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## Exempt Action: Proposed Regulation Agency Background Document

<b>Agency name</b>	State Water Control Board
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	9VAC25-190
<b>VAC Chapter title(s)</b>	Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Nonmetallic Mineral Mining
<b>Action title</b>	Amend and Reissue the Existing General Permit Regulation
<b>Date this document prepared</b>	February 21, 2023

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

### Brief Summary

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

The Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Nonmetallic Mineral Mining has existed since 1994. This general permit contains effluent limitations, monitoring requirements and special conditions for discharges of process wastewater, which may be commingled with stormwater, as well as stormwater associated with industrial activity, to surface waters. The proposed changes to the regulation are being made to reissue this general permit and in response to Technical Advisory Committee suggestions and staff requests to revise, update and clarify the permit conditions.

### Mandate and Impetus

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

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

VPDES permits are limited to a term of five years. The existing VPDES Nonmetallic Mineral Mining General Permit regulation expires on June 30, 2024, and it must be reissued for another five-year term to remain available to mine operators that conduct in-scope activities. If this permit is not re-issued in a timely manner, no new coverage is available to any additional operators and such operators would be required to obtain individual VPDES permits. Process wastewater and industrial stormwater have been determined to be point source discharges and if the general permit is not available such dischargers will need to apply for and obtain individual VPDES permits, which impose significantly greater burden and costs on permittees and increased administrative burden on DEQ.

**Acronyms and Definitions**

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

- APA: Administrative Process Act
- BMP: Best Management Practices
- CFR: Code of Federal Regulations
- DEQ: Department of Environmental Quality
- EPA: (U.S. EPA): United States Environmental Protection Agency
- NPDES: National Pollutant Discharge Elimination System
- SWPPP- Storm Water Pollution Prevention Plan
- TAC: Technical Advisory Committee
- USC: United States Code
- VAC: Virginia Administrative Code
- VPDES: Virginia Pollutant Discharge Elimination System

**Legal Basis**

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

The basis for this regulation is § 62.1-44.2 et seq. of the Code of Virginia. Specifically, § 62.1-44.15(5) authorizes the Board to issue permits for the discharge of treated sewage, industrial wastes or other waste into or adjacent to state waters and § 62.1-44.15(7) authorizes the Board to adopt rules governing the procedures of the Board with respect to the issuance of permits. Further, § 62.1-44.15(10) authorizes the Board to adopt such regulations as it deems necessary to enforce the general water quality management program, §62.1-44.15(14) authorizes the Board to establish requirements for the treatment of sewage, industrial wastes and other wastes, § 62.1-44.16 specifies the Board's authority to regulate discharges of industrial wastes, § 62.1-44.20 provides that agents of the Board may have the right of entry to public or private property for the purpose of obtaining information or conducting necessary surveys or investigations, and § 62.1-44.21 authorizes the Board to require owners to furnish information necessary to determine the effect of the wastes from a discharge on the quality of state waters.

Section 402 of the Clean Water Act (33 USC 1251 et seq.) authorizes states to administer the NPDES permit program under state law. The Commonwealth of Virginia received such authorization in 1975 under the terms of a Memorandum of Understanding with the U.S. EPA. This Memorandum of

Understanding was modified on May 20, 1991 to authorize the Commonwealth to administer a General VPDES Permit Program.

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

**Purpose**

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

This proposed regulatory action is needed in order to amend and reissue the existing VPDES general permit for nonmetallic mineral mining, which expires on June 30, 2024. The goal of the proposed regulation is to continue to make available the general permit, which establishes standard language for control of these point source discharges through effluent limitations, monitoring requirements and special conditions to ensure protection of the environment and public health, safety and welfare.

