

COMMONWEALTH OF VIRGINIA

Department of Environmental Quality

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**Subject:** Guidance Memo No. 21-2001 - **Implementation of the 2021 Reissuance of the VPDES General Permit Regulation for Seafood Processing Facilities - VAG52**

**To:** Regional VPDES Water Permit Managers and Regional VPDES Water Compliance Managers

**From:** Melanie Davenport, Director, Water Permitting Division



**Date:** February 22, 2021

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**Summary:**

The purpose of this guidance is to provide updated information for implementing the Seafood Processing Facilities General Permit (VAG52) based on amendment of 9VAC25-115 and the 2021 reissuance of the general permit. This guidance replaces Guidance Memo No. GM16-2003. Primary changes are regarding stormwater pollution prevention plan requirements.

**Electronic Copy:**

Once effective, an electronic copy of this guidance will be available on:

- The Virginia Regulatory Town Hall under the Department of Environmental Quality (<http://www.townhall.virginia.gov/L/gdocs.cfm?agencynumber=440>);

**Contact Information:**

Please contact Eleanore Daub, (804) 698-4111, [eleanore.daub@deg.virginia.gov](mailto:eleanore.daub@deg.virginia.gov) with any questions regarding the application of this guidance.

**Certification:**

As required by Subsection B of [§ 2.2-4002.1](#) of the APA, the agency certifies that this guidance document conforms to the definition of a guidance document in [§ 2.2-4101](#) of the Code of Virginia.

**Disclaimer:**

**This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, it does not mandate or prohibit any particular action not otherwise required or prohibited by law or regulation. If alternative proposals are made, such proposals will be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.**

**Effective Date:** \_\_\_\_\_

**Initials:** \_\_\_\_\_

## **Background**

The VPDES General Permit for Seafood Processing Facilities, VAG52, is established by regulation 9VAC25-115. It sets limitations and monitoring requirements for point source discharges of process water from seafood processing facilities. It also provides stormwater permit coverage for SIC code 2091 and 2092 seafood facilities that would otherwise require coverage under the VPDES General Permit Regulation for Discharges of Stormwater Associated with Industrial Activity. This guidance replaces Guidance Memos 11-2003, 06-2001, 01-2018 and 96-005, previous implementation guidance for issuance of VAG52.

## **2021 Reissuance Changes**

9VAC25-115 was amended to reissue this general permit for another five-year period. The State Water Control Board adopted final amendments to the regulation on December 9, 2020 and these amendments will be effective upon the effective date of the permit (July 24, 2021). The [Virginia Regulatory Town Hall website](#) contains documents related to this rulemaking. Substantive changes to the permit regulation are as follows:

- Section 10 - Definitions - Added six new definitions to support the amended stormwater management requirements in 9VAC25-115-50 (Part II) and to be consistent with the ISWGP. Adjusted the seafood processing definition to include NAICS codes, moved the sentence about what seafood includes (crabs, oysters, etc.) to a separate definition, and added that seafood processing facilities does not include shellfish aquaculture facilities.
- Section 20 – Effective Date of Permit - Updated effective dates to July 24, 2021 – June 30, 2026 in order to begin the permit at the start of July next reissuance (and thereafter) to help ensure continuous e-DMR submittal using full calendar quarters (July – September, October – December, January – March, and April – June, etc...). Currently the permit abruptly ends before a full monitoring period is covered (July 23, 2021). This shortens the next 5 year permit by 23 days.
- Section 30 - Authorization- Added and exclusion to stormwater requirements when industrial area is not exposed.
- Section 40 - Registration - Registration statement deadlines changed from 30 days to 60 days prior to expiration of permit, commencement of discharge or adding a new process. Latitude/longitude and State Corporation Commission entity number now required for a complete registration statement. Added that once the 9VAC25-31-1020 (Electronic Reporting) date is established for this industry, registration statements shall be submitted electronically. Three months' notice shall be given by the department about this requirement.
- Section 50 Part II - Stormwater - Visual quarterly monitoring, nonstormwater annual inspections, corrective actions added. Comprehensive Site Evaluations eliminated. Routine quarterly inspections have been moved up into a section with all the other types of monitoring and inspections.
- Section 50 Part III – Conditions Applicable to All Permits - Added under reporting, that once the 9VAC25-31-1020 (Electronic Reporting) date is established for this industry and 3 months' notice is given, discharge monitoring reports shall be submitted electronically.

The amended regulation, permit reissuance fact sheet, registration statement, fee form, general permit, transmittal letters, ownership transfer form, termination form, production calculation spreadsheet, no exposure certification form and stormwater pollution prevention example and form can be found on [DEQnet](#) for DEQ employees. The public may obtain forms on the legislative website for this permit regulation or from the regional office ([Tidewater Regional Office](#) or [Piedmont Regional Office](#)). The effective date of the reissued general permit is July 24, 2021. The expiration date is June 30, 2026.

## **Registration for the 2021 Reissuance**

Facilities that are currently covered by General Permit VAG52 must resubmit a registration statement in order to continue coverage under the reissued permit. The registration forms now posted on [DEQnet](#) for DEQ employees and on the [Legislative Information System](#) for the public should be sent out by March 31, 2021 to the existing permit holders so they can reregister and avoid a lapse in coverage. The 2021 registration statement for existing permittees is due on or before May 25, 2021. Late registrations will be accepted. If a complete registration is submitted after May 25, 2021 but before July 24, 2021, the permittee will be administratively continued until such time that DEQ issues coverage or notifies the owner that the discharge is not eligible for coverage. If the registration is received but if the permit is not issued on time due to a late registration on the part of the permittee, the coverage is not retroactive (i.e. if they discharge during the uncovered period, they are discharging without a permit). Registration statements may be sent out electronically from the permit writer or manager. A transmittal letter will also be provided and should be included as an attachment on dated DEQ regional letterhead.

The fee is \$600.00. If sending hard copies via postal mail, the fee form gets sent out along with the registration statement. The fee form is included with the registration statement. The Water Division Permit Application Fee Form and the check are to be submitted to Receipts Control at the DEQ Central Office (we are NOT asking the permittees to copy the region with the check and Fee Form). The registration fee must be paid in full at the time the Registration Statement is submitted for permit coverage. There is no pro-rating of fees for partial term coverage. For CEDS and other purposes (such as ECM), the date the permit application is deemed complete (APCP) should be based on the date a complete signed registration statement package (including fee payment verification) is received.

At times the Regional Office might receive original Fee Forms from the permittees/applicants (sometimes along with payments). Any payments and original Fee Forms submitted by an applicant should be forwarded to DEQ-Finance using the standard procedures. For purposes of ECM, DEQ-Finance is the "owner" of the Fee Forms. Any Fee Forms/payments received are NOT to be scanned into ECM by the Regional Offices. Since Fee Forms and checks contain personal identification information (i.e., SSNs, FINs, bank account numbers, etc.), staff should send DEQ-Finance any original fee forms received, and destroy copies of fee forms/payments once payment verification is established.

Coverage under the reissued general permit will not begin until July 24, 2021 which is the effective date of the new regulation.

### **Reviewing the Registration Statement**

The basic procedures for implementation have not changed. Permit writers send out the seafood general permit registration statement for facilities that might qualify for coverage. The registration statement, just like any application, should be complete before the discharge is covered. Registration statements should be reviewed as follows:

Item 1 (Applicant Information) - The facility owner is the person or entity that will get coverage under the permit. It means owner of the business, not necessarily the owner of the building. It is expected that in most cases with this permit the owner and operator will be the same. The operator section only needs to be filled out if staff should contact someone at the plant other than the owner. Email information is included on the form but we should not deny a registration if the individual has no access to email at their home or business.

Item 2 (Facility Information) - If the receiving stream is into waters where other Board regulations or policies prohibit such discharges or where more stringent requirements exist (e.g., exceptional state waters per the Water Quality Standards regulation [9VAC25-260-30 A 3](#) or the discharge is inconsistent with the assumptions and requirements of an approved TMDL. At this time, there are no seafood processing facilities in exceptional waters. These facilities are considered an insignificant source under the Chesapeake Bay TMDL and therefore consistent with the assumptions and requirements of the approved Chesapeake Bay TMDL. However, an evaluation should be made to verify that assumption (see discussion under Item 6 below). Further evaluation will be needed to determine if a local (non-Bay) approved TMDL applies to the facility and if the facility is consistent with the local TMDL.

Item 2 (Current VPDES Permit Number) - Existing general permittees will normally enter their current general permit number although the instructions tell them to list individual permit numbers, if any.

Item 2 (Construction Information) – This question is here to address whether existing or new source effluent limits apply to a facility. The permit regulation defines a new source as “... any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced [after promulgation of the effluent guidelines that apply to it].” Most effluent guidelines for seafood processing (40 CFR 408) were promulgated 1974 - 1975.

Adding a brand new process is not a ‘new source’ unless the building was constructed or had significant upgrades (new treatment, new facilities) after the effluent guidelines or construction occurred. If the construction of the structure is unknown treat a new process as a new source.

Item 3 (Map) - Some additional instructions on the form have been provided for maps since we are now allowing computer generated maps. A USGS topographic (a copy of a 7.5 Minute, 1:24,000 Scale) or computer generated map (e.g., Google Maps) extending to at least one mile beyond property boundary is required. The map must show the location of the facility, and the location of each of its existing and/or proposed intake and discharge points. All springs, rivers and other surface water bodies, including the receiving water body should be included. Items not shown on the topographic map or computer generated map may be added by hand.

Item 4 (SIC Codes) - The general permit regulation is specific about which SIC codes are eligible for coverage. This section also lets the permit writer know if the stormwater pages apply to the discharger. Facilities with SIC codes 2091 and 2092 involve "industrial activity" with respect to the stormwater regulations, and this general permit covers the stormwater discharges as well as the process discharges. A Stormwater Pollution Prevention Plan (SWPPP) template is provided as an attachment, and it should be sent to the permittees falling under the above SIC codes that do not already have a SWPPP in order to assist them in developing a SWPPP. For those facilities that do not fall under these two SIC codes, the letter transmitting the permit indicates that Part II of the permit does not apply to them.

Accept the registration statement SIC code unless it is clearly SIC 2091 (canning and curing) or SIC 2092 (preparing fresh or frozen fish e.g., shucking) and they have indicated SIC 5142 or 5146 (and vice versa). The majority of seafood SIC codes fall under 2092 (about 77%). The approximate breakdown of other SIC codes is 2091 3%, 5146 18% and 5141 <1%.

Items 5 and 6 (Nature of Business and Outfall Information) – This will indicate to the permit writer what kind of seafood processing operations occur at the facility and therefore which effluent limits pages apply. Some complications can arise when there are multiple processes (note applicant's answer to Item 8. of the registration statement), but in most cases the permittee will be able to pull a sample some time in a quarter that represents only one process. See discussion about multiple outfalls and commingled discharges under *Issuing Coverage under the General Permit* below).

