

TENTATIVE AGENDA
STATE WATER CONTROL BOARD MEETING

THURSDAY, MARCH 23, 2023

IN PERSON ONLY – GALLERY, COMMUNITY COLLEGE WORKFORCE ALLIANCE,
1651 EAST PARHAM ROAD, RICHMOND, VA 23228

Meeting will be Live-Streamed. Go to: www.deq.virginia.gov

Any Updates To Details/Final Arrangements To Be Announced On Virginia Regulatory Town Hall

Convene – 10:30 A.M

Agenda Item	Presenter	Tab
Minutes (November 29, 2022)	Porterfield	A- not included in minibook
Final Regulations <i>Reissuance Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges Resulting from the Application of Pesticides to Surface Waters 9VAC25-800</i>	Sherman	B -starts on pg 4 of PDF file
Proposed Regulations <i>Reissuance of Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Nonmetallic Mineral Mining 9VAC25-190</i>	Sherman	C - starts on pg 94 of PDF file
<i>Reissuance of Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges Associated with Industrial Activity 9VAC25-151</i>	Bryan	D - starts on pg 156 of PDF file
Other Business		
Report to the Board Regarding Controversial Permits VPDES Permit No. VA0093165, Camp Luray OPCO, LLC	Morris	
Mountain Valley Pipeline - Update Future Meeting date- June 22, 2023 Public Forum (time not to exceed 45 minutes - no public comment on Mountain Valley Pipeline)	Stafford Porterfield	

ADJOURN

NOTE: The Board reserves the right to revise this agenda without notice unless prohibited by law. Revisions to the agenda include, but are not limited to, scheduling changes, additions or deletions. Questions on the latest status of the agenda should be directed to Melissa S. Porterfield at (804) 698-4238.

PUBLIC COMMENTS AT STATE WATER CONTROL BOARD MEETINGS: The Board encourages public participation in the performance of its duties and responsibilities. To this end, the Board has adopted public participation procedures for regulatory action and for case decisions made by the Department of Environmental Quality (Department). These procedures establish the times for the public to provide appropriate comment to the Board for regulatory action and the Department for case decisions for consideration.

For REGULATORY ACTIONS (adoption, amendment or repeal of regulations), public participation is governed by the Administrative Process Act and the Board's Public Participation Guidelines. Public comment is accepted during the Notice of Intended Regulatory Action phase (minimum 30-day comment period) and during the Notice of Public Comment Period on Proposed Regulatory Action (minimum 60-day comment period). Notice of these comment periods is announced in the Virginia Register, by posting to the Department and Virginia Regulatory Town Hall web sites and by mail to those on the Regulatory Development Mailing List. The comments received during the announced public comment periods are summarized for the Board and considered by the Board when making a decision on the regulatory action.

For CASE DECISIONS (e.g., issuance and amendment of permits and enforcement orders), the Board adopts public participation procedures in the individual regulations which establish the permit programs. (Note: as of July 1, 2022, the Department takes final action on all case decisions.) As a general rule, public comment is accepted on a draft permit for a period of 30 days. In some cases a public hearing is held at the conclusion of the public comment period on a draft permit. In other cases there may be an additional comment period during which a public hearing is held, usually 45 days.

In light of these established procedures, the Board accepts public comment on regulatory actions as well as general comments, at Board meetings in accordance with the following:

REGULATORY ACTIONS: Comments on regulatory actions are allowed only when the staff initially presents a regulatory action to the Board for final adoption. At that time, those persons who commented during the public comment period on the proposal are allowed up to 3 minutes to respond to the summary of the comments presented to the Board. Adoption of an emergency regulation is a final adoption for the purposes of this policy. Also, public comment will be accepted for certain final exempt actions where there has been no public comment period. Persons are allowed up to 3 minutes to address the Board on the emergency regulation and final exempt actions under consideration.

POOLING MINUTES ON REGULATORY ACTIONS: Those persons who commented during the public hearing or public comment period and attend the Board meeting may pool their minutes to allow for a single presentation to the Board that does not exceed the time limitation of 3 minutes times the number of persons pooling minutes, or 15 minutes, whichever is less.

NEW INFORMATION ON A REGULATORY ACTION will not be accepted at the meeting. The Board expects comments and information on a regulatory action to be submitted during the established public comment periods. However, the Board recognizes that in rare instances new information may become available after the close of the public comment period. To provide for consideration of and ensure the appropriate review of this new information, persons who commented during the prior public comment period shall submit the new information to the Department staff contact listed below at least 10 days prior to the Board meeting. The Board's decision will be based on the Department-developed official file and discussions at the Board meeting. Should the Board or Department decide that the new information was not reasonably available during the prior public comment period, is significant to the Board's decision and should be included in the official file, the Department may announce an additional public comment period in order for all interested persons to have an opportunity to participate.

PUBLIC FORUM: The Board schedules a public forum at each regular meeting to provide an opportunity for citizens to address the Board on matters other than those on the agenda or pending regulatory actions. Those persons wishing to address the Board during this time should indicate their desire on the sign-in cards/sheet and limit their presentations to 3 minutes or less. Note, there is no pooling of minutes during the public forum.

The Board reserves the right to alter the time limitations set forth in this policy without notice and to ensure comments presented at the meeting conform to this policy.

Department of Environmental Quality Staff Contact: Melissa S. Porterfield, Policy Analyst, Department of Environmental Quality, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond, Virginia 23218, phone (804) 698-4238, e-mail: Melissa.porterfield@deq.virginia.gov

Additional Meeting Information:

- Attendees may not erect any signage inside or outside the meeting room or building.
- Attendees are not entitled to be disorderly or disrupt the meeting from proceeding in an orderly, efficient, and effective fashion. Disruptive behavior may result in a recess or removal from the meeting.
- Possession or use of any device that may disrupt the conduct of business is prohibited, including but not limited to: voice-amplification equipment; bullhorns; blow horns; sirens, or other noise-producing devices; as well as signs on sticks, poles or stakes; or helium-filled balloons.
- All attendees are asked to be respectful of all speakers.
- Rules will be enforced fairly and impartially not only to ensure the efficient and effective conduct of business, but also to ensure no interference with the business of the complex, its employees and guests.
- Attendees wishing to record the proceedings are welcome to do so; however, you may not interfere with the business of the meeting, nor impede the view or participation of other meeting attendees and staff.
- No smoking is allowed unless in a designated outside space. This includes tobacco & e-cigarettes.
- No alcohol, fireworks, pyrotechnics, weapons, or any substances/items controlled by law are allowed.
- No firearms are allowed in the State's contracted spaces except for firearms carried by law-enforcement officers or authorized security personnel.
- All violators may be subject to removal from the meeting facility.
- Anyone removed from the facility may not reenter.
- Anyone who fails to comply with removal may be charged with trespass.

TAB B



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Travis A. Voyles
Acting Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director
(804) 698-4020

February 9, 2023

MEMORANDUM

TO: Board Members

FROM: Peter Sherman, VPDES Guidance and Regulations Coordinator, Office of VPDES Permits

SUBJECT: Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges Resulting from the Application of Pesticides to Surface Waters (VAG 87); Amendments to 9VAC25-800 and Reissuance of General Permit

The current VPDES General Permit Regulation for Discharges Resulting from the Application of Pesticides to Surface Waters will expire on February 29, 2024, and the regulation establishing this general permit is being amended to reissue this general permit for another five-year term. The staff is bringing this final regulation before the Board to request adoption of the amendments to the VPDES General Permit Regulation for Discharges Resulting from the Application of Pesticides to Surface Waters. The staff will also recommend that the Board affirm that it will receive, consider and respond to petitions by any person at any time with respect to reconsideration or revision of this regulation, as provided by the Administrative Process Act.

The proposed regulation took into consideration the recommendations of a technical advisory committee formed for this regulatory action. The technical advisory committee consisted of representatives of state government, applicators, trade associations, private citizens and DEQ staff. A list of the TAC membership is attached.

The Notice of Public Comment and Hearing was approved by the Board on August 25, 2022, the comment period was December 5, 2022 to February 3, 2023, with a public hearing held on January 11, 2023. No members of the public attended the hearing. One comment in support of renewing the general permit was received from the public during the public comment period. No comments were received at the public hearing.

Select revisions required under Senate Bill 657 (regarding SWCB authority) were made “exempt final” during the August 25, 2022 Board meeting. In this action, the balance of the general permit/ regulation is changing the term “board” to “department” where the reference is to a permit action.

Only editorial changes have been made to the final regulation. Substantive changes that were proposed and subject to public comment are:

9VAC25-800

Section 10 – Definitions. Added: “Pesticide discharges to surface waters from pesticide application - means the discharges that result from the application of biological pesticides, and the application of chemical pesticides that leave a residue, from point sources to surface waters. In the context of this definition of pesticide discharges to surface waters from pesticide application, this does not include agricultural storm water discharges and return flows from irrigated agriculture, which are excluded by law (33 U.S.C. 1342(l); 33 U.S.C. 1362(14)).” EPA added this definition to the 2021 federal NPDES pesticide general permit. We have changed “waters of the United States” to “surface waters” to make it consistent with VPDES program terminology.

Section 10 – Definitions. Clarified that "pesticide residue" for the purpose of determining whether an NPDES permit is needed for discharges to surface waters from pesticide application, means that portion of a pesticide application that has been discharged from a point source to surface waters and no longer provides pesticidal benefits. It also includes any degradates of the pesticide. EPA clarified this definition in the 2021 federal PGP. We have changed “waters of the United States” to “surface waters” to make it consistent with VPDES program terminology.

Section 15 – Applicability of incorporated references based on the dates that they became effective. Updated the Code of Federal Regulations (CFR) publication date referenced to be July 1, 2022. This will be adjusted at final approval to the most recent publication date.

Section 20 – Purpose; delegation of authority; effective date of permit. Updated the general permit term. This VPDES general permit will become effective on March 1, 2024, and expire on February 28, 2029.

Section 30 – Authorization to discharge. Revised the language to specifically reference Clean Water Act sections for consistency with federal regulatory language and other VPDES general permits. Also some of this language had been revised to be more generic so that dates do not have to be revised for each reissuance. Similar revisions are being made to all VPDES general permits.

Section 60 – General permit. Revised the term of the general permit: Effective Date: March 1, 2024. Expiration Date: February 28, 2029.

Section 60 – *General permit.* For animal pest control, in selecting pest management measures that will minimize discharges resulting from the application of pesticides, the operator must evaluate specified options. Added “cultural methods.” This change reflects the same change made to EPA’s 2021 reissuance of the federal pesticide general permit.

Section 60 – *General permit.* In sub-section D.2.d.(2)(d), updated the link to Virginia’s Wildlife Action Plan.

Section 60 – *General permit.* In sub-section D.2.d.(3)(h), updated the links to federal and state lists of endangered and threatened species.

Section 60 – *General permit.* In sub-section D.5.c, revised language consistent with current online reporting capability. DEQ is making this language consistent across all general permits.

Section 60 – *General permit.* In sub-section D.5.d, updated the DEQ regional office address for the Blue Ridge Regional Office. Added a single new fax number for all regions.

The Office of the Attorney General will be sent the regulation for certification of authority to adopt the amendments. The U.S. Environmental Protection Agency (Region 3) had no comments on the revisions to the general permit at the proposed stage and no subsequent changes have been made.

Attachments: TAC Membership, General Permit Regulation Amendments, Town Hall Agency Final Background Document, Fact Sheet

TAC MEMBERS FOR THE PESTICIDE GENERAL PERMIT REGULATION

Todd Groh	Program Manager, FRMB, Virginia DOF
Liza Fleeson Trossbach	Program Manager, VDACS Office of Pesticides
Mark Eversole	Marine Resources Commission
Shannon Junior	Aquatic Biologist/ Sr. Business Development Consultant, Solitude Lake Management
Lillian Myers	Maryland Department of the Environment
Corey Connors	Exec. Dir. Virginia Forestry Association
Judy Hinch	Citizen
Randy Buchanan	Virginia Mosquito Control Association
Allan Brockenbrough	DEQ CO VPDES Permits
Peter Sherman	DEQ CO VPDES Permits

DEQ Staff Technical Liaisons

Troy Nipper	CO Compliance
Elleanore Daub	CO VPDES Permits



townhall.virginia.gov

Exempt Action: Final Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC25-800
VAC Chapter title(s)	Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges Resulting from the Application of Pesticides to Surface Waters
Action title	2024 Amendment and Reissuance of the Existing General Permit Regulation
Final agency action date	
Date this document prepared	January 26, 2023

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

Brief Summary

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

The Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges Resulting from the Application of Pesticides to Surface Waters has existed since 2011. This general permit contains effluent limitations, monitoring requirements and special conditions for discharges of pesticides to surface waters. The proposed changes to the regulation are being made to reissue this general permit and in response to Technical Advisory Committee input, and staff suggestions to clarify the permit conditions.

One proposed substantive change to the existing general permit is being made. For animal pest control, "cultural methods" have been included as a method that must be evaluated when selecting pest

management measures. Other proposed changes affect effective dates, two definitions, making some language more consistent with other state general permits, and updating certain web address-links.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

VPDES permits are limited to a term of five years. The existing VPDES Pesticide General Permit regulation expires on February 29, 2024, and it must be reissued for another five-year term to remain available to pesticide operators that conduct in-scope activities. If this permit is not re-issued in a timely manner, no new coverage is available to any additional operators and such operators would be required to obtain individual VPDES permits. The in-scope pesticide applications have been determined to be point source discharges and if the general permit is not available, such pesticide applications would need to apply for and obtain individual VPDES permits, which impose significantly greater burden and costs on permittees and increased administrative burden on DEQ.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

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

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On March 23, 2023 the State Water Control Board adopted Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges Resulting from the Application of Pesticides to Surface Waters (9VAC25-800) as a final regulation.

Legal Basis

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

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

Section 402 of the Clean Water Act (33 USC 1251 et seq.) authorizes states to administer the NPDES permit program under state law. The Commonwealth of Virginia received such authorization in 1975 under the terms of a Memorandum of Understanding with the U.S. EPA. This Memorandum of Understanding was modified on May 20, 1991 to authorize the Commonwealth to administer a General VPDES Permit Program.

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

Purpose

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

This regulatory action is needed in order to amend and reissue the existing VPDES general permit for point source discharges of pesticides to surface waters, which expires on February 29, 2024. The goal of the regulatory action is to continue to make the general permit available, which establishes standard language for control of these point source discharges through effluent limitations, monitoring requirements and special conditions to ensure protection of the environment and public health, safety and welfare.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

One substantive change to the existing general permit has been made. For animal pest control, "cultural methods" have been added as a method that must be evaluated when selecting pest management measures. Other changes affect effective dates (the new term is March 1, 2024 – February 28, 2029), two definitions have been revised based on U.S. EPA 2021 reissuance of the federal NPDES Pesticide General Permit, language has been modified to maintain consistency with other state general permits, and updates have been made to web address links and regional office addresses.

Issues

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

The advantages to the public and the agency of reissuing this permit are that a VPDES general permit will continue to be available to facilities with eligible discharges enabling them to discharge to surface waters

in a manner that is protective of those waters. In addition, the continued availability of this general permit avoids the increased cost and more complicated application process associated with issuing an individual permit, and makes program administration more reasonable for DEQ. There are no known disadvantages.

Requirements More Restrictive than Federal

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any requirement of the regulatory change which is more restrictive than applicable federal requirements. If there are no changes to previously reported information, include a specific statement to that effect.

There are no requirements that exceed applicable federal requirements. There is no change to previously reported information.

Agencies, Localities, and Other Entities Particularly Affected

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any other state agencies, localities, or other entities that are particularly affected by the regulatory change. If there are no changes to previously reported information, include a specific statement to that effect.

The language in the Agencies, Localities, and other Entities Particularly Affection section has been revised since the proposed stage to clarify that state agencies and localities may be subject to the regulation, but no state agencies or localities bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities.

Other State Agencies Particularly Affected:

Select Virginia agencies that manage lands or wildlife in proximity to surface waters and encounter pests that are within the five use patterns could be affected by the proposed regulation, but none bear a disproportionate material impact as the general permit is available and applies statewide.

Localities Particularly Affected:

Localities responsible for lands in proximity to surface waters that encounter pests within the five use patterns could be affected by the proposed regulation, but none bear a disproportionate material impact as the general permit is available and applies statewide.

Other Entities Particularly Affected:

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

Public Comment

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

There was one comment received in response to the proposed rule and no comments received at the public hearing.

Commenter	Comment	Agency response
J.Z.	I support renewing VPDES. It helps keep rivers clean which is always an upside.	DEQ acknowledges the comment.

Details of Changes Made Since the Previous Stage

List all changes made to the text since the previous stage was published in the Virginia Register of Regulations and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. * Put an asterisk next to any substantive changes.

There was one editorial change made to the proposed rule since the proposed stage.

Current chapter-section number	New chapter-section number, if applicable	New requirement from previous stage	Updated new requirement since previous stage	Change, intent, rationale, and likely impact of updated requirements
800-60	NA	NA	Editorial change – no new requirement.	At the beginning of section 60, added a heading that reads “Part I Effluent Limitations, Monitoring Requirements, and Special Conditions” This is typical language that is included in all general permits and that functions to identify the components of the permit.

Details of All Changes Proposed in this Regulatory Action

List all changes proposed in this action and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. * Put an asterisk next to any substantive changes.

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
9VAC25-800-10. Definitions		NA	<p>Added: "Pesticide discharges to surface waters from pesticide application - means the discharges that result from the application of biological pesticides, and the application of chemical pesticides that leave a residue, from point sources to surface waters. In the context of this definition of pesticide discharges to surface waters from pesticide application, this does not include agricultural storm water discharges and return flows from irrigated agriculture, which are excluded by law (33 U.S.C. 1342(l); 33 U.S.C. 1362(14))."</p> <p><i>EPA added this definition to the 2021 federal NPDES pesticide general permit. We have changed "waters of the United States" to "surface waters" to make it consistent with VPDES program terminology.</i></p>
9VAC25-800-10. Definitions		"Pesticide residue" means that portion of a pesticide application that has been discharged from a point source to surface waters and no longer provides pesticidal benefits. It also includes any degradates of the pesticide.	<p>"Pesticide residue" for the purpose of determining whether an NPDES permit is needed for discharges to surface waters from pesticide application, means that portion of a pesticide application that has been discharged from a point source to surface waters and no longer provides pesticidal benefits. It also includes any degradates of the pesticide.</p> <p><i>EPA clarified this definition in the 2021 federal PGP. We have changed "waters of the United States" to "surface waters" to make it consistent with VPDES program terminology.</i></p>
9VAC25-800-15. Applicability of incorporated references based on the dates that they became effective		Code of Federal Regulations (CFR) publication date referenced is July 1, 2018.	Code of Federal Regulations (CFR) publication date referenced is July 1, 2022.

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
9VAC25-800-20. Purpose; delegation of authority; effective date of permit		C. This VPDES general permit will become effective on March 1, 2019, and expire on February 29, 2024.	C. This VPDES general permit will become effective on March 1, 2024, and expire on February 28, 2029. <i>This general permit is being reissued for another five-year term.</i>
9VAC25-800-30. Authorization to discharge		F. Compliance with this general permit constitutes compliance with the federal Clean Water Act (33 USC § 1251 et seq.) and the State Water Control Law with the exceptions stated in 9VAC25-31-60 of the VPDES Permit Regulation.	F. Compliance with this general permit constitutes compliance, for purposes of enforcement with §§ 301, 302, 306, 307, 318, 403, and 405(a) through (b) of the federal Clean Water Act and the State Water Control Law with the exceptions stated in 9VAC25-31-60 of the VPDES Permit Regulation. <i>Revised the language to specifically reference sections for consistency with federal regulatory language and other VPDES general permits.</i>
9VAC25-800-30. Authorization to discharge		G. Continuation of permit coverage. 1. This general permit shall expire on February 29, 2024, except that the conditions of the expired pesticides general permit will continue in force for an operator until coverage is granted under a reissued pesticides general permit if the board, through no fault of the operator, does not reissue a pesticides general permit on or before the expiration date of the expiring general permit.	G. Continuation of permit coverage. 1. Permit coverage shall expire at the end of the applicable permit term, except that the conditions of the expired pesticides general permit will continue in force for an operator until coverage is granted under a reissued pesticides general permit if the board, through no fault of the operator, does not reissue a pesticides general permit on or before the expiration date of the expiring general permit. <i>Made this language more generic so that dates do not have to be revised for each reissuance. Similar revisions are being made to all VPDES general permits.</i>
9VAC25-800-30. Authorization to discharge 9VAC25-800-60. General permit		Several references to the “board.”	Replaced “board” with “department” wherever the requirement is referring to a permit action. <i>This conforms to SB 657.</i>
9VAC25-800-60.		Editorial change to add heading.	At the beginning of section 60, added a heading that reads “Part I Effluent

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
General permit			<p>Limitations, Monitoring Requirements, and Special Conditions”</p> <p>This is typical language that is included in all general permits and that functions to identify the components of the permit.</p>
9VAC25-800-60. General permit		<p>Effective Date: March 1, 2019 Expiration Date: February 29, 2024</p>	<p>Effective Date: March 1, 2024 Expiration Date: February 28, 2029</p> <p><i>Reissued for new term.</i></p>
9VAC25-800-60. General permit		<p>A.1.a Minimize pesticide discharges to surface waters.</p>	<p>A.1.a Minimize pesticide discharges to surface waters from pesticide application.</p> <p>Added “from pesticide application.”</p>
9VAC25-800-60. General permit		<p>A.1.b.(3) Animal pest control. [In selecting pest management measures that will minimize discharges resulting from the application of pesticides, the operator must evaluate the following options] (i) No action; (ii) Prevention; (iii) Mechanical or physical methods; (iv) Biological control; and (v) Pesticides.</p>	<p>A.1.b.(3) Animal pest control. [In selecting pest management measures that will minimize discharges resulting from the application of pesticides, the operator must evaluate the following options] (i) No action; (ii) Prevention; (iii) Mechanical or physical methods; (iv) Cultural methods; (v) Biological control; and (vi) Pesticides.</p> <p><i>Added “cultural methods.” This change reflects the same change made to EPA’s 2021 reissuance of the federal pesticide general permit.</i></p>
9VAC25-800-60. General permit		<p>D.2.d.(2)(d) Tier I (critical conservation need) or Tier II (very high conservation need) species of greatest conservation need (SGCN) as defined in Virginia’s Wildlife Action Plan (www.bewildvirginia.org).</p>	<p>D.2.d.(2)(d) Tier I (critical conservation need) or Tier II (very high conservation need) species of greatest conservation need (SGCN) as defined in Virginia’s Wildlife Action Plan (http://bewildvirginia.org/wildlife-action-plan/)</p> <p><i>Updated the link to Virginia’s Wildlife Action Plan.</i></p>
9VAC25-800-60. General permit		<p>D.2.d.(3)(h) Date and time of application. Additional information on federally listed threatened or endangered species and federally designated critical habitat is available from</p>	<p>D.2.d.(3)(h) Date and time of application. Additional information on federally listed threatened or endangered species and federally designated critical habitat is available from NMFS (https://www.fisheries.noaa.gov/species-</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		NMFS (www.nmfs.noaa.gov) for anadromous or marine species or FWS (www.fws.gov) for terrestrial or freshwater species. Additional information on state-listed threatened or endangered wildlife species is available through the Virginia Fish and Wildlife Information Service (www.dgif.virginia.gov).	<p>directory/threatened-endangered_) for anadromous or marine species or FWS (https://www.fws.gov/species/search) for terrestrial or freshwater species. Additional information on state-listed threatened or endangered wildlife species is available through the Virginia Fish and Wildlife Information Service (https://dwr.virginia.gov/wildlife/wildlife-information/).</p> <p><i>Updated the links to endangered and threatened species.</i></p>
9VAC25-800-60. General permit		D.5. NOTE: The immediate (within 24 hours) reports required in Part I D 2 may be made to the department's regional office. Reports may be made by telephone, fax, or online (http://www.deq.virginia.gov/Programs/PollutionResponsePreparedness/MakingaReport.aspx). For reports outside normal working hours, leave a message, and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency maintains a 24-hour telephone service at 1-800-468-8892.	D.5.c. The immediate (within 24 hours) reports required in Part I D 2 shall be made to the department's regional office. Reports may be made by telephone, fax, or online (https://www.deq.virginia.gov/get-involved/pollution-response) (online reporting preferred). For reports outside normal working hours, the online portal shall be used. For emergencies, call the Virginia Department of Emergency Management's Emergency Operations Center (24-hours)_at 1-800-468-8892. <p><i>Revised language consistent with current online reporting capability. Making consistent across all general permits.</i></p>
9VAC25-800-60. General permit		D.5.d. DEQ six regional office addresses.	D.5.d. <i>Updated the DEQ regional office address for the Blue Ridge Regional Office. Added a single new fax number for all regions.</i>

Regulatory Flexibility Analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business.

Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

Specified pesticide discharges are point source discharges of pollutants that must under federal and state law be authorized by a permit. This general permit provides small businesses (and other permittees) a less burdensome permitting option for this type of discharge when compared to an individual permit. In addition, the requirements in this general permit have been coordinated with existing relevant pesticide regulations administered by VDACS to minimize duplicative requirements. This general permit uses performance standards where possible and monitoring and reporting requirements are the minimum necessary. Finally, the pesticide discharge management plan (PDMP) requirement is only applicable to larger aquatic pesticide applications.

Family Impact

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

There is no potential impact of the proposed regulatory action on the institution of the family and family stability.

Office of Regulatory Management

Economic Review Form

Agency name	State Water Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC25-800
VAC Chapter title(s)	VPDES General Permit Regulation for Discharges Resulting From the Application of Pesticides to Surface Waters
Action title	Amend and Reissue the Existing General Permit Regulation
Date this document prepared	9/8/2022

Cost Benefit Analysis

Table 1a must be completed for all actions. Tables 1b and 1c must be completed for actions (or portions thereof) where the agency is exercising discretion, including those where some of the changes are mandated by state or federal law or regulation. Tables 1b and 1c are not needed if **all** changes are mandated, and the agency is not exercising any discretion. In that case, enter a statement to that effect.

- (1) Direct Costs & Benefits: Identify all specific, direct economic impacts (costs and/or benefits), anticipated to result from the regulatory change. (A direct impact is one that affects entities regulated by the agency and which directly results from the regulatory change itself, without any intervening steps or effects. For example, the direct impact of a regulatory fee change is the change in costs for these regulated entities.) When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo. One bullet has been provided, add additional bullets as needed.
- (2) Quantitative Factors:
 - (a) Enter estimated dollar value of total (overall) direct costs described above.
 - (b) Enter estimated dollar value of total (overall) direct benefits described above.
 - (c) Enter the present value of the direct costs based on the worksheet.
 - (d) Enter the present value of the direct benefits based on the worksheet.
- (3) Benefits-Costs Ratio: Calculate d divided by c OR enter it from the worksheet.
- (4) Net Benefit: Calculate d minus c OR enter it from the worksheet.
- (5) Indirect Costs & Benefits: Identify all specific, indirect economic impacts (costs and/or benefits), anticipated to result from the regulatory change. (An indirect impact is one that results from responses to the regulatory change, but which are not directly required by the regulation. Indirect impacts of a regulatory fee change on regulated entities could include a change in the prices they charge, changes in their operating procedures or employment levels, or decisions to enter or exit the regulated profession or market. Indirect impacts also include responses by other entities that have close economic ties to the regulated entities, such as suppliers or partners.) If there are no indirect costs or benefits, include a specific statement to that effect.

- (6) Information Sources: Describe the sources of information used to determine the benefits and costs, including the source of the Quantitative Factors. If dollar amounts are not available, indicate why they are not.
- (7) Optional: Use this space to add any further information regarding the data provided in this table, including calculations, qualitative assessments, etc.

VPDES general permit regulations expire every 5 years and must be re-issued in order for permit coverage to be available to new permittees and existing permittees that do not submit a registration statement in a timely manner. If the general permit is not re-issued, the regulated community will need to obtain an individual permit to conduct the regulated activity. For this reason, the costs associated with obtaining an individual permit are compared with the costs associated with general permit coverage. General permits provide the regulated community with a streamlined, less burdensome approach to obtain coverage for conducting a specific regulated activity. This form was completed initially for the proposed regulation. Only editorial changes have been made between the proposed and final regulatory stages, the information on this Economic Review Form remains accurate.

Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)

<p>(1) Direct Costs & Benefits</p>	<ul style="list-style-type: none"> • For animal pest control, added “cultural methods” to the five existing pest management measures that must be evaluated in order to identify the measures that are most efficient and effective to minimize discharges from the application of pesticides. <p>Direct Costs: Unknown. Expected to be minimal. No existing available cost analysis is broken down at the necessary level of detail.</p> <p>EPA’s “Cost Impact Analysis for the EPA’s Draft 2016 Pesticide General Permit (PGP)” (the most recent cost document identified) estimates \$0 annual technology-based effluent limit (TBEL)¹ cost (excluding NMFS List Resources) for Animal Pest Control (Table 3; pg.8). Note that the item being added is one management measure among five existing management measures that must be evaluated for animal pest control (and that animal pest control is one pesticide use pattern among five covered by the general permit). DEQ does not have data for the number and size of aquatic pesticide applications.</p>
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¹ TBELs for this general permit include requirements to minimize pesticide discharges to surface waters (e.g., use the lowest effective amount and optimum frequency, use equipment that is in sound condition, use equipment that allows operators to pass over non-target areas, and assess weather conditions to ensure application is consistent with label requirements). In addition, operators with control over financing or the decision to apply pesticides that result in discharges must, to the extent practicable, consider integrated pest management practices to ensure pesticide discharge are minimized (e.g., characterize the problem, evaluate a set of pest management measures, and utilize action thresholds if pesticides are used).

	<p>Direct Benefits: Unknown. No existing quantitative benefits analysis has been identified. EPA’s 2011 “Economic Analysis of the Pesticide General Permit (PGP) for Point Source Discharges from the Application of Pesticides” includes in section 7 a qualitative discussion of benefits. It states in part “[i]nformation is not available to quantify or monetize beneficial impacts. Reducing discharges of these pesticides through compliance with the technology-based and water quality-based effluent limitations as well as the documentation and monitoring requirements in the PGP may lead to ecological benefits and associated values. (Sec. 7, pg. 97).</p>		
(2) Quantitative Factors	Estimated Dollar Amount	Present Value	
Direct Costs	(a) See above.	(c)	
Direct Benefits	(b) See above.	(d)	
(3) Benefits-Costs Ratio		(4) Net Benefit	
(5) Indirect Costs & Benefits	<p>No indirect costs or benefits are expected due to the limited extent of changes being made to the general permit regulation.</p>		
(6) Information Sources	<p>Cost Impact Analysis for the EPA’s Draft 2016 Pesticide General Permit (PGP), U.S. EPA, January 14, 2016. https://www.regulations.gov/document/EPA-HQ-OW-2015-0499-0111</p> <p>ECONOMIC ANALYSIS OF THE PESTICIDE GENERAL PERMIT (PGP) FOR POINT SOURCE DISCHARGES FROM THE APPLICATION OF PESTICIDES, United States Environmental Protection Agency Office of Wastewater Management, October 28, 2011 https://www.regulations.gov/document/EPA-HQ-OW-2010-0257-0151</p> <p>9VAC25-800, NOPC, 7/25/2022.</p>		
(7) Optional			

Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)

This table addresses current requirements and the implications of not making any changes. In other words, describe the costs and benefits of maintaining the current regulatory requirements as is.

(1) Direct Costs & Benefits	<ul style="list-style-type: none"> • The limited changes in this general permit regulation are being made to maintain consistency with the EPA 2021 reissuance of its pesticide general permit. • Direct Costs of Maintaining the Current Regulatory Requirements (no changes): Unknown. No existing available cost analysis addresses the VPDES Pesticide general permit. In terms of available estimated costs, EPA’s 2011 “Economic Analysis of the Pesticide General Permit (PGP) for Point Source Discharges from the Application of Pesticides” estimated total costs ranging from \$76,932 to \$2,722,428 per year for the six unauthorized states and the District of Columbia that were analyzed (Table 5-29, pg. 88). Note that the VPDES Pesticide general permit is similar, but not identical to, the EPA pesticide general permit (e.g., the VPDES permit does not require the submittal of a registration statement). So the cost of the existing VPDES Pesticide general permit would be less than the EPA permit. • Direct Benefits of Maintaining the Current Regulatory Requirements (no changes): Unknown. No existing quantitative benefits analysis has been identified. EPA’s 2011 “Economic Analysis of the Pesticide General Permit (PGP) for Point Source Discharges from the Application of Pesticides” includes in section 7 a qualitative discussion of benefits. It states in part “[i]nformation is not available to quantify or monetize beneficial impacts. Reducing discharges of these pesticides through compliance with the technology-based and water quality-based effluent limitations as well as the documentation and monitoring requirements in the PGP may lead to ecological benefits and associated values. (Sec. 7, pg. 97). 		
(2) Quantitative Factors	Estimated Dollar Amount	Present Value	
Direct Costs	(a) See above.	(c)	
Direct Benefits	(b) See above.	(d)	
(3) Benefits-Costs Ratio		(4) Net Benefit	
(5) Indirect Costs & Benefits			
(6) Information Sources			

(7) Optional	
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Table 1c: Costs and Benefits under an Alternative Approach

This table addresses an alternative approach to accomplishing the objectives with different requirements. These alternative approaches may include the use of reasonably available alternatives in lieu of regulation, or information disclosure requirements or performance standards instead of regulatory mandates.

