period provided that (i) no objection to use of the fast-track process is received from 10 or more persons, or any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, and (ii) DEQ does not find it necessary, based on public comments or for any other reason, to make any changes to the amendments.
2. Authorized DEQ to set an effective date no earlier than 15 days after close of the 30-day public comment period, provided (i) the proposal completes the fast-track rulemaking process as provided in § 2.2-4012.1 of the Administrative Process Act and (ii) DEQ does not find it necessary to make any changes to the amendments.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For

purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

Consistent with Virginia Code § 2.2-4012.1, also explain why this rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process.

Sections 62.1-44.15:28 and 62.1-44.15:52 of the Code of Virginia authorize the Board to adopt regulations that establish requirements for the effective control of soil erosion, sediment deposition, and stormwater, including nonagricultural runoff, that shall be met to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources; subsection 5 of § 62.1-44.15:28 requires the Board's regulations to contain conservation standards for various types of soils and land uses, which shall include criteria, techniques, and methods for the control of soil erosion and sediment resulting from land-disturbing activities; and subsection 10 of § 62.1-44.15:28 requires the Board's regulations to establish statewide standards for soil erosion control and stormwater management from land-disturbing activities.

The impetus for this change is DEQ's goal to establish statewide standards for soil erosion control, as directed by §§ 62.1-44.15:28 and 62.1-44.15:52 of the Code of Virginia, that are effective, clear, and consistent. This rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process because it is narrow in scope and does not significantly change the burden on the regulated community. This rulemaking benefits the regulated community, localities, DEQ, and other stakeholders by improving regulatory clarity, consistency, and effectiveness.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Promulgating Entity

The promulgating entity for this regulation is the State Water Control Board.

State Requirements

Section 62.1-44.15 (3a) of the Code of Virginia requires the Board to establish such standards of quality and policies for any state waters consistent with the general policy set forth in the State Water Control Law; subsection 5 requires the Board to issue, revoke, or amend certificates and land-disturbance approvals under prescribed conditions for the discharge of sewage, stormwater, industrial wastes, and other wastes into or adjacent to state waters; and subsection 10 requires the Board to adopt such regulations as it deems necessary to enforce the general soil erosion control and stormwater management program and water quality management program of the Board in all or part of the Commonwealth.

Additional authority for the Board to adopt and amend regulations for erosion control and stormwater management is in §§ 62.1-44.15:28 and 62.1-44.15:52 of the Code of Virginia, which authorize the Board to adopt regulations that establish requirements for the effective control of soil erosion, sediment deposition, and stormwater, that shall be met to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

This regulatory action protects water quality in the Commonwealth of Virginia which is essential to the health, safety, and welfare of Virginia's citizens and is needed to establish appropriate and necessary soil erosion control requirements for discharges of stormwater. The rationale for the regulatory action is to improve the clarity, consistency, and effectiveness of 9VAC25-875-560, known commonly as the "Minimum Standards." The Minimum Standards are designed to protect downgradient areas and waterways from erosion and sedimentation. However, as they currently exist, Minimum Standards 2, 4, 11, and 17 present the following problems which this regulatory action intends to resolve:

Minimum Standard 2 (9VAC25-875-560 A 2): establishes the requirement to stabilize or protect soil stockpiles and borrow areas but does not provide a timeframe for the application of soil stabilization or sediment trapping measures. Lack of a specified timeframe creates ambiguity and inconsistency for the regulated community, VESMP and VESCP authorities, and DEQ. The amendment establishes a timeframe for the application of sediment trapping measures and clarifies that stabilization must be applied in accordance with Minimum Standard 1. The amendment also clarifies that measures intended to protect stockpiles and borrow areas are to be installed in addition to the perimeter site controls, to ensure sediment does not migrate from the stockpile or borrow area (i.e., stockpile and borrow areas require their own control measures). The amended language enhances alignment with the language used in the United States Environmental Protection Agency (U.S. EPA) 2022 Construction General Permit (CGP) and the Virginia Stormwater Management Handbook.

