townhall.virginia.gov

Exempt Action Final Regulation
Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation(s)	9VAC25-151
Regulation title(s)	General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Storm Water Associated with Industrial Activity
Action title	*Amend and Reissue the Existing Industrial Stormwater General Permit*
Final agency action date	April 15, 2019
Date this document prepared	March 25, 2019

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of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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 Regulation for Discharges of Stormwater Associated with Industrial Activity, which expires on June 30, 2019. The general permit regulation is being reissued in order to continue making it available for these facilities to continue to discharge.

In addition to the new permit term, substantive changes were made to the existing regulation that include:

- Reorganize sectors to simplify regulation which includes moving SIC Codes with no analytical sampling requirements to a new Sector AE and SIC Codes with only TSS benchmark sampling requirements to new Sector AF;

- Require permittees to notify MS4s of discharges at time of registration;
- Removal of a benchmark parameters that are not required in the EPA MSGP and where data analysis from the current permit term determine that these constituents are not a water quality concern;
- Require all dischargers with the Chesapeake Bay TMDL to submit calculations to regional permit staff. Those who are above TSS, TN, TP loading values must submit and implement an action plan with annual reporting requirements. Reductions must be met by June 30, 2024. Added new waiver conditions for an annual reporting requirement. Waivers are available for installing and maintaining Chesapeake Bay Program or BMP clearinghouse BMPs, purchasing perpetual credits, or other BMPs where 4 samples are used to demonstrate the facility has met required reductions;
- Added new E-reporting requirements to meet 9VAC25-31-1020;
- Added new housekeeping language in conformance with the 2015 EPA MSGP (waste disposal, material storage, minimize material exposure to stormwater, eliminate discharge of plastics);
- Added new control measures language in conformance with the 2015 EPA MSGP (prevent or divert run-on, spills shall be contained or diverted before discharge, clean up spills immediately, store leaking equipment under cover, use overflow protection, perform vehicle maintenance under cover);
- Removed comprehensive site compliance evaluation per 2015 EPA MSGP, which was found to be redundant and added additional language to routine site inspection; and,
- Removed redundant Part IV language which consists mostly of sector specific housekeeping and SWPPP requirements. This was done for simplicity and to minimize confusion for permittees. Some sector specific language was retained, even though it was redundant. These sectors were identified by regional staff as higher risk and larger industry sectors and needed the extra emphasis (ship yards, landfills, scrap yards and metal recyclers).

Numerous corrections and clarifications have been made throughout the regulation since publication of the proposal. Substantive changes to the proposal include moving wood product facilities back to Sector A in 9VAC25-151-50 and adding Sector D back into 9VAC25-151-70.

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
CDD: Construction Debris and Demolition
CFR: Code of Federal Regulations
CWA: Clean Water Act
DEQ: Department of Environmental Quality
DMR: Discharge Monitoring Report
E-DMR: Electronic Discharge Monitoring Report
EPA: (U.S. EPA): United States Environmental Protection Agency
HZ: Hazardous
ISWGP: VPDES Industrial Activity Stormwater General Permit
LA: Load Allocation
LF: Landfill
MOS: Margin of Safety
MS4: Municipal Separate Storm Sewer System
MSGP: Multi-sector General Permit for Stormwater Discharges Associated with Industrial Activity
MSWLF: Municipal Solid Waste Landfill

NOIRA: Notice of Intended Regulatory Action
NPDES: National Pollutant Discharge Elimination System
NVPDC: Northern Virginia Planning District Commission
O&M: Operations and Maintenance
POC: Pollutant of Concern
POTW: Publicly Owned Treatment Works
QL: Quantification Level
SIC: Standard Industrial Classification
SPCC: Spill Prevention Control and Countermeasure
SWPPP: Stormwater Pollution Prevention Plan
TAC: Technical Advisory Committee
TH: Town Hall
TMDL: Total maximum Daily Load
TN: Total Nitrogen
TP: Total Phosphorus
TPH: Total Petroleum Hydrocarbons
TSS: Total Suspended Solids
TW: Treatment Works
USC: United States Code
VAC: Virginia Administrative Code
VAMWA: Virginia Association of Municipal Wastewater Agencies
VEEP: Virginia Environmental Excellence Program
VPDES: Virginia Pollutant Discharge Elimination System
VSMP: Virginia Stormwater Management Program
WIP: Watershed Implementation Plan
WQS: Water Quality Standards

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 April 15, 2019, the State Water Control Board adopted amendments to 9VAC25-151 Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Stormwater Associated with Industrial Activity.

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 the 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.

One comment was received following the publication of the Notice of Periodic Review in the Notice of Intent Comment Period that voiced concerns on regulatory burden to small businesses. The comment was prepared by the Virginia Forest Products Association and is detailed in full in the *Public Comment* section below.

Protecting water quality in the Commonwealth's surface waters is necessary to protect the health, safety and welfare of citizens. The proposed regulatory action is needed in order to establish appropriate and necessary permitting requirements for discharges of stormwater associated with industrial activity to surface waters. 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 June 30, 2019 and must be reissued in order to continue making it available to new dischargers 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 2014 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
9VAC25-151-10. Definitions		Made minor punctuation correction, defined acronyms, and corrected definition of SWPPP.	Changes made to clarify requirements and defined terms used in the regulation.
9VAC25-151-50. Authorization to discharge.	"fertilizer"	"fertilizers"	Grammatical correction
9VAC25-151-50. Authorization to discharge.	Table 50-2. SIC Codes 2411, 2421, 2426, 2429, 2431-2439 (except 2434), 2441, 2448, 2449, 2451, 2453, & 2493 were moved from Sector A to Sector AF	Table 50-2. SIC Codes 2411, 2421, 2426, 2429, 2431-2439 (except 2434), 2441, 2448, 2449, 2451, 2453, & 2493 were moved back to Sector A as in the 2014 Industrial Stormwater General Permit	Discussions with DEQ compliance staff indicated that compliance issues and risks with wood product facilities were better controlled with the

			additional general permit requirements outlined for Sector A facilities. In the proposed regulation facilities were moved to Sector AF due to benchmark sampling requirements. These facilities were moved back to Sector A as required in the 2014 Industrial Stormwater General Permit.
9VAC25-151-50. Authorization to discharge.	Table 50-2. Sector AA listed SIC Codes listed 3411-3499 & 3911-3915	Table 50-2. Changed SIC Codes listed under Sector AA to 3411-3471, 3482-3499, 3479, and 3911-3915	Change made because previous listing was not accurate or consistent with other SIC Code listings in regulation.
9VAC25-151-50. Authorization to discharge.	Table 50-2. Sector AB listed “except 3731, 3732”	Table 50-2. Removed “except 3731, 3732” and replaced with “(except 3571-3579”	Change made to be consistent with other sector listing in regulation.
9VAC25-151-50. Authorization to discharge.	Table 50-2 Sector AE listed SIC Codes “2992, 2999”, “(except 3111 Z)”, and “facilities as specified in Sector C”.	Table 50-2. Removed SIC Codes “2992, 2999”, “(except 3111 Z)”, and “facilities as specified in Sector C”.	Changes made to be consistent with other sector listings in regulation.
9VAC25-151-50. Authorization to discharge	Table 50-2 Sector AE listed SIC Codes “2411, 2421, 2426, 2431-2433, 2435-2439, 2441, 2448, 2449, 2451, 2452, and 2493”	Table 50-2. Removed SIC Codes “2411, 2421, 2426, 2431-2433, 2435-2439, 2441, 2448, 2449, 2451, 2452, and 2493”	Discussions with DEQ compliance staff indicated that compliance issues and risks with wood product facilities were better controlled with the additional general permit requirements outlined for Sector A facilities. In the proposed regulation facilities were moved to Sector AF due to benchmark sampling requirements. These facilities were moved back to Sector A as required in the 2014 Industrial Stormwater General Permit.
9VAC25-151-60. Registration statement and Stormwater Pollution Prevention	None	Added “regulation” and minor punctuation correction.	Added “regulation” to sentence to be consistent with title of the regulation used throughout the regulation.

Plan (SWPPP).			
9VAC25-151-60. Registration statement and Stormwater Pollution Prevention Plan (SWPPP).	None	Added "if assigned by DEQ" to the end of the requirement that require to provide their VPDES general permit number to a MS4 during notification of proposed discharge.	Additional language added because applicants for a new issuance of general permit coverage would not yet have a VPDES general permit number assigned by DEQ at the time of the required notification.
9VAC25-151-60. Registration statement and Stormwater Pollution Prevention Plan (SWPPP).	None	Added "The latitude and longitude of each outfall location" to the list of required facility information to be provided on the registration statement.	Additional requirement added to be consistent with information required by federal regulation.
9VAC25-151-70. General Permit	None	Added "VPDES" to the title of the general permit	Addition of "VPDES" added to be consistent with other general permit references
9VAC25-151-70. General Permit Table 70-1	Sector A facilities with SIC Codes 2421, 2411, and 2426 were removed from Sector A and placed into Sector AF	Placed Sector A facilities with SIC Codes 2421, 2411, and 2426 back into Sector A.	Discussions with DEQ compliance staff indicated that compliance issues and risks with wood product facilities were better controlled with the additional general permit requirements outlined for Sector A facilities. In the proposed regulation facilities were moved to Sector AF due to benchmark sampling requirements. These facilities were moved back to Sector A as required in the 2014 Industrial Stormwater General Permit.
9VAC25-151-70. General Permit Table 70-1	Sector D facilities were removed from table 70-1	Added "Sector D and SIC Codes 2951 and 2952 and the Benchmark Monitoring Parameter TSS".	Sector D was inadvertently removed during the proposed phase. Staff restored the requirements of SIC Code facilities 2951 and 2952 as were applicable in the 2014 Industrial Stormwater General

			Permit.
9VAC25-151-70. General Permit Table 70-1	None	Added SIC Codes 3261-3269 to Sector E facilities listed in table 70-1 as having aluminum benchmark monitoring requirements	SIC Codes 3261-3269 were inadvertently left out of the list in table 70-1
9VAC25-151-70 General Permit Table 70-1	SIC Codes 2992 and 2999 and the statement "facilities as specified in Sector C" was attached as a qualifier to SIC Code 2952 in the Sector AE portion of table 70-1	Removed SIC Codes 2992 and 2999 as well as the qualifier "facilities as specified in Sector C" from the Sector AE portion of table 70-1	SIC Codes 2992 and 2999 were inadvertently added to Sector AE and the qualifier was removed because these SIC Code facilities are not in the Sector C list in the proposed regulation.
9VAC25-151-70 General Permit Table 70-1	SIC Codes 2411, 2421, 2426, 2429, 2431-2433, 2435-2439, 2441, 2448, 2449, 2451, 2452, and 2493 were included in the list of facilities under Sector AF in table 70-1	Removed SIC Codes 2411, 2421, 2426, 2429, 2431-2433, 2435-2439, 2441, 2448, 2449, 2451, 2452, and 2493 from the list of facilities under Sector AF in table 70-1	These SIC Codes were placed back into Sector A. Discussions with DEQ compliance staff indicated that compliance issues and risks with wood product facilities were better controlled with the additional general permit requirements outlined for Sector A facilities. In the proposed regulation facilities were moved to Sector AF due to benchmark sampling requirements. These facilities were moved back to Sector A as required in the 2014 Industrial Stormwater General Permit.
9VAC151-70 General Permit A 1 c (3) (b)	(b) Permittees shall monitor the discharges for the pollutant subject to the TMDL wasteload allocation once after coverage under the permit begins. Monitoring commences with the first full monitoring period after the owner is granted coverage under the permit. Monitoring periods are specified in Part I A 2.	(b) Permittees shall monitor the discharges for the pollutant subject to the TMDL wasteload allocation [~~at least~~] once [~~during each of the monitoring periods~~ every six months] after coverage under the permit begins[~~.~~, unless otherwise determined by the department for polychlorinated biphenyls (PCBs).] Monitoring commences with the first full monitoring period after the owner is granted coverage under the permit. Monitoring periods are specified in Part I A 2.	Clarified that monitoring during each monitoring period was once every six months. Also added PCB monitoring may be reduced by the department. PCB monitoring reduction may be considered due to high cost of the analysis and to reduce regulatory burden to permittees.
9VAC151-70 General Permit Table 70-4	Submit the results on a DMR by January 10 and by July 10. (Table 70-4 Monitoring Reporting	Submit the results [~~on a DMR~~] by January 10 and by July 10. Table 70-4 Monitoring Reporting Requirements)	Removed "on a DMR" from the requirements as the proposed regulation requires the

	Requirements)		use of the eDMR system per the VPDES Regulation.
9VAC151-70 General Permit A 6.	a. Data exceeding benchmarks concentration values.	a. Data exceeding [~~benchmarks~~ benchmark] concentration values.	Grammatical correction
9VAC151-70 General Permit B. 8. d	d. The permittee shall submit a copy of the calculations to the department within 90 days from the end of the last monitoring period that satisfies the monitoring requirement in Part I B 8 a. Calculations shall be submitted to the DEQ regional office serving the area where the industrial facility is located on a form provided by the department and maintained with the facility's SWPPP.	d. The permittee shall submit a copy of the calculations to the department within 90 days from the end of the last monitoring period that satisfies the monitoring requirement in Part I B 8 a. Calculations shall be submitted to the DEQ regional office serving the area where the industrial facility is located[,] on a form provided by the department[,] and maintained with the facility's SWPPP.	Punctuation corrections
9VAC151-70 General Permit B. 8. e	e. Any modification to the facility's industrial acreage or impervious industrial acreage will require the facility to recalculate facility loading rates.	e. Any modification to the facility's industrial acreage or impervious industrial acreage [~~will~~ shall] require the facility to recalculate facility loading rates.	Changed “will” to “shall” to be consistent with DEQ regulatory language
9VAC151-70 General Permit B. 9.	~~8.~~ 9. Discharges through a regulated MS4 to waters subject to the Chesapeake Bay TMDL. In addition to the requirements of this permit, any facility with industrial activity discharges through a regulated MS4 that is notified by the MS4 operator that the locality has adopted ordinances to meet the Chesapeake Bay TMDL shall incorporate measures and controls into its SWPPP to comply with applicable local TMDL ordinance requirements.	~~8.~~ 9. Discharges through a regulated MS4 to waters subject to the Chesapeake Bay TMDL. In addition to the requirements of this permit, any facility with industrial activity [stormwater] discharges through a regulated MS4 that is notified by the MS4 operator that the locality has adopted ordinances to meet the Chesapeake Bay TMDL shall incorporate measures and controls into its SWPPP to comply with applicable local TMDL ordinance requirements.	Added the word “stormwater” to clarify intent
9VAC25-151-80 Stormwater pollution prevention	The SWPPP requirements of this general permit may be fulfilled, in part, by incorporating by reference	The SWPPP requirements of this general permit may be fulfilled, in part, by incorporating by reference other plans or documents such as a spill	Changed word “Plan” to “SWPPP” to be consistent with regulation and clarify requirements.

plans.	other plans or documents such as a spill prevention control and countermeasure (SPCC) plan developed for the facility under § 311 of the Clean Water Act, or best management practices (BMP) programs otherwise required for the facility, provided that the incorporated plan meets or exceeds the plan requirements of Part III B (Contents of the Plan).	prevention control and countermeasure (SPCC) plan developed for the facility under § 311 of the Clean Water Act, or best management practices (BMP) programs otherwise required for the facility, provided that the incorporated plan meets or exceeds the plan requirements of Part III B (Contents of the [~~Plan~~ SWPPP]).	
9VAC25-151-80 Stormwater pollution prevention plans. B. 2. c	d. Receiving waters and wetlands. The name of all surface waters receiving discharges from the site, including intermittent streams, dry sloughs, and arroyos.	[~~d~~ c]. Receiving waters and wetlands. The name of all surface waters receiving discharges from the site, including intermittent streams, dry sloughs, and arroyos.	Corrected section division mistake
9VAC25-151-90 Sector A A. Discharges covered under this section	~~A. Discharges covered under this section.~~ ~~1.~~ A. Discharges covered under this section. The requirements listed under this section apply to stormwater discharges associated with industrial activity from facilities generally classified under ~~Standard Industrial Classification (SIC) Major Group 24~~ SIC Codes 2491 and 2499 that are engaged in the following activities: ~~cutting timber and pulpwood (those that have log storage or handling areas), mills, including merchant, lath, shingle, cooperage stock, planing, plywood and veneer, and producing lumber and wood materials;~~ wood preserving~~,~~ ~~manufacturing wood buildings or mobile homes; and~~	A. Discharges covered under this section. 1. The requirements listed under this section apply to stormwater discharges associated with industrial activity from facilities generally classified under Standard Industrial Classification (SIC) Major Group 24 SIC Codes 2491 and 2499 that are engaged in the following activities: [cutting timber and pulpwood (those that have log storage or handling areas), mills, including merchant, lath, shingle, cooperage stock, planing, plywood and veneer, and producing lumber and wood materials;] wood preserving[, manufacturing wood buildings or mobile homes; and manufacturing finished articles made entirely of wood or related materials, except for wood kitchen cabinet manufacturers (SIC Code 2434),] which are addressed under Sector W (9VAC25-151-300). and mulch, wood, and bark facilities, including mulch dyeing operations (SIC Code 24991303).	Placed facilities struck from the proposed regulation back into Sector A requirements. Discussions with DEQ compliance staff indicated that compliance issues and risks with wood product facilities were better controlled with the additional general permit requirements outlined for Sector A facilities. In the proposed regulation facilities were moved to Sector AF due to benchmark sampling requirements. These facilities were moved back to Sector A as required in the 2014 Industrial Stormwater General Permit.

	~~manufacturing finished articles made entirely of wood or related materials, except for wood kitchen cabinet manufacturers (SIC Code 2434), which are addressed under Sector W (9VAC25-151-300).~~ and mulch, wood, and bark facilities, including mulch dyeing operations (SIC Code 24991303).		
9VAC25-151-90 Sector A B. Special Conditions	B. Special conditions. 1. Prohibition of nonstormwater discharges. Discharges of stormwater from areas where there may be contact with chemical formulations sprayed to provide surface protection are not authorized by this permit. These discharges must be covered under a separate VPDES permit. Discharge of wet dye drippings from mulch dyeing operations are also prohibited.	B. Special conditions. 1. Prohibition of nonstormwater discharges. Discharges of stormwater from areas where there may be contact with chemical formulations [~~sprayed~~ applied]to provide surface protection are not authorized by this permit. [Surface protection includes chemical application to control sap stain, mold, mildew, and insects.] These discharges must be covered under a separate VPDES permit. Discharge of wet dye drippings from mulch dyeing operations are also prohibited.	Changed word "sprayed" to "applied" to cover facilities that use dip tanks or other means besides spraying to apply chemical formulations. Also clarified that "surface protection includes chemical application to control sap stain, mold, mildew, and insects." Changes were made due to regional staff compliance concerns with facilities utilizing lumber surface protection.
9VAC25-151-90 Sector A D. Numeric effluent limitations	In addition to the numeric effluent limitations described in Part I A 1 c, the following limitations shall be met by existing and new facilities.	[~~In addition to the numeric effluent limitations described in Part I A 1 c, the~~ The] following [numeric effluent] limitations shall be met by existing and new facilities.	Simplified language for clarity
9VAC25-151-90 Sector A Table 90-2	Struck SIC Code facilities 2421, 2411, 2426, 2429, 2431-2439, 2441, 2448, 2449, 2451, 2452, 2493, and 2499 from Sector A covered facilities. Total Recoverable Arsenic was listed as 150 µg/L	Unstruck SIC Code facilities 2421, 2411, 2426, 2429, 2431-2439, 2441, 2448, 2449, 2451, 2452, 2493, and 2499 from Sector A covered facilities. Corrected Total Recoverable Arsenic to 50 µg/L.	Placed facilities struck from the proposed regulation back into Sector A requirements. Discussions with DEQ compliance staff indicated that compliance issues and risks with wood product facilities were better controlled with the additional general permit requirements outlined for Sector A facilities. In the proposed regulation facilities were moved to

			Sector AF due to benchmark sampling requirements. These facilities were moved back to Sector A as required in the 2014 Industrial Stormwater General Permit. Corrected typo in Total Recoverable Arsenic benchmark concentration requirement.
9VAC25-151-110 Sector C B Numeric effluent limitations.	In addition to the numeric effluent limitations described in Part I A 1 c, the following limitations shall be met by existing and new facilities.	[~~In addition to the numeric effluent limitations described in Part I A 1 c, the~~ The] following [numeric effluent] limitations shall be met by existing and new facilities.	Simplified language for clarity
9VAC25-151-130 Sector E C. Numeric effluent limitations	In addition to the numeric effluent limitations described by Part I A 1 c, the following limitations shall be met by existing and new facilities.	[~~In addition to the numeric effluent limitations described by Part I A 1 c, the~~ The] following [numeric effluent] limitations shall be met by existing and new facilities.	Simplified language for clarity
9VAC-25-151-190 Sector L F. Benchmark monitoring requirements	Landfill, land application, and open dump sites are required to monitor their stormwater discharges for the pollutants of concern listed in Table 190-2.	[~~Landfill~~ Landfills], land application, and open dump sites are required to monitor their stormwater discharges for the pollutants of concern listed in Table 190-2.	Grammatical correction
9VAC-25-151-200 Sector M B. 4. Management of runoff	The permittee shall implement control measures to divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff to minimize pollutants in discharges from the facility. The following management practices shall be considered used to prevent or reduce the discharge of pollutants to surface waters: berms or drainage ditches on the property line, to help prevent runon run-on from neighboring properties; berms for uncovered outdoor storage of oily parts, engine blocks, and aboveground liquid storage; and the	The permittee shall implement control measures to divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff to minimize pollutants in discharges from the facility. The following management practices shall be considered used to prevent or reduce the discharge of pollutants to surface waters: [berms or drainage ditches on the property line, to help prevent runon run-on from neighboring properties; berms for uncovered outdoor storage of oily parts, engine blocks, and aboveground liquid storage; and the installation of detention ponds, filtering devices, and oil/water separators.] a. Berms or drainage ditches on the property line used to help prevent run-on from neighboring	Corrected error where language moved to subdivisions was not struck from paragraph format.

	installation of detention ponds, filtering devices, and oil/water separators. a. Berms or drainage ditches on the property line used to help prevent run-on from neighboring properties; b. Berms for uncovered outdoor storage of oily parts and engine blocks; c. Aboveground liquid storage; d. The installation of detention ponds, filtering devices, or oil/water separators; and e. Another control measure used to prevent or reduce the discharge of pollutants to surface waters. following management practices shall be considered used to prevent or reduce the discharge of pollutants to surface waters: [berms or drainage ditches on the property line, to help prevent runon run-on from neighboring properties; berms for uncovered outdoor storage of oily parts, engine blocks, and aboveground liquid storage; and the installation of detention ponds, filtering devices, and oil/water separators.] a. Berms or drainage ditches on the property line used to help prevent run-on from neighboring properties; b. Berms for uncovered outdoor storage of oily parts and engine blocks; c. Aboveground liquid storage; d. The installation of detention ponds, filtering devices, or oil/water separators; and e. Another control	properties; b. Berms for uncovered outdoor storage of oily parts and engine blocks; c. Aboveground liquid storage; d. The installation of detention ponds, filtering devices, or oil/water separators; and e. Another control measure used to prevent or reduce the discharge of pollutants to surface waters.	

	measure used to prevent or reduce the discharge of pollutants to surface waters.		
9VAC25-151-240 Sector Q Table 240	Water Transportation Facilities (SIC 4412 4499) and Ship and Boat Building or Repairing Yards (SIC Codes 3731 and 3732)	Water Transportation Facilities (SIC 4412 4499 [except 4499 as specified in Sector N]) and Ship and Boat Building or Repairing Yards (SIC Codes 3731 and 3732)	Added "except 4499 as specified in Sector N." Language was inadvertently left out of proposed regulation.
9VAC25-151-320 Sector Y A. Discharges covered under this section	None	Added SIC Code 3053.	SIC Code 3053 was inadvertently left out of proposed regulation.
9VAC25-151-320 Sector Y Table 320	SIC Codes 3011-3069	SIC Codes [~~3011-3069~~ 3011, 3021, 3052, 3053, 3061, and 3069]	Replaced listed SIC Codes 3011-3069 with 3011, 3052, 3053, 3061 and 3069 as the list in other sections of the regulation was not continuous.
9VAC25-151-340 Sector AA A. Discharges covered under this section	The requirements listed under this section apply to stormwater discharges associated with industrial activity from the following fabricated metals[industry industries ~~listed below~~, except for electrical related industries: fabricated metal products, except machinery and transportation equipment ~~(SIC Code 34);~~, SIC Codes 3411-3471, and 3482-3499; and jewelry, silverware, and plated ware ~~(SIC Code 391),~~ SIC Codes 3911-3915.	The requirements listed under this section apply to stormwater discharges associated with industrial activity from the following fabricated metals [~~industry~~ industries] ~~listed below~~, except for electrical related industries: fabricated metal products, except machinery and transportation equipment ~~(SIC Code 34);~~, SIC Codes 3411-3471, [3479], and 3482-3499; and jewelry, silverware, and plated ware ~~(SIC Code 391)~~, SIC Codes 3911-3915.	Made grammatical correction and added SIC Code 3479 that was inadvertently left out of the proposed regulation.
9VAC25-151-350 Sector AB B. SWPPP requirements	Site map. The site map shall identify where any of the following may be exposed to precipitation or surface runoff: vents and stacks from metal processing and similar operations.	[~~Site map~~.] The site map shall identify where any of the following may be exposed to precipitation or surface runoff: vents and stacks from metal processing and similar operations.	Removed unnecessary words "Site map".
9VAC25-151-380 Sector AE A.	List of covered facilities included "2992, 2999, and the qualifying phrase "facilities as specified in	Struck "2992, 2999, and the qualifying phrase "facilities as specified in Sector C"	Language was inadvertently placed in proposed regulation

Discharges Covered under this section	Sector C"		
9VAC25-151-390 Sector AF A. Discharges covered under this section	List of covered facilities included "2411, 2421, 2426, 2429, 2431-2433, 2435-2439, 2441, 2448, 2449, 2451, 2452, and 2493".	Struck "2411, 2421, 2426, 2429, 2431-2433, 2435-2439, 2441, 2448, 2449, 2451, 2452, and 2493"as facilities covered under Sector AF.	Discussions with DEQ compliance staff indicated that compliance issues and risks with wood product facilities were better controlled with the additional general permit requirements outlined for Sector A facilities. In the proposed regulation facilities were moved to Sector AF due to benchmark sampling requirements. These facilities were moved back to Sector A as required in the 2014 Industrial Stormwater General Permit.

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
Melissa Johnson, Citizen, Volunteer for Chesapeake Bay Foundation	Comment made at 11/28/2018 Public Hearing- paraphrased by staff: -Requests quarterly monitoring for all sites -Requests that sites that have nutrient loads greater than allowed in the Bay TMDL be issued individual VPDES stormwater permits	- DEQ staff believes that permittees that met the industrial stormwater general permit Bay monitoring requirements have reasonably quantified their loads to the Chesapeake Bay. - Permittees have until June 30, 2024 to meet the necessary nutrient load reductions as documented through the required TMDL action plans. At that point, if DEQ determines that adequate reductions have not been achieved, DEQ may pursue compliance action or require individual permit coverage with

		site-specific conditions to achieve the reductions.
Kelly Boyle, Fredericksburg Scrap and Virginia Auto Recyclers Association	Comment made at 11/27/2018 Public Hearing- paraphrased by staff: - Disagrees that further nutrient monitoring requirements beyond the 2014 Industrial Stormwater General Permit would be beneficial in relation to Virginia's commitment under the Chesapeake Bay TMDL restoration - Requests that permittees who demonstrated and obtained benchmark monitoring waivers under the 2014 Industrial Stormwater General Permit should have those waivers continued under the proposed regulation without the need to further demonstrate the conditions under which the permittee obtained the benchmark waiver	- The proposed regulation only contains additional nutrient monitoring requirements for new facilities, permittees who did not meet the monitoring requirements in the 2014 general permit, or facilities that have made changes to their site. - Benchmark monitoring targets pollutants known or suspected to be present in association with the specific industrial activity covered under each sector. DEQ staff believes that further demonstrating the conditions under which the waiver was granted each permit term is not an excessive burden due to the potential for the pollutant to be present at or above the benchmark and the financial benefit gained by receiving the waiver.
Logan Kendle, Citizen	As a concerned citizen I would like to see the reissued permit still contain water quality testing, particularly for N, P, and sediment. There most definitely should be testing of the most egregious violators. Anyone found to have violated the standards previously should also be required to test their outflow. I hope that continued testing, more enforcement, and stronger reprimands for violations will continue to help Virginia clean up its many impaired waterways.	The Virginia DEQ is dedicated to meeting the Commonwealth of Virginia's commitment to restoration of the Chesapeake Bay. Staff believes that permittees that met the industrial stormwater general permit Bay monitoring requirements have reasonably quantified their loads to the Chesapeake Bay. However, the proposed regulation does contain additional provisions applicable to industrial dischargers within the Chesapeake Bay watershed. In the proposed regulation, facilities who discharge TP, TN, or TSS in exceedance of the loading rates in the regulation shall submit an Action Plan that details a schedule to achieve reductions by June 30, 2024.
Catherine Lukaszewicz, Citizen	This general permit is vital in continuing to make progress in the clean up of the Chesapeake Bay & for clean water in Virginia. Clean water and a health Bay is an important positive resource for Virginia's economy and indeed for the quality of life of Virginians. The existing permit for the first time included nitrogen, phosphorous and sediment	The Virginia DEQ is dedicated to meeting the Commonwealth of Virginia's commitment to restoration of the Chesapeake Bay. The proposed regulation contains provisions applicable to industrial stormwater dischargers within the Chesapeake Bay watershed. In the proposed

	monitoring for these facilities. The data collected was extremely useful and identified about 15 facilities with extremely high loads of 10-200 times their target levels. Without such monitoring these facilities would not have been identified. Unfortunately, the proposal does not continue this monitoring or sampling even for those facilities with extremely high loads. Please include some level of nutrient and sediment monitoring for all permittees with higher frequency requirements at facilities where elevated loads have been found to be high. Monitoring data is helpful for demonstrating where issues arise, as has clearly been shown here and should not be looked at as a 1- time event. You can't confirm improvements or identify problems if you don't measure!	regulation, facilities who discharge TP, TN, or TSS in exceedance of the loading rates in the regulation shall submit an Action Plan that details a schedule to achieve reductions by June 30, 2024. DEQ staff believes that permittees who comply with the proposed general permit have reasonably characterized their nutrient loads.
Catherine Lukaszewicz, Citizen	Also, facilities producing load more than 10 times higher than the WLA-basis should be required to have Individual Permits. These facilities play a significant role in the overall pollutant load, and represent a critical opportunity to achieve nutrient reductions in a very difficult sector. As such, these permits deserve extra attention.	In the proposed regulation permittees have until June 30, 2024 to meet the necessary nutrient reductions as documented through the required TMDL action plans. At that point, if DEQ determines that adequate reductions have not been achieved, DEQ may pursue compliance action or require individual permit coverage with site-specific conditions to achieve the reductions.
Emily Goodwin, Associate Scientist, SLR International Corporation	Part I.A.1.a.(1) of the permit states that "The visual examination shall be made during normal working hours, where practicable, and when considerations for safety and feasibility allows." We request that this or similar language be added to Part I.A.1.a.(2) or Part I.A.1.b.(3) so that the collection of analytical samples is also limited to normal working hours. This change would provide for consistency in the rule and mirror other state permit such as the Oregon Department of Environmental Quality 1200-Z (Part B.2.d), Washington Department of Ecology General Industrial Stormwater Permit (Part S4.B.1e) and many other which do not require sampling outside of normal business hours or when conditions are unsafe.	DEQ staff believes that due to Virginia's climate, and the fact that each monitoring period requiring an analytical sample is six months, there is ample opportunity for permittees to plan and collect analytical samples during the monitoring period under safe conditions. In addition, the permit does provide an adverse climatic conditions waiver (Part I.A.3), allowing a substitute sample to be collected in the following monitoring period. DEQ staff does not believe a change to the proposed regulation is necessary.
Robert Goode, Environmental Permitting Assistance, LLC	First, I believe elimination of the annual comprehensive site evaluation is a good thing. It appeared to be a redundant effort with no added value.	DEQ staff agrees with the comment and have removed the provision from the proposed regulation.

Robert Goode, Environmental Permitting Assistance, LLC	Second, I do not understand the reasoning behind facilities that have gone from some benchmark monitoring to none; there seems to be no rhyme or reason. For examples: I find it odd that small bulk oil storage terminals retained monitoring for TSS yet refineries, which typically have a lot of bulk oil storage, have been exempt from all monitoring (unless, of course, all their discharges from these areas go through an outfall with treated wastewater). Anyway, if refineries are exempt, I would think that the bulk oil facilities would be exempt also. I would think that cut stone and stone products (3281) would have dust associated with it, even with wet cutting, thus TSS monitoring. Most of the industries dealing with wood (2411, 2421, 2426, 2429, 2431-2433, 2435-2439, 2441, 2448, 2449, 2451 and 2452) retained monitoring for TSS while industries like wood kitchen cabinets (2434) along with pulp and paper mills 2611, 2621) and paperboard products (2652-2657) have no monitoring. If it comes down to the sawing operations then I would think that 2434 would get monitoring also. I'm sure the response will be because that is what was reflected in the EPA multisector permit and that's fine...I understand. My biggest issue is really with the bulk oil storage facilities; I would be surprised if Virginia data supported the need for TSS monitoring as I would think that most bulk facilities, if not all, discharge from their bermed areas through an oil-water separator. And yes, I realize they can request a waiver based on monitoring data but the two facilities (refineries and bulk facilities) do not seem to be on an equal footing.	DEQ staff has not removed benchmark monitoring requirements from any of the facilities referenced in the comment. It should be noted that some facilities (SIC Codes) have been moved to new sectors that aligned with monitoring requirements.
Joe Wood, Ph.D., Virginia Staff Scientist & Margaret L. Sanner, Virginia Assistant Director & Senior Attorney, Chesapeake Bay Foundation	It should be noted that Joe Wood, Ph.D. provided verbal comment during the 11/27/2018 Public Hearing on behalf of the Chesapeake Bay Foundation. Dr. Wood's verbal comments were substantively similar to the written comments provided and summarized in the following. 1. Recommendation # 1: Require continued nutrient monitoring for all facilities with enhanced monitoring requirements for facilities with higher documented loads; and require individual permits for facilities which demonstrate clear water quality problems (i.e.	Virginia is the only state in the Chesapeake Bay watershed that has required all industrial stormwater general permittees in the Bay to collect and analyze stormwater samples in an effort to quantify loads. DEQ staff believes that permittees that met the industrial stormwater general permit Bay monitoring requirements have reasonably quantified their loads to the Chesapeake Bay. The proposed regulation also contains new

	facilities with loads greater than ten times the WLA basis). In the most recent issuance of this permit, which was the first issuance since the adoption of the Chesapeake Bay TMDL, the State Water Control Board ("Board" hereafter) required all permittees to collect four water quality samples at each stormwater outlet over the course of 5 years to be analyzed for nitrogen, phosphorous and sediment. CBF appreciates this requirement and the data acquired as a result of this effort provides critical insights for identifying facilities with the largest impact to water quality. This information will help DEQ effectively reduce pollution loads at the highest pollutant loading facilities. This data set indicates current protections at most facilities (~2/3 of all monitored facilities) are resulting in loading rates consistent with the sector's aggregate current Waste Load Allocation (WLA) of 12.3 lbs. per acre for nitrogen 1.5 lbs. per acre for phosphorous and 440 lbs. per acre for TSS, which represents a positive evaluation of current management. However, a substantial proportion of facilities (~1/3 of all monitored facilities) have pollution loading rates above the WLA and further, a small subset of facilities (<1% of all monitored facilities) have pollution loads that are substantially (>10x) greater than the WLA. This small proportion of high loading facilities accounts for 29% of the overall phosphorous load and 20% of the overall nitrogen load of all facilities despite accounting for less than 1% of the overall acreage of facilities covered under this permit. These facilities discharge approximately one third of the overall nitrogen and phosphorous load (Figure 1) corresponding to more than 8,000 lbs. P per year above the WLA. To put this number into context, Virginia's total Stormwater Local Assistance Fund grant program, which represents an investment of over $120,000,000 in local and state tax dollars, have achieved only approximately 14,000 lbs. of P reductions since its inception with an average cost efficiency of $8¬15,000 per lb P.1 Governor Northam just announced that $50 Million would be included in his budget for 2020 in the coming session. If this investment were to achieve 8,000 lbs, of phosphorous reductions it would be widely viewed as a success. And yet these water quality monitoring results demonstrate actions at just	provisions that would require industrial facilities that modify their sites to collect samples to further quantify these new loads and adjust or develop action plans if additional reductions are required. In addition, EPA's Chesapeake Bay TMDL aggregated industrial stormwater with other regulated stormwater for the purpose of assigning a waste load allocation (WLA). The proposed permit requires development of a TMDL action plan for any permittees that individually exceed the loading assumptions that contributed to the aggregate WLA. With two thirds of the monitored facilities currently demonstrating loading rates below the TMDL assumptions, reducing loads from the remaining one third of facilities to the assumed loads will result in a total load for the sector significantly less than the aggregate WLA. DEQ staff believes the Bay requirements in the proposed regulation go above and beyond other Bay states and demonstrate Virginia's commitment to achieving reductions from the industrial stormwater sector in an effort to meet the goals of a restored Chesapeake Bay. Permittees have until June 30, 2024 to meet the necessary reductions as documented through required TMDL action plans. At that point, if DEQ determines that adequate reductions have not been achieved, DEQ may pursue compliance action or require individual permit coverage with site-specific conditions to achieve the reductions.