(1) Direct Costs & Benefits	<ul style="list-style-type: none"> • No regulatory alternatives were considered during this phase of general permit reissuance. • Under the decision of the Sixth Circuit Court of Appeals in National Cotton Council of America v. EPA (553 F.3d 927 (6th Cir., 2009)), DEQ does not have flexibility to adopt a non-regulatory approach to addressing discharges of aquatic pesticides to surface waters. Such discharges have been determined to be point source discharges of a pollutant that require a VPDES permit. • This general permit already incorporates and is coordinated with VDACS pesticide regulations to the extent possible. For example, this general permit does not require the submittal of a registration statement based in part on information collected by VDACS, which reduces the cost and burden on operators. • A benefit of this general permit is its lower cost to permittees relative to the cost of obtaining an individual permit. The permit fee for operators to obtain coverage under this general permit is \$0. If this general permit were not available these operators would be required to obtain an individual VPDES permit, and the initial application fee would be \$3,300 (assumes industrial minor, standard limits). An annual permit maintenance fee of \$1,969 would also apply (total of \$11,176 per permittee/ 5-year permit term). This does not account for the longer lead time to obtain an individual permit and the increased burden on DEQ staff resources that would result. EPA acknowledges the lower costs of its pesticide general permit in its 2011 “Economic Analysis of the Pesticide General Permit (PGP) for Point Source Discharges from the Application of Pesticides,” which states “[n]ote that the administrative and monitoring costs presented herein likely are much less than if NPDES individual permits were issued to each of the affected entities in the areas for which the U.S. Environmental Protection Agency (EPA) is developing this NPDES general permit. (ES, pg. vi).
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(2) Quantitative Factors	Estimated Dollar Amount	Present Value	
Direct Costs	(a) NA	(c)	
Direct Benefits	(b) NA	(d)	
(3) Benefits-Costs Ratio		(4) Net Benefit	
(5) Indirect Costs & Benefits			
(6) Information Sources			
(7) Optional			

Impact on Local Partners

- (1) Describe the direct costs and benefits (as defined on page 1) for local partners in terms of real monetary costs and FTEs. Local partners include local or tribal governments, school divisions, or other local or regional authorities, boards, or commissions. If local partners are not affected, include a specific statement to that effect and a brief explanation of the rationale.
- (2) Quantitative Factors:
 - (a) Enter estimated dollar value of total (overall) direct costs described above.
 - (b) Enter estimated dollar value of total (overall) direct benefits described above.
- (3) Indirect Costs & Benefits: Describe any indirect benefits and costs (as defined on page 1) for local partners that are associated with all significant changes. If there are no indirect costs or benefits, include a specific statement to that effect.
- (4) Information Sources: describe the sources of information used to determine the benefits and costs, including the source of the Quantitative Factors. If dollar amounts are not available, indicate why they are not.
- (5) Assistance: Identify the amount and source of assistance provided for compliance in both funding and training or other technical implementation assistance.
- (6) Optional: Use this space to add any further information regarding the data provided in this table, including calculations, qualitative assessments, etc.

Note: If any of the above information was included in Table 1, use the same information here.

Table 2: Impact on Local Partners

(1) Direct Costs & Benefits	No costs or benefit impacts on local partners are expected due to the limited extent of changes being made to the general permit regulation. General permits provide the regulated community with a streamlined, less burdensome approach to obtain coverage for conducting a specific regulated activity. Without this general permit regulation, an individual permit would be required to conduct the regulated activity.
(2) Quantitative Factors	Estimated Dollar Amount
Direct Costs	(a)
Direct Benefits	(b)
(3) Indirect Costs & Benefits	
(4) Information Sources	
(5) Assistance	
(6) Optional	

Economic Impacts on Families

- (1) Describe the direct costs and benefits (as defined on page 1) to a typical family of three (average family size in Virginia according to the U. S. Census) arising from any proposed regulatory changes that would affect the costs of food, energy, housing, transportation, healthcare, and education. If families are not affected, include a specific statement to that effect and a brief explanation of the rationale.
- (2) Quantitative Factors:
 - (a) Enter estimated dollar value of direct costs.
 - (b) Enter estimated dollar value of direct benefits.
- (3) Indirect Costs & Benefits: Describe any indirect costs and benefits (as defined on page 1) to a typical family of three that are most likely to result from the proposed changes.
- (4) Information Sources: describe the sources of information used to determine the benefits and costs, including the source of the Quantitative Factors. If dollar amounts are not available, indicate why not.
- (5) Optional: Use this space to add any further information regarding the data provided in this table, including calculations, qualitative assessments, etc.

Note: If any of the above information was included in Table 1, use the same information here.

Table 3: Impact on Families

(1) Direct Costs & Benefits	No indirect costs or benefit impacts on families are expected due to the limited extent of changes being made to the general permit regulation.
(2) Quantitative Factors	Estimated Dollar Amount
Direct Costs	(a)
Direct Benefits	(b)
(3) Indirect Costs & Benefits	
(4) Information Sources	
(5) Optional	

Impacts on Small Businesses

- (1) Describe the direct costs and benefits (as defined on page 1) for small businesses. For purposes of this analysis, “small business” means the same as that term is defined in § 2.2-4007.1. If small businesses are not affected, include a specific statement to that effect and a brief explanation of the rationale.
- (2) Quantitative Factors:
 - (a) Enter estimated dollar value of direct costs.
 - (b) Enter estimated dollar value of direct benefits.
- (3) Indirect Costs & Benefits: Describe the indirect benefits and costs (as defined on page 1) for small businesses that are most likely to result from the proposed changes.
- (4) Alternatives: Add a qualitative discussion of any equally effective alternatives that would make the regulatory burden on small business more equitable compared to other affected business sectors, and how those alternatives were identified.
- (5) Information Sources: describe the sources of information used to determine the benefits and costs, including the source of the Quantitative Factors. If dollar amounts are not available, indicate why not.
- (6) Optional: Use this space to add any further information regarding the data provided in this table, including calculations, qualitative assessments, etc.

Note: If any of the above information was included in Table 1, use the same information here.

Table 4: Impact on Small Businesses

(1) Direct Costs & Benefits	No indirect costs or benefit impacts on small businesses are expected due to the limited extent of changes being made to the general permit regulation. General permits provide the regulated community with a streamlined, less burdensome approach to obtain coverage for conducting a specific regulated activity. Without this general permit regulation, an individual permit would be required to conduct the regulated activity.
(2) Quantitative Factors	Estimated Dollar Amount
Direct Costs	(a)
Direct Benefits	(b)
(3) Indirect Costs & Benefits	
(4) Alternatives	
(5) Information Sources	
(6) Optional	

Changes to Number of Regulatory Requirements

For each individual VAC Chapter amended, repealed, or promulgated by this regulatory action, list (a) the initial requirement count, (b) the count of requirements that this regulatory package is adding, (c) the count of requirements that this regulatory package is reducing, (d) the net change in the number of requirements. This count should be based upon the text as written when this stage was presented for executive branch review. Five rows have been provided, add or delete rows as needed.

The existing general permit approach contains 83 requirements applicable to the regulated community, whereas an individual permit for this activity is estimated to potentially contain 182 requirements applicable to the regulated community. The general permit provides a streamlined approach for the regulated community to utilize that contains as many as 99 fewer requirements applicable to the regulated community.

Table 5: Total Number of Requirements

	Number of Requirements			
Chapter number	Initial Count	Additions	Subtractions	Net Change
9VAC25-800	83	0 ²	0	0

² The sub-item added to an existing requirement to review specified pest management measures.

1 **Project 6928 - Exempt Final**

2 **State Water Control Board**

3 **25-800 - 2024 Amendment and Reissuance of the Existing General Permit Regulation**
4 **9VAC25-800-10. Definitions.**

5 The words and terms used in this chapter shall have the same meanings as given in the State
6 Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia) and the VPDES Permit Regulation
7 (9VAC25-31), unless the context clearly indicates otherwise, except that for the purposes of this
8 chapter:

9 "Action threshold" means the point at which pest populations or environmental conditions
10 necessitate that pest control action be taken based on economic, human health, aesthetic, or
11 other effects. An action threshold may be based on current or past environmental factors that are
12 or have been demonstrated to be conducive to pest emergence or growth, as well as past or
13 current pest presence. Action thresholds are those conditions that indicate both the need for
14 control actions and the proper timing of such actions.

15 "Active ingredient" means any substance (or group of structurally similar substances if
16 specified by the federal Environmental Protection Agency (EPA) that will prevent, destroy, repel,
17 or mitigate any pest, or that functions as a plant regulator, desiccant, or defoliant within the
18 meaning of § 2(a) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) (40 CFR
19 152.3). Active ingredient also means a pesticidal substance that is intended to be produced and
20 used in a living plant, or in the produce thereof, and the genetic material necessary for the
21 production of such a pesticidal substance (40 CFR 174.3).

22 "Adverse incident" means an unusual or unexpected incident that the operator observes upon
23 inspection or of which otherwise becomes aware, in which there is evidence that:

- 24 1. A person or nontarget organism has likely been exposed to a pesticide residue; and
25 2. The person or nontarget organism suffered a toxic or adverse effect.

26 The phrase "toxic or adverse effects" includes effects that occur within surface waters on
27 nontarget plants, fish, or wildlife that are unusual or unexpected (e.g., effects are to organisms
28 not described on the pesticide product labels or not expected to be present) as a result of
29 exposure to a pesticide residue and may include:

- 30 1. Distressed or dead juvenile and small fishes;
31 2. Washed up or floating fish;
32 3. Fish swimming abnormally or erratically;
33 4. Fish lying lethargically at water surface or in shallow water;
34 5. Fish that are listless or nonresponsive to disturbance;
35 6. Stunting, wilting, or desiccation of nontarget submerged or emergent aquatic plants;
36 and
37 7. Other dead or visibly distressed nontarget aquatic or semi-aquatic organisms
38 (amphibians, turtles, invertebrates, etc.).

39 The phrase "toxic or adverse effects" also includes any adverse effects to humans (e.g., skin
40 rashes) or domesticated animals (e.g., vomiting, lethargy) that occur either from direct contact
41 with or as a secondary effect from a discharge (e.g., sickness from consumption of plants or
42 animals containing pesticides) to surface waters that are temporally and spatially related to
43 exposure to a pesticide residue.

44 "Biological control" means organisms that can be introduced to sites, such as herbivores,
45 predators, parasites, and hyperparasites.

46 "Biological pesticides" or "biopesticides" includes microbial pesticides, biochemical pesticides,
47 and plant-incorporated protectants (PIP).

48 1. "Microbial pesticide" means a microbial agent intended for preventing, destroying,
49 repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or
50 desiccant, that:

- 51 a. Is a eukaryotic microorganism, including protozoa, algae, and fungi;
- 52 b. Is a prokaryotic microorganism, including Eubacteria and Archaeobacteria; or
- 53 c. Is a parasitically replicating microscopic element, including viruses.

54 2. "Biochemical pesticide" means a pesticide that:

- 55 a. Is a naturally occurring substance or structurally similar and functionally identical to
56 a naturally occurring substance;
- 57 b. Has a history of exposure to humans and the environment demonstrating minimal
58 toxicity, or in the case of a synthetically derived biochemical pesticide, is equivalent to
59 a naturally occurring substance that has such a history; and
- 60 c. Has a nontoxic mode of action to the target pests.

61 3. "Plant-incorporated protectant" means a pesticidal substance that is intended to be
62 produced and used in a living plant, or in the produce thereof, and the genetic material
63 necessary for production of such a pesticidal substance. It also includes any inert
64 ingredient contained in the plant or produce thereof.

65 "Board" means the State Water Control Board. When used outside the context of the
66 promulgation of regulations, including regulations to establish general permits, "board" means the
67 Department of Environmental Quality.

68 "Chemical pesticides" means all pesticides not otherwise classified as biological pesticides.

69 "Cultural methods" means manipulation of the habitat to increase pest mortality by making the
70 habitat less suitable to the pest.

71 "Declared pest emergency situation" means an event defined by a public declaration by a
72 federal agency, state, or local government of a pest problem determined to require control through
73 application of a pesticide beginning less than 10 days after identification of the need for pest
74 control. This public declaration may be based on:

- 75 1. Significant risk to human health;
- 76 2. Significant economic loss; or
- 77 3. Significant risk to:
 - 78 a. Endangered species;
 - 79 b. Threatened species;
 - 80 c. Beneficial organisms; or
 - 81 d. The environment.

82 "DEQ" or "department" means the Virginia Department of Environmental Quality.

83 "Discharge of a pollutant" means the addition of any "pollutant" or combination of pollutants
84 to surface waters from any point source, or the addition of any pollutant or combination of
85 pollutants to the water of the contiguous zone or the ocean from any point source.

86 "FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act (7 USC § 136 et seq.)
87 as amended.

88 "Impaired water" or "water quality impaired water" or "water quality limited segment" means
89 any stream segment where the water quality does not or will not meet applicable water quality
90 standards, even after the application of technology-based effluent limitations required by §§
91 301(b) and 306 of the Clean Water Act (CWA) (33 USC § 1251 et seq. as of 1987). Impaired
92 waters include both impaired waters with approved or established TMDLs, and impaired waters
93 for which a TMDL has not yet been approved or established.

94 "Inert ingredient" means any substance (or group of structurally similar substances if
95 designated by EPA), other than an active ingredient, that is intentionally included in a pesticide
96 product. Inert ingredient also means any substance, such as a selectable marker, other than the
97 active ingredient, where the substance is used to confirm or ensure the presence of the active
98 ingredient, and includes the genetic material necessary for the production of the substance,
99 provided that genetic material is intentionally introduced into a living plant in addition to the active
100 ingredient.

101 "Integrated pest management" or "IPM" means an effective and environmentally sensitive
102 approach to pest management that relies on a combination of common-sense practices. IPM uses
103 current, comprehensive information on the life cycles of pests and their interaction with the
104 environment. This information, in combination with available pest control methods, is used to
105 manage pest damage by the most economical means, and with the least possible hazard to
106 people, property, and the environment.

107 "Label" means the written, printed, or graphic matter on, or attached to, the pesticide or device,
108 or the immediate container thereof, and the outside container or wrapper of the retail package, if
109 any, of the pesticide or device.

110 "Labeling" means all labels and other written, printed, or graphic matter:

- 111 1. Upon the pesticide or device or any of its containers or wrappers;
- 112 2. Accompanying the pesticide or device at any time; or
- 113 3. To which reference is made on the label or in literature accompanying the pesticide or
114 device, except when accurate, nonmisleading reference is made to current official
115 publications of the agricultural experiment station, the Virginia Polytechnic Institute and
116 State University, the Virginia Department of Agriculture and Consumer Services, the State
117 Board of Health, or similar federal institutions or other official agencies of the
118 Commonwealth or other states when such states are authorized by law to conduct
119 research in the field of pesticides.

120 "Mechanical or physical methods" means mechanical tools or physical alterations of the
121 environment for pest prevention or removal.

122 "Minimize" means to reduce or eliminate pesticide discharges to surface waters through the
123 use of pest management measures to the extent technologically available and economically
124 practicable and achievable.

125 "Nontarget organisms" means the plant and animal hosts of the target species, the natural
126 enemies of the target species living in the community, and other plants and animals, including
127 vertebrates, living in or near the community that are not the target of the pesticide.

128 "Operator" means any person involved in the application of a pesticide that results in a
129 discharge to surface waters that meets either or both of the following two criteria:

- 130 1. The person who has control over the financing for or the decision to perform pesticide
131 applications that result in discharges, including the ability to modify those decisions; or
- 132 2. The person who performs the application of a pesticide or who has day-to-day control
133 of the application (e.g., they are authorized to direct workers to carry out those activities
134 that result in discharges to surface waters).

135 "Person" means an individual; a corporation; a partnership; an association; a local, state, or
136 federal governmental body; a municipal corporation; or any other legal entity.

137 "Pest" means any deleterious organism that is:

- 138 1. Any vertebrate animal other than man;
- 139 2. Any invertebrate animal excluding any internal parasite of living man or other living
140 animals;
- 141 3. Any plant growing where not wanted, and any plant part such as a root; or
- 142 4. Any bacterium, virus, or other microorganisms, except for those on or in living man or
143 other living animals and those on or in processed food or processed animal feed,
144 beverages, drugs (as defined by the federal Food, Drug, and Cosmetic Act at 21 USC §
145 321(g)(1)), and cosmetics (as defined by the federal Food, Drug, and Cosmetic Act at 21
146 USC § 321(i)).

147 Any organism classified by state or federal law or regulation as endangered or threatened
148 shall not be deemed a pest for the purposes of this chapter.

149 "Pest management area" means the area of land, including any water, for which pest
150 management activities covered by this permit are conducted.

151 "Pest management measure" means any practice used to meet the effluent limitations that
152 comply with manufacturer specifications, industry standards, and recommended industry
153 practices related to the application of pesticides, relevant legal requirements, and other provisions
154 that a prudent operator would implement to reduce or eliminate pesticide discharges to surface
155 waters.

156 "Pesticide" means:

- 157 1. Any substance or mixture of substances intended for preventing, destroying, repelling,
158 or mitigating any insects, rodents, fungi, bacteria, weeds, or other forms of plant or animal
159 life or viruses, except viruses on or in living man or other animals, which the Commissioner
160 of Agriculture and Consumer Services shall declare to be a pest;
- 161 2. Any substance or mixture of substances intended for use as a plant regulator, defoliant,
162 or desiccant; and
- 163 3. Any substance which is intended to become an active ingredient thereof.

164 Pesticides that are used or applied shall only be those that are approved and registered for
165 use by the Virginia Department of Agriculture and Consumer Services.

166 "Pesticide discharges to surface waters from pesticide application" means the discharges that
167 result from the application of biological pesticides and the application of chemical pesticides that
168 leave a residue from point sources to surface waters. In the context of this definition of pesticide
169 discharges to surface waters from pesticide application, this does not include agricultural storm
170 water discharges and return flows from irrigated agriculture, which are excluded by law (33 USC
171 § 1342(l) and 33 USC § 1362(14)).

172 "Pesticide product" means a pesticide in the particular form (including active and inert
173 ingredients, packaging, and labeling) in which the pesticide is, or is intended to be, distributed or
174 sold. The term includes any physical apparatus used to deliver or apply the pesticide if distributed
175 or sold with the pesticide.

176 "Pesticide research and development" means activities undertaken on a systematic basis to
177 gain new knowledge (research) or apply research findings or other scientific knowledge for the
178 creation of new or significantly improved products or processes (experimental development).

179 "Pesticide residue" for the purposes of determining whether an VPDES permit is needed for
180 discharges to surface waters from pesticide application, means that portion of a pesticide

181 application that has been discharged from a point source to surface waters and no longer provides
182 pesticidal benefits. It also includes any degradates of the pesticide.

183 "Point source" means any discernible, confined, and discrete conveyance including any pipe,
184 ditch, channel, tunnel, conduit, or container from which pollutants are or may be discharged. This
185 includes biological pesticides or chemical pesticides that leave a residue coming from a container
186 or nozzle of a pesticide application device. This term does not include return flows from irrigated
187 agriculture or agricultural stormwater run-off.

188 "Pollutant" means biological pesticides and any pesticide residue resulting from use of a
189 chemical pesticide.

190 "Surface waters" means:

- 191 1. All waters that are currently used, were used in the past, or may be susceptible to use
192 in interstate or foreign commerce, including all waters that are subject to the ebb and flow
193 of the tide;
- 194 2. All interstate waters, including interstate wetlands;
- 195 3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams),
196 mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or
197 natural ponds the use, degradation, or destruction of which would affect or could affect
198 interstate or foreign commerce including any such waters:
 - 199 a. That are or could be used by interstate or foreign travelers for recreational or other
200 purposes;
 - 201 b. From which fish or shellfish are or could be taken and sold in interstate or foreign
202 commerce; or
 - 203 c. That are used or could be used for industrial purposes by industries in interstate
204 commerce;
- 205 4. All impoundments of waters otherwise defined as surface waters under this definition;
- 206 5. Tributaries of waters identified in subdivisions 1 through 4 of this definition;
- 207 6. The territorial sea; and
- 208 7. Wetlands adjacent to waters, other than waters that are themselves wetlands, identified
209 in subdivisions 1 through 6 of this definition.

210 Surface waters do not include wastewater treatment systems, including treatment ponds or
211 lagoons designed to meet the requirements of the Clean Water Act (CWA) and the law. Surface
212 waters do not include prior converted cropland. Notwithstanding the determination of an area's
213 status as prior converted cropland by any other agency, for the purposes of the CWA, the final
214 authority regarding the CWA jurisdiction remains with EPA.

215 "Target pest" means the organism toward which pest management measures are being
216 directed.

217 "Total maximum daily load" or "TMDL" means a calculation of the maximum amount of a
218 pollutant that a waterbody can receive and still meet water quality standards, and an allocation of
219 that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point
220 source discharges, and load allocations (LAs) for nonpoint sources or natural background or both,
221 and must include a margin of safety (MOS) and account for seasonal variations.

222 "Treatment area" means the area of land including any waters, or the linear distance along
223 water or water's edge, to which pesticides are being applied. Multiple treatment areas may be
224 located within a single pest management area.

225 Treatment area includes the entire area, whether over land or water, where the pesticide
226 application is intended to provide pesticidal benefits. In some instances, the treatment area will

227 be larger than the area where pesticides are actually applied. For example, the treatment area for
228 a stationary drip treatment into a canal should be calculated by multiplying the width of the canal
229 by the length over which the pesticide is intended to control weeds. The treatment area for a lake
230 or marine area is the water surface area where the application is intended to provide pesticidal
231 benefits.

232 Treatment area calculations for pesticide applications that occur at water's edge, where the
233 discharge of pesticides directly to waters is unavoidable, are determined by the linear distance
234 over which pesticides are applied.

235 "VDACS" means the Virginia Department of Agriculture and Consumer Services. VDACS
236 administers the provisions of Virginia's pesticide statute, Chapter 39 (§ 3.2-3900 et seq.) of Title
237 3.2 of the Code of Virginia, as well as the regulations promulgated by the Virginia Pesticide Control
238 Board. VDACS also has delegated authority to enforce the provisions of FIFRA. As such, VDACS
239 is the primary agency for the regulatory oversight of pesticides in the Commonwealth.

240 "Wetlands" means those areas that are inundated or saturated by surface or groundwater at
241 a frequency and duration sufficient to support, and that under normal circumstances do support,
242 a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands
243 generally include swamps, marshes, bogs, and similar areas.

244 **9VAC25-800-15. Applicability of incorporated references based on the dates that they**
245 **became effective.**

246 Except as noted, when a regulation of the U.S. Environmental Protection Agency set forth in
247 Title 40 of the Code of Federal Regulations (CFR) is referenced and incorporated in this chapter,
248 that regulation shall be as it exists and has been published as of the July 1, ~~2018~~ 2022, CFR
249 update.

250 **9VAC25-800-20. Purpose; effective date of permit.**

251 A. This general permit regulation governs discharges resulting from the application of
252 pesticides to surface waters.

253 B. This VPDES general permit will become effective on March 1, ~~2019~~ 2024, and expire on
254 February ~~29, 2024~~ 28, 2029.

255 **9VAC25-800-30. Authorization to discharge.**

256 A. Any operator that meets the eligibility requirements in subsection B of this section is hereby
257 authorized for his discharges resulting from the application of pesticides to surface waters of the
258 Commonwealth of Virginia.

259 The definition of operator in 9VAC25-800-10 provides that more than one person may be
260 responsible for the same discharge resulting from pesticide application. Any operator authorized
261 to discharge under this general permit is responsible for compliance with the terms of this permit
262 for discharges resulting from the application of pesticides.

263 B. Eligibility. This permit is available to operators who discharge to surface waters from the
264 application of (i) biological pesticides, or (ii) chemical pesticides that leave a residue (pesticides),
265 when the pesticide application is for one of the following pesticide use patterns:

266 1. Mosquito and other flying insect pest control - to control public health, nuisance and
267 other flying insect pests that develop or are present during a portion of their life cycle in or
268 above standing or flowing water.

269 2. Weed and algae pest control - to control weeds, algae, and pathogens that are pests in
270 surface waters.

271 3. Animal pest control - to control animal pests in surface waters.

272 4. Forest canopy pest control - application of a pesticide to the forest canopy to control
273 the population of a pest species (e.g., insect or pathogen) where to target the pests

274 effectively, a portion of the pesticide unavoidably will be applied over and deposited to
275 surface water.

276 5. Intrusive vegetation pest control - to control vegetation along roads, ditches, canals,
277 waterways, and utility rights of way where to target the intrusive pests effectively, a portion
278 of the pesticide unavoidably will be applied over and deposited to surface water.

279 C. Operators applying pesticides are required to maintain a pesticide discharge management
280 plan (PDMP) if they exceed the annual calendar year treatment area thresholds in Table 1 of this
281 subsection:

Table 1. Annual Treatment Area Thresholds	
Pesticide Use	Annual Threshold
Mosquito and Other Flying Insect Pest Control	6400 acres of treatment area ¹
Weed and Algae Pest Control	80 acres of treatment area ¹ or 20 linear miles of treatment area ²
Animal Pest Control	80 acres of treatment area ¹ or 20 linear miles of treatment area ²
Forest Canopy Pest Control	6400 acres of treatment area ¹
Intrusive Vegetation Pest Control	6400 acres of treatment area ¹ or 20 linear miles of treatment area ²
¹ Calculations include the area of the applications made to: (i) surface waters and (ii) conveyances with a hydrologic surface connection to surface waters at the time of pesticide application. For calculating annual treatment area totals, count each pesticide application activity as a separate activity. For example, applying pesticides twice a year to a 10-acre site is counted as 20 acres of treatment area.	
² Calculations include the extent of the application made to linear features (e.g., roads, ditches, canals, waterways, and utility rights of way) or along the water's edge adjacent to: (i) surface waters and (ii) conveyances with a hydrologic surface connection to surface waters at the time of pesticide application. For calculating annual treatment totals, count each pesticide application activity or area as a separate activity. For example, applying pesticides twice a year to a one mile linear feature (e.g., ditch) equals two miles of treatment area regardless of whether one or both sides of the ditch are treated. Applying pesticides twice a year along one mile of lake shoreline equals two miles of treatment area.	

282 D. An operator's discharge resulting from the application of pesticides is not authorized under
283 this permit in the event of any of the following:

284 1. The operator is required to obtain an individual VPDES permit in accordance with
285 9VAC25-31-170 B 3 of the VPDES Permit Regulation.

286 2. The discharge would violate the antidegradation policy stated in 9VAC25-260-30 of the
287 Virginia Water Quality Standards. Discharges resulting from the application of pesticides
288 are temporary and allowable in exceptional waters (see 9VAC25-260-30 A 3 (b) (3)).

289 3. The operator is proposing a discharge from a pesticide application to surface waters
290 that have been identified as impaired by that pesticide or its degradates. Impaired waters
291 include both impaired waters with board-adopted, EPA-approved or EPA-imposed
292 TMDLs, and impaired waters for which a TMDL has not yet been approved, established,
293 or imposed.

294 If the proposed discharge would not be eligible for coverage under this permit because
295 the surface water is listed as impaired for that specific pesticide, but the applicant has
296 evidence that shows the water is no longer impaired, the applicant may submit this
297 information to the ~~board~~ department and request that coverage be allowed under this
298 permit.

299 E. Discharge authorization date. Operators are not required to submit a registration statement
300 and are authorized to discharge under this permit immediately upon the permit's effective date of
301 March 1, 2019.

302 F. Compliance with this general permit constitutes compliance, for purposes of enforcement,
303 with §§ 301, 302, 306, 307, 318, 403, and 405(a) through (b) of the federal Clean Water Act (33
304 USC § 1251 et seq.) and the State Water Control Law with the exceptions stated in 9VAC25-31-
305 60 of the VPDES Permit Regulation. Approval for coverage under this VPDES general permit
306 does not relieve any operator of the responsibility to comply with any other applicable federal,
307 state, or local statute, ordinance, or regulation. For example, this permit does not negate the
308 requirements under FIFRA and its implementing regulations to use registered pesticides
309 consistent with the product's labeling. It also does not negate the requirement to fully comply with
310 applicable state wetland program requirements administered by DEQ and the Virginia Marine
311 Resources Commission.

312 G. Continuation of permit coverage.

313 1. ~~This general permit~~ Permit coverage shall expire on February 29, 2024, at the end of
314 the applicable permit term, except that the conditions of the expired pesticides general
315 permit will continue in force for an operator until coverage is granted under a reissued
316 pesticides general permit if the board, through no fault of the operator, does not reissue a
317 pesticides general permit on or before the expiration date of the expiring general permit.

318 2. General permit coverages continued under this section remain fully effective and
319 enforceable.

320 3. When the operator that was covered under the expiring or expired pesticides general
321 permit is not in compliance with the conditions of that permit, the ~~board~~ department may
322 choose to do any or all of the following:

323 a. Initiate enforcement action based upon the pesticides general permit that has been
324 continued;

325 b. Issue a notice of intent to deny coverage under a reissued pesticides general permit.
326 If the general permit coverage is denied, the operator would then be required to cease
327 the activities authorized by the continued general permit or be subject to enforcement
328 action for operating without a permit;

329 c. Issue an individual permit with appropriate conditions; or

330 d. Take other actions authorized by the VPDES Permit Regulation (9VAC25-31).

331 **9VAC25-800-60. General permit.**

332 Any operator who is authorized to discharge shall comply with the requirements contained in
333 this general permit and be subject to all requirements of 9VAC25-31-170.

334 General Permit No.: VAG87
335 Effective Date: March 1, ~~2019~~ 2024
336 Expiration Date: February ~~29, 2024~~ 28, 2029

337 GENERAL PERMIT FOR DISCHARGES RESULTING FROM THE APPLICATION OF
338 PESTICIDES TO SURFACE WATERS OF VIRGINIA

339 AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE
340 ELIMINATION SYSTEM AND THE VIRGINIA STATE WATER CONTROL LAW

341 In compliance with the provisions of the Clean Water Act (33 USC § 1251 et seq.), as
342 amended, and pursuant to the State Water Control Law and regulations adopted pursuant thereto,
343 operators that apply pesticides that result in a discharge to surface waters are authorized to
344 discharge to surface waters within the boundaries of the Commonwealth of Virginia.

345 The authorized discharge shall be in accordance with this cover page, Part I-Effluent
346 Limitations, Monitoring Requirements, and Special Conditions, and Part II-Conditions Applicable
347 to All VPDES Permits, as set forth in this general permit. Coverage under this VPDES general
348 permit does not relieve any operator of the responsibility to comply with any other applicable
349 federal, state, or local statute, ordinance, or regulation, including the pesticide product label.

350 [Part I]

351 Effluent Limitations, Monitoring Requirements, and Special Conditions]

352 A. Effluent limitations.

353 1. Technology-based effluent limitations. To meet the effluent limitations in this permit, the
354 operator shall implement pest management measures that minimize discharges of
355 pesticides to surface waters.

356 a. Minimize pesticide discharges to surface waters from pesticide application. All
357 operators who perform the application of pesticides or who have day-to-day control of
358 applications shall minimize the discharge of pollutants resulting from the application of
359 pesticides, and:

360 (1) Use the lowest effective amount of pesticide product per application and optimum
361 frequency of pesticide applications necessary to control the target pest, consistent with
362 reducing the potential for development of pest resistance without exceeding the
363 maximum allowable rate of the product label;

364 (2) No person shall apply, dispense, or use any pesticide in or through any equipment
365 or application apparatus unless the equipment or apparatus is in sound mechanical
366 condition and capable of satisfactory operation. All pesticide application equipment
367 shall be properly equipped to dispense the proper amount of material. All pesticide
368 mixing, storage, or holding tanks, whether on application equipment or not, shall be
369 leak proof. All spray distribution systems shall be leak proof, and any pumps that these
370 systems may have shall be capable of operating at sufficient pressure to assure a
371 uniform and adequate rate of pesticide application;

372 (3) All pesticide application equipment shall be equipped with cut-off valves and
373 discharge orifices to enable the operator to pass over nontarget areas without
374 contaminating them. All hoses, pumps, or other equipment used to fill pesticide
375 handling, storage, or application equipment shall be fitted with an effective valve or
376 device to prevent backflow into water supply systems, streams, lakes, other sources
377 of water, or other materials. However, these backflow devices or valves are not
378 required for separate water storage tanks used to fill pesticide application equipment
379 by gravity systems when the fill spout, tube, or pipe is not allowed to contact or fall
380 below the water level of the application equipment being filled, and no other possible
381 means of establishing a back siphon or backflow exists; and

382 (4) Assess weather conditions (e.g., temperature, precipitation, and wind speed) in the
383 treatment area to ensure application is consistent with product label requirements.

384 b. Integrated pest management (IPM) practices. The operator with control over the
385 financing for or the decision to perform pesticide applications that result in discharges,
386 including the ability to modify those decisions, shall to the extent practicable consider
387 integrated pest management practices to ensure that discharges resulting from the
388 application of pesticides to surface waters are minimized. Operators that exceed the
389 annual treatment area thresholds established in 9VAC25-800-30 C are also required
390 to maintain a pesticide discharge management plan (PDMP) in accordance with Part
391 I C of this permit. The PDMP documents the operator's IPM practices.

392 The operator's IPM practices shall consider the following for each pesticide use
393 pattern:

394 (Note: If the operator's discharge of pollutants results from the application of a
395 pesticide that is being used solely for the purpose of "pesticide research and
396 development," as defined in 9VAC25-800-10, the operator is only required to fully
397 implement IPM practices to the extent that the requirements do not compromise the
398 research design.)