Item 6 (Outfall Information) - Provides information on flow and latitude/longitude. The regulation establishing this general permit has a provision in it (added in 2006) that says:

*“Nutrient Discharges.*

*Annual mass loadings of total nitrogen in excess of 2300 pounds per year or of total phosphorus in excess of 300 pounds per year are not authorized by this general permit.”*

The Chesapeake Bay watershed general permit for nutrients established in accordance State Water Control Law [§62.1-44.19:12 to :19](#) addresses new or expanding industrial facilities with the potential to discharge annual loads of 2300 pounds of total nitrogen or 300 pounds of total phosphorus. Each existing seafood facility covered by the general permit do not approach this level of nutrient loading. New or expanding facilities with the potential to exceed these load limits must register for coverage under the Watershed General VPDES Permit for Nutrient Discharges to the Chesapeake Bay ([9VAC25-820](#)) in addition to applying for an individual permit.

The clause was added in the regulation to ensure that seafood general permit authorized discharges continue as an insignificant nutrient source and consistent with the assumptions and requirements of the Chesapeake Bay TMDL. The registration statement requires daily flow information and operating days per year. The permit writer can use this information to estimate annual flow and screen the registration statement for facilities that might exceed the nutrient loading specified in the regulation. Based on typical nutrient concentrations, annual flows that may cause excessive nutrient loads are presented for some common seafood processes in the following table:

<b>SEAFOOD PROCESS</b>	<b>ANNUAL DISCHARGE FLOW in MILLIONS OF GALLONS</b>
Hand-shucked Oyster	2.5
Handpicked or mechanized Crab	0.8
Hand-shucked Clam	8.9
Fish Processing	2.3
Seafood packing, re-packing	4.6

If a registration statement is received with information that indicates flows higher than shown in the table, or if there is a question about nutrient loading from a different type of seafood process, contact the Office of VPDES Permits for assistance in determining if coverage should be granted.

Item 7 (Maximum Daily Production) - Production information is provided to determine if facilities fall under the minimum production levels specified for existing sources in the conventional blue crab, shrimp, bottom fish, hand-shucked clam, hand-shucked oyster and catfish processing subcategories. If they fall below the specified level for a process, they should only be sent the A.1. Effluent limits page, "Seafood Processing Not Limited Elsewhere" for that process.

Item 8 (Facility Drawing) - This is information about the water flow through the facility and is useful in addition to the map for general knowledge of the facility for inspections and to look for potential problems. Simultaneous discharges can sometimes be problematic for these facilities in monitoring, so we also ask for this information to better understand the operation and help the permittee.

Item 9 (Treatment Information) - This general permit does not authorize discharges of sewage.

Item 10 (Chemicals) - The regions will have to evaluate the response to determine if the chemicals being added to the water need to be limited or controlled in some way. If so, then the facility should not be covered by the general permit. Chemicals that are not identified on an approved registration statement cannot be used. All chemicals (including bleach) will be listed. Chlorine was determined not to be a chemical of concern when the permit was first issued. If they do not list any sanitizers, the permittee should be contacted and ask what sanitizer is used and how is used (e.g., solution percent, how much and how often).

### **Summary of Qualifications for General Permit Coverage**

For the purpose of screening for qualification, facilities need to meet the following conditions:

1. The facility has submitted a complete registration statement (including fee).
2. The facility has the correct SIC code (2091, 2092, 5142 or 5146).
3. The facility is not a mechanized clam processing operation.
4. The facility has a point source discharge.
5. Discharge is not to waters prohibited in other regulations (e.g. Tier 3 waters).
6. There are no sewage discharges.
7. There are no chemicals that require special treatment.
8. The facility has not been required to obtain an individual permit.
9. The facility complies with the limits and special conditions of the permit.
10. The facility does not exceed Chesapeake Bay TMDL nutrient loading as specified in the general permit regulation.

11. The permit does not need to contain a local TMDL WLA.
12. Degradation of high quality waters and backsliding are not occurring (see below).

### **Antibacksliding**

If the applicant previously held an individual permit, antibacksliding must be considered. Also we should use whatever effluent limits pages qualify for the process for existing permits; however, new source limits should always remain new source limits.

### **Antidegradation**

Antidegradation was considered in the issuance of the general permit. It would be a factor in cases where coverage is requested for new or increased discharges that would increase the level of pollutants instream. It should be noted that switching back and forth between operations within the general permit coverage (such as changing from shucking oysters to picking crabs) is not considered as a new or increased discharge. If a case arises where some aspect of antidegradation does appear to be an issue, it is recommended that the Office of VPDES permits be contacted for assistance.

### **Issuing Coverage under the General Permit**

Once it is determined that the registration statement represents a facility that qualifies for coverage, the general permit pages can be prepared. The cover page, applicable Part I effluent limits pages based on the type of seafood processing that is occurring; special conditions, stormwater section and boilerplate should be assembled with the general permit number for the facility entered on the cover page and in the header of the other pages. It is not necessary to change the section numbers under Part I. A. that are currently numbered 1 through 27 on the effluent limits pages but it is allowed to renumber them sequentially. Some minor instruction may be added next to the outfall number. For example, for Part I A 1 limits pages (seafood processing not limited elsewhere) adding the type of seafood process is an acceptable addition. The outfall numbers must also be added at the end of the first sentence on each effluent limitations page. The largest production outfall should be 001. All other processes coming from 001 should be numbered as internal outfalls (101, 102, etc.). If there is a second outfall it is numbered 002 and other processes coming from 002 should be numbered as internal outfalls (201, 202, etc.) and so forth. No other changes to the language of the general permit are authorized.

CEDS will automatically generate permit numbers for new registrations.

The general permit requires quarterly or annual monitoring and reporting. Therefore, DMRs are necessary for reporting and compliance tracking. A separate DMR is required for each process (oyster shucking, crab picking, etc.), to go along with the limits page for that process. All outfalls described in the registration statement for a process should be listed on the effluent limits page and on the DMR, so that there is indication in the permit of what outfalls require sampling. Also note all numerical limits in the general permit are in terms of kg/kg. Special Condition 5 describes the method for calculating this from kg/day. A spreadsheet that calculates kg/day for production and for loading and kg/kg can be found for staff on [DEQnet](#) and on the [external web site](#) for use by permittees.

Multiple outfalls discharging the same process water can be composited, then analyzed and reported on one DMR, or results from individually sampled and analyzed outfalls can be combined mathematically to show total load from the facility and this figure reported on one DMR. Either way, this should be done separately for each process for which effluent limits apply.

In most cases the permittee will be able to obtain a sample some time in a quarter that represents only one process. Sometimes there may be multiple process waters discharging at the same time from a single outfall that cannot be separated. For these commingled discharges, one option is to take one commingled sample and report quantity and quality on the DMR based on the concentration of the commingled effluent but use production and flow from each process. If a permittee is always operating as a commingled discharge, and can never collect separate samples for each process, the permit may only contain the more stringent limits

page and only one DMR is submitted. The permittee has to meet the more stringent limits for all processes operating at the same time. Concentration, flow and weight in kg is combined for both processes in reporting.

Any clarification for sampling (such as outfall numbering, multiple outfall compositing, and commingled process waters) can be explained in the transmittal letter.

Use the appropriate transmittal letter to transmit the permit, DMRs, and if a SWPPP is needed, the example stormwater pollution prevention plan, to the permittee and keep a copy for the regional file (follow ECM procedures). It is not necessary to copy central office or EPA on coverage under a general permit. Note that the transmittal letter for coverage under a general permit does not contain the two paragraphs referencing the owner's right to appeal the decision to cover them under the permit. The transmittal letter for new coverage issuances should identify the first DMR due date for the first full monitoring period. Reissuance transmittal letters in this guidance indicate the due dates for the annual and quarterly DMRs. Electronic DMR (e-DMR) reporting is under development. DEQ will begin distribution of enrollment forms once development has been completed. The transmittal should also indicate where DMRs are to be sent. Permits may be transmitted to the owner by postal or electronic mail (email if agreed to by permittee on registration statement). Send the email with a read receipt request to ensure delivery.

### **Compliance Tracking**

DMRs are due on the tenth of January, April, July and October for quarterly monitoring, and on January 10 for yearly monitoring. All calculations related to the DMR data (i.e., parameters with numerical limits in kg/kgg) must be submitted with the DMR. If a complete registration is submitted on or before July 23, 2021, no monitoring gap is expected based on the continuation of the permit coverage provision ([9VAC25-115-30 D](#)).

Tracking of compliance with the limits and other requirements of the general permit should be done according to the Compliance Auditing System already established for individual VPDES permits. Reporting requirements for noncompliance, unusual or extraordinary discharges, etc. are the same as for an individual permit.

### **Stormwater Pollution Prevention Plan**

The Stormwater Pollution Prevention Plan required by Part II of the permit for SIC codes 2091 and 2092 is developed by the permittee and maintained on site. The permittee is required to conduct quarterly visual monitoring, quarterly routine inspections and annual nonstormwater inspections. Corrective actions are required before the next storm event if possible but not more than 60 days if any deficiencies are found (or as approved by the department). If DEQ personnel make an inspection of a facility covered by the general permit, they should ask to see the pollution prevention plan and any evaluation reports that have been done. Failure to develop and follow the pollution prevention plan is a violation of the permit.

### **Facility Changes and Termination of Coverage**

Any substantial new discharges or changes to a facility that could necessitate different permit pages, could change the nature or increase the quantity of pollutants discharged, or could cause noncompliance require submittal of a new registration statement within 30 days of the changes. Note that as discussed in the antidegradation section, switching processes within the general permit is not considered as water quality impacting as far as changing or increasing quantity of pollutants, but it is necessary to make sure that the permittee has the correct pages from the general permit. If a registration statement is submitted to add a process that was not accounted for in the original registration statement, or delete a process accounted for in the original registration statement, it should be evaluated as any registration statement. The change of coverage procedure would be to send the new pages and DMRs, assuming the discharger still qualifies for the general permit. CEDS does not track changes in coverage. The procedure is to overwrite the active record and add a MISC event code, date completed and comment.

If an owner requests termination of coverage under the general permit the regional office can terminate coverage under regional letterhead.

If there is a request for a change of ownership, then the new owner assumes the coverage under the general permit and the permit number does not change. A new registration statement is not necessary. Part III of the permit allows for automatic transfer of ownership if the current permittee notifies us and provides the VPDES Change of Ownership Agreement Form within 30 days of the transfer of the title to the facility or property. Note that this is a change to Part III made in 2011 (previously a 30-day prior notice was required). The other change of ownership requirements and procedures from the Permit Regulation and VPDES Permit Manual that are common to all VPDES permits apply here as well. Any change of status should be noted in CEDS.

### **Miscellaneous Implementation Issues**

#### **Small Aquaculture/Shellstock Rinsing Facilities**

A number of small oyster aquaculture farms have started operating in Virginia. Questions were raised among the Health Department, the operators and DEQ staff about whether or not they needed coverage under this general permit for their shellstock rinsing and grading operations. DEQ has recommended where pre-washed oysters were sorted and rinsed, usually outdoors on a covered dock or other rough enclosure with tumblers or by hand and the smaller oysters were returned to the river for grow out, that they need not apply for a VPDES permit. We recommended this due to the following conditions:

- 1) Oysters and oyster cages are initially washed over the oyster grounds;
- 2) The prewashed oysters are then graded in tumblers on a dock while water is sprayed over the oysters. Usually this water is pumped from and returned to the adjacent water body. There are negligible solids rinsed off the product because the shellfish are initially washed over the oyster grounds;
- 3) There is no processing (shucking) of the product. The oysters are sold whole;
- 4) The operation is small in volume (around 100 GPD) and product (around 10 bushels per day);

DEQ considers these operations as primarily aquaculture facilities (SIC 0273) and will not require these molluscan aquaculture facilities to get VPDES permits. The small amount of water sprayed over the tumbler while grading the oysters is the same as the water it came from with de minimus pollution added. Even though DEQ does not require coverage, the facility is still discharging to state waters and any fish kills or water quality problems caused by the discharge is still the responsibility of the owner and subject to possible enforcement by DEQ.

