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Exempt Action Final Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation(s)	9VAC25-194
Regulation title(s)	Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Vehicle Wash Facilities and Laundry Facilities
Action title	Amend and Reissue the Existing Vehicle Wash and Laundry Facilities General Permit
Final agency action date	July 19, 2017
Date this document prepared	June 1, 2017

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) or an agency's basic statute, the agency is not required, however, 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 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. 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 October 15, 2017. The general permit contains limitations and monitoring requirements for point source discharge of wastewaters from vehicle wash facilities and laundry facilities. The general permit regulation is being reissued in order to continue making it available for these facilities to continue to discharge.

In addition, a periodic review/small business impact review was conducted as part of this regulatory action. Please see the periodic review/small business impact review result section for additional information.

Substantive changes to the existing regulation include:

- Allowing maintenance and construction equipment washing;

- Allowing towed small (less than 8.6’ beam and 25’ length) recreational boat washing;
- Requiring the permittees to notify the Municipal Separate Storm Sewer System (MS4) owners before getting coverage under the general permit if their discharge is into the MS4;
- Requiring stormwater inlet protection measures to be described as part of the registration, included in the weekly visual examinations and included in the O&M manual (where applicable);
- Clarifying that inspections (visual examinations) of the effluent include sheen, floating solids, visible foam, examination date and time and examination personnel;
- Requiring the effluent to be free of sheens, and;
- Requiring discharges of vehicle wash water directly to a stormwater drain to provide inlet protection measures in addition to meeting all other requirements of the permit.

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.

- APA: Administrative Process Act
 BMP: Best Management Practices
 CFR: Code of Federal Regulations
 DEQ: Department of Environmental Quality
 EPA: (U.S. EPA): United States Environmental Protection Agency
 MS4: Municipal Separate Storm Sewer System
 NPDES: National Pollutant Discharge Elimination System
 O&M: Operations and Maintenance
 QL: Quantification Level
 TAC: Technical Advisory Committee
 USC: United States Code
 VAC: Virginia Administrative Code
 VPDES: Virginia Pollutant Discharge Elimination System

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 July 19, 2017 the State Water Control Board (state agency action) adopted the amended Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Vehicle Wash Facilities and Laundry Facilities.

Family impact

Please assess the impact of this 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.

Periodic review/small business impact review report of findings

Please (1) summarize all comments received during the public comment period following the publication of the Notice of Periodic Review and (2) indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable. In addition, as required by §2.2-4007.1 E and F, please include a discussion of the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

There were no comments received following the publication of the Notice of Periodic Review. The proposed regulatory action is needed in order to establish appropriate and necessary permitting requirements for discharges of wastewater to surface waters from vehicle wash facilities and laundry facilities. Protecting water quality in the Commonwealth’s surface waters is necessary to protect the health, safety and welfare of citizens. These discharges are considered to be point sources of pollutants and thus are subject to regulation under the VPDES permit program. The primary issue that needs to be addressed is that the existing general permit expires on October 15, 2017 and must be reissued in order to continue making it available after that date. The complexity of the regulation and ideas to make it clearer were discussed in the technical advisory committee and appropriate changes were made. The regulation does not overlap, duplicate, or conflict with federal or state law or regulation as the State Water Control Board is the delegated authority to regulate point source discharges to surface water. The regulation was evaluated in 2012 when the permit was reissued last permit term.

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
9VAC25-194-10. Definitions	Construction equipment definition included trenchers, backhoes, boring equipment, bulldozers, dump trucks and any other piece of earth moving equipment and equipment used in the paving industry and did not include loaders. Construction equipment was not allowed coverage under the permit There is no mention of maintenance equipment or whether it is covered.	Loaders were included in the definition and moved equipment used in the paving industry to vehicle wash activities that are not allowed. Construction equipment is allowed coverage under the permit except for paving equipment, which is still not allowed coverage. Maintenance equipment is allowed for coverage and is defined as street sweepers and catch basin cleaner trucks.	Public comment received that municipal washing activities including municipal maintenance and construction equipment should be covered under the permit and should include items such as loaders, dump trucks, sweepers, Vactor trucks and spreaders. Staff agrees that construction equipment overall and certain maintenance equipment should be allowed coverage as the pollutants from wash water associated with this equipment is similar to any other vehicle. Loaders were added to the construction equipment definition for clarification but