399 (1) Mosquito and other flying insect pest control. This subpart applies to discharges
400 resulting from the application of pesticides to control public health, nuisance and other
401 flying insect pests that develop or are present during a portion of their life cycle in or
402 above standing or flowing water.

403 (a) Identify the problem. Prior to the first pesticide application covered under this permit
404 that will result in a discharge to surface waters, and at least once each calendar year
405 thereafter prior to the first pesticide application for that calendar year, the operator
406 shall consider the following for each pest management area:

407 (i) Identify target pests;

408 (ii) Establish densities for pest populations or identify environmental conditions, either
409 current or based on historical data, to serve as action thresholds for implementing pest
410 management measures;

411 (iii) Identify known breeding sites for source reduction, larval control program, and
412 habitat management;

413 (iv) Analyze existing surveillance data to identify new or unidentified sources of pest
414 problems as well as sites that have recurring pest problems; and

415 (v) In the event there are no data for the pest management area in the past calendar
416 year, use other available data as appropriate to meet the conditions in Part I A 1 b (1)
417 (a).

418 (b) Pest management options. Prior to the first pesticide application covered under this
419 permit that will result in a discharge to surface waters, and at least once each calendar

420 year thereafter prior to the first pesticide application for that calendar year, the operator
421 shall select and implement for each pest management area efficient and effective pest
422 management measures that minimize discharges resulting from application of
423 pesticides to control mosquitoes or other flying insect pests. In developing these pest
424 management measures, the operator shall evaluate the following management
425 options, including a combination of these options, considering impact to water quality,
426 impact to nontarget organisms, pest resistance, feasibility, and cost effectiveness:

- 427 (i) No action;
- 428 (ii) Prevention;
- 429 (iii) Mechanical or physical methods;
- 430 (iv) Cultural methods;
- 431 (v) Biological control; and
- 432 (vi) Pesticides.

433 (c) Pesticide use. If a pesticide is selected to manage mosquitoes or flying insect pests
434 and application of the pesticide will result in a discharge to surface waters, the operator
435 shall:

- 436 (i) Conduct larval or adult surveillance in an area that is representative of the pest
437 problem or evaluate existing larval surveillance data, environmental conditions, or data
438 from adjacent areas prior to each pesticide application to assess the pest management
439 area and to determine when the action threshold is met;
- 440 (ii) Reduce the impact on the environment and on nontarget organisms by applying
441 the pesticide only when the action threshold has been met;
- 442 (iii) In situations or locations where practicable and feasible for efficacious control, use
443 larvicides as a preferred pesticide for mosquito or flying insect pest control when larval
444 action thresholds have been met; and
- 445 (iv) In situations or locations where larvicide use is not practicable or feasible for
446 efficacious control, use adulticides for mosquito or flying insect pest control when adult
447 action thresholds have been met.

448 (2) Weed and algae pest control. This subpart applies to discharges resulting from the
449 application of pesticides to control weeds, algae, and pathogens that are pests in
450 surface waters.

451 (a) Identify the problem. Prior to the first pesticide application covered under this permit
452 that will result in a discharge to surface waters, and at least once each calendar year
453 thereafter prior to the first pesticide application for that calendar year, the operator
454 shall consider the following for each pest management area:

- 455 (i) Identify target pests;
- 456 (ii) Identify areas with pest problems and characterize the extent of the problems,
457 including, for example, water use goals not attained (e.g., wildlife habitat, fisheries,
458 vegetation, and recreation);
- 459 (iii) Identify possible factors causing or contributing to the pest problem (e.g., nutrients,
460 invasive species, etc.);
- 461 (iv) Establish past or present pest densities to serve as action thresholds for
462 implementing pest management strategies; and
- 463 (v) In the event there are no data for the pest management area in the past calendar
464 year, use other available data as appropriate to meet the conditions in Part I A 1 b (2)
465 (a).

466 (b) Pest management options. Prior to the first pesticide application covered under this
467 permit that will result in a discharge to surface waters, and at least once each calendar
468 year thereafter prior to the first pesticide application for that calendar year, the operator
469 shall select and implement, for each pest management area, efficient and effective
470 pest management measures that minimize discharges resulting from application of
471 pesticides to control pests. In developing these pest management measures, the
472 operator shall evaluate the following management options, including a combination of
473 these options, considering impact to water quality, impact to nontarget organisms, pest
474 resistance, feasibility, and cost effectiveness:

- 475 (i) No action;
- 476 (ii) Prevention;
- 477 (iii) Mechanical or physical methods;
- 478 (iv) Cultural methods;
- 479 (v) Biological control; and
- 480 (vi) Pesticides.

481 (c) Pesticide use. If a pesticide is selected to manage pests and application of the
482 pesticide will result in a discharge to surface waters, the operator shall:

- 483 (i) Conduct surveillance in an area that is representative of the pest problem prior to
484 each pesticide application to assess the pest management area and to determine
485 when the action threshold is met that necessitates the need for pest management; and
- 486 (ii) Reduce the impact on the environment and nontarget organisms by applying the
487 pesticide only when the action threshold has been met.

488 (3) Animal pest control. This subpart applies to discharges resulting from the
489 application of pesticides to control animal pests in surface waters.

490 (a) Identify the problem. Prior to the first pesticide application covered under this permit
491 that will result in a discharge to surface waters, and at least once each calendar year
492 thereafter prior to the first pesticide application for that calendar year, the operator
493 shall consider the following for each pest management area:

- 494 (i) Identify target pests;
- 495 (ii) Identify areas with pest problems and characterize the extent of the problems,
496 including, for example, water use goals not attained (e.g., wildlife habitat, fisheries,
497 vegetation, and recreation);
- 498 (iii) Identify possible factors causing or contributing to the problem (e.g., nutrients and
499 invasive species);
- 500 (iv) Establish past or present pest densities to serve as action thresholds for
501 implementing pest management strategies; and
- 502 (v) In the event there are no data for the pest management area in the past calendar
503 year, use other available data as appropriate to meet the conditions in Part I A 1 b (3)
504 (a).

505 (b) Pest management options. Prior to the first pesticide application covered under this
506 permit that will result in a discharge to surface waters, and at least once each year
507 thereafter prior to the first pesticide application during that calendar year, the operator
508 shall select and implement, for each pest management area, efficient and effective
509 pest management measures that minimize discharges resulting from application of
510 pesticides to control animal pests. In developing these pest management measures,
511 the operator shall evaluate the following management options, including a combination

512 of these options, considering impact to water quality, impact to nontarget organisms,
513 pest resistance, feasibility, and cost effectiveness:

514 (i) No action;

515 (ii) Prevention;

516 (iii) Mechanical or physical methods;

517 (iv) Cultural methods;

518 (v) Biological control; and

519 ~~(v)~~ (vi) Pesticides.

520 (c) Pesticide use. If a pesticide is selected to manage animal pests and application of
521 the pesticide will result in a discharge to surface waters, the operator shall:

522 (i) Conduct surveillance prior to each application to assess the pest management area
523 and to determine when the action threshold is met that necessitates the need for pest
524 management; and

525 (ii) Reduce the impact on the environment and nontarget organisms by evaluating site
526 restrictions, application timing, and application method in addition to applying the
527 pesticide only when the action threshold has been met.

528 (4) Forest canopy pest control. This subpart applies to discharges resulting from the
529 application of pesticides to the forest canopy to control the population of a pest species
530 where, to target the pests effectively, a portion of the pesticide unavoidably will be
531 applied over and deposited to surface waters.

532 (a) Identify the problem. Prior to the first pesticide application covered under this permit
533 that will result in a discharge to surface waters, and at least once each calendar year
534 thereafter prior to the first pesticide application in that calendar year, the operator shall
535 consider the following for each pest management area:

536 (i) Identify target pests;

537 (ii) Establish target pest densities to serve as action thresholds for implementing pest
538 management measures;

539 (iii) Identify current distribution of the target pest and assess potential distribution in
540 the absence of pest management measures; and

541 (iv) In the event there are no data for the pest management area in the past calendar
542 year, use other available data as appropriate to meet the conditions in Part I A 1 (b)
543 (4) (a).

544 (b) Pest management options. Prior to the first pesticide application covered under this
545 permit that will result in a discharge to surface waters, and at least once each calendar
546 year thereafter prior to the first pesticide application for that calendar year, the operator
547 shall select and implement for each pest management area efficient and effective pest
548 management measures that minimize discharges resulting from application of
549 pesticides to control forestry pests. In developing these pest management measures,
550 the operator shall evaluate the following management options, including a combination
551 of these options, considering impact to water quality, impact to nontarget organisms,
552 pest resistance, feasibility, and cost effectiveness:

553 (i) No action;

554 (ii) Prevention;

555 (iii) Mechanical or physical methods;

556 (iv) Cultural methods;

557 (v) Biological control; and

558 (vi) Pesticides.

559 (c) Pesticide use. If a pesticide is selected to manage forestry pests and application of

560 the pesticide will result in a discharge to surface waters, the operator shall:

561 (i) Conduct surveillance prior to each application to assess the pest management area

562 and to determine when the pest action threshold is met that necessitates the need for

563 pest management;

564 (ii) Assess environmental conditions (e.g., temperature, precipitation, and wind speed)

565 in the treatment area to identify conditions that support target pest development and

566 are conducive for treatment activities;

567 (iii) Reduce the impact on the environment and nontarget organisms by evaluating the

568 restrictions, application timing, and application methods in addition to applying the

569 pesticide only when the action thresholds have been met; and

570 (iv) Evaluate using pesticides against the most susceptible developmental stage.

571 (5) Intrusive vegetation pest control. This subpart applies to discharges resulting from

572 the application of pesticides along roads, ditches, canals, waterways, and utility rights

573 of way where, to target the intrusive pests effectively, a portion of the pesticide will

574 unavoidably be applied over and deposited to surface waters.

575 (a) Identify the problem. Prior to the first pesticide application covered under this permit

576 that will result in a discharge to surface waters, and at least once each calendar year

577 thereafter prior to the first pesticide application in that calendar year, the operator shall

578 consider the following for each pest management area:

579 (i) Identify target pests;

580 (ii) Establish target pest densities to serve as action thresholds for implementing pest

581 management measures;

582 (iii) Identify current distribution of the target pest and assess potential distribution in

583 the absence of pest management measures; and

584 (iv) In the event there are no data for the pest management area in the past calendar

585 year, use other available data as appropriate to meet the conditions in Part I A 1 (b)

586 (5) (a).

587 (b) Pest management options. Prior to the first pesticide application covered under this

588 permit that will result in a discharge to surface waters, and at least once each calendar

589 year thereafter prior to the first pesticide application for that calendar year, the operator

590 shall select and implement for each pest management area efficient and effective pest

591 management measures that minimize discharges resulting from application of

592 pesticides to intrusive vegetation pests. In developing these pest management

593 measures, the operator shall evaluate the following management options, including a

594 combination of these options, considering impact to water quality, impact to nontarget

595 organisms, pest resistance, feasibility, and cost effectiveness:

596 (i) No action;

597 (ii) Prevention;

598 (iii) Mechanical or physical methods;

599 (iv) Cultural methods;

600 (v) Biological control; and

601 (vi) Pesticides.

602 (c) Pesticide use. If a pesticide is selected to manage intrusive vegetation pests and
603 application of the pesticide will result in a discharge to surface waters, the operator
604 shall:

605 (i) Conduct surveillance prior to each application to assess the pest management area
606 and to determine when the pest action threshold is met that necessitates the need for
607 pest management;

608 (ii) Assess environmental conditions (e.g., temperature, precipitation, and wind speed)
609 in the treatment area to identify conditions that support target pest development and
610 are conducive for treatment activities;

611 (iii) Reduce the impact on the environment and nontarget organisms by evaluating the
612 restrictions, application timing, and application methods in addition to applying the
613 pesticide only when the action thresholds have been met; and

614 (iv) Evaluate using pesticides against the most susceptible developmental stage.

615 2. Water quality-based effluent limitations. The operator's discharge of pollutants must be
616 controlled as necessary to meet applicable numeric and narrative water quality standards
617 for any discharges authorized under this permit, with compliance required upon beginning
618 such discharge.

619 If at any time the operator become aware, or the ~~board~~ department determines, that the
620 operator's discharge of pollutants causes or contributes to an excursion of applicable
621 water quality standards, corrective action must be taken as required in Part I D 1 of this
622 permit.

623 B. Monitoring requirements.

624 All operators covered under this permit must conduct a visual monitoring assessment (i.e.,
625 spot checks in the area to and around where pesticides are applied) for possible and
626 observable adverse incidents caused by application of pesticides, including the
627 unanticipated death or distress of nontarget organisms and disruption of wildlife habitat,
628 recreational, or municipal water use.

629 A visual monitoring assessment is only required during the pesticide application when
630 feasibility and safety allow. For example, visual monitoring assessment is not required
631 during the course of treatment when that treatment is performed in darkness as it would
632 be infeasible to note adverse effects under these circumstances. Visual monitoring
633 assessments of the application site must be performed:

634 1. During any post-application surveillance or efficacy check that the operator
635 conducts, if surveillance or an efficacy check is conducted.

636 2. During any pesticide application, when considerations for safety and feasibility
637 allow.

638 C. Pesticide discharge management plan (PDMP). Any operator applying pesticides and
639 exceeding the annual application thresholds established in 9VAC25-800-30 C must prepare a
640 PDMP for the pest management area. The plan must be kept up-to-date thereafter for the duration
641 of coverage under this general permit, even if discharges subsequently fall below the annual
642 application threshold levels. The operator applying pesticides shall develop a PDMP consistent
643 with the deadline outlined in Table I-1 below.

Table I-1. Pesticide Discharge Management Plan Deadline	
Category	PDMP Deadline

Operators who know prior to commencement of discharge that they will exceed an annual treatment area threshold identified in 9VAC25-800-30 C for that year.	Prior to first pesticide application covered under this permit.
Operators who do not know until after commencement of discharge that they will exceed an annual treatment area threshold identified in 9VAC25-800-30 C for that year.	Prior to exceeding an annual treatment area threshold.
Operators commencing discharge in response to a declared pest emergency situation as defined in 9VAC25-800-10 that will cause the operator to exceed an annual treatment area threshold.	No later than 90 days after responding to declared pest emergency situation.

644 The PDMP does not contain effluent limitations; the limitations are contained in Parts I A 1
645 and I A 2 of the permit. The PDMP documents how the operator will implement the effluent
646 limitations in Parts I A 1 and I A 2 of the permit, including the evaluation and selection of pest
647 management measures to meet those effluent limitations and minimize discharges. In the PDMP,
648 the operator may incorporate by reference any procedures or plans in other documents that meet
649 the requirements of this permit. If other documents are being relied upon by the operator to
650 describe how compliance with the effluent limitations in this permit will be achieved, such as a
651 pre-existing integrated pest management (IPM) plan, a copy of the portions of any documents
652 that are being used to document the implementation of the effluent limitations shall be attached
653 to the PDMP. The pest management measures implemented must be documented and the
654 documentation must be kept up to date.

- 655 1. Contents of the pesticide discharge management plan. The PDMP must include the
656 following elements:
- 657 a. Pesticide discharge management team;
 - 658 b. Problem identification;
 - 659 c. Pest management options evaluation;
 - 660 d. Response procedures:
 - 661 (1) Spill response procedures;
 - 662 (2) Adverse incident response procedures; and
 - 663 e. Signature requirements.
- 664 2. PDMP team. The operator shall identify all the persons (by name and contact
665 information) who compose the team as well as each person's individual responsibilities,
666 including:
- 667 a. Persons responsible for managing pests in relation to the pest management area;
 - 668 b. Persons responsible for developing and revising the PDMP; and
 - 669 c. Persons responsible for developing, revising, and implementing corrective actions
670 and other effluent limitation requirements.
- 671 3. Problem identification. The operator shall document the following:

672 a. Pest problem description. Describe the pest problem at the pest management area,
673 including identification of the target pests, sources of the pest problem, and sources
674 of data used to identify the problem in Part I A 1 b (1) through b (5).

675 b. Action thresholds. Describe the action thresholds for the pest management area,
676 including how they were determined.

677 c. General location map. Include a general location map that identifies the geographic
678 boundaries of the area to which the plan applies and location of major surface waters.

679 4. Integrated pest management options evaluation. Operators shall document the
680 evaluation of the pest management options, including a combination of the pest
681 management options, to control the target pests. Pest management options include the
682 following: no action, prevention, mechanical or physical methods, cultural methods,
683 biological control agents, and pesticides. In the evaluation, decision makers shall consider
684 the impact to water quality, impact to nontarget organisms, feasibility, cost effectiveness,
685 and any relevant previous pest management measures.

686 5. Response procedures. Document the following procedures in the PDMP:

687 a. Spill response procedures. At a minimum the PDMP must have:

688 (1) Procedures for expeditiously stopping, containing, and cleaning up leaks, spills,
689 and other releases to surface waters. Employees who may cause, detect, or respond
690 to a spill or leak must be trained in these procedures and have necessary spill
691 response equipment available. If possible, one of these individuals should be a
692 member of the PDMP team.

693 (2) Procedures for notification of appropriate facility personnel, emergency response
694 agencies, and regulatory agencies.

695 b. Adverse incident response procedures. At a minimum the PDMP must have:

696 (1) Procedures for responding to any incident resulting from pesticide applications;
697 and

698 (2) Procedures for notification of the incident, both internal to the operator's agency or
699 organization and external. Contact information for DEQ, nearest emergency medical
700 facility, and nearest hazardous chemical responder must be in locations that are
701 readily accessible and available.

702 6. PDMP signature requirements.

703 a. The PDMP, including changes to the PDMP to document any corrective actions
704 taken as required by Part I D 1, and all reports submitted to the department must be
705 signed by a person described in Part II G 1 or by a duly authorized representative of
706 that person described in Part II G 2.

707 b. All other changes to the PDMP, and other compliance documentation required
708 under this permit, must be signed and dated by the person preparing the change or
709 documentation.

710 c. Any person signing documents in accordance with Part I C 6 a must include the
711 certification from Part II G 4.

712 7. PDMP modifications and availability.

713 a. PDMP modifications. The operator shall modify the PDMP whenever necessary to
714 address any of the triggering conditions for corrective action in Part I D 1 a, or when a
715 change in pest control activities significantly changes the type or quantity of pollutants
716 discharged. Changes to the PDMP must be made before the next pesticide application
717 that results in a discharge, if practicable, or if not, as soon as possible thereafter. The
718 revised PDMP must be signed and dated in accordance with Part II G.

719 The operator shall review the PDMP at a minimum once per calendar year and
720 whenever necessary to update the pest problem identified and pest management
721 strategies evaluated for the pest management area.

722 b. PDMP availability. The operator shall retain a copy of the current PDMP, along with
723 all supporting maps and documents. The operator shall make the PDMP and
724 supporting information available to the department upon request. The PDMP is subject
725 to the provisions and exclusions of the Virginia Freedom of Information Act (§ 2.2-3700
726 et seq. of the Code of Virginia).

727 D. Special conditions.

728 1. Corrective action.

729 a. Situations requiring revision of pest management measures. If any of the following
730 situations occur, the operator shall review and, as necessary, revise the evaluation
731 and selection of pest management measures to ensure that the situation is eliminated
732 and will not be repeated in the future:

733 (1) An unauthorized release or discharge associated with the application of pesticides
734 occurs (e.g., spill, leak, or discharge not authorized by this or another VPDES permit);

735 (2) The operator becomes aware, or the ~~board~~ department concludes, that the pest
736 management measures are not adequate or sufficient for the discharge of pollutants
737 to meet applicable water quality standards;

738 (3) Any monitoring activities indicate that the operator failed to meet the technology-
739 based effluent limitations in Part I A 1 a of this permit;

740 (4) An inspection or evaluation of the operator's activities by DEQ, VDACS, EPA, or a
741 locality reveals that modifications to the pest management measures are necessary to
742 meet the non-numeric effluent limits in this permit; or

743 (5) The operator observes (e.g., during visual monitoring that is required in Part I B) or
744 is otherwise made aware of an adverse incident.

745 b. Corrective action deadlines. If the operator determines that changes to the pest
746 management measures are necessary to eliminate any situation identified in Part I D
747 1 a, such changes must be made before the next pesticide application that results in
748 a discharge if practicable, or if not, as soon as possible thereafter.

749 2. Adverse incident documentation and reporting.

750 a. Twenty-four-hour adverse incident notification. If the operator observes or is
751 otherwise made aware of an adverse incident that may have resulted from a discharge
752 from the operator's pesticide application, the operator shall immediately notify the
753 department (see Part I D 5). This notification must be made within 24 hours of when
754 the operator becomes aware of the adverse incident and must include at least the
755 following information:

756 (1) The caller's name and telephone number;

757 (2) Operator's name and mailing address;

758 (3) The name and telephone number of a contact person if different than the person
759 providing the 24-hour notice;

760 (4) How and when the operator became aware of the adverse incident;

761 (5) Description of the location of the adverse incident;

762 (6) Description of the adverse incident identified and the EPA pesticide registration
763 number for each product that was applied in the area of the adverse incident; and

764 (7) Description of any steps the operator has taken or will take to correct, repair,
765 remedy, cleanup, or otherwise address any adverse effects.

766 If the operator is unable to notify the department within 24 hours, notification shall be
767 made as soon as possible and the rationale for why the notification was not possible
768 within 24 hours shall be provided.

769 The adverse incident notification and reporting requirements are in addition to what
770 the registrant is required to submit under FIFRA § 6(a)(2) and its implementing
771 regulations at 40 CFR Part 159.

772 b. Reporting of adverse incidents is not required under this permit in the following
773 situations:

774 (1) The operator is aware of facts that clearly establish that the adverse incident was
775 not related to toxic effects or exposure from the pesticide application.

776 (2) The operator has been notified in writing by the ~~board~~ department that the reporting
777 requirement has been waived for this incident or category of incidents.

778 (3) The operator receives notification of a potential adverse incident but that
779 notification and supporting information are clearly erroneous.

780 (4) An adverse incident occurs to pests that are similar in kind to pests identified as
781 potential targets.

782 c. Five-day adverse incident written report. Within five days of a reportable adverse
783 incident pursuant to Part I D 2 a, the operator shall provide a written report of the
784 adverse incident to the appropriate DEQ regional office at the address listed in Part I
785 D 5. The adverse incident report must include at least the following information:

786 (1) Information required to be provided in Part I D 2 a;

787 (2) Date and time the operator contacted DEQ notifying the department of the adverse
788 incident, and with whom the operator spoke at DEQ, and any instructions the operator
789 received from DEQ;

790 (3) Location of incident, including the names of any waters affected and appearance
791 of those waters (sheen, color, clarity, etc.);

792 (4) A description of the circumstances of the adverse incident including species
793 affected, estimated number of individuals, and approximate size of dead or distressed
794 organisms;

795 (5) Magnitude and scope of the affected area (e.g., aquatic square area or total stream
796 distance affected);

797 (6) Pesticide application rate, intended use site, method of application, and name of
798 pesticide product, description of pesticide ingredients, and EPA registration number;

799 (7) Description of the habitat and the circumstances under which the adverse incident
800 occurred (including any available ambient water data for pesticides applied);

801 (8) If laboratory tests were performed, indicate what tests were performed, and when,
802 and provide a summary of the test results within five days after they become available;

803 (9) If applicable, explain why it is believed the adverse incident could not have been
804 caused by exposure to the pesticide;

805 (10) Actions to be taken to prevent recurrence of adverse incidents; and

806 (11) Signed and dated in accordance with Part II G.

807 The operator shall report adverse incidents even for those instances when the
808 pesticide labeling states that adverse effects may occur.

809 d. Adverse incident to threatened or endangered species or critical habitat.

810 (1) Notwithstanding any of the other adverse incident notification requirements of this
811 section, if the operator becomes aware of an adverse incident to threatened or
812 endangered species or critical habitat that may have resulted from a discharge from
813 the operator's pesticide application, the operator shall immediately notify the:
814 (a) National Marine Fisheries Service (NMFS) and the Virginia Department of Game
815 and Inland Fisheries (DGIF) in the case of an anadromous or marine species;
816 (b) U.S. Fish and Wildlife Service (FWS) and the DGIF in the case of an animal or
817 invertebrate species; or
818 (c) FWS and the Virginia Department of Agriculture and Consumer Services in the
819 case of plants or insects.
820 (2) Threatened or endangered species or critical habitats include the following:
821 (a) Federally listed threatened or endangered species;
822 (b) Federally designated critical habitat;
823 (c) State-listed threatened or endangered species; and
824 (d) Tier I (critical conservation need) or Tier II (very high conservation need) species
825 of greatest conservation need (SGCN) as defined in Virginia's Wildlife Action Plan
826 (~~www.bewildvirginia.org~~) (<http://bewildvirginia.org/wildlife-action-plan/>).
827 (3) This notification must be made by telephone immediately upon the operator
828 becoming aware of the adverse incident and must include at least the following
829 information:
830 (a) The caller's name and telephone number;
831 (b) Operator's name and mailing address;
832 (c) The name of the affected species, size of area impacted, and if applicable, the
833 approximate number of animals affected;
834 (d) How and when the operator became aware of the adverse incident;
835 (e) Description of the location of the adverse incident;
836 (f) Description of the adverse incident, including the EPA pesticide registration number
837 for each product the operator applied in the area of the adverse incident;
838 (g) Description of any steps the operator has taken or will take to alleviate the adverse
839 impact to the species; and
840 (h) Date and time of application. Additional information on federally listed threatened
841 or endangered species and federally designated critical habitat is available from NMFS
842 (~~www.nmfs.noaa.gov~~) ([https://www.fisheries.noaa.gov/species-directory/threatened-](https://www.fisheries.noaa.gov/species-directory/threatened-endangered)
843 [endangered](https://www.fisheries.noaa.gov/species-directory/threatened-endangered)) for anadromous or marine species or FWS (~~www.fws.gov~~)
844 (<https://www.fws.gov/species/search>) for terrestrial or freshwater species. Additional
845 information on state-listed threatened or endangered wildlife species is available
846 through the Virginia Fish and Wildlife Information Service (~~www.dgif.virginia.gov~~)
847 (<https://dwr.virginia.gov/wildlife/wildlife-information/>). Listing of state threatened or
848 endangered plants and insects can be found in §§ 3.2-1000 through 3.2-1011 of the
849 Code of Virginia and 2VAC5-320-10 of the Virginia Administrative Code (both the Code
850 of Virginia and the Virginia Administrative Code must be referenced in order to obtain
851 the complete plant and insect list). (Contact information for these agencies can be
852 found on the contact information form or through the DEQ website.)
853 3. Reportable spills and leaks.
854 a. Spill, leak, or other unauthorized discharge notification. Where a leak, spill, or other
855 release containing a hazardous substance or oil in an amount equal to or in excess of

856 a reportable quantity established under either 40 CFR Part 110, 117, or 302 occurs in
857 any 24-hour period, the operator shall notify the department (see Part I D 2) as soon
858 as the operator has knowledge of the release. Department contact information must
859 be kept in locations that are readily accessible and available in the area where a spill,
860 leak, or other unpermitted discharge may occur.

861 b. Five-day spill, leak, or other unauthorized discharge report. Within five days of the
862 operator becoming aware of a spill, leak, or other unauthorized discharge triggering
863 the notification in subdivision 3 of this subsection, the operator shall submit a written
864 report to the appropriate DEQ regional office at the address listed in Part I D 5. The
865 report shall contain the following information:

- 866 (1) A description of the nature and location of the spill, leak, or discharge;
- 867 (2) The cause of the spill, leak, or discharge;
- 868 (3) The date on which the spill, leak, or discharge occurred;
- 869 (4) The length of time that the spill, leak, or discharge continued;
- 870 (5) The volume of the spill, leak, or discharge;
- 871 (6) If the discharge is continuing, how long it is expected to continue and what the
872 expected total volume of the discharge will be;
- 873 (7) A summary of corrective action taken or to be taken including date initiated and
874 date completed or expected to be completed; and
- 875 (8) Any steps planned or taken to prevent recurrence of such a spill, leak, or other
876 discharge, including notice of whether PDMP modifications are required as a result of
877 the spill or leak.

878 Discharges reportable to the department under the immediate reporting requirements
879 of other regulations are exempted from this requirement.

880 The ~~board~~ department may waive the written report on a case-by-case basis for
881 reports of noncompliance if the oral report has been received within 24 hours and no
882 adverse impact on state waters has been reported.

883 4. Recordkeeping and annual reporting. The operator shall keep records as required in
884 this permit. These records must be accurate, complete, and sufficient to demonstrate
885 compliance with the conditions of this permit. The operator can rely on records and
886 documents developed for other obligations, such as requirements under FIFRA and state
887 or local pesticide programs, provided all requirements of this permit are satisfied. The
888 ~~board~~ department recommends that all operators covered under this permit keep records
889 of acres or linear miles treated for all applicable use patterns covered under this general
890 permit.

891 a. All operators must keep the following records:

- 892 (1) A copy of any adverse incident reports (see Part I D 2 c).
- 893 (2) The operator's rationale for any determination that reporting of an identified
894 adverse incident is not required consistent with allowances identified in Part I D 2 b.

895 b. Any operator performing the application of a pesticide or who has day-to-day control
896 of the application and exceeding the annual application thresholds established in
897 9VAC25-800-30 C must also maintain a record of each pesticide applied. This shall
898 apply to both general use and restricted use pesticides. Each record shall contain the:

- 899 (1) Name, address, and telephone number of customer and address or location, if
900 different, of site of application;

901 (2) Name and VDACS certification number of the person making the application or
902 certification number of the supervising certified applicator;

903 (3) Day, month, and year of application;

904 (4) Type of plants, crop, animals, or sites treated and principal pests to be controlled;

905 (5) Acreage, area, or number of plants or animals treated;

906 (6) Brand name or common product name;

907 (7) EPA registration number;

908 (8) Amount of pesticide concentrate and amount of diluting used, by weight or volume,
909 in mixture applied; and

910 (9) Type of application equipment used.

911 c. All required records must be assembled as soon as possible but no later than 30
912 days following completion of such activity. The operator shall retain any records
913 required under this permit for at least three years from the date of the pesticide
914 application. The operator shall make available to the ~~board~~ department, including an
915 authorized representative of the ~~board~~ department, all records kept under this permit
916 upon request and provide copies of such records, upon request.

917 d. Annual reporting.

918 (1) Any operator applying pesticides that reports an adverse incident as described in
919 Part I D 2 must submit an annual report to the department no later than February 10
920 of the following year (and retain a copy for the operator's records).

921 (2) The annual report must contain the following information:

922 (a) Operator's name;

923 (b) Contact person's name, title, email address (where available), and phone number;

924 (c) A summary report of all adverse incidents that occurred during the previous
925 calendar year; and

926 (d) A summary of any corrective actions, including spill responses, in response to
927 adverse incidents, and the rationale for such actions.

928 5. DEQ contact information and mailing addresses.

929 a. All incident reports under Part I D 2 must be sent to the appropriate DEQ regional
930 office within five days of the operator becoming aware of the adverse incident.

931 b. All other written correspondence concerning discharges must be sent to the address
932 of the appropriate DEQ regional office listed in Part I D 5 e d.

933 ~~NOTE: c.~~ The immediate (within 24 hours) reports required in Part I D 2 ~~may~~ shall be
934 made to the department's regional office. Reports may be made by telephone, fax, or
935 online
936 (~~[http://www.deq.virginia.gov/Programs/PollutionResponsePreparedness/MakingaRep](http://www.deq.virginia.gov/Programs/PollutionResponsePreparedness/MakingaReport.aspx)~~
937 ~~[ort.aspx](http://www.deq.virginia.gov/Programs/PollutionResponsePreparedness/MakingaReport.aspx)~~) (<https://www.deq.virginia.gov/get-involved/pollution-response>) (online
938 reporting preferred).

939 For reports outside normal working hours, ~~leave a message, and this shall fulfill the~~
940 ~~immediate reporting requirement~~ the online portal shall be used. For emergencies, call
941 the Virginia Department of Emergency Management ~~maintains a 24-hour telephone~~
942 service at Emergency Operations Center (24-hours) 1-800-468-8892.

943 c. DEQ regional office addresses.

944 (1) Blue Ridge Regional Office (BRRO)

945 ~~3019 Peters Creek Road~~ 901 Russell Drive

946 ~~Roanoke~~ Salem, VA 24019 24153
947 (540) 562-6700
948 (fax - for all regional offices) (804) 698-4178
949 (2) Northern Virginia Regional Office (NVRO)
950 13901 Crown Court
951 Woodbridge, VA 22193
952 (703) 583-3800
953 (3) Piedmont Regional Office (PRO)
954 4949-A Cox Road
955 Glen Allen, VA 23060
956 (804) 527-5020
957 (4) Southwest Regional Office (SWRO)
958 355 Deadmore St.
959 P.O. Box 1688
960 Abingdon, VA 24212
961 (276) 676-4800
962 (5) Tidewater Regional Office (TRO)
963 5636 Southern Blvd.
964 Virginia Beach, VA 23462
965 (757) 518-2000
966 (6) Valley Regional Office (VRO)
967 4411 Early Road
968 Mailing address: P.O. Box 3000
969 Harrisonburg, VA 22801
970 (540) 574-7800

Part II

Conditions Applicable to all VPDES Permits

A. Monitoring.

- 974 1. Samples and measurements taken as required by this permit shall be representative of
975 the monitored activity.
- 976 2. Monitoring shall be conducted according to procedures approved under 40 CFR Part
977 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless
978 other procedures have been specified in this permit.
- 979 3. The operator shall periodically calibrate and perform maintenance procedures on all
980 monitoring and analytical instrumentation at intervals that will ensure accuracy of
981 measurements.