This policy was also discussed at a January 23, 2014 TAC meeting and again at the August 1, 2019 TAC meeting. The TAC consensus was to continue to not require coverage for these types of operations. During the August 1, 2019 meeting, the group also suggested excluding aquaculture from the definition of seafood processing. The definitions are as follows:

"Seafood" includes crabs, oysters, hand-shucked clams, scallops, squid, eels, turtles, fish, conchs, and crayfish.

"Seafood processing facility" means any facility that processes or handles seafood intended for human consumption or as bait, except a mechanized clam facility, where the primary purpose is classified under the following NAICS and SIC codes:

1. NAICS Code 311710 – Seafood Product Preparation and Packaging and SIC Code 2091 – Canned and Cured Fish and Seafoods, 2092 – Prepared Fresh or Frozen Fish and Seafoods;
2. NAICS Code 424420 – Packaged Frozen Food Merchant Wholesalers and SIC Code 5142 – Packaged Frozen Foods; and
3. NAICS Code 424460 – Fish and Seafood Merchant Wholesalers and SIC Code 5146 – Fish and Seafoods.



This definition does not include aquaculture facilities (including hatcheries) classified under SIC Code 0272 or 0921 and NAICS Code 112512.

Any aquaculture facility, whether it is a small facility falling under the policy above, or a large aquaculture facility would not be covered under this general permit. Process water (including shell stock wash down) from larger aquaculture facilities would be covered under this GP as the processing does fall under the applicable SIC and NAICS codes for this general permit. The aquaculture discharges aspect of all facilities will be permitted under an individual permit if they fall under [40 CFR Part 451](#), [40 CFR 122.24](#) and appendix C of [40 CFR part 122](#).

#### Handwashing

The VDH requires hand washing stations for shucking processes. The wastewater from the handwashing is not covered under this general permit. The National Shellfish Sanitation Program Model Ordinance states that, "Handwashing facilities shall be provided which are: "(c) directly plumbed to an approved sewage disposal system."

#### Ice Floor Drains

If the discharge is specifically only from ice, the discharge does not require permit coverage. The discharge should be permitted if the outfall receives other flows or the ice comes in contact with wash water, grading rinse water or processing water.

### **Attachments**

- Stormwater Pollution Prevention Plan and Records of Visual Monitoring, Routine Facility Inspections, Nonstormwater Inspections and Corrective Actions Templates
- Registration Statement, Fee Form and Transmittal Letter
- Example Transmittal Letter for sending general permit pages, including stormwater coverage
- Example Transmittal Letter for sending general permit pages without stormwater coverage
- Change of Ownership Agreement Form
- Notice of Termination Form
- Example Termination of Coverage Letter
- DMR calculation spreadsheet can be accessed on [DEQ's website](#)
- No Exposure Certification Form

The amended regulation, general permit pages, fact sheet, registration statement with instructions and fee form, ownership transfer form, termination form, production calculation spreadsheet, no exposure certification form and stormwater pollution prevention example and form are available for staff internally on [DEQnet](#).

**Stormwater Pollution Prevention Plan Template  
Part II C of VPDES Seafood Processing General Permit**

*Instructions or examples in italics may be deleted.*

*Stormwater pollution prevention plans (SWPPPs). An SWPPP shall be developed and implemented for the facility covered by this permit, which has stormwater discharges associated with industrial activity and is classified under SIC Code 2091 or 2092. The SWPPP is intended to document the selection, design, and installation of control measures, including BMPs, to minimize the pollutants in all stormwater discharges from the facility and to meet applicable effluent limitations and water quality standards.*

*The SWPPP requirements of this general permit may be fulfilled, in part, by incorporating by reference other plans or documents such as an erosion and sediment control (ESC) plan, 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 II C 2 (Contents of the SWPPP). If an ESC plan is being incorporated by reference, it shall have been approved by the locality in which the activity is to occur or by another appropriate plan approving authority authorized under the Erosion and Sediment Control Regulations, 9VAC25-840. All plans incorporated by reference into the SWPPP become enforceable under this permit. If a plan incorporated by reference does not contain all of the required elements of the SWPPP of Part III C 2, the permittee shall develop the missing SWPPP elements and include them in the required plan.)*

**STORMWATER POLLUTION PREVENTION PLAN**

Name of Facility  
VAG52XXXX

- Pollution Prevention Team** *Identify staff by name or title who comprise the facility's stormwater pollution prevention team. The team is responsible for assisting the facility owner or manager in developing, implementing, maintaining, revising, and ensuring compliance with the facility's SWPPP. Specific responsibilities are listed in this section. Note that at least one member of the pollution prevention team must participate in the quarterly routine facility inspections.*

*Example:*

*Responsible Party* *(owner or facility manager):*

*Ensures that plan is developed and implemented.*

*Ensures team members are trained and aware of their responsibilities.*

*Ensures team members are aware of and trained if the plan is revised.*

*Conduct employee training and ensure that all employees are aware of measures to prevent pollution of stormwater including good housekeeping practices and equipment maintenance and are aware of the necessity to report actual or potential pollution of stormwater.*

*Maintains records and files inspection and other reports.*

*Facility Manager:*

*Carries out instructions from responsible party.*

*Coordinates activities of other team members.*

*Performs periodic inspections of the site, takes action to correct defects, schedules team member training.*

*Conducts quarterly visual monitoring, quarterly routine inspections, and annual nonstormwater inspections.*

*Writes reports on monitoring, inspections and corrective actions for submittal to responsible party.*

*Foreman:*

*Inspects and maintains equipment which poses a possibility of a pollutant discharge.*

*Directs and performs housekeeping in and around the processing building(s).*

## 2. Site Description:

- a. Describe the industrial activities at the facility: *Examples: unloading product at dock, crab picking, oyster shucking, oil and fuel storage and dispensing, crab picking waste, garbage (cans or dumpsters) disposal, etc....*
- b. Site Map (*include the following – may be included as an attachment, hand drawn, imposed on a topographic map, computer generated or a combination of any of these*):
- Boundaries of the property and the size of the property in acres;
  - Location and extent of significant structures and impervious surfaces;
  - Locations of all stormwater conveyances, including ditches, pipes, swales, and inlets, and the directions of stormwater flow, using arrows to indicate which direction stormwater will flow;
  - Locations of stormwater control measures, including BMPs;
  - Locations of all water bodies receiving discharges from the site, including wetlands;
  - Locations of identified potential pollutant sources identified in Part II C 2 c that are exposed to stormwater (if not exposed, indicate so on map). *For example e.g. material handling equipment or activities (storage, loading/unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product), industrial machinery, raw materials, industrial production and processes, intermediate products, byproducts, final products, waste products and application and storage of pest control chemicals;*
  - Locations where significant spills or leaks identified under Part II C 2 c (3) have occurred;
  - Locations of stormwater outfalls, monitoring locations, an approximate outline of the area draining to each outfall, the drainage area of each outfall in acres, the longitude and latitude of each outfall, the location of any municipal separate storm sewer system (MS4) conveyance receiving discharge from the facility, and each outfall identified with a unique numerical identification codes. *For example: Outfall Number 001, Outfall Number 002, etc...;*
  - Location and description of all nonstormwater discharges. *Allowable nonstormwater discharges are listed in Part II A 3 c of the permit;*
  - Location of any storage piles containing salt;
  - Location and source of suspected run-on to the site from an adjacent property if the run-on is suspected of containing significant quantities of pollutants; and
  - Locations of vents and stacks from cooking, drying, and similar operations; dry product vacuum transfer lines; animal holding pens; spoiled product; and broken product container storage area if exposed to precipitation or runoff.

**3. Summary of potential pollutant sources** *The 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, and application and storage of pest control chemicals used on facility grounds. 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 area. *A list of the industrial activities exposed to stormwater;*
- b. Pollutants. *A list of the pollutants, pollutant constituents, or industrial chemicals 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 the SWPPP was prepared or amended. The list shall include any hazardous substance substances or oil at the facility.*
- c. Spills and leaks. *Identify areas where potential spills and leaks that can contribute pollutants to stormwater discharges can occur and their corresponding outfalls. 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.

Example:

- a. Raw product (shelled oysters) and final product (shucked oyster meat) are loaded, unloaded, or stored. Loading/unloading areas are potentially exposed to stormwater. Fueling area for trucks can potentially have spills and subsequently exposed to stormwater. If uncovered, trash or waste product could potentially be exposed to stormwater.
- b. Potential pollutants are BOD, solids, oil and grease.
- c. There is no known history of any spills or leaks of toxic or hazardous materials at this site.

#### 4. Control measure considerations

Control measures shall be implemented for all the areas identified in Part II C 2 c (Summary of potential pollutant sources) to prevent or control pollutants in stormwater discharges from the facility. If applicable, regulated stormwater discharges from the facility include stormwater run-on that commingles with stormwater discharges associated with industrial activity at the facility. This SWPPP describes the type, location, and implementation of all control measures for each area where industrial materials or activities are exposed to stormwater. The following were taken into consideration:

- a. That preventing stormwater from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from stormwater;
- b. Control measures generally must be used in combination with each other for most effective water quality protection;
- c. Assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures;
- d. 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 groundwater contamination);
- e. Flow attenuation by use of open vegetated swales and natural depressions can reduce instream impacts of erosive flows;
- f. Conservation or restoration of riparian buffers will help protect streams from stormwater runoff and improve water quality; and
- g. Treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.

#### 5. Control measures

The following control measures are implemented, unless documented below that such controls are not relevant to the stormwater discharge.