			staff did not agree that paving equipment should be included as an allowable activity and that was moved to the list of equipment that is not allowed vehicle wash coverage. Maintenance equipment was defined to mean catch basin trucks (Vactor trucks) and street sweepers in response to the specific requests in the comments. Spreaders were not included because of the concern with chemicals involved with ice and snow control.
9VAC25-194-10. Definitions	Vehicle wash definition does not include municipal equipment.	Reformatted the definition for clarity. Added that maintenance and construction equipment is allowed.	Public comment received that municipal maintenance equipment should be allowed for coverage if proper treatment works are in use. There has been confusion in the past whether items like street sweepers or stormwater catch basin trucks could be covered.
9VAC25-194-10. Definitions	List of vehicles not allowed coverage included interiors of bulk carriers, logging trucks and did not include chemical spreaders.	Interiors of bulk carriers was clarified to mean interior of tanks or trailers carrying bulk or raw material, chemical spreaders and equipment used in the paving industry were added to list of vehicles not eligible for coverage.	To clarify the list of ineligible vehicles and to respond to public comment (above).
9VAC25-194-15. Applicability of incorporated references.	Incorporated references are those published as of July 1, 2016.	Incorporated references are those published as of July 1, 2017.	Updated to reflect current year.
9VAC25-194-60. Registration statement	Question 13 of the registration statement asks for a description of wastewater treatment.	Added to Question 13 to describe any inlet protection measures.	Public comment requested that the permit include a requirement for inlet protection to protect the MS4 from illicit discharges.
9VAC25-194-60. Registration statement	There is no allowance for electronic submittal of the registration statement.	Added an allowance for electronic submittal of the registration statement.	To simplify the registration process for the permittees and DEQ.
9VAC25-194-70. General permit.	Opening paragraph states the authorized discharge is in accordance with the information submitted with the registration statement, this cover page, Part I Effluent Limitations, Monitoring Requirements, and Part II Conditions Applicable to All VPPDES permit.	Added that the authorized discharge is also in accordance with the Special Conditions to Part I authorization because the special conditions are also part of the permit requirements.	To make wording similar to other general permits and individual permits.
9VAC25-194-70. General permit.	Total Suspended Solids sample type is a 5 grab/8 hour composite.	Changed sample type to just 'composite' and defined composite for 8 hour and less than 8 hour discharges.	Concern that most car washes do not run steadily for 8 hours to take the composite.
9VAC25-194-70. General permit.	A statement is included in footnote (3) that the first DMR is due January 10, 2014.	Deleted this statement.	This DMR due date is incorrect and is already stated as "the 10 th day of January each year."
9VAC25-194-70. General permit.	In Part I A 4, the units for Oil & Grease were missing.	Added the units of mg/l to Oil & Grease.	For clarification.
9VAC25-194-70.	In Part I B 1 Special Conditions, the permittee was required to	Added that the permittee is also required to perform inspections inlet protection	To support the requirement added in Part I B 11 which

General permit.	perform inspections of the effluent and maintenance of the wastewater treatment facilities.	measures, if applicable.	states that any facility discharging vehicle wash water directly to a stormwater drain shall provide inlet protection measures in addition to meeting all other requirement of the permit.
9VAC25-194-70. General permit.	In Part I B 1 Special Conditions, the permittee was required to document visual exams in the operational log.	Added that the maintenance activities must also be documented in the operational log.	Clarification as this was the intent.
9VAC25-194-70. General permit.	In Part I B 9 Special Conditions, the permittee was required to notify the MS4 owner and include a phone number.	Changed phone number to contact information.	Clarification as a phone number or an email will suffice.
9VAC25-194-70. General permit.	In Part I B 11 Special Conditions, there was no condition or requirements for inlet protection.	Added that any 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.	Public comment requested that the permit include a requirement for inlet protection to protect the MS4 from illicit discharges.
9VAC25-194-70. General permit.	In Part I B 12 Special Conditions, there was no requirement to include or describe inlet protection maintenance or methods in the O&M manual.	Renumbered this special condition to Part 1 B 13 and added that inlet protection maintenance and methods must be discussed in the O&M manual.	To reflect changes made in response to public comment in Part I B 11.
9VAC25-194-70. General permit.	In Part I B 12 Special Conditions, procedures for performing the visual exams and maintenance required by Part I B 1 included example log sheets in the O&M manual.	Added that the location of the operational log should also be in the O&M manual.	Clarification to facilitate inspections.
9VAC25-194-70. General permit.		Because special condition Part I B 11 was added some renumbering of the conditions was done.	Clarification.
9VAC25-194-70. General permit.	In Part I B 17, Part II D, J,K, L X and Y certain terms are used (modification, revocation and reissuance and application). Permit activities, such as terminations or application submittal apply to the permit. In Part I B 17 a (2) there is a note in parentheses that states "A notice of termination does not have to be submitted if a VPDES Change of Ownership Agreement form has been submitted."	In Part I B 17, Part II D, J, K, L X and Y certain terms were eliminated (modification, revocation and reissuance and application). Also when referring to permit activities the word "coverage" was inserted. In Part I B 17 a (2) removed the word "note" and took the statement out of the parenthesis.	Modification, revocation and reissuance and application do not apply to general permits. Permit activities, such as terminations or application submittal apply to obtaining or terminating coverage under the permit. The permit itself remains effective for all covered permittees. These are all clarifications.
9VAC25-194-70. General permit.	In Part II H adverse affects on aquatic life are notified to the department.	In Part II H, adverse effects to aquatic life are notified to the department.	Typo
9VAC25-194-70. General permit.	In Part II Y, Conditions applicable to all permits, (Transfer of permits) described how transfers can occur through modification or revocation and reissuance.	General permits are not modified or do not go through revocation and reissuance so automatic transfer is the only option.	Clarification.