B. Records.

- 983 1. Records of monitoring information shall include:
 - 984 a. The date, exact place, and time of sampling or measurements;
 - 985 b. The individuals who performed the sampling or measurements;
 - 986 c. The dates and times analyses were performed;
 - 987 d. The individuals who performed the analyses;

- 988 e. The analytical techniques or methods used; and
989 f. The results of such analyses.

990 2. The operator shall retain records of all monitoring information, including all calibration
991 and maintenance records and copies of all reports required by this permit for a period of
992 at least three years from the date that coverage under this permit expires. This period of
993 retention shall be extended automatically during the course of any unresolved litigation
994 regarding the regulated activity or regarding control standards applicable to the operator,
995 or as requested by the ~~board~~ department.

996 C. Reporting monitoring results. Monitoring results under this permit are not required to be
997 submitted to the department. However, should the department request that the operator submit
998 monitoring results, the following subdivisions would apply.

999 1. The operator shall submit the results of the monitoring required by this permit not later
1000 than the 10th day of the month after monitoring takes place, unless another reporting
1001 schedule is specified elsewhere in this permit. Monitoring results shall be submitted to the
1002 department's regional office.

1003 2. Monitoring results shall be reported on a discharge monitoring report (DMR) or on forms
1004 provided, approved, or specified by the department.

1005 3. If the operator monitors any pollutant specifically addressed by this permit more
1006 frequently than required by this permit using test procedures approved under 40 CFR Part
1007 136 or using other test procedures approved by the U.S. Environmental Protection Agency
1008 or using procedures specified in this permit, the results of this monitoring shall be included
1009 in the calculation and reporting of the data submitted on the DMR or reporting form
1010 specified by the department.

1011 4. Calculations for all limitations that require averaging of measurements shall utilize an
1012 arithmetic mean unless otherwise specified in this permit.

1013 D. Duty to provide information. The operator shall furnish to the department, within a
1014 reasonable time, any information that the ~~board~~ department may request to determine whether
1015 cause exists for terminating coverage under this permit or to determine compliance with this
1016 permit. The ~~board~~ department may require the operator to furnish, upon request, such plans,
1017 specifications, and other pertinent information as may be necessary to determine the effect of the
1018 wastes from the permittee's discharge on the quality of state waters, or such other information as
1019 may be necessary to accomplish the purposes of the State Water Control Law. The operator shall
1020 also furnish to the department, upon request, copies of records required to be kept by this permit.

1021 E. Compliance schedule reports. Reports of compliance or noncompliance with, or any
1022 progress reports on, interim and final requirements contained in any compliance schedule of this
1023 permit shall be submitted no later than 14 days following each schedule date.

1024 F. Unauthorized discharges. Except in compliance with this permit, or another permit issued
1025 by the department or general permit regulation adopted by the board, it shall be unlawful for any
1026 person to:

1027 1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or
1028 deleterious substances; or

1029 2. Otherwise alter the physical, chemical, or biological properties of such state waters and
1030 make them detrimental to the public health, to animal or aquatic life, or to the use of such
1031 waters for domestic or industrial consumption, recreation, or other uses.

1032 G. Signature requirements.

1033 1. The PDMP, including changes to the PDMP to document any corrective actions taken
1034 as required by Part I D 1, and all reports submitted to the department must be signed by

1035 a person described in this subsection or by a duly authorized representative of that person
1036 described in subdivision 2 of this subsection.

1037 a. For a corporation: by a responsible corporate officer. For the purpose of this
1038 subsection, a responsible corporate officer means: (i) a president, secretary, treasurer,
1039 or vice-president of the corporation in charge of a principal business function, or any
1040 other person who performs similar policy-making or decision-making functions for the
1041 corporation, or (ii) the manager of one or more manufacturing, production, or operating
1042 facilities, provided the manager is authorized to make management decisions that
1043 govern the operation of the regulated activity including having the explicit or implicit
1044 duty of making major capital investment recommendations and initiating and directing
1045 other comprehensive measures to assure long-term environmental compliance with
1046 environmental laws and regulations; the manager can ensure that the necessary
1047 systems are established or actions taken to gather complete and accurate information
1048 for permit application requirements; and authority to sign documents has been
1049 assigned or delegated to the manager in accordance with corporate procedures;

1050 b. For a partnership or sole proprietorship: by a general partner or the proprietor,
1051 respectively; or

1052 c. For a municipality, state, federal, or other public agency: by either a principal
1053 executive officer or ranking elected official. For purposes of this subsection, a principal
1054 executive officer of a federal agency includes (i) the chief executive officer of the
1055 agency or (ii) a senior executive officer having responsibility for the overall operations
1056 of a principal geographic unit or the agency.

1057 2. A person is a duly authorized representative only if:

1058 a. The authorization is made in writing by a person described in subdivision 1 of this
1059 subsection;

1060 b. The authorization specifies either an individual or a position having responsibility for
1061 the overall operation of the regulated activity such as the position of superintendent,
1062 position of equivalent responsibility, or an individual or position having overall
1063 responsibility for environmental matters for the company. A duly authorized
1064 representative may thus be either a named individual or any individual occupying a
1065 named position; and

1066 c. The signed and dated written authorization is included in the PDMP. A copy of this
1067 authorization must be submitted to the department if requested.

1068 3. All other changes to the PDMP, and other compliance documentation required under
1069 this permit, must be signed and dated by the person preparing the change or
1070 documentation.

1071 4. Any person signing documents in accordance with subdivision 1 or 2 of this subsection
1072 must include the following certification:

1073 "I certify under penalty of law that this document and all attachments were prepared under
1074 my direction or supervision in accordance with a system designed to assure that qualified
1075 personnel properly gathered and evaluated the information contained therein. Based on
1076 my inquiry of the person or persons who manage the system or those persons directly
1077 responsible for gathering the information, the information contained is, to the best of my
1078 knowledge and belief, true, accurate, and complete. I am aware that there are significant
1079 penalties for submitting false information, including the possibility of fine and imprisonment
1080 for knowing violations."

1081 H. Duty to comply. The operator shall comply with all conditions of this permit. Any permit
1082 noncompliance constitutes a violation of the State Water Control Law and the federal Clean Water

1083 Act, except that noncompliance with certain provisions of this permit may constitute a violation of
1084 the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for
1085 enforcement action, for permit coverage termination, or denial of permit coverage renewal.

1086 The operator shall comply with effluent standards or prohibitions established under § 307(a)
1087 of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish
1088 these standards or prohibitions, even if this permit has not yet been modified to incorporate the
1089 requirement.

1090 I. Duty to reapply. If the operator wishes to continue an activity regulated by this permit after
1091 the expiration date of this permit, the operator must have coverage under a new permit.

1092 J. Effect of a permit. This permit does not convey any property rights in either real or personal
1093 property or any exclusive privileges, nor does it authorize any injury to private property or invasion
1094 of personal rights, or any infringement of federal, state, or local law or regulations.

1095 K. State law. Nothing in this permit shall be construed to preclude the institution of any legal
1096 action under, or relieve the operator from any responsibilities, liabilities, or penalties established
1097 pursuant to any other state law or regulation or under authority preserved by § 510 of the Clean
1098 Water Act. Nothing in this permit shall be construed to relieve the operator from civil and criminal
1099 penalties for noncompliance.

1100 L. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude
1101 the institution of any legal action or relieve the operator from any responsibilities, liabilities, or
1102 penalties to which the operator is or may be subject under §§ 62.1-44.34:14 through 62.1-
1103 44.34:23 of the State Water Control Law.

1104 M. Proper operation and maintenance. The operator shall at all times properly operate and
1105 maintain all facilities and systems of treatment and control (and related appurtenances) that are
1106 installed or used by the operator to achieve compliance with the conditions of this permit. Proper
1107 operation and maintenance also include effective plant performance, adequate funding, adequate
1108 staffing, and adequate laboratory and process controls, including appropriate quality assurance
1109 procedures. This provision requires the operation of backup or auxiliary facilities or similar
1110 systems that are installed by the operator only when the operation is necessary to achieve
1111 compliance with the conditions of this permit.

1112 N. Disposal of solids or sludges. Solids, sludges, or other pollutants removed in the course of
1113 treatment or management of pollutants shall be disposed of in a manner so as to prevent any
1114 pollutant from such materials from entering state waters.

1115 O. Duty to mitigate. The operator shall take all reasonable steps to minimize or prevent any
1116 discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of
1117 adversely affecting human health or the environment.

1118 P. Need to halt or reduce activity not a defense. It shall not be a defense for an operator in an
1119 enforcement action that it would have been necessary to halt or reduce the permitted activity in
1120 order to maintain compliance with the conditions of this permit.

1121 Q. Inspection and entry. The operator shall allow the director, or an authorized representative
1122 (including an authorized contractor acting as a representative of the director), upon presentation
1123 of credentials and other documents as may be required by law, to:

1124 1. Enter upon the operator premises where a regulated facility or activity is located or
1125 conducted, or where records must be kept under the conditions of this permit;

1126 2. Have access to and copy, at reasonable times, any records that must be kept under the
1127 conditions of this permit;

1128 3. Inspect at reasonable times any facilities, equipment (including monitoring and control
1129 equipment), practices, or operations regulated or required under this permit; and

1130 4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance
1131 or as otherwise authorized by the Clean Water Act and the State Water Control Law, any
1132 substances or parameters at any location.

1133 For purposes of this section, the time for inspection shall be deemed reasonable during
1134 regular business hours or whenever the facility is discharging. Nothing contained herein shall
1135 make an inspection unreasonable during an emergency.

1136 R. Permit actions. Permit coverage may be terminated for cause. The filing of a request by
1137 the operator for a permit termination or a notification of planned changes or anticipated
1138 noncompliance does not stay any permit condition.

1139 S. Transfer of permit coverage. Permits are not transferable to any person except after notice
1140 to the department. The transfer of permit coverage under this pesticide general permit is not
1141 anticipated since coverage is automatic where an operator meets the permit eligibility
1142 requirements.

1143 T. Severability. The provisions of this permit are severable, and if any provision of this permit
1144 or the application of any provision of this permit to any circumstance is held invalid, the application
1145 of such provision to other circumstances, and the remainder of this permit, shall not be affected
1146 thereby.

COMMONWEALTH OF VIRGINIA STATE WATER CONTROL BOARD

FACT SHEET

REISSUANCE OF A GENERAL VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT TO DISCHARGE TO STATE WATERS AND STATE CERTIFICATION UNDER THE STATE WATER CONTROL LAW

Reissuance Year: 2024

The State Water Control Board (Board) has under consideration the reissuance of a general Virginia Pollutant Discharge Elimination System (VPDES) permit for point source discharges resulting from the application of pesticides to surface waters. The issuance of this general permit is required by the Sixth Circuit Court January 9, 2009 decision to vacate EPA's 2006 NPDES Pesticides Rule in *National Cotton Council of America v. EPA*, 553 F.3d 927 (6th Cir., 2009). The court held that the Clean Water Act unambiguously includes "biological pesticides" and "chemical pesticides" with residuals within its definition of "pollutant." Therefore, pesticide applications to surface waters need to be permitted under discharge elimination system programs in all state and federal permitting programs. This Virginia Pollutant Discharge Elimination System (VPDES) permit has taken into account the requirements of the EPA National Pollutant Discharge Elimination System permit for discharges from the application of pesticides effective October 31, 2021 (see [2021 EPA NPDES Pesticide General Permit](#)).

Permit Number: VAG87

Name of Permittee: Any operator with point source discharges resulting from the application of pesticides to surface waters. Operator is defined as any person involved in the application of a pesticide that results in a discharge to state waters that meets either or both of the following two criteria: (1) The person has control over the financing for, or the decision to perform pesticide applications that result in discharges, including the ability to modify those decisions; or (2) The person has day-to-day control of or performs activities that are necessary to ensure compliance with the permit (e.g., they are authorized to direct workers to carry out activities required by the permit or perform such activities themselves).

Entities such as subcontractors or employees that are hired by an owner (e.g., of a pesticide application business) or other entity but are under the supervision of such owner or entity generally are not operators. Similarly, you are likely not an operator if, for example, you own the land, but the

activities are being performed outside of your control (e.g., a public entity is spraying for mosquitoes over your property).

This permit is available to operators who discharge to surface waters from the application of: (1) biological pesticides; or (2) chemical pesticides that leave a residue (hereinafter collectively "pesticides"), when the pesticide application is for one of the following pesticide use patterns:

- Mosquito and other flying insect pest control
- Weed and algae pest control
- Animal pest control
- Forest canopy pest control
- Intrusive vegetation pest control.

Operator Location: Commonwealth of Virginia

Receiving Waters: Surface waters within the boundaries of the Commonwealth of Virginia, except those specifically named in Board Regulations that prohibit such discharges.

Restrictions: The Department will deem an operator ineligible to discharge under this general permit if the operator is required to obtain an individual permit (9VAC25-31-170 B 3), if the operator is proposing to discharge to surface waters specifically named in Board regulations which prohibit such discharges, if the discharge would violate the Virginia Water Quality Standards antidegradation policy (9VAC25-260-30), or if the discharge is to surface waters that have been identified as impaired by that pesticide or its degradates. Impaired waters include both impaired waters with Board adopted, EPA approved or EPA imposed TMDLs (per 303(d) of the Clean Water Act), and impaired waters for which a TMDL has not yet been approved, established, or imposed for the discharge (those listed in the Virginia Water Quality Assessment 305(b)/303(d) Integrated Report as 'impaired' (includes all categories)).

The Board¹ has made the determination that if the operator meets the conditions of this permit, they will comply with sections 9VAC25-260-30 A 1 and 2 (Tier 1 and 2) of the antidegradation policy in the Water Quality Standards Regulation. Section 9VAC25-260-30 A 3 provides for protection of exceptional waters (Tier 3) and does not allow new, additional, or increased discharge of waste to these waters. However, 9VAC25-260-30 A 3 b (3) allows for activities causing temporary sources of pollution in exceptional waters. The pesticides general permit

¹ Note: Pursuant to SB 657 (2022), the following definition has been added to this general permit: "Board" means the State Water Control Board. However, when used outside the context of the promulgation of regulations, including regulations to establish general permits, "board" means the "Department of Environmental Quality".

regulation (9VAC25-800-30 D 2) recognizes applications of pesticides as temporary and allowable in exceptional waters. Currently, there no other Board regulations that prohibit these discharges. However, this general permit regulation prohibits coverage under this permit for operators that discharge to waters that are impaired for that pesticide or its degradates. A list of pesticide-impaired waters in Virginia is in Attachment A.

The permit does not include terrestrial pesticide application or spray drift from terrestrial pesticide application, irrigation return flow and agricultural stormwater runoff. Terrestrial applications should not enter surface water because of restrictions provided under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), and therefore do not require coverage under this permit. Return flows from irrigated agriculture and agricultural stormwater runoff are specifically exempted from discharge permitting under the Clean Water Act.

On the basis of preliminary review and application of lawful standards and regulations, the Board proposes to issue the general permit subject to certain conditions and has prepared a draft permit. The Board has determined that this category of discharges is appropriately controlled under a general permit. The category of discharges to be included involves facilities with the same or similar types of operations and the facilities discharge the same or similar types of wastes. The draft general permit requires that all covered discharges meet technology and water quality based effluent limitations, special conditions and monitoring requirements. It also requires that certain covered operators develop a pesticide discharge management plan (PDMP).

All pertinent information is on file and may be inspected, and arrangements made for copying by contacting Peter Sherman at:

Virginia Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218
email: peter.sherman@deq.virginia.gov Telephone (804) 659- 2666 FAX (804) 698-4178

1.0 Activities Covered by this Permit

This permit is available to operators who discharge to surface waters from the application of: (1) biological pesticides; or (2) chemical pesticides that leave a residue (hereinafter collectively "pesticides"), when the pesticide application is for one of the following pesticide use patterns:

- Mosquito and other flying insect pest control - to control public health/nuisance and other flying insect pests that develop or are present during a portion of their life cycle in or above standing or flowing water. Public health/nuisance and other flying insect pests in this use category include but are not limited to mosquitoes and black flies. All mosquito pest control activity using pesticide is considered to result in discharges to surface waters.
- Weed and algae pest control - to control weeds, algae and pathogens that are pests in surface waters. Nuisance weeds include, but are not limited to cattails, hydrilla and

watermeal. (NOTE: If an operator is spraying a ditch with water in it to keep the ditch clear of weeds the operator falls into this use pattern regardless of how near the operator is to the ditch or what types of weeds are in the ditch. If the operator is spraying to clear the ditch itself and the ditch has water in it, the operator must meet the conditions of this permit.) Nuisance algae include, but are not limited to, blue green algae that can cause taste and odor problems in drinking water. Nuisance pathogens are disease-producing agents including, but not limited to, a virus, bacterium or other microorganism. The decision of whether a ditch 'counts' as surface water is usually made after its hydrological connection to a defined surface water is verified. However, for the purposes of this regulation, it is recommended to 'count' every ditch in acreage calculations and consider yourself 'covered' under this permit if you apply pesticides to ditches.

- Animal Pest Control - to control animal pests in surface waters. Animal pests in this use category include, but are not limited to, fish (e.g., snakehead) and zebra mussels.
- Forest Canopy Pest Control - application of a pesticide to the forest canopy to control the population of a pest species (e.g., insect or pathogen) where to target pests effectively a portion of the pesticide unavoidably will be applied over and deposited to surface water. Forest canopy pest control includes aerial mature forest canopy pest control where streams and other small creeks cannot be seen. Juvenile aerial canopy spraying can normally be done in such a way as to avoid surface waters and does not need coverage under the permit or do not need to be included in acreage calculations. Spraying forest canopy from the ground (rather than aerially) may or may not reach surface waters and may not need coverage under this permit or be included in annual treatment area thresholds. The permittee must determine if this type of forest canopy pest control ground spraying will or will not reach surface waters.
- Intrusive vegetation pest control - control of vegetation along roads, ditches, canals, waterways and utility rights of way where to target the intrusive pests effectively, a portion of the pesticide unavoidably will be applied over and deposited to surface water. This includes utility facilities such as pump stations, plants and electric substations where the property is owned by the utility.

The first four use patterns described above reflect the activity categories in U.S. EPA's Pesticide General Permit. The intrusive vegetation pest control use pattern is included in this VPDES general permit to ensure that the permit provides coverage for pesticide applications to areas where utility transmission and distribution lines are located and where such application (often aerial) would unavoidably reach surface waters. DEQ considered expanding the forestry pest control use pattern to include these areas, but received public comment expressing concern that the language proposed was not broad enough to encompass the expected activity and additional coverage was requested for more utility-type pesticide applications that reach surface waters.

The use patterns above were chosen because they represent pesticide discharges that may enter surface waters. Other use patterns where biological pesticides or chemical pesticides are applied (crops or other terrestrial applications) should not enter surface water when the operator correctly follows the product label and FIFRA requirements. If non-exempt biological pesticide or chemical pesticide residue resulting from other use patterns enters state waters, then the operator

is discharging to surface waters without a VPDES permit and is subject to enforcement action under the State Water Control Law.

1.1 Other Pesticide Related Activities Not Covered

Hydrogen Peroxide

The *Hydrogen peroxide (Hydrogen dioxide) (000595) Fact Sheet* published by the EPA Office of Pesticide clearly states that if users follow label directions, no risks to the environment are expected from use of pesticide products containing hydrogen peroxide because 1) the substance readily decomposes to water and oxygen gas, leaving no residue; and 2) it is effective at low concentrations where no toxic effects are expected. However, if the product is a registered pesticide in Virginia, you need to consider yourself covered under this general permit under one of the five use categories. If the product is not a registered pesticide in Virginia, then application of the product does not need coverage, even if it falls under one of the five use categories.

Pond Dye

Most citizens use pond dyes to enhance the color of a water feature but it is also effective at controlling weed and algae growth due to blocking out sunlight needed for photosynthesis. If the pond dye product is a registered pesticide in Virginia (check [Virginia Department of Agriculture and Consumer Services Pesticide Database Search](#) page for a list of approved pesticides), the owner should consider himself covered under this general permit and abide to the permit requirements. If the pond dye product is not a registered pesticide in Virginia, the use of the dye could still place the owner in violation of the State Water Control law (see [Code of Virginia Title 62.1-44.5](#)). Specifically, paragraph three of the law addresses the alteration of “physical, chemical or biological properties” of state waters without a permit (also see 9VAC25-260-20 A, which requires control of substances that produce color).

1.2 No Requirement to Submit a Registration Statement (Notice of Intent)

9VAC25-31-170 B 2 e states that discharges, other than discharges from publicly owned treatment works, combined sewer overflows, primary industrial facilities, and storm water discharges associated with industrial activity may, at the discretion of the Board, be authorized to discharge under a general permit without submitting a notice of intent where the Board finds that a notice of intent requirement would be inappropriate. In making such a finding, the Board shall consider: the type of discharge; the expected nature of the discharge; the potential for toxic and conventional pollutants in the discharges; the expected volume of the discharges; other means of identifying discharges covered by the permit; and the estimated number of discharges to be covered by the permit. The Board shall provide in the public notice of the general permit the reasons for not requiring a notice of intent. The Department is exercising this option for pesticide operators after considering the items listed above, with input from the stakeholders on the technical advisory committee that was formed to assist the Department with the development of this permit.

The Department believes this is appropriate for several reasons. Primarily, the registration statements would only provide very general information to the staff. In addition, EPA is focusing their notice of intent submittals on large entities that apply pesticides to large areas (e.g., irrigation control districts, localities with mosquito control programs, etc.). The Virginia Department of Agriculture and Consumer Services (VDACS) maintains a database with persons or businesses operating in Virginia that sell, store, distribute, mix, apply or recommend for use, pesticides. These persons or businesses are required to obtain a valid pesticide business license in accordance with 2VAC20-40-20. These persons or businesses are also required to demonstrate knowledge of pesticide laws and regulations, potential hazards of pesticides to man and the environment and safe distribution, use, and disposal of pesticides. Furthermore, the VDACS also certifies commercial applicators, registered technicians and private applicators. Certified applicators must submit an application indicating contact information and use subcategory for which they wish to be certified (e.g., aquatic, forest canopy pest control, etc.). Commercial applicators must maintain records that contain the location, time, pest treated, pesticide and amount used. It is the Department's view that this information constitutes the information from the largest category of operators that would be on any notices of intent submitted to the Department. Any submittal of paperwork to the Department would be a duplicative effort on the part of the applicant, and present an unnecessary use of staff resources. Not requiring registration statements also eliminates staff resources needed to review registrations, send out acceptance letters and other correspondence normally associated with registrations. Therefore, all operators falling under one or more of the five pesticide 'uses' are automatically covered for discharge to surface waters. Since there is no registration requirement, there is also no fee requirement. A list of pesticide business licensees representative of registrants (NOI submitters) can be found at [VDAC Virginia Licensed Pesticide Businesses](#).

1.3 Deadlines

This permit is effective March 1, 2024 and will remain effective for five years. Since no registration or notice of intent to apply is required, there are no deadlines for the submittal of these documents. The permit requires annual summary reports by February 10 of each year citing adverse incident events observed during the previous year (if any). If there are no adverse incidents, then no report is due. No other reports or plans are required to be submitted to the DEQ. All permittees should read, understand and have a copy of the permit. Permittees that exceed the annual treatment area thresholds in part 9VAC25-800-30 C must maintain a pesticide discharge management plan (PDMP). The requirements for the PDMP are in part 9VAC25-800-60 C. The permit, this fact sheet and a PDMP template are available online at [DEQ's VPDES Permits, Fees and Regulations website page](#).

1.4 Complying with Other Statutes, Regulations and Requirements

Having coverage under this permit does not relieve operators of their responsibility to meet other applicable federal, state or local statutes, ordinances or regulations. For example, coverage under the VPDES pesticide general permit does not negate the requirements under FIFRA and its implementing regulations or under state pesticide law or regulation to use registered pesticides consistent with the product's labelling. In addition, coverage under the VPDES pesticide general

permit does not negate the need to fully comply with state wetland program requirements, including requirements applicable to activities affecting tidal wetlands administered by the Virginia Marine Resources Commission (see generally Subtitle III of Title 28.2 of the Code of Virginia) and wetland compensation sites under DEQ's Virginia Water Protection permit program (see generally 9VAC25-210). VMRC contact information is available at the [Virginia Marine Resource Commission's Contact Information webpage](#). DEQ VWP program information is at [DEQ's Wetlands and Stream Protection webpage](#).

1.5 Terminations

There are no additional termination procedures when an operator decides to stop discharges resulting from the application of pesticides to surface waters.

1.6 Endangered and Threatened Species

Recommendations from various natural resource agencies regarding endangered and threatened species protection for this general permit were provided via the participation of representatives of these agencies on the technical advisory committee during the 2013 reissuance. The public notice comment period for the 2024 reissuance will be the opportunity for the natural resource agencies to provide any updated recommendations. The general permit does not alter existing endangered and threatened species protections that exist under applicable law and requires operators to document and report adverse impacts to threatened and endangered species (see Part I D 2 below).

Operators with concerns about threatened and endangered species or critical habitat for a specific location can consult the [U.S. FWS Virginia Field Office's Endangered Species Project Review webpage](#) for the federally designated critical habitat in Virginia. For location information on all state and federal threatened and endangered species or species of concern, the wildlife information mapper can take you to any location in Virginia, and if you click on 'report' it will list all species within a designated search radius (e.g., 3miles). See the [Virginia Department of Game and Inland Fisheries geographic search page](#). It will list the threatened and endangered species first. (Note: The Virginia Department of Game and Inland Fisheries [DGIF] has been renamed the Department of Wildlife Resources [DWR], although certain still links reflect the old name).

A listing of all aquatic and terrestrial species (except insects and plants) is at the [Virginia Department of Wildlife Resources list of Threatened and Endangered Faunal Species](#) as well as in Attachment B.

Listing of state threatened or endangered plants and insects can be found in § 3.2-1000-1011 of the Code of Virginia and 2VAC5-320-10 of the Virginia Administrative Code, and is in Attachment B.

For a more detailed interaction with U.S. Fish and Wildlife Service's on federally listed species found, the operator may have a project reviewed by following the instructions on the

<https://www.fws.gov/office/virginia-ecological-services/virginia-field-office-online-review-process> .

2.0 Substantive Revisions to the Expiring VPDES Pesticide General Permit

Under the technology-based effluent limits for animal pest control, added “cultural methods” to the management options that must be evaluated prior to selecting and implementing pest management measures that minimize discharges resulting from application of pesticides to control animal pests. This change reflects a change to the 2021 EPA pesticide general permit.

3.0 Effluent Limitations and Monitoring Requirements (Part I)

The general permit requires that all covered discharges meet technology and water quality based effluent limitations (Part I A). Violation of any of these effluent limitations constitutes a violation of the permit.

3.1 Technology-based Limits (Part I A 1)

Part I A 1 Technology-based limits - Minimize

Technology-based limits are required per 9VAC25-31-220 A of the VPDES Permit Regulation. Technology-based limits in this permit are not numerical, rather they are narrative best management practices that minimize discharges of pesticides to surface waters. These narrative technology limits are based on EPA’s NPDES Pesticide General Permit for Discharges from the Application of Pesticides (2016), in compliance with the provisions of the Clean Water Act (CWA), as amended (33 United States Code [U.S.C.] 1251 et seq.).

Part I A 1 a - Technology-based limits – Operator/Applicator

Operators who perform the application of pesticides or who have day to day control of applications (operator / applicator) are responsible for meeting the first part of the technology-based limits (i.e., to 'minimize pesticide discharges to surface waters'). This is met by following the label (use the lowest effective amount), maintaining application equipment, using equipment with cut-off valves and devices to avoid spills to surface waters, and assessing weather conditions to ensure the application is consistent with product label requirements. See detail below (Technology-Based Limits Operator/Applicator).

Part I A 1 b - Technology-based limits – Operator/Decision Maker

The second part of the technology-based limits to 'minimize pesticide discharges to surface waters' is the practice and consideration of integrated pest management (IPM). Operators with control over the financing for, or the decision to perform pesticide applications (operator / decision maker) that result in discharges to surface water shall consider IPM to ensure that discharges resulting for the pesticide application to surface waters are minimized. See detail below (Technology-Based Limits Operator/Decision Maker). In addition, operators (either applicators or decision makers) who exceed the annual treatment area thresholds (those that have

to prepare a PDMP) must document integrated pest management in the PDMP. IPM measures include identifying the target pest, densities and sources or factors contributing to the problem and making determinations about pest management options to manage that problem. Pest management options include no action, prevention, physical methods, cultural methods, biological control or pesticides. If pesticides are chosen, then conduct surveillance to assess the pest management area,² determine action thresholds for its use, make sure environmental conditions are correct for application, evaluate site restrictions, application timing and application methods and evaluate using the pesticide against the most susceptible developmental stage of the pest. All these pest management measures to meet these limitations should be done to the extent technologically available and economically achievable.

Technology-Based Limits Operator/Applicator

Part I A 1 a (1) Use the lowest effective amount of pesticide product per application and optimum frequency of pesticide applications necessary to control the target pest, consistent with reducing the potential for development of pest resistance without exceeding the maximum allowable rate of the product label.

It is illegal to use a pesticide in any way prohibited by the FIFRA labeling. In addition, use of pesticides must be consistent with any other applicable state or federal laws. To minimize the total amount of pesticide discharged, operators must consider lower application rates, frequencies, or both to accomplish effective control keeping in mind pesticide resistance. Using the lowest possible effective rate ensures maximum efficiency in pest control with the minimum quantity of pesticide. Using the lowest possible effective rate does not necessarily mean choosing the lowest rate on the label. Sometimes using a higher rate (without exceeding the maximum allowable rate of the product label) is more effective and more protective for the environment. The lowest effective application rate also reduces the amount of pesticide available that is not performing a specific pest-control function. Using the lowest possible effective rate and frequency of application can result in cost and time savings to the user. To minimize discharges of pesticide, operators should base the rate and frequency of application on what is known to be effective against the target pest. Using the lowest effective amount (and not exceeding the product label will assist with resistance management. See National Pesticide Applicator Certification Core Manual, Chapter 1 – Pest Management for additional information on pesticide resistance.

Part I A 1 a (2) No person shall apply, dispense, or use any pesticide in or through any equipment or application apparatus unless the equipment or apparatus is in sound mechanical condition and capable of satisfactory operation. All pesticide application equipment shall be properly equipped to dispense the proper amount of material. All pesticide mixing, storage, or holding tanks, whether on application equipment or not, shall be leak proof. All spray distribution systems shall be leak proof, and any pumps that these systems may have shall be

² "Pest management area" means the area of land, including any water, for which pest management activities covered by this permit are conducted.

capable of operating at sufficient pressure to assure a uniform and adequate rate of pesticide application.

This requirement is taken from 2VAC5-670-170 A, Regulations Governing Pesticide Product Registration, Handling, Storage, and Disposal under Authority of the Virginia Pesticide Control Act –Application and Equipment.

Common sense and good housekeeping practices enable pesticide users to save time and money and reduce potential for unintended discharges of pesticides to surface waters. Regular maintenance activities should be practiced and improper pesticide mixing and equipment loading should be avoided. When preparing the pesticides for application be certain that you are mixing them correctly and preparing only the amount of material that you need. Carefully choose the pesticide mixing and loading area and avoid places where a spill will discharge into surface waters. Some basic factors operators should consider are:

- Inspect pesticide containers at purchase to ensure proper containment;
- Maintain clean storage facilities for pesticides;
- Regularly monitor containers for leaks;
- Rotate pesticide supplies to prevent leaks that may result from long term storage; and
- Promptly deal with spills following manufacturer recommendations.

Part I A 1 a (3) All pesticide application equipment shall be equipped with cut-off valves and discharge orifices to enable the operator to pass over non-target areas without contaminating them. All hoses, pumps, or other equipment used to fill pesticide handling, storage, or application equipment shall be fitted with an effective valve or device to prevent backflow into water supply systems, streams, lakes, other sources of water, or other materials. However, these backflow devices or valves are not required for separate water storage tanks used to fill pesticide application equipment by gravity systems when the fill spout, tube, or pipe is not allowed to contact or fall below the water level of the application equipment being filled, and no other possible means of establishing back siphon or backflow exists.

This requirement is taken from 2VAC5-670-170 B, Regulations Governing Pesticide Product Registration, Handling, Storage, and Disposal under Authority of the Virginia Pesticide Control Act –Application and Equipment.

To minimize discharges of pesticide, operators must ensure that the rate of application is calibrated (i.e., nozzle choice, droplet size, etc.) to deliver the appropriate quantity of pesticide needed to achieve greatest efficacy against the target pest. Improperly calibrated pesticide equipment may cause either too little or too much pesticide to be applied. This lack of precision can result in excess pesticide being available or result in ineffective pest control. When done properly, equipment calibration can assure uniform application to the desired target and result in higher efficiency in terms of pest control and cost. It is important for applicators to know that pesticide application efficiency and precision can be adversely affected by a variety of mechanical problems that can be addressed through regular calibration. Sound calibration practices to consider are:

- Choosing the right spray equipment for the application;
- Ensuring proper regulation of pressure and choice of nozzle to ensure desired application rate;
- Calibrating spray equipment prior to use to ensure the rate applied is that required for effective control of the target pest;
- Cleaning all equipment after each use and/or prior to using another pesticide unless a tank mix is the desired objective and cross contamination is not an issue;
- Checking all equipment regularly (e.g., sprayers, hoses, nozzles, etc.) for signs of uneven wear (e.g., metal fatigue/shavings, cracked hoses, etc.) to prevent equipment failure that may result in inadvertent discharge into the environment;
- Replacing all worn components of pesticide application equipment prior to application.