- a. The following good housekeeping measures were performed to minimize pollutant discharges. (*Typical problem areas include areas around trash containers, storage areas, loading docks, and vehicle fueling and maintenance areas.*):
  - (1) Regular pickup and disposal of waste/trash materials (*include schedule and/or contract*);
  - (2) Routine inspections for leaks and conditions of drums, tanks, and containers (*include schedule and/or contract – may reference routine facility inspection attachment*);
  - (3) Regular sweeping of areas of industrial activity – loading/unloading areas, trash areas, etc...) (*include schedule*);
  - (4) Include a description of how industrial materials are stored (chlorine, pesticides, fuel) and how containers are constructed of appropriate materials;
  - (5) Explain how waste containers are managed to prevent a discharge of pollutants (regular pickup and disposal, sweeping, regular inspection for leaks or wear on drums, tanks and containers);
  - (6) Explain how waste, garbage, and floatable debris are kept from discharge to the nearby waterway (regular pickup and disposal, sweeping, regular inspection for leaks or wear on drums, tanks, containers,

regular inspection of property for waste garbage, and debris that could wash or blow into nearby waterways; and

(7) Implement BMPs to eliminate stormwater discharges of plastics.

b. 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, are located inside, or protected by a storm-resistant covering to prevent exposure to rain, snow, snowmelt, and runoff. Unless infeasible (and noted below), the following are implemented:

(1) Use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from potential sources of pollutants;

(2) Locate materials, equipment, and activities so that potential leaks and spills are contained, or able to be contained, or diverted before discharge;

(3) 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;

(4) Store leaking vehicles and equipment indoors, or if stored outdoors, use drip pans and adsorbents;

(5) Utilize appropriate spill or overflow protection equipment;

(6) 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

(7) 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.

c. Preventive maintenance. The following preventative maintenance procedures and schedules are in place:

(1) *Include a description of preventative maintenance of control measures and any back-up practices that are in place should a runoff event occur while a control measure is off line); and*

(2) *Include procedure and schedule for testing, maintenance and repair of all industrial equipment and systems (e.g., processing equipment, drains, process water treatment systems) to avoid situations that could result in leaks, spills, and other releases-of pollutants in stormwater discharged from the facility.*

*Example:*

(1) *Employees in contact with equipment which might cause a discharge of pollutants or process wastewater (dumpsters and fueling areas) will, in the normal course of their duties, use, inspect, and maintain those items in a safe operating condition. These areas are also inspected during the quarterly routine facility inspection. Good housekeeping procedures will be conducted by the facility manager if staff are unavailable to conduct sweeping and cleaning of loading area. If dumpster is full, trash and waste product will be taken by truck to the landfill.*

(2) *All industrial equipment for processing is conducted indoors and unlikely to reach stormwater in the case of failure. This equipment is maintained and inspected yearly by the manufacturer.*

d. Spill prevention and response procedures. *Include procedures for preventing and responding to spills and leaks.* The following procedures that will be followed to prevent and respond to spills and leaks:

(1) *Describe the barriers that exist between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling (material = raw materials; fuels; solvents, detergents, and plastic pellets; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of Title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges. See 40 CFR 122.26(b)(12)) Describe barriers if applicable to the site, otherwise state there are no raw materials, fuels, solvents, detergents, plastics, metals exposed to stormwater);*

(2) *Describe response procedures, including notification of appropriate facility personnel, emergency agencies, and regulatory agencies and procedures for stopping, containing, and cleaning up spills. Measures for cleaning up hazardous material spills or leaks shall be consistent with applicable the*

*Resource Conservation and Recovery Act regulations at 40 CFR Part 264 and 40 CFR Part 265. Employees who may cause, detect, or respond to a spill or leak shall be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals shall be a member of the pollution prevention team;*

*(3) All containers that could be susceptible to spillage or leakage are plainly labelled as (list container labels e.g., "used oil," "spent solvents," and "fertilizers and pesticides") to encourage proper handling and facilitate rapid response if spills or leaks occur; and*

*(4) List individuals and agencies and contact information that must be notified in the event of a spill and indicate where the list is also displayed so it is readily available in the event of a spill.*

*e. Employee training. The permittee shall implement a stormwater employee training program for the facility. The SWPPP shall include a schedule for all training and shall document all training sessions and the employees who received the training. 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 and maintenance personnel). The training shall cover the components and goals of the SWPPP and include such topics as spill response, good housekeeping, material management practices, BMP operation and maintenance and pest control. The SWPPP shall include a summary of any training performed.*

*Example:*

*Each pollution prevention team member has received training in recognition of hazards or potential hazards for contamination of stormwater, spill response, good housekeeping, material management practices and best management practices operations and maintenance. Team Members will be given a "walk through" of the site identifying all areas of possible pollution, drainage areas, and will be shown methods of mitigating possible problems at each annual training session. The site has on hand sufficient quantities of materials to initiate a cleanup effort by responsible personnel.*

*Any new team members will receive similar training and a record of such training entered into the record.*

*Each current team member has been given a "walk-through" tour of the site at which time possible pollutant sources were described and pointed out. Proper maintenance for all equipment was discussed.*

Name of Employee(s)	Annual Training Date	Summary of Training Session

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f. Sediment and erosion control. *The 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. The permittee shall identify and implement structural, vegetative, or stabilization control measures to prevent or control on-site and off-site erosion and sedimentation. Flow velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel if the flows would otherwise create erosive conditions.*

*Example:*

*The surface of the property is covered with a mixture of grass, gravel and crushed sea shells. This mixture is subject to little or no erosion.*

g. Management of runoff. *The SWPPP shall describe the stormwater runoff management practices (i.e., permanent structural control measures) for the facility. These types of control measures shall be used to divert, infiltrate, reuse, or otherwise reduce pollutants in stormwater discharges from the site.*

*Structural control measures may require a separate permit under § 404 of the federal Clean Water Act and the Virginia Water Protection Permit Program Regulation (9VAC25-210) before installation begins.*

*Example:*

*Employees check the site daily for potential stormwater pollutants. Our goal is to ensure that no pollutants are exposed to stormwater runoff on the facility's property. No structural control measures are needed. The area is rural with sandy soils for good infiltration.*

**6. 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."

Signed: \_\_\_\_\_

Owner (Part III K Allowable Signatory)

Date: \_\_\_\_\_

*(The first signed date of the SWPPP for the permit issuance or reissuance shall be within 60 days after receiving coverage under the general permit. After that, any new date will reflect changes in the SWPPP due to corrective actions or any changes.)*

Signed: \_\_\_\_\_

Owner (Part III K Allowable Signatory)

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Owner (Part III K Allowable Signatory)

Date: \_\_\_\_\_

Appendices: Site Map, Quarterly Visual Monitoring Report, Quarterly Routine Facility Inspections, Annual Nonstormwater Inspection Report



**VISUAL MONITORING QUARTERLY  
PART II A 1 OF PERMIT**

<b>Record of Visual Monitoring Conducted*</b>	
Sept – Dec 2021 YES / NO	Jan - Mar 2024 YES / NO
Jan - Mar 2022 YES / NO	Apr - June 2024 YES / NO
Apr - June 2022 YES / NO	July - Sept 2024 YES / NO
July - Sept 2022 YES / NO	Oct - Dec 2024 YES / NO
Oct - Dec 2022 YES / NO	Jan - Mar 2025 YES / NO
Jan – Mar 2023 YES / NO	Apr - June 2025 YES / NO
Apr - June 2023 YES / NO	July - Sept 2025 YES / NO
July - Sept 2023 YES / NO	Oct – Dec 2025 YES / NO
Oct - Dec 2023 YES / NO	Jan - Mar 2026 YES / NO
	Apr - June 2026**

\* If no qualifying storm event resulted in discharge from the facility during a monitoring period, or adverse weather conditions create dangerous conditions for personnel during each measurable storm event during a monitoring period, visual monitoring is exempted provided this is documented in the SWPPP. Acceptable documentation includes dates and times the outfalls were viewed or sampling was attempted, national Climatic Data Center weather station data, local weather station data, facility rainfall logs, and other appropriate supporting data.

\*\*July - Sept 2026 quarter part of next permit cycle- check new permit requirements

**VISUAL MONITORING REPORT**  
**Outfall Number -**

Date and Time:

Rainwater Runoff <input type="checkbox"/>  Snowmelt <input type="checkbox"/>	Duration of Storm Event:	Rainfall Measurement Estimate (inches):	Duration Between Sampling Event and Last Storm Event that Generated a Discharge (must be at least 72 hours prior)
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If not possible to take the stormwater sample within the first 30 minutes of rain event, explain\*:

Monitoring Personnel:

Color	Odor	Clarity	Floating Solids	Settled Solids	Suspended Solids	Foam	Oil Sheen	Other Obvious Indicators of Stormwater Pollution
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Probable Sources of Any Observed Stormwater Contamination\*\*:

Representative outfalls – substantially identical stormwater discharges. If the facility has two or more outfalls that discharge substantially identical stormwater 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 quarterly visual monitoring on the stormwater discharges of just one representative outfall. Add more rows if more than one outfall is representative or more than two outfalls are substantially identical.

	Industrial Activities	Significant Materials	Size of Drainage Area	Frequency of Stormwater Discharge	Stormwater management practices occurring within the drainage areas of the outfalls	
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**VISUAL MONITORING REPORT**  
**Outfall Number -**

Representative Outfall Number:						
Substantially Identical Outfall Number:						
Substantially Identical Outfall Number:						

\* Samples must be taken as soon as possible but no later than 3 hours of the stormwater discharge. Reasons for not taking a sample within the first 30 minutes, include dangerous conditions (lightning, wind), not normal working hours, etc....

\*\* Whenever the visual monitoring shows evidence of stormwater pollution, the SWPPP and stormwater control measures shall be updated per Part II B of the permit.

**ROUTINE FACILITY INSPECTIONS  
PART II A 2 OF PERMIT**

The facility will be inspected quarterly (March, June, September and December) each year per Part II A 2 of the permit. *Check or circle Yes or No for each quarter the routine inspection is completed. Copy the routine facility inspection observations page for each quarter.* Items to be corrected will be reported immediately to the responsible party for further action and corrected before the next storm event (if possible) or within 60 days. Consult Part II B of the permit for corrective actions requiring longer than 60 days. At least one routine facility inspection per calendar year will be conducted when a stormwater discharge is occurring.

<b>Record of Routine Facility Inspections Conducted</b>	
Sept – Dec 2021 YES / NO	Jan - Mar 2024 YES / NO
Jan - Mar 2022 YES / NO	Apr - June 2024 YES / NO
Apr - June 2022 YES / NO	July - Sept 2024 YES / NO
July - Sept 2022 YES / NO	Oct - Dec 2024 YES / NO
Oct - Dec 2022 YES / NO	Jan - Mar 2025 YES / NO
Jan – Mar 2023 YES / NO	Apr - June 2025 YES / NO
Apr - June 2023 YES / NO	July - Sept 2025 YES / NO
July - Sept 2023 YES / NO	Oct – Dec 2025 YES / NO
Oct - Dec 2023 YES / NO	Jan - Mar 2026 YES / NO
	Apr - June 2026*

\* July - Sept 2026 quarter part of next permit cycle- check new permit requirements

**ROUTINE FACILITY INSPECTION OBSERVATIONS**

Date:

Names of inspectors:

Areas Inspected (include loading and unloading areas, 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, air pollution control equipment, areas where spills or leaks have occurred in the past three years, discharge points, and control measures). *Delete or strike through areas not applicable to this site.*

Weather information:

Description of any stormwater discharge occurring (Yes/No/Visual):

Any previously unidentified discharges of pollutants (describe):

Control measures needing maintenance or repairs\*:

Failed control measures needing replacement\*:

Incidents of noncompliance\*:

Additional control measures needed to comply\*:

\*Deficiencies shall be corrected as soon as practicable, but not later than 60 days of the inspection. Indicate corrective actions and dates in corrective actions table.

**NONSTORMWATER INSPECTIONS ANNUAL**  
**Part II A 3 of Permit**

Once annually the responsible party of this seafood processing facility shall ensure a nonstormwater discharge inspection is conducted (see Part II A 3 of permit) and document the inspection in this form. For the purposes of the 2021 general permit, an annual year begins January 1, 2022 and ends December 31, 2022. The first inspection must be conducted during calendar year 2022. Any discharges not authorized or covered under the Seafood Processing General Permit are the focus of this inspection.