**Substance**

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

Proposed changes to the general permit regulation include:

- Revised the term of the general permit regulation to July 1, 2024 - June 30, 2029.
- Changed the name “Virginia Department of Mines, Minerals and Energy” to “Virginia Energy, Division of Mineral Mining” to reflect the agency name change (made October 1, 2021).
- For registration statement requirements:
  - Replaced facility operator with facility contact;
  - Added a NAIC code requirement for permittees;
  - Revised the substantially identical and representative stormwater outfall language;
  - Changed the name “Virginia Department of Mines, Minerals and Energy” to “Virginia Energy, Division of Mineral Mining”;
  - Added a requirement to indicate ownership type;
  - Added a conditional electronic submittal requirement for registration statements, which provides for notice and a 3-month period before it becomes effective.
- Specified that for visual monitoring of stormwater discharges, samples must be in a clean, colorless glass or plastic container and examined in a well-lit area.
- Revised the TMDL special condition so it is not limited to stormwater and for consistency with VPDES requirements and other permits.
- Added discharge requirements for emergency dewatering during flooded conditions.
- Revised the representative outfalls provision to coordinate with edits to the registration statement.
- Under storm water pollution prevention plan (SWPPP) deadlines, simplified the reference to continuing coverage by removing the year of the general permit.
- Supplemented the language triggering review and amendment of the SWPPP to include any other process, observation, or event results in a determination that modifications to the SWPPP are necessary. Also added where the department notifies the permittee that a TMDL has been developed and applies to the permitted facility.
- For authorized non-stormwater discharges, clarified that firefighting includes firefighting training activities managed in a manner to avoid an instream impact in accordance with § 9.1-207.1 of the Code of Virginia, and that building washdown is managed in a manner to avoid an instream impact.

- Under standard conditions, added a conditional electronic submittal requirement for DMRs, which provides for notice and a 3-month period before it becomes effective.
- Under noncompliance reporting, revised the 24-hours reporting language and updated the link for online reporting, which is now preferred. Specified that for reporting outside of normal working hours, online reporting is required. For emergency calls, changed “Virginia Department of Emergency Services” to “Virginia Department of Emergency Management’s Emergency Operations Center.”
- For inspection and entry, clarified that an authorized representative of the director includes an authorized contractor acting as a representative of the administrator.

**Issues**

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

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The advantages to the public, regulated community, and the agency of reissuing this permit are that a VPDES general permit will continue to be available to facilities with eligible discharges enabling them to discharge to surface waters in a manner that is protective of those waters without the increased cost and more complicated application process associated with issuing an individual permit. There are no known disadvantages to the public, regulated community, or agency.

**Requirements More Restrictive than Federal**

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

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There are no requirements that exceed applicable federal requirements.

**Agencies, Localities, and Other Entities Particularly Affected**

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

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Other State Agencies Particularly Affected:

There are no state agencies particularly affected by the proposed regulation.

Localities Particularly Affected:

There are no localities likely to bear any identified disproportionate material impact by the proposed regulation as the regulation applies statewide.

Other Entities Particularly Affected:

In-scope operations that conduct mineral mining must do so in a manner consistent with this general permit. No other entities are particularly affected by the proposed regulation.

### Regulatory Flexibility Analysis

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

Specified mineral mine discharges are point source discharges of pollutants that must under federal and state law be authorized by a permit. This general permit provides small businesses (and other permittees) a less burdensome permitting option for this type of discharge when compared to an individual permit. In addition, the requirements in this general permit have been coordinated with existing Virginia Energy mining permit regulations to minimize duplicative requirements. This general permit uses performance standards where possible, and monitoring and reporting requirements are the minimum necessary.

### Public Comment Received

*Please summarize all comments received during the public comment period following the publication of the NOIRA, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. If no comment was received, enter a specific statement to that effect.*

One comment and two questions from one commenter were received in response to the NOIRA.