Part I A 1 a (4) Assess weather conditions (e.g., temperature, precipitation and wind speed) in the treatment area to ensure application is consistent with product label requirements.

Weather conditions may affect the results of pesticide application. Applicators must assess the treatment area to determine whether weather conditions support pest populations and are suitable for pesticide application.

Part I A 1 b Technology Based Limits, Operator/Decision Maker

The second part of the technology-based effluent limitations in Part I A 1 b are based on integrated pest management (IPM) practices. IPM, as defined in FIFRA, is a sustainable approach to managing pests by combining biological, cultural, physical, and chemical tools in a way that minimizes economic, health, and environmental risks (FIFRA, 7 U.S.C. 136r-1). IPM is not a single pest control method but, rather, a series of pest management evaluations, decisions and controls. Operators whose discharges of pesticides to surface waters are solely from pesticide research and development activities do not have to comply with these additional technology-based effluent limitations to the extent the limits may compromise the research design.

Part I A 1 b of this permit requires all operators to identify the pest problem; to evaluate and implement efficiently and effectively pest management; and to use pesticides properly. Operators are required to perform each of these permit conditions prior to the first pesticide application covered under this permit and at least once each calendar year thereafter. Below is a general discussion describing the limitations for all use patterns. Requirements for documentation of the specific measures implemented are contained in Part I C (Pesticide Discharge Management Plan).

Operators required to perform IPM practices will be required to do the following regardless of use pattern:

Identify the Problem

Operators are required to identify the pest problem, identify the target pest, and establish an action threshold. Understanding the pest biology and ecology will provide insight into selecting

the most effective and efficient pest management strategies (pesticidal or non-pesticidal methods), and in developing an action threshold. An action threshold is a point at which pest populations or environmental conditions indicate that pest control action must be taken. Action thresholds help determine both the need for control actions and the proper timing of such actions. It is a predetermined pest level that is deemed to be unacceptable. In some situations, the action threshold for a pest may be zero (i.e., no presence of the pest is tolerated). This is especially true when the pest is capable of transmitting a human pathogen (e.g., mosquitoes and the West Nile virus). In areas where aquatic weeds are problematic, it may be preferable to use an aquatic herbicide as a preventive measure rather than after weeds become established. In some situations, even a slight amount of pest damage may be unacceptable for ecological or aesthetic reasons. Sometimes pre-emergent pesticide application is needed as a preventive measure to keep aquatic weeds at bay. Action thresholds can vary by pest, by site, and by season. Often the action threshold is expressed as the number of pests per unit area. Action thresholds may be difficult to establish. In a new IPM program, a practical approach is to establish an action threshold for the major pests. As operators gain insight and experience into specific pest management settings, the action levels can be revised up or down.

To identify the problem at a treatment area, operators may use existing data to meet the conditions of the permit. For example, a mosquito district may use surveillance data from an adjacent district to identify mosquito species at their pest management area. Operators may also use relevant historic site data.

Pest Management Options

Operators are required to implement efficient and effective means of pest management that most successfully minimizes discharges to surface waters resulting from the application of pesticides. Operators must evaluate both pesticide and non-pesticide methods. Operators must consider and evaluate the following options or combination of options: no action, prevention, mechanical/physical methods, cultural methods, biological control agents, and pesticides. In the evaluation of these options, operators must consider impacts to water quality, impacts to non-target organisms, pest resistance, feasibility, and cost effectiveness. Combinations of various management methods are frequently the most effective pest management strategies over the long term. The goal should be to emphasize long-term control rather than a temporary fix. Examples of options to pesticide use include:

- Eliminating breeding sites (for insects)
- Reduce nutrients to ponds to control weed and algae growth
- Removing animal pests (e.g. fishing, netting) or preventing their spread (e.g. educating the public)
- Planting trees resistant to parasites
- Mowing or physical removal of intrusive plants.

A list of references for IPM practices are included as Attachment D.

Pesticide Use

Operators are required to conduct pest surveillance and reduce the impact on the environment. Pest surveillance is important to time the need for pest control. To reduce the impact on the environment and non-target organisms, operators are required to apply pesticide when the action threshold has been met. As noted earlier, action thresholds help determine both the need for control actions and the proper timing of such actions. There are additional requirements designed for each use pattern in Sections Part I A 1 b (1), (2), (3), (4) and (5) of the permit. For additional information and other limits on pesticide use, see specific IPM discussion under each use pattern.

Concerns for pesticide use during mosquito control as it relates to bee population health were raised during public comment in 2013 (addressing the prior general permit) because bees can be susceptible to mosquito pesticides. Information about IPM practices to protect bee health population during mosquito control activities are included in Attachment D.

3.2 Water Quality-based Limitations (Part I A 2)

The Permit Regulation at 9VAC25-31-220 D requires VPDES permits to meet water quality standards. The Department does this by including water quality-based effluent limits (WQBELs) in permits where necessary. Unlike individual permits that include requirements tailored to site-specific considerations, general permits, while tailored to specific industrial processes or types of discharges (e.g., specific applications of pesticides), do not contain site-specific WQBELs. Instead, in general, a narrative statement is included that addresses WQBELs. These narrative limits are based on EPA's NPDES Pesticide General Permit for Discharges from the Application of Pesticides (2016), in compliance with the provisions of the Clean Water Act (CWA), as amended (33 *United States Code* [U.S.C.] 1251 *et seq.*).

In this permit, the WQBEL is as follows:

The operator's discharge of pollutants must be controlled as necessary to meet applicable numeric and narrative water quality standards for any discharges authorized under this permit, with compliance required upon beginning such discharge.

If at any time the operator becomes aware, or the department determines, that the operator's discharge of pollutants causes or contributes to an excursion of applicable water quality standards, corrective action must be taken as required in Part I D 1 of this permit.

Any discharge that results in an excursion of any applicable numeric or narrative water quality standard is prohibited. The Department expects that compliance with the FIFRA label requirements, the technology-based effluent limitations, and other terms and conditions in this permit will meet applicable WQBELs. If an operator becomes aware that an excursion of water quality standards has occurred, corrective actions must be taken and documented per Part I D 1 of the permit. If a water quality standards excursion has also caused an adverse incident, the adverse incident must be documented and reported per Part I D 2. If the water quality standards excursion occurred because of a spill, leak or other unauthorized discharge, notification in excess of a reportable quantity in 40 CFR Parts 110, 117 or 302, it must be reported per Part I D 3 of this permit. A link to the 40 CFRs (Code of Federal Regulations) can be found [on the Government Publishing Office's E-CFR webpage](#).

3.3 Monitoring (Part I B)

Monitoring is required in any VPDES permit to demonstrate compliance with the permit conditions per 9VAC25-31-220 I. However, monitoring of pesticide discharges poses several challenges not generally encountered in "traditional" VPDES permitting situations. For example, there is no "wastewater discharge" per se from pesticide applications that is analogous to end-of-pipe discharges. A manufacturing plant would, for example, typically direct its wastewater through a treatment system to remove pollutants and, then, would direct the effluent through a pipe into a receiving waterbody. However, for chemical pesticide applications, at the time of application the pesticide contains both the portion serving its intended purpose as well as the potential residual for which monitoring data would be appropriate. Thus, monitoring the "outfall" in this case would merely provide data on the amount of the product as applied (information already known through the FIFRA registration process) and would not be useful for comparing with any type of effluent limitation or water quality standard.

Ambient water quality monitoring was also considered for this permit and determined that it was infeasible/impracticable for the following reasons:

- Uncertainty: Ambient water quality monitoring would generally not be able to distinguish whether the results were from the relevant pesticide application some other upstream source.
- Lack of applicable measurable standards: Pesticide-specific water quality standards do not exist at this time for the vast majority of constituents in the products authorized for use under this PGP.
- Safety and Accessibility: Pesticides, particularly those used for mosquito control and forest canopy pest control, are often applied over waterbodies in remote areas, hazardous terrain, and swamps that are either inaccessible or pose safety risks for the collection of samples.
- Difficulty of residue sampling for chemical pesticides: For chemical pesticides, the "pollutant" regulated by the PGP is the residue that remains after the pesticide has completed its activity, and it is this residue that would be the subject of any water quality monitoring requirement. However, the point at which only "residue" remains is not practically discernable at this time for a pesticide application.
- Usefulness of data: Some states have questioned the value of ambient water quality monitoring data obtained from state permitting programs. The data generally showed that water quality impacts were not occurring, and one state even discontinued the requirement in revisions of its state permit.

Given the questionable ability of ambient water quality data to demonstrate permit compliance, EPA (per the NPDES Pesticide General Permit for Discharges from the Application of Pesticides (2021), in compliance with the provisions of the Clean Water Act (CWA), as amended (33 *United States Code* [U.S.C.] 1251 *et seq.*)) has determined that there are suitable alternative monitoring activities to determine permit compliance, other than ambient water quality monitoring, for this permit.

Monitoring requirements for all operators (applicators and decision makers) include visual assessment in the area where pesticides are applied to look for adverse incidents caused by application of pesticides. The visual monitoring requires spot checks in the area to and around where pesticides are applied and must be done during any post-application surveillance or efficacy check, if the operator does one, and during a pesticide application. Visual monitoring is not required when it is infeasible or unsafe to do so (e.g., when the pesticide application is performed in darkness, applications made from aircraft and applications made from a moving vehicle (road vehicle, watercraft, etc.) when the applicator is the driver). A visual monitoring assessment must also be conducted during any post-application surveillance to determine the efficacy of the pesticide treatment. Visual monitoring of this type is only required if the operator performs post application surveillance in the normal course of business. The Department expects that visual assessments may reasonably be conducted during applications and efficacy inspections may be conducted on foot or from a stationary vehicle.

Visual monitoring observations are not required to be submitted to DEQ (except in the case of adverse incidents). The permit does not require the operator to keep a record of the visual monitoring assessments.

3.4 Pesticide Discharge Management Plan (Part I C)

Any operator exceeding certain annual area thresholds must maintain a pesticide discharge monitoring plan (PDMP) in order to document how the operator will implement the effluent limitations. There is no explicit regulatory requirement in the VPDES Permit Regulation for a PDMP; however, it is standard practice when best management practices are used to meet effluent limits to prepare some type of operations manual or a pollution prevention plan to document the management practices and adjustments to the program. EPA has included the PDMP concept in their pesticide general permit and the VA PDMP mirrors the EPA plan. This requirement is based on EPA's NPDES Pesticide General Permit for Discharges from the Application of Pesticides (2021), in compliance with the provisions of the Clean Water Act (CWA), as amended (33 *United States Code* [U.S.C.] 1251 *et seq.*).

A PDMP is a "living" document that requires periodic review and must be kept up-to-date. Where pest management measures are modified or replaced to meet effluent limitations, such as in response to a Part I A 2 water quality standards violation triggering a Part I D 1 corrective action, such changes must be documented in the PDMP. The PDMP is not a limitation and it does not impose requirements on discharges. These are already imposed by the limitations in parts I A 1 and 2. The PDMP is rather a tool for operators to document, among other things, how pest management measures will be implemented to comply with the permit's effluent limitations, and is a permit "term or condition." Failure to have a PDMP, where required, is a violation of the permit.³ A PDMP template is available to assist operators develop plans. The PDMP can be expanded and improved over time.

³ This permit is also consistent with the decision in *Texas Independent Producers and Royalty Owners Assoc., et. al. v. EPA*, 410 F.3d 964 (7th Cir. 2005), where petitioners challenged EPA's issuance of the construction general permit (CGP) that covers stormwater discharges. In that case, the Court found that neither the Stormwater Pollution Prevention Plan (SWPPP) nor the Notices of Intent (NOIs) are permits or permit applications because they do not

The PDMP must be developed prior to the first application for those operators who know prior to commencement of discharge that they will exceed an annual treatment threshold, prior to exceeding an annual threshold for operators who do not know until after commencement of discharge that they will exceed an annual treatment threshold for that year, and no later than 90 days after responding to a declared pest emergency situation for operator commencing discharge in response to a declared pest emergency situation.

The PDMP is not required to be submitted to the Department, but must be made available to the public when requested per the Freedom of Information Act (FOIA) (Chapter 37 of Title 2.2) - see *Part I C 7 PDMP Modifications and Availability* section below.

If you exceed the following annual thresholds, you must develop a PDMP:

Annual Treatment Area^a Thresholds
9VAC25-800-30 C (Table 1)

Pesticide Use	Annual Threshold
Mosquitoes and Other Flying Insect Pest Control	6400 acres of treatment area ^b
Weed and Algae Pest Control	80 acres of treatment area ^b or 20 linear miles of treatment area ^c
Animal Pest Control	80 acres of treatment area ^b or 20 linear miles of treatment area ^c
Forest Canopy Pest Control	6400 acres of treatment area ^b
Intrusive Vegetation Pest Control	6400 acres of treatment area ^b or 20 linear miles of treatment area ^c
<p>^a "Treatment area" means the area of land including any waters, or the linear distance along water or water's edge, to which pesticides are being applied. Multiple treatment areas may be located within a single pest management area. Treatment area includes the entire area, whether over land or water, where the pesticide application is intended to provide pesticidal benefits. In some instances, the treatment area will be larger than the area where pesticides are actually applied. For example, the treatment area for a stationary drip treatment into a canal should be calculated by multiplying the width of the canal by the length over which the pesticide is intended to control weeds. The treatment area for a lake or marine area is the water surface area where the application is intended to provide pesticidal benefits. Treatment area calculations for pesticide applications that occur at water's edge, where the discharge of pesticides directly to waters is unavoidable, are determined by the linear distance over which pesticides are applied. The total acreage may include water and land for ease of calculation.</p> <p>^b Calculations include the area of the applications made to: (1) surface waters and (2) conveyances with a hydrologic surface connection to surface waters at the time of pesticide application. For calculating annual treatment area totals, count each pesticide application activity as a separate activity. For example, applying pesticides twice a year to a ten-acre site is counted as twenty acres of treatment area. For lake acreages, the operator may include the entire lake acreage OR only the areas intended to provide pesticidal benefit.</p> <p>^c Calculations include the extent of the application made to linear features (e.g., roads, ditches, canals, waterways and utility rights of way) or along the water's edge adjacent to: (1) surface waters and (2) conveyances with a hydrologic surface connection to surface waters at the time of pesticide application. For calculating annual treatment totals, count each pesticide application activity or area as a separate activity. For example, applying pesticides twice a year to a 1 mile linear</p>	

amount to limits. 410 F.3d at 978. Further, the Court found that the permit requirement to develop a SWPPP is not an effluent limitation. For the PGP, the PDMP serves a similar purpose as the CGP SWPPP.

feature (e.g., ditch) equals 2 miles of treatment area regardless of whether one or both sides of the ditch are treated. Applying pesticides twice a year along 1 mile of lake shoreline equals 2 miles of treatment area.

These calculations include farm ponds, ditches (including roadside and irrigation ditches) and storm water best management practices with a hydrologic connection to surface water. Sediment ponds during construction and retention ponds with no spill way are not surface waters and are not included in calculations. Typically, a storm water pond will start out being used for erosion and sediment control but then will be a water feature and the storm water pond is maintained but it is no longer a treatment unit. If unsure, assume any water body has a hydrologic connection and must be counted. If a ditch is dry or expected to be dry during the application period, it does not need to be counted. Wetlands can be dry or wet, and both must be counted. If unsure about wetlands locations, include the entire spray area, even if it includes land. Wetlands information and acreages can be found at <https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper>. At the web site, zoom to the application area and use the information tool to see the wetlands acreages.

The rationale for the annual treatment area threshold for each use pattern is as follows:

For mosquitoes and other flying insect pests, the annual treatment area threshold has been set at 6400 acres. The Department believes that the vast majority of mosquito control and abatement districts in Virginia manages areas significantly larger than this threshold and may reasonably expect to exceed it during any given year.

For weeds and algae pest control, the annual treatment area threshold has been set at 80 acres or 20 linear miles of treatment on canals and irrigation system conveyances. This threshold has been set to capture operators treating relatively large portions of surface waters and watersheds, such as water management districts, wildlife and game departments, and some homeowner and lake associations.

Animal pest control is most commonly treated by public agencies such as departments of fish and game or utilities such as water management districts that manage areas of surface water in excess of 80 acres. The high mobility and prolific breeding ability that necessitate control of aquatic animals usually means that their treatment most often occurs in the entirety or large portions of the water bodies they inhabit.

Forest canopy pest suppression programs are designed to be applied to large tracts of terrain, throughout which operators may not be able to see or avoid surface waters beneath the canopy. The annual treatment area threshold at 6400 acres for this use pattern will exclude only the smallest applications from the PDMP requirement. These smaller applications generally occur on private lands. Therefore, the Department believes the threshold appropriately captures most operators engaging in this use pattern, particularly public agencies managing large tracts of land.

Intrusive vegetation pest control is designed to be applied to linear features or large tracts of land to maintain public utility structures, roads, rights of way etc. Most structures and rights of way should use the more stringent measurement (that which results in a PDMP) which is normally >20 linear miles. It is reasonable to apply the same acreages and linear mileage for this category

as in the other large management areas (mosquito and forest canopy pest control) for consistency.

The PDMP must include the following elements:

Part I C 2 Pesticide discharge management team

The permit requires that a qualified individual or team of individuals be identified to manage pesticide discharges covered under the permit. Identification of a pesticide discharge management team ensures that appropriate persons (or positions) are identified as necessary for developing and implementing the plan. Inclusion of the team in the plan provides notice to staff and management (i.e., those responsible for signing and certifying the plan) of the responsibilities of certain key staff for following through on compliance with the permit's conditions and limits.

The pesticide discharge management team is responsible for developing and revising the PDMP, implementing and maintaining the pest management measures to meet effluent limitations, and taking corrective action where necessary. Team members should be chosen for their expertise in the relevant areas to ensure that all aspects of pest management are considered in developing the plan. The PDMP must clearly describe the responsibilities of each team member to ensure that each aspect of the PDMP is addressed. The Department expects most operators will have more than one individual on the team, except for small entities with relatively simple plans and/or staff limitations. The permit requires that team members have ready access to any applicable portions of the PDMP and the permit.

Part I C 3 Pest Problem Description

The permit requires that the PDMP include a description of the pest problem at the pest management area. A detailed pest management area description assists operators in subsequent efforts to identify and set priorities for the evaluation and selection of pest management measures taken to meet effluent limitations set forth in Parts I A 1 and 2 and in identifying necessary changes in pest management. The description must include identification of the target pest(s), source of the pest problem, and source of data used to identify the problem. Historic data or other available data (e.g., from another similar site) may be used to identify the problem at your site. If you use other site data, you must document in this section why data from your site is not available or not taken within the past year and explain why the data is relevant to your site. Additionally, the pest management area descriptions should include any sensitive resources in the area, such as unique habitat areas, rare or listed species, or other species of concern that may limit pest management options.

Action Threshold(s)

The permit requires that the PDMP include a description of the action threshold(s) established for the target pest, including a description of how they were determined and method(s) to determine when the action threshold(s) has been met. An action threshold is

a level of pest prevalence at which an operator takes action to reduce the pest population. For some pests, action may be needed before pests or pest damage appears. In those cases, an action threshold may be defined as a set of conditions, e.g., a plant is at a susceptible stage for a disease under the right weather conditions.

General Location Map

The PDMP must also contain a general location map of the site that identifies the geographic boundaries of the area to which the plan applies and location of surface waters (this could be from a state wide or county wide approach or individual water bodies, depending on the extent of applications for that operator). To improve readability of the map, some detailed information may be kept as an attachment to the site map and pictures may be included as deemed appropriate.

Part I C 4 Integrated pest management options evaluation

The permit requires the PDMP to document how pest management options or a combination of pest management options are evaluated. Pest management options include no action, prevention, mechanical/physical methods, cultural methods, biological control agents, and pesticides.

All six pest management tools may not be available for a specific use category and/or treatment area. However, the PDMP must include documentation of how the six pest management tools were evaluated prior to selecting a site specific pest management strategy. For the no action option, operators should document the impact of this option without any current pest management strategy at the site. For the prevention option, the operator should document the methods implemented to prevent new introductions or the spread of the pests to new sites such as identifying routes of invasion and how these can be intercepted to reduce the chance of invasion. Prevention may include source reduction, using pathogen-free or weed-free seeds or fill; exclusion methods (e.g., barriers) and/or sanitation methods, like wash stations, to prevent reintroduction by vehicles, personnel, etc. Some prevention management methods may fall under mechanical/physical or cultural methods as well.

For the pesticide management option, operators must include a list of the active ingredient(s) evaluated. Discussion should also identify specific equipment or methods that will prevent or reduce the risks to non-target organisms and pesticide discharges to surface waters.

Part I C 5 Response Procedures

Spill Response Procedures

The PDMP must document procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other release to surface waters. In addition, the PDMP must include documentation of the procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies.

Adverse Incident Response Procedures

In the PDMP, operators must document appropriate procedures for responding to an adverse incident resulting from pesticide applications. Operator must identify and document the following:

- Course of action or responses to any incident resulting from pesticide applications;
- Chain of command notification for the incident, both internal to your agency/organization and external;
- State/Federal contacts with phone numbers;
- Name, location, and telephone of nearest emergency medical facility;
- Name, location, and telephone of nearest hazardous chemical responder; including police/fire.

Part I C 6 Signature Requirements

The PDMP must be signed and certified in accordance with the signatory requirements in Part II G of the permit. This requirement is consistent with standard VPDES permit conditions described in 9VAC25-31-110 and is intended to ensure that the operator understands his/her responsibility to create and maintain a complete and accurate PDMP. The signature requirement includes an acknowledgment that there are significant penalties for submitting false information.

Part I C 7 PDMP Modifications and Availability

While not required to be submitted to the Department, interested persons can request a copy of the PDMP through the Department, at which point the Department will likely request the operator to provide a copy of the PDMP. By requiring members of the public to request a copy of the PDMP through the Department, the Department is able to provide the operators with assurance that any Confidential Business Information that may be contained within its PDMP is not released to the public. The Water Control Law states that any information, except effluent data, as to secret formulae, processes, or secret methods shall be kept confidential (§ 62.1-44.21). It is the responsibility of the source providing confidential information, not that of DEQ, to identify the information as confidential and seek DEQ's acquiescence in that designation. DEQ is responsible for keeping such designation confidential. It is the Department's expectation that operators can write the PDMP appropriately without including confidential business information.

The operator shall review the PDMP, at a minimum, once per calendar year and whenever necessary to update the pest problem identified and the pest management strategies evaluated for the pest management area.

A PDMP template is available on the <https://www.deq.virginia.gov/permits-regulations/permits/water/surface-water-virginia-pollutant-discharge-elimination-system> under general permit regulations, Pesticide Discharges GP (VAG87).

3.5 Special Conditions (Part I D)

Special conditions are included in all VPDES permits per 9VAC25-31-210 (establishing permit conditions). This states that the Board shall establish conditions, as required on a case-by-case basis, to provide for and assure compliance with all applicable requirements of the law, the CWA and regulations. These shall include conditions under 9VAC25-31-240 (duration of permits), 9VAC25-31-250 (schedules of compliance) and 9VAC25-31-220 (monitoring). With some exceptions, the special conditions in this permit mirror sections 6 and 7 of the EPA NPDES Pesticide General Permit for Discharges from the Application of Pesticides (2016), in compliance with the provisions of the Clean Water Act (CWA), as amended (33 *United States Code* [U.S.C.] 1251 *et seq.*).

Part I D 1 Corrective Action

Corrective actions in this permit are follow-up actions an operator must take to assess and correct problems. They require review and revision of pest management measures and pesticide application activities, as necessary, to ensure that these problems are eliminated and will not be repeated in the future. Changes to pest management measures to eliminate unauthorized releases, meet effluent limits, minimize discharges or correct adverse incidents must be made before the next pesticide application, or if not practical, as soon as possible.

A situation triggering corrective action is not necessarily a permit violation and, as such, may not necessarily trigger a modification of pest management measures to meet effluent limitations. However, failure to conduct corrective action reviews in such cases does constitute a permit violation.

Part I D 2 Adverse Incident Documentation and Reporting

Operators are required to take specific actions in response to identified adverse incidents that may have resulted from a discharge from the pesticide application. Namely, operators are required to provide oral notice to the Department within 24 hours and then follow-up with a written report within 5 days of becoming aware of the adverse incident. "Adverse incident" is defined in section 9VAC25-800-10 of the permit regulation but, generally, an adverse incident is defined as any effect of a pesticide's use that is unexpected or unintended. Adverse incidents must be reported even when the product label states that adverse effects may occur.

The 24-hour oral notification must include at least the following information:

- The caller's name and telephone number;
- Operator name and mailing address;
- The name and telephone number of a contact person, if different than the person providing the 24-hour notice;
- How and when the permittee became aware of the adverse incident;
- Description of the location of the adverse incident;
- Description of the adverse incident identified and the EPA pesticide registration number for each product that was applied in the area of the adverse incident; and

- Description of any steps the permittee has taken or will take to correct, repair, remedy, cleanup, or otherwise address any adverse effects.

If notification cannot be completed within 24-hours, notification shall be as soon as possible, and a reason for why the notification was not possible within 24 hours must be provided.

The operator is still required to do FIFRA section 6(a)(2) (40 CFR Part 159) notification and reporting.

The operator does not need to report adverse incidents under the following conditions:

- The operator is aware of facts that clearly establish that the adverse incident was not related to toxic effects or exposure from the pesticide application.
- The operator has been notified in writing by the Department that the reporting requirement has been waived for this incident or category of incidents.
- The operator receives information notifying him of an adverse incident but that information is clearly erroneous.
- An adverse incident occurs to pests that are similar in kind to pests identified as potential targets.

A written report of a reportable adverse incident must be submitted to the Department within 5 days of discovering the adverse incident and must include the following information:

- Information required to be provided in Part I D 2 a;
- Date and time you contacted the Department notifying the agency of the adverse incident and who you spoke to and any instructions you were given;
- Location of incident, including the names of any waters affected and appearance of those waters (sheen, color, clarity, etc.);
- A description of the circumstances of the incident including species affected, number of individual and approximate size of dead or distressed organisms;
- Magnitude and scope of the affected area (e.g., aquatic square area or total stream distance affected);
- Pesticide application rate, intended use site (e.g., banks, above, or direct to water), method of application and name of pesticide product, description of pesticide ingredients and EPA registration number;
- Description of the habitat and the circumstances under which the incident occurred (including any available ambient water data for pesticides applied);
- If laboratory tests were performed, indicate what tests were performed, and when, and provide a summary of the test results within 5 days after they become available;
- If applicable, explain why it is believed the adverse incident could not have been caused by exposure to the pesticide;
- Actions to be taken to prevent recurrence of adverse incidents; and
- Signed and dated in accordance with Part II G.

The Department believes adverse incident information associated with discharges from the application of pesticides is useful to the Agency because the information:

- Indicates the effectiveness of the permit in controlling discharges to protect water quality, including data upon which the Department may base future permit decisions (e.g., modifications to or reissuance of this permit).
- Assists review of current or future pesticide use, adherence to, or effectiveness of Best Management Practices;
- Provides information on the nature, extent, and severity of incidents to decision-makers, stakeholders, and the public; and
- Provides the Agency with information on which to assess compliance with regulatory requirements, including documentation and reporting.

Immediately observable signs of distress or damage to non-target plants, animals and other macro-organisms within the treatment area may warrant concern for a possible adverse incident related to a discharge of pesticides during application. The Department acknowledges that some degree of detrimental impact to non-target species is to be expected and is acceptable during the course of normal pesticide treatment. We expect operators to use their best professional judgment in determining the extent to which non-target effects appear to be abnormal or indicative of an unforeseen problem associated with an application of pesticides.

During visual monitoring, operators should watch for distressed or dead juvenile and small fishes, washed up or floating fish, fish swimming abnormally or erratically, fish lying lethargically at the water surface or in shallow water, fish that are listless or nonresponsive to disturbance, the stunting, wilting, or desiccation of non-target submerged or emergent aquatic plants, and other dead or visibly distressed non-target organisms including amphibians, turtles, and macro-invertebrates. These observations must be noted unless they are deemed not to be aberrant (for example, distressed non-target fish are to be expected when conducting a treatment with rotenone and non-target vegetation will be stressed near the target of contact herbicides). It should be noted that observation of these impacts does not necessarily imply that a pesticide has been misused or that there has been a permit violation or an instance of noncompliance, but may provide cause for further investigation of local water quality or reconsideration of Best Management Practices. Not reporting such incidents, however, is a permit violation.

Part I D 2 d specifies which agencies the operator must notify in the event of an adverse incident to federally or state threatened or endangered species, federally-designated critical habitat and Tier I (critical conservation need) and Tier II (very high conservation need) species of greatest conservation need. These species are defined in Virginia's Wildlife Action Plan (www.bewildvirginia.org). Federally-designated critical habitat in Virginia includes portions of the Clinch River, Copper Creek, Indian Creek, the Middle and North Forks of the Holston River, Big Moccasin Creek, Little River and the Powell River (see [U.S. FWS Environmental Conservation Online System webpage, Critical Habitat Report](#) and the <https://www.fws.gov/office/virginia-ecological-services/virginia-field-office-online-review-process> webpage for the Virginia habitat information. A full listing of all aquatic and terrestrial species (except insects and plants) can be found at [Virginia Department of Game and Inland Fisheries list of Threatened and Endangered Faunal Species](#) and can be found in Attachment B.

For location information, [the Virginia Department of Game and Inland Fisheries wildlife information mapper](#) can take you to any location in Virginia and if you click on 'report' it will

list all species within a designated search radius (e.g., 2 or 3 miles). It will list the threatened and endangered species first.

Listing of state threatened or endangered plants and insects can be found in § 3.2-1000-1011 of the Code of Virginia and 2VAC5-320-10 of the Virginia Administrative Code and is in Attachment B.

In the event of an adverse incident to threatened or endangered species, federally designated critical habitat, or Tier I (critical conservation need) or Tier II (very high conservation need) areas, you must inform the appropriate agency. This is the National Marine Fisheries Service and Virginia Department of Game and Inland Fisheries (DGIF) for anadromous or marine species, and US Fish and Wildlife Service and DGIF for terrestrial or freshwater species. The following information must be provided (see Attachment C for contact information):

- The caller's name and telephone number;
- Operator name and mailing address;
- The name of the affected species, size of area impacted, and if applicable, the approximate number of animals affected;
- How and when the permittee became aware of the adverse incident;
- Description of the location of the adverse incident;
- Description of the adverse incident, including the EPA pesticide registration number for each product the permittee applied in the area of the adverse incident;
- Description of any steps the permittee has taken or will take to alleviate the adverse impact to the species; and
- Date and time of application.

Part I D 3 Reportable Spills and Leaks

Operators are required to call the Department (contact information in Part I D 5) to report any spill or leak of a hazardous substance or oil into surface waters with 24 hours of becoming aware of the spill or leak.⁴ This must be documented in a written report within 5 days of becoming aware of such spill or leak. The report shall contain the following information:

- A description of the nature and location of the spill, leak or discharge;
- The cause of the spill, leak or discharge;
- The date on which the spill, leak or discharge occurred;
- The length of time that the spill, leak or discharge continued;
- The volume of the spill, leak or discharge;
- If the discharge is continuing, how long it is expected to continue, and what the expected total volume of the discharge will be;
- A summary of corrective action taken or to be taken including date initiated and date completed or expected to be completed, and

⁴ Reportable Spills and Leaks are defined as those that trigger the requirement to notify the National Response Center (40 CFR Parts 110, 117, 302) based on the type of pollutant and quantity released.

- Any steps planned or taken to prevent recurrence of such a spill or leak or other discharge, including notice of whether PDMP modifications are required as a result of the spill or leak.

This information will be used by the Department to ascertain compliance with permit conditions. The Department may waive the written report on a case-by-case basis for reports of noncompliance if the oral report has been received within 24 hours and no adverse impact on state water has been reported

Part I D 4 Recordkeeping and annual reporting

Operators must maintain certain records to help them assess performance of pest management measures and to document compliance with permit conditions. Operators can rely on records and documents developed for other programs, such as requirements under FIFRA, provided all requirements of the permit are satisfied.

All operators must keep copies of any adverse incident 5-day reports submitted to the Department or a rationale for any determination that reporting of an identified adverse incident is not required per Part I D 2 a.

Any operators applying pesticides and exceeding the annual application thresholds in 9VAC25-800-30 C (e.g., 6,400 acres, 20 linear miles, etc.) must also maintain a record of each pesticide applied. This applies to both general use and restricted use pesticides. These record requirements mirror VDACS recordkeeping requirements in 2VAC5-680-65 . The Department thinks the recordkeeping requirements for the agency mandated to administer the pesticide program in Virginia (i.e., VDACS) is sufficient information for the Department. These records are as follows:

- Name, address, and telephone number of customer and address or location, if different, of site of application (e.g. the customer may be the county, naval base, homeowner association, etc... It does not usually mean individual private properties within the larger entity);
- Name and VDACS certification number of the person making the application or certification number of the supervising certified applicator;
- Day, month and year of application;
- Type of plants, crop, animals, or sites treated and principal pests to be controlled;
- Acreage, area, or number of plants or animals treated;
- Brand name or common product name;
- EPA registration number;
- Amount of pesticide concentrate and amount of diluting used, by weight or volume, in mixture applied; and
- Type of application equipment used.