2022 YES / NO
2023 YES / NO
2024 YES / NO
2025 YES / NO
2026 YES / NO (Calendar year 2026 overlaps the reissuance of the 2026 permit (begins July 1, 2026). Annual nonstormwater inspection may be conducted in the last half of 2026 and included in the 2026 reissuance of the permit (check new permit requirements).

Date of evaluation				
A description of the evaluation criteria used				
Outfalls/drainage points observed				
Results of the evaluation (any unauthorized discharges?)				
Actions taken to eliminate unauthorized discharges				

**Corrective Actions  
Part II B of Permit**

Corrective action must be taken if any visual monitoring event, routine facility inspection or observation made during the normal course of business, result in a determination that modifications to the stormwater control measures are necessary to meet the stormwater permit requirements. If such a determination is made, the permittee shall review the SWPPP and modify it to address any deficiencies within 60 days following the discovery of the deficiency. Part II B of the permit will be consulted for corrective actions requiring longer than 60 days. Corrective actions are documented and initialed here. Once completed, the SWPPP will be signed and dated by the responsible party on the signature page of the SWPPP.

<b>Corrective Actions</b>		
Observation of Deficiency to Meet Stormwater Requirements. Indicate if observed during visual monitoring, routine facility inspection or other event.	Date of Observation	Corrective Action Taken

**Example Transmittal Letter - Seafood Processing Facility General Permit Registration Statement**

**Regional Letterhead**

Date

Facility Name  
Address

ATTN:

RE: Registration for the General VPDES Permit for Seafood Processing Facilities

Dear:

The VPDES general permit VAG52 for Seafood Processing Facilities will expire on July 23, 2021. A new permit has been reissued and will be effective July 24, 2021 for a period of five years. This general permit provides VPDES permit coverage to discharges from all qualified seafood processing facilities that submit a registration statement and are approved for coverage. Note that for those facilities that require permitting of their stormwater discharges (SIC codes 2091 and 2092), this general permit will cover those discharges as well.

Current general permit holders must re-register in order to continue coverage under the reissued general permit. The registration must be submitted by *May 25, 2021*. Please return the completed registration statement and the required attachments to the DEQ **[RO name]** at the following address **[RO address/r email or both]**:

The registration statement, fee form and instructions are included with this **[letter or email]**. The application fee for this general permit is \$600.00. The fee form and your check (made out to "Treasurer of Virginia") should be mailed to:

DEQ Receipts Control  
P.O. Box 1104  
Richmond, VA 23218

If you have any questions, please contact me **[provide contact information]**.

Sincerely,

Permit Writer or Permit Manager



**REGISTRATION STATEMENT FOR THE GENERAL VIRGINIA POLLUTANT  
DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT FOR SEAFOOD  
PROCESSING FACILITIES**

1. APPLICANT INFORMATION

A. Facility Name:

B. Facility Owner:

C. Owner Mailing Address:

City:

State:

ZIP Code:

Owner Phone:

Owner email (if available):

Would the applicant like the permit to be transmitted electronically? Yes  No

D. Facility Street Address:

City:

State:

ZIP Code:

E. Is the operator also the owner?

Yes  No  If No, complete operator information below.

F. Operator Name:

G. Operator Mailing Address:

City:

State:

ZIP Code:

Operator Phone:

Operator email (if available):

2. FACILITY INFORMATION

Will the facility be discharging to surface waters? Yes  No

If yes, name of receiving stream(s):

Does this facility currently have an individual VPDES permit? Yes  No  If yes, give permit number:

Provide the original date of construction of the seafood processing facility building and dates and description of all subsequent facility construction:


**3. MAP**

Attach a USGS 7.5 minute topographic or equivalent computer generated map with sufficient resolution to clearly show the facility location, location(s) of each discharge points (outfalls) and receiving water body.

**4. SIC CODES**

Check all applicable categories:

- 2091 Canning and Curing Fish and Seafood
- 2092 Preparing Fresh or Frozen Fish and Seafood
- 5142 Wholesale Distribution of Packaged Frozen Fish and Other Seafood
- 5146 Wholesale Distribution of Fish and Seafood, Including Cured, Fresh or Frozen but not Packaged or Canned

**5. NATURE OF BUSINESS AT FACILITY (PROVIDE A BRIEF DESCRIPTION)**


**6. OUTFALL INFORMATION**

List all wastewater discharge outfalls by a number that is the same as on the drawings required in Question 8. Identify the processes which discharge through each outfall and give the name of the waterbody receiving the discharge. Also indicate the average 24 hour flow of the discharge at the outfall in gallons per day and the typical number of days per year that this flow occurs (processing days). Provide additional sheets of paper with the same information if there are more than three outfalls.

	Outfall Number	Outfall Number	Outfall Number
Seafood Process			
Receiving Stream			
Flow in gallons per day			
Days per year of discharge flow			
Latitude			
Longitude			

**7. MAXIMUM DAILY PRODUCTION**

This is the highest production value on any one day during a calendar year, use weight of raw product except for oyster or scallop processing for which final product weight (after shucking) should be reported.

Operation (seafood process)	Quantity Per Day	Unit of Measurement

8. FACILITY DRAWING (WATER BALANCE)

Attach a line drawing for each process showing the source(s) of water used on the property and its flow through the facility. Show each step of the process (i.e. what happens to the water from the time it arrives at the facility until the time it leaves showing all individual floor drains, where pipes run through the building and where they discharge in relation to the receiving waters.

Will any of the above processes operate simultaneously and discharge to the same outfall(s)? Yes  No

If yes, provide discharge and outfall descriptions for different seafood processes that operate simultaneously.

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9. TREATMENT INFORMATION

If settling basins or screens are used in wastewater treatment, provide the dimensions and capacity of the settling basin(s) and/or screen mesh size and location.


Describe the method and frequency of solid waste disposal.


10. CHEMICALS	
Please list any U.S. Department of Agriculture approved additives (e.g. polyphosphate solution) or other non-food related products (e.g., bleach) you use that could get into the discharge. We will evaluate it for toxicity in the receiving stream. If you plan to use such a product in the future you may want to list it here as no other chemical use will be authorized by the permit unless prior approval is obtained.	
Provide the name of the chemical(s) here and describe how it is used.	
11. 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."	
SIGNATURE:	Date
Printed name of person signing above:	
Title:	

**REQUIRED ATTACHMENTS:**  
MAP (#3 ABOVE)  
FACILITY DRAWING (#8 ABOVE)

<b>For Department use only:</b>		
Accepted/Not Accepted by:		Date:
Basin:	Stream Class:	Section:
Special Standards:		

## **INSTRUCTIONS FOR COMPLETING THE REGISTRATION STATEMENT FOR THE GENERAL PERMIT FOR SEAFOOD PROCESSING FACILITIES**

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### **WHO MUST FILE THE REGISTRATION STATEMENT**

This registration statement must be completed and submitted by any seafood processors requesting coverage under the above general permit for processing wastewater discharges or regulated stormwater discharges for SIC Codes 2091 and 2092.

### **WHERE TO FILE THE REGISTRATION STATEMENT**

The completed registration statement with signature should be sent to the Department of Environmental Quality Regional Office for your area. You may sign, scan and email the registration statement to the regional office but you must then maintain the original signed document for verification if needed.

The fee form and your check for \$600 (made out to "Treasurer of Virginia") should be mailed to DEQ Receipts Control, P.O. Box 1104, Richmond, VA 23218. The fee form is included with this registration statement.

The Regional Office for your area depends on the county in which the discharge is located. Currently, all the seafood processing permits are in the Piedmont Region or Tidewater Region.

### **COMPLETENESS**

Complete all items except where indicated, or enter NA for "not applicable" in order for your registration statement to be accepted. If you need more space than the form allows, write on and attach extra sheets of paper.

### **DEFINITIONS**

Outfall means a discharge pipe, drain or anyplace where wastewater from the seafood processing leaves or could leave the plant and discharge to surface waters.

Receiving Stream is the particular surface water, or stream, creek, or any other body of water, or a ditch or ground surface that runs off into such a body of water, into which the wastewater discharges.

Seafood Processing Facilities are industrial establishments, plants or businesses that have as a SIC code (see below) 2091, 2092, 5142, or 5146, that process or handle seafood for human consumption or as bait. By Seafood Process or Seafood processing activity we mean the particular seafood product processed at your plant, such as shucked oysters, picked crabs, cleaned and packed fish, etc.

SIC CODEs mean the "Standard Industrial Classification" codes listed in the Federal Office of Management and Budget (OMB) SIC Manual, 1987 and used as identifiers of industries with certain characteristics.

Stormwater, for the purposes of this form means stormwater runoff that is regulated by the EPA and State stormwater regulations. It refers to the runoff during storms that may come into contact with seafood processing raw materials, products or waste materials from seafood processing facilities falling under SIC codes 2091 or 2092.

Wastewater or Process wastewater is water that was used in the processing of the seafood, such as retort water or wash down water, which is then discharged through an outfall to a receiving stream. Sewage discharges are wastewater, but not process wastewater, and are not covered by this general permit.

### **LINE BY LINE INSTRUCTIONS**

#### **Item 1. APPLICANT INFORMATION**

Item A: Put the legal name of the seafood business here.

Item B: Put the legal name of the person or corporation that owns the business. This does not have to be the owner of the building (e.g. if it is leased) but should be who is responsible for the business and wants coverage under the general permit.

Item C: The mailing address, phone number and email of the above person goes here. Also indicate if you would like the permit to be transmitted via email.

Item D: Indicate here the physical location of the facility if it can't be located from the mailing address.

Item E: If someone other than the owner listed in item B runs the plant and is the person with whom business will be conducted, check **No**. Otherwise check **Yes**.

Item F: If **No** was checked above, indicate the name of the person other than the owner who operates the facility.

Item G: Put the address, phone number and email of the person other than the owner here.

#### **Item 2. FACILITY INFORMATION**

If there is a wastewater discharge from this facility that does not go to a public sewer system or septic tank drainfield system then it probably discharges to surface waters. If so, indicate the name (or names, if more than one) of the receiving stream that the discharge goes into. If it discharges onto the ground or to a ditch or to an unnamed body of water, for name of receiving stream, put "Unnamed tributary to..." and then the name of the closest named body of water towards which water in the ditch, etc. would flow.

If the facility has an individual VPDES permit that you want revoked to obtain coverage under this general permit, or if you have an expiring or expired individual permit, please indicate "yes" so we can clear our records with regard to that permit.

Also in this section there is a space for indicating the date of construction of the facility. This means when the building started being used for a seafood processing facility. This date determines whether new source or existing source limits apply. The date can be approximate.

### Item 3. MAP

Attach a USGS topographic (a copy of a 7.5 Minute, 1:24,000 Scale) or computer generated map (e.g., Google Maps) extending to at least one mile beyond property boundary. The map must show the location of the facility, and the location of each of its existing and/or proposed intake and discharge points. Include all springs, rivers and other surface water bodies, including the receiving water body. Items not shown on the topographic map or computer generated map can be added by hand.