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>Hampton Roads Planning District Commission, Whitney S. Katchmark, PE, Principal Water Resources Engineer</p>	<p>Requests an exemption to the regulation that would allow equipment used for municipal maintenance operation and fire apparatus to be washed at the permitted wash rack, provided that the effluent limitations are met. This exemption would provide the flexibility to the permittees and still remain protective of downstream surface waters. Also supports the City of Norfolk comments.</p>	<p>The agency agrees with this comment and has added that construction equipment related to earth moving and maintenance equipment washing (not just for municipalities but for the any defined maintenance and construction equipment) is allowable for coverage as the pollutants from wash water associated with this equipment is similar to any other vehicle. Loaders were added to the construction equipment definition for clarification but staff did not agree that paving equipment should be included as an allowable activity and that was moved to the list of equipment that is not allowed vehicle wash coverage. Maintenance equipment was defined to mean catch basin trucks (Vactor trucks) and street sweepers in response to the specific requests in the comments received (below). Spreaders were not included because of the concern with chemicals involved with ice and snow control. Fire trucks were previously listed as a covered vehicle.</p>
<p>City of Norfolk, Public Works, June Whitehurst, Environmental Programs Manager</p>	<p>The permit limits the equipment that may be washed. The city currently uses the following BMPs to treat wastewater and meet effluent limits from vehicle and street sweeper washing: oil water separator, grit chamber and retention pond. The City proposed an exemption be added to the regulation that allows for equipment used for municipal maintenance operations to be washed at the facility as long as BMPs are in place and permit effluent limits are met. Requests this equipment exemption be added/clarified in the construction equipment definition. The City incorporates the Hampton Roads Planning District Commission's and Virginia Municipal Stormwater Association's letters as part of their comments.</p>	<p>The agency agrees with this comment (see response above).</p>
<p>Virginia Municipal Stormwater Association, Randy Bartlett, P.E., President</p>	<p>The definition of "Vehicle Wash" should expressly include municipal washing activities. The following sentence should be added to this definition: "This definition includes any municipal washing activity, including for example, washing maintenance equipment such as dump trucks, loaders and fire trucks."</p> <p>The definition of "Construction Equipment" should be revised to clarify that it does not apply to municipal equipment. The following sentence should be added to this definition: "This does not include municipal equipment such as but not limited to, dump trucks, loaders, spreaders and Vactor trucks."</p> <p>Additionally, VAMSA recommends adding a new Part I section to address effluent limitations and monitoring requirements for discharges from municipal washing activities. This section should make clear that as long as the municipal Vehicle Wash General Permit permittee is implementing BMPs consistent with its MS4 good housekeeping permit requirements, it should be exempt from additional effluent limitations or monitoring requirements under the Vehicle Wash General Permit.</p>	<p>DEQ agrees with this comment in part (see responses above).</p> <p>DEQ does not agree that as long as a municipality is implementing BMPs consistent with its MS4 good housekeeping permit requirements, that is should be exempt from additional effluent limitations or monitoring requirements under the Vehicle Wash General Permit. DEQ thinks sufficient flexibility has been given to the municipalities through the allowance of maintenance equipment washing described in the responses above.</p>
<p>Fairfax County, Cathy Roth, Code</p>	<p>The permit needs to address the situation where VPDES permitted car washes are</p>	<p>DEQ agrees and has added a special condition requirement that the owner of a facility discharging vehicle</p>