	6 facilities could achieve similar results. Thus the pollutant loads coming from these facilities are substantial relative to the state's overall efforts to address stormwater pollution and will produce a benefit that has tremendous value for Chesapeake Bay clean-up efforts. Even if there is capacity to address these pollutant loads via credit acquisition (as suggested by DEQ at TAC Meetings), such an action would deplete available credits and thus exacerbate challenges for storm water entities working to address pollutant loading. Further, addressing problematic facilities which are accounting for a large proportion of the sector's WLA will help ensure sufficient allocations to allow for future growth. Now that these facilities have been identified, there is a clear plan for addressing these loads through TMDL action plans. However, it is important to recognize that water quality monitoring was an essential part of this process. The small proportion of high loading facilities across N P & S. represents 20 different Standard Industrial Classification (SIC) codes across the state, and there would have been no obvious way to identify these facilities in the absence of this data. Simply put, the state would not know about these highly concentrated pollution sources in the absence of facility wide monitoring. This clearly demonstrates the value that comprehensive water quality monitoring of stormwater can provide. These monitoring results are a promising start to effective management of this permit, but over the next 5 years and subsequent permit cycles, innumerable factors which don't qualify facilities for new required monitoring (i.e. facility operating procedures and conditions, precipitation patterns, etc.) will change and have the potential to alter stormwater discharges in ways that cannot be predicted. As such, the data collected to date will become outdated and less effective at guiding the state, unless it is supplemented with continued monitoring. Continued efforts to monitor effluent can be used to identify where problematic changes to nutrient loads occur. Furthermore, for facilities which must develop TMDL action plans, monitoring has the capacity to comprehensively ground truth the success of clean-up efforts and improve the precision of the reduction target. In summary, monitoring results indicate several attributes about the role industrial	

	stormwater plays in nutrient and sediment loads to Chesapeake Bay. First, it is clear that industrial facilities of many different types have the capacity to operate under conditions that are consistent with the WLA established for this sector in the Chesapeake Bay TMDL. Second, this limited frequency of sampling has provided meaningful results despite substantial variability across date, facility type, and individual operations. Finally, the distribution of data demonstrates that a small number of problematic facilities can substantially influence the overall pollutant loading associated with this permit thus highlighting the importance of reducing pollution at these facilities and continued screening of facilities through nutrient monitoring to identify future problematic facilities. Despite the critical insights provided by this data, the current proposed draft permit does not include any nutrient monitoring requirements for any facility that has already collected samples required in the previous permit, including those facilities which have documented very high loads. The lack of continued monitoring in these permits is highly problematic and will negatively impact the state's ability to effectively manage nutrient loads from these facilities going forward. Water quality monitoring results, as demonstrated here, clearly provides a critical and unreplaceable tool for the state to utilize in managing future pollution reductions from industrial stormwater. As such, CBF recommends the Board require nutrient monitoring for all facilities in this permit with variable frequency on the basis of previous results (see table 1). An explanation for how we derived this list of sampling frequencies is found in the attached memo as discussed at a meeting with the Technical Advisory Committee for this permit. This would result in only a single sample per outfall for all facilities which have previously demonstrated low potential for pollutant loading rates (which represents the majority of facilities). For facilities with higher loading rates, increased monitoring should be used to refine TMDL action plan targets and to ensure progress. Finally, we recommend facilities with extremely high nutrient loads (>10x WLA basis) be transitioned to individual permits. Management of such facilities is critical to the states effort to reduce pollution and thus	

	should receive more dedicated, individualized attention due to their propensity for impacting water quality.	
Joe Wood, Ph.D., Virginia Staff Scientist & Margaret L. Sanner, Virginia Assistant Director & Senior Attorney, Chesapeake Bay Foundation	2. Develop SIC specific guidance on managing nutrient loads for SIC codes with high loading rates and for highly impervious facilities. While no combination of the monitored factors fully explained high pollutant loads, there were a few factors that correlated with higher pollutant loading rates. Several SIC codes had average loading rates well above the WLA basis across all facilities (See Table 2, averages above 5x WLA). The data suggests a select number of industry types (i.e. SIC Codes) produce loading rates that present higher risks (Figure 3). These facility types represent a large proportion of the overall pollution load covered under this permit (Figure 4). As such we recommend DEQ provides specific guidance for management strategies that might be utilized at such facilities. Facilities with high proportions of impervious surfaces also had higher pollutant loading rates across facilities (Figure 5). While this is not a surprising finding, imperviousness clearly represent a risk factor which can be used to improve management of these facilities. As such, we recommend DEQ provides specific guidance for how to best prevent nutrient loading rates under conditions of high imperviousness (i.e. > 60% impervious) and also recommend efforts to validate reporting data related to imperviousness, through maps and other means necessary.	It is DEQ staff's intention to develop tools to assist permittees with permit compliance in the future. Although guidance is outside the scope of this regulatory action, DEQ staff appreciates CBF's input and will take the suggestions into consideration.
Joe Wood, Ph.D., Virginia Staff Scientist & Margaret L. Sanner, Virginia Assistant Director & Senior Attorney, Chesapeake Bay Foundation	3. Enhanced enforcement is needed to ensure compliance with permits; a large proportion of facilities did not submit monitoring data however this did not result in any known enforcement action. In review of the data submitted by permittees, perhaps the most striking finding was the number of facilities which simply did not submit data despite the permit requirements. This was referenced several times by our industrial partners in the technical advisory committee who requested for DEQ to step up enforcement actions against facilities not complying with the current permit. In response, DEQ has enhanced what calculations will be required to be submitted in the next permit cycle, however, there needs to be a stronger response from the agency to	DEQ staff recognizes the permit compliance concerns presented by CBF. DEQ permitting staff has relayed these concerns to DEQ compliance and enforcement management. The proposed regulation will require all permittees with Chesapeake Bay TMDL monitoring requirements to submit nutrient loading calculations to DEQ. This requirement is proposed as an effort to increase compliance with the Chesapeake Bay TMDL requirements in the general permit. DEQ staff oversees compliance for over 12,000 NPDES permitted

	ensure all appropriate facilities are covered under and comply with the permits. As a result of this non-compliance, the state lacks valuable information for managing pollution loads from these facilities.	entities, of which 1,265 are industrial stormwater. The agency uses a risk-based strategy to manage inspection and compliance resources.
Trenton M. Clark, P.E., Executive Vice President, Virginia Asphalt Association	Overall, VAA is pleased with the proposed revisions, which clarify and streamline many aspects of the permit. VAA is particularly supportive of the proposed changes to the Chesapeake Bay total maximum daily load ("TMDL") monitoring requirements in 9 VAC 25-151-70, Part I (B)(8). VAA supports the proposal to cease monitoring for total suspended solids ("TSS"), total nitrogen ("TN"), and total phosphorus ("TP") once four samples have been collected that demonstrate that a TMDL action plan is not triggered. Further, VAA supports the flexibility provided for those facilities that did not complete all four samples during the 2014 permit term to be able to use those samples towards satisfying the four sample requirement in the next permit term. This approach offers a practical way to ensure that facilities with discharges that impact compliance with the Bay TMDL are identified, while reducing unnecessary monitoring costs and regulatory burdens for those that do not. It is unlikely that a facility's stormwater discharges are likely to demonstrably change unless a modification has occurred at the facility. In instances where "monitoring is no longer representative of the modified facility" the Permit rightfully requires additional monitoring. This solution prevents facilities with no changes from being subject to duplicative monitoring while capturing the few facilities where a change in stormwater discharges relative to TSS, TN, and TP is likely to have occurred. This approach was thoroughly vetted during the TAC meetings. VAA, along with the other members of the TAC, agreed that the proposed changes to the Bay TMDL monitoring requirements are appropriate and beneficial.	Noted.
Trenton M. Clark, P.E., Executive Vice President, Virginia Asphalt Association	VAA seeks clarification or modification of several minor issues that will further improve the Permit. In 9 VAC 25-151-60 (C)(13)(c) requiring the registration statement to include a site map depicting certain information including "[a]ll water bodies or MS4 conveyances, labeled with names if applicable, receiving stormwater discharges from the site," VAA requests that DEQ simplify	The MS4 conveyance information and latitude/ longitude requirements referenced in the comment are necessary for DEQ staff to issue general permit coverage to facilities. In an effort to mitigate regulatory burden, DEQ staff has updated the registration statement for the

	this requirement to only apply to the receiving water bodies and not the MS4 conveyances. Many affected facilities have a multitude of stormwater conveyances that would be difficult to accurately map when the focus is really on the outfalls and the waterbodies to which the outfalls discharge (both of which require labeling under Section 13(c)). VAA requests that the requirement in the Stormwater Pollution Prevention Plan ("SWPP") at 9 VAC 25-151-80(B)(2)(b)(8)(d) be similarly limited. Also in the SWPPP, VAA requests that DEQ consider modifying the requirement at 9 VAC 25-151-80(B)(2)(b)(8)(c) to only require submission of longitude and latitude information for each outfall if such information is already available by the permittee.	proposed regulation and has provided detailed instructions including links to websites where MS4 information and latitude/ longitude can be obtained free of charge.
Frederick W. Cornell, Business Partner, SIMS Metal Management	PROPOSED LANGUAGE: 9VAC25-151-50.C.4.a. Authorized nonstormwater discharges. The following "nonstormwater" discharges are authorized by this permit: a. Discharges from emergency firefighting activities. SMM COMMENT #1: The proposal includes the addition of "emergency". SMM's disagrees with the prohibition of non-emergency firefighting water discharges. Effective emergency firefighting requires practice activities. Therefore, by prohibiting non-emergency firefighting water discharges, we substantially restrict the readiness of our firefighting force. SMM offers its facilities to the local fire department for firefighting practice. The proposed change would prohibit SMM from providing this public service. SMM's opinion is that this broad prohibition for non-emergency firefighting discharges creates an immediate danger to human life and safety. SMM recommends either: •Not making the change, or •Explicitly stating that discharges from non-emergency firefighting activities are authorized, provided the discharge is managed in a manner that avoids an adverse instream impact. This qualifying statement is similar to that used to authorize fire hydrant flushing.	The proposed regulation contains language ("Discharges from emergency firefighting activities") which is equivalent to requirements in EPA's 2015 Multi-Sector General Permit ("Discharges from emergency/unplanned fire-fighting activities"). DEQ staff does not believe a change to the proposed regulation is appropriate given the federal permit. .
Frederick W. Cornell, Business Partner, SIMS Metal Management	SMM COMMENT #2: SMM recommends the addition of the following definition in 9VAC25-151-10 Definitions. "Pollution control equipment and facilities" shall mean any stormwater control used to prevent or abate stormwater pollution at the facility in accordance with the designated	DEQ staff believes the definition found in § 58.1-3660 is satisfactory and has no intention to define "Pollution control equipment and facilities" in the proposed regulation.

	facility's storm water pollution prevention plan (SWPPP), which controls may include real or personal property, equipment, facilities, or devices, used primarily for the purpose of abating or preventing pollution of waters of the Commonwealth, which may be evidenced by the control's description or depiction in (a) the facility's SWPPP as a best management practice (BMP) or (b) site map as a means for controlling the direction of or channeling storm water toward a storm water treatment system (e.g. sedimentation pond or oil-water separator) or diverting stormwater from a potential pollution source, in each case by such means as curbs, berms, or concrete or asphalt surfacing graded to direct storm water toward such treatment system, whereby such controls also include piping, drain inlets and/or treatment systems intended for such stormwater control. The rationale for this request pertains to VA Code § 58.1-609.3 which exempts "certified pollution control equipment and facilities" from state and local sales taxes in the Commonwealth. The technical portion of the definition relevant to this permit is "any property, including real or personal property, equipment, facilities, or devices, used primarily for the purpose of abating or preventing pollution of…waters of the Commonwealth…". The definition is clearly broad and would include any items purchased to implement any stormwater best management practices (BMPs) that would be implemented as part of this permit. By including this definition in the permit, we make the applicability of this provision more transparent, which will provide the regulated community with more funds for stormwater pollution prevention projects and encourage companies to invest in structural and non-structural BMPs to prevent stormwater pollution in the Commonwealth.	
Brooks M. Smith, Andrea W. Wortzel, Patrick J. Fanning, Counsel to Virginia Manufacturers Association Water Subcommittee	The proposed amendments streamline the Permit by reorganizing the sector-specific provisions. This is a beneficial change that minimizes confusion and redundancy. VMA supports the reorganization of the Permit as proposed.	Noted.
Brooks M.	VMA also supports the proposed changes to	Noted.

Smith, Andrea W. Wortzel, Patrick J. Fanning, Counsel to Virginia Manufacturers Association Water Subcommittee	the Chesapeake Bay total maximum daily load ("TMDL") monitoring requirements in 9 VAC 25-151-70, Part I (B)(8). These proposed changes allow permittees to cease Bay TMDL-related monitoring once four samples have been collected that demonstrate that a TMDL action plan is not triggered. This provision ensures that facilities contributing total suspended solids ("TSS"), total nitrogen ("TN"), and total phosphorus ("TP") are identified and subject to an action plan, protecting water quality and aquatic life. At the same time, it removes the burden and cost of continuing such sampling from facilities that demonstrate that they do not trigger an action plan. The approach also ensures that, where there are modifications to a facility in the Bay watershed, and the original monitoring is no longer representative of the facility's discharge, additional monitoring is triggered.	
Brooks M. Smith, Andrea W. Wortzel, Patrick J. Fanning, Counsel to Virginia Manufacturers Association Water Subcommittee	Additionally, VMA supports the flexibility provided to facilities that did not complete all four samples during the 2014 permit term, allowing the samples that were collected during the 2014 permit term to be counted toward the four-sample requirement in the next permit term.	Noted.
Brooks M. Smith, Andrea W. Wortzel, Patrick J. Fanning, Counsel to Virginia Manufacturers Association Water Subcommittee	In addition to monitoring clarifications, VMA also supports the addition of the waiver provision in 9 VAC 25-151-70, Part I (B)(8)(h). This provision enables facilities to request a waiver to the annual Bay TMDL monitoring requirements if they implement certain BMPs or purchase perpetual nonpoint source credits.	Noted.
Brooks M. Smith, Andrea W. Wortzel, Patrick J. Fanning, Counsel to Virginia Manufacturers Association Water Subcommittee	There are several comments VMA raised during the TAC process that were not directly addressed by the amendments. While VMA is not seeking changes to the amendments regarding these topics, they are noted here for future consideration, particularly if DEQ issues guidance regarding implementation and compliance with the amended Permit. First, the amended Permit includes a list of authorized non-stormwater discharges. 9 VAC 25-151-50. This provision is of critical importance to manufacturers, because it recognizes incidental discharges that may	Noted. DEQ VPDES Guidance and Regulation staff will add these comments to the file of materials to be addressed during the next general permit reissuance process.

	commingle with stormwater and provides flexibility in the management of such discharges. Preserving this list and the related flexibility it provides is paramount. Second, VMA remains concerned about the conservative approach taken in the development of benchmark criteria. While it is understood that the benchmarks derive from the EPA multisector general permit, there is increasing concern about the fact that the benchmarks, given their conservative basis, go beyond the desired goal of protecting water quality (determined by attaining water quality standards and designated uses). EPA itself acknowledges that exceedance of benchmarks does not indicate that a discharge is causing or contributing to a violation of a water quality standard. EPA 2015 Multi-Sector General Permit Fact Sheet, page 54. The conservative nature of the benchmarks should factor in to how they are applied to determine when a stormwater pollution prevention plan should be modified or, conversely, when a sampling waiver may be granted. VMA would be interested in seeing this addressed in any implementation or compliance guidance developed for the amended Permit. Third, as discussed during the TAC, VMA is concerned about how and when reference is made in the amended Permit to "eliminating discharges" as compared to "minimizing discharges." There are several instances in the housekeeping portion of the regulation where the term "eliminate" is used. However, the term "minimize" is defined to encompass the elimination of discharges and, particularly in the context of stormwater, is the term that is most appropriate to use. The understanding reached on the TAC was that the reference to "eliminate" relates to attempting to eliminate to the extent possible. This is another clarification that it may be helpful to include in any implementation guidance.	
Sandra Collins, Principal Conservator, Friends of Accotink Creek	1. Permittees with demonstrated high nutrient and sediment loads being discharged to surface waters should be required to monitor more frequently than the 4 times required for the current Industrial General Permit but should instead be required to monitor for each permit reissuance. In this way, it can be determined what discharges may not be in compliance with a TMDL and contributing to failures in meeting nutrient and sediment water quality standards for the receiving water	1. DEQ staff believes that facilities that comply with the monitoring requirements of the proposed regulation have reasonably characterized their nutrient loads. It should be noted that Chesapeake Bay TMDL did not assign industrial stormwater dischargers individual wasteload allocations for compliance purposes.

	body, and where modifications in a SWPPP may be necessary. 2. Permitees generating loads 10-fold higher than the Waste Load Allocation should not be regulated under the General Permit and should instead be required to apply for coverage under an Individual Permit as they contribute a significant portion of the overall pollutant load to the receiving water body.	2. In the proposed regulation permittees have until June 30, 2024 to meet the necessary nutrient reductions. At that point, if DEQ determines that adequate reductions have not been achieved, DEQ may pursue compliance action or require individual permit coverage with site-specific conditions to achieve the reductions.
Phillip Musegaas, Vice President of Programs and Litigation, Potomac Riverkeeper Network	PRKN supports many of the proposed revisions of the Industrial Stormwater General Permit ("Industrial GP"), including changes made to ensure consistency with the U.S. Environmental Protection Agency's 2015 Multi-Sector General Permit ("EPA MSGP"). We also appreciate the input provided by the Technical Advisory Committee (TAC) during the development of these revisions, and formally support the comments provided by the Chesapeake Bay Foundation in writing and during the TAC process. As detailed in our comments below, PRKN also has significant concerns about the sufficiency of permit requirements relating to discharges of nutrients and sediment from permitted facilities located in the Chesapeake Bay watershed, and thus governed by the Chesapeake Bay TMDL. The timing of this permit reissuance also presents certain challenges that should be considered by DEQ before finalizing the Industrial GP. First, the Agency Background Document for this permit reissuance states that the Industrial GP was developed and is being revised consistent with Virginia's 2010 Phase 1 Chesapeake Bay TMDL Watershed Implementation Plan ("WIP 1"). While the 2019 Industrial GP would require current dischargers within the Chesapeake Bay watershed to submit loading calculations to DEQ based on 4 sampling events during the 2014 Industrial GP permit term, there is no requirement for all permittees to continue sampling under the 2019 Industrial GP. DEQ appears content to rely on the limited data generated by 4 sampling events at each permitted facility over a five year permit term as a basis for determining whether the loading targets for industrial stormwater facilities are being met.	DEQ recognizes PRKN's support of many of the changes in the proposed regulation and PRKN's support of CBF's comments. 1.) ("First") The proposed regulation was developed prior to Virginia's WIP III. The proposed regulation will be in effect for a 5-year term. Any necessary changes due to the to-be-released WIP III will be addressed in the reissuance of the next iteration of the general permit (2024-2029).

	In addition, there is no mention, much less discussion of Virginia's WIP 3, currently under development and due for public release in spring of 2019. The WIP 3 is the final phase of the state's plan to meet the 2025 goals of the Chesapeake Bay TMDL, and is supposed to reflect the most current scientific and regulatory data on the progress made by Bay states to reduce nutrient and sediment pollution, along with revised targets to ensure the 2025 goals are met. Given the fact that pollution loads from stormwater are actually projected to increase, not decrease, it is critically important that DEQ has the best available loading data, and that sampling data on industrial stormwater discharges continue to be collected during this crucial, final phase of the Chesapeake Bay TMDL implementation. At a minimum, DEQ should include a reopener clause in the 2019 Industrial GP, that requires reopening and modifying the permit if Virginia's WIP 3 determines that additional reductions of stormwater pollution are needed, beyond what was forecast in the 2010 WIP 1. Second, DEQ should take note of the National Academy of Science's (NAS) pending study of the 2015 EPA MSGP, which is tentatively slated for public release in 2019.4 The Water Science and Technology Board was tasked with assessing how to improve the MSGP, with a focus on improvements to the benchmark monitoring requirements.5 Within this focus area, the study is looking at increasing the frequency of monitoring, the scope of industrial pollutants being monitored, and adjusting the benchmark threshold levels of pollutants.6 Given the fact that Virginia's Industrial GP must be consistent with EPA's MSGP, PRKN urges DEQ to carefully consider the recommendations of the final study and use them to inform any future modifications of the 2019 Industrial GP, or reissuance of the permit in 2024.	2.) ("Second") The NAS study referenced in PRKN's comment was not completed and published during the development of the proposed regulation. According to EPA, they will be potentially utilizing information from the NAS study during the development of EPA's MSGP. Typically, DEQ uses the current version of EPA's MSGP as a template for the general permit. Any changes made to EPA's MSGP due to suggestions made in the NAS study will be considered by DEQ during the next general permit reissuance (2024-2029).
Phillip Musegaas, Vice President of Programs and Litigation, Potomac Riverkeeper Network	The 2019 Industrial GP should continue requiring benchmark monitoring for nutrients and sediment for all facilities covered by this permit. The 2019 Industrial GP discontinues the nutrient and sediment benchmark monitoring requirement for dischargers within the Chesapeake Bay watershed, as long as they have completed the sampling requirement of the 2014 Industrial GP – four	

	samples over the permit term. Permittees who did not complete the sampling during the current permit term, for whatever reason, are allowed to complete the sampling regimen during the 2019 Industrial GP term. However, DEQ provides no rationale or discussion of why the limited sampling conducted under the 2014 Industrial GP is deemed sufficient to accurately project pollution loading over the next five year permit term. PRKN disagrees with DEQ's decision to discontinue nutrient and sediment sampling requirements for several reasons. First is the issue of timing – the Chesapeake Bay TMDL is at the midpoint assessment stage, when it is critically important for the Bay states, EPA and local governments to accurately assess the progress they've made, refine the pollution reduction targets to meet the 2025 goals, and develop a WIP 3 that commits the state to achieving those targets. Presumably the accuracy of these reduction targets depends on having the best, most current data available on pollution loading from all sectors, including industrial stormwater. DEQ's decision to relax sampling requirements for dischargers in the Bay watershed is baffling, to say the least, and contrary to the Commonwealth's oft stated goals of using the best science and data available to inform its permitting decisions.	("First") Virginia is the only state in the Chesapeake Bay watershed that has required all industrial stormwater general permittees in the Bay to collect and analyze stormwater samples in an effort to quantify loads. DEQ staff believes that permittees that met the industrial stormwater general permit Bay monitoring requirements have reasonably quantified their loads to the Chesapeake Bay. The proposed regulation also contains new provisions that require industrial facilities that modify their sites to collect samples to further quantify any new loads and adjust or develop action plans if additional reductions are required. . EPA's Chesapeake Bay TMDL aggregated industrial stormwater with other regulated stormwater for the purposed of assigning a waste load allocation. The proposed permit requires development of a TMDL action plan for any permittees that individually exceed the loading assumptions that contributed to the aggregate WLA. With two thirds of the monitored facilities currently demonstrating loading rates below the TMDL assumptions, reducing loads from the remaining one third of facilities to the assumed loads will result in a total load for the sector significantly less than the aggregate WLA. DEQ staff believes the Bay requirements in the proposed regulation go above

	Second, reliance on an extremely limited sampling dataset to project future pollution loading is scientifically suspect, and may result in either under- or overestimating discharges of nutrients from industrial facilities. It also fails to take into account changing regional precipitation patterns due to climate change, particularly the increasing trend of intense, localized high precipitation events that could result in severe stormwater runoff and pollution from industrial facilities into Virginia's waterways. For example, 2018 was the wettest year on record for the District of Columbia, and among the top five wettest years for Virginia.8 The EPA Chesapeake Bay Program modeling of climate change impacts conducted as part of the 2017 Midpoint Assessment found that an additional 9 million pounds of nutrients would be discharged to the Bay under updated rainfall scenarios.9 Bay states, including Virginia, committed to updating their pollution reduction targets to reflect the increased loading, in each states' WIP 3. In this context, it makes little sense for DEQ to relax sampling of nutrient and sediment discharges and rely only on data collected from 2014-2018 to inform future permitting requirements, particularly for stormwater pollution. PRKN urges DEQ to revise the 2019 Industrial GP to reflect this reality, and require ongoing sampling of nutrient and sediment discharges from all industrial sites governed by this general permit.	and beyond other Bay states and demonstrate Virginia's commitment to achieving reductions from the industrial stormwater section in an effort to meet the goals of a restored Chesapeake Bay. ("Second") DEQ staff believes that the data analysis of all industrial discharges, when taken as a whole and aggregated, as EPA did with sector in the Bay TMDL, reasonably quantifies the industrial stormwater discharges to the Bay. The rainfall data used for the load calculations in the permits was a Virginia average rainfall value used to simplify and normalize the calculation for permittees. The proposed regulation does not relax the necessary load reductions facilities must meet by 2024 if monitoring indicated facilities were above the nutrient loading rates in the proposed regulation.
Phillip Musegaas, Vice President of Programs and Litigation, Potomac Riverkeeper Network	DEQ should require individual discharge permits for any facilities found to have nutrient and sediment loading rates that are significantly higher than the relevant Wasteload Allocation (WLA) targets under the Chesapeake Bay TMDL. Results from the 2014 Industrial GP nutrient and sediment sampling showed that while many facilities' loading was within limits, there were a small number that exceeded wasteload targets by orders of magnitude. These facilities have a disproportionate impact on local and downstream water quality, and	Permittees have until June 30, 2024 to meet the necessary nutrient load reductions as documented through the required TMDL action plans. At that point if DEQ determines that adequate reductions have not been achieved, DEQ may pursue compliance action or require individual permit coverage with site specific conditions to achieve the reductions

	conversely, ratcheting down their stormwater pollution through individual permit limits could lead to significant reductions in stormwater pollution from the industrial sector as a whole. As a result, DEQ should require individual stormwater discharge permits for facilities that reported pollution loading significantly higher than the wasteload target.	
Phillip Musegaas, Vice President of Programs and Litigation, Potomac Riverkeeper Network	Determination of outfalls to be "substantially identical" for purposes of compliance with sampling and monitoring discharges should be limited to outfalls discharging to the same receiving waters. The current language in the draft GP is ambiguous and must be clarified. Under the current proposal, permittees may be allowed to sample only one of two outfalls found to be "substantially identical" under the regulatory definition, and apply the monitoring results of the sampled outfall to both outfalls.10 While PRKN generally does not oppose this provision as long as the factors are met (substantially identical effluents, frequency of discharges, etc.), the regulation does not specify that the two outfalls must be discharging in proximity, into the same receiving water. In order to accurately measure industrial stormwater discharges into local waterways that are often impaired, DEQ must make it clear that this provision only applies to discharges into the same receiving water. The 2019 Industrial GP should specify how a permittee will verify that purchase of nutrient credits to offset exceedances of the facility's loading limit will not result in unregulated discharges of other pollutants (e.g. metals) that would typically be carried in sediment, in a way that would cause or contribute to a contravention of water quality standards, or contribute to the impairment of the receiving waters.	*Representative outfalls – substantially identical discharges* are characterized based on *substantially identical effluents* independent of any receiving stream considerations. If a facility utilized the representative outfall provision, and discharged to two unique receiving streams, each discharge would be held to the impairment requirements of each unique receiving stream.
Phillip Musegaas, Vice President of Programs and Litigation, Potomac Riverkeeper Network	The 2019 Industrial GP allows permittees to utilize any nutrient credit trading or offset program currently available under Virginia state law. 9 VAC25-151.70(7)(c)(iii). However, the use of nutrient credit trading by industrial facilities to offset exceedances of their nutrient loading limits runs the risk of allowing unregulated and unmonitored discharges of other pollutants that are typically carried by sediment runoff into receiving waters. Unless DEQ is able to verify that exceedances of sediment discharge loading limits would not	Permittees are required to comply with applicable metals limits or benchmark monitoring independent of the required Bay nutrient monitoring and applicable reductions. DEQ staff may utilize tools such as TMDLs or individual permits to address local water quality issues. Additionally, the proposed regulation contains new Sector AD language (*The board shall establish any additional*

	result in other pollutants being discharged in the sediment, industrial facilities should not be allowed to utilize the nutrient credit trading provisions available to other dischargers such as wastewater treatment plants, where the effluent is treated to remove other pollutants in addition to sediment prior to discharge.	*monitoring requirements for your facility prior to authorizing coverage under this permit*.) that was added in an effort to require monitoring not adequately addressed in other sectors.
Henry R. Pollard, V Chairman, Environmental Affairs Committee, Virginia Maritime Association	1. Reorganize sectors, including moving SIC codes with no analytical sampling requirements to a new Sector AE and facilities with only total suspended solids (TSS) sampling requirements to new Sector AF. COMMENT: The Association supports clearer organization of industry sector classifications that help make it easier to understand the relative duties of members of different industry sectors pursuant to the ISWGP. 2. Require permittees to notify municipal separate storm sewer systems of discharges at time of registration. COMMENT: This new requirement seems to put the cart before the horse. Until coverage under the ISWGP is confirmed by the Department or becomes effective by passage of time pursuant to the ISWGP regulation, it appears premature to notify the MS4 of the industrial stormwater discharge. The Association believes it is best to retain the current requirement that notification to the MS4 occur within 30 days of filing the registration with the Department. At most, at the time of registration, the facility owner or operator can only inform the MS4 of its intent to discharge and that it has filed or is filing its registration for ISWGP coverage. 3. Remove benchmark parameters that are not required in the U.S. Environmental Protection Administration (EPA) Multisector General Permit (MSGP) for Stormwater Discharges Associated with Industrial Activity and where data analysis from the current permit term determines that these constituents are not a water quality concern. COMMENT: The Association supports these revisions. 4. Require all dischargers with a Chesapeake Bay total maximum daily load to submit calculations to regional permit staff. Those that are above TSS, total nitrogen, or total phosphate loading values must submit and implement an action plan with annual reporting requirements. Reductions must be met by June 30, 2024. COMMENT: The Association agrees that meeting Bay TMDL objectives is a very	1. Noted. 2. The requirement to notify MS4s of discharges to their systems is a cooperative effort between DEQ and local governments. It should be noted that this requirement is being inserted in each VPDES general permit as they are reissued. 3. Noted

	important step toward a cleaner Bay. However, the Association is concerned about the practicality and potential for misalignment of regulatory burdens associated with implementation of several facets of the newly proposed requirement to prepare calculations of nutrient loads and action plans and submit them to regional permit staff Chief among these concerns are the following: a. 9 VAC 25-151-70.13.8 — 60-day/90-day deadline for submission of waste load calculations and action plans for Bay TMDL Facilities. Such calculations and action plans are proposed to be submitted within (i) 60 days of coverage under the new permit for facilities with four samples taken for TSS, TN, and TP during the 2014 industrial stormwater general permit term; (ii) 90 days of completion of four monitoring periods under the new ISWGP coverage; or (iii) 90 days of completion of four monitoring periods after modification to a facility that is expected to change the nutrient loading of the facility. These time periods are likely too short for many Association members covered by the ISWGP. In particular, more time will be needed in many cases to consider alternative steps to be pursued and incorporated into the action plan based on the results of the load calculations. By example, if on-site nutrient reduction using BMPs cannot be achieved (an evaluation that can take some time in its own right), time will be needed to determine availability of nutrient credits or whether the area of industrial activity at the facility can be reduced. Securing funding for the appropriate mix of action plan options also takes time. For complex facilities, this evaluation and funding process can take several months before the action plan can be properly developed and submitted. The Association requests that the action plan deadline be changed from 60 days/90 days, respectively, to 180 days so that a reasonable assessment of cost-effective options and acquisition of any needed funding for a proposed action plan can occur. b. 9 VAC 25-151-70.B.8 — Need for exemption from nutrient and sediment monitoring, waste load calculations, action plan submissions and annual reporting for action plan implementation for Bay TMDL Facilities. A facility that is not reasonably expected to contribute to nutrient and sediment loading in excess of the assumed	4. a. DEQ staff believes the time requirements for action plan submittal are reasonable and were discussed at length during the TAC meetings. TAC membership did not demonstrate concern with the proposed requirements. In addition, action plans will be prepared on a form to be provided by the department. This form will be as brief as possible in an effort to reduce regulatory burden while providing the required action plan elements. The action plans are intended to be “living documents” that may be modified annually as BMP implementation dictates with required reductions being met in 2024. 4.b. Nutrient discharges occur off all lands. DEQ does not believe the required nutrient load demonstration to be overly burdensome to permittees and is an essential piece of Virginia’s commitment to Chesapeake Bay restoration. It should be noted

	loading rates set forth in 9 VAC 25-151-70.B.8.c(1) should not be compelled to incur the costs and procedural regulatory compliance risk associated with the monitoring, load calculation, action plan development, and action plan implementation reporting obligations. Indeed, imposing such obligations and costs on facilities that are not expected to create such loads results in unfair and arbitrary misallocation of regulatory burdens and costs. Therefore, in addition to the proposed waiver from annual reporting requirements noted in item 5 below, there should be an exemption or waiver from the monitoring, waste load calculations, action plan submissions and annual reporting for action plan implementation for facilities that are not reasonably expected to discharge nutrients and sediment at levels exceeding the assumed levels in 9 VAC 25-151-70.B.8.c(1). This exemption or waiver could be based on a demonstration by the facility of the reasonable expectation that loadings of these pollutants will not exceed the assumed levels in 9 VAC 25-151-70.B.8.c(1). This demonstration could be based on facility industry type, facility design, operational measures and/or other relevant factors. Such an approach would reflect a reasonable balancing of regulatory and Bay cleanup objectives and practical and economic considerations. It would also minimize unnecessary administrative burdens on the Department by reducing paperwork and review time for facilities that do not warrant the proposed level of oversight. 5. Add new waiver conditions for an annual reporting requirement. Waivers are for installing and maintaining the Chesapeake Bay program or best management practice (BMP) clearinghouse BMPs, purchasing perpetual credits, or other BMPs where four samples are used to demonstrate a facility has met required reductions. COMMENT: The Association generally supports the waiver concept as proposed in 9 VAC 25-151-70.B.8.h. However, the waiver for annual reporting should also be allowed in cases of facility reliance on purchase of term nutrient credits applicable to that reporting year to achieve nutrient loading and limit requirements. Emerging nutrient credit options involving term credits can play an important role in facility compliance and should be incorporated into the waiver provision. Also, see item 4.b above.	that the proposed regulation does not require additional monitoring or reductions for permittees who have demonstrated they are not contributing nutrient loads to the Bay in excess of the assumptions of the TMDL. 5. Permittees may use annual/ term credits to meet compliance with the Chesapeake Bay TMDL reduction requirements. Due to the annual nature of annual/term credits, and the fact that these credits must be generated on an annual basis, DEQ staff has determined that these credit transactions shall be reported on an annual basis and the documentation may serve as the required annual report.