Minimum Standard 4 (9VAC25-875-560 A 4): establishes that measures intended to trap sediment shall be constructed as a first step in any land-disturbing activity and shall be made functional before upslope land disturbance takes place. While the current phrasing implies initial installation of perimeter controls, it does not adequately convey the expectation for these controls to be installed and fully functional prior to any interior or upslope land-disturbing activity. This ambiguity has led to instances where perimeter controls are installed simultaneously with or after the commencement of interior disturbance. The amendment rephrases this standard to clearly communicate the intent, clarifies that minimal initial disturbance necessary to install initial perimeter control measures is permitted, and enhances alignment with the language used in the U.S. EPA 2022 CGP and in DEQ Guidance Memo No. 25-2008.

Minimum Standard 11 (9VAC25-875-560 A 11): establishes the requirement to install adequate outlet protection and channel lining for stormwater conveyance channels or pipes before they are made operational. This phrasing has led to confusion over what "made operational" means. The amendment will replace "made operational" with "commence conveying stormwater" to clarify.

Minimum Standard 17 (9VAC25-875-560 A 17): intends to protect the public and the environment from sediment on roadways, which can lead to safety hazards and mobilization of sediment into sensitive areas. As currently written, the standard requires clean up at the end of the day but does not provide information for the management of sediment on roadways throughout the day. The amendment clarifies that accumulated sediment deposits shall be removed as necessary throughout the day. In addition, the amendment clarifies that accumulated sediment is to be removed from paved or public road surfaces that construction vehicle access roads "intersect" or "access" and that sediment transport shall be minimized on both paved and public road surfaces. The amended language enhances alignment with the language used in the General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities (9VAC25-880).

These amendments are informed by DEQ's learned experiences in implementing the Minimum Standards, including through plan review, compliance inspections, and complaint investigations. Certain

existing provisions, as discussed above, do not clearly communicate the intent of the Minimum Standards. Ambiguity in the Minimum Standards can result in differing interpretations of the requirements, inconsistent implementation by the regulated community, and inconsistent enforcement by state and local authorities. Such situations may result in compliance issues, enforcement actions, and environmental impacts, which can negatively affect the construction project, as well as lead to inefficiencies of state and local government. Combined, the amendments will create clarity and consistency in the implementation and enforcement of the Minimum Standards, will allow the regulated community to more readily achieve compliance, will improve the efficiency of state and local government in ensuring compliance, and will improve the effectiveness of the Minimum Standards in protecting water quality throughout the Commonwealth. Because the amendments clarify existing provisions of the regulation, this action is expected to require minimal effort to align with current practices.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the “Detail of Changes” section below.

The substance of this regulatory action is to amend section 560 of the VESM Regulation (9VAC25-875) as follows:

Minimum Standard 2 (9VAC25-875-560 A 2): clarify that (i) soil stockpiles and borrow areas shall be immediately protected with sediment trapping measures; (ii) stabilization shall be applied in accordance with Minimum Standard 1; and (iii) protection of stockpiles and borrow areas is in addition to perimeter site controls.

Minimum Standard 4 (9VAC25-875-560 A 4): clarify that (i) initial perimeter erosion and sediment control measures shall be constructed and made functional prior to the commencement of land-disturbing activities; (ii) minimal initial disturbance necessary to install these control measures is permitted; and (iii) construction phasing and sequencing shall ensure all necessary erosion and sediment control measures are constructed and functional prior to subsequent disturbance.

Minimum Standard 11 (9VAC25-875-560 A 11): replace the phrase “made operational” with “commence conveying stormwater.”

Minimum Standard 17 (9VAC25-875-560 A 17): clarify that (i) the road surface shall be cleaned throughout the day as necessary to remove accumulated sediment deposits; (ii) sediment transport shall be minimized on both paved and public road surfaces; and (iii) that accumulated sediment is to be removed from paved or public road surfaces that construction vehicle access roads “intersect” or “access.”

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

1. Public: There are no direct impacts on the public as the amendments update existing regulatory requirements. The primary advantage of this regulatory action for the public is the improved

effectiveness, clarity, and consistency of the Minimum Standards. There are no disadvantages to the public.

2. DEQ and localities: The updates will allow DEQ, VESMP authorities, and VESCP authorities to enforce a clear and consistent requirement, which will improve the understanding of the regulation and aid in the efficient and effective functioning of government. This is an advantage. There are no disadvantages to the agency or the Commonwealth.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no requirements that exceed federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

There is no state agency which will bear any identified disproportionate material impact due to the proposal which would not be experienced by other state agencies.

