



Exempt Action Final Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation	9VAC25-190
Regulation title	General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Nonmetallic Mineral Mining
Action title	Amend and Reissue the Existing Regulation
Final agency action date	December 17, 2013
Document preparation date	November 6, 2013

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This rulemaking is proposed in order to reissue the existing VPDES general permit which expires on June 30, 2014. The general permit contains limitations and monitoring requirements for point source discharge of treated wastewaters from nonmetallic mineral mining to surface waters. The general permit regulation is being reissued in order to continue making it available for these facilities to continue to discharge.

Changes since publication of the proposal are found in 9VAC25-190-10, 50 D, 60 B, 60 C, 70 Part I B, Part II C and Part II H. The most significant change since the proposal is the addition of the new special condition that eliminates the need for discharge monitoring reports for process water systems that are designed to operate as a no discharge system except during a 25-year, 24-hour storm event.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On December 17, 2013 the State Water Control Board adopted amendments to the regulation 9VAC25-190, General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Nonmetallic Mineral Mining. The Board also affirmed that they will receive, consider and respond to petitions by any person at any time with respect to reconsideration or revision of the regulation.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar's office, please put an asterisk next to any substantive changes.

Section number	Requirement at proposed stage	What has changed	Rationale for change
9VAC25-190-10	Citation provided to the permit regulation was 9VAC25-31-10 et seq.	Citation changed to 9VAC25-31	Consistency with other citations in regulations.
*9VAC25-190-10	None	Added definition for twenty-five-year, 24-hour storm event.	A new special condition was added that uses this term.
9VAC25-190-50 D 1	Any owner authorized to discharge under the nonmetallic mineral mining general permits issued in 2009 and that submits a complete registration statement <i>on or before July 1, 2014</i> is authorized to continue to discharge under the terms of the 2009 general permit until certain actions occur.	Any owner authorized to discharge under the nonmetallic mineral mining general permits issued in 2009 and that submits a complete registration statement <i>before July 1, 2014</i> is authorized to continue to discharge under the terms of the 2009 general permit until certain actions occur.	Cannot allow continuation to discharge if registration is submitted <i>on July 1, 2014</i> because the permit is already expired at that point. It must be <i>before July 1, 2014</i> .
9VAC25-190-60 B	Registration statements for existing facilities will be accepted <i>after July 1, 2014</i> but authorization to discharge will not be retroactive.	Registration statements for existing facilities will be accepted <i>after June 30, 2014</i> but authorization to discharge will not be retroactive	The proper expiration date was inserted (<i>June 30, 2014</i> instead of <i>July 1, 2014</i>)
*9VAC25-190-60 C	None	Added a requirement that if the owner wants to be considered a <i>no discharge</i> process water system, they must submit certification of this design with the registration statement. Special condition Part I B 17 applies if this option is approved.	Public comment requested the <i>no discharge</i> option in Part I B 17 and staff decided this needed to be approved up front with the registration statement.

<p>9VAC25-190-70 Part I B 10</p>	<p>There shall be no discharge of floating solids or visible foam in other than trace amounts. There shall be no solids deposition or oil sheen from petroleum products in surface water as a result of the industrial activity in the vicinity of the outfall</p>	<p>There shall be no discharge of floating solids or visible foam in other than trace amounts <i>from process water discharges</i>. There shall be no solids deposition or oil sheen from petroleum products <i>discharged to</i> surface water as a result of the industrial activity.</p>	<p>Public comment asked to clarify that the requirements in the first sentence applied to <i>process water discharges</i>. Public comment asked to clarify that the requirements in the second sentence applied to <i>discharges to surface water</i>. Public comment asked to remove <i>in the vicinity of the outfall</i> at the end of the second sentence as it confusing and ambiguous.</p>
<p>9VAC25-190-70 Part I B 16</p>	<p>To reactivate inactive and unstaffed sites, the permittee shall notify the department <i>within 30 days</i>.</p>	<p>To reactivate inactive and unstaffed sites, the permittee shall notify the department <i>within 30 days or an alternate timeframe if written approval is received in advance from the board</i>.</p>	<p>Public comment request that the language be changed to allow for an <i>alternative timeframe</i> to notify the Department that a site is no longer inactive or unstaffed if the alternate timeframe is approved by the department. Otherwise the timeframe might be too restrictive.</p>
<p>*9VAC25-190-70 Part I B 17</p>	<p>None</p>	<p>Added a special condition that <i>process water systems designed to operate as no discharge shall have no discharge of wastewater or pollutants, except in storm events greater than a twenty-five-year, 24-hour storm event. In the event of such a discharge, the permittee shall report an unusual or extraordinary discharge per Part III H of this permit. No sampling or DMR is required for these discharges as they are considered to be discharging in emergency discharge conditions. These discharges shall not contravene the Water Quality Standards (9VAC25-260), as adopted and amended by the Board, or any provision of the State Water Control Law. Any other discharge from this type of system is prohibited, and shall be reported as an unauthorized discharge per Part III G of this permit.</i></p>	<p>Public comment received to add this new condition so as not to require a DMR for systems that are designed not to discharge except in emergency flood rain events (defined as a twenty-five-year, 24-hour storm event). DEQ staff added two notification requirements. The permittee reports an unusual or extraordinary discharge per Part III H of the permit and if any other type of discharge occurs outside of this flood event, it must be reported as an unauthorized discharge per Part III G.</p>
<p>9VAC25-</p>	<p>When certain weather</p>	<p>When certain weather conditions</p>	<p>For consistency with the</p>