	6. Add new e-reporting requirements to meet 9 VAC 25-31-1020. COMMENT: The Association is generally amenable to these proposed changes.	6. Noted
	7. Require new housekeeping language in conformance with the 2015 EPA MSGP (waste disposal, material storage, minimize material exposure to stormwater, and eliminate discharge of plastics). COMMENT: The Association is generally amenable to these proposed revisions to the degree necessary to maintain consistency with the 2015 EPA MSGP. However, see comments for item 11 below. Also, the Association has the following concerns associated with the proposed addition of the following language to 9 VAC 25-151-80.B.4.b(2): "Unless infeasible, facilities shall implement the following: (a) Use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from potential sources of pollutants; . . ." This new clause (a) appears to require such measures unless they are "infeasible." Of course, what may be "infeasible" for purposes of this provision should be a case-by-case determination based on site-specific factors. Regardless, however, facility owners and operators should not be compelled to make capital improvements such as these, even if feasible, if other on-site measures are sufficient to keep stormwater from contacting potential sources of pollutants at the site. Even if these measures were feasible, grading, berming or curbing may not be the most effective or cost-efficient measures, but the current proposed language does not appear to allow for any deviation from this requirement in such cases. This language should be revised to allow facilities to use other means and methods to achieve the goals contemplated by this section, particularly where grading, berming or curbing are not effective or cost-efficient.	7. As referenced in the comment, (“Unless infeasible, the facilities shall implement the following:….) requirements were added to align the proposed regulation with EPA’s Multi-Sector General Permit. Per the Multi-Sector General Permit “The term *infeasible* means not technologically possible or not economically practicable and achievable in light of the best industry practices”. DEQ staff believes the proposed language allows regulatory flexibility and is not unduly burdensome to permittees. Permittees that provide an infeasibility analysis to the department may be afforded compliance discretion in relation to the requirement on a case-by-case basis.
	8. Add new control measures language in conformance with the 2015 EPA MSGP (prevent or divert run-on, contain or divert spills before discharge, clean up spills immediately, store leaking equipment under cover, use overflow protection, and perform vehicle maintenance under cover). COMMENT: The Association is amenable to these proposed revisions to the degree necessary to maintain consistency with the 2015 EPA MSGP. However, see comments	8. Noted

	for item 11 below. 9. Remove comprehensive site compliance evaluation per 2015 EPA MSGP, which was found to be redundant, and add additional language to routine site inspection. COMMENT: The Association is amenable to these changes. 10. Remove sector specific and stormwater pollution protection plan requirement redundant language. COMMENT: The Association supports these revisions to the degree they help to avoid confusion in implementation of the ISWGP. 11. Make this general permit similar to the 2015 EPA MSGP and consistent with other VPDES general permits and respond to technical advisory committee suggestions. COMMENT: The Association generally supports improving consistency with the 2015 EPA MSGP and other VPDES general permits to enhance ease of use of the ISWGP and avoid confusion and potential noncompliance based on sometimes subtle but material differences between the two permits. However, the Association notes the following concerns with certain of these proposed changes: a. 9 VAC 25-151-50.C.4.b, -50.C.4.c, and -50.C.4.g; 9 VAC 25-151-70.B.1.b, -70.B.1.c, and -703.1.h — Authorized nonstormwater discharges. While these proposed amendments to these subsections may be designed to increase consistency with the EPA MSGP, the amendments addressing hydrant flushing, potable water, and pavement washwater discharges need to be further clarified: it is unclear from the added clause for these subsections — "managed in a manner to avoid an instream impact" — what "instream impact" means, and that term is not defined elsewhere in the current ISWGP or the Proposed Amendments. Indeed, relatively small degrees of these types of discharges may technically cause a "instream impact," but that impact will often be negligible and of no consequence to instream water quality or aquatic life or other instream beneficial uses. Accordingly, the proposed additional clause should also include the word "adverse" before "instream impact." This will help to ensure the intent of these provisions are fulfilled and to prevent unwarranted loss of authorized nonstormwater discharge status for these kinds of immaterial discharges. 12. Address staff requests to simplify, clarify,	9. Noted 10. Noted 11. The additional language in the proposed regulation was added in an effort to allow flexibility for industrial permittees while also maintaining water quality.

	and update permit requirements. COMMENT: The Association supports reasonable efforts to simplify, clarify and update permit requirements to ensure ease of understanding and improve regulated parties' ability to comply with ISWGP terms and conditions. The following specific comments are offered in this vein: a. 9 VAC 25-151-10 — Definition of "Best management practice" or "BMP." To the degree that the proposed amendments to the definition of "Best management practice" or "BMP" reflect such efforts by the Department and the Board, the Association notes that these amendments, while improving the definition, only clarify that "structural and nonstructural practices" that "prevent or reduce the discharge of pollutants to surface waters" are allowed. These amendments still fail to account for the use of BMPs that result in in-situ removal of nutrients from state waters (e.g., "shellfish aquaculture, algal harvesting, and other established or innovative methods of nutrient control or removal") and generation of and reliance upon nutrient credits generated by such BMPs, as is contemplated by the State Water Control law at Va. Code §§ 62.1-44.19:20.B.1.b, 62.1-44.19:20.C, 62.1-44.19:21 and 62.1-44.19:21.1. Ensuring that these emerging options for in-situ removal of nutrients may also be considered as BMPs within the scope of the ISWGP will allow regulated dischargers, including Association members, to utilize the full range of authorized BMPs and nutrient credit options to achieve compliance with ISWGP nutrient limits and contribute to meeting Bay TMDL goals. b. 9 VAC 25-151-70.A.1 — Effluent limitations and monitoring requirements. The Association appreciates this change to reduce redundant sampling obligations so that one sample may be used to satisfy multiple testing needs. c. 9 VAC 25-151-70.A.6.b — Corrective actions. The Association supports the proposed revision to seek consistency in using 60 days as the timeline for updates to the Stormwater Pollution Prevention Plan.	12. a. The proposed definition for BMPs is intended to address practices or structures that prevent or reduce stormwater pollution from the site and is consistent with BMP definitions in other DEQ programs. As noted in Part I.B.8,h of the proposed general permit, DEQ intends to accept reductions generated by any BMP approved by the Chesapeake Bay Program, which includes aquaculture. 12. b. Noted 12. c. Noted
Bill Bukevicz, Executive Vice President, Davis Industries, Inc	For your review, if we could add the following definition to 9VAC25-151-10 Definitions section of the new permit regulations. Add the definition: "Pollution control	DEQ staff believes the definition found in § 58.1-3660 is satisfactory and has no intention define "Pollution control equipment and facilities" in the

	equipment and facilities" shall mean any stormwater control used to prevent or abate stormwater pollution at the facility in accordance with the designated facility's storm water pollution prevention plan (SWPPP), which controls may include real or personal property, equipment, facilities, or devices, used primarily for the purpose of abating or preventing pollution of waters of the Commonwealth, which may be evidenced by the control's description or depiction in (a) the facility's SWPPP as a best management practice (BMP) or (b) site map as a means for controlling the direction of or channeling storm water toward a storm water treatment system (e.g. sedimentation pond or oil-water separator) or diverting stormwater from a potential pollution source, in each case by such means as curbs, berms, or concrete or asphalt surfacing graded to direct storm water toward such treatment system, whereby such controls also include piping, drain inlets and/or treatment systems intended for such stormwater control.	proposed regulation.
Jamie Brunkow, James Riverkeeper and Sr. Advocacy Manager, James River Association	Virginia recently passed the midpoint of the Chesapeake Bay Cleanup and is crafting the phase III Watershed Implementation Plan for meeting our Total Maximum Daily Load (TMDL) goals by 2025. Reducing pollution in stormwater runoff is a challenging but critical component to meeting the TMDL and restoring water quality. As an organization dedicated to connecting Virginians with a healthy James River, we understand the impact that runoff pollution has on Virginia's water, its wildlife, and its outdoor recreation industry. This proposed permit, which will cover a wide array of industrial activities through 2024, is an opportunity to demonstrate the importance of the data gathered during the previous permit cycle and apply the lessons learned to ensure future stormwater runoff reductions. Under the Industrial General Permit in effect from 2014-2019, the Department of Environmental Quality took a valuable step forward in stormwater monitoring by requiring industrial facilities across the Commonwealth to sample each stormwater outlet for nitrogen, phosphorous, and TSS a total of four times over the 5 year period of the permit. Notwithstanding the variability inherent in this monitoring regime, the data collected has proven insightful and essential towards the Chesapeake Bay cleanup effort.	Noted

	During the Technical Advisory Committee meetings convened for the reissuance of this general permit, both DEQ and the Chesapeake Bay Foundation presented summaries of the nitrogen, phosphorus and TSS data collected by permitees over the previous permit cycle. We were pleased to find that almost two thirds of monitored facilities recorded waste loads below the industrial sector's allocation. But about one third remain above pollution levels set in Virginia's aggregate Waste Load Allocation (12.3 lb/ac nitrogen, 1.5 lb/ac phosphorus and 440 lb/ac TSS) and a smaller subset of these facilities were found to be discharging well-above these loads. In effect, less than 1% of all monitored facilities discharge approximately one third of the overall nitrogen and phosphorous load for the entire sector, and more than 8,000 pounds of phosphorous per year above the WLA. We are grateful that under the Industrial General Permit, these facilities are on a path to reducing these loads through Total Maximum Daily Load action plans. These reductions, given the size of the loads, will be a substantial contribution to ensuring that Virginia meets its clean-up goals within the stormwater sector. And we owe much of this result to DEQ's industrial water quality monitoring requirement.	
Jamie Brunkow, James Riverkeeper and Sr. Advocacy Manager, James River Association	To meet Virginia's goals under the Chesapeake Bay Cleanup plan, DEQ and the industrial sector will need every tool available to effectively manage stormwater runoff from these facilities. Water quality monitoring has proven to be one such tool. We recommend that DEQ continue to require nitrogen, phosphorus and TSS testing for industrial facilities covered by the proposed General Permit, with particular attention to enhanced monitoring of facilities with documented waste loads above the aggregate WLA. Continued monitoring of all facilities would strengthen DEQ's ability to identify if conditions at a particular facility have changed its stormwater discharges in a way that needs to be addressed by a TMDL action plan. Moreover, enhanced monitoring of high load facilities under a TMDL action plan would better allow the agency to determine if the action plan is adequate to reduce loads or if additional action is needed. We recommend that DEQ take steps to require individual industrial stormwater permits for facilities which have	Virginia is the only state in the Chesapeake Bay watershed that has required all industrial stormwater general permittees in the Bay to collect and analyze stormwater samples in an effort to quantify loads. DEQ staff believes that permittees that met the industrial stormwater general permit Bay monitoring requirements have reasonably quantified their loads to the Chesapeake Bay. The proposed regulation also contains new provisions that would require industrial facilities that modify their sites to collect samples to further quantify these new loads adjust or develop action plans if additional reductions are required.. EPA's Chesapeake Bay TMDL aggregated industrial stormwater with other regulated stormwater for the purpose of assigning a

	shown to far exceed their WLA.	waste load allocation (WLA). The proposed permit requires development of a TMDL action plan for any permittees that individually exceed the loading assumptions that contributed to the aggregate WLA. Because two thirds of the monitored facilities demonstrated loading rates below the TMDL assumptions, this practice of individual accountability for an aggregate WLA results in aggregate reductions below the established WLA. DEQ staff believes the Bay requirements in the proposed regulation go above and beyond other Bay states and demonstrate Virginia's commitment to achieving reductions from the industrial stormwater section in an effort to meet the goals of a restored Chesapeake Bay. Permittees have until June 30, 2024 to meet the necessary reductions as documented through required TMDL action plans. At that point if DEQ determines that adequate reductions have not been achieved, DEQ may pursue compliance action or require individual permit coverage with site specific conditions to achieve the reductions.
Jamie Brunkow, James Riverkeeper and Sr. Advocacy Manager, James River Association	We further recommend that DEQ strengthen its enforcement of the permit requirements regarding monitoring. A number of facilities did not submit data despite their obligation to do so over the previous permit cycle. Data gaps from these facilities may hinder DEQ's ability to adequately manage waste loads at these locations and from the industrial sector in general.	DEQ staff recognizes the permit compliance concerns presented by CBF. DEQ permitting staff has relayed these concerns to DEQ compliance and enforcement management. The proposed regulation will require all permittees with Chesapeake Bay TMDL monitoring requirements to submit nutrient loading calculations to DEQ. This requirement is proposed as an effort to increase compliance with the Chesapeake Bay TMDL requirements in the general permit. DEQ staff oversees compliance for over 12,000 NPDES permitted entities, of which 1,265 are industrial stormwater. The agency

		uses a risk-based strategy to manage inspection and compliance resources.
Scott J. Thomas, Citizen	I am writing in support of the proposed regulation for the general permit and requirements for a stormwater pollution prevention plan for the discharge of stormwater from industrial activities.	Noted.
Virginia Association of Municipal Wastewater Agencies	During the current permit term (2014-2019), all owners of covered facilities in the Chesapeake Bay Watershed were required to monitor discharges for total nitrogen (TN), total phosphorus (TP), and total suspended solids (TSS) over four monitoring periods, corresponding to the first two years of coverage. DEQ explained in the Town Hall Agency Background Document prepared for the final adoption of the current General Permit that it intended to require this monitoring to fill in data gaps for the industrial sector. Virginia estimated loadings for TN, TP, and TSS during the development of the Chesapeake Bay TMDL Watershed Implementation Plan. DEQ imposed monitoring requirements in the 2014 General Permit to better "characterize the loadings from these facilities." (p. 32). In 2013, VAMWA submitted comments requesting that DEQ delete this monitoring entirely, based on the fact that industrial facilities are regulated under the ISWGP because their stormwater discharges may contain particular pollutants of concern relating to the industrial activity (i.e., metals), and not because their stormwater may contain nutrients or sediment at a level higher than an unregulated industrial facility. VAMWA suggested that the proposed Bay monitoring requirements were excessive, expensive (VAMWA estimated it would cost over $350,000 to run the minimum number of tests), and unnecessary. Although DEQ made several other changes in response to VAMWA's 2013 comments, it did not delete the Bay monitoring requirement. DEQ issued the 2014 General Permit with the monitoring requirements intact. During the TAC discussions regarding the 2019-2024 ISWGP reissuance, DEQ provided data on Chesapeake Bay monitoring that occurred during the 2014-2019 permit period. VAMWA appreciated DEQ's transparency in providing these details to all TAC members. VAMWA reviewed the data for the POTWs covered by the ISWGP during the monitoring	It should be noted that Bay monitoring requirements were applied across all sectors covered by the general permit that were located within the Chesapeake Bay watershed. By their nature, wastewater treatment plants are sources of nutrients and nutrients are present in all types of stormwater runoff. The proposed regulation contains provisions that allow facilities to demonstrate, through monitoring, that they are not a source of excessive nutrient discharges to the Bay and thus have no further Bay monitoring requirements or reporting requirements for the permit term.

	period and located in the Bay Watershed, and confirmed that POTW loadings were on average well below the loadings that DEQ assumed for TN and TP for industrial facilities when it developed the aggregated wasteload allocation for the sector in the Chesapeake Bay TMDL. Based on these results, VAMWA requested that DEQ remove the Chesapeake Bay monitoring requirement for the 2019-2024 permit cycle. DEQ has included text in the proposed ISWGP reissuance to exempt facilities that submit the calculations to support their loadings from any further Bay monitoring: (2) Facilities that completed four samples for TSS, TN, and TP during the 2014 industrial stormwater general permit term shall utilize the procedures in Part I B 8 c (2) to calculate their facility stormwater loads. The permittee shall submit a copy of the calculations and Chesapeake Bay TMDL action plan if required under Part I B 8 f to the department within 60 days of coverage under this general permit. (4) Facilities that monitored for TSS, TN, or TP may use the applicable sampling data collected during the 2014 industrial stormwater general permit term to satisfy all or part of the four monitoring periods requirement in accordance with Part I B 8 a. 9VAC25-151-70, Part I.B.8.b.2, b.4 VAMWA supports DEQ's decision to remove Chesapeake Bay monitoring for facilities that conducted monitoring during the 2014-2019 permit cycle. It is appropriate and reasonable to discontinue this monitoring at this time.	
Susan B. Seward, Director of Governing Relations, Virginia Forest Products Association	While VFPA and our members are sensitive to the need to protect Virginia's environment, we must remind you that the large majority of our mills are still small businesses, most with less than 50 employees, and that the regulatory burdens imposed by these stormwater permitting regulations have a real, hard, documented cost to these operations. Water quality testing alone costs our members literally hundreds of dollars a year. The alterations to a mill yard required by a SWPP can literally costs thousands of dollars to implement, depending on the particular situation. Therefore, we have particular concern with language on Page 62 of the proposed regulation that states "unless unfeasible, facilities SHALL implement the following: (f) Perform ALL vehicle maintenance or	-As referenced in the comment, ("Unless infeasible, the facilities shall implement the following:….) requirements were added to align the proposed regulation with EPA's Multi-Sector General Permit. Per the Multi-Sector General Permit "The term "infeasible" means not technologically possible or not economically practicable and achievable in light of the best industry practices". DEQ intends that the requirement to "*Perform ALL vehicle maintenance or equipment cleaning operations indoors, undercover, or in bermed areas that prevent run-off and run-on and also capture any overspray"* means that permittees

	equipment cleaning operations indoors, undercover, or in bermed areas that prevent run-off and run-on and also capture any overspray." What does "unfeasible" mean to the agency, and who determines feasibility, DEQ or the business? While a mill may have the acreage to build a vehicle maintenance garage, the cost of doing so would be financially unfeasible. There is concern that we are headed down a path of requiring businesses to manage stormwater (rainwater) regardless of the costs. In addition, most sawmills treat rough green or finished lumber with an anti-stain treatment. Is it the intent of this revised regulation that this material be dipped and stored under cover? Again, making this type of production adjustment may not be physically possible and/or cost prohibitive. Page 70 of the proposed regulation states "Discharges of stormwater from areas where there may be contact with chemical formulations sprayed to provide surface protection are not authorized by this permit. These discharges must be covered under a separate VPDES permit." While this is not new language, it has prompted questions about anti-stain dip tanks, dipped lumber storage, and if this activity necessitates an additional discharge permit even though anti-stain treatments are not applied by spraying. Finally, our other concern regards new language on page 57: 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; Is it the agency's intention to hire outside consultants to perform inspections? In Governor Northam's proposed budget, there is $2.5 million included for DEQ enforcement staff. Will this money be used to hire state employees at the agency to perform these inspections, or will all or part of this funding go to outside contractors? Regardless, VFPA monitored the Executive Order 6 meetings and we have grave concerns that the agency will pursue inspections and punitive enforcement actions to appease the	will make all reasonable efforts to mitigate the exposure of this activity to stormwater. This could simply mean temporally covering the work area or not performing vehicle maintenance during a precipitation event. -The proposed regulation states: *1. Prohibition of nonstormwater discharges. Discharges of stormwater from areas where there may be contact with chemical formulations [~~sprayed~~ applied] to provide surface protection are not authorized by this permit. [Surface protection includes chemical application to control sap stain, mold, mildew, and insects.] These discharges must be covered under a separate VPDES permit. Discharge of wet dye drippings from mulch dyeing operations are also prohibited. 2. Authorized nonstormwater discharges. In addition to the discharges described in Part I B 1, the following nonstormwater discharges may be authorized by this permit provided the nonstormwater component of the discharge is in compliance with 9VAC25-151-90 C and the effluent limitations described in 9VAC25-151-90 D: discharges from the spray down of lumber and wood product storage yards where no chemical additives are used in the spray down waters and no chemicals are applied to the wood during storage.* The proposed regulation does not state that material must be dipped or sprayed under cover, but does state discharges of stormwater from these areas are not authorized. Simply stated the permittee must prevent contact with stormwater in these areas or these areas must be covered under a VPDES individual permit. -DEQ acknowledges that “anti-stain treatments are applied by spraying”. In an effort to provide clarification to permittees DEQ staff has modified the proposed

	environmental organizations driving the EO6 agenda, at the expense of small businesses struggling to meet never-ending regulatory burdens. Again, the agency must keep in mind that most of Virginia's sawmills and forest product operations are still small, family-owned businesses. We are not international paper companies with hundreds of employees and entire departments dedicated to environmental permitting and compliance. Our environmental compliance director is typically the mill owner or office manager with little to no expertise in managing stormwater. We are very concerned that the costs of environmental regulation will ultimately be a deciding factor as to whether a family business tries to remain viable for the next generation, or simply closes its doors or sells to a multi-state company with enough staff - and enough money - to chase down every drop of rain.	regulation to replace “sprayed” with “applied”. -As referenced in the comment (“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”), the added language is being added to all VPDES general permits during reissuance. This language was added as requested by EPA and as required by federal regulation. -DEQ staff is sensitive to the regulatory challenges facing small businesses. It should be noted that in an effort to reduce regulatory burden the proposed regulation removed a significant amount of unnecessary conditions and unnecessary language.
Whitney S. Katchmark, PE, Principal Water Resources Engineer, Hampton Roads Planning District Commision	I. BMP Reporting Part I B(8) describes the special conditions for facilities in the Chesapeake Bay watershed. If a facility determines that their nutrient or sediment load requires an action plan, they are provided three options for achieving pollutant reductions: 1) implement Virginia Clearinghouse BMPs or BMPs approved by the Chesapeake Bay Program, 2) implement site-specific BMPs with sampling, or 3) acquire credits. The facility is also required to submit an annual report to the Department of Environmental Quality ("DEQ") describing the progress in making the required reductions. However, this information has not been reported to the Chesapeake Bay Program's database to receive credit for the Bay TMDL. The suggested revision is to add a requirement for facilities to report Virginia Clearinghouse and Chesapeake Bay Program-approved BMPs in the BMP Warehouse so that they can be credited to the state in the Chesapeake Bay model. In Hampton Roads alone, there are over 200 facilities with Industrial GPs. There are on-the-ground BMPs that are not credited in the Bay model. Given the costs of urban BMPs, the pounds of pollutants removed by industrial facilities should not be overlooked. II. Reference to Ordinances Part I B(9) requires a permittee to "...incorporate measures and controls into the	I: The reductions detailed in the proposed regulation are to be achieved by June 30, 2024. DEQ staff will take the comment and suggestions into consideration as we evaluate future data reporting commitments to the Chesapeake Bay Program. II: DEQ proposes to clarify this language in guidance.

	SWPPP to comply with applicable local TMDL ordinance requirements." The language in this section is unclear because many localities do not have local TMDL ordinances and instead use their stormwater management ordinance to comply with TMDLs. The suggested revision is to replace "local TMDL ordinance" with "local stormwater management ordinance." III. Nonpoint Source Pollution Beyond the Industrial Area The HRPDC recognizes that the Industrial VPDES program is limited to reducing pollution from point source discharges; however, the Commonwealth's focus on unregulated developed land for the Phase III Watershed Implementation Plan has raised a concern that is related to industrial facilities. The runoff from the impervious areas beyond the industrial activity areas of the facilities, such as parking lots, is an unregulated source of pollutant loads because it is excluded from the Industrial VPDES permits and the MS4 permits. The total acres covered by Industrial VPDES permits were excluded from MS4 service areas in accordance with DEQ Guidance Memo No. 15-2005. Additionally, some of the industrial VPDES permittees are located along waterways and the runoff from these facilities directly discharges to surface waters instead of through an MS4. DEQ should initiate a mapping exercise to determine the extent of the impervious area outside of the industrial activities. In Hampton Roads, over 13,000 acres of urban land are covered by industrial VPDES permits. It would be reasonable to estimate that a quarter of those lands are impervious outside of the industrial activity areas. Treating over 3,000 acres of impervious private property would provide significant pollutant reductions in Hampton Roads and progress for the state towards TMDL compliance. The HRPDC recommends DEQ develop a new incentive program or expand the existing Virginia Environmental Excellence Program (VEEP) to encourage facility owners to treat their runoff from their parking lots and other non-industrial impervious areas. Cost-share programs or other incentives could improve water quality and benefit facilities. An important aspect of the program, which is already built into the VEEP framework, would be to require reporting so that the creditable practices could be included in the	III: DEQ VPDES staff recognizes HRPDC's recommendations and will take the recommendations into consideration in the development of DEQ Chesapeake Bay restoration initiatives.

	Chesapeake Bay model. There are Industrial VPDES permittees who are willing to implement voluntary stormwater management practices, as demonstrated through the Elizabeth River Project's River Star Businesses program. Twenty-seven River Star Businesses have industrial VPDES permits and have implemented projects such as rainwater harvesting, shoreline restoration, and bioretention basins that are unaccounted for with respect to the Bay TMDL.	

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
Title		*General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges Of Storm Water Associated With Industrial Activity*	Made changes to title to be consistent with other VPDES General Permit regulations. *~~GENERAL~~ VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) GENERAL PERMIT REGULATION FOR DISCHARGES OF ~~STORM WATER~~ STORMWATER ASSOCIATED WITH INDUSTRIAL ACTIVITY*
9VAC25-151-10. Definitions			Made minor punctuation correction, defined acronyms, and corrected definition of SWPPP.
9VAC25-151-10. Definitions		*"Best management practices"* or *"BMPs"* definition	Clarified definition to stress that both structural and nonstructural practices were included. Removed additional language, which contained examples of structural BMPs. *"Best management practices" or "BMPs" means schedules of activities, practices, ~~(and~~ prohibitions of practices~~)~~, structures, vegetation, maintenance procedures, and other management practices, including both structural and nonstructural practices, to prevent or reduce the discharge of pollutants to surface waters. ~~BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw~~

			~~*material storage*~~.
9VAC25-151-10. Definitions		"Corrective Action" definition	Added "Corrective Action" definition for clarification and to be consistent with EPA's 2015 MSGP. *"Corrective Action" means any action to (i) repair, modify, or replace any stormwater control used at the facility, (ii) clean up and properly dispose of spills, releases, or other deposits at the facility, or (iii)* ~~*meet*~~ *return to compliance with permit requirements.*
9VAC25-151-10. Definitions		"Impervious surface" definition	Added "Impervious surface" definition for clarification and to be consistent with other state regulations. *"Impervious surface" means a surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil.*
9VAC25-151-10. Definitions		"Measureable storm event" definition	Clarified definition. *"Measurable storm event" means a storm event that results in* ~~*an actual*~~ *a discharge from* ~~*a site*~~ *an outfall.* ~~*and that follows the preceding storm event by at least 72 hours.*~~
9VAC25-151-10. Definitions		"MS4" definition	Removed duplicative definition. ~~*"MS4" means a municipal separate storm sewer system.*~~
9VAC25-151-10. Definitions		"Municipal separate storm sewer" definition	Added "MS4" acronym to definition to simplify and clarify. *"Municipal separate storm sewer" or "MS4" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under § 208 of*

			the CWA that discharges to surface waters of the state; (ii) designed or used for collecting or conveying stormwater; (iii) which is not a combined sewer; and (iv) which is not part of a Publicly Owned Treatment Works (POTW).
9VAC25-151-10. Definitions		"Total maximum daily load" or "TMDL" definition.	Removed unnecessary "and" from definition. *"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, load allocations (LAs) for nonpoint sources ~~and/~~or natural background, and must include a margin of safety (MOS) and account for seasonal variations.*
9VAC25-151-15. Applicability of incorporated references based on the dates that they became effective.			Updated dates to reflect the most current federal regulation. ~~*2013*~~*2018*
9VAC25-151-40. Effective date of the permit.			Updated dates to match proposed general permit 5-year term. ~~*2014*~~*2019* ~~*2019*~~*2024*
9VAC25-151-50. Authorization to discharge.			Updated dates to match proposed general permit 5-year term. ~~*2014*~~*2019*
9VAC25-151-50. Authorization to discharge.		C. 1. Facilities with colocated industrial activities on-site shall comply with all applicable effluent limitations, monitoring and pollution prevention plan requirements of each section of 9VAC25-151-70 et seq. in which a colocated industrial activity is described.	Clarified intent by replacing "pollution prevention plan" with SWPPP. *C. 1. Facilities with colocated industrial activities on-site shall comply with all applicable effluent limitations, monitoring and ~~pollution prevention plan~~ SWPPP requirements of each section of 9VAC25-151-70 et seq. in which a colocated industrial activity is described*. This acronym is placed throughout

			the regulation.
9VAC25-151-50. Authorization to discharge.		Authorized nonstormwater discharges.	Clarified intent by adding additional requirements. *4. Authorized nonstormwater discharges. The following "nonstormwater" discharges are authorized by this permit:* *a. Discharges from emergency firefighting activities;* *b Fire hydrant flushings, managed in a manner to avoid an instream impact;* *c. Potable water, including water line flushings, managed in a manner to avoid an instream impact;* *d. Uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids;* *e. Irrigation drainage;* *f. Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;* *g. Pavement wash waters where no detergents or hazardous cleaning products are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed). Pavement wash waters shall be managed in a manner to avoid an instream impact;* *h. Routine external building washdown that does not use detergents or hazardous cleaning products;* *i. Uncontaminated ground water or spring water;* *j. Foundation or footing drains where flows are not contaminated with process materials; and* *k. Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).*
9VAC25-151-50. Authorization to		"fertilizer"	"fertilizers" Grammatical correction

discharge			
9VAC25-151-50. Authorization to discharge		Table 50-1 Stormwater-Specific Effluent Limitation Guidelines	Stated that discharges from primary airport deicing operations (formerly sector S) that meet effluent limitations in 40 CFR Part 449 are ineligible for coverage under the general permit because this permit does not cover deicing operations at primary airports. ~~*S*~~ *Facilities subject to the effluent limitation guidelines in 40 CFR Part 449 are not authorized under this permit*
9VAC25-151-50. Authorization to discharge			Removed unnecessary example language. *7. Permit eligibility is limited to discharges from facilities in the "sectors" of industrial activity summarized in Table 50-2 of this subsection. These sector descriptions are based on Standard Industrial Classification (SIC) Codes and Industrial Activity Codes. References to "sectors" in this permit ~~(e.g., sector-specific monitoring requirements)~~ refer to these groupings*.
9VAC25-151-50. Authorization to discharge.		Table 50-2. SIC Codes 2411, 2421, 2426, 2429, 2431-2439 (except 2434), 2441, 2448, 2449, 2451, 2453, & 2493 were moved from Sector A to Sector AF	Table 50-2. SIC Codes 2411, 2421, 2426, 2429, 2431-2439 (except 2434), 2441, 2448, 2449, 2451, 2453, & 2493 were moved back to Sector A as in the 2014 Industrial Stormwater General Permit Discussions with DEQ compliance staff indicated that compliance issues and risks with wood product facilities were better controlled with the additional general permit requirements outlined for Sector A facilities. In the proposed regulation facilities were moved to Sector AF due to benchmark sampling requirements. These facilities were moved back to Sector A as required In the 2014 Industrial Stormwater General Permit.
9VAC25-151-50. Authorization to discharge.		Table 50-2. Sector AA listed SIC Codes listed 3411-3499 & 3911-3915	Table 50-2. Changed SIC Codes listed under Sector AA to 3411-3471, 3482-3499, 3479, and 3911-3915 Change made because previous listing were not accurate and were not consistent with other SIC Code

			listings in regulation.
9VAC25-151-50. Authorization to discharge.		Table 50-2. Sector AB listed "except 3731, 3732"	Table 50-2. Removed "except 3731, 3732" and replaced with "(except 3571-3579" Change made to be consistent with other sector listing in regulation.
9VAC25-151-50. Authorization to discharge.		Table 50-2 Sector AE listed SIC Codes "2992, 2999", "(except 3111 Z)", and "facilities as specified in Sector C".	Table 50-2. Removed SIC Codes "2992, 2999", "(except 3111 Z)", and "facilities as specified in Sector C". Changes were made to be consistent with other sector listings in regulation.
9VAC25-151-50. Authorization to discharge		Table 50-2 Sector AE listed SIC Codes "2411, 2421, 2426, 2431-2433, 2435-2439, 2441, 2448, 2449, 2451, 2452, and 2493"	Table 50-2. Removed SIC Codes "2411, 2421, 2426, 2431-2433, 2435-2439, 2441, 2448, 2449, 2451, 2452, and 2493" Discussions with DEQ compliance staff indicated that compliance issues and risks with wood product facilities were better controlled with the additional general permit requirements outlined for Sector A facilities. In the proposed regulation facilities were moved to Sector AF due to benchmark sampling requirements. These facilities were moved back to Sector A as required In the 2014 Industrial Stormwater General Permit.
9VAC25-151-50. Authorization to discharge		Table 50-2 Sectors Of Industrial Activity Covered By This Permit	Reorganized table to reflect changes made to "Sectors" covered by the regulation. The reorganization also includes the removal of sectors considered unnecessary and the addition of new sectors. It should be noted that no previously covered facilities were removed from coverage under the regulation. The reorganization of sectors was undertaken as an attempt to simply and clarify the regulation for permittees.
9VAC25-151-50. Authorization to discharge		"Continuation of permit coverage"	Changes reflect changes being made to all VPDES general permit regulations to provide clarity. *F. Continuation of permit coverage.* *1. ~~Any owner that was authorized to discharge under the industrial activity stormwater general permit issued in 2009 and that submits a complete~~*

			~~registration statement before July 1, 2014, is authorized to continue to discharge under the terms of the 2009 general permit until such time as the board either:~~ Permit coverage shall expire at the end of its term. However, expiring permit coverages are automatically continued if the owner has submitted a complete registration statement at least 60 days prior to the expiration date of the permit, or a later submittal date established by the board, which cannot extend beyond the expiration date of the original permit. The permittee is authorized to continue to discharge until such time as the board either: *a. Issues coverage to the owner under this general permit; or* *b. Notifies the owner that the discharge is not eligible for coverage under this general permit.* *2. When the owner that was covered under the expiring or expired general permit has violated or is violating the conditions of that permit, the board may choose to do any or all of the following:* *a. Initiate enforcement action based upon the ~~2009~~ general permit coverage that has been continued;* *b. Issue a notice of intent to deny coverage under the ~~reissued~~ amended general permit. If the general permit coverage is denied, the owner would then be required to cease the discharges authorized by ~~administratively~~ the continued general permit coverage ~~under the terms of the 2009 general permit~~ or be subject to enforcement action for discharging without a permit;* *c. Issue an individual permit with appropriate conditions; or* *d. Take other actions authorized by the VPDES Permit Regulation (9VAC25-31).*
9VAC25-151-60. Registration statement and Stormwater Pollution		None	Added *"regulation"* and minor punctuation correction. Added regulation to sentence to be consistent with title of the regulation

Prevention Plan (SWPPP).			used through the regulation.
9VAC25-151-60. Registration statement and Stormwater Pollution Prevention Plan (SWPPP).		None	Added "*if assigned by DEQ"* to the end of the requirement that require to provide their VPDES general permit number to a MS4 during notification of proposed discharge. Additional language added because applicants for a new issuance of general permit coverage would not yet have a VPDES general permit number assigned by DEQ at the time of the required notification.
9VAC25-151-60. Registration statement and Stormwater Pollution Prevention Plan (SWPPP).		None	Added "*The latitude and longitude of each outfall location"* to the list of required facility information to be provided on the registration statement. Additional requirement added to be consistent with information required by federal regulation.
9VAC25-151-60. Registration statement and Stormwater Pollution Prevention Plan (SWPPP).		9VAC25-151-60 A&B	Made changed to dates to match proposed general permit 5-year term and minor grammatical corrections.
9VAC25-151-60. Registration statement and Stormwater Pollution Prevention Plan (SWPPP).		9 VAC25-151-60 C	Made minor grammatical changes and clarifications. Substantive changes include: (i) a requirement to notify MS4s of the intent to discharges to the MS4 system at the time of registering for coverage under the general permit, (ii) a notice that airport facilities subject to the effluent limitation guideline in 40 CFR Part 449 are not authorized under the permit, and (iii) a requirement to provide a State Corporation Commission entity identification number if required by law. *C. The required registration statement shall contain the following information:* *1. ~~Name, mailing address, email address (where available), and telephone number of the:~~* *~~a. Facility owner; and~~* *~~b. Operator applying for permit coverage (if different than the facility~~*