Localities Particularly Affected

There is no locality which will bear any identified disproportionate material impact due to the proposal which would not be experienced by other localities.

Other Entities Particularly Affected

There is no entity which will bear any identified disproportionate material impact due to the proposal which would not be experienced by other entities.

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Impact on State Agencies

<i>For your agency:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources	The regulatory change will not result in any cost to DEQ.
<i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.	The regulatory change will not result in any cost to any state agency.
<i>For all agencies:</i> Benefits the regulatory change is designed to produce.	The direct benefits of the regulatory change include: • Improving the clarity, consistency, and effectiveness of requirements. • Saving time for DEQ and the regulated community by removing ambiguity. • Improving the understanding of regulatory requirements. • Improving compliance and reducing enforcement actions. • Aiding in the efficient and effective functioning of government in ensuring compliance. • Improving the effectiveness of the regulation in protecting water quality throughout the Commonwealth. DEQ is unable to quantify these benefits.

Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

Projected costs, savings, fees or revenues resulting from the regulatory change.	No costs to any locality are anticipated.
Benefits the regulatory change is designed to produce.	The direct benefits of the regulatory change include: • Improving the clarity, consistency, and effectiveness of requirements. • Saving time for localities who serve as VESMP or VESCP authorities and the regulated community by removing ambiguity. • Improving the understanding of regulatory requirements. • Improving compliance and reducing enforcement actions.

	• Aiding in the efficient and effective functioning of government in ensuring compliance. • Improving the effectiveness of the regulation in protecting water quality throughout the Commonwealth. DEQ is unable to quantify these benefits.
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Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	The regulatory change provides clarity and certainty for the applicants, owners, and operators of regulated land-disturbing activities, and for DEQ and localities serving as VESCP or VESMP authorities who enforce compliance with the VESM Regulation.
Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	Small businesses will not bear any identified disproportionate impact due to the proposal which would not be experienced by other entities. DEQ is unable to identify the number of small businesses that would be affected by this regulatory change.
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	There are no new projected direct or indirect costs associated with implementing the regulatory amendment because it does not change the erosion and sediment control measures and practices that must be specified on plans and implemented onsite, rather the amendment provides regulatory clarity and certainty.
Benefits the regulatory change is designed to produce.	This regulatory action makes the regulation more clear, consistent, and effective. Improving clarity and effectiveness of requirements saves time for DEQ, localities, and the regulated community, improves understanding and implementation of regulatory requirements, and should result in better compliance with the Minimum Standards for erosion and sediment control. Better compliance protects state waters, water quality, habitat, and recreational use. DEQ is unable to quantify these benefits.

Alternatives to Regulation

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

There are no practical alternatives. Leaving ambiguity in the VESM Regulation will likely cause continued misunderstanding, confusion, and inconsistent implementation and enforcement of the regulatory requirements for the regulated community, DEQ, and the localities who serve as VESMP or VESCP authorities.

Regulatory Flexibility Analysis

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

There are no alternatives to this regulatory action other than continuing to operate with the existing language with no updates.

The regulatory action is narrow in scope to include minor changes for clarity and consistency. This action does not change the substantive requirements for applicants, owners, and operators to submit plans, obtain permits, and maintain compliance with requirements to control erosion and stormwater runoff from land-disturbing activities.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

Consistent with § 2.2-4011 of the Code of Virginia, if an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall: 1) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register and 2) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

DEQ is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal and any alternative approaches, (ii) the potential impacts of the regulation, and (iii) the agency's regulatory flexibility analysis stated in this background document.

Also, the Board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail or email to April Rhodes, Program Manager, Office of Stormwater Management, Virginia Department of Environmental Quality, P.O. Box 1105, Richmond, Virginia 23218, or April.Rhodes@deq.virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

Anyone objecting to the use of the fast-track process as the means of promulgating this regulation, please clearly indicate your objection in your comment. Please also indicate the nature of, and reason for, your objection to using this process.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between existing VAC Chapter(s) and the proposed regulation. If existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
9VAC25-875-560 A 2		2. During construction of the project, soil stockpiles and borrow areas shall be stabilized or protected with sediment trapping measures. The applicant is responsible for the temporary protection and permanent stabilization of all soil stockpiles on site as well as borrow areas and soil intentionally transported from the project site.	2. During construction of the project, soil stockpiles and borrow areas shall be stabilized or <u>immediately</u> protected with sediment trapping measures and stabilized in accordance with subdivision 1 of this subsection. <u>Protection of stockpiles and borrow areas shall be in addition to perimeter site controls.</u> The applicant is responsible for the temporary protection and permanent stabilization of all soil stockpiles on site as well as borrow areas and soil intentionally transported from the project site.