### Item 4. SIC CODES

Seafood facilities should fall under one or more of the four listed codes, otherwise, they do not qualify for the general permit. 2091 covers activities involving cooking and canning or smoking, salting, drying, pickling or otherwise curing seafoods. Examples are canning oysters, crabs, clams, shrimp, chowders, smoking oysters or pickling herring. 2092 covers activities involving preparation of fresh or raw products, or freezing or cooking but not canning seafoods. Examples are picking crabs, shucking oysters, processing fish, frozen crabcakes, or packing crabmeat or fresh oysters in nonsealed containers. 5142 and 5146 are for facilities involved in wholesale distribution of seafoods that are fresh, frozen, or already processed, but that don't process or package the seafood themselves. 5142 is for packaged, frozen seafood, and 5146 is for unpackaged fresh, cured or frozen seafoods.

**NOTE: Seafood facilities falling under SIC codes 2091 and 2092 are required to develop and implement stormwater pollution prevention plans (SWPPPs see Permit Part II). Existing owners with SWPPPs must update and implement the SWPPP within 60 days of DEQ granting them renewed coverage under this permit. New owners must develop and implement the SWPPP within 60 days of DEQ granting them new coverage under the permit.**

### Item 5. NATURE OF BUSINESS

Indicate here what kind of seafood processing activities take place at your plant (shucking oysters, picking crabs, etc.). Indicate what kind of processing steps takes place, like washing, cleaning, cooking, shucking, packaging, etc. **Be sure to include all the different types of processing that go on or will go on at your plant so they can all be covered at one time.** If you are covered by the general permit, we will only send you the parts of the permit that you say apply. If you add another process later, another registration statement will have to be submitted.

### Item 6. OUTFALL INFORMATION

Under "Outfall No.", list a number, like 001, 002, etc. for each outfall that can discharge to the receiving stream listed in item 2. For each of these, under "Seafood Process" show what seafood process causes the discharge at this outfall (e.g. oyster shucking, crab picking, etc.) and for each outfall, under "Receiving Stream", put the name of the body of water that this particular discharge goes into. If they all go to the same body of water, just put "same" or dittos. Also show the normal daily flow (in gallons per day) from each listed outfall, (this is what is normally reported on the Discharge Monitoring Reports) and the number of days in a year that there is a discharge. This will normally be the number of days of operation for that particular seafood process. Add the latitude and longitude of the outfall(s). You can find this online at <https://www.bing.com/maps/> (type in your street address and at the bottom left you will see the latitude/longitude) or <https://apps.deq.virginia.gov/EDM/> (zoom in and click on your outfall location and the latitude/longitude will be on the bottom left of the page). Also, most smartphones can also identify latitude/longitude. If there are more than three outfalls, attach an additional sheet of paper containing the same information.

### Item 7. MAXIMUM DAILY PRODUCTION

The registration statement form defines what is meant by "maximum daily production". Note for oysters and scallops product is the meat after shucking, and for everything else it is the product as received at the plant, including shells, etc. Fill this in for each process (e.g., oyster shucking, crab picking, etc.) and indicate the unit of measurement like pounds, bushels, etc.

### Item 8. FACILITY DRAWING

The line drawing can be a schematic representation, or basically a "map" of the building showing the wastewater sources and where the discharges are. A separate drawing should be made for each process, and all of the outfalls identified in item 6 above should show up on the drawings.

If more than one seafood process can go on at the plant at the same time, and wastewater from both processes go out of the same outfall, check yes, because you may need a specialized sampling procedure. If you check yes, please indicate what the processes are and which outfalls they share, and if they go out of the same outfall at all times, or just sometimes.

### Item 9. TREATMENT INFORMATION

If you have settling basins, screens, or any other wastewater treatment, please provide any details you can. They don't have to be exact. Indicate where they are located or show on the above drawing and refer to the drawing here. If there is no treatment, just put "NA".

If you have waste material that is solid instead of water, like sediment from basins, crab shells or fish guts, please indicate where you dispose of them.

### Item 10. CHEMICALS

Any additives (e.g., polyphosphate solution), or non-food related products (e.g., sanitizers or bleach solution) you use that could get into the discharge should be reported here. We will evaluate it for toxicity in the receiving stream. If you plan to use such a product in the future you may want to list it here as no other chemical use will be authorized by the permit unless prior approval is obtained.

**Item 11. CERTIFICATION**

Read the certification paragraph and sign and date the statement accordingly. Please include your printed name and title or relationship to the business and attach the map from item 3, the facility drawing from item 8, and any additional sheets you want to add. Then submit to the regional DEQ office. Fee and fee form submittal instructions described on page 5.



**DEPARTMENT OF ENVIRONMENTAL QUALITY  
WATER DIVISION PERMIT APPLICATION FEE FORM  
FEES EFFECTIVE JANUARY 1, 2008**

**INSTRUCTIONS**

Applicants for individual Virginia Pollutant Discharge Elimination System (VPDES), Virginia Pollution Abatement (VPA), Virginia Water Protection (VWP), Surface Water Withdrawal (SWW), and Groundwater Withdrawal (GW) permits are required to pay permit application fees, except farming operations engaged in production for market. Fees are also required for registration for coverage under general permits, except for the general permits for Domestic Sewage Discharges of 1,000 GPD or less (VAG40), and for Petroleum Contaminated Sites, Groundwater Remediation, and Hydrostatic Tests (VAG83).

**NOTE: this form is NOT appropriate for Virginia Stormwater Management Program (VSMP) Construction General Permits, or VSMP Municipal Separate Storm Sewer System (MS4) individual or general permit fees.**

The permit fee schedule is included on the back of this form, and includes fees for permit issuance, reissuance\*, and for permit modification. Except for VWP permits, fees must be paid when applications are submitted. Applicants for VWP permits will be notified by the DEQ of the fee due. Applications will be considered incomplete if the proper fee is not paid and will not be processed until the fee is received.

\* Note: the reissuance fee does not apply to individual VPDES and VPA permits - see the fee schedule for details.

Once you have determined the fee for the type of application you are submitting, complete this form. The form and your check or money order payable to "Treasurer of Virginia" should be mailed to:

Department of Environmental Quality  
Receipts Control  
P.O. Box 1104  
Richmond, VA 23218

You should retain a copy of the form and your check for your records. Please direct any questions regarding this form or fee payment to the DEQ Office to which you are submitting your application.

**APPLICANT NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

\_\_\_\_\_

**DAYTIME PHONE:** (    )    -    \_\_\_\_\_    **IRS Employer Identification Number (EIN):**  
Area Code    [aka Federal Tax Identification Number (FIN)]    \_\_\_\_\_

**FACILITY/ACTIVITY NAME:** \_\_\_\_\_

**LOCATION:** \_\_\_\_\_

**TYPE OF PERMIT APPLIED FOR:** (from Fee Schedule)    **VPDES Seafood General Permit**

**TYPE OF ACTION:**     New Issuance     Reissuance     Modification

**AMOUNT OF FEE SUBMITTED** (from Fee Schedule):    **\$ 600.00**

**EXISTING PERMIT NUMBER** (if applicable)    \_\_\_\_\_

**DEQ OFFICE TO WHICH APPLICATION OR REGISTRATION SUBMITTED (check one)**

- |  |  |   |   |
|--|--|---|---|
| <input type="checkbox"/> Abingdon/SWRO | <input type="checkbox"/> Harrisonburg/VRO      | <input type="checkbox"/> Woodbridge/NRO | <input type="checkbox"/> Lynchburg/BRRO-L   |
| <input type="checkbox"/> Richmond/PRO  | <input type="checkbox"/> Richmond/Headquarters | <input type="checkbox"/> Roanoke/BRRO-R | <input type="checkbox"/> Virginia Beach/TRO |

**FOR DEQ USE ONLY**

**Date:** \_\_\_\_\_    **DC #:** \_\_\_\_\_

**FEE SCHEDULES**

**A. VPDES and VPA Permits.** Applications for issuance of new individual VPDES or VPA permits, and for permittee initiated major modifications that occur (and become effective) before the stated permit expiration date. (Flows listed are facility "design" flows. Land application rates listed are facility "design" rates.) [NOTE: VPDES and VPA permittees pay an Annual Permit Maintenance Fee (APMF) instead of a reapplication fee. The permittee is billed separately by DEQ for the APMF.]

TYPE OF PERMIT	ISSUANCE	MODIFICATION	LAND APP MOD*
VPDES Industrial Major	\$24,000	\$12,000	
VPDES Municipal Major	\$21,300	\$10,650	\$1,000
VPDES Industrial Minor / No Standard Limits	\$10,200	\$5,150	
VPDES Industrial Minor / Standard Limits	\$3,300	\$3,300	
VPDES Industrial Stormwater	\$7,200	\$3,600	
VPDES Municipal Minor / Greater Than 100,000 GPD	\$7,500	\$3,750	\$1,000
VPDES Municipal Minor / 10,001 GPD - 100,000 GPD	\$6,000	\$3,000	\$1,000
VPDES Municipal Minor / 1,001 GPD - 10,000 GPD	\$5,400	\$2,700	\$1,000
VPDES Municipal Minor / 1,000 GPD or Less	\$2,000	\$1,000	
VPDES Municipal Minor / 1,000 GPD or Less that includes authorization for land application or land disposal of sewage sludge	\$5,000	\$1,000	\$1,000
VPA Industrial Wastewater Operation / Land Application of 10 or More Inches Per Year	\$15,000	\$7,500	
VPA Industrial Wastewater Operation / Land Application of Less Than 10 Inches Per Year	\$10,500	\$5,250	
VPA Industrial Sludge Operation	\$7,500	\$3,750	
VPA Municipal Wastewater Operation	\$13,500	\$6,750	
VPA Municipal Biosolids Operation	\$5,000	\$1,000	
VPA Combined Sludge Operation - Mun. Biosolids & Ind. Sludges (except WTP residuals)	\$7,500	\$3,750	
All other VPA operations not specified above	\$750	\$375	

\* The fee for modification of a VPDES permit due to changes relating to authorization for land application or land disposal of sewage sludge shall be \$1,000.

**B. Virginia Water Protection (VWP) Permits.** Applications for issuance of new individual, and reissuance or major modification of existing individual VWP permits. Only one permit application fee will be assessed per application; for a permit application involving more than one of the operations described below, the governing fee shall be based upon the primary purpose of the proposed activity. (Withdrawal amounts shown are maximum daily withdrawals.)

TYPE OF PERMIT	ISSUANCE/REISSUANCE	MODIFICATION
VWP Individual / Surface Water Impacts (Wetlands, Streams and/or Open Water)	\$2,400 plus \$220 for each 4,356 sq. ft. (1/10 acre) (or portion thereof) of incremental impact over 87,120 sq. ft. (two acres) (\$60,000 maximum)	\$1,200 plus \$110 for each 4,356 sq. ft. (1/10 acre) (or portion thereof) of incremental impact over 87,120 sq. ft. (two acres) (\$30,000 maximum)
VWP Individual/Minimum Instream Flow - Withdrawals equal to or greater than 3,000,000 gallons on any day	\$25,000	\$5,000
VWP Individual / Minimum Instream Flow - Withdrawals between 2,000,000 and 2,999,999 gallons on any day	\$20,000	\$5,000
VWP Individual / Minimum Instream Flow - Withdrawals between 1,000,000 and 1,999,999 gallons on any day	\$15,000	\$5,000
VWP Individual / Minimum Instream Flow - Withdrawals < 1,000,000 gallons on any day that do not otherwise qualify for a general VWP permit for water withdrawals	\$10,000	\$5,000
VWP Individual / Reservoir - Major	\$35,000	\$12,500
VWP Individual / Reservoir - Minor	\$25,000	\$12,500
VWP Individual/Nonmetallic Mineral Mining	\$2,400 plus \$220 for each 4,356 sq. ft. (1/10 acre) (or portion thereof) of incremental impact over 87,120 sq. ft. (two acres) (\$7,500 maximum)	\$1,200 plus \$110 for each 4,356 sq. ft. (1/10 acre) (or portion thereof) of incremental impact over 87,120 sq. ft. (two acres) (\$3,750 maximum)

**C. Surface Water Withdrawal (SWW) and Groundwater Withdrawal (GW) Permits.** Applications for issuance of new individual, and reissuance or major modification of existing individual SWW permits or GW permits.