Commenter	Comment	Agency response
Rob Lanham, Gus Buttar Virginia Transportation Construction Alliance (VTCA)	<p>VTCA Respectfully request that the State Water Control Board and DEQ consider revising the VPDES General Permit Regulation for Storm Water Discharge Associated with Nonmetallic Mineral Mining to include a means for nonmetallic mine operators to quickly dewater pits that have become flooded due to significant storm events and that have become non-operational as a result.</p> <p>Our aggregate operations are designed and constantly maintained to control and treat stormwater from lands owned and controlled by operators. Occasionally, storm events become so severe that our stormwater control measures are compromised, and aggregate operations become flooded to the point that operations are forced to cease. Unfortunately, when storm events become this significant,</p>	<p>DEQ has included in this proposed regulation a special condition addressing discharge requirements for emergency dewatering during flooded conditions. This provision provides a time-limited, conditional exception from the TSS limits applicable to process wastewater for mine pit dewatering discharges resulting from a storm equal to or greater than a 10-year, 24-hour storm event that has caused flood conditions within the mine such that normal operation at the active portion of the mine cannot continue.</p> <p>The comment indicates that industry can facilitate best management practices (BMPs) to reduce the impact of discharging stormwater</p>

	<p>our communities and infrastructure are often detrimentally impacted as well.</p> <p>During these storm events, the materials produced by aggregate operations are essential for public safety, to rebuild damaged infrastructure and to reduce environmental impacts from these storms. The shutdown of locally available facilities that furnish materials vital to aid in recovery efforts impedes swift response and can add significant cost to recovery efforts. In addition, facility closures that result from flooded pits and quarries impacts employees, contract haulers, and many other service and support partners and their families with lost wages and revenue. In order to avoid or minimize potential exceedances during these storm events, Aggregate Producers believe we can facilitate best management practices to reduce the impact of discharging stormwater during and following significant storm events while allowing for the expeditious dewatering of pits.</p>	<p>during and following significant storm events. In two prior meetings and this TAC process industry has not indicated how this would be achieved or indicated which BMPs would be specified in the permit to protect water quality.</p> <p>The only new information presented at the 2024 reissuance TAC meetings was language derived from a draft Maryland Department of the Environment (MDE) mineral mining general permit (MDE 22-MM). The MDE permit includes language that provides that TSS limits are subject to Bypass following a significant storm event with subsequent flooding, when a facility experiences an inflow of sediment originating upstream of the facility.</p> <p>DEQ considered the extreme storm language derived from MDE’s general permit and also had a follow-up discussion with staff at MDE. In our view, the language derived from the MDE general permit does not appear to meet DEQ’s conditions for an allowable Bypass since the storms at issue do not cause the loss of life, personal injury, or severe property damage. In addition, it is not clear that there are no feasible alternatives.</p> <p>In an effort to address the concern presented in the comment and ensure protection of water quality, DEQ has included Special Condition 18 in the proposed general permit.</p>
	<p>Members are inquiring if it is necessary to include the days and hours since the preceding storm event on the DMR? We understand this data may not be utilized once it is submitted.</p> <p>Likewise, on the process water DMR, is the average flow reporting necessary and is it used?</p>	<p>Under the Nonmetallic Mining general permit, for sampling stormwater discharges other than from a stormwater management structure, the permit requires that the interval from the prior discharge must be at least 72 hours (unless waived). Indicating the elapsed time documents that this requirement is satisfied. DEQ notes that the draft 2024 ISWGP will remove documentation of the duration of the</p>

	<p>storm event, but not the interval between storms resulting in discharges.</p> <p>With regard to monitoring process wastewater effluent flow, flow is a standard parameter that is included in the limits of all VPDES permits. The VPDES application regulations (9VAC25-31-100) specify flow as a required parameter (e.g., subsection 1 4 a 9). In this general permit, flow may be needed in TMDL development. Flow data also provides DEQ with information regarding facility operation, which can be important because mineral mines can have high flows.</p>
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### Public Participation

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

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

Anyone wishing to submit written comments for the public comment file may do so by mail, email or fax to Peter Sherman, P.O. Box 1105, Richmond, Virginia 23218, peter.sherman@deq.virginia.gov, phone (804) 659-2666, fax (804) 698-4178. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at (<http://www.townhall.virginia.gov>). Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

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

### Detail of Changes

*List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. If the regulatory change will be a new chapter, describe the intent of the language and the expected impact. Please describe the difference*

*between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory change. Please include citations to the specific section(s) of the regulation that are changing.*