190-70 Part II C	conditions prevent the permittee from taking a sample, a waiver may be granted with documentation. The documentation must include at least <i>four dates and times</i> that sampling was attempted.	prevent the permittee from taking a sample, a waiver may be granted with documentation. The documentation must include the <i>dates and times</i> that sampling was attempted.	Industrial Storm Water VPDES General Permit requirements.
9VAC25-190-70 Part II H c (3)	Visual examinations of storm water discharges...	<i>Quarterly</i> visual examinations of storm water discharges...	This is a clarification to emphasize visual examinations are quarterly.
9VAC25-190-70 Part II H c (4)	Provides documentation instructions for quarterly visual examinations of storm water, site inspections and best management practices inspections. No reference to monitoring instruction was provided.	Provides documentation instructions for quarterly visual examinations of storm water, site inspections and best management practices inspections. A reference to monitoring instruction was provided (Part II A).	For consistency with the Industrial Storm Water VPDES General Permit requirements.

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

Commenter	Comment	Agency response
<p>Vulcan Materials Company, Walter Beck, Environmental Engineer,</p> <p>Virginia Transportation Construction Alliance, Sam Hollins, Aggregates Program Manager</p> <p>Cardno MM&A, Brain Parker, PE, Mining Engineer</p>	<p>9VAC25-190-70 Part I B 10 – Requested language changed to add <i>from process water discharges</i> to the first sentence as follows:</p> <p>There shall be no discharge of floating solids or visible foam in other than trace amounts <i>from process water discharges</i>.</p> <p>Requested to remove the phrase <i>in vicinity of the outfall</i> as it is confusing and ambiguous. They offered the following language be considered as a replacement to the proposal:</p> <p>There shall be no solids deposition or oil sheen from petroleum products <i>discharged to surface water</i> as a result of the industrial activity.</p>	<p>Staff notes that in the previous permit the floating solids or visible foam requirement only applied to process water and agrees with this comment.</p> <p>Staff agrees that the second sentence in this special condition needed clarification and made the changes suggested by the commenters.</p>
Same as above	9VAC190-70 Part I B 16 (c) –	Staff agrees that alternate timeframes should be considered and added: To reactivate the