			~~*owner);*~~ *Facility name and mailing address, owner name and mailing address, telephone number, and email address;* *2. ~~Facility name, street address, county (or city), contact name, email address (where available), phone number, and FAX number (where available);~~Facility street address (if different from mailing address) or location (if the facility location does not have a mailing address);* *3. Facility operator (local contact) name, address, telephone number, and email address (if available) if different than owner;* *~~3~~4. The nature of the business conducted at the facility to be covered under this general permit;* *~~4~~5. The receiving waters of the industrial activity discharges;* *~~5~~6. ~~Whether the facility discharges, or will discharge, to an MS4. If so, provide the name of the MS4 owner. (Note: Permit special condition 13 requires the permittee to notify the MS4 owner in writing of the existence of the discharge within 30 days of coverage under this permit. 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 registration number)~~ A determination of whether the facility will discharge to a MS4. If the facility discharges to a MS4, the facility owner must notify the owner of the MS4 of the existence of the discharge information 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 telephone number, the location of the discharge, the nature of the discharge, and the facility's VPDES general permit number;* *~~6~~7. The permit number for any*

			existing VPDES permit assigned to the facility; *~~7~~8. ~~Whether an~~Indicate that a SWPPP has been prepared prior to submitting this registration statement by the owner of a new facility, a facility previously covered by an expiring individual permit, or an existing facility not currently covered by a VPDES permit;* *~~8~~9. Whether or not this facility will discharge stormwater runoff from coal storage piles;* *~~9~~10. Identification of up to four 4-digit Standard Industrial Classification (SIC) Codes or 2-letter Industrial Activity Codes that best represent the principal products or services rendered by the facility and major colocated industrial activities (2-letter Industrial Activity Codes are: HZ – hazardous waste treatment, storage, or disposal facilities; LF – landfills and disposal facilities that receive or have received any industrial wastes; SE – steam electric power generating facilities; or TW – treatment works treating domestic sewage);* *~~10~~11. Identification of all applicable industrial sectors in this permit (as designated in Table 50-2) that cover the industrial activities at the facility, and major colocated industrial activities to be covered under this permit, and the stormwater outfalls associated with each industrial sector.* *a. If the facility is a landfill (sector L), indicate the type of landfill (i.e., MSWLF (municipal solid waste landfill), CDD (construction debris and demolition), or other), and ~~which~~ identify all outfalls ~~(if any)~~that receive contaminated stormwater runoff;* *b. If the facility is a timber products operation (sector A), indicate which outfalls (if any) receive discharges from wet decking areas;* *c. For all facilities, indicate ~~which~~ any outfalls ~~(if any)~~ ~~receive~~ receiving discharges from coal storage piles;* *d. If the facility manufactures asphalt*

			paving and roofing materials (sector D), indicate which outfalls (if any) receive discharges from areas where production of asphalt paving emulsions ~~and~~ or roofing emulsions occurs; *e. If the facility manufactures cement (sector E), indicate which outfalls (if any) receive discharges from material storage piles;* *f. If a scrap recycling and waste recycling facility (sector N - SIC 5093) only receives source-separated recyclable materials, indicate which outfalls (if any) receive discharges from this activity. List the metals (if any) that are received; or* *g. For primary airports ~~(sector S)~~, list the average deicing season and indicate which outfalls (if any) receive discharges from deicing of non-propeller aircraft, and the annual average departures of non-propeller aircraft. It should be noted that airport facilities subject to the effluent limitation guidelines in 40 CFR Part 449 are not authorized under this permit~~;.* *~~11~~12. List the following ~~Facility~~ facility area information.: ~~List the total area of the facility (in acres), the area of industrial activity at the facility (in acres), the total impervious area of the industrial activity at the facility (in acres), and the area (in acres) draining to each industrial activity outfall at the facility. Outfalls shall be numbered using a unique numerical identification code for each outfall (e.g., Outfall No. 001, No. 002, etc.);* *a. The total area of the facility in acres;* *b. The total area of industrial activity of the facility in acres;* *c. The total impervious surface area of the industrial activity at the facility in acres;* *d. The impervious and total areas in acres draining to each industrial activity outfall at the facility. Outfalls shall be numbered using a unique numerical identification code for each outfall. For example: Outfall Number*

			001, Outfall Number 002, etc; and *e. The latitude and longitude of each industrial activity outfall at the facility.* *~~12~~13. ~~The following maps~~ A site map depicting the following shall be included with the registration statement~~:~~:* *a. The property boundaries;* *b. All industrial activity outfalls labeled with unique numerical identification for each outfall. Outfall numbering shall be the same as that used for the facility area information in subdivision 12 of this subsection; and* *c. All water bodies or MS4 conveyances, labeled with names if applicable, receiving stormwater discharges from the site.* *~~a. General location map. A USGS 7.5 minute topographic map, or other equivalent computer generated map, with sufficient resolution to clearly show the location of the facility and the surrounding locale; and~~* *~~b. Site map. A map showing the property boundaries, the location of all industrial activity areas, all stormwater outfalls, and all water bodies receiving stormwater discharges from the site. Outfall numbering shall be the same as that used for the facility area information in subdivision 11 of this subsection;~~* *~~13~~14. Virginia's Phase I Chesapeake Bay TMDL Watershed Implementation Plan (November 29, 2010) states that wasteloads for future growth for new facilities in the Chesapeake Bay watershed with industrial stormwater discharges cannot exceed the nutrient and sediment loadings that were discharged prior to the land being developed for the industrial activity. For purposes of this permit regulation, facilities that commence construction after June 30, ~~2014~~2019, must be consistent with this requirement to be eligible for coverage under this general permit.* *If this is a new facility that commenced construction after June*

			30, ~~2014~~2019, in the Chesapeake Bay watershed, and applying for first time general permit coverage, attach documentation to the registration statement to ~~show~~ demonstrate: *a. That the total phosphorus load does not exceed the greater of: (i) the total phosphorus load that was discharged from the industrial area of the property prior to the land being developed for the new industrial activity or (ii) 0.41 pounds per acre per year (VSMP water quality design criteria). The documentation must include the measures and controls that were employed to meet this requirement, along with the supporting calculations. The owner may include additional nonindustrial land on the site as part of any plan to comply with the no net increase requirement. Consistent with the definition of "site," this includes adjacent land used in connection with the facility. Compliance with the water quality design criteria may be determined utilizing the Virginia Runoff Reduction Method or another equivalent methodology approved by the board. Design specifications and pollutant removal efficiencies for specific BMPs can be found on the Virginia Stormwater BMP Clearinghouse website at http://www.vwrrc.vt.edu/swc; or* *b. The owner may consider utilization of any pollutant trading or offset program in accordance with §§ 62.1-44.19:20 through 62.1-44.19:23 of the Code of Virginia, governing trading and offsetting, to meet the no net increase requirement; ~~and~~* *15. State Corporation Commission entity identification number, if the facility is required to obtain an entity identification number by law; and* *~~14~~16. 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."
9VAC25-151-70. General Permit		None	Added "VPDES" to the title of the general permit Addition of "VPDES" was done to be consistent with other references to the general permit and to provide clarity.
9VAC25-151-70. General permit.			Clarified language. ~~*pollution prevention plan*~~ *SWPPP*
9VAC25-151-70. General permit.			Updated general permit dates for proposed 5-year term. *Effective Date: July 1, ~~2014~~2019* *Expiration Date: June 30, ~~2019~~2024*
9VAC25-151-70. General permit. Part I		A. Effluent limitations and monitoring requirements.	Clarified that where monitoring requirements overlap, the permittee may use a single sample to satisfy monitoring requirements. *Where benchmark, numerical effluent limitations, or TMDL monitoring requirements for a monitoring period overlap ~~(e.g., need to monitor TSS twice per year for a limit and also twice per year for benchmark monitoring),~~ the permittee may use a single sample to satisfy ~~both~~ monitoring requirements.*
9VAC25-151-70. General permit. Part I		A 1. Types of monitoring requirements and limitations.	Made minor clarifications to language and replaced "comprehensive site compliance inspection" with "routine facility inspection". This change was made to be consistent with EPA's 2015 MSGP. *1. Types of monitoring requirements and limitations.* *a. Quarterly visual monitoring. The requirements and procedures for quarterly visual monitoring are applicable to all facilities covered under this permit, regardless of the*

			facility's sector of industrial activity. *(1) The permittee shall perform and document a quarterly visual examination of a stormwater discharge associated with industrial activity from each outfall, except discharges exempted in Part I A 3 or Part I A 4. The examination(s) shall be made at least once in each of the following three-month periods: January through March, April through June, July through September, and October through December. The visual examination shall be made during normal working hours, where practicable, and when considerations for safety and feasibility allow. If no storm event resulted in runoff from the facility during a monitoring quarter, the permittee is excused from visual monitoring for that quarter provided that documentation is included with the monitoring records indicating that no runoff occurred. The documentation shall be signed and certified in accordance with Part II K of this permit.* *(2) Samples shall be collected in accordance with Part I A 2. ~~The~~ Sample examination shall document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution. The visual examination of the sample shall be conducted in a well-lit area. No analytical tests are required to be performed on the samples.* *(3) The visual examination reports shall be maintained on-site with the ~~Stormwater Pollution Prevention Plan (SWPPP)~~. The report shall include the outfall location, the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the stormwater discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution), and probable sources of any*

			observed stormwater contamination. *b. Benchmark monitoring of discharges associated with specific industrial activities.* *Table 70-1 identifies the specific industrial sectors subject to the benchmark monitoring requirements of this permit and the industry-specific pollutants of concern. The permittee shall refer to the tables found in the individual sectors in Part IV (9VAC25-151-90 et seq.) for benchmark monitoring concentration values. Colocated industrial activities at the facility that are described in more than one sector in Part IV shall comply with all applicable benchmark monitoring requirements from each sector.* *The results of benchmark monitoring are primarily for the permittee to use to determine the overall effectiveness of the SWPPP in controlling the discharge of pollutants to receiving waters. Benchmark concentration values, included in Part IV of this permit, are not effluent limitations. Exceedance of a benchmark concentration does not constitute a violation of this permit and does not indicate that violation of a water quality standard has occurred; however, it does signal that modifications to the SWPPP are necessary, unless justification is provided in ~~the comprehensive site compliance evaluation (Part III E)~~ a routine facility inspection. In addition, exceedance of benchmark concentrations may identify facilities that would be more appropriately covered under an individual, or alternative general permit where more specific pollution prevention controls could be required.*
9VAC25-151-70. General permit. Part I		Table 70-1 Industrial Sectors Subject to Benchmark Monitoring	Replaced "Industry Sub-sector" descriptions with "SIC Code or Activity Code". This change was made as an attempt to simplify the permit and provide consistency as permittees are directed to certain requirements based on SIC Code. Reorganized table to reflect changes made to "Sectors" covered by the

			regulation. The reorganization also includes the removal of sectors considered unnecessary and the addition of new sectors. It should be noted that no previously covered facilities were removed from coverage under the regulation. The reorganization of sectors was undertaken as an attempt to simplify and clarify the regulation for permittees.
9VAC25-151-70. General Permit Table 70-1		Sector A facilities with SIC Codes 2421, 2411, and 2426 were removed from Sector A and placed into Sector AF	Placed Sector A facilities with SIC Codes 2421, 2411, and 2426 back into Sector A. Discussions with DEQ compliance staff indicated that compliance issues and risks with wood product facilities were better controlled with the additional general permit requirements outlined for Sector A facilities. In the proposed regulation facilities were moved to Sector AF due to benchmark sampling requirements. These facilities were moved back to Sector A as required In the 2014 Industrial Stormwater General Permit.
9VAC25-151-70. General Permit Table 70-1		Sector D facilities were removed from table 70-1	Added "Sector D and SIC Codes 2951 and 2952 and the Benchmark Monitoring Parameter TSS". Sector D was inadvertently removed during the proposed phase. Staff restored the requirements of SIC Code facilities 2951 and 2952 as we applicable in the 2014 Industrial Stormwater General Permit.
9VAC25-151-70. General Permit Table 70-1		None	Added SIC Codes 3261-3269 to Sector E facilities listed in table 70-1 as having aluminum benchmark monitoring requirements. SIC Codes 3261-3269 were inadvertently left out of the list in table 70-1
9VAC25-151-70 General Permit Table 70-1		SIC Codes 2992 and 2999 and the statement "facilities as specified in Sector C" was attached as a qualifier to SIC Code 2952 in the Sector AE portion of table 70-1	Removed SIC Codes 2992 and 2999 as well as the qualifier "facilities as specified in Sector C" from the Sector AE portion of table 70-1. SIC Codes 2992 and 2999 were inadvertently added to Sector AE and the qualifier was removed because SIC Code facilities are not in the Sector C list in the proposed regulation.
9VAC25-151-70		SIC Codes 2411, 2421,	Removed SIC Codes 2411, 2421,

General Permit Table 70-1		2426, 2429, 2431-2433, 2435-2439, 2441, 2448, 2449, 2451, 2452, and 2493 were included in the list of facilities under Sector AF in table 70-1	2426, 2429, 2431-2433, 2435-2439, 2441, 2448, 2449, 2451, 2452, and 2493 from the list of facilities under Sector AF in table 70-1. These SIC Codes facilities were placed back into Sector A. Discussions with DEQ compliance staff indicated that compliance issues and risks with wood product facilities were better controlled with the additional general permit requirements outlined for Sector A facilities. In the proposed regulation facilities were moved to Sector AF due to benchmark sampling requirements. These facilities were moved back to Sector A as required In the 2014 Industrial Stormwater General Permit.
9VAC25-151-70. General permit. Part I		A 1 b (2) Benchmark monitoring waivers for facilities testing below benchmark concentration values	Changed date to reflect proposed general permit term and made minor grammatical edits.
9VAC151-70 General Permit A 1 c (3) (b)		*(b) Permittees shall monitor the discharges for the pollutant subject to the TMDL wasteload allocation once after coverage under the permit begins. Monitoring commences with the first full monitoring period after the owner is granted coverage under the permit. Monitoring periods are specified in Part I A 2.*	*(b) Permittees shall monitor the discharges for the pollutant subject to the TMDL wasteload allocation [~~at least~~] once [~~during each of the monitoring periods~~ every six months] after coverage under the permit begins[., unless otherwise determined by the department for polychlorinated biphenyls (PCBs).] Monitoring commences with the first full monitoring period after the owner is granted coverage under the permit. Monitoring periods are specified in Part I A 2.* Clarified that monitoring during each monitoring period was once every six months. Also added PCB monitoring may be reduced by the department. PCB monitoring reduction may be considered due to high cost and to reduce regulatory burden to permittees.
9VAC25-151-70. General permit. Part I		Table 70-2 Stormwater-Specific Effluent Limitation Guidelines	Added language: *~~S~~ Facilities subject to the effluent limitation guidelines in 40 CFR Part 449 are not authorized under this permit* Change made to clarify that these facilities are not authorized to

			discharge under the general permit.
9VAC25-151-70. General permit. Part I		A 1 c (3) Facilities discharging to an impaired water with an approved TMDL wasteload allocation	Changed "will" to "shall" to be consistent with language used in SWCB regulations. *Upon written notification from the department, facilities subject to TMDL wasteload allocations ~~will~~ shall be required to monitor such discharges to evaluate compliance with the TMDL requirements.*
9VAC25-151-70. General permit. Part I		A 1 c (4) Facilities discharging to an impaired water without an approved TMDL wasteload allocation.	Changed date to current version of Final 305(b)/303(d) Water Quality Assessment Integrated Report. *Owners of facilities that discharge to waters listed as impaired in the ~~2012~~ 2016 Final 305(b)/303(d) Water Quality Assessment Integrated Report, and for which a TMDL wasteload allocation has not been approved prior to the term of this permit, will be notified as such by the department when they are approved for coverage under the general permit.* Changed "will" to "shall" to be consistent with language used in SWCB regulations. *Upon written notification from the department, facilities discharging to an impaired water without an approved TMDL wasteload allocation ~~will~~ shall be required to monitor such discharges for the pollutant(s) that caused the impairment.*
9VAC25-151-70. General permit. Part I		A 2 b When and how to sample.	Removed language to provide clarity. *A minimum of one grab sample shall be taken from the discharge associated with industrial activity resulting from a storm event that results in ~~an actual~~ a discharge from the site (defined as a "measurable storm event"), providing the interval from the preceding measurable storm event is at least 72 hours.*
9VAC25-151-70. General permit. Part I		A 2 b When and how to sample.	Replaced "Discharge Monitoring Report" language with "electronic Discharge Monitoring Report" language. Change made to comply with 9VAC25-31-1020. *This information shall be submitted ~~on or with the Discharge Monitoring~~*

			~~Report (DMR)~~ in the department's electronic Discharge Monitoring Report (e-DMR) system, and maintained with the SWPPP.
9VAC25-151-70. General permit. Part I		A 2 e	Clarified requirements. *Documentation explaining a facility's inability to obtain a sample (including dates and times the outfalls were viewed or sampling was attempted), of no rain event, or of ~~no~~ deviation from the "measurable" storm event requirements shall be maintained with the SWPPP.*
9VAC25-151-70. General permit. Part I		A 2 f Representative outfalls- substantially identical discharges.	Added additional requirement for an outfall to be considered "substantially identical". This new requirement was added based on DEQ compliance staff comments where dischargers we not able to collect samples from a declared representative outfall due to "no discharge" but other outfalls had discharged. *If the facility has two or more outfalls that discharge substantially identical effluents, based on similarities of the industrial activities, significant materials, size of drainage areas, frequency of discharges, and stormwater management practices occurring within the drainage areas of the outfalls, the permittee may conduct monitoring on the effluent of just one of the outfalls and report that the observations also apply to the substantially identical outfall or outfalls.*
9VAC25-151-70. General permit. Part I		A 2. f. Representative outfalls- substantially identical discharges.	Clarified information required to be included in facility's SWPPP. *The permittee shall include the following information in the SWPPP:* *(1) The locations of the outfalls;* *(2) ~~Why the~~An evaluation, including available monitoring data, indicating the outfalls are expected to discharge substantially identical effluents~~, including evaluation of monitoring data where available~~; and* *(3) An estimate ~~Estimates~~ of the size of each outfall's drainage area, in acres ~~of the drainage area (in square feet) for each of the outfalls~~.*

9VAC25-151-70. General permit. Part I		A 3. Adverse climatic conditions waiver.	Added requirement that documentation of conditions that necessitated the use of an adverse climatic conditions waiver shall be kept with the SWPPP. *Narrative documentation of conditions necessitating the use of the waiver shall be kept with the SWPPP.*
9VAC25-151-70. General permit. Part I		A 4 Inactive and unstaffed sites (including temporarily inactive sites).	Made minor wording changes to be consistent with language used throughout the regulation. *4. Inactive and unstaffed sites (including temporarily inactive sites).* *a. A waiver of the quarterly visual ~~assessments~~ monitoring, routine facility inspections, and monitoring requirements (including benchmark, effluent limitation, and impaired waters monitoring) may be granted by the board at a facility that is both inactive and unstaffed, as long as the facility remains inactive and unstaffed and there are no industrial materials or activities exposed to stormwater. The owner of such a facility is only required to conduct an annual ~~comprehensive~~ routine site inspection in accordance with the requirements in ~~Part III E~~ Part III B 5.* *b. An inactive and unstaffed sites waiver request shall be submitted to the board for approval and shall include: the name of the facility; the facility's VPDES general permit registration number; a contact person, phone number and email address ~~(if available)~~; the reason for the request; and the date the facility became or will become inactive and unstaffed. The waiver request shall be signed and certified in accordance with Part II K. If this waiver is granted, a copy of the request and the board's written approval of the waiver shall be maintained with the SWPPP.* *c. If circumstances change and industrial materials or activities become exposed to stormwater, or the facility becomes either active or staffed, the permittee shall notify the department within 30 days, and all*

			quarterly visual ~~assessments~~ monitoring, routine facility inspections, and monitoring requirements shall be resumed immediately.
9VAC151-70 General Permit Table 70-4		*Submit the results on a DMR by January 10 and by July 10. (Table 70-4 Monitoring Reporting Requirements)*	*Submit the results [~~on a DMR~~] by January 10 and by July 10. Table 70-4 Monitoring Reporting Requirements)* Removed "on a DMR" from the requirements as the proposed regulation requires the use of the eDMR system.
9VAC25-151-70. General permit. Part I		A 5 Reporting monitoring results.	Removed unnecessary language pertaining to DMR submittals. *Permittees shall submit results for each outfall associated with industrial activity according to the requirements of Part II C. ~~For each outfall sampled, one signed discharge monitoring report (DMR) form shall be submitted to the department per storm event sampled. For representative outfalls, the sampled outfall will be reported on the DMR, and the outfalls that are representative of the sampled outfall will be listed in the comment section of the DMR. Signed DMRs are not required for each of the outfalls that are representative of the sampled outfall.~~* Removed "Additional reporting" language per change in statute where the Board shall not require MS4s to review DMRs (§ 62.1-44.15:49.1) ~~b. Additional reporting. In addition to submitting copies of discharge monitoring reports in accordance with Part II C, permittees with at least one stormwater discharge associated with industrial activity through a regulated municipal separate storm sewer system (MS4) shall submit signed copies of DMRs to the MS4 operator at the same time as the reports are submitted to the department. Permittees not required to report monitoring data and permittees that are not otherwise required to monitor their discharges need not comply with this provision.~~
9VAC151-70		a. Data exceeding	a. Data exceeding [~~benchmarks~~

General Permit A 6.		benchmarks concentration values	benchmark] concentration values. Grammatical correction
9VAC25-151-70. General permit. Part I		A 6 a (1) Data exceeding benchmarks concentration values.	Changed time frame, from 30 to 60 days when revisions to SWPPP shall be completed after a benchmark exceedance is discovered. This was done as an effort to be consistent in the general permit requirements as some SWPPP updates were required to be made within 30 days and others 60 days. *Revisions to the SWPPP shall be completed within ~~30~~ 60 days after an exceedance is discovered.* Made global replacements throughout the regulation- where "plan" was referenced it was changed to "SWPPP". This was done to remove language which permittees found to be inconsistent and confusing. *the ~~plan~~ SWPPP*
9VAC25-151-70. General permit. Part I		A 6 b Corrective actions.	Removed the term "comprehensive site compliance evaluations" from requirements. This change was made to be consistent with EPA's 2015 MSGP. *(1) Routine facility inspections, ~~comprehensive site compliance evaluations,~~ inspections by local, state or federal officials, or any other process, observation or event result in a determination that modifications to the stormwater control measures are necessary to meet the permit requirements;* Changed time frame, from 30 to 60 days when revisions to SWPPP shall be completed after a deficiency is discovered. This was done as an effort to be consistent in the general permit requirements as some SWPPP updates were required to be made within 30 days and others 60 days. *Revisions to the SWPPP shall be completed within ~~30~~60 days following the discovery of the deficiency.* Replaced requirements in paragraph form with requirements listed in subdivisions. This change was made to clarify corrective action

			requirements. *The following information shall be included in the report: ~~general permit registration number; facility name, address, and location; receiving water; monitoring data from this event; an explanation of the situation; description of what has been done and the intended actions (should the corrective actions not yet be complete) to further reduce pollutants in the discharge; and an appropriate contact name and phone number.~~* *(1) general permit registration number;* *(2) facility name and address;* *(3) receiving water for each outfall exceeding an effluent limitation or TMDL wasteload allocation;* *(4) monitoring data from the event being reported;* *(5) a narrative explanation of the situation;* *(6) a description of actions taken since the event was discovered and steps taken to minimize to the extent feasible pollutants in the discharge; and* *(7) a local facility contact name, email address, and phone number.*
9VAC25-151-70. General permit. Part I		B 1 Allowable nonstormwater discharges.	Replaced "allowable" with "authorized" to be consistent with general permit terminology. *1. ~~Allowable~~ Authorized nonstormwater discharges.* Clarified language in the section to express the intent of the allowable stormwater discharges. The changes were made to be consistent with EPA's 2015 MSGP. *The following nonstormwater discharges are authorized by this permit:* *a. Discharges from emergency firefighting activities;* *b. Fire hydrant flushing~~s~~, managed in a manner to avoid an instream impact;* *c. Potable water including water line flushing~~s~~, managed in a manner to avoid an instream impact;*

			d. Uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids; *e. Irrigation drainage;* *f. Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;* *g. Routine external building washdown that does not use detergents or hazardous cleaning products;* *h. Pavement wash waters where no detergents or hazardous cleaning products are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed). Pavement wash waters shall be managed in a manner to avoid an instream impact;* *i. Uncontaminated ground water or spring water;* *j. Foundation or footing drains where flows are not contaminated with process materials; and* *k. Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).* Removed unnecessary list of sector-specific nonstormwater discharges not authorized by the general permit. List was deemed unnecessary due to the requirement in the permit that "All other nonstormwater discharges are not authorized and shall either be eliminated or covered under a separate VPDES permit." ~~*The following nonstormwater discharges are specifically not authorized by this permit:*~~ ~~*Sector A - Timber products. Discharges of stormwater from areas where there may be contact with chemical formulations sprayed to provide surface protection.*~~ ~~*Sector C - Chemical and allied*~~

			~~*products manufacturing. Inks, paints, or substances (hazardous, nonhazardous, etc.) resulting from an on-site spill, including materials collected in drip pans; washwaters from material handling and processing areas; or washwaters from drum, tank, or container rinsing and cleaning.*~~ ~~*Sector G - Metal mining (ore mining and dressing). Adit drainage or contaminated springs or seeps; and contaminated seeps and springs discharging from waste rock dumps that do not directly result from precipitation events.*~~ ~~*Sector H - Coal mines and coal mining-related facilities. Discharges from pollutant seeps or underground drainage from inactive coal mines and refuse disposal areas that do not result from precipitation events; and discharges from floor drains in maintenance buildings and other similar drains in mining and preparation plant areas.*~~ ~~*Sector I - Oil and gas extraction and refining. Discharges of vehicle and equipment washwater, including tank cleaning operations.*~~ ~~*Sector K - Hazardous waste treatment, storage, or disposal facilities. Leachate, gas collection condensate, drained free liquids, contaminated ground water, laboratory-derived wastewater and contact washwater from washing truck, equipment, and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.*~~ ~~*Sector L - Landfills, land application sites and open dumps. Leachate, gas collection condensate, drained free liquids, contaminated ground water, laboratory wastewater, and contact washwater from washing truck, equipment, and railcar exteriors and surface areas that have come in direct contact with solid waste at the landfill facility.*~~ ~~*Sector N - Scrap recycling and waste recycling facilities. Discharges from turnings containment areas in the*~~

			~~*absence of a storm event.*~~ ~~*Sector O - Steam electric generating facilities. Nonstormwater discharges subject to effluent limitation guidelines.*~~ ~~*Sector P - Land transportation and warehousing. Vehicle, equipment, or surface washwater, including tank cleaning operations.*~~ ~~*Sector Q - Water transportation. Bilge and ballast water, sanitary wastes, pressure wash water, and cooling water originating from vessels.*~~ ~~*Sector R - Ship and boat building or repair yards. Bilge and ballast water, pressure wash water, sanitary wastes, and cooling water originating from vessels.*~~ ~~*Sector S - Air transportation. Aircraft, ground vehicle, runway and equipment washwaters; and dry weather discharges of deicing and anti-icing chemicals.*~~ ~~*Sector T - Treatment works. Sanitary and industrial wastewater; and equipment or vehicle washwaters.*~~ ~~*Sector U - Food and kindred products. Boiler blowdown, cooling tower overflow and blowdown, ammonia refrigeration purging, and vehicle washing and clean-out operations.*~~ ~~*Sector V - Textile mills, apparel, and other fabric products. Discharges of wastewater (e.g., wastewater as a result of wet processing or from any processes relating to the production process); reused or recycled water; and waters used in cooling towers.*~~
9VAC25-151-70. General permit. Part I		B 2 Releases of hazardous substances or oil in excess reportable quantities.	Made minor grammatical changes. *2. Releases of hazardous substances or oil in excess of reportable quantities. The discharge of hazardous substances or oil in the stormwater ~~discharge(s)~~ <u>discharges</u> from the facility shall be prevented or minimized in accordance with the ~~stormwater pollution prevention plan for the~~ ~~facility~~ <u>SWPPP</u>. This permit does not authorize the discharge of hazardous substances or oil resulting*

			from an on-site spill. This permit does not relieve the permittee of the reporting requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 or § 62.1-44.34:19 of the Code of Virginia. *Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302 occurs during a 24-hour period:* *a. The permittee is required to notify the department in accordance with the requirements of Part II G as soon as he has knowledge of the discharge;* *b. Where a release enters a ~~municipal separate storm sewer system (MS4)~~, the permittee shall also notify the owner of the MS4; and* *c. The ~~stormwater pollution prevention plan~~ SWPPP required under Part III shall be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the ~~plan~~ SWPPP shall be modified where appropriate.*
9VAC25-151-70. General permit. Part I		B 3. Colocated industrial activity.	Made minor grammatical changes. 3. Colocated industrial activity. If the facility has industrial activities occurring on-site which are described by any of the activities in Part IV of the permit (9VAC25-151-90 et seq.), those industrial activities are considered to be colocated industrial activities. Stormwater discharges from colocated industrial activities are authorized by this permit, provided that the permittee complies with any and all additional ~~pollution prevention plan~~ SWPPP and monitoring requirements from Part IV applicable to that particular colocated industrial activity. The permittee shall ~~determine which~~ be responsible for additional ~~pollution prevention plan~~ SWPPP and monitoring requirements ~~are~~ applicable to the colocated industrial activity by examining the narrative descriptions of ~~each coverage section~~

			~~(~~Discharges ~~-~~ all discharges covered under this section~~)~~.
9VAC25-151-70. General permit. Part I		B 7. Discharges to waters subject to TMDL wasteload allocations.	Made minor grammatical change and removed "Facilities in the Chesapeake Bay watershed" requirements from B 7. *7. Discharges to waters subject to TMDL wasteload allocations.* *~~a.~~ Owners of facilities that are a source of the specified pollutant of concern to waters for which a ~~total maximum daily load (TMDL)~~ wasteload allocation has been approved prior to the term of this permit shall incorporate measures and controls into the SWPPP required by Part III that are consistent with the assumptions and requirements of the TMDL. The department will provide written notification to the owner that a facility is subject to the TMDL requirements. The facility's SWPPP shall specifically address any conditions or requirements included in the TMDL that are applicable to discharges from the facility. If the TMDL establishes a specific numeric wasteload allocation that applies to discharges from the facility, the owner shall perform any required monitoring in accordance with Part I A 1 c (3), and implement control measures designed to meet that allocation.* *~~b. Facilities in the Chesapeake Bay watershed.~~*
9VAC25-151-70. General permit. Part I		B. 8. a.	Clarified that Total Nitrogen is the sum of TKN and Nitrite + Nitrate. *~~1)~~a. Owners of facilities in the Chesapeake Bay watershed shall monitor their discharges for total suspended solids (TSS), total nitrogen (TN), and total phosphorus (TP) to characterize the contributions from their facility's specific industrial sector for these parameters. Total Nitrogen is the sum of TKN and Nitrite + Nitrate and shall be derived from the results of those tests. After the facility is granted coverage under the permit, samples shall be collected during each of the first four monitoring periods (i.e., the first two years of permit coverage). Monitoring*

			periods are specified in Part I A 2. Samples shall be collected and analyzed in accordance with Part I A 2. Monitoring results shall be reported in accordance with Part I A 5 and Part II C, and retained in accordance with Part II B.
9VAC25-151-70. General permit. Part I		B. 8. b. Facilities that were covered under the 2009 industrial stormwater general permit.	Updated date to proposed permit term. *~~(2)~~b. Facilities that were covered under the ~~2009~~ 2014 industrial stormwater general permit ~~that sampled for TSS, TN, or TP may use applicable sampling data from the last two monitoring periods of that permit and the first two monitoring periods of this permit to satisfy the four consecutive monitoring periods requirement.~~ shall comply with the following:*
9VAC25-151-70. General permit. Part I	B. 8. b. (1)		Added requirement that facilities with an approved action plan continue to implement the plan and submit annual reports. *(1) Facilities that submitted a Chesapeake Bay TMDL Action Plan that was approved by the board during the 2014 industrial stormwater general permit term shall continue to implement the approved Chesapeake Bay TMDL Action Plan during this permit term. An annual report shall be submitted to the department by June 30 of each year describing the progress in meeting the required reductions unless this reporting requirement is waived by the department in accordance with subdivision 8 g of this subsection. Monitoring in accordance with subdivision 8.a of this subsection is not required for these facilities during this permit term.*
9VAC25-151-70. General permit. Part I	B. 8. b. (2)		Clarified that samples collected in the current permit term may be used to meet sample requirements in proposed permit term. *(2) Facilities that completed four samples for TSS, TN, and TP during the 2014 industrial stormwater general permit term shall utilize the procedures in subsection 8 c (2) to calculate their facility stormwater*

			loads. The permittee shall submit a copy of the calculations and a Chesapeake Bay TMDL Action Plan if required under subdivision 8 f of this subsection to the department within 60 days of coverage under this general permit.
9VAC25-151-70. General permit. Part I	B. 8. b. (3)		Added requirement that facilities that did not complete the monitoring requirements during the 2014 permit term shall be subject to the monitoring requirements in subsection 8 f. *(3) Facilit~~y~~ies that did not complete four samples for TSS, TN, and TP during the 2014 industrial stormwater general permit term shall be subject to completing the monitoring requirements in subdivision 8 a of this subsection beginning with the first full monitoring period after receiving permit coverage. Calculations and a Chesapeake Bay TMDL Action Plan if required under subsection 8 f shall be submitted no later than 90 days following completion of the fourth monitoring period to the DEQ regional office serving the area where the industrial facility is located on a form provided by the department and maintained with the facility's SWPPP.*
9VAC25-151-70. General permit. Part I	B. 8. b. (4)		Added requirement that samples collected during the 2014 permit term may be used to satisfy the TSS, TN, and TP sampling requirements in the proposed subsection B. 8. a. *(4) Facilities that monitored for TSS, TN, or TP may use the applicable sampling data collected during the 2014 industrial stormwater general permit term to satisfy all or part of the four monitoring periods requirement in accordance with subdivision 8 a of this subsection.*
9VAC25-151-70. General permit. Part I		B. 8. c.	Relabeled subsection. *~~(3)~~c. Chesapeake Bay TMDL wasteload allocations and Chesapeake Bay TMDL action plans.*
9VAC25-151-70. General permit. Part I		B. 8. c. (1)	Relabeled subsection, changed "values" to "rates", and removed unnecessary language.