All required records must be assembled as soon as possible but no later than 30 days following completion of such activity. The operator shall retain any records required under this permit for at least 3 years from the date of the pesticide application. This is consistent with 9VAC25-31-

190 J 2 of the permit regulation. The operator shall make available to the Department, including an authorized representative of the Department, all records kept under this permit upon request and provide copies of such records, upon request. This is consistent with 9VAC25-31-190 H.

In addition to recordkeeping, all operators must submit annual reports of any adverse incidents as described in Part I D 2 no later than February 10 of the following year. The operator must also retain a copy for 3 years. The Department believes that the annual report of adverse incidents, along with the VDACS list of licensed pesticide businesses and certified operators, and the availability of records containing location, pest and product information with the operator, is equal to the annual reporting requirements in the federal EPA NPDES permit.

The annual report must contain the following:

- Operator's name;
- Contact person name, title, e-mail address (where available), and phone number;
- A summary report of all adverse incidents that occurred during the previous calendar year; and
- A summary of any corrective actions, including spill responses, in response to adverse incidents, and the rationale for such actions.

This information in the annual report will be used by the Department to assess permit compliance and to determine whether additional controls on pesticide discharges are necessary to protect water quality.

Part I D 5 DEQ contact information and mailing addresses

This section contains all the DEQ contact information for 24-hour reporting for adverse incidents and spills and leaks.

4.0 Conditions Applicable to All Permits (Part II)

VPDES Permit Regulation, 9VAC25-31-190, requires all VPDES permits to contain or specifically cite the conditions that are listed in this section. Some of the conditions in section 190 of the VPDES Permit Regulation have been eliminated because either there was no application to pesticide discharges or the requirement was already in Part I. For example, in monitoring Part II B we removed references to records related to sewage sludge, removed 'notice of planned changes', 'bypass' and 'upset' conditions as these relate only to treatment works. Also, removed 'reports of unauthorized discharges' and 'reports of unusual or extraordinary discharges' as these requirements exist elsewhere in the permit. Some of these conditions also have been edited to reflect the nature of VPDES general permits and specific aspects of this general permit.

ATTACHMENT A
Pesticide Impaired Waters

James River (City of Richmond) **Chlordane***, **DDE***, **DDT***

James River from the Boulevard Bridge to the fall line at approximately the railroad trestle above Mayos Bridge.

Harwood Mills Reservoir (York County) **Copper**.

Segment begins at northwest end of reservoir and ends at southeast end of reservoir, Rt 17 crossing. This cause encompasses the Harwood Mills Reservoir, portion of Poquoson River upstream of dam @ RM 5.7. PWS for York County.

Lee Hall Reservoir, East and West Segments (York County, Newport News) **Copper**.

This includes the entirety of Lee Hall Reservoir. Located southeast of Lee Hall area. Northeast of Fort Eustis. Lee Hall is split by I-64. Newport News PWS.

Bailey Creek (Hopewell City, Prince George County) **Aldrin**.*

Segment begins at the headwaters of Bailey Creek and extends downstream to the fall line.

Bailey Branch (Surry County) **Mirex**.*

Bailey Branch from the headwaters to its tidal limit.

Lovills Creek Lake (Carroll County) **DDD***, **DDE*** and **DDT**.*

The Lovills Creek flood control impoundment east of Cana.

Difficult Run (Fairfax County) **Hepatachlor Epoxide**.*

Begins at the confluence with Captain Hickory Run, approximately 0.6 rivermile upstream from Route 683, and continues downstream until the confluence with the Potomac River.

Four Mile Run (Arlington County) **Chlordane**.*

Tidal waters of Fourmile Run; from rivermile 1.46 downstream until the confluence with the Potomac River, at the state line.

Pimmit Run (Arlington and Fairfax Counties) **Chlordane*** and **Heptachlor Epoxide**.*

Location begins at the confluence with Little Pimmit Run, approximately 0.1 rivermile downstream from Route 695, and continues downstream until the confluence with the Potomac River

Bluestone River (Tazewell County) **Chlordane**.*

This segment includes the mainstem from the confluence with Big Branch downstream to West Virginia political boundary; may be found on the Bramwell quad sheet.

*** Legacy pesticides or used in pesticides that are currently banned in the United States. You may apply other allowable pesticides in these waters.**

List derived from DEQ Integrated Water Quality Report, 2020. Appendix 1.a, 2020 Impaired Waters – 303(d) List, Category 5 – Waters needing Total Maximum Daily Load Study. Appendix 5, Fact Sheets for Impaired (Category 4 or 5) Waters in 2020.

<https://www.deq.virginia.gov/water/water-quality/assessments/integrated-report>

ATTACHMENT B

Virginia Department of Wildlife Resources

Special Status Faunal Species in Virginia

Threatened and Endangered Faunal Species

Common Name/ Scientific Name/ Federal ⁵ / State ⁶ / WAP ⁷ Tier (I-IV)/ WAP ⁸ Rank (a-c)
FRESHWATER FISHES
Atlantic sturgeon <i>Acipenser oxyrinchus</i> FE SE I b
Blackbanded sunfish <i>Enneacanthus chaetodon</i> SE I a
Blackside dace <i>Chrosomus (=Phoxinus) cumberlandensis</i> FT ST
Candy darter <i>Etheostoma osburni</i> FE SE I b
Carolina darter <i>Etheostoma collis</i> ST II c
Clinch Dace <i>Chrosomus sp. cf. saylora</i> SE I a
Duskytail darter <i>Etheostoma percnurum</i> FE SE I a
Emerald shiner <i>Notropis atherinoides</i> ST IV c
Golden darter <i>Etheostoma denoncourti</i> ST II b
Greenfin darter <i>Etheostoma chlorbranchium</i> ST I b
Orangefin madtom <i>Noturus gilberti</i> ST II b
Paddlefish <i>Polyodon spathula</i> ST IV c
Roanoke logperch <i>Percina rex</i> FE SE II a
Sharphead darter <i>Etheostoma acuticeps</i> SE I c
Shortnose sturgeon <i>Acipenser brevirostrum</i> FE SE I a
Sickle darter <i>Percina williamsi</i> FP ST I c
Slender chub <i>Erimystax cahni</i> FT ST I c
Spotfin chub <i>Erimonax monachus</i> FT ST I b
Steelcolor shiner <i>Cyprinella whipplei</i> ST III c
Tennessee dace <i>Chrosomus (=Phoxinus) tennesseensis</i> SE I b
Variagate darter <i>Etheostoma variatum</i> SE I a
Western sand darter <i>Ammocrypta clara</i> ST IV c
Whitemouth shiner <i>Notropis alborus</i> ST II c
Yellowfin madtom <i>Noturus flavipinnis</i> FT ST I a
AMPHIBIANS
Eastern tiger salamander <i>Ambystoma tigrinum</i> SE II a
Mabee's salamander <i>Ambystoma mabeei</i> ST II a
Shenandoah salamander <i>Plethodon shenandoah</i> FE SE I c

⁵ FE=Federal Endangered; FT=Federal Threatened; S/A=Similarity of Appearance; FC=Federal Candidate; FP=Federal Proposed.

⁶ SE=State Endangered; ST=State Threatened.

⁷ WAP Tier = Virginia Wildlife Action Plan (WAP) Tiered Species, from the Species of Greatest Conservation Need list that is defined in the plan: Tiers I-IV (not a legal status, Tier levels defined in WAP).

⁸ WAP Rank = Conservation Opportunity Rankings assigned to each Tiered Species, Ranks a-b (not a legal status, Ranks defined in WAP).

Common Name/ Scientific Name/ Federal ⁵ / State ⁶ / WAP ⁷ Tier (I-IV)/ WAP ⁸ Rank (a-c)
REPTILES
<p>Bog turtle <i>Glyptemys muhlenbergii</i> FT(S/A) SE I a</p> <p>Canebrake rattlesnake <i>Crotalus horridus</i> SE II a (Coastal Plain population of timber rattlesnake)</p> <p>Eastern chicken turtle <i>Deirochelys reticularia reticularia</i> SE I a</p> <p>Eastern glass lizard <i>Ophisaurus ventralis</i> ST II a</p> <p>Green sea turtle <i>Chelonia mydas</i> FT ST I b</p> <p>Hawksbill sea turtle <i>Eretmochelys imbricata</i> FE SE</p> <p>Kemp's ridley sea turtle <i>Lepidochelys kempii</i> FE SE I a</p> <p>Leatherback sea turtle <i>Dermochelys coriacea</i> FE SE I c</p> <p>Loggerhead sea turtle <i>Caretta caretta</i> FT ST I a</p> <p>Wood turtle <i>Glyptemys insculpta</i> ST I a</p>
BIRDS
<p>Bachman's sparrow <i>Aimophila aestivalis</i> ST I a</p> <p>Bachman's warbler (=wood) <i>Vermivora bachmanii</i> FE SE</p> <p>Bewick's wren <i>Thryomanes bewickii</i> SE</p> <p>Eastern black rail <i>Laterallus jamaicensis jamaicensis</i> FT SE I a</p> <p>Gull-billed tern <i>Sterna nilotica</i> ST I a</p> <p>Henslow's sparrow <i>Ammodramus henslowii</i> ST I a</p> <p>Kirtland's warbler <i>Setophaga kirtlandii</i> (=Dendroica kirtlandii) SE</p> <p>Loggerhead shrike <i>Lanius ludovicianus</i> ST I a</p> <p>Peregrine falcon <i>Falco peregrinus</i> ST I a</p> <p>Piping plover <i>Charadrius melodus</i> FT ST II a</p> <p>Red knot <i>Calidris canutus rufa</i> FT ST I a</p> <p>Red-cockaded woodpecker <i>Picoides borealis</i> FE SE I a</p> <p>Roseate tern <i>Sterna dougallii dougallii</i> FE SE</p> <p>Wilson's plover <i>Charadrius wilsonia</i> SE I a</p>
MAMMALS
<p>American water shrew <i>Sorex palustris</i> SE II a</p> <p>Carolina northern flying squirrel <i>Glaucomys sabrinus coloratus</i> FE SE I c</p> <p>Gray bat <i>Myotis grisescens</i> FE SE II a</p> <p>Indiana bat <i>Myotis sodalis</i> FE SE I a</p> <p>Little brown bat <i>Myotis lucifugus</i> SE I a</p> <p>Northern long-eared bat <i>Myotis septentrionalis</i> FT ST I a</p> <p>Rafinesque's eastern big-eared bat <i>Corynorhinus rafinesquii macrotis</i> SE I a</p> <p>Rock vole <i>Microtus chrotorrhinus</i> SE II a</p> <p>Snowshoe hare <i>Lepus americanus</i> SE I c</p> <p>Tri-colored bat <i>Perimyotis subflavus</i> SE I a</p> <p>Virginia big-eared bat <i>Corynorhinus</i> (=Plecotus) <i>townsendii virginianus</i> FE SE II a</p>
MOLLUSKS
<i>Freshwater Mussels</i>
<p>Appalachian monkeyface (pearlymussel) <i>Theliderma</i> (=Quadrula) <i>sparsa</i> FE SE I a</p> <p>Atlantic pigtoe <i>Fusconaia masoni</i> FT ST I a</p> <p>Birdwing pearlymussel <i>Lemiox rimosus</i> FE SE I a</p> <p>Black sandshell <i>Ligumia recta</i> ST III a</p> <p>Brook floater <i>Alasmidonta varicosa</i> SE I b</p>

Common Name/ Scientific Name/ Federal⁵ / State⁶/ WAP⁷ Tier (I-IV)/ WAP⁸ Rank (a-c)
Cracking pearlymussel <i>Hemistena lata</i> FE SE I b
Cumberland monkeyface (pearlymussel) <i>Theliderma (=Quadrula) intermedia</i> FE SE I a
Cumberlandian combshell <i>Epioblasma brevidens</i> FE SE I a
Deertoe <i>Truncilla truncata</i> SE III b
Dromedary pearlymussel <i>Dromus dromas</i> FE SE I a
Dwarf wedgemussel <i>Alasmidonta heterodon</i> FE SE I a
Elephantear <i>Elliptio crassidens</i> SE III a
Fanshell <i>Cyprogenia stegaria</i> FE SE I a
Finerayed pigtoe <i>Fusconaia cuneolus</i> FE SE I a
Fluted kidneyshell <i>Ptychobranthus subtentus</i> FE SE II a
Fragile papershell <i>Leptodea fragilis</i> ST IV c
Golden riffleshell (=Tan riffleshell) <i>Epioblasma aureola (=E. florentina walkeri (=E. walkeri))</i> FE SE I a
Green blossom (pearlymussel) <i>Epioblasma gubernaculum (=E. torulosa gubernaculum)</i> FE SE
Green floater <i>Lasmigona subviridis</i> ST II a
James spiny mussel <i>Parvaspina (=Pleurobema) collina</i> FE SE I a
Littlewing pearlymussel <i>Pegias fabula</i> FE SE I c
Longsolid <i>Fusconaia subrotunda</i> FP III a
Ohio pigtoe <i>Pleurobema cordatum</i> SE III c
Oyster mussel <i>Epioblasma capsaeformis</i> FE SE I a
Pimpleback <i>Quadrula pustulosa pustulosa</i> ST IV b
Pink mucket (pearlymussel) <i>Lampsilis abrupta</i> FE SE I a
Pistolgrip <i>Tritogonia verrucosa</i> ST III b
Purple lilliput <i>Toxolasma lividus</i> SE II c
Pyramid pigtoe <i>Pleurobema rubrum</i> SE II a
Rayed bean <i>Paetulunio (=Villosa) fabalis</i> FE SE II a
Rough pigtoe <i>Pleurobema plenum</i> FE SE I a
Rough rabbitsfoot <i>Quadrula cylindrica strigillata</i> FE SE I a
Sheepnose <i>Plethobasus cyphus</i> FE SE II a
Shiny pigtoe <i>Fusconaia cor</i> FE SE I a
Slabside pearlymussel <i>Pleurobema dolabelloides</i> FE SE II a
Slippershell mussel <i>Alasmidonta viridis</i> SE I b
Snuffbox mussel <i>Epioblasma triquetra</i> FE SE I a
Spectaclecase <i>Cumberlandia monodonta</i> FE SE I b
Tennessee Bean (= Cumberland Bean (Pearlymussel) and Purple Bean (Pearlymussel)) <i>Venustaconcha trabalis (= Villosa trabalis and Villosa perpurpurea)</i> FE SE I a
Tennessee heelsplitter <i>Lasmigona holstonia</i> SE II a
Yellow lance <i>Elliptio lanceolata</i> FT ST II a
<i>Freshwater & Land Snails</i>
Appalachian springsnail <i>Fontigens bottimeri</i> SE II c
Brown supercoil <i>Paravitrea septadens</i> ST I c
Rubble coil <i>Helicodiscus lirellus</i> SE I a
Shaggy coil <i>Helicodiscus diadema</i> SE I c
Spider elimia <i>Elimia arachnoidea</i> SE II c
Spiny riversnail <i>Io fluvialis</i> ST III a
Spirit supercoil <i>Paravitrea hera</i> SE I a
Thankless ghostsnail <i>Holsingeria unthinksensis</i> SE I a
Virginia fringed mountain snail <i>Polygyriscus virginianus</i> FE SE I a

Common Name/ Scientific Name/ Federal⁵ / State⁶/ WAP⁷ Tier (I-IV)/ WAP⁸ Rank (a-c)
Virginia springsnail <i>Fontigens morrisoni</i> SE I a
FRESHWATER CRUSTACEANS
Big Sandy crayfish <i>Cambarus callainus</i> (formerly <i>C. veteranus</i>) FT ST I c
Lee County Cave isopod <i>Lirceus usdagalun</i> FE SE III c
Madison Cave amphipod <i>Stygobromus stegerorum</i> ST I b
Madison Cave isopod <i>Antrolana lira</i> FT ST II c
MILLIPEDES
Ellett Valley pseudotremia <i>Pseudotremia cavernarum</i> ST I c
Laurel Creek xystodesmid <i>Sigmoria whiteheadi</i> ST I c
ARACHNIDS
Spruce-fir moss spider <i>Microhexura montivaga</i> FE SE
INSECTS⁹
American burying beetle <i>Nicrophorus americanus</i> FE I c
Appalachian grizzled skipper <i>Pyrgus wyandot</i> (= <i>Pyrgus centaureae wyandot</i>) ST I a
Buffalo Mountain mealybug <i>Puto kosztarabi</i> SE I c
Holsinger's cave beetle <i>Pseudanophthalmus holsingeri</i> SE I c
Mitchell's satyr butterfly <i>Neonympha mitchellii</i> FE SE I a
Northeastern beach tiger beetle <i>Cicindela dorsalis dorsalis</i> FT ST II a
Rusty patched bumble bee <i>Bombus affinis</i> FE I a
Thomas' cave beetle <i>Pseudanophthalmus thomasi</i> SE II c
Virginia Piedmont water boatman <i>Sigara depressa</i> SE I c
MARINE MAMMALS
Blue whale <i>Balaenoptera musculus</i> FE SE
Finback whale <i>Balaenoptera physalus</i> FE SE IV b
Humpback whale <i>Megaptera novaeangliae</i> FE SE I b
North Atlantic Right whale <i>Eubalaena glacialis</i> FE SE I b
Sei whale <i>Balaenoptera borealis</i> FE SE
Sperm whale <i>Physeter catodon</i> (= <i>macrocephalus</i>) FE SE
West Indian manatee <i>Trichechus manatus</i> FE SE IV b
For further information or details regarding this list or any species listed herein, please contact: Aquatic Wildlife Resources Division Virginia Department of Wildlife Resources Physical Address: 7870 Villa Park Dr, Suite 400 Mailing Address: P. O. Box 90778 Henrico, VA 23228 (804) 367-4335

Based on DWR file 03/14/2022 shw 1 See,

[Virginia Threatened and Endangered Species List](#)

⁹ All insects listed as federal or state endangered or threatened are protected by regulations that fall under the Virginia Department of Agriculture and Consumer Services' jurisdiction.

ATTACHMENT B, continued...
Threatened and Endangered Plants and Insects

Threatened per § 3.2-1000-1011 Code of Virginia

Panax quinquefolius L, Wild Ginseng (threatened only when occurring in the wild)

Threatened per 2VAC5-320-10 Virginia Administrative Code

1. Aeschynomene virginica, sensitive-joint vetch.
2. Amaranthus pumilus, seabeach amaranth.
3. Arabis serotina, shale barren rockcress.
4. Cicindela dorsalis dorsalis, Northeastern beach tiger beetle.
5. Clematis viticaulis, Millboro leatherflower.
6. Echinacea laevigata, smooth coneflower.
7. Houstonia purpurea var. montana, Roan Mountain bluet.
8. Juncus caesariensis, New Jersey rush.
9. Nuphar sagittifolia, narrow-leaved spatterdock.
10. Paxistima canbyi, Canby's mountain-lover.
11. Phlox buckleyi, sword-leaf phlox.
12. Platanthera leucophaea, Eastern prairie fringed orchid.
13. Pycnanthemum torreyi, Torrey's mountain-mint.
14. Pyrgus wyandot, Appalachian grizzled skipper.
15. Rhus michauxii, Michaux's sumac.
16. Rudbeckia heliopsidis, sun-facing coneflower.
17. Scirpus flaccidifolius, reclining bulrush.

Endangered per § 3.2-1000-1011 Code of Virginia

Betula uber, Virginia birch or round-leaf birch

Endangered per 2VAC5-320-10 Virginia Administrative Code

1. Boltonia montana, valley doll's-daisy.

2. *Bombus affinis*, rusty patch bumble bee.
3. *Cardamine micranthera*, small-anthered bittercress.
4. *Carex juniperorum*, juniper sedge.
5. *Clematis addisonii*, Addison's leatherflower.
6. *Corallorhiza bentleyi*, Bentley's coralroot.
7. *Fimbristylis perpusilla*, Harper's fimbriatylis.
8. *Helenium virginicum*, Virginia sneezeweed.
9. *Helonias bullata*, swamp-pink.
10. *Ilex collina*, long-stalked holly.
11. *Iliamna corei*, Peter's Mountain mallow.
12. *Isoetes virginica*, Virginia quillwort.
13. *Isotria medeoloides*, small whorled pogonia.
14. *Ludwigia ravenii*, Raven's seedbox.
15. *Neonympha mitchellii*, Mitchell's satyr butterfly.
16. *Phemeranthus piedmontanus*, Piedmont fameflower.
17. *Pseudanophthalmus holsingeri*, Holsinger's cave beetle.
18. *Pseudanophthalmus parvicollis*, Hupp's Hill cave beetle.
19. *Pseudanophthalmus thomasi*, Thomas' cave beetle.
20. *Ptilimnium nodosum*, harperella.
21. *Puto kosztarabi*, Buffalo Mountain mealybug.
22. *Scirpus ancistrochaetus*, Northeastern bulrush.
23. *Sigara depressa*, Virginia Piedmont water boatman.
24. *Spiraea virginiana*, Virginia spiraea.
25. *Trifolium calcaricum*, running glade clover.

Federally Endangered

1. *Nicrophorus americanus*, American burying beetle.
2. *Bombus affinis*, rusty patched bumble bee.
3. *Neonympha mitchellii mitchellii*, Mitchell's satyr Butterfly.
4. *Habroscelimorpha dorsalis dorsalis*, Northeastern beach tiger beetle.
5. *Ptilimnium nodosum*, Harperella.
6. *Rhus michauxii*, Michaux's sumac.
7. *Scirpus ancistrochaetus*, Northeastern bulrush.

8. *Iliamna corei*, Peter's Mountain mallow.
9. *Hedyotis purpurea* var. *montana*, Roan Mountain bluet.
10. *Boechera serotina*, Shale barren rock cress.
11. *Cardamine micranthera*, Small-anthered bittercress.
12. *Echinacea laevigata*, Smooth coneflower.
13. *Geum radiatum*, Spreading avens.
14. *Platanthera leucophaea*, Eastern prairie fringed orchid.

Source for federally endangered: <https://ecos.fws.gov/ecp/report/species> (Search for plant, insect, in Virginia).

ATTACHMENT C

**CONTACT INFORMATION FOR THREATENED AND ENDANGERED SPECIES
ADVERSE INCIDENT REPORTING**

FOR THREATENED OR ENDANGERED ANADROMOUS OR MARINE SPECIES CONTACTS:

Department of Wildlife Resources at (804) 367-6913

AND

National Marine Fisheries Service at NOAA OLE national hotline at 1-800-853-1964.

FOR THREATENED OR ENDANGERED ANIMAL OR INVERTEBRATE SPECIES CONTACTS:

Department of Wildlife Resources collectionpermits@dwr.virginia.gov and/or (804) 3676913 (email notification is preferred for record keeping purposes)

AND

U.S. Fish and Wildlife Service Virginia Field Office at 804-693-6694, Virginia Field Office, 6669 Short Lane, Gloucester, Virginia 23061

FOR THREATENED OR ENDANGERED PLANTS OR INSECTS CONTACTS:

Virginia Department of Agriculture and Consumer Services

Mr. Keith Tignor

804.786.3515

[E-mail: Keith.Tignor@vdacs.virginia.gov](mailto:Keith.Tignor@vdacs.virginia.gov)

U.S. Fish and Wildlife Service Virginia Field Office at 804-693-6694, Virginia Field Office, 6669 Short Lane, Gloucester, Virginia 23061

ATTACHMENT D
INTEGRATED PEST MANAGEMENT REFERENCES

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TAB C



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Travis A. Voyles
Acting Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director
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February 17, 2023

MEMORANDUM

TO: Board Members

FROM: Peter Sherman, VPDES Guidance and Regulations Coordinator, Office of VPDES Permits

SUBJECT: Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Nonmetallic Mineral Mining (VAG 84); Amendments to 9VAC25-190 and Reissuance of General Permit

The current VPDES General Permit Regulation for Nonmetallic Mineral Mining will expire on June 30, 2024, and the regulation establishing this general permit is being amended to reissue this general permit for another five-year term. The staff is bringing this proposed regulation amendment before the Board to request authorization to hold a public comment period and a public hearing. Draft amendments showing proposed changes to the current regulation and the Agency Town Hall background document, which includes a summary, are attached. The proposed regulation takes into consideration the recommendations of a technical advisory committee formed for this regulatory action. The technical advisory committee consisted of representatives of state government, industry, a trade association, and DEQ staff.

A Notice of Intended Regulatory Action (NOIRA) for the amendment was issued on January 31, 2022. Comments on the NOIRA were considered during the development of the proposed regulation and responses to individual comments have been included in the agency background document.

The Office of the Attorney General is currently reviewing the proposed regulation for certification of statutory authority. The U.S. Environmental Protection Agency will also need to review and approve the general permit prior to final adoption.

Select revisions required under Senate Bill 657 (regarding SWCB authority) were made “exempt final” during the August 25, 2022 Board meeting. In this action, the balance of the general permit/ regulation is proposed to change the term “board” to “department” where the reference is to a permit action. Substantive changes that were proposed and subject to public comment are:

9VAC25-190

Section 15 – *Applicability of incorporated references based on the dates that they became effective.* Updated the Code of Federal Regulations (CFR) publication date referenced to be July 1, 2022. This will be adjusted at final approval to the most recent publication date.

Section 20 – *Purpose; effective date of permit.* Updated the general permit term. The reissued VPDES general permit will become effective on July 1, 2024 and expire on June 30, 2029.

Section 50 – *Authorization to discharge.* Changed the name “Virginia Department of Mines, Minerals and Energy” to “Virginia Energy, Division of Mineral Mining” to reflect the agency name change. Specified that compliance with the general permit constitutes compliance with CWA section 405(a) and (b) for consistency with federal regulatory language and other VPDES general permits.

Section 60 – *Registration statement.* Replaced facility operator with facility contact. This and a few of the items here are to standardize registration statements and facilitate electronic reporting, which is required under federal regulations. Added NAIC code requirement for permittees. Revised the substantially identical and representative stormwater outfall language to remove reference to a single DMR and request the location of the outfalls and explanation why they are expected to discharge substantially identical effluent. Changed the name “Virginia Department of Mines, Minerals and Energy” to “Virginia Energy, Division of Mineral Mining” to reflect the agency name change. Added a requirement to indicate ownership type. Finally, added a conditional electronic submittal requirement for registration statements, which provides for notice and a 3-month period before it becomes effective. This implements federal electronic reporting requirements.

Section 70 – *General permit.* Revised the term of the general permit. The reissued VPDES general permit will become effective on July 1, 2024 and expire on June 30, 2029. Specified that for visual monitoring of stormwater discharges, samples must be in a clean, colorless glass or plastic container and examined in a well-lit area.

Section 70 – *General permit.* Revised the Total Maximum Daily Load (TMDL) special condition so it is not limited to stormwater and for consistency with VPDES requirements and other permits. Following notice, this requires the implementation of measures and controls that are consistent with the assumptions and requirements of the TMDL and, where there is a numeric wasteload allocation, monitoring and measures to meet that allocation.

Section 70 – General permit. Added Special Condition 18, discharge requirements for emergency dewatering during flooded conditions. This provision provides a time-limited, conditional exception from the TSS limits applicable to process wastewater for mine pit dewatering discharges resulting from a storm equal to or greater than a 10-year, 24-hour storm event that has caused flood conditions within the mine such that normal operation at the active portion of the mine cannot continue. Dewatering discharges shall not exceed a daily maximum of 100 mg/l during emergency dewatering, are subject to daily monitoring, and must meet additional conditions including providing notice to DEQ. This provision is in response to issues raised by the TAC.

Section 70 – General permit. Revised the representative outfalls provision to coordinate with edits to the registration statement. Removed the reference to the registration statement and to requesting submittal of one DMR. Specified that permittees with substantially identical stormwater outfalls can monitor the effluent stormwater of just one of the outfalls and report that the observations also apply to the substantially identical outfall.

Section 70 – General permit. Under Storm Water Pollution Prevention Plan (SWPPP) deadlines, simplified the reference to continuing coverage by removing the year of the general permit.

Section 70 – General permit. Supplemented the language for review and amendment of the SWPPP to include any other process, observation, or event results in a determination that modifications to the SWPPP are necessary. Also added where the department notifies the permittee that a TMDL has been developed and applies to the permitted facility. These reflect corrective action language.

Section 70 – General permit. For authorized non-stormwater discharges, clarified that firefighting includes firefighting training activities managed in a manner to avoid an instream impact in accordance with § 9.1-207.1 of the Code of Virginia, and that building washdown is managed in a manner to avoid an instream impact. These reflect revisions to the Industrial Stormwater General Permit.

Section 70 – General permit. Under standard conditions, added a conditional electronic submittal requirement for DMRs, which provides for notice and a 3-month period before it becomes effective. This implements federal electronic reporting requirements.

Section 70 – General permit. Under noncompliance reporting, revised the 24-hours reporting language and updated the link for online reporting, which is now preferred. Specified that for reporting outside of normal working hours, online reporting is required. For emergency calls, changed “Virginia Department of Emergency Services” to “Virginia Department of Emergency Management’s Emergency Operations Center.”

Section 70 – General permit. For inspection and entry, clarified that an authorized representative of the director includes an authorized contractor acting as a representative of the administrator. This reflects a prior EPA comment.

SWCB Memo
February 17, 2023
Nonmetallic Mining General Permit

Attachments: General Permit
Agency Background Document (Townhall)
Fact Sheet.

TAC MEMBERS FOR THE NONMETALLIC MINERAL MINING GENERAL PERMIT
REGULATION

Mark Vigil
Michael Smith
Rob Lanham
Gus Buttar
Walter Beck
Mark Williams
Allan Brockenbrough
Peter Sherman

Luck Stone Corp.
VA Energy/ DMME
Virginia Transportation Construction Alliance
Martin Marietta
Vulcan Construction Materials
Luck Stone Corp. (alternate)
DEQ CO VPDES Permits
DEQ CO VPDES Permits

DEQ Staff Technical Liaisons

Troy Nipper
Elleanore Daub
Tony Edwards
Nick Sturgill
Sarah Siver
Amy Dooley
Amy Hagerdon
Mark Evans
Arlo Baker
Amy Webster

CO Compliance
CO VPDES Permits
SWRO VPDES Permitting
SWRO Compliance
NRO Water Permits, Planning, and Monitoring Manager
NRO Water Compliance
NRO Water Compliance
NRO Water Compliance
PRO Water Compliance
TRO Groundwater and Remediation



townhall.virginia.gov

Exempt Action: Proposed Regulation Agency Background Document

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

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

Brief Summary

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

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

Mandate and Impetus

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

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

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

Acronyms and Definitions

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

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

Legal Basis

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

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

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

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

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

Purpose

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

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

Substance

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

Proposed changes to the general permit regulation include:

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

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

Issues

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

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

Requirements More Restrictive than Federal

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

There are no requirements that exceed applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

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

Other State Agencies Particularly Affected:

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

Localities Particularly Affected:

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

Other Entities Particularly Affected:

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

Regulatory Flexibility Analysis

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

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

Public Comment Received

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

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

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

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

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

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

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

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

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

Detail of Changes

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

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

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

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

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

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

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

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

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

Family Impact

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

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

Office of Regulatory Management

Economic Review Form

Agency name	State Water Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC25-190
VAC Chapter title(s)	Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Nonmetallic Mineral Mining
Action title	2024 Amendment and Reissuance the Existing General Permit Regulation
Date this document prepared	2/21/2023
Regulatory Stage (including Issuance of Guidance Documents)	Proposed (NOPC)

Cost Benefit Analysis

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

VPDES general permit regulations expire every 5 years and must be re-issued in order for permit coverage to be available to new permittees and existing permittees that do not submit a registration statement in a timely manner. If the general permit is not re-issued, the regulated community will need to obtain an individual permit to conduct the regulated activity. For this reason, the costs associated with obtaining an individual permit are compared with the costs associated with general permit coverage. General permits provide the regulated community with a streamlined, less burdensome approach to obtain coverage for conducting a specific regulated activity.

Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)

<p>(1) Direct & Indirect Costs & Benefits (Monetized)</p>	<p>Presently there are 182 of regulated entities covered by this general permit. Reissuance of this general permit allows new entities to be able to obtain coverage for conducting this regulated activity. New requirements resulting from proposed regulatory changes are very limited, and include:</p> <ul style="list-style-type: none"> • Added a NAIC code requirement to the registration statement; • Added an “ownership type” requirement to the registration statement; • Replaced the existing registration statement and DMR submittal requirements with conditional electronic reporting requirements (effective following notice and a three-month period); • Revised the TMDL language such that at reissuance a demonstration is required that the applicable wasteload is being met; • Added Special Condition 18, discharge requirements for emergency dewatering during flooded conditions. • Supplemented the language triggering review and amendment of the SWPPP to include any other process, observation, or event that results in a determination that modifications to the SWPPP are necessary. Review is also required where the department notifies the permittee that a TMDL has been developed and applies to the permitted facility. <p>Direct Costs: Unknown. Expected to be minimal. No existing available cost analysis is broken down at the necessary level of detail.</p> <p>Direct Benefits: The re-issuance of this general permit provides the regulated community with a streamlined, less burdensome approach to obtain coverage for conducting a specific regulated activity while continuing to be protective of human health and the environment.</p> <p>In terms of industrial stormwater costs generally, EPA estimated the average annual cost of complying with the 2015 MSGP is around \$2,752 for new facilities and \$2,199 for existing facilities. EPA also found that the requirements of the 2015 MSGP are economically practicable under BPT criteria and economically achievable under BAT criteria. (U.S. Environmental Protection Agency 2015 Multi-Sector General Permit for</p>
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Stormwater Discharges Associated with Industrial Activity (MSGP) – Fact Sheet, pages 20-21). The 2015 MSGP is generally relevant because it covers stormwater discharges from nonmetallic mineral mining and comprises the most recent general MSGP cost estimate. No quantitative cost estimate data for the regulation of nonmetallic mineral mining process wastewater have been identified. General permits impose lower administrative costs on permittees compared with individual permits. (See, Table 1.c).