	<p>Requested language changed to allow for an alternative timeframe (outside of the proposed 30-days prior) for notifying the Department that a site is no longer inactive or unstaffed if the alternate timeframe is approved by the Department. Otherwise the DEQ will not have ability to allow a change in timeframe due to it being too rigid in the permit.</p>	<p>site the permittee shall notify the department within 30 days <i>or an alternate timeframe if written approval is received in advance by the board.</i></p>
<p>Same as above</p>	<p>9VAC25-190-70 Part I B – Requested the addition of a new special condition. Their intent is to not require a DMR for process water outfalls that were designed not to discharge. They offered the following language for consideration:</p> <p><i>Process Water Systems designed to operate as “No Discharge” and that will have no discharge of wastewater or pollutants, except in storm events greater than a 25 year/24 hour storm event, are allowed to discharge under this permit. Discharges are only allowed in storm events exceeding the size or intensity of a 25 year/24 hour storm event due to excessive rainfall amounts. No sampling or DMR is required for these discharges as they are considered to be discharging in emergency discharge conditions. The operation of these systems shall not contravene the Water Quality Standards (9VAC25-260), as adopted and amended by the Board, or any provisions of the State Water Control Law.</i></p>	<p>Staff agrees that such a special condition is needed and inserted similar language as follows:</p> <p><i>Process water systems designed to operate as “no discharge” shall have no discharge of wastewater or pollutants, except in storm events greater than a twenty-five-year, 24-hour storm event. In the event of such a discharge, the permittee shall report an unusual or extraordinary discharge per Part III H of this permit. No sampling or DMR is required for these discharges as they are considered to be discharging in emergency discharge conditions. These discharges shall not contravene the Water Quality Standards (9VAC25-260), as adopted and amended by the Board, or any provision of the State Water Control Law. Any other discharge from this type of system is prohibited, and shall be reported as an unauthorized discharge per Part III G of this permit.</i></p> <p>The concept is similar to the comment received except reporting is required per Part III H (in the event of a 25-year 24-hour storm event discharge) and Part III G of the permit (in the event a prohibited discharge occurs).</p>
<p>Kyanite Mining Corporation (KMC), John Snoddy, Environmental & Safety Director</p>	<p>The revisions to 9VAC25-190-70 Part I, B 10 include language that prohibits “solids deposition or oil sheen from petroleum products in surface water as a result of the industrial activity in the vicinity of the outfall.” KMC is concerned that the word “vicinity” is ambiguous and could lead DEQ staff to raise concerns about solids deposition in treatment ponds/pits/lagoons located immediately upstream up</p>	<p>Staff agrees and made changes to Part I B 10 as requested by other commenters above. Staff believes this accomplishes what this commenter requested.</p>

	<p>the outfall.</p> <p>To clarify that the intent of the word “vicinity” is to preclude the deposition of solids and oil sheen downstream of the outfall into surface waters, KMC requests that the proposed 9VAC25-190-70 Part 1, B 10 language be revised to the following:</p> <p><i>“There shall be no discharge of floating solids or visible foam in other than trace amounts. There shall be no solids deposition or oil sheen from petroleum products in surface water as a result of the industrial activity in the vicinity (i.e., downstream) of the outfall.</i></p>	
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All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
10	NA	Definitions exist for <i>colocated facility, industrial activity, permittee, process wastewater, run-off coefficient, SIC, significant materials, storm water, storm water discharge associated with industrial activity, and vehicle /equipment washing.</i>	Definitions were added for <i>best management practices (BMPs), department (DEQ), municipal separate storm sewer system (MS4), significant spills, twenty-five-year, 24-hour storm event and total maximum daily load (TMDL)</i> . This terminology is used in the regulation and needed explanation. Also deleted metallic products and food processing raw material from the definition of <i>significant materials</i> since these materials would not be found at these facilities. Also clarified the <i>vehicle/equipment washing</i> definition to mean this is <i>vehicle or equipment degreasing</i> to match the terminology used in a similar general permit (concrete products).
NA	15	None	Applicability of incorporated references based on the dates that they became effective. A statement was added to update all Title 40 Code of Federal Regulations within the document to be those published as

			of July 1, 2013. This is a recommendation from the DEQ Office of Policy
20 and 70	NA	Effective dates from July 1, 2009 to June 30, 2014	Effective dates were updated to reflect this reissuance from July 1, 2014 to June 30, 2019.
Section 50 A, B	NA	No requirement to be in compliance with the antidegradation policy in the Water Quality Standards 9VAC25-260-30. Other requirements to authorize discharge are similar to final, just reformatted.	Reformatted to match structure of other general permits being issued at this time. Also, added that an owner will be denied authorization when the discharge would violate the antidegradation policy. This is based on EPA comments provided on other general permits reissued recently. The requirement that the discharge must meet the assumptions and requirements of a TMDL was reworded to match other general permits
Section 50 C	NA	Receipt of the general permit does not relieve any owner of the responsibility to comply with any other federal, state, or local statute, ordinance, or regulation.	Added the statement " <i>Compliance with this general permit constitutes compliance with the Clean Water Act, the State Water Control Law, and applicable regulations under either, with the exceptions stated in 9VAC25-31-60 of the VPDES Permit Regulation.</i> " This was added in response to Attorney General Office comments on other general permits recently reissued to recognize there are some exceptions to compliance with the Clean Water Act as stated in the permit regulation.
50 D	NA	None	Added language to allow for administrative continuances of coverage under the old expired general permit until the new permit is reissued and coverage is granted or coverage is denied; provided the permittee has submitted a timely registration and is in compliance with the existing permit. This language is being added to all recently reissued general permits so permittees can discharge legally if the permit reissuance process is delayed.
60 A	NA	Permittees requesting coverage under this general permit must notify DEQ <i>180 days</i> prior to their expiration date. New facilities must submit a registration statement <i>at least 30 days</i> prior to commencement of discharge.	Reformatted this section to match the structure of other recently reissued general permits. Permittees currently holding an individual VPDES permit and requesting coverage under this general permit must notify DEQ <i>210 days</i> prior to the expiration date of their individual permit. This gives the permittee time to meet the deadline for timely application for reissuance of the individual permit if their request for coverage under the general permit is denied. Owners of existing facilities registration submittal dates were revised to April 1, 2014, which is <i>90 days</i> prior to expiration instead of <i>180 days</i> prior. New facilities must submit a registration statement <i>at least 45 days</i> prior to