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
9VAC25-190-15. Applicability of incorporated references based on the dates that they became effective		Code of Federal Regulations (CFR) publication date referenced is July 1, 2018.	Code of Federal Regulations (CFR) publication date referenced is July 1, 2022.  <i>Updated the CFR reference. This will be adjusted at final approval to the most recent publication date.</i>
9VAC25-190-20. Purpose; effective date of permit		B. This general permit will become effective on July 1, 2019 and will expire June 30, 2024.	B. This general permit will become effective on July 1, 2024 and will expire June 30, 2029.  <i>Revised the permit term to reflect reissuance for another five-year term.</i>
9VAC25-190-50, 60 and 70		Various provisions reference the term “board.”	Select revisions required under Senate Bill 657 (2022, regarding SWCB authority) were made “exempt final” during the August 25, 2022 Board meeting. In this action, within the balance of the general permit/ regulation, it is proposed to change the term “board” to “department” where the reference is to a permit action.  <i>This change is based on SB 657 (2022).</i>
9VAC25-190-50 Authorization to discharge		A. 4. The owner has and maintains during such authorization a mineral mining permit for the operation to be covered by this general permit that has been approved by the Virginia Department of Mines, Minerals and Energy, Division of Mineral Mining (or an associated waived program, locality, or state agency) under provisions and requirements of Title 45.1 of the Code of Virginia.	A. 4. The owner has and maintains during such authorization a mineral mining permit for the operation to be covered by this general permit that has been approved by Virginia Energy, Division of Mineral Mining (or an associated waived program, locality, or state agency) under provisions and requirements of Title 45.1 of the Code of Virginia.  <i>Changed DMME to Virginia Energy to reflect the agency’s name change.  (The same name change is also in 190-60 c 4.)</i>
9VAC25-190-50.		C. Compliance with this general permit constitutes	C. Compliance with this general permit constitutes compliance for purposes of



Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
Authorization to discharge		compliance for purposes of enforcement with §§ 301, 302, 306, 307, 318, 403, and 405(b) of the federal Clean Water Act and the State Water Control Law, with the exceptions stated in 9VAC25-31-60 of the VPDES Permit Regulation.	enforcement with §§ 301, 302, 306, 307, 318, 403, and 405(a) through (b) of the federal Clean Water Act and the State Water Control Law, with the exceptions stated in 9VAC25-31-60 of the VPDES Permit Regulation.  <i>Revised the language to also reference CWA 405(a) for consistency with federal regulatory language and other VPDES general permits.</i>
9VAC25-190-60. Registration statement		C. 1. Facility owner and operator or other contact name, address, email address, and telephone number;	C. 1. Facility owner and facility contact name, address, email address, and telephone number;  <i>Replaced facility operator with facility contact. This is to standardize registration statements and facilitate electronic reporting, which is required under federal and state regulations.</i>
9VAC25-190-60. Registration statement		C.4. Primary and secondary SIC codes;	C.4. Primary and secondary SIC and NAIC codes;  <i>Added NAIC codes for consistency with electronic reporting requirements.</i>
9VAC25-190-60. Registration statement		C.5.f. Indicate which stormwater outfalls will be representative outfalls that require a single discharge monitoring report (DMR). For stormwater outfalls that are to be represented by other outfall discharges, provide a description of the activities associated with those outfalls and explain why they are substantially the same as the representative outfall to be sampled;	C.5.f. Indicate which stormwater outfalls could operate as substantially identical or representative outfalls (if any). Provide the following for each: a) The locations of the outfalls; b) Why the outfalls are expected to discharge substantially identical effluents including, where available, evaluation of monitoring data;  <i>Revised the substantially identical and representative stormwater outfall language to remove reference to a single DMR and request the location of the outfalls and explanation why they are expected to discharge substantially identical effluent. These changes promote consistency with electronic reporting requirements and other general permits.</i>
9VAC25-190-60. Registration statement		C.19. Certification of signee.	Renumbered certification as 20.  <i>Added new 19: Ownership type, whether located on Indian lands, and existing VPA permits;</i>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<i>Standardizing electronic registration statements consistent with federal and state electronic reporting requirements.</i>
9VAC25-190-60. Registration statement		E. Where to submit. The registration statement shall be delivered to the department by either postal or electronic mail and shall be submitted to the DEQ regional office serving the area where the industrial facility is located.	<p>Added to E: Following notification from the department of the start date for the required electronic submission of Notices of Intent to discharge forms (i.e., registration statements), as provided for in 9VAC25-31-1020, such forms submitted after that date shall be electronically submitted to the department in compliance with this section and 9VAC25-31-1020. There shall be at least a three-month notice provided between the notification from the department and the date after which such forms must be submitted electronically.</p> <p><i>The new language facilitates electronic reporting, which is required under federal and state regulations.</i></p>
9VAC25-190-70. General permit		Effective Date: July 1, 2019 Expiration Date: June 30, 2024	<p>Effective Date: July 1, 2024 Expiration Date: June 30, 2029</p> <p><i>Revised to reflect the new permit term.</i></p>
9VAC25-190-70. General permit		Part I.A.2.b.	<p>Part I A.2.b. <u>Added</u>: Samples will be in a clean, colorless glass or plastic container and examined in a well-lit area.</p> <p><i>Added language to improve consistency with other general permits.</i></p>
9VAC25-190-70. General permit		Part I.B.12. Discharges to waters subject to TMDL wasteload allocations. 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 II that are consistent with the assumptions and requirements of the TMDL. The department will provide written notification to the	Part I B.12. Discharges to waters with an approved total maximum daily load (TMDL). Owners of facilities that are a source of the specified pollutant of concern to waters where a TMDL has been approved prior to the term of this permit shall implement measures and controls 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. If the TMDL establishes a numeric wasteload allocation that applies to discharges from the facility, the owner shall perform monitoring for the pollutant of concern in accordance with the monitoring frequencies in Part I