TYPE OF PERMIT	ISSUANCE/REISSUANCE	MODIFICATION
Surface Water Withdrawal	\$12,000	\$6,000
Groundwater Withdrawal / Initial Permit for an Existing Withdrawal Based Solely on Historic Withdrawals	\$1,200	\$600
Groundwater Withdrawal	\$6,000	\$3,000

**D. Registration Statements (VPDES and VPA permits) or Applications (VWP permits) for General Permit Coverage.**

1. Except as specified in 2, 3, and 4 below, the fee for registration for coverage under a general permit is \$600. (Note: this does not include VSMP Construction General Permits or Municipal Separate Storm Sewer System (MS4) General Permits.)
2. General VPDES Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 GPD (VAG40) = \$0.  
General VPDES Permit Regulation for Discharges From Petroleum Contaminated Sites (VAG83) = \$0.

3. VWP General Permit:

TYPE OF PERMIT	ISSUANCE
VWP General / Less Than 4,356 sq. ft. (1/10 acre) of Surface Water Impact (Wetlands, Streams and/or Open Water)	\$0
VWP General / 4,356 sq. ft. to 21,780 sq. ft. (1/10 acre to 1/2 acre) of Surface Water Impact (Wetlands, Streams and/or Open Water)	\$600
VWP General / 21,781 sq. ft. to 43,560 sq. ft. (greater than 1/2 acre to one acre) of Surface Water Impact (Wetlands, Streams and/or Open Water)	\$1,200
VWP General / 43,561 sq. ft. to 87,120 sq. ft. (greater than one acre to two acres) of Surface Water Impact (Wetlands, Streams and/or Open Water)	\$1,200 plus \$120 for each 4,356 sq. ft. (1/10 acre) (or portion thereof) of incremental impact over 43,560 sq. ft. (one acre) (\$2,400 maximum)
VWP General / Minimum Instream Flow / Reservoir - Water withdrawals and/or pond construction	\$2,400

4. General VPDES Permit for Industrial Activity Storm Water Discharges (VAR05) = \$500.

**Example Transmittal Letter - Seafood Processing Facility General Permit  
SIC CODES 2091 and 2092 (Stormwater pages apply)  
Email with Read Receipt if Permittee Agreed to Email in Registration Statement**

**Regional Letterhead**

Date

Facility Name  
Address

ATTN:

RE: Coverage under the VPDES General Permit for Seafood Processing Facilities VAG52\_\_\_\_\_

Dear:

We have reviewed your Registration Statement received on \_\_\_\_\_, and determined that this seafood processing activity is covered under the referenced general VPDES permit. The effective date of your coverage under this general permit is July 24, 2021 or the date of this letter, whichever is later. The enclosed copy of the general permit contains the applicable effluent limitations, monitoring requirements and other conditions of coverage.

In accordance with the permit you are required to submit discharge monitoring reports (DMR) to:

**Regional Office Address**

The reporting form[s] (Discharge Monitoring Reports (DMRs)) is [are] attached. You will be responsible for obtaining additional copies of the reporting form. A separate DMR is to be completed for each seafood processing activity at your plant. The sampling and reporting are on a **[quarterly or yearly]** basis with the DMRs due on the tenth of January, April, July and October **[January 10 for yearly]** of each year. Electronic DMR (e-DMR) reporting is under development. DEQ will begin distribution of enrollment forms once development has been completed.

A spreadsheet to assist you with permit limit calculations **[is attached (transmit letter via email). Adjust letter if transmitting via postal mail]**. You are not required to use this spreadsheet.

**[Add here any clarification of sampling procedures multiple outfall compositing, commingled process discharges or outfall numbering, if needed.]**

Also note that this general permit constitutes coverage of your stormwater discharges as required by the stormwater regulations for your industry. Part II of the general permit pertains to these stormwater discharges. These stormwater requirements have changed significantly from the previous permit. For example, quarterly visual monitoring and annual nonstormwater inspections are now required. Comprehensive annual evaluations are no longer required. The permit still requires a Stormwater Pollution Prevention Plan (SWPPP). A template for the new SWPPP **[is attached or can be found at: enter website]**

You are not required to use this template; however, all the SWPPP elements in Part II C must be addressed.

If you plan to add any processing activities not reported on the original registration statement, add discharges, construct new facilities or add to the present facilities, please submit to this office a new registration statement within 30 days of the planned changes. The registration statement may be found online at <https://law.lis.virginia.gov/admincode/title9/agency25/chapter115/section9998/>. If the plant ownership changes or you wish to terminate coverage under this general permit, please notify this office.

The general permit will expire on June 30, 2026. The conditions of the permit require that you submit a new registration statement before May 1, 2026 if you wish to continue coverage under the general permit at that time.

If you have any questions, please contact **[insert contact information]**.

Sincerely,

Attachments: DMR, General Permit

**Example Transmittal Letter - Seafood Processing Facility General Permit**  
**SIC CODES 5142 and 5146 (Stormwater pages do not apply)**  
**Email with Read Receipt if Permittee Agreed to Email in Registration Statement**

**Regional Letterhead**

Date

Facility Name  
Address  
ATTN:

RE: Coverage under the VPDES General Permit for Seafood Processing Facilities VAG52\_\_\_\_\_

Dear Permittee:

We have reviewed your Registration Statement received on \_\_\_\_\_, and determined that this seafood processing activity is covered under the referenced general VPDES permit. The effective date of your coverage under this general permit is July 24, 2021 or the date of this letter, whichever is later. The enclosed copy of the general permit contains the effluent limitations, monitoring requirements and other conditions of coverage.

As your facility is not subject to stormwater regulation, please note that Section II of the general permit enclosed does not apply to your facility.

In accordance with the permit you are required to submit discharge monitoring reports (DMR) to:

**Regional Office Address**

The reporting form[s] (Discharge Monitoring Reports (DMRs)) is [are] attached. You will be responsible for obtaining additional copies of the reporting form. A separate DMR is to be completed for each seafood processing activity at your plant. The sampling and reporting are on a **[quarterly or yearly]** basis with the DMRs due on the tenth of January, April, July and October **[January 10 for yearly]** of each year. Electronic DMR (e-DMR) reporting is under development. DEQ will begin distribution of enrollment forms once development has been completed. A spreadsheet to assist you with permit limit calculations **[is attached (transmit letter via email). Adjust letter if transmitting via postal mail]**. You are not required to use this spreadsheet.

**[Add here any clarification of sampling procedures multiple outfall compositing, commingled process discharges or outfall numbering, if needed.]**

If you plan to add any processing activities not reported on the original registration statement, add discharges, construct new facilities or add on to present facilities, please submit to this office a new registration statement within 30 days of the planned changes. The registration statement form may be found online at <https://law.lis.virginia.gov/admincode/title9/agency25/chapter115/section9998/>. If the plant ownership changes or you wish to terminate coverage under this general permit, please notify this office.

The general permit will expire on June 30, 2026. The conditions of the permit require that you submit a new registration statement before May 1, 2026 if you wish to continue coverage under the general permit at that time.

If you have any questions, please contact **[insert contact information]**.

Sincerely,

Enclosures: DMR, General Permit

**Change of Ownership Agreement Form – General Permits**

RE: Change of Ownership - VPDES Permit No. \_\_\_\_\_

Name of permitted facility: \_\_\_\_\_

\_\_\_\_\_ County

TO: Virginia Department of Environmental Quality  
**Regional Office Address**

We, the undersigned, hereby request a transfer of ownership for the referenced permit. Coverage may be automatically transferred to the new owner if the current owner notifies the department within 30 days of the transfer of the title unless permission for a later date has been granted by the board.

Anticipated date of transfer of title: \_\_\_\_\_

**CURRENT OWNER SHOWN ON PERMIT:** I (We) hereby agree to the transfer of ownership to the referenced VPDES Permit.

Current Owner name: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

-----  
**NEW OWNER TO ASSUME PERMIT:** I (We) hereby agree to the change of ownership to the referenced VPDES Permit, and agree to accept all conditions and responsibilities of the permit.

Transferred permit to be issued to: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_

Email Address: \_\_\_\_\_

**VPDES General Permit for Seafood Processing Facilities (VAG52)  
Notice of Termination**

(Please Type or Print All Information)

**1. Owner Information**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

Email Address (where available): \_\_\_\_\_

**2. Facility Information**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**3. VPDES General Seafood Processing Facility Registration Number:** \_\_\_\_\_

**4. Check the appropriate box indicating the reason for terminating coverage under the general permit.**

**A new owner has assumed responsibility for the facility. NOTE: This termination notice does not have to be submitted if a VPDES Change of Ownership Agreement Form has been submitted.**

**Operations have ceased at the facility and there are no longer discharges of process wastewater or stormwater associated with industrial activity from the facility.**

**All process wastewater or stormwater discharges associated with industrial activity have been covered by an individual VPDES permit.**

**Other (specify)** \_\_\_\_\_  
\_\_\_\_\_

**5. Certification:** "I certify under penalty of law that all wastewater and stormwater discharges from the identified facility that are authorized by this VPDES general permit have been eliminated, or covered under a VPDES individual or alternative permit, or that I am no longer the owner of the facility, or permit coverage should be terminated for another reason listed above. I understand that by submitting this Notice of Termination, that I am no longer authorized to discharge seafood processing wastewater or stormwater in accordance with the general permit, and that discharging pollutants to surface waters is unlawful where the discharge is not authorized by a VPDES permit. I also understand that the submittal of this notice of termination does not release an owner from liability for any violations of this permit or the Clean Water Act."

Print Name \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

**For Department of Environmental Quality Use Only**

Accepted/Not Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTICE OF TERMINATION INSTRUCTIONS**  
**VPDES General Permit for Seafood Processing Facilities (VAG52)**

**WHEN SHOULD A NOTICE OF TERMINATION BE FILED?**

A VPDES General Permit Notice of Termination may be submitted when an owner no longer wishes to be covered under the VPDES General Permit for Seafood Processing Facilities (VAG52).

**Section 1 Facility Owner Information**

Give the legal name of the person, firm, public organization, or other entity that owns the facility or site described in this Notice of Termination and was issued the general permit for the facility. The name of the owner may or may not be the same as the name of the facility. Do not use a colloquial name. Enter the complete address, phone number and email address (where available) of the owner.