<p>Specialist II Stormwater Planning Division</p>	<p>discharging to the storm drain with no treatment. The businesses are not monitoring very frequently and based on the activity (washing); pH and detergents (foam) would be in continual violation unless the business had treatment which the permit does not require. They have observed this occurring in locations in Fairfax County and allowing detergents to enter the storm drainage system is a violation of their ordinance. Could the new proposed permit tighten up these loose ends?</p>	<p>wash water directly to a stormwater drain shall provide inlet protection measures in addition to meeting all other requirements of the permit.</p> <p>Also, added a requirement to describe the inlet protection measure to the registration statement so DEQ can make a determination that it is adequate.</p> <p>Also, added a requirement to the O&M manual to describe inlet protection methods.</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, intent, rationale, and likely impact of proposed requirements
		<p>The title of the regulation is "General Permit For Vehicle Wash Facilities and Laundry Facilities"</p>	<p>Changed the title to "Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Vehicle Wash Facilities and Laundry Facilities" to conform to other agency general permit titles.</p>
<p>9VAC25-194-10. Definitions.</p>		<p>Department, Laundry, Total Maximum Daily Load, Vehicle Maintenance and Vehicle Wash are defined.</p> <p>Construction equipment is not allowed coverage.</p> <p>There is no mention of maintenance equipment or whether it is covered.</p> <p>Boat washing is not allowed coverage.</p> <p>List of vehicles not allowed coverage included interiors of bulk carriers, logging trucks and did not include chemical spreaders.</p>	<p>Added definition for "Construction Equipment" as this has been questioned in the past and included it as an allowable washing activity.</p> <p>Loaders were included in the definition of construction equipment and moved equipment used in the paving industry to vehicle wash activities that are not allowed.</p> <p>Maintenance equipment is allowed for coverage and is defined as street sweepers and catch basin cleaner trucks.</p> <p>The agency has determined that small recreational boats trailered by a passenger car or truck are acceptable for washing at a car wash business. It was determined that boats less the 8.6' beam and 25' in length would include most personal recreational boats that would be trailered by a passenger car or truck.</p> <p>Interiors of bulk carriers and logging truck was clarified to mean interior of tanks or trailers carrying bulk or raw material, chemical spreaders and equipment used in the paving industry were added to list of vehicles not eligible for coverage.</p> <p>"Vehicle Wash" definition reformatted for clarity.</p> <p>Public comment was received that municipal washing activities including municipal maintenance and construction equipment should be covered under the permit and should include items such as</p>

			loaders, dump trucks, sweepers, Vector trucks and spreaders. Staff agrees that construction equipment overall and certain maintenance equipment should be allowed coverage as the pollutants from wash water associated with this equipment is similar to any other vehicle. Loaders were added to the construction equipment definition for clarification but staff did not agree that paving equipment should be included as an allowable activity and that was moved to the list of equipment that is not allowed vehicle wash coverage. Maintenance equipment was defined to mean catch basin trucks (Vector trucks) and street sweepers in response to the specific requests in the comments. Spreaders were not included because of the DEQ concern with chemicals involved with ice and snow control.
9VAC25-194-15. Applicability of incorporated references based on the dates that they became effective.		This section updates all Title 40 Code of Federal Regulations (CFR) within the document to be those published as of July 1, 2012. This is a recommendation from the DEQ Office of Policy so dates do not need to be added for each CFR reference.	Simplified this paragraph to match other general permits and changed the dates to July 1, 2017.
9VAC25-194-40. Effective date of the permit.		Effective dates of the permit are for the expiring permit term (2012 – 2017).	Effective dates updated throughout regulation (2017-2022).
9VAC25-194-50. Authorization to discharge. Subsections A and B.		Requirements are the same as the 2012 regulation.	Section reformatted to match other general permits.
9VAC25-194-50. Authorization to discharge. Subsection D.		Statement that compliance with the general permit constitutes compliance with other applicable laws and regulations.	Clarified that " <i>Compliance with this general permit constitutes compliance for purposes of enforcement with the federal Clean Water Act §§ 301, 302, 306, 307, 318, 403 and 405 (a) through (b), the State Water Control Law, and applicable regulations under either, with the exceptions stated in 9VAC25-31-60 of the VPDES Permit Regulation</i> " which better mirrors the language in the permit regulation at 9VAC25-31-60.
9VAC25-194-50. Authorization to discharge. Subsection E.		Allows for continuation of coverage after permit expiration if certain conditions are met.	Same conditions but the subsection is clarified and dates are updated to reflect the new permit term. This language is being updated with each reissued general permit so permittees can discharge legally and safely if the permit reissuance process is delayed.
9VAC25-194-60. Registration statement. Subdivision A.		Laundry facilities were required to register for coverage prior to September 16, 2012. This date was specified because the laundries were covered in a different general permit with different due dates.	Requirement not needed in 2017 reissuance. Laundries have been covered under the last 5 year reissuance and are on the same time table as the vehicle washes.
9VAC25-194-60. Registration statement. Subdivision B.		Instructions for late registrations statement submittal.	Instructions not changed but paragraph is clarified and dates are updated.
9VAC25-194-60. Registration statement.		Question #5 of the registration statement information includes the requirement to notify the owner of an MS4 within 30 days of coverage	Requirement changed so that the notification to the MS4 owner occurs at the time of registration under the permit and that notification must be included with the registration. This was added after TAC