			commencement of discharge. These new deadlines meet agency and permittee needs.
60 B	NA	None	Added language accepting late registration statements (after <i>June 30, 2014</i> , the expiration date) but stated that authorization to discharge will not be retroactive. Also, that existing permittees may be provided administrative continuance of permit coverage if a complete registration statement is submitted before <i>July 1, 2014</i> .
60 C	NA	Vehicle equipment or degreasing activities and vehicle washing and return water from operations where mined material is dredged is not included in the characterization of each outfall's discharge.	Vehicle equipment or degreasing activities and vehicle washing and return water from operations where mined material is dredged was added to the characterization of each outfall's discharge since it is part of the process water definition.
60 C	NA	There is no requirement for the owner to notify the MS4 owner and to copy DEQ with that notification.	The following notification requirement was added to the registration statement: <i>"Whether the facility will discharge to a Municipal Separate Storm Sewer System (MS4). If so, provide the name of the MS4 owner. The owner of the facility shall notify the MS4 owner in writing of the existence of the discharge within 30 days of coverage under the general permit, and shall copy the DEQ regional office with the notification. The notification shall include the following information: the name of the facility, a contact person and phone number, the location of the discharge, the nature of the discharge, and the facility's VPDES general permit number."</i> This notification is a permit requirement and the TAC thought it should be repeated as a reminder in the registration process.
60 C	NA	There is no question asking about vehicle or equipment degreasing to determine if TPH limits are required.	The question <i>"Indicate if there are vehicle or equipment degreasing activities performed on site. If yes, indicate if there is any process wastewater generated from these activities"</i> was added because the answer to this question is needed to determine if TPH limits are required.
60 C	NA	There is no requirement to submit monitoring data to determine compliance with the Chickahominy special standards in the water quality standards regulation.	The requirement to submit monitoring data to determine compliance with a new special condition for Chickahominy watershed discharges that reflect the existing Chickahominy special standards in the water quality standards regulation (see Part II B 14 below) was added.
60 E	NA	There is no allowance for registration statements to	Added the allowance for registration statements to be submitted electronically as

		be submitted electronically.	well as by postal mail. TAC thought electronic submissions of registration statements are appropriate at this time.
65	70 Part I B 18	Termination of permit coverage existing in section 65 as part of the regulation and not of the permit.	Repealed this section " <i>Termination of permit coverage.</i> " and moved it inside the permit itself. This section contains requirements for termination so it is more appropriate as part of the permit.
70	NA	The introductory paragraph to Part I which summarizes the requirements of the permit includes effluent limitations, monitoring, storm water management and conditions applicable to all permits	<i>Special Conditions</i> have been included in the introductory paragraph to Part I.
70 Part I A	NA	The footnotes are out of order in the limits tables.	The footnotes have been rearranged so they are in order in the limits tables.
70 Part I A 1	NA	Footnote #3 for process water states that <i>monitoring for TPH is only required for outfalls from vehicle /equipment washing facilities or from discharges that pass through oil/water separators.</i>	Footnote #3 for process water states that <i>monitoring for TPH is only required for outfalls that contain process wastewater from vehicle or equipment degreasing.</i> Vehicle degreasing or equipment degreasing has been clearly defined in section 10 (definitions) to mean the washing or steam cleaning of engines or other drive components of a vehicle or equipment in which the purpose is to degrease and clean petroleum products. It does not mean washing sediment off trucks. This has always been unclear to the staff and this change helps to clarify that.
70 Part I A 1	NA	The TPH methods are not listed in footnote #3.	The TPH methods are listed in footnote #3.
70 Part I A 2	NA	The requirement for " <i>no discharge of floating solids or visible foam</i> " is included.	The requirement for " <i>no discharge of floating solids or visible foam</i> " is moved to Part I B 10 (Special conditions).
70 Part I A 4	NA	The timing requirement for collecting a storm water sample (at least three days from preceding storm event and during the first 30 minutes of discharge) is included.	The timing requirements for collecting a storm water sample (at least three days from preceding storm event and during the first 30 minutes of discharge) has been moved to Part II A (monitoring requirements for storm water) with some changes.
70 part I B 1	NA	The requirement to clean up spilled fluids includes the words " <i>to the maximum extent possible.</i> "	The requirement to clean up spilled fluids was revised to delete the words " <i>to the maximum extent possible.</i> " Legal staff recommended that this is difficult to enforce.
70 Part I B 6	NA	The requirement to <i>modify, revoke and reissue the permit if a more stringent effluent standard or limit is</i>	The requirement to <i>modify, revoke and reissue the permit if a more stringent effluent standard or limit is promulgated by EPA</i> was deleted. General permits are not modified,