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		owner that a facility is subject to the TMDL requirements. If the TMDL establishes a numeric wasteload allocation that applies to discharges from the facility, the owner shall perform any required monitoring in accordance with Part I A and implement measures necessary to meet that allocation.	<p>A and implement measures necessary to meet that allocation. At permit reissuance, the permittee shall submit a demonstration with the registration statement to show the wasteload allocation is being met.</p> <p><i>Revised the TMDL special condition so it is clear it is not limited to stormwater and for consistency with VPDES requirements and other permits.</i></p>
9VAC25-190-70. General permit		I.B Special conditions.	<p><i>Added Special Condition 18, Discharge requirements for emergency dewatering during flooded conditions. This provision provides a time-limited, conditional exception from the TSS limits applicable to process wastewater for mine pit dewatering discharges resulting from a storm equal to or greater than a 10-year, 24-hour storm event that has caused flood conditions within the mine such that normal operation at the active portion of the mine cannot continue. Dewatering discharges shall not exceed a daily maximum of 100 mg/l during emergency dewatering, are subject to daily monitoring, and must meet additional conditions including providing notice to DEQ. This provision is in response to issues raised by the TAC.</i></p>
9VAC25-190-70. General permit		Part II.B. Representative outfalls. If a facility has two or more exclusively stormwater outfalls that discharge substantially identical effluents, based on similarity of industrial activity, significant materials, frequency of discharges, and management practices and activities within the area drained by the outfalls, then the permittee may submit information with the registration statement substantiating the request for only one DMR to be issued for the outfall to be sampled that represents one or more substantially identical outfalls.	<p>Part II B. Representative outfalls. If a facility has two or more exclusively stormwater outfalls that discharge substantially identical effluents, based on similarity of industrial activity, significant materials, frequency of discharges, and management practices and activities within the area drained by the outfalls, then the permittee may monitor the effluent stormwater of just one of the outfalls and report that the observations also apply to the substantially identical outfall. The permittee shall document representative outfalls in the SWPPP. The representative outfall monitoring provisions apply to Part I A 2 a monitoring and quarterly visual monitoring.</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		<p>The permittee shall document representative outfalls in the SWPPP and list on the DMR of the outfall to be sampled all outfall locations that are represented by the discharge. The representative outfall monitoring provisions apply to Part I A 2 a monitoring and quarterly visual monitoring.</p>	<p><i>Revised the TMDL special condition so it is not limited to stormwater and for consistency with VPDES requirements and other permits.</i></p>
<p>9VAC25-190-70 General permit</p>		<p>II. E. Owners of existing facilities that were covered under the 2014 Nonmetallic Mineral Mining General Permit that are continuing coverage under this general permit shall update and implement any revisions to the SWPPP within 60 days of the department granting coverage under this permit.</p>	<p>II.E. Owners of existing facilities who are continuing coverage under this general permit shall update and implement any revisions to the SWPPP within 60 days of the department granting coverage under this permit.</p> <p><i>Simplified the reference to continuing coverage by removing the year of the general permit.</i></p>