			(~~a~~1) EPA's Chesapeake Bay TMDL (December 29, 2010) includes wasteload allocations for VPDES permitted industrial stormwater facilities as part of the regulated stormwater aggregate load. EPA used data submitted by Virginia with the Phase I Chesapeake Bay TMDL Watershed Implementation Plan, including the number of industrial stormwater permits per county and the number of urban acres regulated by industrial stormwater permits, as part of their development of the aggregate load. Aggregate loads for industrial stormwater facilities were appropriate because actual facility loading data were not available to develop individual facility wasteload allocations. *Virginia estimated the loadings from industrial stormwater facilities using actual and estimated facility acreage information and TP, TN, and TSS loading ~~values~~ rates from the Northern Virginia Planning District Commission (NVPDC) Guidebook for Screening Urban Nonpoint Pollution Management Strategies (Annandale, VA November 1979), prepared for the Metropolitan Washington Council of Governments. The loading ~~values~~ rates used were as follows:* *TP - High (80%) imperviousness industrial; 1.5 lb/ac/yr* *TN - High (80%) imperviousness industrial; 12.3 lb/ac/yr* *TSS - High (80%) imperviousness industrial; 440 lb/ac/yr* *The actual facility area information and the TP, TN, and TSS data collected for this permit will be used by the board to quantify the nutrient and sediment loads from VPDES permitted industrial stormwater facilities. ~~and will be submitted to EPA to aid in further refinements to its Chesapeake Bay TMDL model. The loading information will also be used by the board to determine any additional load reductions needed for industrial stormwater facilities for the next reissuance of this permit.~~*
9VAC25-151-70. General permit.		B. 8. c. (2)	Changed title of subsection, corrected subsection references,

Part I			reorganized language, corrected load calculation formula, added new formula constant definitions, included language regarding the expectation that permittees will use weighted averages in scenarios where facilities have more than one outfall, and clarified expectations for utilizing data below quantitation limits in load calculations. *(b2) ~~Data analysis and Chesapeake Bay TMDL action plans~~ Calculation of Facility Loads. The permittee shall analyze the nutrient and sediment data collected in accordance with subdivision ~~7 b (1)~~ 8 a and b of this subsection to determine if additional ~~action is needed~~ pollution reductions are required for this permit term. The permittee shall average the data collected at the facility for each of the pollutants of concern (POC) (e.g., TP, TN, and TSS) and compare the results to the loading ~~values~~ rates for TP, TN, and TSS presented in subdivision ~~7 b (3) (a)~~ 8 c (1) of this subsection. ~~To calculate the facility loadings, the permittee may use either (i) actual annual average rainfall data for the facility location (in inches/year), or the Virginia annual average rainfall of 44.3 inches/year; or (ii) another method approved by the board.~~* *The following formula may be used to determine the loading ~~value~~ rate:* *L = ~~(0.2263 x R x C) / A~~ 0.226 x P x Pj x (0.05 + (0.9 x Ia)) x C* *where:* *L = the POC loading ~~value~~ rate (lb/acre/year)* *~~R = the annual average rainfall (inches/year)~~* *P= the annual rainfall (inches/year). The permittee may use either actual annual average rainfall data for the facility location (in inches/year), the Virginia annual average rainfall of 44.3 inches/year; or another method approved by the board.* *Pj = the fraction of annual events that produce runoff. The permittee shall use 0.9 unless the board approves another rate.* *Ia = the impervious fraction of the*

			facility impervious area of industrial activity to the facility industrial activity area *C = the POC average concentration of all facility samples (mg/L). Facilities with multiple outfalls shall calculate a weighted average concentration for each outfall using the drainage area of each outfall.* *For Total Phosphorus and Total Suspended Solids, all daily concentration data below the quantification level (QL) for the analytical method used shall be treated as half the QL. All daily concentration data equal to or above the QL for the analytical method used shall be treated as it is reported.* *For Total Nitrogen (TN), if none of the daily concentration data for the respective species (i.e., TKN, Nitrates/Nitrites) are equal to or above the QL for the respective analytical methods used, the daily TN concentration value reported shall equal one half of the largest QL used for the respective species. If one of the data is equal to or above the QL, the daily TN concentration value shall be treated as that data point is reported. If more than one of the data is above the QL, the daily TN concentration value shall equal the sum of the data points as reported.*
9VAC25-151-70. General permit. Part I	B. 8. d.		Added requirement that permittees shall submit load calculations to the department. *d. The permittee shall submit a copy of the calculations to the department within 90 days from the end of the last monitoring period that satisfies the monitoring requirement in subdivision 8 a of this subsection. Calculations shall be submitted to the DEQ regional office serving the area where the industrial facility is located on a form provided by the department and maintained with the facility's SWPPP.*
9VAC151-70 General Permit		d. The permittee shall submit a copy of the	d. The permittee shall submit a copy of the calculations to the department

B. 8. d		calculations to the department within 90 days from the end of the last monitoring period that satisfies the monitoring requirement in Part I B 8 a. Calculations shall be submitted to the DEQ regional office serving the area where the industrial facility is located[on a form provided by the department and maintained with the facility's SWPPP.	within 90 days from the end of the last monitoring period that satisfies the monitoring requirement in Part I B 8 a. Calculations shall be submitted to the DEQ regional office serving the area where the industrial facility is located[,] on a form provided by the department[,] and maintained with the facility's SWPPP. Punctuation corrections
9VAC25-151-70. General permit. Part I	B. 8. e.		Added requirement that modifications to facilities will require the recalculation of loading rates. *e. Any modification to the facility's industrial acreage or impervious industrial acreage will require the facility to recalculate facility loading rates. This may require the facility to modify the facility's Chesapeake Bay TMDL Action Plan or submit a Chesapeake Bay TMDL Action Plan as appropriate. Any recalculation of facility loading rates or modifications to a Chesapeake Bay TMDL Action Plan shall be submitted to the department within 90 days of the date in which the permittee completes a site modification. If previous monitoring is no longer representative of the modified facility, monitoring in accordance with 8 a shall commence within 90 days of the modification and the revised calculations and Chesapeake Bay TMDL Action Plan if required under 8 f shall be submitted no later than 90 days following completion of the fourth monitoring period.*
9VAC151-70 General Permit B. 8. e		e. Any modification to the facility's industrial acreage or impervious industrial acreage will require the facility to recalculate facility loading rates.	e. Any modification to the facility's industrial acreage or impervious industrial acreage [~~will~~ shall] require the facility to recalculate facility loading rates. Changed "will" to "shall" to be consistent with DEQ regulatory language
9VAC25-151-70.		B. 8. f.	Relabeled subsection, made minor

General permit. Part I			grammatical edits, and corrected subsection references. Added new requirements that the Chesapeake Bay TMDL Action Plan be submitted on a form provided by the department and be maintained with the facility's SWPPP. *~~(c)~~ f. Chesapeake Bay TMDL Action Plan Requirements. If the calculated facility loading ~~value~~ rate for TP, TN, or TSS is above the loading ~~values~~ rates for TP, TN, or TSS presented in subdivision ~~7 b (3) (a)~~ 8 c (1) of this subsection, then the permittee shall develop and submit ~~to the board for review and approval~~ a Chesapeake Bay TMDL Action Plan to the department. ~~The plan shall be submitted within 90 days from the end of the second year's monitoring period (by September 28, 2016). The permittee shall implement the approved plan over the remaining term of this permit to achieve all the necessary reductions by June 30, 2024. The action plan shall include:~~ The Chesapeake Bay TMDL Action Plan shall be submitted on a form provided by the department to the regional office serving the area where the industrial facility is located within 90 days following the completion of the fourth monitoring period. A copy of the current Chesapeake Bay TMDL Action Plan and all facility loading rate calculations shall be maintained with the facility's SWPPP. The Chesapeake Bay TMDL Action Plan shall include:*
9VAC25-151-70. General permit. Part I		B. 8. f. (1)	Clarified the calculation of required total pollutant load reductions. *(~~i~~1) A determination of the total pollutant load reductions for TP, TN, and TSS (as appropriate) necessary to reduce the annual loads from industrial activities. This shall be determined by ~~calculating~~ multiplying the industrial acreage times the difference between the TMDL loading ~~values~~ rates listed in subdivision ~~7 b (3) (a)~~ 8 c (1) of this subsection, and the ~~average of the sampling data for TP, TN, or TSS (as~~*

			~~appropriate) for the entire facility~~ actual facility loading rates calculated in accordance with subdivision 8 c (2). The reduction applies to the total difference calculated for each pollutant of concern;
9VAC25-151-70. General permit. Part I		B. 8. f. (2)	Relabeled subsection, corrected subsection references, and made minor grammatical edits. *(~~ii~~2) The means and methods, such as management practices and retrofit programs, that will be utilized to meet the required reductions determined in subdivision ~~7 b (3) (c) (i)~~ 8 f (1) of this subsection, and a schedule to achieve those reductions by June 30, 2024. The schedule should include annual ~~benchmarks~~ milestones to demonstrate the ongoing progress in meeting those reductions; and*
9VAC25-151-70. General permit. Part I		B. 8. f. (3)	Relabeled subsection. *(~~iii~~3) The permittee may consider utilization of any pollutant trading or offset program in accordance with §§ 62.1-44.19:20 through 62.1-44.19:23 of the Code of Virginia, governing trading and offsetting, to meet the required reductions.*
9VAC25-151-70. General permit. Part I		B. 8. g.	Relabeled subsection. *~~(d)~~g. A permittee required to develop and implement a Chesapeake Bay TMDL Action Plan shall submit an annual report to the department by June 30 of each year describing the progress in meeting the required reductions.*
9VAC25-151-70. General permit. Part I	B. 8. h.		Added new subsection which provides the requirements for "Annual Reporting Waivers" *h. Chesapeake Bay TMDL Action Plan annual reporting waiver. Upon implementation of the facility's Chesapeake Bay TMDL Action Plan, permittees may submit a waiver for the annual reporting requirements. The waiver request shall be submitted, for board approval, to the DEQ regional office serving the area where the industrial facility is located on a form provided by the department. Annual reporting requirements will be in effect until the permittee receives notice from the department that the waiver has been*

			approved. A copy of the waiver approval shall be maintained with the SWPPP. The waiver may be revoked for cause by the board. A waiver request may be approved by the board once the permittee demonstrates that they have achieved all of the required pollutant reductions calculated under 8 f (1) of this subsection. Pollutant reductions may be achieved using any combination of the following alternatives: *(1) Reductions provided by one or more of the BMPs from the Virginia Stormwater BMP Clearinghouse listed in 9VAC25-870-65, approved BMPs found on the Virginia Stormwater BMP Clearinghouse website, or BMPs approved by the Chesapeake Bay Program. Any BMPs implemented to provide the required pollutant reductions shall be incorporated in the SWPPP and be permanently maintained by the permittee;* *(2) Implementation of site-specific BMPs followed by a minimum of 4 stormwater samples collected in accordance with sampling requirements in subsection 8 a that demonstrate pollutant loadings have been reduced below those calculated under Part (3) (a) of this subsection. Any BMPs implemented to provide the required pollutant reductions shall be incorporated in the SWPPP and be permanently maintained by the permittee; or* *(3) Acquisition of nonpoint source credits certified by the Board as perpetual in accordance with § 62.1-44.19:20 B.*
9VAC25-151-70. General permit. Part I		B. 9.	Relabeled subsection. *~~8~~9. Discharges through a regulated MS4 to waters subject to the Chesapeake Bay TMDL. In addition to the requirements of this permit, any facility with industrial activity discharges through a regulated MS4 that is notified by the MS4 operator that the locality has adopted ordinances to meet the Chesapeake Bay TMDL shall incorporate measures and controls into its*

			SWPPP to comply with applicable local TMDL ordinance requirements.
9VAC151-70 General Permit B. 9.		*~~8.~~ 9. Discharges through a regulated MS4 to waters subject to the Chesapeake Bay TMDL. In addition to the requirements of this permit, any facility with industrial activity discharges through a regulated MS4 that is notified by the MS4 operator that the locality has adopted ordinances to meet the Chesapeake Bay TMDL shall incorporate measures and controls into its SWPPP to comply with applicable local TMDL ordinance requirements.*	*~~8.~~ 9. Discharges through a regulated MS4 to waters subject to the Chesapeake Bay TMDL. In addition to the requirements of this permit, any facility with industrial activity [stormwater] discharges through a regulated MS4 that is notified by the MS4 operator that the locality has adopted ordinances to meet the Chesapeake Bay TMDL shall incorporate measures and controls into its SWPPP to comply with applicable local TMDL ordinance requirements.* Added the word "stormwater" to clarify intention
9VAC25-151-70. General permit. Part I		B. 10.	Relabeled subsection, changed date to fit proposed permit term, corrected subsection reference, and removed reference to the Virginia Stormwater BMP Clearing house URL. *~~9~~10. Expansion of facilities that discharge to waters subject to the Chesapeake Bay TMDL. Virginia's Phase I Chesapeake Bay TMDL Watershed Implementation Plan (November 29, 2010), states that the wasteloads from any expansion of an existing permitted facility discharging stormwater in the Chesapeake Bay watershed cannot exceed the nutrient and sediment loadings that were discharged from the expanded portion of the land prior to the land being developed for the expanded industrial activity.* *a. For any industrial activity area expansions (i.e., construction activities, including clearing, grading, and excavation activities) that commence on or after July 1, ~~2014~~ 2019, (the effective date of this permit), the permittee shall document in the SWPPP the information and calculations used to determine the nutrient and sediment loadings discharged from the expanded land area prior to the land being*

			developed, and the measures and controls that were employed to meet the no net increase of stormwater nutrient and sediment load as a result of the expansion of the industrial activity. Any land disturbance that is exempt from permitting under the VPDES construction stormwater general permit regulation (9VAC25-880) is exempt from this requirement. *b. The permittee may use the VSMP water quality design criteria to meet the requirements of subdivision ~~9~~ 10 a of this subsection. Under this criteria, the total phosphorus load shall not exceed the greater of: (i) the total phosphorus load that was discharged from the expanded portion of the land prior to the land being developed for the industrial activity or (ii) 0.41 pounds per acre per year. Compliance with the water quality design criteria may be determined utilizing the Virginia Runoff Reduction Method or another equivalent methodology approved by the board. Design specifications and pollutant removal efficiencies for specific BMPs can be found on the Virginia Stormwater BMP Clearinghouse website ~~at http://www.vwrrc.vt.edu/swc~~.*
9VAC25-151-70. General permit. Part I		B 13	Removed duplicative general permit requirement. The requirement to notify a MS4 of the existence of a discharge is proposed to be captured in 9VAC25-151-60. ~~13. If the permittee discharges to surface waters through a municipal separate storm sewer system (MS4), the permittee shall, within 30 days of coverage under this general permit, notify the owner of the MS4 in writing of the existence of the discharge and provide 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 registration number. A copy of such notification shall be provided to the department.~~
9VAC25-151-70.		B 14 Termination of	Renumbered subdivision due to the

General permit. Part I		permit coverage.	deletion of B 13 and made minor clarifications. *~~14~~13. Termination of permit coverage.* *a. The owner may terminate coverage under this general permit by filing a complete notice of termination with the department. The notice of termination may be filed after one or more of the following conditions have been met:* *(1) Operations have ceased at the facility and there are no longer discharges of stormwater associated with industrial activity from the facility;* *(2) A new owner has assumed responsibility for the facility. ~~(Note: A notice of termination does not have to be submitted if a VPDES Change of Ownership Agreement Form has been submitted)~~;* *(3) All stormwater discharges associated with industrial activity have been covered by an individual VPDES permit; or* *(4) Termination of coverage is being 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 industrial stormwater general permit registration number;* *(4) The basis for submitting the notice of termination, including:* *(a) A statement indicating that a new owner has assumed responsibility for the facility;* *(b) A statement indicating that operations have ceased at the facility, and there are no longer discharges of stormwater associated with industrial activity from the facility;* *(c) A statement indicating that all stormwater discharges associated*

			with industrial activity 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);~~ and a description of the reason.*
9VAC25-151-70. General permit. Part II Conditions Applicable to All VPDES Permits		B. Records.	Made minor grammatical changes. *B. Records.* *1. Records of monitoring information shall include:* *a. The date, exact place, and time of sampling or measurements;* *b. The ~~individual(s)~~ individuals who performed the sampling or measurements;* *c. The ~~date(s)~~ dates and ~~time(s)~~ times analyses were performed;* *d. The ~~individual(s)~~ individuals who performed the analyses;* *e. The analytical techniques or methods used; and* *f. The results of such analyses*.
9VAC25-151-70. General permit. Part II Conditions Applicable to All VPDES Permits		C. Reporting monitoring results.	Made changes to requirements to be consistent with 9VAC25-31-1020. These changes will be added to all VPDES general permit regulations in order to comply with federal electronic reporting requirements in NPDES permitting. *C. Reporting monitoring results.* *1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be 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~~ in the department's electronic Discharge Monitoring Report (e-DMR) system. All reports and forms submitted in compliance with this permit shall be submitted electronically by the permittee in*

			accordance with 9 VAC 25-31-1020. *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 ~~on the DMR~~ in e-DMR or reporting form specified by the department.*
9VAC25-151-70. General permit. Part II Conditions Applicable to All VPDES Permits		H. Reports of unusual or extraordinary discharges.	Made minor change to reference to reflect other changes in regulation. *The permittee shall reduce the report to writing and shall submit it to the department within five days of discovery of the discharge in accordance with Part II I ~~2~~ 1 b.*
9VAC25-151-70. General permit. Part II Conditions Applicable to All VPDES Permits		I. Reports of noncompliance.	Corrected subsection divisions. *I. Reports of noncompliance.* *1. The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.* *~~1.~~ a. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:* *~~a.~~ (1) Any unanticipated bypass; and* *~~b.~~ (2) Any upset which causes a discharge to surface waters.* *~~2.~~ b. A written report shall be submitted within five days and shall contain:* *~~a.~~ (1) A description of the noncompliance and its cause;* *~~b.~~ (2) The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and* *~~c.~~ (3) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.* *The board may waive the written*

			report on a case-by-case basis for reports of noncompliance under Part II I if the oral report has been received within 24 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.*
9VAC25-151-70. General permit. Part II Conditions Applicable to All VPDES Permits		L. Duty to comply.	Made changes a requested by DEQ enforcement staff. *Permit noncompliance is grounds for enforcement action; for permit coverage termination~~, revocation and reissuance, or modification;~~ or 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 ~~and with standards for sewage sludge use or disposal established under § 405(d) of the Clean Water Act~~ within the time provided in the regulations that establish these standards ~~or prohibitions or standards for sewage sludge use or disposal~~, even if this permit has not yet been modified to incorporate the requirement.*
9VAC25-151-70. General permit. Part II Conditions Applicable to All VPDES Permits		V. Upset.	Made minor grammatical change. *a. An upset occurred and that the permittee can identify the ~~cause(s)~~ causes of the upset;*
9VAC25-151-70. General permit. Part II Conditions Applicable to All VPDES Permits		W. Inspection and entry.	Added language to be consistent with other VPDES general permit regulations and federal NPDES permit regulation. *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:*
9VAC25-151-70.		X. Permit actions.	Changes made to language

General permit. Part II Conditions Applicable to All VPDES Permits			requested by DEQ enforcement staff and to be consistent with other VPDES general permit regulations. *X. Permit actions. Permit~~s~~ coverages may be ~~modified, revoked and reissued, or~~ terminated for cause. The filing of a request by the permittee for a permit ~~modification, revocation and reissuance, or~~ termination~~,~~ or a notification of planned changes or anticipated noncompliance does not stay any permit condition.*
9VAC25-151-70. General permit. Part II Conditions Applicable to All VPDES Permits		Y. Transfer of permits.	Removed word "proposed". Change made to be consistent with other VPDES general permit regulations and to clarify that a transfer of title notification shall be made within 30 days of the transaction as a condition of automatic permit transfer. *Coverage under this permit may be automatically transferred to a new permittee if:* *1. The current permittee notifies the department within 30 days of the ~~proposed~~ transfer of the title to the facility or property, unless permission for a later date has been granted by the board;*
9VAC25-151-80. Stormwater Pollution Prevention Plans.			Revised language as requested by TAC members and to provide consistency with the regulation's definition of "Minimize". *The SWPPP is intended to document the selection, design, and installation of control measures, including BMPs, to eliminate or reduce minimize the pollutants in all stormwater discharges from the facility, and to meet applicable effluent limitations and water quality standards.*
9VAC25-151-80 Stormwater pollution prevention plans.		*The SWPPP requirements of this general permit may be fulfilled, in part, by incorporating by reference other plans or documents such as a spill prevention control and countermeasure (SPCC) plan developed for the facility under § 311 of the Clean Water Act, or best*	*The SWPPP requirements of this general permit may be fulfilled, in part, by incorporating by reference other plans or documents such as a spill prevention control and countermeasure (SPCC) plan developed for the facility under § 311 of the Clean Water Act, or best management practices (BMP) programs otherwise required for the facility, provided that the incorporated plan meets or exceeds the plan requirements of Part III B*

		management practices (BMP) programs otherwise required for the facility, provided that the incorporated plan meets or exceeds the plan requirements of Part III B (Contents of the Plan).	*(Contents of the [~~Plan~~ SWPPP]).* Changed word "Plan" to "SWPPP" to be consistent with regulation and clarify requirements.
9VAC25-151-80. Stormwater Pollution Prevention Plans.		A. Deadlines for plan preparation and compliance.	Made minor clarification replacing "plan" with "SWPPP". *A. Deadlines for ~~plan~~ SWPPP preparation and compliance.* Updated dates to be consistent with proposed general permit 5-year term. *1. Facilities that were covered under the ~~2009~~ 2014 Industrial Stormwater General Permit. Owners of facilities that were covered under the ~~2009~~ 2014 Industrial Stormwater General Permit who are continuing coverage under this general permit shall update and implement any revisions to the SWPPP within 90 days of the board granting coverage under this permit.*
9VAC25-151-80. Stormwater Pollution Prevention Plans.		B. Contents of the plan.	Made minor clarifications. *B. Contents of the ~~plan~~ SWPPP. The contents of the SWPPP shall comply with the requirements listed below and those in the appropriate sectors of Part IV (9VAC25-151-90 et seq.). These requirements are cumulative. If a facility has colocated industrial activities that are covered in more than one sector of Part IV, that facility's ~~pollution prevention plan~~ SWPPP shall comply with the requirements listed in all applicable sectors. The following requirements are applicable to all SWPPPs developed under this general permit. The ~~plan~~ SWPPP shall include, at a minimum, the following items:*
9VAC25-151-80. Stormwater Pollution Prevention Plans.		B. 1. Pollution prevention team.	Made minor clarification and grammatical correction. *1. Pollution prevention team. The ~~plan~~ SWPPP shall identify the staff individuals by name or title who comprise the facility's stormwater pollution prevention team. The pollution prevention team is responsible for assisting the facility or plant manager in developing, implementing, maintaining, revising,*

			and ensuring compliance with the facility's SWPPP. Specific responsibilities of each staff individual on the team shall be identified and listed.
9VAC25-151-80. Stormwater Pollution Prevention Plans.		B. 2. Site description.	Made minor grammatical corrections, minor clarifications, simplified requirements, and removed SWPPP requirements that TAC members and DEQ staff found to be unnecessary and not useful. *2. Site description. The SWPPP shall include the following:* *a. ~~Activities at the facility.~~ A description ~~of the nature~~ of the industrial activities at the facility.* *~~b. General location map. A general location map (e.g., USGS quadrangle or other map) with enough detail to identify the location of the facility and the receiving waters within one mile of the facility.~~* *~~c~~b. ~~Site map.~~ A site map identifying the following:* *(1) The boundaries of the property and the size of the property ~~(~~in acres~~)~~;* *(2) The location and extent of significant structures and impervious surfaces ~~(roofs, paved areas and other impervious areas)~~;* *(3) Locations of all stormwater conveyances including ditches, pipes, swales, and inlets, and the directions of stormwater flow ~~(use~~ using arrows to ~~show~~ indicate which ~~ways~~ direction stormwater will flow~~)~~;* *(4) Locations of all ~~existing structural and source~~ stormwater control measures, including BMPs;* *(5) Locations of all surface water bodies, including wetlands;* *(6) Locations of potential pollutant sources identified under Part III B 3;* *(7) Locations where significant spills or leaks identified under Part III B 3 c have occurred;* *~~(8) Locations of the following activities where such activities are exposed to precipitation or stormwater: fueling stations; vehicle~~*

			~~and equipment maintenance and cleaning areas; loading and unloading areas; locations used for the treatment, storage or disposal of wastes; liquid storage tanks; processing and storage areas; access roads, rail cars and tracks; transfer areas for substances in bulk; and machinery;~~ *(~~9~~8) Locations of stormwater outfalls including: ~~and an approximate outline of the area draining to each outfall, and location of municipal storm sewer systems, if the stormwater from the facility discharges to them. Outfalls shall be numbered using a unique numerical identification code for each outfall (e.g., Outfall No. 001, No. 002, etc.);~~* *(a) An approximate outline of the area draining to each outfall;* *(b) The drainage area of each outfall in acres;* *(c) The longitude and latitude of each outfall;* *(d) The location of any MS4 conveyance receiving a discharge from the facility; and* *(e) Each outfall shall be identified with a with a unique numerical identification code. For example: Outfall Number 001, Outfall Number 002, etc.* *(~~10~~9) Location and description of all nonstormwater discharges;* *(~~11~~10) Location of any storage piles containing salt ~~used for deicing or other commercial or industrial purposes~~;* *(~~12~~11) Locations and sources of suspected runon to the site from an adjacent property, ~~where~~ if the runon ~~contains~~ is suspected of containing significant quantities of pollutants; and* *(~~13~~12) Locations of all stormwater monitoring points.* *d. Receiving waters and wetlands. The name of all surface waters receiving discharges from the site, including intermittent streams, dry sloughs, and arroyos. Provide a*

			description of wetland sites that may receive discharges from the facility. If the facility discharges through a ~~municipal separate storm sewer system (~~MS4~~)~~, identify the MS4 operator, and the receiving water to which the MS4 discharges.
9VAC25-151-80 Stormwater pollution prevention plans. B. 2. c		*d. Receiving waters and wetlands. The name of all surface waters receiving discharges from the site, including intermittent streams, dry sloughs, and arroyos.*	*[~~d~~ c]. Receiving waters and wetlands. The name of all surface waters receiving discharges from the site, including intermittent streams, dry sloughs, and arroyos.* Corrected section division mistake
9VAC25-151-80. Stormwater Pollution Prevention Plans.		B. 3. Summary of potential pollutant sources.	Made minor grammatical changes and clarifications. *3. Summary of potential pollutant sources. The ~~plan~~ SWPPP shall identify each separate area at the facility where industrial materials or activities are exposed to stormwater. Industrial materials or activities include~~, but are not limited to~~: material handling equipment or activities, industrial machinery, raw materials, industrial production and processes, intermediate products, byproducts, final products, and waste products. Material handling activities include~~, but are not limited to~~: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For each separate area identified, the description shall include:* *a. Activities in the area. A list of the industrial activities exposed to stormwater ~~(e.g., material storage, equipment fueling and cleaning, cutting steel beams)~~.* *b. Pollutants. A list of the ~~pollutant(s)~~ pollutants, ~~or~~ pollutant constituents, or industrial chemicals (~~e.g., crankcase oil, zinc, sulfuric acid, cleaning solvents, etc.)~~ associated with each industrial activity that could potentially be exposed to stormwater. The pollutant list shall include all significant materials handled, treated, stored or disposed that have been exposed to stormwater in the three years prior to the date this SWPPP was prepared or amended. The list*

			shall include any hazardous substances or oil at the facility. Made minor grammatical changes, removed unnecessary language, added a requirement that the list of significant spills shall be updated within 60 days of a spill incident, and changed the requirement for data to be kept in the SWPP to three year to be consistent with requirements in 9VAC25-151-60. Registration statement and Stormwater Pollution Prevention Plan (SWPPP). *c. Spills and leaks. The SWPPP shall clearly identify areas where potential spills and leaks that can contribute pollutants to stormwater discharges can occur and their corresponding outfalls. The ~~plan~~ SWPPP shall include a list of significant spills and leaks of toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a stormwater conveyance during the three-year period prior to the date this SWPPP was prepared or amended. The list shall be updated within 60 days of the incident if significant spills or leaks occur in exposed areas of the facility during the term of the permit. ~~Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of reportable quantities.~~* *d. Sampling data. The ~~plan~~ SWPPP shall include ~~a summary of existing~~ stormwater discharge sampling data ~~taken at the facility. The summary shall include, at a minimum, any~~ data collected during the previous ~~permit term~~ three years.*
9VAC25-151-80. Stormwater Pollution Prevention Plans.		B. 4. a.	Removed unnecessary language and made minor grammatical correction. *a. Control measures shall be implemented for all the areas identified in Part III B 3 ~~(summary of potential pollutant sources)~~ to prevent or control pollutants in stormwater discharges from the facility. Regulated stormwater discharges from the facility include stormwater runon that commingles with stormwater discharges associated with industrial activity at*

			the facility. The SWPPP shall describe the type, location and implementation of all control measures for each area where industrial materials or activities are exposed to stormwater. *Selection of control measures shall take into consideration:* *(1) That preventing stormwater from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from stormwater;* *(2) Control measures generally shall be used in combination with each other for most effective water quality protection;* *(3) Assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures;* *(4) That minimizing impervious areas at the facility can reduce runoff and improve groundwater recharge and stream base flows in local streams (however, care must be taken to avoid ~~ground water~~ groundwater contamination);*
9VAC25-151-80. Stormwater Pollution Prevention Plans.		B. 4. B. Nonnumeric technology-based effluent limits.	Removed unnecessary language. *The permittee shall implement the following types of control measures to prevent and control pollutants in the stormwater discharges from the facility, unless it can be demonstrated and documented that such controls are not relevant to the discharges ~~(e.g., there are no storage piles containing salt)~~.*
9VAC25-151-80. Stormwater Pollution Prevention Plans.		B. 4. b. (1) Good housekeeping.	Included new requirements for housekeeping to be consistent with EPA's 2015 MSGP. *(1) Good housekeeping. The permittee shall keep clean all exposed areas of the facility that are potential sources of pollutants to stormwater discharges. ~~Typical problem areas include areas around trash containers, storage areas, loading docks, and vehicle fueling and maintenance areas. The plan shall include a schedule for regular pickup and disposal of waste~~*

			~~*materials, along with routine inspections for leaks and conditions of drums, tanks and containers.*~~ *The permittee shall perform the following good housekeeping measures to minimize pollutant discharges:* *(a) The SWPPP shall include a schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks, and containers;* *(b) As feasible, the facility shall sweep or vacuum;* *(c) Store materials in ~~clearly labeled~~ containers constructed of appropriate materials and ;* *(d) ~~Keep all dumpster lids, if equipped by the manufacturer, closed when in not in use~~ Manage all waste containers to prevent a discharge of pollutants;* *(e) Minimize the potential for waste, garbage, and floatable debris to be discharged by keeping areas exposed to stormwater free of such materials, or by intercepting such materials prior to discharge; and* *(f) Facilities that handle pre-production plastic or plastic waste shall implement BMPs to eliminate stormwater discharges of plastics.*
9VAC25-151-80. Stormwater Pollution Prevention Plans.		B. 4. b. (2) Eliminating and minimizing exposure.	Added new requirements to be consistent with EPA's 2015 MSGP. *(2) Eliminating and minimizing exposure. To the extent practicable, manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) shall be located inside, or protected by a storm-resistant covering to prevent exposure to rain, snow, snowmelt, and runoff. Note: Eliminating exposure at all industrial areas may make the facility eligible for the "Conditional Exclusion for No Exposure" provision of 9VAC25-31-120 E, thereby eliminating the need to have a permit. Unless infeasible, facilities shall implement the following:*

			(a) Use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from potential sources of pollutants; *(b) Locate materials, equipment, and activities so that potential leaks and spills are contained or able to be contained or diverted before discharge;* *(c) Clean up spills and leaks immediately, upon discovery of the spills or leaks, using dry methods (e.g., absorbents) to prevent the discharge of pollutants;* *(d) Store leaking vehicles and equipment indoors or, if stored outdoors, use drip pans and adsorbents;* *(e) Utilize appropriate spill or overflow protection equipment;* *(f) Perform all vehicle maintenance or equipment cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also capture any overspray; and* *(g) Drain fluids from equipment and vehicles that will be decommissioned, and for any equipment and vehicles that remain unused for extended periods of time, inspect at least monthly for leaks.*
9VAC25-151-80. Stormwater Pollution Prevention Plans.		B. 4. b. (3) Preventive maintenance.	Made minor language correction. *This program is in addition to the specific control measure maintenance required under Part III C (Maintenance ~~of control measures~~).*
9VAC25-151-80. Stormwater Pollution Prevention Plans.		B. 4. b. (4) Spill prevention and response procedures.	Made minor language correction. *The ~~plan~~ SWPPP shall describe the procedures that will be followed for preventing and responding to spills and leaks, including:*
9VAC25-151-80. Stormwater Pollution Prevention Plans.		B. 4. b. (6) Employee training.	Added language that clarified that the training requirement was expected to be completed at least annually. *Training shall be provided at least annually for all employees who work in areas where industrial materials or activities are exposed to stormwater, and for employees who are responsible for implementing activities identified in the SWPPP (e.g., inspectors, maintenance*

			personnel, etc.).
9VAC25-151-80. Stormwater Pollution Prevention Plans.		B. 4. b. (7) Sediment and erosion control.	Made minor language clarification. *The ~~plan~~ SWPPP shall identify areas at the facility that, due to topography, land disturbance (e.g., construction, landscaping, site grading), or other factors, have a potential for soil erosion.*
9VAC25-151-80. Stormwater Pollution Prevention Plans.		B. 4. b. (8) Management of runoff.	Made a minor language clarification and made new requirement that the use of control measures was required to manage runoff. *The ~~plan~~ SWPPP shall describe the stormwater runoff management practices (i.e., permanent structural control measures) for the facility. These types of control measures ~~are typically~~ shall be used to divert, infiltrate, reuse, or otherwise reduce pollutants in stormwater discharges from the site.*
9VAC25-151-80. Stormwater Pollution Prevention Plans.		B. 4. b. (9) Dust suppression and vehicle tracking of industrial materials.	Eliminated unnecessary language. *There shall be no ~~direct~~ discharge to surface waters from dust suppression activities or as a result of spraying stockpiles.*
9VAC25-151-80. Stormwater Pollution Prevention Plans.		B. 5. Routine facility inspections.	Made minor language clarifications. Added additional language previously captured in "comprehensive site evaluation" requirements as the requirements we removed to be consistent with EPA's 2015 MSGP. Changed requirement to correct deficiencies in the implementation of the SWPPP from 30 days to 60 days. This change was made to provide consistency in the regulation so that all corrections shall be made within 60 days. *5. Routine facility inspections. ~~Facility personnel~~ Personnel who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility and who can also evaluate the effectiveness of control measures shall regularly inspect all areas of the facility where industrial materials or activities are exposed to stormwater, areas where spills or leaks have occurred in the past three years, discharge points, and control measures. ~~These inspections are in addition to, or as part of, the~~*

			~~comprehensive site evaluation required under Part III E.~~ At least one member of the pollution prevention team shall participate in the routine facility inspections. *The inspection frequency shall be specified in the ~~plan~~ SWPPP based upon a consideration of the level of industrial activity at the facility, but shall be at a minimum ~~quarterly~~ of once per calendar quarter unless more frequent intervals are specified elsewhere in the permit or written approval is received from the department for less frequent intervals. Inspections shall be performed during ~~periods when the facility is in operation~~ operating hours. At least once each calendar year, the routine facility inspection shall be conducted during a period when a stormwater discharge is occurring.* *The requirement for routine facility inspections is waived for facilities that have maintained an active VEEP E3/E4 status. Note: Certain sectors in Part IV have additional inspection requirements. If the VEEP E3/E4 waiver language is not included for the sector specific inspections, these additional inspection requirements may not be waived.* *Any deficiencies in the implementation of the SWPPP that are found shall be corrected as soon as practicable, but not later than within ~~30~~ 60 days of the inspection, unless permission for a later date is granted in writing by the director. The results of the inspections shall be documented in the SWPPP and shall include at a minimum:* *a. The inspection date ~~and time~~;* *b. The ~~name(s)~~ names ~~and signature(s)~~ of the ~~inspector(s)~~ inspectors;* *c. Weather information and a description of any discharges occurring at the time of the inspection;* *d. Any previously unidentified discharges of pollutants from the site;*

			e. Any control measures needing maintenance or repairs; *f. Any failed control measures that need replacement;* *g. Any incidents of noncompliance observed; and* *h. Any additional control measures needed to comply with the permit requirements.*
9VAC25-151-80. Stormwater Pollution Prevention Plans.		C. Maintenance.	Made minor clarifications to requirements and removed reference to "comprehensive site evaluation" as this requirement has been removed from the proposed regulation. *C. Maintenance. The SWPPP shall include a description of procedures and a regular schedule for preventive maintenance of all control measures, and shall include a description of the back-up practices that are in place should a runoff event occur while a control measure is off-line. The effectiveness of nonstructural control measures shall also be maintained by appropriate means (e.g., spill response supplies available and personnel trained, etc.).* *All control measures identified in the SWPPP shall be maintained in effective operating condition and shall be observed at least annually ~~during active operation (i.e., during a stormwater runoff event)~~ when a stormwater discharge is occurring to ensure that they are functioning correctly. Where discharge locations are inaccessible, nearby downstream locations shall be observed. The observations shall be documented in the SWPPP.* *If ~~site~~ routine facility inspections required by Part III B 5 ~~(Routine facility inspections) or Part III E (Comprehensive site compliance evaluation)~~ identify control measures that are not operating effectively, repairs or maintenance shall be performed before the next anticipated storm event. If maintenance prior to the next anticipated storm event is not possible, maintenance shall be*

			scheduled and accomplished as soon as practicable. In the interim, back-up measures shall be employed and documented in the SWPPP until repairs or maintenance is complete. Documentation shall be kept with the SWPPP of maintenance and repairs of control measures, including the ~~date(s)~~ dates of regular maintenance, ~~date(s)~~ dates of discovery of areas in need of repair or replacement, ~~date(s)~~ dates for repairs, ~~date(s)~~ dates that the control ~~measure(s)~~ measures returned to full function, and the justification for any extended maintenance or repair schedules.
9VAC25-151-80. Stormwater Pollution Prevention Plans.		D. Nonstormwater discharges.	Removed unnecessary language in an attempt to provide clarity. *D. Nonstormwater discharges.* *1. Discharges of certain sources of nonstormwater listed in Part I B 1 are allowable discharges under this permit ~~(see Part I B, Special Condition No. 1 - Allowable nonstormwater discharges)~~. All other nonstormwater discharges are not authorized and shall be either eliminated or covered under a separate VPDES permit.* *2. Annual outfall evaluation for unauthorized discharges.* *a. The SWPPP shall include documentation that all stormwater outfalls associated with industrial activity have been evaluated annually for the presence of unauthorized discharges ~~(i.e., discharges other than stormwater; the authorized nonstormwater discharges described in Part I B, Special Condition No. 1; or discharges covered under a separate VPDES permit, other than this permit)~~. The documentation shall include:* *(1) The date of the evaluation;* *(2) A description of the evaluation criteria used;* *(3) A list of the outfalls or on-site drainage points that were directly*

			observed during the evaluation; *(4) A description of the results of the evaluation for the presence of unauthorized discharges; and* *(5) The actions taken to eliminate unauthorized discharges if any were identified ~~(i.e., a floor drain was sealed, a sink drain was rerouted to sanitary, or a VPDES permit application was submitted for a cooling water discharge)~~.*
9VAC25-151-80. Stormwater Pollution Prevention Plans.		E. Comprehensive site compliance evaluation.	Removed requirement to be consistent with EPA's 2015 MSGP. EPA's 2015 MSGP Fact Sheet indicated that EPA believed this requirement was redundant of the "routine site inspection" requirement and was a burden that provided no additional protection. *~~E. Comprehensive site compliance evaluation. The permittee shall conduct comprehensive site compliance evaluations at least once each calendar year after coverage under the permit begins. The evaluations shall be done by qualified personnel who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and who can also evaluate the effectiveness of control measures. The personnel conducting the evaluations may be either facility employees or outside personnel hired by the facility.~~* *~~1. Scope of the compliance evaluation. Evaluations shall include all areas where industrial materials or activities are exposed to stormwater, as identified in Part III B 3. The personnel shall evaluate:~~* *~~a. Industrial materials, residue or trash that may have or could come into contact with stormwater;~~* *~~b. Leaks or spills from industrial equipment, drums, barrels, tanks or other containers that have occurred within the past three years;~~* *~~c. Off-site tracking of industrial or waste materials or sediment where vehicles enter or exit the site;~~*