		<i>promulgated by EPA</i> is listed.	revoked or reissued. The TAC thought a new effluent standard would be incorporated more appropriately during reissuance.
70 Part I B 10	NA	The requirement that <i>"There shall be no discharge of floating solids or visible foam in other than trace amounts"</i> was in Part I A 2.	The requirement that <i>"There shall be no discharge of floating solids or visible foam in other than trace amounts"</i> was moved here from Part I A 2 with the addition to clarify that it applied to <i>process water discharges</i> . The addition of the requirement that <i>"there shall be no solids deposition or oil sheen from petroleum products discharged to surface water as a result of the industrial activity"</i> was added to another general permit (concrete products) and thought applicable to this permit as well. It serves as an added measure of protection and something the inspector can look for to ensure proper BMPs, clean up measures or treatment is occurring.
70 Part I B 11	NA	A definition of <i>vehicle/equipment washing</i> is listed.	A definition of <i>vehicle/equipment washing</i> is deleted because it had no requirement associated with it and was already in section 10 (Definitions).
70 Part I B 14	NA	The requirement to meet the Chickahominy special standards (from the water quality standards regulation at 9VAC25-260-310 m) was not included.	A requirement to meet the Chickahominy special standards was added. These special standards contain more stringent effluent limits for several parameters for discharges to the Chickahominy watershed. It was included so that any nonmetallic mining permits in that watershed could be eligible for this general permit.
70 Part I B 15	NA	The requirement that <i>there shall be no discharge or storm water discharge-related activities that cause or contribute to a violation of water quality standards or that adversely affect aquatic life</i> was included.	The requirement was included but revised as follows: <i>the discharges authorized by this permit shall be controlled as necessary to meet applicable water quality standards.</i> This was done to match the wording used in other recently reissued general permits.
70 Part I B 16		The requirement that describes how temporary facility closures at inactive and unstaffed sites is in Part II C 2 (Storm water Management).	The requirement that describes how temporary facility closures at inactive and unstaffed sites will be implemented is moved here from Part II. The same condition was recently added to another general permit (concrete products). It previously only applied to storm water but now can be implemented for the entire site and now requires board approval and a 30 day reactivation notification or an alternate timeframe if written approval is received in advance from the board. Also, no discharge monitoring reports are required while the facility is inactive and unstaffed.
70 Part I B 17	NA	The special condition to allow process water	Added a new special condition that allows process water systems that are <i>designed to</i>