			Rationale: This amendment establishes a timeframe for the application of sediment trapping measures and clarifies that stabilization must be applied in accordance with Minimum Standard 1. In addition, the amendment clarifies that measures intended to protect stockpiles and borrow areas are in addition to the perimeter site controls. This amendment provides regulatory clarity and certainty, which is a benefit to the regulated community, DEQ, and localities who serve as VESMP or VESCP authorities.
9VAC25-875-560 A 4		4. Sediment basins and traps, perimeter dikes, sediment barriers, and other measures intended to trap sediment shall be constructed as a first step in any land-disturbing activity and shall be made functional before upslope land disturbance takes place.	4. Sediment basins and traps, perimeter dikes, sediment barriers, and other measures intended to trap sediment shall be constructed as a first step in any land-disturbing activity and shall be made functional before upslope land disturbance takes place. <u>Prior to commencement of land-disturbing activities, initial perimeter erosion and sediment control measures shall be constructed and made functional. Minimal initial disturbance necessary to install the initial perimeter erosion and sediment control measures is permitted. Following the installation of the initial perimeter erosion and sediment control measures, construction phasing and sequencing shall ensure all erosion and sediment control measures necessary to protect downgradient areas are constructed and functional prior to subsequent land-disturbing activities.</u> Rationale: This amendment rephrases the standard to clearly communicate the intent and clarifies that minimal initial disturbance necessary to install initial perimeter control measures is permitted. This amendment provides regulatory clarity and certainty, which is a benefit to the regulated community, DEQ, and localities who serve as VESMP or VESCP authorities.
9VAC25-875-560 A 11		11. Before newly constructed stormwater conveyance channels or pipes are made operational,	11. Before newly constructed stormwater conveyance channels or pipes are made operational

		adequate outlet protection and any required temporary or permanent channel lining shall be installed in both the conveyance channel and receiving channel.	<u>commence conveying stormwater</u>, adequate outlet protection and any required temporary or permanent channel lining shall be installed in both the conveyance channel and receiving channel. Rationale: This amendment clarifies what “made operational” means to provide regulatory clarity and certainty, which is a benefit to the regulated community, DEQ, and localities who serve as VESMP or VESCP authorities.
9VAC25-875-560 A 17		17. Where construction vehicle access routes intersect paved or public roads, provisions shall be made to minimize the transport of sediment by vehicular tracking onto the paved surface. Where sediment is transported onto a paved or public road surface, the road surface shall be cleaned thoroughly at the end of each day. Sediment shall be removed from the roads by shoveling or sweeping and transported to a sediment control disposal area. Street washing shall be allowed only after sediment is removed in this manner. This provision shall apply to individual development lots as well as to larger land-disturbing activities.	17. Where construction vehicle access routes intersect <u>or access</u> paved or public roads, provisions shall be made to minimize the transport of sediment by vehicular tracking onto the paved <u>or public road</u> surface. Where <u>When</u> sediment is transported onto a paved or public road surface, the road surface shall be cleaned <u>throughout the day as necessary to remove accumulated sediment deposits and shall be cleaned</u> thoroughly at the end of each day. Sediment shall be removed from the roads by shoveling or sweeping and transported to a sediment control disposal area. Street washing shall be allowed only after sediment is removed in this manner. This provision shall apply to individual development lots as well as to larger land-disturbing activities. Rationale: This amendment clarifies that (i) the road surface shall be cleaned throughout the day as necessary to remove accumulated sediment deposits; (ii) sediment transport shall be minimized on both paved and public road surfaces; and (iii) that accumulated sediment is to be removed from paved or public road surfaces that construction vehicle access roads “intersect” or “access.” This amendment provides regulatory clarity and certainty, which is a benefit to the regulated community, DEQ, and localities who serve as VESMP or VESCP authorities.

Family Impact

In accordance with § 2.2-606 of the Code of Virginia, please assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The proposed regulatory action will not have an impact on families.