No existing quantitative benefit estimates applicable to the nonmetallic mineral mining general permit have been identified. However, in assessing BPT for the 2015 MSGP, EPA did consider the reasonableness of the relationship between the costs of application of technology in relation to the effluent reduction benefit derived, and found the requirements were economically practicable. (U.S. Environmental Protection Agency 2015 Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) – Fact Sheet, pages 20-21).

This general permit already is coordinated with Virginia mining regulations to the extent possible. For example, this general permit does not require that the facility meet pre-mining requirements in the MSGP since Virginia Energy regulations address similar activities.

New Special Condition 18 could allow facilities whose operations are impacted by an extreme storm to re-start operations more quickly.

Indirect Benefits: The reissuance of the general permit may indirectly benefit economic development because it allows for the issuance of a general permit that is protective of human health and the environment that is less burdensome on the regulated community than an Individual VPDES permit. Regulating discharges into state waters benefits tourism and the seafood industry. Cleaner waters may also increase tourism related to recreational uses of state waters.

(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) See above regarding direct costs. No indirect costs or benefits are expected due to the limited extent of changes being made to the general permit regulation.	(b) See above regarding direct and indirect benefits. No indirect costs or benefits are expected due to the limited extent of changes being made to the general permit regulation.
(3) Net Monetized Benefit		

(4) Other Costs & Benefits (Non-Monetized)	
(5) Information Sources	U.S. Environmental Protection Agency 2015 Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) – Fact Sheet https://www.epa.gov/sites/default/files/2015-10/documents/msgp2015_fs.pdf

Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)

(1) Direct & Indirect Costs & Benefits (Monetized)	Available general cost and benefit data is provided in Table 1.a. Given the general character of this data, it would also be applicable to the general permit under the status quo (i.e., no change to the regulation).	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) See information in table 1a.	(b) See information in table 1a.
(3) Net Monetized Benefit		
(4) Other Costs & Benefits (Non-Monetized)		
(5) Information Sources	See table 1a.	

Table 1c: Costs and Benefits under Alternative Approach(es)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Point source discharges of pollutants and industrial stormwater from nonmetallic mineral mines must be authorized by a VPDES permit under the CWA and State Water Control Law. Thus, no non-regulatory options were determined to be available.</p> <p>Regulating activities through the issuance of general permit regulations is an alternative streamlined approach that is used to regulate entities that conduct similar activities. A benefit of this general permit is its lower cost to permittees relative to the cost of obtaining an individual VPDES permit. The permit fee for operators to obtain coverage under this general permit is \$600. Thus, the application fee total for five years of coverage for 181 facilities is \$108,600. If this general permit were not available these operators would be required to obtain an individual VPDES permit, and the initial application fee would be \$3,300 (assumes industrial minor, standard limits). An annual permit maintenance fee of \$1,969 would also apply (the application and maintenance fee total would be \$11,176 per</p>
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	<p>permittee/ 5-year permit term). Thus, individual permits for 181 facilities would cost \$2,022,856 over five years. This does not account for the longer lead time to obtain an individual permit and the increased burden on DEQ staff resources that would result.</p> <p>For electronic submission of registration statement and DMRs, no regulatory alternatives were considered during this phase of general permit reissuance. This is because the electronic submission of these items is required under federal and state regulations (9VAC25-31-1020).</p> <p>EPA developed cost and benefit estimates for electronic reporting. Upon full implementation, EPA estimates that the net savings for authorized NPDES programs will be \$22.6 million, \$0.5 million for regulated entities. (Economic Analysis of the National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Final Rule, Enforcement Targeting and Data Division, Office of Compliance, Office of Enforcement and Compliance Assurance, U.S. EPA, DCN 0197, September 14, 2015, Page ES xii, Docket No. EPA-HQ-OECA-2009-0274). EPA acknowledges that there will be up-front costs and predicts the break-even point in the fourth year.</p> <p>DEQ is not proposing to adopt several new provisions in the EPA 2021 MSGP. These include “report only” monitoring for pH, TSS and COD for all operators not subject to specified benchmarks, additional implementation measures, public sign requirement, revisions to impaired waters monitoring, a revised benchmark monitoring schedule, and consideration of enhanced stormwater control measures for facilities that could be impacted by major storm events. EPA estimates the incremental cost of these additional items is \$338-\$632 per operator per year. Cost Analysis for the U.S. Environmental Protection Agency’s (EPA) National Pollutant Discharge Elimination System (NPDES) 2021 Multi-Sector General Permit (MSGP) for Stormwater Discharges Associated with Industrial Activity, U.S. EPA, January 2021, pg. 2.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)
(3) Net Monetized Benefit		
(4) Other Costs & Benefits (Non-Monetized)		
(5) Information Sources	Economic Analysis of the National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Final Rule,	

	<p>Enforcement Targeting and Data Division, Office of Compliance, Office of Enforcement and Compliance Assurance, U.S. EPA, DCN 0197, September 14, 2015, Page ES xii, Docket No. EPA-HQ-OECA-2009-0274. https://www.epa.gov/sites/default/files/2015-09/documents/npdesea.pdf</p> <p>Cost Analysis for the U.S. Environmental Protection Agency’s (EPA) National Pollutant Discharge Elimination System (NPDES) 2021 Multi-Sector General Permit (MSGP) for Stormwater Discharges Associated with Industrial Activity, U.S. EPA, January 2021.</p> <p>9VAC25-20-110. Fee schedules for individual VPDES and VPA new permit issuance, and individual VWP, SWW, and GWW new permit issuance and existing permit reissuance.</p> <p>9VAC25-20-130. Fees for filing registration statements or applications for general permits issued by the board.</p> <p>9VAC25-20-142. Permit maintenance fees.</p>
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Impact on Local Partners

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 2: Impact on Local Partners

(1) Direct & Indirect Costs & Benefits (Monetized)	No cost or benefit impacts on local partners are expected due to the limited extent of changes being made to the general permit regulation. General permits provide the regulated community with a streamlined, less burdensome approach to obtain coverage for conducting a specific regulated activity. Without this general permit regulation, an individual permit would be required to conduct the regulated activity.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)
(3) Other Costs & Benefits (Non-Monetized)		
(4) Assistance		

(5) Information Sources	
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Impacts on Families

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 3: Impact on Families

(1) Direct & Indirect Costs & Benefits (Monetized)	No indirect costs or benefit impacts on families are expected due to the limited extent of changes being made to the general permit regulation. Single family residences do not typically conduct an activity that would be regulated by this general permit.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)
(3) Other Costs & Benefits (Non-Monetized)	Families could potentially benefit from industry’s use of general permits. If this general permit did not exist, individual permits would be required for these activities, and the additional costs would likely be passed on to consumers, which would potentially include families.	
(4) Information Sources		

Impacts on Small Businesses

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 4: Impact on Small Businesses

(1) Direct & Indirect Costs & Benefits (Monetized)	No indirect costs or benefit impacts on small businesses are expected due to the limited extent of changes being made to the general permit regulation. General permits provide the regulated community with a streamlined, less burdensome approach to obtain coverage for conducting a specific regulated activity. Without this general permit regulation, an individual permit would be required to conduct the regulated activity.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)

(3) Other Costs & Benefits (Non-Monetized)	No costs or benefit impacts on small businesses are expected due to the limited extent of changes being made to the general permit regulation. If this general permit did not exist, individual permits and their associated fees and application process would be required for these activities.
(4) Alternatives	
(5) Information Sources	

Changes to Number of Regulatory Requirements

For each individual VAC Chapter amended, repealed, or promulgated by this regulatory action, list (a) the initial requirement count, (b) the count of requirements that this regulatory package is adding, (c) the count of requirements that this regulatory package is reducing, (d) the net change in the number of requirements. This count should be based upon the text as written when this stage was presented for executive branch review. Five rows have been provided, add or delete rows as needed. In the last row, indicate the total number for each column.

Table 5: Total Number of Requirements

	Number of Requirements			
Chapter number	Initial Count	Additions	Subtractions	Net Change
190	217 ¹	6	-3 ²	3
TOTAL				

¹ All use of “shall” and “must” have been counted. This may overestimate the number of distinct requirements in the general permit.

² E-NOI, E-DMR and TMDL requirements replace existing requirements.

1 **Project 7006 - Proposed**

2 **State Water Control Board**

3 **Chapter 190 2024 Amendment and Reissuance of the Existing General Permit Regulation**

4 Chapter 190

5 Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for
6 Nonmetallic Mineral Mining

7 **9VAC25-190-15. Applicability of incorporated references based on the dates that they**
8 **became effective.**

9 Except as noted, when a regulation of the U.S. Environmental Protection Agency set forth in
10 Title 40 of the Code of Federal Regulations is referenced or adopted in this chapter and
11 incorporated by reference that regulation shall be as it exists and has been published as of July
12 1, ~~2018~~ 2022.

13 **9VAC25-190-20. Purpose; effective date of permit.**

14 A. The purpose of this chapter is to establish General Permit Number VAG84 to regulate
15 wastewater and stormwater discharges to surface waters from nonmetallic mineral mines as
16 follows:

- 17 1. For active and inactive nonmetallic mineral mining facilities in SIC Major Group 14, this
18 general permit covers discharges composed entirely of stormwater associated with
19 industrial activity.
- 20 2. This general permit authorizes the discharge of process wastewater as well as
21 stormwater associated with industrial activity from active and inactive mineral mines
22 classified under:
- 23 a. SIC Code 1411 - NAICS Code 212311,
 - 24 b. SIC Code 1422 - NAICS Code 212312,
 - 25 c. SIC Code 1423 - NAICS Code 212313,
 - 26 d. SIC Code 1429 - NAICS Code 212319,
 - 27 e. SIC Code 1442 - NAICS Code 212321,
 - 28 f. SIC Code 1455 - NAICS Code 212324,
 - 29 g. SIC Code 1459 - NAICS Code 212325, excluding bentonite and magnesite mines,
 - 30 h. SIC Code 1475 - NACIS Code 212392, and
 - 31 i. SIC Code 1499 - NAICS Code 212399, excluding gypsum, graphite, asbestos,
32 diatomite, jade, novaculite, wollastonite, tripoli or asphaltic mineral mines.
- 33 3. Coal mining, metal mining, and oil and gas extraction are not covered by this general
34 permit.

35 B. This general permit will become effective on July 1, ~~2019~~ 2024, and will expire June 30,
36 ~~2024~~. 2029. For any covered owner, this general permit is effective upon compliance with all the
37 provisions of 9VAC25-190-50 and the receipt of this general permit.

38 **9VAC25-190-50. Authorization to discharge.**

39 A. Any owner governed by this general permit is authorized to discharge process wastewater
40 and stormwater as described in 9VAC25-190-20 A 1 and 2 to surface waters of the
41 Commonwealth of Virginia provided that:

42 1. The owner submits a registration statement in accordance with 9VAC25-190-60, and
43 that registration statement is accepted by the ~~board~~ department;

44 2. The owner submits the required permit fee;

45 3. The owner complies with the applicable effluent limitations and other requirements of
46 9VAC25-190-70;

47 4. The owner has and maintains during such authorization a mineral mining permit for the
48 operation to be covered by this general permit that has been approved by ~~the~~ Virginia
49 ~~Department of Mines, Minerals and Energy~~, Division of Mineral Mining (or an associated
50 waived program, locality, or state agency) under provisions and requirements of Title
51 45.1 of the Code of Virginia. Mineral mines located in bordering states with discharges in
52 Virginia shall provide documentation that they have a mining permit from the appropriate
53 state authority. Mineral mines owned and operated by governmental bodies not subject to
54 the provisions and requirements of Title 45.1 of the Code of Virginia are exempt from this
55 requirement; and

56 5. The ~~board~~ department has not notified the owner that the discharge is not eligible for
57 coverage in accordance with subsection B of this section.

58 B. The ~~board~~ department will notify an owner that the discharge is not eligible for coverage
59 under this general permit in the event of any of the following:

60 1. The owner is required to obtain an individual permit in accordance with 9VAC25-31-170
61 B 3 of the VPDES Permit Regulation;

62 2. The owner is proposing to discharge to state waters specifically named in other board
63 regulations that prohibit such discharges;

64 3. The discharge violates or would violate the antidegradation policy in the water quality
65 standards at 9VAC25-260-30; or

66 4. The discharge is not consistent with the assumptions and requirements of an approved
67 TMDL.

68 C. Compliance with this general permit constitutes compliance for purposes of enforcement
69 with §§ 301, 302, 306, 307, 318, 403, and ~~405(b)~~ 405(a) through (b) of the federal Clean Water
70 Act and the State Water Control Law, with the exceptions stated in 9VAC25-31-60 of the VPDES
71 Permit Regulation. Approval for coverage under this general permit does not relieve any owner
72 of the responsibility to comply with any other applicable federal, state, or local statute, ordinance,
73 or regulation.

74 D. Continuation of permit coverage.

75 1. Permit coverage shall expire at the end of the applicable permit term. However, expiring
76 permit coverages are automatically continued if the owner has submitted a complete
77 registration statement at least 60 days prior to the expiration date of the permit, or a later
78 submittal date established by the ~~board~~ department, which cannot extend beyond the
79 expiration date of the permit. The permittee is authorized to continue to discharge until
80 such time as the ~~board~~ department either:

81 a. Issues coverage to the owner under this general permit; or

82 b. Notifies the owner that the discharge is not eligible for coverage under this general
83 permit.

84 2. When the owner that was covered under the expiring or expired general permit has
85 violated or is violating the conditions of that permit, the ~~board~~ department may choose to
86 do any or all of the following:

87 a. Initiate enforcement action based upon the general permit coverage that has been
88 continued;

- 89 b. Issue a notice of intent to deny coverage under the reissued general permit. If the
90 general permit coverage is denied, the owner would then be required to cease the
91 discharges authorized by the continued coverage or be subject to enforcement action
92 for discharging without a permit;
- 93 c. Issue an individual permit with appropriate conditions; or
- 94 d. Take other actions authorized by the VPDES Permit Regulation (9VAC25-31).

95 **9VAC25-190-60. Registration statement.**

96 A. Any owner seeking coverage under this general permit shall submit a complete VPDES
97 general permit registration statement in accordance with this section, which shall serve as a notice
98 of intent for coverage under the VPDES general permit for nonmetallic mineral mining facilities.

99 1. New facilities. Any owner proposing a discharge shall submit a complete registration
100 statement at least 60 days prior to the date planned for commencement of the discharge
101 or a later submittal date established by the ~~board~~ department.

102 2. Existing facilities.

103 a. Any owner covered by an VPDES individual permit that is proposing to be covered
104 by this general permit shall submit a complete registration statement at least 240 days
105 prior to the expiration date of the individual VPDES permit.

106 b. Any owner that was authorized to discharge under the expiring VPDES general
107 permit for nonmetallic mineral mining and that intends to continue coverage under this
108 general permit shall submit a complete registration statement to the ~~board~~ department
109 at least 60 days prior to the expiration of the existing permit or a later submittal date
110 established by the ~~board~~ department.

111 B. Late registration statements. Registration statements for existing facilities covered under
112 subdivision A 2 b of this section will be accepted after the expiration date of this permit, but
113 authorization to discharge will not be retroactive.

114 C. The required registration statement shall contain the following information:

115 1. Facility owner and ~~operator or other~~ facility contact name, address, email address, and
116 telephone number;

117 2. Facility name, county, and location;

118 3. Description of mining activity;

119 4. Primary and secondary SIC and NAIC codes;

120 5. Discharge information including:

121 a. A list of outfalls identified by outfall numbers;

122 b. Characterization of the type of each listed outfall's discharge as either process
123 wastewater, stormwater, or process wastewater commingled with stormwater;

124 c. Characterization of the source of each listed outfall's discharge as either mine pit
125 dewatering, stormwater associated with industrial activity (see definition in 9VAC25-
126 190-10), stormwater not associated with industrial activity, groundwater infiltration,
127 wastewater from vehicle or equipment degreasing activities, vehicle washing and
128 return water from operations where mined material is dredged, mined material
129 washing, noncontact cooling water, miscellaneous plant cleanup wastewater,
130 colocated facility discharges (identify the colocated facility), other discharges not listed
131 here (describe), or any combination of the above;

132 d. The receiving stream, including wetlands for each outfall listed;

133 e. The latitude and longitude for each outfall listed; and

- 134 f. ~~Indicate which stormwater outfalls will be representative outfalls that require a single~~
135 ~~discharge monitoring report (DMR). For stormwater outfalls that are to be represented~~
136 ~~by other outfall discharges, provide a description of the activities associated with those~~
137 ~~outfalls and explain why they are substantially the same as the representative outfall~~
138 ~~to be sampled; could operate as substantially identical or representative outfalls (if~~
139 ~~any). Provide the following for each:~~
- 140 a. The locations of the outfalls;
- 141 b. Why the outfalls are expected to discharge substantially identical effluents including,
142 where available, evaluation of monitoring data;
- 143 6. Indicate if the facility has a current VPDES permit and the permit number if it does;
- 144 7. Description of wastewater treatment, reuse or recycle systems, or both;
- 145 8. List of any treatment chemicals added to wastewater or stormwater that could be
146 discharged. Include safety data sheets, the maximum proposed dosing rates, and a
147 demonstration that application or use will not result in aquatic toxicity;
- 148 9. List of colocated facilities;
- 149 10. Indicate if the facility is a hazardous waste treatment, storage, or disposal facility;
- 150 11. Schematic drawing showing water flow from source to water-using industrial
151 operations to waste treatment and disposal, and disposal of any solids removed from
152 wastewater;
- 153 12. Aerial photo or scale map that clearly shows the property boundaries, plant site,
154 drainage areas associated with each outfall, locations of all mine pit dewatering, existing,
155 significant sources of materials exposed to precipitation, stormwater or process
156 wastewater outfalls and the receiving streams;
- 157 13. Evidence, such as the permit-license to operate a mine page, that the operation to be
158 covered by this general permit has a mining permit that has been approved by the Virginia
159 Department of Mines, Minerals and Energy, Division of Mineral Mining (or associated
160 waived program) under the provisions and requirements of Title 45.1 of the Code of
161 Virginia (or appropriate bordering state authorization). Mineral mines owned and operated
162 by governmental bodies not subject to the provisions and requirements of Title 45.1 of the
163 Code of Virginia are exempt from this requirement;
- 164 14. Mining permit number;
- 165 15. Whether the permitted facility will discharge to a municipal separate storm sewer
166 system (MS4). If yes, the facility owner shall notify the MS4 owner of the existence of the
167 discharge at the time of registration under this permit and include that notification with the
168 registration statement. The notification shall include the following information: the name of
169 the facility, a contact person and contact information, the location of the discharge, the
170 nature of the discharge, and the facility's VPDES general permit number if assigned by
171 DEQ;
- 172 16. Indicate if there are vehicle or equipment degreasing activities performed on site. If
173 yes, indicate if there is any process wastewater generated from these activities;
- 174 17.
- 175 Provide certification that the process wastewater system is designed to operate as "no
176 discharge" if special condition Part I B 15 is to apply to the facility. Identify the emergency
177 outfall number;
- 178 18. State Corporation Commission entity identification number if the facility is required to
179 obtain an entity identification number by law; ~~and~~
- 180 19. Ownership type, whether located on Indian lands, and existing VPA permits; and

181 19. 20. The following certification:

182 "I certify under penalty of law that this document and all attachments were prepared
183 under my direction or supervision in accordance with a system designed to assure that
184 qualified personnel properly gather and evaluate the information submitted. Based on
185 my inquiry of the person or persons who manage the system or those persons directly
186 responsible for gathering the information, the information submitted is to the best of
187 my knowledge and belief true, accurate, and complete. I am aware that there are
188 significant penalties for submitting false information including the possibility of fine and
189 imprisonment for knowing violations."

190 D. The registration statement shall be signed in accordance with 9VAC25-31-110.

191 E. Where to submit. The registration statement shall be delivered to the department by either
192 postal or electronic mail and shall be submitted to the DEQ regional office serving the area where
193 the industrial facility is located. Following notification from the department of the start date for the
194 required electronic submission of Notices of Intent to discharge forms (i.e., registration
195 statements), as provided for in 9VAC25-31-1020, such forms submitted after that date shall be
196 electronically submitted to the department in compliance with this section and 9VAC25-31-1020.
197 There shall be at least a three-month notice provided between the notification from the department
198 and the date after which such forms must be submitted electronically.

199 **9VAC25-190-70. General permit.**

200 Any owner whose registration statement is accepted by the ~~board~~ department will receive
201 coverage under the following general permit and shall comply with the requirements in the general
202 permit and be subject to all requirements of 9VAC25-31-190.

203 General Permit No.: VAG84
204 Effective date: July 1, ~~2019~~ 2024
205 Expiration date: June 30, ~~2024~~ 2029

206 GENERAL PERMIT FOR NONMETALLIC MINERAL MINING

207 AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE
208 ELIMINATION SYSTEM AND THE VIRGINIA STATE WATER CONTROL LAW

209 In compliance with the provisions of the Clean Water Act, as amended, and pursuant to the
210 State Water Control Law and regulations adopted pursuant to it, owners of nonmetallic mineral
211 mines are authorized to discharge to surface waters within the boundaries of the Commonwealth
212 of Virginia, except those specifically named in board regulations that prohibit such discharges.

213 The authorized discharge shall be in accordance with the information submitted with the
214 registration statement, this cover page, Part I - Effluent Limitations, Monitoring Requirements, and
215 Special Conditions, Part II - Stormwater Management, and Part III - Conditions Applicable to All
216 VPDES Permits, as set forth in this permit.

217 Part I

218 Effluent Limitations, Monitoring Requirements, and Special Conditions

219 A. Effluent limitations and monitoring requirements.

220 1. During the period beginning with the permittee's coverage under this general permit and
221 lasting until the permit's expiration date, the permittee is authorized to discharge process
222 wastewater and commingled stormwater associated with industrial activity from outfalls.

223

Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS	
	Monthly Average	Daily Minimum	Daily Maximum	Frequency ⁽¹⁾	Sample Type
Flow (MGD)	NL	NA	NL	1/3 Months	Estimate
Total Suspended Solids (mg/l) ⁽²⁾	30	NA	60	1/3 Months	Grab
pH (standard units) ^{(2) (3)}	NA	6.0	9.0	1/3 Months	Grab

NL = No Limitation, monitoring required

NA = Not Applicable

⁽¹⁾ 1/3 Months equals the following three-month periods each year of permit coverage: January through March, April through June, July through September, and October through December. Discharge Monitoring Reports (DMRs) of quarterly monitoring shall be submitted to the DEQ regional office no later than the 10th day of April, July, October, and January.

⁽²⁾ See Special Condition 18 with regard to conditions applicable to emergency dewatering.

^{(2) (3)} Where the Water Quality Standards (9VAC25-260) establish alternate standards for pH, those standards shall be the minimum and maximum pH effluent limits.

224

2. During the period beginning with the permittee's coverage under the general permit and lasting until the permit's expiration date, the permittee is authorized to discharge stormwater associated with industrial activity that does not combine with other wastewaters prior to discharge from outfalls.

225

226

227

228

a. Such discharges shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS	
	Monthly Average	Daily Minimum	Daily Maximum	Frequency ⁽¹⁾	Sample Type
Flow (MG)	NA	NA	NL	1/Year	Estimate ⁽²⁾
Total Suspended Solids (mg/l)	NA	NA	NL ⁽³⁾	1/Year	Grab
pH (standard units)	NA	NL	NL	1/Year	Grab

NL = No Limitation, monitoring required

NA = Not applicable

⁽¹⁾ Discharge Monitoring Reports (DMRs) of yearly monitoring (January 1 to December 31) shall be submitted to the DEQ regional office no later than the 10th day of January.

⁽²⁾ Estimate of the total volume of the discharge during the storm event.

⁽³⁾ Permittees shall review the results of the TSS monitoring required by Part I A 2 a to determine if changes to the stormwater pollution prevention plan (SWPPP) may be necessary. If the TSS monitoring results are greater than the evaluation value of 100 mg/l, then the permittee shall perform a routine facility inspection within five days of becoming aware of the

exceedance and maintain documentation as described in Part II H 3 d for that outfall. Any deficiencies noted during the inspection shall be corrected within 60 days of being identified.

b. The permittee shall conduct calendar quarterly visual monitoring of stormwater discharges associated with industrial activity. The monitoring shall include examination of stormwater samples representative of storm event discharges from the facility and observation of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution. Samples will be in a clean, colorless glass or plastic container and examined in a well-lit area. Documentation of visual monitoring of stormwater shall be maintained onsite in the SWPPP and include the examination date and time, examination personnel, outfall location, the nature of the discharge (i.e., runoff or snowmelt), visual quality of the stormwater discharge and probable sources of any observed stormwater contamination. Part II A regarding monitoring instructions, Part II B regarding representative outfalls, and Part II C regarding sampling waivers shall apply to the taking of samples for visual monitoring except that the documentation required by these sections shall be retained with the SWPPP rather than submitted to the department. Calendar quarters equal the following three-month periods each year of permit coverage: January through March, April through June, July through September, and October through December.

229 B. Special conditions.

230 1. Vehicles and equipment utilized during the industrial activity on a site must be operated
231 and maintained in such a manner as to prevent the potential or actual point source
232 pollution of the surface or groundwaters of the state. Fuels, lubricants, coolants, and
233 hydraulic fluids, or any other petroleum products, shall not be disposed of by discharging
234 on the ground or into surface waters. Spent fluids shall be disposed of in a manner so as
235 not to enter the surface or groundwaters of the state and in accordance with the applicable
236 state and federal disposal regulations. Any spilled fluids shall be cleaned up and disposed
237 of in a manner so as not to allow their entry into the surface or groundwaters of the state.

238 2. No sewage shall be discharged from this mineral mining activity except under the
239 provisions of another VPDES permit specifically issued for that purpose.

240 3. There shall be no chemicals added to the discharge, other than those listed on the
241 owner's approved registration statement, unless prior approval of the chemical is granted
242 by the ~~board~~ department.

243 4. The permittee shall submit a new registration statement if the mining permit approved
244 by the Division of Mineral Mining (or associated waived program, or bordering state mine
245 authority) is modified or reissued in any way that would affect the outfall location or the
246 characteristics of a discharge covered by this general permit. Government owned and
247 operated mines without mining permits shall submit the registration statement whenever
248 outfall location or characteristics are altered. The new registration statement shall be filed
249 within 30 days of the outfall relocation or change in the characteristics of the discharge.

250 5. The permittee shall notify the department as soon as they know or have reason to
251 believe:

252 a. That any activity has occurred or will occur that would result in the discharge, on a
253 routine or frequent basis, of any toxic pollutant that is not limited in this permit, if that
254 discharge will exceed the highest of the following notification levels:

255 (1) One hundred micrograms per liter (100 µg/l) of the toxic pollutant;

256 (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five
257 hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-
258 dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

259 (3) Five times the maximum concentration value reported for that pollutant in the permit
260 application; or

261 (4) The level established by the ~~board~~ department.

262 b. That any activity has occurred or will occur that would result in any discharge, on a
263 nonroutine or infrequent basis, of a toxic pollutant that is not limited in this permit, if
264 that discharge will exceed the highest of the following notification levels:

265 (1) Five hundred micrograms per liter (500 µg/l) of the toxic pollutant;

266 (2) One milligram per liter (1 mg/l) for antimony;

267 (3) Ten times the maximum concentration value reported for that pollutant in the permit
268 application; or

269 (4) The level established by the ~~board~~ department in accordance with 9VAC25-31-220
270 F.

271 6. Any and all product, materials, industrial wastes, or other wastes resulting from the
272 purchase, sale, mining, extraction, transport, preparation, or storage of raw or intermediate
273 materials, final product, by-product, or wastes shall be handled, disposed of, or stored in
274 such a manner and consistent with best management practices, so as not to permit a
275 discharge of such product, materials, industrial wastes, or other wastes to state waters,
276 except as expressly authorized.

277 7. There shall be no discharge of process wastewater pollutants from colocated asphalt
278 paving materials operations. For the purposes of this special condition, process
279 wastewater pollutants are any pollutants present in water used in asphalt paving materials
280 manufacturing that come into direct contact with any raw materials, intermediate product,
281 by-product or product related to the asphalt paving materials manufacturing process.

282 8. Process water may be used on site for the purpose of dust suppression. Dust
283 suppression shall be carried out as a best management practice but not as a wastewater
284 disposal method provided that ponding or direct runoff from the site does not occur during
285 or immediately following its application. Dust suppression shall not occur during a storm
286 event that results in an actual discharge from the site.

287 9. Process water from mine dewatering may be provided to local property owners for
288 beneficial agricultural use.

289 10. There shall be no:

290 a. Discharge of floating solids or visible foam in other than trace amounts from process
291 water discharges;

292 b. Solids deposition to surface water as a result of a discharge associated with
293 industrial activity; or

294 c. Oil sheen resulting from petroleum products discharged to surface water as a result
295 of the industrial activity.

296 11. The permittee shall report at least two significant digits for a given parameter.
297 Regardless of the rounding convention used (i.e., five always rounding up or to the nearest
298 even number) by the permittee, the permittee shall use the convention consistently and
299 shall ensure that consulting laboratories employed by the permittee use the same
300 convention.

301 12.

302 Discharges to waters ~~subject to~~ with an approved total maximum daily load (TMDL),
303 ~~wasteload allocations.~~ Owners of facilities that are a source of the specified pollutant of
304 concern to waters for which where a total maximum daily load (TMDL) wasteload
305 ~~allocation~~ has been approved prior to the term of this permit shall ~~incorporate~~ implement
306 measures and controls ~~into the SWPPP required by Part II~~ that are consistent with the
307 assumptions and requirements of the TMDL. The department will provide written
308 notification to the owner that a facility is subject to the TMDL requirements. If the TMDL
309 establishes a numeric wasteload allocation that applies to discharges from the facility, the
310 owner shall perform any required monitoring for the pollutant of concern in accordance
311 with the monitoring frequencies in Part I A and implement measures necessary to meet
312 that allocation. At permit reissuance, the permittee shall submit a demonstration with the
313 registration statement to show the wasteload allocation is being met.

314 13. The discharges authorized by this permit shall be controlled as necessary to meet
315 applicable water quality standards.

316 14. Inactive and unstaffed facilities (including temporarily inactive and unstaffed facilities).

317 a. A waiver of the process and stormwater monitoring and routine inspections may be
318 exercised by the ~~board~~ department at a facility that is both inactive and unstaffed as
319 long as the facility remains inactive and unstaffed. Such a facility is required to conduct
320 ~~an annual~~ a site inspection in accordance with the requirements in Part II H 3 d. No
321 DMR reports will be required to be submitted when a facility is approved as inactive
322 and unstaffed.

323 b. An inactive and unstaffed sites waiver request shall be submitted to the ~~board~~
324 department for approval and shall include the name of the facility; the facility's VPDES
325 general permit registration number; a contact person, phone number, and email
326 address (if available); the reason for the request; and the date the facility became or
327 will become inactive and unstaffed. The waiver request shall be signed and certified
328 in accordance with Part III K. If this waiver is granted, a copy of the request and the
329 ~~board's~~ department's written approval of the waiver shall be maintained with the
330 SWPPP.

331 c. To reactivate the site the permittee shall notify the department within 30 days or an
332 alternate timeframe if written approval is received in advance from the ~~board~~
333 department, and all process and stormwater monitoring and routine inspections shall
334 be resumed immediately. This notification must be submitted to the department,
335 signed in accordance with Part III K, and retained on site at the facility covered by this
336 permit in accordance with Part III B.

337 d. The ~~board~~ department retains the authority to revoke this waiver when it is
338 determined that the discharge causes, has a reasonable potential to cause, or
339 contributes to a water quality standards violation.

340 15. Process wastewater systems designed to operate as "no discharge" shall have no
341 discharge of wastewater or pollutants, except in storm events greater than a 25-year, 24-
342 hour storm event. In the event of such a discharge, the permittee shall report an unusual
343 or extraordinary discharge per Part III H of this permit. No sampling or DMR is required
344 for these discharges as they are considered to be discharging in emergency discharge
345 conditions. These discharges shall not contravene the Water Quality Standards (9VAC25-
346 260), as adopted and amended by the board, or any provision of the State Water Control
347 Law. Any other discharge from this type of system is prohibited, and shall be reported as
348 an unauthorized discharge per Part III G of this permit.

349 16. Best management practices for blasting. The permittee shall utilize best management
350 practices to ensure that contaminants do not enter surface water as a result of blasting at
351 the site.

352 17. Notice of termination.

353 a. The owner may terminate coverage under this general permit by filing a complete
354 notice of termination. The notice of termination may be filed after one or more of the
355 following conditions have been met:

356 (1) Operations have ceased at the facility and there are no longer discharges of
357 process wastewater or stormwater associated with the industrial activity;

358 (2) A new owner has assumed responsibility for the facility. A notice of termination
359 does not have to be submitted if a VPDES Change of Ownership Agreement Form has
360 been submitted;

361 (3) All discharges associated with this facility have been covered by a VPDES
362 individual permit or an alternative VPDES permit; or

363 (4) Termination of coverage is being requested for another reason, provided the ~~board~~
364 department agrees that coverage under this general permit is no longer needed.