			~~*d. Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas;*~~ ~~*e. Evidence of, or the potential for, pollutants entering the drainage system;*~~ ~~*f. Evidence of pollutants discharging to surface waters at all facility outfalls, and the condition of and around the outfall, including flow dissipation measures to prevent scouring;*~~ ~~*g. Review of stormwater related training performed, inspections completed, maintenance performed, quarterly visual examinations, and effective operation of control measures, including BMPs;*~~ ~~*h. A summary of the annual outfall evaluation for unauthorized discharges required by subdivision D 2 of this section.*~~ ~~*i. Results of both visual and any analytical monitoring done during the past year shall be taken into consideration during the evaluation.*~~ ~~*2. Based on the results of the evaluation, the SWPPP shall be modified as necessary (e.g., show additional controls on the map required by Part III B 2 c; revise the description of controls required by Part III B 4 to include additional or modified control measures designed to correct problems identified). Revisions to the SWPPP shall be completed within 30 days following the evaluation, unless permission for a later date is granted in writing by the director. If existing control measures need to be modified or if additional control measures are necessary, implementation shall be completed before the next anticipated storm event, if practicable, but not more than 60 days after completion of the comprehensive site evaluation, unless permission for a later date is granted in writing by the department.*~~ ~~*3. Compliance evaluation report. A report shall be written summarizing the scope of the evaluation, name(s)*~~

			~~*of personnel making the evaluation, the date of the evaluation, and all observations relating to the implementation of the SWPPP, including elements stipulated in Part III E 1 (a) through (i) above. Observations shall include such things as: the location(s) of discharges of pollutants from the site; location(s) of previously unidentified sources of pollutants; location(s) of control measures that need to be maintained or repaired; location(s) of failed control measures that need replacement; and location(s) where additional control measures are needed. The report shall identify any incidents of noncompliance that were observed. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the SWPPP and this permit. The report shall be signed in accordance with Part II K and maintained with the SWPPP.*~~ ~~*4. Where compliance evaluation schedules overlap with routine inspections required under Part III B 5 the annual compliance evaluation may be used as one of the routine inspections.*~~
9VAC25-151-80. Stormwater Pollution Prevention Plans.		F. Signature and plan review.	Corrected subdivision labeling due to the removal of "E. Comprehensive site compliance evaluation", made minor language clarification, clarified the intent that only inactive and unstaffed facilities may keep a copy of the facility's SWPPP at the nearest office of the permittee, and corrected a subdivision reference. ~~*F*~~*E. Signature and* ~~*plan*~~ *SWPPP review.* *1. Signature and location. The SWPPP, including revisions to the SWPPP to document any corrective actions taken as required by Part I A 6, shall be signed in accordance with Part II K, dated, and retained on-site at the facility covered by this permit in accordance with Part II B 2. All other changes to the SWPPP, and other permit compliance documentation, shall be signed and dated by the person preparing the*

			change or documentation. For inactive and unstaffed facilities, the plan may be kept at the nearest office of the permittee. *2. Availability. The permittee shall retain a copy of the current SWPPP required by this permit at the facility, and it shall be immediately available to the department, EPA, or the operator of an MS4 receiving discharges from the site at the time of an on-site inspection or upon request.* *3. Required modifications. The permittee shall modify the SWPPP whenever necessary to address all corrective actions required by Part I A 6 a (Data exceeding benchmark concentration values) or Part I A 6 b (Corrective actions). Changes to the SWPPP shall be made in accordance with the corrective action deadlines in Part I A 6 a and Part I A 6 b, and shall be signed and dated in accordance with Part III ~~F 1~~ E 1.*
9VAC25-151-80. Stormwater Pollution Prevention Plans.		G. Maintaining an updated SWPPP.	Corrected subdivision labeling due to the removal of "E. Comprehensive site compliance evaluation", clarified that SWPPP actions were necessary for a "significant spill" (as defined in the regulation's definitions), that SWPPP modifications shall be made within 60 days (to provide consistency throughout regulation), and changed the word "release" with "incident" in order to clarify that SWPPP actions are required not only during a "release" but all incidents referenced. *~~G~~F. Maintaining an updated SWPPP.* *1. The permittee shall review and amend the SWPPP as appropriate whenever:* *a. There is construction or a change in design, operation, or maintenance at the facility that has a significant effect on the discharge, or the potential for the discharge, of pollutants from the facility;* *b. Routine inspections or compliance evaluations determine that there are deficiencies in the control measures,*

			including BMPs; *c. Inspections by local, state, or federal officials determine that modifications to the SWPPP are necessary;* *d. There is a significant spill, leak, or other release at the facility;* *e. There is an unauthorized discharge from the facility; or* *f. The department notifies the permittee that a TMDL has been developed and applies to the permitted facility, consistent with Part I B, special condition 7 (Discharges to waters subject to TMDL wasteload allocations).* *2. SWPPP modifications shall be made within 30 60 calendar days after discovery, observation or event requiring a SWPPP modification. Implementation of new or modified control measures (distinct from regular preventive maintenance of existing control measures described in Part III C) shall be initiated before the next storm event if possible, but no later than 60 days after discovery, or as otherwise provided or approved by the director. The amount of time taken to modify a control measure or implement additional control measures shall be documented in the SWPPP.* *3. If the SWPPP modification is based on a significant spill, leak, release, or unauthorized discharge, include a description and date of the releaseincident, the circumstances leading to the releaseincident, actions taken in response to the releaseincident, and measures to prevent the recurrence of such releasesincident. Unauthorized releases and discharges are subject to the reporting requirements of Part II G of this permit.*
9VAC25-151-90. Sector A – Timber products facilities (including mulch, wood, and bark		Part IV Sector Specific Requirements	Made minor grammatical changes. *The permittee must only comply with the additional requirements of Part IV (9VAC25-151-90 et seq.) that apply to the sector(s) sectors of industrial*

facilities and mulch dyeing facilities).			*activity located at the facility. These sector specific requirements are in addition to the ~~"basic"~~ requirements specified in Parts I, II and III of this permit.*
9VAC25-151-90. Sector A – Timber products facilities (including mulch, wood, and bark facilities and mulch dyeing facilities).		A. Discharges covered under this section.	Clarified language to remove unnecessary language and removed facilities with SIC Codes 2421, 2411, 2426, 2429, 2431-2439 (except 2434), 2441, 2448, 2449, 2451, 2493, and 2499 as they facilities are now covered under "Sector AF – Facilities Limited to Total Suspended Solids Benchmark Monitoring Requirements". *~~A. Discharges covered under this section.~~* *~~1.~~ A. Discharges covered under this section. The requirements listed under this section apply to stormwater discharges associated with industrial activity from facilities generally classified under ~~Standard Industrial Classification (SIC) Major Group 24~~ SIC Codes 2491 and 2499 that are engaged in the following activities: ~~cutting timber and pulpwood (those that have log storage or handling areas), mills, including merchant, lath, shingle, cooperage stock, planing, plywood and veneer, and producing lumber and wood materials;~~ wood preserving~~, manufacturing wood buildings or mobile homes; and manufacturing finished articles made entirely of wood or related materials, except for wood kitchen cabinet manufacturers (SIC Code 2434), which are addressed under Sector W (9VAC25-151-300)~~ and mulch, wood, and bark facilities, including mulch dyeing operations (SIC Code 24991303).* *~~2. The requirements listed under this section also apply to stormwater discharges associated with industrial activity from mulch, wood, and bark facilities, including mulch dyeing operations (SIC Code 24991303).~~*
9VAC25-151-90 Sector A A. Discharges covered under this		*A. Discharges covered under this section. 1. A. Discharges covered under this*	*A. Discharges covered under this section. 1. The requirements listed under this section apply to stormwater discharges associated*

section		*section. The requirements listed under this section apply to stormwater discharges associated with industrial activity from facilities generally classified under Standard Industrial Classification (SIC) Major Group 24 SIC Codes 2491 and 2499 that are engaged in the following activities: cutting timber and pulpwood (those that have log storage or handling areas), mills, including merchant, lath, shingle, cooperage stock, planing, plywood and veneer, and producing lumber and wood materials; wood preserving, manufacturing wood buildings or mobile homes; and manufacturing finished articles made entirely of wood or related materials, except for wood kitchen cabinet manufacturers (SIC Code 2434), which are addressed under Sector W (9VAC25-151-300). and mulch, wood, and bark facilities, including mulch dyeing operations (SIC Code 24991303).*	*with industrial activity from facilities generally classified under Standard Industrial Classification (SIC) Major Group 24 SIC Codes 2491 and 2499 that are engaged in the following activities: [cutting timber and pulpwood (those that have log storage or handling areas), mills, including merchant, lath, shingle, cooperage stock, planing, plywood and veneer, and producing lumber and wood materials;] wood preserving[, manufacturing wood buildings or mobile homes; and manufacturing finished articles made entirely of wood or related materials, except for wood kitchen cabinet manufacturers (SIC Code 2434),] which are addressed under Sector W (9VAC25-151-300). and mulch, wood, and bark facilities, including mulch dyeing operations (SIC Code 24991303).* Placed facilities struck from the proposed regulation back into Sector A requirements. Discussions with DEQ compliance staff indicated that compliance issues and risks with wood product facilities were better controlled with the additional general permit requirements outlined for Sector A facilities. In the proposed regulation facilities were moved to Sector AF due to benchmark sampling requirements. These facilities were moved back to Sector A as required In the 2014 Industrial Stormwater General Permit.
9VAC25-151-90 Sector A B. Special Conditions		*B. Special conditions. 1. Prohibition of nonstormwater discharges. Discharges of stormwater from areas where there may be contact with chemical formulations sprayed to provide surface protection are not authorized by this permit. These discharges must be*	*B. Special conditions. 1. Prohibition of nonstormwater discharges. Discharges of stormwater from areas where there may be contact with chemical formulations [~~sprayed~~ applied]to provide surface protection are not authorized by this permit. [Surface protection includes chemical application to control sap stain, mold, mildew, and insects.] These discharges must be covered under a separate VPDES permit. Discharge*

		covered under a separate VPDES permit. Discharge of wet dye drippings from mulch dyeing operations are also prohibited.	*of wet dye drippings from mulch dyeing operations are also prohibited.* Changed word "sprayed" to "applied" to cover facilities that use dip tanks or other means besides spraying to apply chemical formulations. Also clarified that "surface protection includes chemical application to control sap stain, mold, mildew, and insects". Changes were made due to regional staff compliance concerns.
9VAC25-151-90. Sector A – Timber products facilities (including mulch, wood, and bark facilities and mulch dyeing facilities).		C. Stormwater pollution prevention plan requirements.	Removed this entire subsection as the requirements were determined to be redundant to those required in "9VAC25-151-80. Stormwater Pollution Prevention Plans". ~~*C. Stormwater pollution prevention plan requirements. In addition to the requirements of Part III, the SWPPP shall include, at a minimum, the following items.*~~ ~~*1. Site description.*~~ ~~*a. Site map. The site map shall identify where any of the following may be exposed to precipitation or surface runoff: processing areas; treatment chemical storage areas; treated wood and residue storage areas; wet decking areas; dry decking areas; untreated wood and residue storage areas; and treatment equipment storage areas.*~~ ~~*b. Summary of potential pollutant sources. Where information is available, facilities that have used chlorophenolic, creosote, or chromium-copper-arsenic formulations for wood surface protection or wood preserving activities on-site in the past shall identify in the inventory the following: areas where contaminated soils, treatment equipment, and stored materials still remain, and the management practices employed to minimize the contact of these materials with stormwater runoff.*~~
9VAC25-151-90 Sector A D. Numeric effluent		*In addition to the numeric effluent limitations described in*	~~*[In addition to the numeric effluent limitations described in Part I A 1 c, the*~~ *The] following [numeric effluent]*

limitations		*Part I A 1 c, the following limitations shall be met by existing and new facilities*.	*limitations shall be met by existing and new facilities.* Simplified language for clarity
9VAC25-151-90. Sector A – Timber products facilities (including mulch, wood, and bark facilities and mulch dyeing facilities).		2. Stormwater Controls.	Relabeled as "C." as "C. Stormwater pollution prevention plan requirements. *~~2~~C. Stormwater controls. The description of stormwater management controls shall address the following areas of the site: log, lumber and wood product storage areas; residue storage areas; loading and unloading areas; material handling areas; chemical storage areas; and equipment and vehicle maintenance, storage and repair areas. Facilities that surface protect or preserve wood products shall address specific control measures, including any BMPs, for wood surface protection and preserving activities. Facilities that dye mulch shall address specific control measures to prevent the discharge of wet dye drippings and to prevent seepage of pollutants to groundwater.* *The SWPPP shall address the following minimum components:* *~~a.~~ 1. Good housekeeping. Good housekeeping measures in storage areas, loading and unloading areas, and material handling areas shall be designed to:* *~~(1)~~ a. Limit the discharge of wood debris* *~~(2)~~ b. Minimize the leachate generated from decaying wood materials; and* *~~(3)~~ c. Minimize the generation of dust.* *~~b.~~ 2. Routine facility inspections. Inspections at processing areas, transport areas, and treated wood storage areas of facilities performing wood surface protection and preservation activities shall be performed monthly to assess the usefulness of practices in minimizing the deposit of treatment chemicals on unprotected soils and in areas that will come in contact with stormwater discharges. The*

			requirement for routine facility inspections is waived for facilities that have maintained an active VEEP E3/E4 status.
9VAC25-151-90. Sector A – Timber products facilities (including mulch, wood, and bark facilities and mulch dyeing facilities).		E. Benchmark monitoring and reporting requirements.	Changed language from "Timber product" to "Wood preserving" to be consistent with language used in section. ~~*Timber product*~~ *Wood preserving facilities; mulch, wood, and bark facilities; and mulch dyeing facilities are required to monitor their stormwater discharges for the pollutants of concern listed in the appropriate section of Table 90-2.*
9VAC25-151-90. Sector A – Timber products facilities (including mulch, wood, and bark facilities and mulch dyeing facilities).		Table 90-2 Sector A-Benchmark Monitoring Requirements.	Removed SIC Codes 2421, 2411, 2426,2429,2431-2439 (except 2434), 2441, 2448, 2449, 2451, 2452, 2493, and 2499 from table as these facilities are now covered under "Sector AF – Facilities Limited to Total Suspended Solids Benchmark Monitoring Requirements". Replaced Biochemical Oxygen Demand benchmark requirement with Chemical Oxygen Demand requirement to be consistent with EPA's 2015 MSGP for Mulch, Wood, and Bark facilities that are not dyeing or coloring mulch. Removed benchmarks for Total Recoverable Lead, Total Recoverable Manganese, Total Recoverable Mercury, and Total Recoverable Nickel for facilities with mulch dyeing/coloring operations. The benchmarks were removed based on data analysis of the current permit term which did not indicate that these parameters were an issue for these facilities. Made minor clarification to waiver language in table footnotes and added requirement that waivers shall be kept with the SWPPP (consistent with other waiver requirements in regulation).
9VAC25-151-90 Sector A		Struck SIC Code facilities 2421, 2411,	Unstruck SIC Code facilities 2421, 2411, 2426, 2429, 2431-2439, 2441,

Table 90-2		2426, 2429, 2431-2439, 2441, 2448, 2449, 2451, 2452, 2493, and 2499 from Sector A covered facilities. Total Recoverable Arsenic was listed as 150 µg/L	2448, 2449, 2451, 2452, 2493, and 2499 from Sector A covered facilities. Corrected Total Recoverable Arsenic to 50 µg/L. Placed facilities struck from the proposed regulation back into Sector A requirements. Discussions with DEQ compliance staff indicated that compliance issues and risks with wood product facilities were better controlled with the additional general permit requirements outlined for Sector A facilities. In the proposed regulation facilities were moved to Sector AF due to benchmark sampling requirements. These facilities were moved back to Sector A as required In the 2014 Industrial Stormwater General Permit. Corrected typo in Total Recoverable Arsenic benchmark concentration requirement.
9VAC25-151-100. Sector B- Paper and allied products manufacturing.		A. Discharges covered under this section.	Made minor grammatical changes, removed unnecessary language and clarified that SIC Code 2361 was covered under "Sector B". SIC Codes 2611, 2621, 2652-2657, and 2671-2679 are now covered under "Sector AE: Facilities With No Analytical Benchmark Monitoring Requirements". *A. Discharges covered under this section. The requirements listed under this section apply to ~~storm water~~ stormwater discharges associated with industrial activity from facilities generally classified ~~under~~ as paperboard mills, SIC ~~Major Group 26~~ 2361. ~~that are engaged in the following activities: the manufacture of pulps from wood and other cellulose fibers and from rags; the manufacture of paper and paperboard into converted products, such as paper coated off the paper machine, paper bags, paper boxes and envelopes; and the manufacture of bags of plastic film and sheet.~~*
9VAC25-151-100. Sector B- Paper and allied products manufacturing.		B. Benchmark monitoring and reporting requirements.	Made minor grammatical changes. *B. Benchmark monitoring and reporting requirements. Paperboard mills are ~~required~~ to monitor their ~~storm water~~ stormwater discharges for the ~~pollutants~~ pollutant of concern listed in Table 100.*

9VAC25-151-110. Sector C- Chemical and allied products manufacturing.		A. Discharges covered under this section.	Made minor grammatical changes and clarified the SIC Codes covered under "Sector C". Removed references to SIC Codes 2833-2836, 2851, 2861-2869, 2891-2899, and 3952 as these facilities are now covered under "Sector AE: Facilities With No Analytical Benchmark Monitoring Requirements". *A. Discharges covered under this section. The requirements listed under this section apply to stormwater discharges associated with industrial activity from facilities engaged in manufacturing the following products and generally described by the SIC code shown:* *1. ~~Basic~~ Industrial inorganic chemicals (including SIC Codes 281 2-2819);* *2. Plastic materials and synthetic resins, synthetic rubbers, and cellulosic and other ~~humanmade~~ synthetic fibers, except glass (including SIC Codes 282 1-2824);* *~~3. Medicinal chemicals and pharmaceutical products, including the grading, grinding and milling of botanicals (including SIC Code 283);~~* *~~4~~ 3. Soap and other detergents, including facilities producing glycerin from vegetable and animal fats and oils; specialty cleaning, polishing, and sanitation preparations; surface active preparations used as emulsifiers, wetting agents, and finishing agents, including sulfonated oils; and perfumes, cosmetics, and other toilet preparations (including SIC Codes 284 1-2844); and* *~~5. Paints (in paste and ready mixed form); varnishes; lacquers; enamels and shellac; putties, wood fillers, and sealers; paint and varnish removers; paint brush cleaners; and allied paint products (including SIC Code 285);~~* *~~6. Industrial organic chemicals (including SIC Code 286);~~* *~~7~~ 4. Nitrogenous and phosphatic basic fertilizers, mixed fertilizer, pesticides, and other agricultural chemicals ~~(including~~ SIC ~~Code 287)~~ Codes 2873-2879. Note: ~~SIC Code~~*

			~~*287 includes*~~ *Composting Facilities (SIC Code 2875)* *are included;* ~~*8. Industrial and household adhesives, glues, caulking compounds, sealants, and linoleum, tile, and rubber cements from vegetable, animal, or synthetic plastics materials; explosives; printing ink, including gravure ink, screen process and lithographic inks; miscellaneous chemical preparations, such as fatty acids, essential oils, gelatin (except vegetable), sizes, bluing, laundry sours, and writing and stamp pad ink; industrial compounds, such as boiler and heat insulating compounds; and chemical supplies for foundries (including SIC Code 289); and*~~ ~~*9. Ink and paints, including china painting enamels, India ink, drawing ink, platinum paints for burnt wood or leather work, paints for china painting, artists' paints and artists' water colors (SIC Code 3952, limited to those listed; for others in SIC Code 3952 not listed above, see Sector Y (9VAC25-151-320)).*~~
9VAC25-151-110. Sector C- Chemical and allied products manufacturing.		B. Special conditions.	Removed redundant requirements language contained elsewhere in the regulation. ~~*B. Special conditions. Prohibition of nonstormwater discharges. In addition to the general prohibition of nonstormwater discharges in Part I B 1, the following discharges are not covered by this permit: inks, paints, or substances (hazardous, nonhazardous, etc.) resulting from an on-site spill, including materials collected in drip pans; washwaters from material handling and processing areas; or washwaters from drum, tank, or container rinsing and cleaning.*~~
9VAC25-151-110. Sector C- Chemical and allied products manufacturing.		C. Numeric effluent limitations.	Relabeled subsection. ~~*C*~~*B. Numeric effluent limitations.*
9VAC25-151-110 Sector C B Numeric effluent		*In addition to the numeric effluent limitations described in*	*[*~~*In addition to the numeric effluent limitations described in Part I A 1 c, the*~~ *The] following [numeric effluent]*

limitations		*Part I A 1 c, the following limitations shall be met by existing and new facilities*.	*limitations shall be met by existing and new facilities.* Simplified language for clarity
9VAC25-151-110. Sector C- Chemical and allied products manufacturing.		D. Benchmark monitoring and reporting requirements.	Relabeled subsection. *~~D~~C. Benchmark monitoring and reporting requirements.*
9VAC25-151-130. Sector E-Glass, clay, cement, concrete, and gypsum products.		9VAC25-151-130. Sector E-Glass, clay, cement, concrete, and gypsum products.	Renamed section as glass products have been removed from this Sector. *9VAC25-151-130. Sector E - ~~Glass, clay~~ Clay, cement, concrete, and gypsum products.*
9VAC25-151-130. Sector E-Glass, clay, cement, concrete, and gypsum products.		A. Discharges covered under this section.	Clarified that SIC Codes 3251-3259, 3261-3269, 3274, and 3275 are covered under this sector. Removed language pertaining to other facilities that were previously covered under this sector. *A. Discharges covered under this section. The requirements listed under this section apply to stormwater discharges associated with industrial activity from facilities generally classified under SIC ~~Major Group 32~~ Codes 3251-3259, 3261-3269, 3274, and 3275 that are engaged in either manufacturing the following products or performing the following activities: ~~flat, pressed, or blown glass or glass containers; hydraulic cement;~~ structural clay products including tile and brick; pottery and porcelain electrical supplies; and concrete, plaster, and gypsum products~~; nonclay refractories; minerals and earths, ground or otherwise treated; lime manufacturing; cut stone and stone products; asbestos products; and mineral wool and mineral wool insulation products.~~*
9VAC25-151-130. Sector E-Glass, clay, cement, concrete, and gypsum products.		B. Stormwater pollution prevention plan requirements.	Removed redundant requirements. *~~B. Stormwater pollution prevention plan requirements. In addition to the requirements of Part III, the plan shall include, at a minimum, the following items:~~* *~~1. Site description and site map. The site map shall identify the locations of the following, if applicable: bag house or other dust control device; recycle or sedimentation pond, clarifier or other device used for the~~*

			~~*treatment of process wastewater and the areas that drain to the treatment device.*~~ ~~*2. Stormwater controls. Good housekeeping.*~~
9VAC25-151-130 Sector E C. Numeric effluent limitations		*In addition to the numeric effluent limitations described by Part I A 1 c, the following limitations shall be met by existing and new facilities*.	~~*[In addition to the numeric effluent limitations described by Part I A 1 c, the*~~ *The] following [numeric effluent] limitations shall be met by existing and new facilities.* Simplified language for clarity
9VAC25-151-130. Sector E-Glass, clay, cement, concrete, and gypsum products.		2. Stormwater Controls.	Relabeled subdivision due to removal of "B. Stormwater pollution prevention plan requirements" and made minor language change. *B. Stormwater controls. In addition to the requirements of Part III, the SWPPP shall include, at a minimum, the following items:* ~~*a.*~~ *1. Facilities shall prevent or minimize the discharge of: spilled cement; aggregate (including sand or gravel); kiln dust; fly ash; settled dust; and other significant materials in stormwater from paved portions of the site that are exposed to stormwater. Measures used to minimize the presence of these materials may include regular sweeping, or other equivalent measures. The ~~plan~~ SWPPP shall indicate the frequency of sweeping or equivalent measures. The frequency shall be determined based upon consideration of the amount of industrial activity occurring in the area and frequency of precipitation, but shall not be less than once per week if cement, aggregate, kiln dust; fly ash, or settled dust are being handled or processed.* ~~*b.*~~ *2. Facilities shall prevent the exposure of fine granular solids (such as cement, fly ash, kiln dust, etc.) to stormwater. Where practicable, these materials shall be stored in enclosed silos or hoppers, buildings, or under other covering.*
9VAC25-151-130. Sector E-Glass, clay, cement,		C. Numeric effluent limitations.	Made minor language changes and removed unnecessary language for clarity.

concrete, and gypsum products.			*C. Numeric effluent limitations. In addition to the numeric effluent limitations described by Part I A 1 c, the following limitations shall be met by ~~existing and new~~ facilities~~:~~ with cement manufacturing ~~facility,~~ and material storage runoff. Any discharge composed of runoff ~~that derives~~ from the storage of materials including raw materials, intermediate products, finished products, and waste materials ~~that are used in or derived~~ from the manufacture of cement shall not exceed the limitations in Table 130-1. Runoff from the storage piles shall not be diluted with other stormwater runoff or flows to meet these limitations. Any untreated overflow from facilities designed, constructed and operated to treat the volume of material storage pile runoff that is associated with a 10-year, 24-hour rainfall event shall not be subject to the TSS or pH limitations. ~~Facilities subject to these numeric effluent limitations shall be in compliance with these limits upon commencement of coverage and for the entire term of this permit.~~*
9VAC25-151-130. Sector E-Glass, clay, cement, concrete, and gypsum products.		Table 130-1 Sector E – Numeric Effluent Limitations	Removed unnecessary language. *Cement Manufacturing Facility, Material Storage Runoff: Any discharge composed of runoff ~~that derives~~ from the storage of materials including raw materials, intermediate products, finished products, and waste materials ~~that are used in or derived~~ from the manufacture of cement.*
9VAC25-151-140. Sector F- Primary metals.		A. Discharges covered under this section.	Clarified that SIC Codes 3312-3317, 3321-3325, 3351-3357, and 3363-3369 were covered under this sector. Removed language pertaining to SIC Codes 3331-3339, 3341, 3398, and 3399 as these facilities were moved to “Sector AE: Facilities With No Analytical Benchmark Monitoring Requirements”. *A. Discharges covered under this section. The requirements listed under this section apply to stormwater discharges associated with industrial activity from the*

			following types of facilities in the primary metal industry, and generally described by the SIC codes shown: *1. Steel works, blast furnaces, and rolling and finishing mills, including: steel wire drawing and steel nails and spikes; cold-rolled steel sheet, strip, and bars; and steel pipes and tubes (SIC Codes 3312-3317).* *2. Iron and steel foundries, including: gray and ductile iron, malleable iron, steel investment, and steel foundries not elsewhere classified (SIC Codes 3321-3325).* *~~3. Primary smelting and refining of nonferrous metals, including: primary smelting and refining of copper, and primary production of aluminum (SIC Code 333).~~* *~~4. Secondary smelting and refining of nonferrous metals (SIC Code 334).~~* *~~5~~3. Rolling, drawing, and extruding of nonferrous metals, including: rolling, drawing, and extruding of copper; rolling, drawing and extruding of nonferrous metals except copper and aluminum; and drawing and insulating of nonferrous wire (SIC Codes 3351-3357).* *~~6~~4. Nonferrous foundries (castings), including: aluminum die-castings, nonferrous die-castings, except aluminum, aluminum foundries, copper foundries, and nonferrous foundries, except copper and aluminum (SIC Codes 3363-3369).* *~~7. Miscellaneous primary metal products, not elsewhere classified, including: metal heat treating, and primary metal products, not elsewhere classified (SIC Code 339).~~* *~~Activities covered include, but are not limited to, stormwater discharges associated with coking operations, sintering plants, blast furnaces, smelting operations, rolling mills, casting operations, heat treating, extruding, drawing, or forging of all types of ferrous and nonferrous metals, scrap, and ore.~~*
9VAC25-151-140. Sector F- Primary		B. Stormwater pollution prevention plan	Removed requirements as they were redundant to requirements in

metals.		requirements.	"9VAC151-80 Stormwater Pollution Prevention Plans". ~~*B. Stormwater pollution prevention plan requirements. In addition to the requirements of Part III, the plan shall include, at a minimum, the following items.*~~ ~~*1. Site description.*~~ ~~*a. Site map. The site map shall identify where any of the following activities may be exposed to precipitation or surface runoff: storage or disposal of wastes such as spent solvents and baths, sand, slag and dross; liquid storage tanks and drums; processing areas including pollution control equipment (e.g., baghouses); and storage areas of raw materials such as coal, coke, scrap, sand, fluxes, refractories, or metal in any form. In addition, indicate sources where an accumulation of significant amounts of particulate matter could occur from such sources as furnace or oven emissions, losses from coal and coke handling operations, etc., and that could result in a discharge of pollutants to surface waters.*~~ ~~*b. Summary of potential pollutant sources. The inventory of materials handled at the site that potentially may be exposed to precipitation or runoff shall include areas where deposition of particulate matter from process air emissions or losses during material handling activities are possible.*~~ ~~*2. Stormwater controls.*~~ ~~*a. Good housekeeping. The permittee shall implement the following measures, or equivalent measures, where applicable.*~~ ~~*(1) Establishment of a cleaning and maintenance program for all impervious areas of the facility where particulate matter, dust, or debris may accumulate, especially areas where material loading and unloading, storage, handling, and processing occur.*~~ ~~*(2) The paving of areas, where practicable, where vehicle traffic or*~~

			~~*material storage occur, but where vegetative or other stabilization methods are not practicable. Sweeping programs shall be instituted in these areas as well.*~~ ~~*(3) For unstabilized areas of the facility where sweeping is not practical, the permittee shall consider using stormwater management devices such as sediment traps, vegetative buffer strips, filter fabric fence, sediment filtering boom, gravel outlet protection, or other equivalent measures, that effectively trap or remove sediment.*~~ ~~*b. Routine facility inspections. Inspections shall be conducted quarterly. The requirement for routine facility inspections is waived for facilities that have maintained an active VEEP E3/E4 status. Inspections shall address all potential sources of pollutants, including (if applicable):*~~ ~~*(1) Air pollution control equipment (e.g., baghouses, electrostatic precipitators, scrubbers, and cyclones) shall be inspected for any signs of degradation (e.g., leaks, corrosion, or improper operation) that could limit their efficiency and lead to excessive emissions. The permittee shall consider monitoring air flow at inlets and outlets, or equivalent measures, to check for leaks (e.g., particulate deposition) or blockage in ducts;*~~ ~~*(2) All process or material handling equipment (e.g., conveyors, cranes, and vehicles) shall be inspected for leaks, drips, or the potential loss of materials; and*~~ ~~*(3) Material storage areas (e.g., piles, bins or hoppers for storing coke, coal, scrap, or slag, as well as chemicals stored in tanks and drums) shall be examined for signs of material losses due to wind or stormwater runoff.*~~
9VAC25-151-140. Sector F- Primary metals.		C. Benchmark monitoring and reporting requirements.	Relabeled subsection due to the removal of “B. Stormwater pollution prevention plan requirements”. ~~*C*~~*B. Benchmark monitoring and*

			reporting requirements.
9VAC25-151-150. Sector G- Metal mining (ore mining and dressing).		E. 2. Requirements for inspection of clearing, grading, and excavation activities.	Made minor grammatical changes and removed unnecessary requirement that inspection reports must be signed in accordance with Part II K of the permit. *(5) ~~Location(s)~~ Locations of discharges of sediment or other pollutants from the site;* *(6) ~~Location(s)~~ Locations of control measures that need to be maintained;* *(7) ~~Location(s)~~ Locations of control measures that failed to operate as designed or proved inadequate for a particular location;* *(8) ~~Location(s)~~ Locations where additional control measures are needed that did not exist at the time of inspection; and* *(9) Corrective ~~action(s)~~ actions required, including any changes to the SWPPP necessary and implementation dates.* *A record of each inspection and of any actions taken in accordance with this section shall be retained as part of the SWPPP for at least three years from the date that permit coverage expires or is terminated. The inspection reports shall identify any incidents of noncompliance with the permit conditions. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the clearing, grading, and excavation activities are in compliance with the SWPPP and this permit. ~~The report shall be signed in accordance with Part II K of the permit.~~*
9VAC25-151-150. Sector G- Metal mining (ore mining and dressing).		F. Stormwater pollution prevention plan requirements for active, inactive, and temporarily inactive metal mining facilities and sites undergoing reclamation.	Made minor clarifications to language and grammatical changes. *F. ~~Stormwater pollution prevention plan~~ SWPPP requirements for active, inactive, and temporarily inactive metal mining facilities and sites undergoing reclamation. In addition to the requirements of Part III, the ~~plan~~ SWPPP shall include, at a minimum,*

			the following items. *1. Site description.* *a. Activities at the facility. A description of the mining and associated activities taking place at the site that can potentially affect stormwater discharges covered by this permit. The description shall include a general description of the location of the site relative to major transportation routes and communities.* *b. Site map. The site map shall identify the locations of the following, as appropriate: mining and milling site boundaries; access and haul roads; an outline of the drainage areas of each stormwater outfall within the facility, and an indication of the types of discharges from the drainage areas; ~~location(s)~~ locations of all permitted discharges covered under an individual VPDES permit; outdoor equipment storage, fueling and maintenance areas; materials handling areas; outdoor manufacturing, storage or material disposal areas; outdoor storage areas for chemicals and explosives; areas used for storage of overburden, materials, soils or wastes; location of mine drainage (where water leaves mine) or any other process water; tailings piles and ponds, both proposed and existing; heap leach pads; points of discharge from the property for mine drainage and process water; surface waters; boundary of tributary areas that are subject to effluent limitations guidelines; and ~~location(s)~~ locations of reclaimed areas.* *2. Summary of potential pollutant sources. For each area of the mine or mill site where stormwater discharges associated with industrial activities occur, the ~~plan~~ SWPPP shall identify the types of pollutants likely to be present in significant amounts (e.g., heavy metals, sediment). The following factors shall be considered: the mineralogy of the ore and waste rock (e.g., acid forming); toxicity and quantity of*

			chemicals used, produced or discharged; the likelihood of contact with stormwater; vegetation of site, if any; and history of significant leaks and spills of toxic or hazardous pollutants. A summary of any existing ore or waste rock and overburden characterization data and test results for potential generation of acid rock shall also be included. If the ore or waste rock and overburden characterization data are updated due to a change in the ore type being mined, the SWPPP shall be updated with the new data. *3. Stormwater controls.* *a. Routine facility inspections. Except for areas subject to clearing, grading, and excavation activities subject to subdivision E 2 of this section, sites shall be inspected at least quarterly unless adverse weather conditions make the site inaccessible. The requirement for routine facility inspections is waived for facilities that have maintained an active VEEP E3/E4 status.* *b. Employee training. Employee training shall be conducted at least annually at active mining and temporarily inactive sites. All employee training shall be documented in the SWPPP.* *c. Structural control measures. In addition to the control measures required by Part III B 4, each of the following control measures shall be ~~considered~~ documented in the SWPPP. The potential pollutants identified in subdivision ~~1 b~~ 2 of this subsection shall determine the priority and appropriateness of the control measures selected. If control measures are implemented or planned but are not listed here (e.g., substituting a less toxic chemical for a more toxic one), descriptions of them shall be included in the SWPPP.* *(1) Stormwater diversion. A description of how and where stormwater will be diverted away from potential pollutant sources to prevent stormwater contamination.*