		systems that are <i>designed to operate as 'no discharge' systems</i> to discharge only during <i>greater than a 25 year 24 hour storm events</i> as an emergency discharge is not included.	<i>operate as 'no discharge' systems</i> to discharge only during <i>greater than a 25 year 24 hour storm events</i> as an emergency discharge. No DMRs are required for these emergency discharges but notification to the department is required. No other discharges from this type of system are allowed.
70 Part II	NA	Storm water management requirements are in this section.	This entire section was revised to match (for the most part) language in the 2009 Industrial Storm Water General Permit. Some differences can be found but these were done with TAC consensus. The storm water variations in wording do not change the requirements significantly. Notable differences are described separately.
70 Part II A 1	NA	The requirement to provide additional information to include the date, duration and rainfall measurements which generate a discharge is included.	This requirement is deleted and this subsection was replaced with monitoring instructions from Part I A 4. The TAC thought the additional information was not needed since these facilities discharge storm water through storm water management structures and the date, duration and rainfall measurements would not apply or be useful.
70 Part II A 2	NA	The requirement to send DMRs to large or medium MS4 systems is included.	This requirement is deleted as it is not a routinely included in all DEQ storm water general permit requirements and is not a requirement in the EPA 2008 or draft 2013 multi-sector general (storm water) permit. The permittee is required to notify the MS4 owner if the discharge will enter an MS4.
70 Part II A 2	NA	Storm water management structure must meet a <i>representative sample</i>	The timing requirements moved from Part I A 4 to Part II A 2 were clarified to require that samples from a storm water management structure (which are a series of large settling lagoons) must meet the <i>representative samples</i> requirement. There is no additional timing requirements from storm water management structures to obtain a 'first flush' of storm water which is, at most industrial sites, considered the worst case scenario and containing the most pollutants. When the discharge is through a series of large storm water management structures that hold and settle the solids over time and rarely discharge. If they do discharge, the storm water that is discharged is from the end of the series of control structures where the water has been in the ponds the longest and therefore, the most settled. This sampling requirement for a <i>representative discharge</i> from the storm water control structure vs. other types of storm water discharges was in the 2009 permit, but was not clear.

70 Part II C 1	NA	A permittee is allowed a sampling waiver when adverse conditions prevent taking a sample. <i>When a permittee is unable to collect samples within a specified sampling period due to adverse weather conditions, the permittee shall collect a substitute sample from a separate qualifying event in the next period and submit these data along with the data for the routine sampling in that period.</i>	The permittee is not required to take a substitute sample. This is annual sampling and permittee are usually able to take a storm water sample during the year. However, a requirement was added that the permittee must provide the dates and times that the outfalls were viewed and sampling was attempted in order to ensure the permittee is attempting to take samples throughout the year.
70 Part II C 1	NA	A sampling waiver in instances when there is <i>no measureable storm event</i> is not included.	The waiver was expanded to include when <i>no measureable storm event</i> occurs. This is consistent with other general permits issued recently.
70 Part III A	NA	No laboratory certification requirement is included.	<i>"Samples taken as required by this permit shall be analyzed in accordance with 1VAC30-45: Certification for Noncommercial Environmental Laboratories, or 1VAC30-46: Accreditation for Commercial Environmental Laboratories."</i> This is a new regulatory requirement effective January 1, 2012, and is being added to all general permits as they are reissued.
70 Part III L	NA	A requirement to meet sewage sludge standards is listed.	Removed requirement to meet sewage sludge standards as sewage discharges are not covered by this permit.
70 Part III Y	NA	Permits may be transferred via permit modification. Automatic transfer of ownership may occur when the board is notified <i>30 days in advance</i> of proposed transfer.	Ownership transference via permit modification is deleted as this activity is not appropriate for general permit coverage. Automatic transfer of ownership may occur when the board is notified <i>30 days in advance of proposed transfer unless permission for a later date has been granted by the department</i> . Permittees are rarely able to meet the 30 day prior requirement and the staff thinks they need some flexibility with this.

Regulatory flexibility analysis

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) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of 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 proposed regulation.

The reissuance of the general VPDES permit accomplishes the objectives of applicable law and minimizes the costs to a small business owner and simplifies the permitting process. Without the general permit, a small business owner would be required to obtain an individual permit which would increase the complexity of a permit application and permit costs.

The proposal also includes an allowance for continuance of permit coverage in instances where a permittee has submitted a timely registration and is in compliance with their existing permit. This will allow the permittee to legally discharge if the permit is not reissued on time by the Department.

Alternative regulatory methods include less stringent reporting requirements for process water system that are designed to operate as a “no discharge” system. These systems are no longer required to submit DMRs to the Department. Rather only extraordinary event reporting is required when a flooding event (25-year 24-hour storm) results in a discharge.

Family impact

Please assess the 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 regulation will have no direct impact on the institution of the family or family stability.

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.

BMP means best management practices.

DEQ means the Department of Environmental Quality.

DMR means discharge monitoring report.

EPA means the Environmental Protection Agency.

MS4 means municipal separate storm sewer system.

NPDES means National Pollutant Discharge Elimination System.

SIC means standard industrial classification.

TAC means technical advisory committee

TMDL means total maximum daily load.

TPH means total petroleum hydrocarbons.

VAC means Virginia Administrative Code

VPDES means Virginia Pollutant Discharge Elimination System