Subdivision C.		under the general permit.	discussion that the localities would like to be notified before DEQ provides coverage so they may comment on the availability of central sewer connections.
9VAC25-194-60. Registration statement. Subdivision C.		Question #13 of the registration statement asks for a description of wastewater treatment.	Added to Question 13 to describe any stormwater inlet protection. Public comment requested that the permit include a requirement for inlet protection to protect the MS4 from illicit discharges.
9VAC25-194-60. Registration statement. Subdivision D.		There is no allowance for electronic submittal of the registration statement	Added an allowance for electronic submittal of the registration statement to simplify the registration process for the permittee and DEQ.
9VAC25-194-70. General permit.		Cover page of permit states that the authorized discharge is in accordance with the cover page, Part I Effluent Limitations and Monitoring Requirements, and Part II Conditions Applicable to All VPPDES permits.	Added that the discharge shall be in accordance with the information submitted with the registration statement. Recognition of the registration in this statement is necessary because it contains the information on which we base the decision to allow coverage under the general permit. It emphasizes the importance of a representative registration statement. Also added that the authorized discharge is also in accordance with the Special Conditions to Part I authorization because the special conditions are also part of the permit requirements. Similar wording is already included in VPDES individual permit cover pages and this wording is being added to all general permits as they are reissued. No impact.
9VAC25-194-70. General permit. Part 1 A 1 and 2.		Total Suspended Solids sample type is a 5 grab/8 hour composite	Changed sample type to just 'composite' and defined composite for 8 hour and less than 8 hour discharges because of concern that most car washes do not run steadily for 8 hours to take the composite.
9VAC25-194-70. General permit. Part 1 A 1		A statement is included in footnote (3) that the first DMR is due January 10, 2014.	Statement is deleted as this DMR due date is incorrect and is already stated as "the 10 th day of January each year." No impact.
9VAC25-194-70. General permit. Part 1 A 4.		There are no units for Oil & Grease.	Added the units of mg/l to Oil & Grease for clarification.
9VAC25-194-70. General permit. Part I B 1.		Requires weekly inspections of the effluent and document inspections in an operational log. Requires visual inspections of the effluent and maintenance of the wastewater treatment facilities.	Added more detail that the visual examination of the effluent include sheens, floating solids and foam. Plus added that the date, time and personnel must be noted in the log. Added that visual inspections also include the inlet protection measures to support new requirement at Part I B 11.
9VAC25-194-70. General permit. Part I B 1.		The permittee was required to document visual exams in the operational log.	Added that the maintenance activities must also be documented in the operational log for clarification as this was the intent.
9VAC25-194-70. General permit. Part I B 2.		Requires that there is no discharge of floating solids or visible foam other than in trace amounts.	Added that the effluent shall be free of sheens. This is a common special condition for facilities that could have petroleum product in the discharge.
9VAC25-194-70. General permit. Part I B 7.		Prohibition to washing vehicles or containers bearing residue of animal manure or toxic chemicals <i>into the wastewater treatment system</i> is prohibited.	Clarified prohibition that washing of vehicles with animal manure or toxic residuals is prohibited under this permit; regardless of whether it goes to the vehicle wastewater treatment system, storm sewer or surface water.