<p>9VAC25-190-70 General permit</p>		<p>II.G.</p> <p>3. Inspections by local, state, or federal officials determine that modifications to the SWPPP are necessary;</p>	<p>II.G.</p> <p>3. Inspections by local, state, or federal officials determine, or any other process, observation, or event results in a determination that modifications to the SWPPP are necessary;</p> <p><u>Added new:</u> 6. The department notifies the permittee that a TMDL has been developed and applies to the permitted facility.</p> <p><i>Supplemented the language for review and amendment of the SWPPP to include any other process, observation, or event results in a determination that modifications to the SWPPP are necessary. Also added where the department notifies the permittee that a TMDL has been developed and applies to the permitted facility. These reflect corrective action language.</i></p>
<p>9VAC25-190-70 General permit</p>		<p>II.I.</p> <p>1. Discharges from emergency firefighting activities;</p> <p>7. Routine external building washdown that does not use</p>	<p>II.I.</p> <p>1 Discharges from emergency firefighting activities or firefighting training activities managed in a manner to avoid an instream impact in accordance with § 9.1-207.1 of the Code of Virginia;</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		detergents or hazardous cleaning products;	<p>7. Routine external building washdown that does not use detergents or hazardous cleaning products and is managed in a manner to avoid an instream impact;</p> <p><i>Updated consistent with revisions being made to the Industrial Stormwater General Permit.</i></p>
9VAC25-190-70 General permit		III.C.2. Monitoring results shall be reported on a discharge monitoring report (DMR) or on forms provided, approved or specified by the department.	<p><u>Added to III.C.2.</u> Following notification from the department of the start date for the required electronic submission of monitoring reports, as provided for in 9VAC25-31-1020, such forms and reports submitted after that date shall be electronically submitted to the department in compliance with this section and 9VAC25-31-1020. There shall be at least a three-month notice provided between the notification from the department and the date after which such forms and reports must be submitted electronically.</p> <p><i>To facilitate electronic reporting, which is required under federal and state regulations.</i></p>
9VAC25-190-70 General permit		III.I.2 The permittee shall report all instances of noncompliance not reported under Parts III I 1 a or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part III I 2.	<p>III.I.2. The permittee shall report all instances of noncompliance not reported under Parts III I 1 a or 1 b, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part III I 1 b.</p> <p><i>Corrected two cross-references.</i></p>
9VAC25-190-70 General permit		I. Note: Provides information for 24-hour noncompliance reports, including online links, reporting outside working hours, and emergencies.	<p><i>Made Note into new subsection I.3. Revised the 24-hours reporting language and updated the link for online reporting, which is now preferred. Specified that for reporting outside of normal working hours, online reporting is required. For emergency calls, changed "Virginia Department of Emergency Services" to "Virginia Department of Emergency Management's Emergency Operations Center." Revised language consistent with current online reporting capability.</i></p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<i>Making consistent across all general permits.</i>
9VAC25-190-70 General permit		III.W. Inspection and entry.	<i>For inspection and entry, clarified that an authorized representative of the director includes an authorized contractor acting as a representative of the administrator. This reflects a prior EPA comment.</i>

**Family Impact**

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

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