			Control ~~measure options~~ measures ~~may~~ shall include one or more of the following: ~~interceptor dikes and swales; diversion dikes, curbs and berms; pipe slope drains; subsurface drains; drainage and stormwater conveyance systems (channels or gutters, open top box culverts and waterbars; rolling dips and road sloping; roadway surface water deflector and culverts) or equivalent measures.~~ *(a) interceptor dikes and swales;* *(b) diversion dikes, curbs, and berms;* *(c) pipe slope drains;* *(d) subsurface drains;* *(e) drainage and stormwater conveyance systems; or* *(f) equivalent measures.* *(2) Capping. When capping of a contaminant source is necessary, the source being capped and materials and procedures used to cap the contaminant source shall be identified.* *(3) Treatment. If treatment of a stormwater discharge is necessary to protect water quality, include a description of the type and location of stormwater treatment that will be used. Stormwater treatments include the following: chemical or physical systems; oil and water separators; artificial wetlands; etc. The permittee is encouraged to use both passive and active treatment of stormwater runoff. Treated runoff may be discharged as a stormwater source regulated under this permit provided the discharge is not combined with discharges subject to effluent limitation guidelines for the Ore Mining and Dressing Point Source Category (40 CFR Part 440).* *(4) Certification of discharge testing. The permittee shall test or evaluate all outfalls covered under this permit for the presence of specific mining-related nonstormwater discharges such as seeps or adit discharges or discharges subject to effluent limitations guidelines (e.g., 40 CFR*

			Part 440), such as mine drainage or process water. ~~Alternatively (if applicable), the~~ The permittee may certify in the SWPPP that a particular discharge composed of commingled stormwater and nonstormwater is covered under a separate VPDES permit; and that permit subjects the nonstormwater portion to effluent limitations prior to any commingling. This certification shall identify the nonstormwater discharges, the applicable VPDES ~~permit(s)~~ permits, the effluent limitations placed on the nonstormwater discharge by the ~~permit(s)~~ permits, and the points at which the limitations are applied.
9VAC25-151-150. Sector G- Metal mining (ore mining and dressing).		H. Inactive and unstaffed sites.	Clarified that assessment meant monitoring to be consistent with language used in entire regulation and replaced reference to "comprehensive site inspection", as this requirements was removed in the regulation, with at least one annual routine facility inspection. *H. Inactive and unstaffed sites. Permittees in Sector G seeking to exercise a waiver from the quarterly visual ~~assessment~~ monitoring and routine facility inspection requirements for inactive and unstaffed sites (including temporarily inactive sites) are conditionally exempt from the requirement to certify that "there are no industrial materials or activities exposed to stormwater" in Part I A 4.* *This exemption is conditioned on the following:* *1. If circumstances change and the facility becomes active or staffed, this exception no longer applies and the permittee shall immediately begin complying with the quarterly visual assessment and routine facility inspection requirements; and* *2. The board retains the authority to revoke this exemption and the monitoring waiver when it is determined that the discharge causes, has a reasonable potential to cause, or contributes to an instream excursion above an applicable water quality standard, including*

			designated uses. *Subject to the two conditions in subdivisions 1 and 2 of this subsection, if a facility is inactive and unstaffed, the permittee is waived from the requirement to conduct quarterly visual ~~assessments~~ monitoring and routine facility inspections. The permittee is not waived from conducting ~~the Part III E comprehensive site inspection~~ at least one routine facility inspection per calendar year. The board encourages the permittee to inspect the site more frequently when there is reason to believe that severe weather or natural disasters may have damaged control measures.*
9VAC25-151-160. Sector H- Coal mines and coal mining-related facilities.		C. Stormwater pollution prevention plan requirements.	Renamed to be consistent with other sections of the regulation. *C. ~~Stormwater pollution prevention plan~~ SWPPP requirements.*
9VAC25-151-160. Sector H- Coal mines and coal mining-related facilities.		C. 3. Comprehensive site compliance evaluation.	Removed requirement to be consistent with the rest of the regulation where "comprehensive site compliance evaluations" were removed to be consistent with EPA's 2015 MSGP. *~~3. Comprehensive site compliance evaluation. The evaluation program shall also include inspections for pollutants entering the drainage system from activities located on or near coal mining-related areas. Among the areas to be inspected: haul and access roads; railroad spurs, sliding and internal hauling lines; conveyor belts, chutes and aerial tramways; equipment storage and maintenance yards; coal handling buildings and structures; and inactive mines and related areas.~~*
9VAC25-151-160. Sector H- Coal mines and coal mining-related facilities.		D. Inactive and unstaffed site.	Replaced "assessment" with "monitoring" and replaced annual "comprehensive site inspection" requirement with an annual routine inspection to be consistent with the rest of the regulation. *D. Inactive and unstaffed sites. Permittees in Sector H seeking to exercise a waiver from the quarterly*

			visual ~~assessment~~ monitoring and routine facility inspection requirements for inactive and unstaffed sites (including temporarily inactive sites) are conditionally exempt from the requirement to certify that "there are no industrial materials or activities exposed to stormwater" in Part I A 4. *This exemption is conditioned on the following:* *1. If circumstances change and the facility becomes active or staffed, this exception no longer applies and the permittee shall immediately begin complying with the quarterly visual ~~assessment~~ monitoring requirements and routine facility inspection requirements; and* *2. The board retains the authority to revoke this exemption and the monitoring waiver when it is determined that the discharge causes, has a reasonable potential to cause, or contributes to an instream excursion above an applicable water quality standard, including designated uses.* *Subject to the two conditions in subdivisions 1 and 2 of this subsection, if a facility is inactive and unstaffed, the permittee is waived from the requirement to conduct quarterly visual ~~assessments~~ monitoring and routine facility inspections. The permittee is not waived from conducting ~~the Part III E comprehensive~~ a minimum of one annual routine site inspection. The board encourages the permittee to inspect the site more frequently when there is reason to believe that severe weather or natural disasters may have damaged control measures.*
9VAC25-151-170. Sector I- Oil and gas extraction and refining.		9VAC25-151-170. Sector I- Oil and gas extraction and refining.	Removed entire section as these covered SIC Codes (1311, 1321, 1381-1389, and 2911) have been moved to “Sector AE: Facilities With No Analytical Benchmark Monitoring Requirements”.
9VAC25-151-180. Sector K-		E. Benchmark monitoring and reporting	Removed unnecessary language. *These benchmark monitoring*

Hazardous waste treatment, storage, or disposal facilities.		requirements.	~~*cutoff*~~ *concentrations apply to stormwater discharges associated with industrial activity other than contaminated stormwater discharges from landfills subject to the numeric effluent limitations set forth in Table 180-1.*
9VAC25-151-190. Sector L- Landfills, land application sites and open dumps.		D. Stormwater pollution prevention plan requirements.	Removed requirements as they were redundant to requirements in "9VAC151-80 Stormwater Pollution Prevention Plans". ~~*D. Stormwater pollution prevention plan requirements. In addition to the requirements in Part III, the SWPPP shall include, at a minimum, the following items.*~~ ~~*1. Site description.*~~ ~~*a. Site map. The site map shall identify where any of the following may be exposed to precipitation or surface runoff: active and closed landfill cells or trenches; active and closed land application areas; locations where open dumping is occurring or has occurred; locations of any known leachate springs or other areas where uncontrolled leachate may commingle with runoff; and leachate collection and handling systems.*~~ ~~*b. Summary of potential pollutant sources. The SWPPP shall also include a description of potential pollutant sources associated with any of the following: fertilizer, herbicide, and pesticide application; earth and soil moving; waste hauling and loading and unloading; outdoor storage of significant materials including daily, interim and final cover material stockpiles as well as temporary waste storage areas; exposure of active and inactive landfill and land application areas; uncontrolled leachate flows; and failure or leaks from leachate collection and treatment systems.*~~
9VAC25-151-190. Sector L- Landfills, land application sites and open dumps.		D. 2. Stormwater controls.	Relabeled due to the removal of "D. Stormwater pollution prevention plan requirements", removed unnecessary language regarding arid and semi-arid climates, and removed

			comprehensive site compliance evaluation requirement to be consistent with the regulation. ~~*2. Stormwater controls.*~~ *D. Stormwater controls. In addition to the requirements in Part III, the SWPPP shall include, at a minimum, the following items.* ~~*a.*~~ *1. Preventive maintenance program. As part of the preventive maintenance program, the permittee shall maintain: all elements of leachate collection and treatment systems to prevent commingling of leachate with stormwater and the integrity and effectiveness of any intermediate or final cover (including making repairs to the cover as necessary), to minimize the effects of settlement, sinking, and erosion.* ~~*b.*~~ *2. Routine facility inspections.* ~~*(1)*~~ *a. Inspections of active sites. Operating landfills, open dumps, and land application sites shall be inspected at least once every seven days. Qualified personnel shall inspect areas of landfills that have not yet been finally stabilized, active land application areas, areas used for storage of materials or wastes that are exposed to precipitation, stabilization and structural control measures, leachate collection and treatment systems, and locations where equipment and waste trucks enter and exit the site. Erosion and sediment control measures shall be observed to ensure they are operating correctly. For stabilized sites and areas where land application has been completed~~*~~, or where the climate is seasonally arid (annual rainfall averages from 0 to 10 inches) or semi-arid (annual rainfall averages from 10 to 20 inches),~~* *inspections shall be conducted at least once every month.* ~~*(2)*~~ *b. Inspections of inactive sites. Inactive landfills, open dumps, and land application sites shall be inspected at least quarterly. Qualified personnel shall inspect landfill (or open dump) stabilization and structural erosion control measures*

			and leachate collection and treatment systems, and all closed land application areas. *~~c.~~ 3. Recordkeeping and internal reporting procedures. Landfill and open dump owners shall provide for a tracking system for the types of wastes disposed of in each cell or trench of a landfill or open dump. Land application site owners shall track the types and quantities of wastes applied in specific areas.* *~~d.~~ 4. Annual outfall evaluation for unauthorized discharges. The evaluation shall also be conducted for the presence of leachate and vehicle washwater.* *~~e.~~ 5. Sediment and erosion control plan. Landfill and open dump owners shall provide for temporary stabilization of materials stockpiled for daily, intermediate, and final cover. Stabilization practices to consider include, but are not limited to, temporary seeding, mulching, and placing geotextiles on the inactive portions of the stockpiles. Landfill and open dump owners shall provide for temporary stabilization of inactive areas of the landfill or open dump which have an intermediate cover but no final cover. Landfill and open dump owners shall provide for temporary stabilization of any landfill or open dumping areas which have received a final cover until vegetation has established itself. Land application site owners shall also stabilize areas where waste application has been completed until vegetation has been established.* *~~f. Comprehensive site compliance evaluation. Areas contributing to a stormwater discharge associated with industrial activities at landfills, open dumps and land application sites shall be evaluated for evidence of, or the potential for, pollutants entering the drainage system.~~*
9VAC-25-151-190 Sector L F. Benchmark monitoring		*Landfill, land application, and open dump sites are required to monitor their stormwater discharges*	*[~~Landfill~~ Landfills], land application, and open dump sites are required to monitor their stormwater discharges for the pollutants of concern listed in*

requirements		*for the pollutants of concern listed in Table 190-2.*	*Table 190-2.* Grammatical correction
9VAC25-151-190. Sector L- Landfills, land application sites and open dumps.		F. Benchmark monitoring and reporting requirements.	Removed unnecessary language. *These benchmark monitoring ~~cutoff~~ concentrations apply to stormwater discharges associated with industrial activity other than contaminated stormwater discharges from landfills subject to the numeric effluent limitations set forth in Table 190-1.*
9VAC25-151-200. Sector M- Automobile salvage yards.		B. Stormwater pollution prevention plan requirements.	Removed requirements as they were redundant to requirements in "9VAC151-80 Stormwater Pollution Prevention Plans". ~~*B. Stormwater pollution prevention plan requirements. In addition to the requirements of Part III, the SWPPP shall include, at a minimum, the following items:*~~ ~~*1. Site description.*~~ ~~*a. Site map. The map shall include the location of each monitoring point, and an estimation (in acres) of the total area used for industrial activity including, but not limited to, dismantling, storage, and maintenance of used motor vehicle parts. The site map shall also identify where any of the following may be exposed to precipitation or surface runoff: vehicle storage areas; dismantling areas; parts storage areas (e.g., engine blocks, tires, hub caps, batteries, hoods, mufflers); and liquid storage tanks and drums for fuel and other fluids.*~~ ~~*b. Summary of potential pollutant sources. The permittee shall assess the potential for the following activities to contribute pollutants to stormwater discharges: vehicle storage areas; dismantling areas; parts storage areas (e.g., engine blocks, tires, hub caps, batteries, and hoods); fueling stations.*~~
9VAC25-151-200. Sector M- Automobile salvage yards.		2. Stormwater controls.	Relabeled due to the removal of "B. Stormwater pollution prevention plan requirements", removed unnecessary language, and clarified requirements. *~~2.~~ B. Stormwater controls. In addition to the requirements of Part III, the SWPPP shall include, at a minimum, the following items:*

			~~a.~~ 1. Spill and leak prevention procedures. All vehicles ~~that are intended to be dismantled~~ shall be properly drained of all fluids ~~prior to being dismantled or crushed, or other equivalent means shall be taken to prevent leaks or spills of fluids~~ upon arrival at the site, or as soon thereafter as feasible. All drained fluids shall be managed to minimize leaks or spills. ~~b.~~ 2. Inspections. Upon arrival at the site, or as soon thereafter as feasible, vehicles shall be inspected for leaks. Any equipment containing oily parts, hydraulic fluids, any other types of fluids, or mercury switches shall be inspected at least quarterly (four times per year) for signs of leaks. All ~~vessels~~ containers or tanks and areas where hazardous materials and general automotive fluids are stored~~, including, but not limited to, mercury switches, brake fluid, transmission fluid, radiator water, and antifreeze,~~ shall be inspected at least quarterly for leaks. Quarterly inspection records shall be maintained with the SWPPP. ~~c.~~ 3. Employee training. Employee training shall, at a minimum, address the following areas when applicable to a facility: proper handling (collection, storage, and disposal) of oil, used mineral spirits, anti-freeze, mercury switches, and solvents. ~~d.~~ 4. Management of runoff. The permittee shall implement control measures to divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff to minimize pollutants in discharges from the facility. The following management practices shall be ~~considered~~ used to prevent or reduce the discharge of pollutants to surface waters~~: berms or drainage ditches on the property line, to help prevent runon from neighboring properties; berms for uncovered outdoor storage of oily parts, engine blocks, and aboveground liquid storage; and the installation of detention ponds, filtering devices, and oil/water~~

			~~separators.~~ a. Berms or drainage ditches on the property line used to help prevent runon from neighboring properties; b. Berms for uncovered outdoor storage of oily parts and engine blocks; c. Aboveground liquid storage; d. The installation of detention ponds, filtering devices, or oil/water separators; and e. Another control measure used to prevent or reduce the discharge of pollutants to surface waters.
9VAC-25-151-200 Sector M B. 4. Management of runoff		*The permittee shall implement control measures to divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff to minimize pollutants in discharges from the facility. The following management practices shall be considered used to prevent or reduce the discharge of pollutants to surface waters: berms or drainage ditches on the property line, to help prevent runon run-on from neighboring properties; berms for uncovered outdoor storage of oily parts, engine blocks, and aboveground liquid storage; and the installation of detention ponds, filtering devices, and oil/water separators.* *a. Berms or drainage ditches on the property line used to help prevent run-on from neighboring properties;* *b. Berms for uncovered outdoor storage of oily parts and engine blocks;* *c. Aboveground liquid storage;* *d. The installation of*	*The permittee shall implement control measures to divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff to minimize pollutants in discharges from the facility. The following management practices shall be considered used to prevent or reduce the discharge of pollutants to surface waters: [~~berms or drainage ditches on the property line, to help prevent runon run-on from neighboring properties; berms for uncovered outdoor storage of oily parts, engine blocks, and aboveground liquid storage; and the installation of detention ponds, filtering devices, and oil/water separators.~~]* *a. Berms or drainage ditches on the property line used to help prevent run-on from neighboring properties;* *b. Berms for uncovered outdoor storage of oily parts and engine blocks;* *c. Aboveground liquid storage;* *d. The installation of detention ponds, filtering devices, or oil/water separators; and* *e. Another control measure used to prevent or reduce the discharge of pollutants to surface waters.* Corrected error where language moved to subdivisions was not struck from paragraph format.

		detention ponds, filtering devices, or oil/water separators; and *e. Another control measure used to prevent or reduce the discharge of pollutants to surface waters.* *following management practices shall be considered used to prevent or reduce the discharge of pollutants to surface waters: [~~berms or drainage ditches on the property line, to help prevent runon run-on from neighboring properties; berms for uncovered outdoor storage of oily parts, engine blocks, and aboveground liquid storage; and the installation of detention ponds, filtering devices, and oil/water separators.~~]* *a. Berms or drainage ditches on the property line used to help prevent run-on from neighboring properties;* *b. Berms for uncovered outdoor storage of oily parts and engine blocks;* *c. Aboveground liquid storage;* *d. The installation of detention ponds, filtering devices, or oil/water separators; and* *e. Another control measure used to prevent or reduce the discharge of pollutants to surface waters.*	
9VAC25-151-210. Sector N – Scrap recycling and waste recycling facilities and material recovery facilities (MRF).		B. Special conditions.	Removed unnecessary language. *~~In addition to the general nonstormwater prohibition in Part I B 1, nonstormwater discharges from turnings containment areas are not covered by this permit (see also subdivision C 2 c of this section).~~*
9VAC25-151-210.		C. Stormwater pollution	Removed redundant and

Sector N – Scrap recycling and waste recycling facilities and material recovery facilities (MRF).		prevention plan requirements.	unnecessary requirements, made minor grammatical edits, and clarified that control measures "shall include one or more of the following". *C. ~~Stormwater pollution prevention plan~~ SWPPP requirements. In addition to the requirements of Part III, ~~all facilities are required to comply with the general SWPPP requirement in subdivision 1 of this subsection.~~* *~~Subdivisions 2 through 5 1-4 of this subsection have SWPPP requirements for specific types of recycling facilities.~~ ~~T~~the permittee shall implement and describe in the SWPPP a program to address ~~those items that apply~~ the following items as applicable. ~~Included are lists of control measure options that, along with any functional equivalents, shall be considered for implementation implemented~~.* *~~1. Site description. Site map. The site map shall identify the locations where any of the following activities or sources may be exposed to precipitation or surface runoff: scrap and waste material storage, outdoor scrap and waste processing equipment, and containment areas for turnings exposed to cutting fluids.~~* *~~2~~1. Scrap recycling and waste recycling facilities (nonsource-separated, nonliquid recyclable materials). The following SWPPP special conditions have been established for facilities that receive, process and do wholesale distribution of nonliquid recyclable wastes (e.g., ferrous and nonferrous metals, plastics, glass, cardboard and paper). These facilities may receive both nonrecyclable and recyclable materials. This section is not intended for those facilities that only accept recyclable materials primarily from nonindustrial and residential sources.* *a. Inbound recyclable and waste material control program. The ~~plan~~ SWPPP shall include a recyclable and waste material inspection program to minimize the likelihood of receiving materials that may be*

			significant pollutant sources to stormwater discharges. Control ~~measure options~~ measures shall include one or more of the following: *(1) Provide information and education flyers, brochures and pamphlets to suppliers of scrap and recyclable waste materials on draining and properly disposing of residual fluids prior to delivery to the facility (e.g., from vehicles and equipment engines, radiators, and transmissions, oil-filled transformers, and individual containers or drums), and on removal of mercury switches prior to delivery to the facility;* *(2) Establish procedures to minimize the potential of any residual fluids from coming in contact with precipitation or runoff;* *(3) Establish procedures for accepting scrap lead-acid batteries. Additional requirements for the handling, storage and disposal or recycling of batteries are contained in the scrap lead-acid battery program provisions in subdivision ~~2~~ 1 f of this subsection;* *(4) Provide training targeted for those personnel engaged in the inspection and acceptance of inbound recyclable materials; ~~and~~ or* *(5) Establish procedures to ensure that liquid wastes, including used oil, are stored in materially compatible and nonleaking containers and disposed or recycled in accordance with all requirements under the Resource Recovery and Conservation Act (RCRA), and other state or local requirements.* *b. Scrap and waste material stockpiles and storage (outdoor). The ~~plan~~ SWPPP shall describe measures and controls to minimize contact of stormwater runoff with stockpiled materials, processed materials and nonrecyclable wastes. Control ~~measure options~~measures shall include one or more of the following:* *(1) Permanent or semipermanent covers;*

			(2) The use of sediment traps, vegetated swales and strips, catch basin filters and sand filters to facilitate settling or filtering of pollutants; *(3) Diversion of runoff away from storage areas via dikes, berms, containment trenches, culverts and surface grading;* *(4) Silt fencing; ~~and~~* *(5) Oil/water separators, sumps and dry adsorbents for areas where potential sources of residual fluids are stockpiled (e.g., automotive engine storage areas)~~.~~ ; or* *(6) Another control measure used to prevent or reduce the discharge of pollutants to surface waters.* *c. Stockpiling of turnings exposed to cutting fluids (outdoor storage). The ~~plan~~ SWPPP shall implement measures necessary to minimize contact of surface runoff with residual cutting fluids. Control ~~measure options (use singularly or in combination)~~ measures shall include one or more of the following:* *(1) Storage of all turnings exposed to cutting fluids under some form of permanent or semipermanent cover. Stormwater discharges from these areas are permitted provided the runoff is first treated by an oil/water separator or its equivalent. Procedures to collect, handle, and dispose or recycle residual fluids that may be present shall be identified in the ~~plan~~ SWPPP; or* *(2) Establish dedicated containment areas for all turnings that have been exposed to cutting fluids. Stormwater runoff from these areas can be discharged provided:* *(a) The containment areas are constructed of either concrete, asphalt or other equivalent type of impermeable material;* *(b) There is a barrier around the perimeter of the containment areas to prevent contact with stormwater runon (e.g., berms, curbing, elevated pads, etc.);* *(c) There is a drainage collection*

			system for runoff generated from containment areas; *(d) There is a schedule to maintain the oil/water separator (or its equivalent); and* *(e) Procedures are identified for the proper disposal or recycling of collected residual fluids.* *d. Scrap and waste material stockpiles and storage (covered or indoor storage). The ~~plan~~ SWPPP shall address measures and controls to minimize contact of residual liquids and particulate matter from materials stored indoors or under cover from coming in contact with surface runoff. Control ~~measure options~~ measures shall include one or more of the following:* *(1) Good housekeeping measures, including the use of dry absorbent or wet vacuum cleanup methods, to contain, dispose, or recycle residual liquids originating from recyclable containers, or mercury spill kits from storage of mercury switches;* *(2) Prohibiting the practice of allowing washwater from tipping floors or other processing areas from discharging ~~to the storm sewer system; and~~* *(3) Disconnecting or sealing off all floor drains ~~connected to the storm sewer system~~ if necessary to prevent a discharge~~.~~ ; or* *(4) Another control measure used to prevent or reduce the discharge of pollutants to surface waters.* *e. Scrap and recyclable waste processing areas. The ~~plan~~ SWPPP shall include measures and controls to minimize surface runoff from coming in contact with scrap processing equipment. In the case of processing equipment that generate visible amounts of particulate residue (e.g., shredding facilities), the ~~plan~~ SWPPP shall describe measures to minimize the contact of residual fluids and accumulated particulate matter with runoff (i.e., through good housekeeping, preventive maintenance, etc.). Control ~~measure~~*

			~~*options*~~ *measures shall include one or more of the following:* *(1) A schedule of regular inspections of equipment for leaks, spills, malfunctioning, worn or corroded parts or equipment;* *(2) A preventive maintenance program for processing equipment;* *(3) Removal of mercury switches from the hood and trunk lighting units, and removal of anti-lock brake system units containing mercury switches;* *(4) Use of dry-absorbents or other cleanup practices to collect and to dispose of or recycle spilled or leaking fluids, or use of mercury spill kits for spills from storage of mercury switches;* *(5) Installation of low-level alarms or other equivalent protection devices on unattended hydraulic reservoirs over 150 gallons in capacity. Alternatively, provide secondary containment with sufficient volume to contain the entire volume of the reservoir;* *(6) Containment or diversion structures such as dikes, berms, culverts, trenches, elevated concrete pads, and grading to minimize contact of stormwater runoff with outdoor processing equipment or stored materials;* *(7) Oil/water separators or sumps;* *(8) Permanent or semipermanent covers in processing areas where there are residual fluids and grease;* *(9) Retention and detention basins or ponds, sediment traps, vegetated swales or strips, to facilitate pollutant settling and filtration;* ~~*and*~~ *(10) Catch basin filters or sand filters*~~*.*~~*; or* *(11) Another control measure used to prevent or reduce the discharge of pollutants to surface waters.* *f. Scrap lead-acid battery program. The* ~~*plan*~~ *SWPPP shall address measures and controls for the proper handling, storage and disposal of*

			scrap lead-acid batteries. Control ~~measure options~~ measures shall include one or more of the following: *(1) Segregate scrap lead-acid batteries from other scrap materials and store under cover;* *(2) A description of procedures and measures for the proper handling, storage and disposal of cracked or broken batteries;* *(3) A description of measures to collect and dispose of leaking lead-acid battery fluid;* *(4) A description of measures to minimize and, whenever possible, eliminate exposure of scrap lead-acid batteries to precipitation or runoff; ~~and~~or* *(5) A description of employee training for the management of scrap batteries.* *g. Spill prevention and response procedures. The SWPPP shall include measures to minimize stormwater contamination at loading and unloading areas, and from equipment or container failures. Control ~~measure options~~ measures shall include one or more of the following:* *(1) Description of spill prevention and response measures to address areas that are potential sources of fluid leaks or spills;* *(2) Immediate containment and clean up of spills and leaks. If malfunctioning equipment is responsible for the spill or leak, repairs shall also be conducted as soon as possible;* *(3) Cleanup procedures shall be identified in the ~~plan~~ SWPPP, including the use of dry absorbents. Where dry absorbent cleanup methods are used, an adequate supply of dry absorbent material shall be maintained on-site. Used absorbent material shall be disposed of properly;* *(4) Drums containing liquids, especially oil and lubricants, shall be stored: indoors; in a bermed area; in overpack containers or spill pallets;*

			or in similar containment devices; *(5) Overfill prevention devices shall be installed on all fuel pumps or tanks;* *(6) Drip pans or equivalent measures shall be placed under any leaking piece of stationary equipment until the leak is repaired. The drip pans shall be inspected for leaks and potential overflow and all liquids properly disposed of in accordance with RCRA requirements; ~~and~~ or* *(7) An alarm or pump shut off system shall be installed on outdoor equipment with hydraulic reservoirs exceeding 150 gallons in order to prevent draining the tank contents in the event of a line break. Alternatively, the equipment may have a secondary containment system capable of containing the contents of the hydraulic reservoir plus adequate freeboard for precipitation. A mercury spill kit shall be used for any release of mercury from switches, anti-lock brake systems, and switch storage areas.* *h. Inspection program. All designated areas of the facility and equipment identified in the ~~plan~~ SWPPP shall be inspected at least quarterly. The requirement for routine facility inspections is waived for facilities that have maintained an active VEEP E3/E4 status.* *i. Supplier notification program. The ~~plan~~ SWPPP shall include a program to notify major suppliers which scrap materials will not be accepted at the facility or are only accepted under certain conditions.* *~~3~~2. Waste recycling facilities (liquid recyclable materials).* *a. Waste material storage (indoor). The ~~plan~~ SWPPP shall include measures and controls to ~~minimize or~~ eliminate contact between residual liquids from waste materials stored indoors and surface runoff. The ~~plan~~ SWPPP may refer to applicable portions of other existing plans such as SPCC plans required under 40 CFR Part 112. Control ~~measure~~*

			~~*options*~~ *measures shall include one or more of the following:* *(1) Procedures for material handling (including labeling and marking);* *(2) A sufficient supply of dry-absorbent materials or a wet vacuum system to collect spilled or leaked materials (note: spilled or leaking mercury should never be vacuumed);* *(3) An appropriate containment structure, such as trenches, curbing, gutters or other equivalent measures;* ~~*and*~~ *or* *(4) A drainage system, including appurtenances (e.g., pumps or ejectors, or manually operated valves), to handle discharges from diked or bermed areas. Drainage shall be discharged to an appropriate treatment facility, sanitary sewer system, or otherwise disposed of properly. Discharges from these areas may require coverage under a separate VPDES permit or industrial user permit under the pretreatment program.* *b. Waste material storage (outdoor). The* ~~*plan*~~ *SWPPP shall describe measures and controls to minimize contact between stored residual liquids and precipitation or runoff. The* ~~*plan*~~ *SWPPP may refer to applicable portions of other existing plans such as SPCC plans required under 40 CFR Part 112. Discharges of precipitation from containment areas containing used oil shall also be in accordance with applicable sections of 40 CFR Part 112. Control* ~~*measure options*~~*measures shall include one or more of the following:* *(1) Appropriate containment structures (e.g., dikes, berms, curbing, pits) to store the volume of the largest single tank, with sufficient extra capacity for precipitation;* *(2) Drainage control and other diversionary structures;* *(3) For storage tanks, provide corrosion protection or leak detection systems;* ~~*and*~~ *or* *(4) Dry-absorbent materials or a wet vacuum system to collect spills.*

			c. Truck and rail car waste transfer areas. The ~~plan~~ SWPPP shall describe measures and controls to minimize pollutants in discharges from truck and rail car loading and unloading areas. The ~~plan~~ SWPPP shall also address measures to clean up minor spills and leaks resulting from the transfer of liquid wastes. Control ~~measure options~~measures shall include one or more of the following: *(1) Containment and diversionary structures to minimize contact with precipitation or runoff; ~~and~~* *(2) Use of dry cleanup methods, wet vacuuming, roof coverings, or runoff controls~~.~~ ;or* *(3) Another control measure used to prevent or reduce the discharge of pollutants to surface waters.* *d. Inspections. Inspections shall be made quarterly and shall also include all areas where waste is generated, received, stored, treated or disposed that are exposed to either precipitation or stormwater runoff. The requirement for routine facility inspections is waived for facilities that have maintained an active VEEP E3/E4 status.* *~~4~~3. Recycling facilities (source separated materials). The following SWPPP special conditions have been established for facilities that receive only source-separated recyclable materials primarily from nonindustrial and residential sources.* *a. Inbound recyclable material control. The ~~plan~~ SWPPP shall include an inbound materials inspection program to minimize the likelihood of receiving nonrecyclable materials (e.g., hazardous materials) that may be a significant source of pollutants in surface runoff. Control ~~measure options~~ measures shall include one or more of the following:* *(1) Provide information and education measures to inform suppliers of recyclable materials on the types of materials that are acceptable and those that are not*

			acceptable; *(2) A description of training measures for drivers responsible for pickup of recyclable materials;* *(3) Clearly mark public drop-off containers regarding which materials can be accepted;* *(4) Rejecting nonrecyclable wastes or household hazardous wastes at the source; ~~and~~ or* *(5) Establish procedures for the handling and disposal of nonrecyclable materials.* *b. Outdoor storage. The ~~plan~~ SWPPP shall include procedures to minimize the exposure of recyclable materials to surface runoff and precipitation. The ~~plan~~ SWPPP shall include good housekeeping measures to prevent the accumulation of particulate matter and fluids, particularly in high traffic areas. Control measures ~~options~~ shall include one or more of the following:* *(1) Provide totally-enclosed drop-off containers for the public;* *(2) Install a sump and pump with each containment pit, and treat or discharge collected fluids to a sanitary sewer system;* *(3) Provide dikes and curbs for secondary containment (e.g., around bales of recyclable waste paper);* *(4) Divert surface runoff away from outside material storage areas;* *(5) Provide covers over containment bins, dumpsters, roll-off boxes; ~~and~~ or* *(6) Store the equivalent one day's volume of recyclable materials indoors.* *c. Indoor storage and material processing. The ~~plan~~ SWPPP shall include measures to minimize the release of pollutants from indoor storage and processing areas. Control ~~measure options~~ measures shall include one or more of the following:* *(1) Schedule routine good housekeeping measures for all*

			storage and processing areas; *(2) Prohibit a practice of allowing tipping floor washwaters from draining to any portion of the storm sewer system; ~~and~~ or* *(3) Provide employee training on pollution prevention practices.* *d. Vehicle and equipment maintenance. The ~~plan~~ SWPPP shall also provide for control measures in those areas where vehicle and equipment maintenance is occurring outdoors. Control ~~measure options~~ measures shall include one or more of the following:* *(1) Prohibit vehicle and equipment washwater ~~from discharging to the storm sewer system~~ discharges;* *(2) Minimize or eliminate outdoor maintenance areas, wherever possible;* *(3) Establish spill prevention and clean-up procedures in fueling areas;* *(4) Avoid topping off fuel tanks;* *(5) Divert runoff from fueling areas;* *(6) Store lubricants and hydraulic fluids indoors; ~~and~~ or* *(7) Provide employee training on proper, handling, storage of hydraulic fluids and lubricants.* *~~5~~4. Facilities engaged in dismantling ships, marine salvaging, and marine wrecking—ships for scrap. The following SWPPP special conditions have been established for facilities that are engaged in dismantling ships, marine salvaging, and marine wrecking—ships for scrap.* *Vessel breaking and scrapping activities. Scrapping of vessels shall be accomplished ashore beyond the range of mean high tide, whenever practicable. If this activity must be conducted while a vessel is afloat or grounded in state waters, then the permittee shall employ control measures to reduce the amount of pollutants released. The following control measures shall be implemented during those periods when vessels (ships, barges, yachts, etc.) are brought to the facility's site*

			for recycling, scrapping and storage prior to scrapping. *a. Fixed or floating platforms sufficiently sized and constructed to catch and prevent scrap materials and pollutants from entering surface waters (or equivalent measures approved by the board) shall be used as work surfaces when working on or near the water surface. These platforms shall be cleaned as required to prevent pollutants from entering surface waters and at the end of each work shift. All scrap metals and pollutants shall be collected in a manner to prevent releases ~~(containerization is recommended)~~.* *b. There shall be no discharge of oil or oily wastewater at the facility. Drip pans and other protective devices shall be required for all oil and oily waste transfer operations to catch incidental spillage and drips from hose nozzles, hose racks, drums or barrels. Drip pans and other protective devices shall be inspected and maintained to prevent releases. Oil and oily waste shall be disposed at a permitted facility and adequate documentation of off-site disposition shall be retained for review by the board upon request.* *c. During the storage, breaking, and scrapping period, oil containment boom(s) shall be deployed either around the vessel being scrapped, or across the mouth of the facility's wetslip, to contain pollutants in the event of a spill. Booms shall be inspected, maintained, and repaired as needed. Oil, grease and fuel spills shall be prevented from reaching surface waters. Cleanup shall be carried out ~~promptly~~ immediately after an oil, grease, or fuel spill is detected.* *d. Paint and solvent spills shall be immediately, upon discovery of the spills, cleaned up to prevent pollutants from reaching storm drains, deck drains, and surface waters.* *e. Contaminated bilge and ballast*

			water shall not be discharged to surface waters. If it becomes necessary to dispose of contaminated bilge and ballast waters during a vessel breaking activity, the wastewater shall be disposed at a permitted facility and adequate documentation of off-site disposition shall be retained for review by the board upon request.
9VAC25-151-220. Sector O – Steam electric generating facilities.		B. Special Conditions.	Removed redundant language already prohibited in 9VAC25-151-70 B. ~~*B. Special conditions. Prohibition of nonstormwater discharges. In addition to the general nonstormwater prohibition in Part I B 1, nonstormwater discharges subject to effluent limitation guidelines are also not covered by this permit.*~~
9VAC25-151-220. Sector O – Steam electric generating facilities.		C. Stormwater pollution prevention plan requirements.	Removed requirements as they were redundant to requirements in "9VAC151-80 Stormwater Pollution Prevention Plans". ~~*C. Stormwater pollution prevention plan requirements. In addition to the requirements of Part III, the plan shall include, at a minimum, the following items.*~~ ~~*1. Site description. Site map. The site map shall identify the locations of any of the following activities or sources that may be exposed to precipitation or surface runoff: storage tanks, scrap yards, general refuse areas; short and long term storage of general materials (including, but not limited to: supplies, construction materials, paint equipment, oils, fuels, used and unused solvents, cleaning materials, paint, water treatment chemicals, fertilizer, and pesticides); landfills; construction sites; and stock pile areas (such as coal or limestone piles).*~~
9VAC25-151-220. Sector O – Steam electric generating facilities.		C. 2. Stormwater controls.	Relabeled subsection due to the removal of "C. Stormwater pollution prevention plan requirements" and made minor grammatical edits. *B. Stormwater controls. Good*