<p>9VAC25-194-70. General permit. Part I B 9.</p>		<p>Requirement for permittees that discharge into a MS4 must notify the MS4 owner of the existence of the discharge within 30 days of coverage.</p> <p>The permittee was required to notify the MS4 owner and include a phone number.</p>	<p>Requirement changed so that the notification to the MS4 owner will occur at the time of registration under the permit. The notification will be submitted with the registration statement to DEQ. This was added after TAC discussion that the localities would like to be notified before DEQ provides coverage so they may comment on the availability of central sewer connections.</p> <p>Changed phone number to contact information since a phone number or email will suffice.</p>
<p>9VAC25-194-70. General permit. Part I B 11.</p>	<p>Inserted new I B 11 after Part I B 10 and renumbered 11, 12 and 13 to 12, 13 and 14.</p>	<p>In new Part I B 11 Special Conditions, there was no condition for stormwater inlet protection.</p>	<p>Added that any 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.</p> <p>Public comment requested that the permit include a requirement for inlet protection or best management practices to protect the MS4 from illicit discharges.</p>
<p>9VAC25-194-70. General permit. Part I B 11 (renumbered to 12).</p>		<p>Provides notification levels for toxic pollutants.</p>	<p>Renumbered to 12 and clarified that the permittee shall notify the department if they exceed 100 µg/l or 500 µg/l <i>of the toxic pollutant</i> not limited in the permit. This is not a new condition, rather a clarification referring back to what is actually being measured (the toxic pollutant).</p>
<p>9VAC25-194-70. General permit. Part I B 12 (renumbered to 13).</p>		<p>Requires an O&M manual.</p>	<p>Renumbered to 13 and clarifies that the O&M manual is for the <u>vehicle wastewater</u> treatment works and that the operational log specified by Part I B 1 is part of the O&M manual.</p>
<p>9VAC25-194-70. General permit. Part I B 12 (renumbered to 13).</p>		<p>There was no requirement to describe stormwater inlet protection methods in the O&M manual.</p>	<p>Renumbered 13 and added that stormwater inlet protection methods must be discussed in the O&M manual to reflect changes made in response to public comment in Part I B 11.</p>
<p>9VAC25-194-70. General permit. Part I B 12 e (renumbered to 13).</p>		<p>No requirement for visual examination procedures.</p>	<p>Renumbered to 13 and added a requirement for visual examination and maintenance required by Part I B 1, example log sheets and the location of the operational log be included in O&M manual.</p>
<p>9VAC25-194-70. General permit. Part I B 13 (renumbered to 14).</p>		<p>Provides quantification levels (QL) for the pollutants limited by the permit.</p>	<p>Renumbered to 14 and provided a definition of QL and added that the QL must be less than or equal to the QL provided in the permit. These clarifications are in other VPDES permits.</p>
<p>9VAC25-194-70. General permit. Part I B 14.</p>		<p>Requirement that samples must be taken in accordance with 1VAC30-45, Certification for Noncommercial Environmental Laboratories, or 1VAC30-46, Accreditation for Commercial Environmental Laboratories.</p>	<p>Requirement moved to Part II A as this is a condition applicable to all permits.</p>
<p>9VAC25-194-70. General</p>		<p>Provides noncompliance reporting requirements and an online method to do 24 hour reporting.</p>	<p>Online web link updated.</p>

permit. Part II I.		<p>In Part I B 17, Part II D, J, K, L X and Y certain terms are used (modification, revocation and reissuance and application).</p> <p>Permit activities, such as terminations or application submittal apply to the permit.</p> <p>In Part I B 17 a (2) there is a note in parentheses that states "A notice of termination does not have to be submitted if a VPDES Change of Ownership Agreement form has been submitted."</p>	<p>In Part I B 17, Part II D, J, K, L X and Y certain terms were eliminated (modification, revocation and reissuance and application). Also when referring to permit activities the word "coverage" was inserted.</p> <p>Modification, revocation and reissuance and application do not apply to general permits.</p> <p>Permit activities, such as terminations or application submittal apply to obtaining or terminating coverage under the permit. The permit itself remains effective for all covered permittees.</p> <p>In Part I B 17 a (2) removed the word "note" and took the statement out of the parenthesis.</p> <p>These changes are all clarifications.</p>
9VAC25-194-70. General permit. Part II H.		<p>In Part II H adverse effects on aquatic life are notified to the department.</p>	<p>In Part II H adverse effects on aquatic life are notified to the department to correct a typo.</p>
9VAC25-194-70. General permit. Part II Y.		<p>Conditions applicable to all permits, (Transfer of permits) described how transfers can occur through modification or revocation and reissuance.</p>	<p>General permits are not modified or do not go through revocation and reissuance so automatic transfer is the only option and deleted for clarification as this does not apply to general permits.</p>

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) 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 application 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.