**Section 2 Facility Location Information**

Enter the facility's or site's official name and complete street address, including city, state and ZIP code.

**Section 3 Permit Information**

Enter the existing VPDES Seafood Processing General Permit number assigned to the facility or site identified in Section 2.

**Section 4 Reason for Termination**

Check the appropriate statement indicating the reason for submitting this Notice of Termination.

**Section 5 Certification**

State statutes provide for severe penalties for submitting false information on this Termination Notice. State regulations require this Notice of Termination to be signed as follows:

For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (2) the manager of one or more manufacturing, production, or operating facilities provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipality, state, Federal, or other public facility: by either a principal executive officer or ranking elected official.

**The Department of Environmental Quality reserves the right to request additional information not directly addressed by the Notice of Termination if, in its discretion, a facility or operation poses a potential impact on water quality.**



**Example Termination Letter - Seafood Processing Facility General Permit**

**Regional Letterhead  
Date**

Permittee Name  
Facility Name  
Facility Address

RE: Termination of VPDES General Permit VAG52XXXX

Dear:

DEQ agrees to terminate your coverage under the General VPDES Permit Seafood Processing, permit registration number VAG52\_\_\_\_\_ in response to your submittal received **[DATE]**. Termination will become effective 30 days from the date of this notification unless you provide an objection in accordance with one of the two paragraphs below.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Virginia Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period.

Alternatively, any owner under §§ 62.1-44.16, 62.1-44.17 and 62.1-44.19 of the State Water Control Law aggrieved by any action of the State Water Control Board taken without a formal hearing, or by inaction of the Board, may demand in writing a formal hearing of such owner's grievance, provided a petition requesting such hearing is filed with the Board. Said request agreement must meet the requirements set forth in 9VAC25-230-130 (Procedural Rule No. 1 – Petition for formal hearing). In cases involving actions of the Board, such petition must be filed within 30 days after notice of such action is mailed to such owner by certified mail.

If you have any questions, please feel contact **[insert contact information]**.

Sincerely,

Water Permit Manager

cc: **[compliance auditor]**

DMR Calculation Spreadsheet

<https://www.deq.virginia.gov/permits-regulations/permits/water/surface-water-virginia-pollutant-discharge-elimination-system>

**VIRGINIA DEQ NO EXPOSURE CERTIFICATION**  
**FOR EXCLUSION FROM VPDES INDUSTRIAL ACTIVITY STORMWATER PERMITTING**

Submission of this **No Exposure Certification** constitutes notice that, upon acceptance by the Department of Environmental Quality, the entity identified below does not require permit authorization for its stormwater discharges associated with industrial activity under the VPDES Permit Program due to the existence of a condition of **No Exposure**.

A condition of **No Exposure** exists at an industrial facility when all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product. A storm resistant shelter is not required for the following industrial materials and activities:

- drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated **and do not leak**. **“Sealed” means banded or otherwise secured** and without operational taps or valves;
- adequately maintained vehicles used in material handling; and
- final products, other than products that would be mobilized in stormwater discharges (e.g., rock salt).

A No Exposure Certification must be provided for each facility qualifying for the No Exposure exclusion. In addition, the exclusion from VPDES permitting is available on a facility-wide basis only, not for individual outfalls. If any industrial activities or materials are or will be exposed to precipitation, the facility is not eligible for the No Exposure exclusion.

By signing and submitting this No Exposure Certification form, the entity below is certifying that a condition of No Exposure exists at its facility or site, and is obligated to comply with the terms and conditions at [9VAC25-31-120 E](#) (the VPDES Permit Regulation).

Please Type or Print All Information. ALL INFORMATION ON THIS FORM MUST BE PROVIDED.

**1. Facility Operator Information**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

**2. Facility/Site Location Information**

Facility Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

County Name: \_\_\_\_\_

Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_

**3. Was the facility or site previously covered under a VPDES stormwater permit? Yes No**

If “Yes”, enter the VPDES permit number: \_\_\_\_\_

**4. For this facility, is this an initial submission or renewal?** Initial  Renewal

**5. SIC/Activity Codes:** \_\_\_\_\_ Primary: Secondary (if applicable): \_\_\_\_\_

**6. Total size of facility/site associated with industrial activity:** \_\_\_\_\_ acres

**7. Have you paved or roofed over a formerly exposed pervious area in order to qualify for the No Exposure exclusion?** Yes  No

If “Yes”, please indicate approximately how much area was paved or roofed. Completing this question does not disqualify you for the No Exposure exclusion. However, DEQ may use this information in considering whether stormwater discharges from your site are likely to have an adverse impact on water quality, in which case you could be required to obtain permit coverage.

Less than one acre

One to five acres

More than five acres

## 8. Exposure Checklist

Are any of the following materials or activities exposed to precipitation, now or in the foreseeable future? (Please check either "Yes" or "No" in the appropriate box.) **If you answer "Yes" to any of these questions (1) through (11), you are NOT eligible for the No Exposure exclusion.**

	Yes	No
(1) Using, storing or cleaning industrial machinery or equipment, and areas where residuals from using, storing or cleaning industrial machinery or equipment remain and are exposed to stormwater	<input type="checkbox"/>	<input type="checkbox"/>
(2) Materials or residuals on the ground or in stormwater inlets from spill/leaks	<input type="checkbox"/>	<input type="checkbox"/>
(3) Materials or products from past industrial activity	<input type="checkbox"/>	<input type="checkbox"/>
(4) Material handling equipment (except adequately maintained vehicles)	<input type="checkbox"/>	<input type="checkbox"/>
(5) Materials or products during loading/unloading or transporting activities	<input type="checkbox"/>	<input type="checkbox"/>
(6) Materials or products stored outdoors (except final products intended for outside use [e.g., new cars] where exposure to stormwater does not result in the discharge of pollutants)	<input type="checkbox"/>	<input type="checkbox"/>
(7) Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers	<input type="checkbox"/>	<input type="checkbox"/>
(8) Materials or products handled/stored on roads or railways owned or maintained by the discharger	<input type="checkbox"/>	<input type="checkbox"/>
(9) Waste material (except waste in covered, non-leaking containers [e.g., dumpsters])	<input type="checkbox"/>	<input type="checkbox"/>
(10) Application or disposal of process wastewater (unless otherwise permitted)	<input type="checkbox"/>	<input type="checkbox"/>
(11) Particulate matter or visible deposits of residuals from roof stacks and/or vents not otherwise regulated (i.e., under an air quality control permit) and evident in the stormwater outflow	<input type="checkbox"/>	<input type="checkbox"/>

## 9. Certification Statement

I certify under penalty of law that I have read and understand the eligibility requirements for claiming a condition of no exposure and obtaining an exclusion from VPDES stormwater permitting; and that there are no discharges of stormwater contaminated by exposure to industrial activities or materials from the industrial facility identified in this document (except as allowed under [9VAC25-31-120 E 2](#)).

I understand that I am obligated to submit a No Exposure Certification form once every five years to the Department of Environmental Quality and, if requested, to the operator of the local MS4 into which this facility discharges (where applicable). I understand that I must allow the Department, or MS4 operator where the discharge is into the local MS4, to perform inspections to confirm the condition of no exposure and to make such inspection reports publicly available upon request. I understand that I must obtain coverage under a VPDES permit prior to any point source discharge of stormwater associated with industrial activity from the facility.

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 gathered and evaluated the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly involved in 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.

Print Name:  
Print Title:  
Email Address:

Signature:

Date:

**For Department of Environmental Quality Use Only**

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Accepted/Not Accepted by: \_\_\_\_\_ Date : \_\_\_\_\_

## **Instructions for the NO EXPOSURE CERTIFICATION for Exclusion from VPDES Stormwater Permitting**

### **Who May File a No Exposure Certification**

In accordance with the Clean Water Act and the State Water Control Law, all industrial facilities that discharge stormwater associated with industrial activity (as defined at [9VAC25-31-10](#)) must apply for coverage under a VPDES permit. However, upon acceptance by DEQ, permit coverage is not required for industrial activity stormwater discharges from a facility if the discharger can certify that a condition of "no exposure" exists at the facility or site.

### **Obtaining and Maintaining the No Exposure Exclusion**

This form is used to certify that a condition of no exposure exists at the industrial facility or site described herein. This certification must be re-submitted at least **once every five years**.

The industrial facility operator must maintain a condition of no exposure at the facility or site in order for the no exposure exclusion to remain applicable. If conditions change resulting in the exposure of materials and/or activities to stormwater, the facility operator must immediately obtain coverage under a VPDES stormwater permit.

### **Where to File the No Exposure Certification**

Submit the completed No Exposure Certification form with original signature to the DEQ Regional Office that serves the area where your facility is located. DEQ Regional Office addresses can be obtained from DEQ's website at <https://www.deq.virginia.gov/Locations.aspx> or by calling DEQ at (804) 698-4000.

### **Completing the Form**

Please type or print all Information. ALL INFORMATION ON THE FORM MUST BE PROVIDED. One form must be completed for each facility or site for which you are seeking to certify a condition of no exposure.

### **Section 1 Facility Operator Information**

Give the legal name (no nicknames or colloquial names) of the person, firm, public organization, or any other entity that operates the facility or site described in this certification. The name of the operator may or may not be the same as the name of the facility. The operator is the legal entity that controls the facility's operation, rather than the plant or site manager. Enter the complete address and telephone number of the operator.

### **Section 2 Facility Location Information**

Enter the facility's official or legal name and complete street address. Also enter the county name and the latitude and longitude of the approximate center of the facility in degrees/minutes/seconds to the nearest 15 seconds.

### **Section 3 Previous VPDES Permit Coverage**

Indicate whether the facility was previously covered under a VPDES stormwater permit. If so, include the permit number.

### **Section 4 Submission Status**

Indicate whether this is the first (i.e., initial) time the facility is applying for a no exposure certification or if this is a renewal of an existing no exposure certification.

**Section 5 Standard Industrial Classification Codes** Enter the 4-digit SIC code which identifies the facility's primary activity, and second 4-digit SIC code identifying the facility's secondary activity, if applicable. SIC codes can be obtained from: <http://www.naics.com/sic-codes-industry-drilldown/>.

### **Section 6 Facility Industrial Activity Area**

Enter the total size of the site associated with industrial activity in acres.

### **Section 7 Formerly Exposed Pervious Area**

Indicate whether you have paved or roofed over a formerly exposed, pervious area (i.e., lawn, meadow, non-compacted soil or dirt or gravel road/parking lot) in order to qualify for no exposure. If "Yes", also indicate approximately how much area was paved or roofed over and is now impervious area.

### **Section 8 Exposure Checklist**

Check "Yes" or "No" as appropriate to describe the exposure conditions at your facility. If you answer "Yes" to **ANY** of the questions (1) through (11) in this section, a potential for exposure exists at your site and you cannot certify to a condition of no exposure. You must obtain (or already have) coverage under a VPDES stormwater permit. After obtaining permit coverage, you can institute modifications to eliminate the potential for a discharge of stormwater exposed to industrial activity, and then certify to a condition of no exposure.

### **Section 9 Certification**

State statutes provide for severe penalties for submitting false information on this application form. State regulations require this No Exposure Certification to be signed as follows:

For a corporation: by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipality, State, Federal, or other public facility: by either a principal executive or ranking elected official.