			housekeeping measures *~~(1)~~ 1. Fugitive dust emissions. The permittee shall describe and implement measures that prevent or minimize fugitive dust emissions from coal and ash handling areas. The permittee shall minimize off-site tracking of coal dust and ash. Control measures to consider include installing specially designed tires, or washing vehicles in a designated area before they leave the site, and controlling the wash water.* *~~(2)~~ 2. Delivery vehicles. The ~~plan~~ SWPPP shall describe measures that prevent or minimize contamination of stormwater runoff from delivery vehicles arriving on the plant site. At a minimum the permittee shall consider the following:* *~~(a)~~ a. ~~1~~Develop procedures for the inspection of delivery vehicles arriving on the plant site, and ensure overall integrity of the body or container; and* *~~(b)~~ b. Develop procedures to deal with leakage and spillage from vehicles or containers.* *~~(3)~~ 3. Fuel oil unloading areas. The ~~plan~~ SWPPP shall describe measures that prevent or minimize contamination of precipitation or surface runoff from fuel oil unloading areas. At a minimum the permittee shall consider using the following measures, or an equivalent:* *~~(a)~~ a. Use of containment curbs in unloading areas;* *~~(b)~~ b. During deliveries, having station personnel familiar with spill prevention and response procedures present to ensure that any leaks and spills are immediately contained and cleaned up; and* *~~(c)~~ c. Use of spill and overflow protection. ~~(e.g., drip~~ Drip pans, drip diapers, or other containment devices may be placed beneath fuel oil connectors to contain potential spillage during deliveries or from leaks at the connectors~~)~~.* *~~(4)~~ 4. Chemical loading and

			unloading areas. The permittee shall describe and implement measures that prevent or minimize the contamination of precipitation or surface runoff from chemical loading and unloading areas. At a minimum the permittee shall consider using the following measures (or their equivalents): *~~(a)~~ a. Use of containment curbs at chemical loading and unloading areas to contain spills;* *~~(b)~~ b. During deliveries, having station personnel familiar with spill prevention and response procedures present to ensure that any leaks or spills are immediately contained and cleaned up; and* *~~(c)~~ c. Covering chemical loading and unloading areas, and storing chemicals indoors.* *~~(5)~~ 5. Miscellaneous loading and unloading areas. The permittee shall describe and implement measures that prevent or minimize the contamination of stormwater runoff from loading and unloading areas. The permittee shall consider the following, at a minimum (or their equivalents):* *~~(a)~~ a. Covering the loading area;* *~~(b)~~ b. Grading, berming, or curbing around the loading area to divert runon; or* *~~(c)~~ c. Locating the loading and unloading equipment and vehicles so that leaks are contained in existing containment and flow diversion systems.* *~~(6)~~ 6. Liquid storage tanks. The permittee shall describe and implement measures that prevent or minimize contamination of stormwater runoff from aboveground liquid storage tanks. At a minimum the permittee shall consider employing the following measures (or their equivalents):* *~~(a)~~ a. Use of protective guards around tanks;* *~~(b)~~ b. Use of containment curbs;* *~~(c)~~ c. Use of spill and overflow*

			protection; and *~~(d)~~ d. Use of dry cleanup methods.* *~~(7)~~ 7. Large bulk fuel storage tanks. The permittee shall describe and implement measures that prevent or minimize contamination of stormwater runoff from large bulk fuel storage tanks. At a minimum the permittee shall consider employing containment berms (or its equivalent). The permittee shall also comply with applicable state and federal laws, including Spill Prevention Control and Countermeasures (SPCC).* *~~(8)~~ 8. Spill reduction measures. The permittee shall describe and implement measures to reduce the potential for an oil or chemical spill, or reference the appropriate section of their SPCC plan. The structural integrity of all aboveground tanks, pipelines, pumps and other related equipment shall be visually inspected as part of the routine facility inspection. All repairs deemed necessary based on the findings of the inspections shall be completed immediately to reduce the incidence of spills and leaks occurring from such faulty equipment.* *~~(9)~~ 9. Oil bearing equipment in switchyards. The permittee shall describe and implement measures to prevent or minimize contamination of surface runoff from oil bearing equipment in switchyard areas. The permittee shall consider the use of level grades and gravel surfaces to retard flows and limit the spread of spills, and the collection of stormwater runoff in perimeter ditches.* *~~(10)~~ 10. Residue hauling vehicles. All residue hauling vehicles shall be inspected for proper covering over the load, adequate gate sealing and overall integrity of the container body. Vehicles without load coverings or adequate gate sealing, or with leaking containers or beds shall be repaired as soon as practicable.* *~~(11)~~ 11. Ash loading areas. The*

			permittee shall describe and implement procedures to reduce or control the tracking of ash and residue from ash loading areas. Where practicable, clear the ash building floor and immediately adjacent roadways of spillage, debris and excess water before departure of each loaded vehicle. *~~(12)~~ 12. Areas adjacent to disposal ponds or landfills. The permittee shall describe and implement measures that prevent or minimize contamination of stormwater runoff from areas adjacent to disposal ponds or landfills. The permittee shall develop procedures to:* *~~(a)~~ a. Reduce ash residue which may be tracked on to access roads traveled by residue trucks or residue handling vehicles; and* *~~(b)~~ b. Reduce ash residue on exit roads leading into and out of residue handling areas.* *~~(13)~~ 13. Landfills, scrapyards, surface impoundments, open dumps, general refuse sites. The ~~plan~~ SWPPP shall address and include appropriate control measures to minimize the potential for contamination of runoff from landfills, scrapyards, surface impoundments, open dumps and general refuse sites.*
9VAC25-151-220. Sector O – Steam electric generating facilities.		C. 2. b. Comprehensive site compliance evaluation.	Removed comprehensive site compliance evaluation to be consistent with the rest of the regulation. *~~b. Comprehensive site compliance evaluation. As part of the evaluation, qualified facility personnel shall inspect the following areas on a monthly basis: coal handling areas, loading and unloading areas, switchyards, fueling areas, bulk storage areas, ash handling areas, areas adjacent to disposal ponds and landfills, maintenance areas, liquid storage tanks, and long term and short term material storage areas.~~*
9VAC25-151-220. Sector O – Steam		D. Numeric effluent limitations.	Relabeled subsection and removed unnecessary language.

electric generating facilities.			~~D~~C. *Numeric effluent limitations. Permittees with point sources of coal pile runoff associated with steam electric power generation shall monitor these stormwater discharges for the presence of TSS and for pH at least annually ~~(one time per year)~~ in accordance with Part I A 1 c (2).*
9VAC25-151-220. Sector O – Steam electric generating facilities.		E. Benchmark monitoring and reporting requirements.	Relabeled subsection. ~~E~~D. Benchmark monitoring and reporting requirements.
9VAC25-151-230. Sector P- Land transportation and warehousing.			Removed section as these facilities are now covered under "Sector AF- Facilities Limited to Total Suspended Solids Benchmark Monitoring Requirements". Removed Total Petroleum Hydrocarbons (TPH) monitoring requirements from these facilities as a review of data from the current permit indicated that TPH was not a concern.
9VAC25-151-240. Sector Q- Water transportation		9VAC25-151-240. Sector Q- Water transportation	Changed title of section to indicate that ship and boat building or repairing yards, former covered under Sector R, are proposed to be covered under Sector Q as these facilities have relatively identical requirements in the current permit term. *9VAC25-151-240. Sector Q - Water transportation and ship and boat building or repairing yards.*
9VAC25-151-240. Sector Q- Water transportation		A. Discharges covered under this section.	Added language to indicate that facilities former covered under Sector R are proposed to be covered under Sector Q as these facilities have relatively identical requirements in the current permit term. *A. Discharges covered under this section. The requirements listed under this section apply to stormwater discharges associated with the following industrial ~~activity~~ activities: ~~from water transportation facilities (generally identified by SIC Major Group 44), that have vehicle (vessel) maintenance shops or equipment cleaning operations. The water transportation industry includes facilities engaged in foreign or~~*

			~~*domestic transport of freight or passengers in deep sea or inland waters; marine cargo handling operations; ferry operations; towing and tugboat services; and marinas.*~~ *1. Water transportation facilities identified by SIC 4412-4499 (except 4499 facilities as specified in sector N – 9VAC25-151-210). The water transportation industry includes facilities engaged in foreign or domestic transport of freight or passengers in deep sea or inland waters; marine cargo handling operations; ferry operations; towing and tugboat services; and marinas.* *2. Ship building and repairing and boat building and repairing facilities identified by SIC 3731 and 3732. The U.S. Coast Guard refers to a vessel 65 feet or greater in length as a ship and a vessel smaller than 65 feet as a boat.*
9VAC25-151-240. Sector Q- Water transportation		C. Stormwater pollution prevention plan requirements.	Removed requirements as they were redundant to requirements in "9VAC151-80 Stormwater Pollution Prevention Plans". ~~*C. Stormwater pollution prevention plan requirements. In addition to the requirements of Part III, the SWPPP shall include, at a minimum, the following items.*~~ ~~*1. Site description.*~~ ~~*a. Site map. The site map shall identify the locations where any of the following activities may be exposed to precipitation or surface runoff: fueling; engine maintenance or repair; vessel maintenance or repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; loading and unloading areas; locations used for the treatment, storage or disposal of wastes; liquid storage tanks; liquid storage areas (e.g., paint, solvents, resins); and material storage areas (e.g., blasting media, aluminum, steel, scrap iron).*~~ ~~*b. Summary of potential pollutant sources. The plan shall describe the following additional sources and activities that have potential pollutants associated with them:*~~

			~~*outdoor manufacturing or processing activities (i.e., welding, metal fabricating); and significant dust or particulate generating processes (e.g., abrasive blasting, sanding, painting).*~~
9VAC25-151-240. Sector Q- Water transportation		2. Stormwater controls.	Relabeled subsection, made minor grammatical edits, and removed unnecessary language. *~~2~~C. Stormwater controls.* *~~a~~1. Good housekeeping.* *~~(1)~~ a. Pressure washing area. As defined by this permit, process wastewater related to hull work at ~~water transportation~~ facilities shall be any water used on a vessel's hull for any purpose, regardless of application pressure, including but not limited to the activities of removing marine salts, sediments, marine growth and paint, or other hull, weather deck, or superstructure cleaning activities using water, such as preparing those areas for inspection or work (cutting, welding, grinding, coating, etc.). The discharge water shall be permitted as a process wastewater by a separate VPDES permit.* *~~(2)~~ b. Blasting and painting areas. The permittee shall describe and implement measures to prevent spent abrasives, paint chips, and overspray from discharging into the receiving water or the storm sewer system. The permittee ~~may~~ shall ~~consider~~ contain~~ing~~ all blasting or painting activities, or ~~the~~ use ~~of~~ other measures to prevent or minimize the discharge of contaminants (e.g., hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris). Stormwater conveyances shall be regularly cleaned to remove deposits of abrasive blasting debris and paint chips. The ~~plan~~ SWPPP shall include any standard operating practices with regard to blasting and painting activities, such as the prohibition of uncontained blasting or painting over open water, or the prohibition of blasting or painting during windy*

			conditions which can render containment ineffective. *~~(3)~~ c. Material storage areas. All containerized materials ~~(e.g., fuels, paints, solvents, waste oil, antifreeze, batteries)~~ shall be plainly labeled and stored in a protected, secure location away from drains. The permittee shall describe and implement measures to prevent or minimize the contamination of precipitation or surface runoff from the storage areas. The ~~plan~~ SWPPP shall specify which materials are stored indoors and consider containment or enclosure for materials that are stored outdoors. The permittee shall consider implementing an inventory control plan to limit the presence of potentially hazardous materials on-site. Where abrasive blasting is performed, the ~~plan~~ SWPPP shall specifically include a discussion on the storage and disposal of spent abrasive materials generated at the facility.* *~~(4)~~ d. Engine maintenance and repair areas. The permittee shall describe and implement measures to prevent or minimize contamination of precipitation or surface runoff from all areas used for engine maintenance and repair. The permittee shall consider the following measures (or their equivalent): performing all maintenance activities indoors; maintaining an organized inventory of materials used in the shop; draining all parts of fluids prior to disposal; prohibiting the practice of hosing down the shop floor using dry cleanup methods; and treating or recycling stormwater runoff collected from the maintenance area.* *~~(5)~~ e. Material handling areas. The permittee shall describe and implement measures to prevent or minimize contamination of precipitation or surface runoff from material handling operations and areas (e.g., fueling, paint and solvent mixing, disposal of process wastewater streams from vessels). The permittee shall consider the following measures (or their*

			equivalents): covering fueling areas; using spill and overflow protection; mixing paints and solvents in a designated area (preferably indoors or under a shed); and minimizing runon of stormwater to material handling areas. *~~(6)~~ f. Drydock activities. The ~~plan~~ SWPPP shall address the routine maintenance and cleaning of the drydock to minimize the potential for pollutants in the stormwater runoff. The ~~plan~~ SWPPP shall describe the procedures for cleaning the accessible areas of the drydock prior to flooding and final cleanup after the vessel is removed and the dock is raised. Cleanup procedures for oil, grease, or fuel spills occurring on the drydock shall also be included within the ~~plan~~ SWPPP. The permittee shall consider the following measures (or their equivalents): sweeping rather than hosing off debris and spent blasting material from the accessible areas of the drydock prior to flooding; and having absorbent materials and oil containment booms readily available to contain or cleanup any spills.* *~~(7)~~ g. General yard area. The ~~plan~~ SWPPP shall include a schedule for routine yard maintenance and cleanup. Scrap metal, wood, plastic, miscellaneous trash, paper, glass, industrial scrap, insulation, welding rods, packaging, etc., shall be routinely removed from the general yard area.* *~~b.~~(1) Preventative Maintenance. As part of the facility's preventive maintenance program, stormwater management devices shall be inspected and maintained in a timely manner (e.g., oil/water separators and sediment traps cleaned to ensure that spent abrasives, paint chips and solids are intercepted and retained prior to entering the storm drainage system). Facility equipment and systems shall also be inspected and tested to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants*

			to surface waters. *~~c.~~(2) Routine facility inspections. The following areas shall be included in all quarterly inspections: pressure washing area; blasting, sanding, and painting areas; material storage areas; engine maintenance and repair areas; material handling areas; drydock area; and general yard area. The requirement for routine facility inspections is waived for facilities that have maintained an active VEEP E3/E4 status.* *~~d.~~ (3) Employee training. Training shall address, at a minimum, the following activities (as applicable): used oil management; spent solvent management; disposal of spent abrasives; disposal of vessel wastewaters; spill prevention and control; fueling procedures; general good housekeeping practices; painting and blasting procedures; and used battery management.*
9VAC25-151-240. Sector Q- Water transportation		D. Benchmark monitoring and reporting requirements.	Made change to language due to the addition of former Sector R facilities now proposed to be covered under Sector Q. *~~Water transportation~~ These facilities are required to monitor their stormwater discharges for the pollutants of concern listed in Table 240.*
9VAC25-151-240 Sector Q Table 240		*Water Transportation Facilities (SIC 4412 4499) and Ship and Boat Building or Repairing Yards (SIC Codes 3731 and 3732)*	*Water Transportation Facilities (SIC 4412 4499 [except 4499 as specified in Sector N]) and Ship and Boat Building or Repairing Yards (SIC Codes 3731 and 3732)* Added "except 4499 as specified in Sector N". Language was inadvertently left out of proposed regulation.
9VAC25-151-250. Sector R- Ship and boat building or repair yards.		9VAC25-151-250. Sector R- Ship and boat building or repair yards.	Removed entire section as these facilities are proposed to be covered under Sector Q as both sectors have the same requirements.
9VAC25-151-260. Sector S- Air Transportation.		9VAC25-151-260. Sector S- Air Transportation.	Removed entire section as these facilities are proposed to be covered under "Sector AE- Facilities With No Analytical Benchmark Monitoring Requirements".
9VAC25-151-260.		9VAC25-151-260.	Removed entire section as these

Sector T- Treatment works.		Sector T- Treatment works.	facilities are proposed to be covered under "Sector AE- Facilities With No Analytical Benchmark Monitoring Requirements".
9VAC25-151-280. Sector U-Food and kindred products.		A. Discharges covered under this section.	Clarified that SIC Codes 2021-2026, 2041-2048, and 2074-2079 are covered under this sector. SIC Codes 2011-2015, 2032-2038, 2051-2053, 2061-2068, 2082-2087, 2091-2099, and 2111-2141 are proposed to be moved to "Sector AE- Facilities With No Analytical Benchmark Monitoring Requirements". *A. Discharges covered under this section. The requirements listed under this section apply to stormwater discharges associated with industrial activity from food and kindred products processing facilities ~~(commonly identified by SIC Code 20)~~, including: ~~meat products;~~ dairy products SIC 2021-2026; ~~canned, frozen and preserved fruits, vegetables, and food specialties;~~ grain mill products SIC 2041-2048; ~~bakery products; sugar and confectionery products;~~ and fats and oils SIC 2074-2079; ~~beverages; and miscellaneous food preparations and kindred products and tobacco products manufacturing (SIC Code 21).~~*
9VAC25-151-280. Sector U-Food and kindred products.		C. Stormwater pollution prevention plan requirements.	Removed requirements as they were redundant to requirements in "9VAC151-80 Stormwater Pollution Prevention Plans". *~~C. Stormwater pollution prevention plan requirements. In addition to the requirements of Part III, the SWPPP shall include, at a minimum, the following items.~~* *~~1. Site description.~~* *~~a. Site map. The site map shall identify the locations of the following activities if they are exposed to precipitation or surface runoff: vents and stacks from cooking, drying, and similar operations; dry product vacuum transfer lines; animal holding pens; spoiled product; and broken product container storage areas.~~* *~~b. Summary of potential pollutant sources. In addition to food and kindred products processing-related~~*

			~~*industrial activities, the plan shall also describe application and storage of pest control chemicals (e.g., rodenticides, insecticides, fungicides, etc.) used on plant grounds.*~~ ~~*2. Stormwater controls.*~~ ~~*a. Routine facility inspections. At a minimum, the following areas, where the potential for exposure to stormwater exists, shall be inspected on a quarterly basis: loading and unloading areas for all significant materials; storage areas, including associated containment areas; waste management units; vents and stacks emanating from industrial activities; spoiled product and broken product container holding areas; animal holding pens; staging areas; and air pollution control equipment. The requirement for routine facility inspections is waived for facilities that have maintained an active VEEP E3/E4 status.*~~ ~~*b. Employee training. The employee training program shall also address pest control.*~~
9VAC25-151-280. Sector U-Food and kindred products.		D. Benchmark monitoring and reporting requirements.	Relabeled subsection. ~~*D*~~*C. Benchmark monitoring and reporting requirements.*
9VAC25-151-290. Sector V- Textile mills, apparel, and other fabric products.		9VAC25-151-290. Sector V- Textile mills, apparel, and other fabric products.	Removed entire section as these facilities are proposed to be covered under "Sector AE- Facilities With No Analytical Benchmark Monitoring Requirements".
9VAC25-151-300. Sector W- Furniture and fixtures.		9VAC25-151-300. Sector W- Furniture and fixtures.	Removed entire section as these facilities are proposed to be covered under "Sector AE- Facilities With No Analytical Benchmark Monitoring Requirements".
9VAC25-151-310. Sector X- Printing and publishing.		9VAC25-151-310. Sector X- Printing and publishing.	Removed entire section as these facilities are proposed to be covered under "Sector AE- Facilities With No Analytical Benchmark Monitoring Requirements".
9VAC25-151-320. Sector Y- Rubber, miscellaneous plastic products, and miscellaneous manufacturing industries.		A. Discharges covered under this section.	Clarified that SIC Codes 3011, 3021, 3052, 3053, 3061, and 3069 are covered under this sector. SIC Codes 3081-3089, 3931, 3942-3949, 3951-3955 (except 3952 facilities as specified in Sector C), 3961, 3965, and 3991-3999 are proposed to be

			moved to "Sector AE- Facilities With No Analytical Benchmark Monitoring Requirements".
9VAC25-151-320 Sector Y A. Discharges covered under this section		None	Added SIC Code 3053. SIC Code 3053 was inadvertently left out of proposed regulation.
9VAC25-151-320. Sector Y- Rubber, miscellaneous plastic products, and miscellaneous manufacturing industries.		B. Stormwater pollution prevention plan requirements.	Changed language to be consistent with use of acronym. *B. ~~Stormwater pollution prevention plan~~ SWPPP requirements.*
9VAC25-151-320. Sector Y- Rubber, miscellaneous plastic products, and miscellaneous manufacturing industries.		B. 2. Stormwater controls	Changed language to indicate that control measures shall be document in the facility's SWPPP and that spills should be cleaned up immediately. *2. Stormwater controls.* *a. Controls for rubber manufacturers. Rubber manufacturing facilities shall describe and implement specific controls to minimize the discharge of zinc in stormwater discharges from the facility. Listed below are possible sources of zinc. These shall be reviewed and the accompanying control measures (or their equivalents) shall be ~~considered~~ documented in the SWPPP. Also, some general control measure options to consider include: using chemicals that are purchased in pre-weighed, sealed polyethylene bags; storing materials that are in use in sealable containers; ensuring an airspace between the container and the cover to minimize "puffing" losses when the container is opened; and using automatic dispensing and weighing equipment.* *(1) Zinc bags. All permittees shall review the handling and storage of zinc bags at their facilities. Following are some control measure options: employee training regarding the handling and storage of zinc bags; indoor storage of zinc bags; cleanup of zinc spills without washing the zinc into the storm drain; and the use of 2,500-pound sacks of zinc rather than 50- to 100-pound sacks.*

			(2) Dumpsters. The permittee shall minimize discharges of zinc from dumpsters. Following are some control measure options: provide a cover for the dumpster; move the dumpster to an indoor location; or provide a lining for the dumpster. *(3) Dust collectors or baghouses. Permittees shall minimize contributions of zinc to stormwater from dust collectors and baghouses. Improperly operating dust collectors and baghouses shall be replaced or repaired as appropriate.* *(4) Grinding operations. Permittees shall minimize contamination of stormwater as a result of dust generation from rubber grinding operations. One control measure option is to install a dust collection system.* *(5) Zinc stearate coating operations. Permittees shall minimize the potential for stormwater contamination from drips and spills of zinc stearate slurry that may be released to the storm drain. One control measure option is to use alternative compounds to zinc stearate.* *b. Controls for plastic products manufacturers. Plastic products manufacturing facilities shall describe and implement specific controls to minimize the discharge of plastic resin pellets in stormwater discharges from the facility. The following control measures (or their equivalents) shall be ~~considered~~ documented in the SWPPP: minimizing spills; cleaning up of spills ~~promptly~~ immediately and thoroughly; sweeping thoroughly; pellet capturing; employee education; and disposal precautions.*
9VAC25-151-320 Sector Y Table 320		*SIC Codes 3011-3069*	*SIC Codes [~~3011-3069~~ 3011, 3021, 3052, 3053, 3061, and 3069]* Replaced listed SIC Codes 3011-3069 with 3011, 3052, 3053, 3061 and 3069 as the list in other sections of the regulation was not continuous.
9VAC25-151-330. Sector Z- Leather		9VAC25-151-330. Sector Z- Leather	Removed entire section as these facilities are proposed to be covered

tanning and finishing.		tanning and finishing.	under "Sector AE- Facilities With No Analytical Benchmark Monitoring Requirements". This includes removing benchmark monitoring for Total Kjeldahl Nitrogen (TKN) as a benchmark. TKN benchmark monitoring is not required by EPA's 2015 MSGP and DEQ staff did not believe TKN monitoring was necessary for these facilities.
9VAC25-151-340 Sector AA A. Discharges covered under this section		*The requirements listed under this section apply to stormwater discharges associated with industrial activity from the following fabricated metals industry industries listed below, except for electrical related industries: fabricated metal products, except machinery and transportation equipment (SIC Code 34);, SIC Codes 3411-3471, and 3482-3499; and jewelry, silverware, and plated ware (SIC Code 391), SIC Codes 3911-3915.*	*The requirements listed under this section apply to stormwater discharges associated with industrial activity from the following fabricated metals [~~industry~~ industries] listed below, except for electrical related industries: fabricated metal products, except machinery and transportation equipment (SIC Code 34);, SIC Codes 3411-3471, [3479], and 3482-3499; and jewelry, silverware, and plated ware (SIC Code 391), SIC Codes 3911-3915.* Made grammatical correction and added SIC Code 3479 that was inadvertently left out of the proposed regulation.
9VAC25-151-340. Sector AA- Fabricated metal products.		A. Discharges covered under this section.	Clarified that SIC Codes 3411-3471, 3471, 3482-3499, and 3911-3915 are covered under Sector AA. *A. Discharges covered under this section. The requirements listed under this section apply to stormwater discharges associated with industrial activity from the fabricated metals industry listed below, except for electrical related industries: fabricated metal products, except machinery and transportation equipment ~~(SIC Code 34)~~ SIC Codes 3411-3471, 3471, and 3482-3499; and jewelry, silverware, and plated ware ~~(SIC Code 391)~~ SIC 3911-3915.*
9VAC25-151-340. Sector AA- Fabricated metal products.		B. Stormwater pollution prevention plan requirements.	Removed requirements as they were redundant to requirements in "9VAC151-80 Stormwater Pollution Prevention Plans". ~~*B. Stormwater pollution prevention plan requirements. In addition to the requirements of Part III, the SWPPP shall include, at a*~~

			~~minimum, the following items.~~ ~~1. Site description.~~ ~~a. Site Map. The site map shall identify where any of the following may be exposed to precipitation or surface runoff: raw metal storage areas; finished metal storage areas; scrap disposal collection sites; equipment storage areas; retention and detention basins; temporary or permanent diversion dikes or berms; right-of-way or perimeter diversion devices; sediment traps or barriers; processing areas including outside painting areas; wood preparation; recycling; and raw material storage.~~ ~~b. Spills and Leaks. When listing significant spills and leaks, the permittee shall pay attention to the following materials, at a minimum: chromium, toluene, pickle liquor, sulfuric acid, zinc and other water priority chemicals and hazardous chemicals and wastes.~~ ~~c. Summary of potential pollutant sources. The plan shall include a description of the potential pollutant sources from the following activities: loading and unloading operations for paints, chemicals and raw materials; outdoor storage activities for raw materials, paints, empty containers, corn cob, chemicals, scrap metals; outdoor manufacturing or processing activities such as grinding, cutting, degreasing, buffing, brazing, etc.; and on-site waste disposal practices for spent solvents, sludge, pickling baths, shavings, ingots pieces, refuse and waste piles.~~ ~~2. Stormwater controls.~~ ~~a. Good housekeeping.~~ ~~(1) Raw steel handling storage. The permittee shall describe and implement measures for managing or recovering scrap metals, fines, and iron dust, including measures for containing materials within storage handling areas.~~ ~~(2) Paints and painting equipment. The permittee shall describe and implement measures to prevent or minimize exposure of paint and~~

			~~painting equipment from exposure to stormwater.~~ ~~b. Spill prevention and response procedures. The permittee shall ensure that the necessary equipment to implement a cleanup is available to personnel. The following areas shall be addressed:~~ ~~(1) Metal fabricating areas. The permittee shall describe and implement measures for maintaining clean, dry, orderly conditions in these areas. Use of dry clean-up techniques shall be considered in the plan.~~ ~~(2) Storage areas for raw metal. The permittee shall describe and implement measures to keep these areas free of conditions that could cause, or impede appropriate timely response to, spills or leakage of materials. The following measures (or their equivalents) shall be considered: storage areas maintained such that there is easy access in the event of a spill; stored materials labeled to aid in identifying spill contents.~~ ~~(3) Metal working fluid storage areas. The permittee shall describe and implement measures for storage of metal working fluids.~~ ~~(4) Cleaners and rinse water. The permittee shall describe and implement measures to control and clean up spills of solvents and other liquid cleaners; control sand buildup and disbursement from sand-blasting operations; and prevent exposure of recyclable wastes. Environmentally benign cleaners shall be substituted when possible.~~ ~~(5) Lubricating oil and hydraulic fluid operations. The permittee shall describe and implement measures to minimize the potential for stormwater contamination from lubricating oil and hydraulic fluid operations. The permittee shall consider using devices or monitoring equipment or other devices to detect and control leaks and overflows. The installation of perimeter controls such as dikes, curbs, grass filter strips, or other~~

			~~*equivalent measures shall also be considered.*~~ ~~*(6) Chemical storage areas. The permittee shall describe and implement proper storage methods that prevent stormwater contamination and accidental spillage. The plan shall include a program to inspect containers, and identify proper disposal methods.*~~ ~~*c. Inspections. Metal fabricators shall at a minimum include the following areas for inspection: raw metal storage areas; finished product storage areas; material and chemical storage areas; recycling areas; loading and unloading areas; equipment storage areas; paint areas; and vehicle fueling and maintenance areas.*~~ ~~*d. Comprehensive site compliance evaluation. The site compliance evaluation shall also include inspections of: areas associated with the storage of raw metals; storage of spent solvents and chemicals; outdoor paint areas; and roof drainage. Potential pollutants include chromium, zinc, lubricating oil, solvents, aluminum, oil and grease, methyl ethyl ketone, steel and other related materials.*~~
9VAC25-151-340. Sector AA-Fabricated metal products.		C. Benchmark monitoring and reporting requirements.	Relabeled subsection. ~~*C*~~*B. Benchmark monitoring and reporting requirements.*
9VAC25-151-350. Sector AB-Transportation equipment, industrial, or commercial machinery.		A. Discharges covered under this section.	Clarified that SIC Codes 3511-3599 (except 3571-3579) are covered under this sector. SIC Codes 3711-3799 (except 3731 and 3732) are proposed to be moved to "Sector AE-Facilities With No Analytical Benchmark Monitoring Requirements". *A. Discharges covered under this section. The requirements listed under this section apply to stormwater discharges associated with industrial activity from transportation equipment, industrial or commercial machinery manufacturing facilities* ~~*(commonly described by SIC Major Group 35*~~

			~~(except SIC Code 357), and SIC Major Group 37 (except SIC Code 373))~~ commonly described by SIC Codes 3511-3599 except 3571-3579.
9VAC25-151-350 Sector AB B. SWPPP requirements		*Site map. The site map shall identify where any of the following may be exposed to precipitation or surface runoff: vents and stacks from metal processing and similar operations.*	*~~[Site map.]~~ The site map shall identify where any of the following may be exposed to precipitation or surface runoff: vents and stacks from metal processing and similar operations.* Removed unnecessary words "Site map".
9VAC25-151-350. Sector AB-Transportation equipment, industrial, or commercial machinery.		Table 350 Sector AB-Benchmark Monitoring Requirements.	Clarified that monitoring requirements pertain to SIC Codes 3511-3599 (except 3571-3579). *Transportation equipment manufacturing facilities (~~SIC 35, except 357, and SIC 37, except 373~~ SIC 3511-3599 except 3571-3579)*
9VAC25-151-360. Sector AC-Electronic, electrical equipment and components, photographic and optical goods.		9VAC25-151-360. Sector AC-Electronic, electrical equipment and components, photographic and optical goods.	Removed entire section as these facilities are proposed to be covered under "Sector AE- Facilities With No Analytical Benchmark Monitoring Requirements".
9VAC25-151-370. Sector AD-Nonclassified facilities/stormwater dischargers designated by the board as requiring permits.		A. Discharges covered under this section.	Changed "could" to "may" to be consistent with regulatory language. *Therefore, almost any type of stormwater discharge ~~could~~ may be covered under this sector.*
9VAC25-151-370. Sector AD-Nonclassified facilities/stormwater dischargers designated by the board as requiring permits.		B. Additional requirements.	Removed unnecessary language. *~~B. Additional requirements. No additional sector-specific requirements apply to this sector.~~*
9VAC25-151-370. Sector AD-Nonclassified facilities/stormwater dischargers designated by the board as requiring permits.		C. Benchmark monitoring and reporting requirements.	Relabeled subsection and removed TSS benchmark monitoring. Added that "the board shall establish any monitoring requirements". This change is consistent with EPA's 2015 MSGP. *~~C~~B. Benchmark monitoring and reporting requirements. ~~Nonclassified facilities/stormwater discharges designated by the board as requiring permits are required to monitor their stormwater discharges for the~~*

<table>
<tr>
<td></td>
<td></td>
<td></td>
<td><s>pollutants of concern listed in Table 370.</s> <u>The board shall establish any additional monitoring requirements for your facility prior to authorizing coverage under this permit.</u>

<s>Table 370
Sector AD - Benchmark Monitoring Requirements</s>

<table><tr><td><s>Pollutants of Concern</s></td><td><s>Benchmark Concentration</s></td></tr><tr><td colspan="2"><s>Nonclassified Facilities/Stormwater Discharges Designated By the Board As Requiring Permits</s></td></tr><tr><td><s>Total Suspended Solids (TSS)</s></td><td><s>100 mg/L</s></td></tr></table></td>
</tr>
<tr>
<td></td>
<td>9VAC25-151-380. Sector AE- Facilities With No Analytical Benchmark Monitoring Requirements.</td>
<td></td>
<td>Added new section for newly created Sector AE.

<u>9VAC25-151-380. Sector AE – Facilities With No Analytical Benchmark Monitoring Requirements.</u>

<u>A. Discharges covered under this section. The requirements listed under this section apply to storm water discharges associated with industrial activity from facilities with SIC Codes 2611, 2621, 2652-2657, 2833-2836, 2851, 2861-2869, 2891-2899, 3952, 2992, 2999, 3211, 3221, 3229, 3231, 3241, 3281, 3291-3299, 3331-3339, 3398, 3399, 3341, 1311, 1321, 1381-1389, 2911, 4512-4581, Treatment Works (TW), 2011-2015, 2032-2038, 2051-2053, 2061-2068, 2082-2087, 2091-2099, 2111-2141, 2211-2299, 2311-2399, 3131-3199 (except 3111 included in Sector Z), 2434, 2511-2599, 2711-2796, 3081-3089, 3931, 3942-3949, 3951-3955 (except 3952 facilities as specified in Sector C), 3961, 3965, 3991-3999, 3111, 3711-3799 (except 3731, 3732 as identified in Sector Q), 3571-3579, 3612-3699, and 3812-3873.</u>

<u>B. Additional requirements. No additional sector-specific requirements apply to this sector.</u></td>
</tr>
<tr>
<td>9VAC25-151-380</td>
<td></td>
<td>List of covered facilities</td>
<td>Struck “2992, 2999, and the</td>
</tr>
</table>

<table>
<tr><td>Sector AE
A. Discharges Covered under this section</td><td></td><td>included “2992, 2999, and the qualifying phrase “facilities as specified in Sector C”</td><td>qualifying phrase “facilities as specified in Sector C”
Language was inadvertently placed in proposed regulation</td></tr>
<tr><td></td><td>9VAC25-151-390. Sector AF- Facilities Limited to Total Suspended Solids Benchmark Monitoring</td><td></td><td>Added new section for newly created Sector AF.
<u>9VAC25-151-390. Sector AF – Facilities Limited to Total Suspended Solids Benchmark Monitoring Requirements.</u>
<u>A. Discharges covered under this section. The requirements listed under this section apply to storm water discharges associated with industrial activity from facilities with SIC Codes 2411, 2421, 2426, 2429, 2431-2433, 2435-2439, 2441, 2448, 2449, 2451, 2452, 2493, 4011, 4013, 4111-4173, 4212-4231, 4311, and 5171.</u>
<u>B. Benchmark monitoring and reporting requirements. Facilities/stormwater discharges included in this sector are required to monitor their stormwater discharges for the pollutants of concern listed in Table 390.</u>
<u>Table 390
Sector AF - Benchmark Monitoring Requirements</u>
<table><tr><td><u>Pollutants of Concern</u></td><td><u>Benchmark Concentration</u></td></tr><tr><td colspan="2"><u>Facilities Limited to Total Suspended Solids Benchmark Monitoring Requirements</u></td></tr><tr><td><u>Total Suspended Solids (TSS)</u></td><td><u>100 mg/L</u></td></tr></table></td></tr>
<tr><td>9VAC25-151-390 Sector AF
A. Discharges covered under this section</td><td></td><td>List of covered facilities included “2411, 2421, 2426, 2429, 2431-2433, 2435-2439, 2441, 2448, 2449, 2451, 2452, and 2493”.</td><td>Struck “2411, 2421, 2426, 2429, 2431-2433, 2435-2439, 2441, 2448, 2449, 2451, 2452, and 2493”as facilities covered under Sector AF. Discussions with DEQ compliance staff indicated that compliance issues and risks with wood product facilities were better controlled with the additional general permit requirements outlined for Sector A facilities. In the proposed regulation facilities were moved to Sector AF due to benchmark sampling requirements. These facilities were</td></tr>
</table>

			moved back to Sector A as required In the 2014 Industrial Stormwater General Permit.

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.