365 b. The notice of termination shall contain the following information:

366 (1) Owner's name, mailing address, telephone number, and email address (if
367 available);

368 (2) Facility name and location;

369 (3) VPDES general permit registration number for the facility; and

370 (4) The basis for submitting the notice of termination, including:

371 (a) A statement indicating that a new owner has assumed responsibility for the facility;

372 (b) A statement indicating that operations have ceased at the facility, and there are no
373 longer discharges from the facility;

374 (c) A statement indicating that all discharges have been covered by a VPDES
375 individual permit; or

376 (d) A statement indicating that termination of coverage is being requested for another
377 reason (state the reason).

378 c. The following certification:

379 "I certify under penalty of law that all wastewater and stormwater discharges from the
380 identified facility that are authorized by this VPDES general permit have been
381 eliminated, or covered under a VPDES individual or alternative permit, or that I am no
382 longer the owner of the facility, or permit coverage should be terminated for another
383 reason listed above. I understand that by submitting this notice of termination, that I
384 am no longer authorized to discharge nonmetallic mineral mining wastewater or
385 stormwater in accordance with the general permit, and that discharging pollutants to
386 surface waters is unlawful where the discharge is not authorized by a VPDES permit.
387 I also understand that the submittal of this notice of termination does not release an
388 owner from liability for any violations of this permit or the Clean Water Act."

389 d. The notice of termination shall be submitted to the DEQ regional office serving the
390 area where the facility discharge is located and signed in accordance with Part III K.

391 18. Discharge requirements for emergency dewatering during flooded conditions. For
392 covered facilities except for those in SIC 1475, the monthly average and daily maximum
393 discharge limitations for TSS in Part I A 1 do not apply to mine pit dewatering discharges
394 resulting from a storm equal to or greater than a 10-year, 24-hour storm event that has

395 caused flood conditions within the mine such that normal operation at the active portion of
396 the mine cannot continue. Rather, the TSS levels in such dewatering discharges shall not
397 exceed a daily maximum of 100 mg/l during emergency dewatering. The operator must
398 conduct such dewatering by pumping from the surface of the flooded area through a
399 filtered mechanism to minimize the discharge of solids. The operator shall notify DEQ of
400 such flooded conditions as an Unusual or Extraordinary discharge as described in Part III
401 H of the permit. The emergency dewatering TSS limitation remains in effect until operation
402 at the active portion of the mine resumes or the emergency dewatering activity has
403 ceased, whichever occurs first. In no case shall the emergency dewatering TSS limit be
404 applicable for more than 30 days from the beginning of the relevant 10-year, 24-hour storm
405 event, unless otherwise approved by DEQ. The permittee shall take actions to maximize
406 the settling of stormwater prior to and during dewatering. Cationic settling agents shall not
407 be used during dewatering without prior DEQ approval of a demonstration that the use will
408 not result in aquatic toxicity. During emergency dewatering, the permittee shall monitor for
409 TSS daily and notify DEQ of any exceedances. Dewatering discharges shall not
410 contravene the Water Quality Standards (9VAC25-260), as adopted and amended by the
411 board, or any provision of the State Water Control Law.

412 413 Part II

414 Stormwater Management

415 A. Monitoring instructions.

416 1. Collection and analysis of samples. Sampling requirements shall be assessed on an
417 outfall-by-outfall basis. Samples shall be collected and analyzed in accordance with the
418 requirements of Part III A.

419 2. When and how to sample.

420 a. In the case of snowmelt or a discharge from a stormwater management structure,
421 a representative sample shall be taken at the time the discharge occurs.

422 b. For all other types of stormwater discharges, a minimum of one grab sample shall
423 be taken resulting from a storm event that results in a discharge from the site (~~defined~~
424 ~~as a "measurable storm event"~~), providing the interval from the preceding measurable
425 storm event discharge is at least 72 hours. The 72-hour storm interval is waived if the
426 permittee is able to document with the discharge monitoring report (DMR) that less
427 than a 72-hour interval is representative for local storm events during the sampling
428 period. The grab sample shall be taken during the first 30 minutes of the discharge. If
429 it is not practicable to take the sample during the first 30 minutes, the sample may be
430 taken during the first three hours of discharge provided that the permittee explains with
431 the DMR why a grab sample during the first 30 minutes was impracticable and
432 maintains that documentation with the SWPPP.

433 B. Representative outfalls. If a facility has two or more exclusively stormwater outfalls that
434 discharge substantially identical effluents, based on similarity of industrial activity, significant
435 materials, frequency of discharges, and management practices and activities within the area
436 drained by the outfalls, then the permittee may ~~submit information with the registration statement~~
437 ~~substantiating the request for only one DMR to be issued for the outfall to be sampled that~~
438 ~~represents one or more substantially identical outfalls~~ monitor the effluent stormwater of just one
439 of the outfalls and report that the observations also apply to the substantially identical outfall. The
440 permittee shall document representative outfalls in the SWPPP and ~~list on the DMR of the outfall~~

441 ~~to be sampled at all outfall locations that are represented by the discharge.~~ The representative outfall
442 monitoring provisions apply to Part I A 2 a monitoring and quarterly visual monitoring.

443 The permittee must include the following information in the SWPPP:

- 444 1. The locations of the outfalls; and
- 445 2. An evaluation, including available monitoring data, indicating why the outfalls are
446 expected to discharge substantially identical effluents

447 .

448 C. Sampling waivers. When a permittee is unable to conduct quarterly stormwater monitoring
449 required under Part I A 2 b within the specified sampling period due to no ~~measurable~~ storm event
450 discharge or adverse weather conditions, documentation shall be submitted explaining the
451 permittee's inability to conduct the stormwater monitoring. The documentation must include the
452 dates and times that the outfalls were viewed and sampling was attempted. Adverse weather
453 conditions that may prohibit the collection of samples include weather conditions that create
454 dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes,
455 electrical storms, etc.). Acceptable documentation includes National Climatic Data Center
456 weather station data, local weather station data, facility rainfall logs, and other appropriate
457 supporting data. All documentation shall also be maintained with the SWPPP. This waiver is not
458 applicable to annual monitoring required under Part I A 2 a.

459 D. Stormwater pollution prevention plans (SWPPP). An SWPPP shall be developed and
460 implemented for the facility. The plan shall include best management practices (BMPs) that are
461 reasonable, economically practicable, and appropriate in light of current industry practices. The
462 BMPs shall be selected, designed, installed, implemented, and maintained in accordance with
463 good engineering practices to eliminate or reduce the pollutants in all stormwater discharges from
464 the facility. The SWPPP shall also include all control measures necessary for the stormwater
465 discharges to meet applicable water quality standards.

466 The SWPPP requirements of this general permit may be fulfilled, in part, by incorporating by
467 reference other plans or documents such as an erosion and sediment control plan, a mine
468 drainage plan as required by the Virginia Division of Mineral Mining, a spill prevention control and
469 countermeasure (SPCC) plan developed for the facility under § 311 of the federal Clean Water
470 Act or BMP programs otherwise required for the facility provided that the incorporated plan meets
471 or exceeds the SWPPP requirements of Part II H (contents of SWPPP). All plans incorporated by
472 reference into the SWPPP become enforceable under this permit. If a plan incorporated by
473 reference does not contain all of the required elements of Part II H, the permittee must develop
474 the missing SWPPP elements and include them in the required SWPPP.

475 E. Deadlines for SWPPP preparation and compliance.

476 1. Owners of existing facilities ~~that were covered under the 2014 Nonmetallic Mineral~~
477 ~~Mining General Permit that~~ who are continuing coverage under this general permit shall
478 update and implement any revisions to the SWPPP within 60 days of the ~~board~~ department
479 granting coverage under this permit.

480 2. Owners of new facilities, facilities previously covered by an expiring individual permit,
481 and existing facilities not currently covered by a VPDES permit that elect to be covered
482 under this general permit shall prepare and implement the SWPPP prior to submitting the
483 registration statement.

484 3. Where the owner of an existing facility that is covered by this permit changes, the new
485 owner of the facility shall update and implement any revisions to the SWPPP within 60
486 days of ownership change.

487 4. Upon a showing of good cause, the director may establish a later date in writing for the
488 preparation and compliance with the SWPPP.

489 F. Signature and SWPPP review.

490 1. The SWPPP shall be signed in accordance with Part III K (signatory requirements), and
491 be retained on site at the facility covered by this permit in accordance with Part III B
492 (records) of this permit. When there are no on-site buildings or offices in which to store the
493 plan, it shall be kept at the nearest company office.

494 2. The permittee shall make the SWPPP, routine inspection documentation, or other
495 information available to the department upon request.

496 3. The director, or an authorized representative, may notify the permittee at any time that
497 the SWPPP, BMPs, or other components of the facility's stormwater program do not meet
498 one or more of the requirements of this part. Such notification shall identify specific
499 provisions of the permit that are not being met and may include required modifications to
500 the stormwater program, additional monitoring requirements, and special reporting
501 requirements. Within 60 days of such notification from the director, or as otherwise
502 provided by the director, or an authorized representative, the permittee shall make the
503 required changes to the plan and shall submit to the department a written certification that
504 the requested changes have been made.

505 G. Maintaining an updated SWPPP. The permittee shall review and amend the SWPPP as
506 appropriate whenever:

507 1. There is construction or a change in design, operation, or maintenance that has a
508 significant effect on the discharge or the potential for the discharge of pollutants to surface
509 waters;

510 2. Routine inspections determine that there are deficiencies in the BMPs;

511 3. Inspections by local, state, or federal officials determine, or any other process,
512 observation, or event results in a determination that modifications to the SWPPP are
513 necessary;

514 4. There is a spill, leak, or other release at the facility; ~~or~~

515 5. There is an unauthorized discharge from the facility; or

516 6. The department notifies the permittee that a TMDL has been developed and applies to
517 the permitted facility.

518 SWPPP modifications shall be made within 60 calendar days after discovery, observation, or
519 an event requiring an SWPPP modification. Implementation of new or modified BMPs (distinct
520 from regular preventive maintenance of existing BMPs described in Part II H 3 b (preventative
521 maintenance) shall be initiated before the next storm event if possible, but no later than 60 days
522 after discovery, or as otherwise provided or approved by the director. The amount of time taken
523 to modify a BMP or implement additional BMPs shall be documented in the SWPPP.

524 If the SWPPP modification is based on a release or unauthorized discharge, include a
525 description and date of the release, the circumstances leading to the release, actions taken in
526 response to the release, and measures to prevent the recurrence of such releases. Unauthorized
527 releases and discharges are subject to the reporting requirements of Part III G of this permit.

528 H. Contents of SWPPP. The SWPPP shall include, at a minimum, the following items:

529 1. Pollution prevention team. Each plan shall identify the staff individuals by name or title
530 who comprise the facility's stormwater pollution prevention team. The pollution prevention
531 team is responsible for assisting the facility or plant manager in developing, implementing,
532 maintaining, revising, and ensuring compliance with the facility's SWPPP. Specific
533 responsibilities of each staff individual on the team shall be identified and listed.

534 2. Summary of potential pollutant sources. The SWPPP shall identify where industrial
535 materials or activities at the facility are exposed to stormwater. The description shall
536 include:

537 a. Site map. The site map shall document:

538 (1) An outline of the drainage area of each stormwater outfall that are within the facility
539 boundaries, each existing structural control measure to reduce pollutants in
540 stormwater run-off, surface water bodies, locations where materials are exposed to
541 precipitation, locations where major spills or leaks identified under Part II H 2 c (spills
542 and leaks) of this permit have occurred, and the locations of the following activities
543 where such activities are exposed to precipitation: fueling stations, vehicle or
544 equipment degreasing, cleaning areas, loading or unloading, locations used for the
545 treatment, storage or disposal of wastes and wastewaters, liquid storage tanks,
546 processing areas, and storage areas. The map must indicate all outfall locations. The
547 types of discharges contained in the drainage areas of the outfalls must be indicated
548 either on the map or in an attached narrative.

549 (2) For each area of the facility that generates stormwater discharges associated with
550 industrial activity, locations of stormwater conveyances, including ditches, pipes,
551 swales, and inlets, and the directions of stormwater flow and an identification of the
552 types of pollutants that are likely to be present in stormwater discharges associated
553 with industrial activity. Factors to consider include the toxicity of the chemicals; quantity
554 of chemicals used, produced or discharged; the likelihood of contact with stormwater;
555 and history of significant spills or leaks of toxic or hazardous pollutants. Flows with a
556 potential for causing erosion shall be identified.

557 b. Inventory of exposed materials. A list of the industrial materials or activities,
558 including material handling equipment or activities, industrial machinery, raw
559 materials, industrial production and processes, intermediate products, by-products,
560 final products, and waste products. Material handling activities include to the storage,
561 loading and unloading, transportation, disposal, or conveyance of any raw material,
562 intermediate product, final product, or waste product.

563 c. Spills and leaks. A list of significant spills and leaks of toxic or hazardous pollutants
564 that occurred at areas that are exposed to precipitation or that otherwise drain to a
565 stormwater conveyance at the facility after the date of three years prior to the date of
566 coverage under this general permit. Such list shall be updated as appropriate during
567 the term of the permit.

568 d. Sampling data. A summary of existing stormwater sampling data taken at the facility.
569 The summary shall include, at a minimum, any data collected during the previous three
570 years.

571 3. Stormwater controls. Control measures shall be implemented for all areas identified in
572 Part II H 2 b (inventory of exposed materials) to prevent or control pollutants in stormwater
573 discharges from the facility. All reasonable steps shall be taken to control or address the
574 quality of discharges from the site that may not originate at the facility. The SWPPP shall
575 describe the type, location, and implementation of all BMPs for each area where industrial
576 materials or activities are exposed to stormwater. The BMPs shall also address the
577 following minimum components, including a schedule for implementing such controls:

578 a. Good housekeeping. Good housekeeping requires the clean and orderly
579 maintenance of areas that may contribute pollutants to stormwater discharges. The
580 SWPPP shall describe procedures performed to minimize contact of materials with
581 stormwater runoff. Particular attention should be paid to areas where raw materials
582 are stockpiled, material handling areas, storage areas, liquid storage tanks, vehicle

583 fueling and maintenance areas, loading or unloading areas, and vehicle entrance and
584 exits. The permittee shall keep clean all exposed areas of the facility that are potential
585 sources of pollutants in stormwater. The permittee shall sweep or vacuum paved
586 surfaces of the site that are exposed to stormwater at regular intervals or use other
587 equivalent measures to minimize the potential discharge of these materials in
588 stormwater. Indicate in the SWPPP the frequency of sweeping, vacuuming, or other
589 equivalent measures.

590 b. Preventive maintenance. A preventive maintenance program shall involve regular
591 inspection, testing, maintenance, and repairing of all industrial equipment and systems
592 to avoid breakdowns or failures that could result in leaks, spills, and other releases.
593 All BMPs identified in the SWPPP shall be maintained in effective operating condition.
594 The SWPPP shall include a description of procedures and a regular schedule for
595 preventive maintenance and observation of all BMPs and shall include a description
596 of the back-up practices that are in place should a run-off event occur while a BMP is
597 off line or not operating effectively. The effectiveness of nonstructural BMPs shall also
598 be maintained by appropriate means (e.g., spill response supplies available and
599 personnel trained). If site inspections required by Part II H 3 d (routine facility
600 inspections) identify BMPs that are not operating effectively, repairs or maintenance
601 shall be performed before the next anticipated storm event. If maintenance prior to the
602 next anticipated storm event is not possible, maintenance shall be scheduled and
603 accomplished as soon as practicable. Documentation shall be kept with the SWPPP
604 of maintenance and repairs of BMPs, including the dates of regular maintenance,
605 dates of discovery of areas in need of repair or replacement, dates for repairs, dates
606 that the BMPs returned to full function, and the justification for an extended
607 maintenance or repair schedules. The maintenance program shall require periodic
608 removal of debris from discharge diversions and conveyance systems. Permittees
609 using settling basins to control their effluents must provide maintenance schedules for
610 such basins in the SWPPP.

611 c. Spill prevention and response procedures. The SWPPP shall describe the
612 procedures that will be followed for preventing and responding to spills and leaks,
613 including barriers between material storage and traffic areas, secondary containment
614 provisions, procedures for material storage and handling, response procedures for
615 notification of appropriate facility personnel, emergency agencies, and regulatory
616 agencies and procedures for stopping, containing, and cleaning up spills. Measures
617 for cleaning up hazardous material spills or leaks shall be consistent with applicable
618 RCRA regulations at 40 CFR Part 264 and 40 CFR Part 265. Employees who may
619 cause, detect, or respond to a spill or leak shall be trained in these procedures and
620 have necessary spill response equipment available. If possible, one of these
621 individuals shall be a member of the pollution prevention team. Contact information for
622 individuals and agencies that must be notified in the event of a spill shall be included
623 in the SWPPP and in other locations where it will be readily available.

624 d. Routine facility inspections.

625 (1) Personnel who are familiar with the mining activity, the best management practices,
626 and the SWPPP shall be identified to conduct routine facility inspections. Such
627 inspections must include all areas where industrial materials or activities are exposed
628 to stormwater as identified in Part II H 2 b (inventory of exposed materials), including
629 material storage and handling areas, areas where aggregate is stockpiled outdoors,
630 liquid storage tanks, hoppers or silos, material handling vehicles, equipment, and
631 processing areas; off-site tracking of industrial or waste materials or sediment where

632 vehicles enter or exit the site; vehicle and equipment maintenance areas and cleaning
633 and fueling areas; best management practices; and discharge points.

634 (2) The inspection frequency shall be specified in the SWPPP based upon a
635 consideration of the level of industrial activity at the facility, but shall be a minimum of
636 quarterly. Inspections of best management practices shall include inspection of
637 stormwater discharge diversions, conveyance systems, sediment control and
638 collection systems, containment structures, vegetation, serrated slopes, and benched
639 slopes to determine their adequacy and effectiveness, the integrity of control
640 structures, if soil erosion has occurred, or if there is evidence of actual or potential
641 discharge of contaminated stormwater.

642 (3)
643 Site inspection and best management practices inspection results must be
644 documented and maintained on-site with the SWPPP.

645 (4) A set of tracking or followup procedures shall be used to ensure that appropriate
646 actions are taken in response to the inspections. Such actions must include updating
647 pollution sources, updating pollution prevention measures and controls, and updating
648 the SWPPP as appropriate based on information developed during the inspections.

649 (5) The requirement for routine facility inspections is waived for facilities that have
650 maintained an active VEEP E3/E4 status.

651 e. Employee training. Employee training shall be conducted at least annually at active
652 mining sites and at those temporarily inactive sites that are staffed. Employee training
653 programs shall inform personnel responsible for implementing activities identified in
654 the SWPPP or otherwise responsible for stormwater management at all levels of
655 responsibility of the components and goals of the stormwater pollution prevention plan.
656 Training should address topics such as spill response, good housekeeping and
657 material management practices. All employee training shall be documented in the
658 SWPPP.

659 f. Recordkeeping and internal reporting procedures. A description of incidents such as
660 spills, or other discharges, along with other information describing the quality and
661 quantity of stormwater discharges shall be included in the SWPPP required under this
662 part. Inspections and maintenance activities shall be documented and records of such
663 activities shall be incorporated into the SWPPP. Ineffective best management
664 practices must be recorded and the date of their corrective action noted in the SWPPP.

665 g. Sediment and erosion control. The plan shall identify areas that, due to topography,
666 land disturbance (e.g., construction, landscaping, site grading), or other factors, have
667 a potential for soil erosion. The permittee shall identify and implement structural,
668 vegetative, or stabilization BMPs to prevent or control on-site and off-site erosion and
669 sedimentation.

670 h. Management of runoff. The SWPPP shall describe the stormwater runoff
671 management practices (i.e., permanent structural BMPs) for the facility. These types
672 of BMPs are typically used to divert, infiltrate, reuse, or otherwise reduce pollutants in
673 stormwater discharges from the site. Appropriate measures may include: vegetative
674 swales and practices, reuse of collected stormwater (such as for a process or as an
675 irrigation source), inlet controls (such as oil/water separators), snow management
676 activities, infiltration devices, and wet detention or retention devices.

677 I. Authorized nonstormwater discharges. The following nonstormwater discharges are
678 authorized by this permit:

- 679 1. Discharges from emergency firefighting activities or firefighting training activities
680 managed in a manner to avoid an instream impact in accordance with § 9.1-207.1 of the
681 Code of Virginia;
- 682 2. Fire hydrant flushing, managed in a manner to avoid an instream impact;
- 683 3. Potable water, including water line flushing, managed in a manner to avoid instream
684 impact;
- 685 4. Uncontaminated condensate from air conditioners, coolers, and other compressors and
686 from the outside storage of refrigerated gases or liquids;
- 687 5. Irrigation drainage;
- 688 6. Landscape watering, provided all pesticides, herbicides, and fertilizers have been
689 applied in accordance with approved labeling;
- 690 7. Routine external building washdown that does not use detergents or hazardous
691 cleaning products and is managed in a manner to avoid an instream impact;
- 692 8. Pavement wash waters where no detergents or hazardous cleaning products are used
693 and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled
694 material has been removed). Pavement wash waters shall be managed in a manner to
695 avoid instream impacts;
- 696 9. Uncontaminated groundwater or spring water;
- 697 10. Foundation or footing drains where flows are not contaminated with process materials;
698 and
- 699 11. Incidental windblown mist from cooling towers that collects on rooftops or adjacent
700 portions of the facility, but not intentional discharges from the cooling tower (e.g., "piped"
701 cooling tower blowdown or drains).

702 Part III

703 Conditions Applicable to All VPDES Permits

704 A. Monitoring.

- 705 1. Samples and measurements taken as required by this permit shall be representative of
706 the monitored activity.
- 707 2. Monitoring shall be conducted according to procedures approved under 40 CFR Part
708 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless
709 other procedures have been specified in this permit.
- 710 3. The permittee shall periodically calibrate and perform maintenance procedures on all
711 monitoring and analytical instrumentation at intervals that will ensure accuracy of
712 measurements.
- 713 4. Samples taken as required by this permit shall be analyzed in accordance with 1VAC30-
714 45, Certification for Noncommercial Environmental Laboratories, or 1VAC30-46,
715 Accreditation for Commercial Environmental Laboratories.

716 B. Records.

- 717 1. Records of monitoring information shall include:
- 718 a. The date, exact place, and time of sampling or measurements;
- 719 b. The individuals who performed the sampling or measurements;
- 720 c. The dates and times analyses were performed;
- 721 d. The individuals who performed the analyses;
- 722 e. The analytical techniques or methods used; and
- 723 f. The results of such analyses.

724 2. The permittee shall retain records of all monitoring information, including all calibration
725 and maintenance records and all original strip chart recordings for continuous monitoring
726 instrumentation, copies of all reports required by this permit, and records of all data used
727 to complete the registration statement for this permit, for a period of at least three years
728 from the date of the sample, measurement, report or request for coverage. This period of
729 retention shall be extended automatically during the course of any unresolved litigation
730 regarding the regulated activity or regarding control standards applicable to the permittee,
731 or as requested by the ~~board~~ department.

732 C. Reporting monitoring results.

733 1. The permittee shall submit the results of the monitoring required by this permit not later
734 than the 10th day of the month after monitoring takes place, unless another reporting
735 schedule is specified elsewhere in this permit. Monitoring results shall be submitted to the
736 department's regional office.

737 2. Monitoring results shall be reported on a discharge monitoring report (DMR) or on forms
738 provided, approved or specified by the department. Following notification from the
739 department of the start date for the required electronic submission of monitoring reports,
740 as provided for in 9VAC25-31-1020, such forms and reports submitted after that date shall
741 be electronically submitted to the department in compliance with this section and 9VAC25-
742 31-1020. There shall be at least a three-month notice provided between the notification
743 from the department and the date after which such forms and reports must be submitted
744 electronically.

745 3. If the permittee monitors any pollutant specifically addressed by this permit more
746 frequently than required by this permit using test procedures approved under 40 CFR Part
747 136 or using other test procedures approved by the U.S. Environmental Protection Agency
748 or using procedures specified in this permit, the results of this monitoring shall be included
749 in the calculation and reporting of the data submitted in the DMR or reporting form
750 specified by the department.

751 4. Calculations for all limitations that require averaging of measurements shall utilize an
752 arithmetic mean unless otherwise specified in this permit.

753 D. Duty to provide information. The permittee shall furnish to the department, within a
754 reasonable time, any information that the ~~board~~ department may request to determine whether
755 cause exists for terminating coverage under this permit or to determine compliance with this
756 permit. The ~~board~~ department may require the permittee to furnish, upon request, such plans,
757 specifications, and other pertinent information as may be necessary to determine the effect of the
758 wastes from its discharge on the quality of state waters, or such other information as may be
759 necessary to accomplish the purposes of the State Water Control Law. The permittee shall also
760 furnish to the department, upon request, copies of records required to be kept by this permit.

761 E. Compliance schedule reports. Reports of compliance or noncompliance with, or any
762 progress reports on, interim and final requirements contained in any compliance schedule of this
763 permit shall be submitted no later than 14 days following each schedule date.

764 F. Unauthorized discharges. Except in compliance with this permit or another permit issued
765 by the ~~board~~ department, it shall be unlawful for any person to:

766 1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or
767 deleterious substances; or

768 2. Otherwise alter the physical, chemical or biological properties of such state waters and
769 make them detrimental to the public health, or to animal or aquatic life, or to the use of
770 such waters for domestic or industrial consumption, or for recreation, or for other uses.

771 G. Reports of unauthorized discharges. Any permittee who discharges or causes or allows a
772 discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into
773 or upon state waters in violation of Part III F (unauthorized discharges); or who discharges or
774 causes or allows a discharge that may reasonably be expected to enter state waters in violation
775 of Part III F, shall notify the department of the discharge immediately upon discovery of the
776 discharge, but in no case later than 24 hours after said discovery. A written report of the
777 unauthorized discharge shall be submitted to the department within five days of discovery of the
778 discharge. The written report shall contain:

- 779 1. A description of the nature and location of the discharge;
- 780 2. The cause of the discharge;
- 781 3. The date on which the discharge occurred;
- 782 4. The length of time that the discharge continued;
- 783 5. The volume of the discharge;
- 784 6. If the discharge is continuing, how long it is expected to continue;
- 785 7. If the discharge is continuing, what the expected total volume of the discharge will be;
- 786 and
- 787 8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present
- 788 discharge or any future discharges not authorized by this permit.

789 Discharges reportable to the department under the immediate reporting requirements of other
790 regulations are exempted from this requirement.

791 H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge
792 including a bypass or upset should occur from a treatment works and the discharge enters or
793 could be expected to enter state waters, the permittee shall promptly notify (see NOTE in Part III
794 I), in no case later than 24 hours, the department after the discovery of the discharge. This
795 notification shall provide all available details of the incident, including any adverse effects on
796 aquatic life and the known number of fish killed. The permittee shall reduce the report to writing
797 and shall submit it to the department within five days of discovery of the discharge in accordance
798 with Part III I 2. Unusual and extraordinary discharges include any discharge resulting from:

- 799 1. Unusual spillage of materials resulting directly or indirectly from processing operations;
- 800 2. Breakdown of processing or accessory equipment;
- 801 3. Failure or taking out of service some or all of the treatment works; and
- 802 4. Flooding or other acts of nature.

803 I. Reports of noncompliance.

804 1. The permittee shall report any noncompliance that may adversely affect state waters or
805 may endanger public health.

806 a. An oral report shall be provided within 24 hours from the time the permittee becomes
807 aware of the circumstances. The following shall be included as information that shall
808 be reported within 24 hours under this subdivision:

- 809 (1) Any unanticipated bypass; and
- 810 (2) Any upset that causes a discharge to surface waters.

811 b. A written report shall be submitted within five days and shall contain:

- 812 (1) A description of the noncompliance and its cause;
- 813 (2) The period of noncompliance, including exact dates and times, and if the
814 noncompliance has not been corrected, the anticipated time it is expected to continue;
- 815 and

816 (3) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the
817 noncompliance.

818 The ~~board~~ department may waive the written report on a case-by-case basis for reports
819 of noncompliance under Part III I if the oral report has been received within 24 hours and
820 no adverse impact on state waters has been reported.

821 2. The permittee shall report all instances of noncompliance not reported under Parts III I
822 1 a or 2 1 b, in writing, at the time the next monitoring reports are submitted. The reports
823 shall contain the information listed in Part III I 2 1 b.

824 NOTE: 3. The immediate (within 24 hours) reports required in Part III G, H and I ~~may~~ shall be
825 made to the department's regional office. Reports may be made by telephone, FAX, or online at
826 <http://www.deq.virginia.gov/Programs/PollutionResponsePreparedness/MakingaReport.aspx>
827 <https://www.deq.virginia.gov/get-involved/pollution-response> (online reporting preferred). For
828 reports outside normal working hours, ~~leave a message and this shall fulfill the immediate~~
829 ~~reporting requirement~~ the online portal shall be used. For emergencies, call the Virginia
830 Department of Emergency ~~Services maintains a 24-hour telephone service~~ Management's
831 Emergency Operations Center (24-hours) at 1-800-468-8892.

832 J. Notice of planned changes.

833 1. The permittee shall give notice to the department as soon as possible of any planned
834 physical alterations or additions to the permitted facility. Notice is required only when:

835 a. The permittee plans alteration or addition to any building, structure, facility, or
836 installation from which there is or may be a discharge of pollutants, the construction of
837 which commenced:

838 (1) After promulgation of standards of performance under § 306 of the federal Clean
839 Water Act that are applicable to such source; or

840 (2) After proposal of standards of performance in accordance with § 306 of the federal
841 Clean Water Act that are applicable to such source, but only if the standards are
842 promulgated in accordance with § 306 within 120 days of their proposal;

843 b. The alteration or addition could significantly change the nature or increase the
844 quantity of pollutants discharged. This notification applies to pollutants that are subject
845 neither to effluent limitations nor to notification requirements specified elsewhere in
846 this permit; or

847 c. The alteration or addition results in a significant change in the permittee's sludge
848 use or disposal practices and such alteration, addition, or change may justify the
849 application of permit conditions that are different from or absent in the existing permit,
850 including notification of additional use or disposal sites not reported during the permit
851 registration process or not reported pursuant to an approved land application plan.

852 2. The permittee shall give advance notice to the department of any planned changes in
853 the permitted facility or activity that may result in noncompliance with permit requirements.

854 K. Signatory requirements.

855 1. Registration statement. All registration statements shall be signed as follows:

856 a. For a corporation: by a responsible corporate officer. For the purposes of this
857 section, a responsible corporate officer means: (i) a president, secretary, treasurer, or
858 vice-president of the corporation in charge of a principal business function, or any other
859 person who performs similar policy- making or decision-making functions for the
860 corporation, or (ii) the manager of one or more manufacturing, production, or operating
861 facilities provided the manager is authorized to make management decisions that
862 govern the operation of the regulated facility including having the explicit or implicit

863 duty of making capital investment recommendations, and initiating and directing other
864 comprehensive measures to assure long-term environmental compliance with
865 environmental laws and regulations; the manager can ensure that the necessary
866 systems are established or actions taken to gather complete and accurate information
867 for permit registration requirements; and where authority to sign documents has been
868 assigned or delegated to the manager in accordance with corporate procedures;

869 b. For a partnership or sole proprietorship: by a general partner or the proprietor,
870 respectively; or

871 c. For a municipality, state, federal, or other public agency: by either a principal
872 executive officer or ranking elected official. For purposes of this section, a principal
873 executive officer of a public agency includes: (i) the chief executive officer of the
874 agency or (ii) a senior executive officer having responsibility for the overall operations
875 of a principal geographic unit of the agency.

876 2. Reports and other information. All reports required by permits, and other information
877 requested by the ~~board~~ department, shall be signed by a person described in Part III K 1
878 or by a duly authorized representative of that person. A person is a duly authorized
879 representative only if:

880 a. The authorization is made in writing by a person described in Part III K 1;

881 b. The authorization specifies either an individual or a position having responsibility for
882 the overall operation of the regulated facility or activity such as the position of plant
883 manager, operator of a well or a well field, superintendent, position of equivalent
884 responsibility, or an individual or position having overall responsibility for
885 environmental matters for the company. A duly authorized representative may thus be
886 either a named individual or any individual occupying a named position; and

887 c. The written authorization is submitted to the department.

888 3. Changes to authorization. If an authorization under Part III K 2 is no longer accurate
889 because a different individual or position has responsibility for the overall operation of the
890 facility, a new authorization satisfying the requirements of Part III K 2 shall be submitted
891 to the department prior to or together with any reports or information to be signed by an
892 authorized representative.

893 4. Certification. Any person signing a document under Part III K 1 or 2 shall make the
894 following certification:

895 "I certify under penalty of law that this document and all attachments were prepared under
896 my direction or supervision in accordance with a system designed to assure that qualified
897 personnel properly gather and evaluate the information submitted. Based on my inquiry of
898 the person or persons who manage the system, or those persons directly responsible for
899 gathering the information, the information submitted is, to the best of my knowledge and
900 belief, true, accurate, and complete. I am aware that there are significant penalties for
901 submitting false information, including the possibility of fine and imprisonment for knowing
902 violations."

903 L. Duty to comply. The permittee shall comply with all conditions of this permit. Any permit
904 noncompliance constitutes a violation of the State Water Control Law and the federal Clean Water
905 Act, except that noncompliance with certain provisions of this permit may constitute a violation of
906 the State Water Control Law but not the federal Clean Water Act. Permit noncompliance is
907 grounds for enforcement action, for permit coverage termination, or for denial of permit coverage.

908 M. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after
909 the expiration date of this permit, the permittee shall apply for and obtain coverage under a new
910 permit. All permittees with currently effective permit coverage shall submit a new registration

911 statement at least 60 days before the expiration date of the existing permit, unless permission for
912 a later date has been granted by the ~~board~~ department. The ~~board~~ department shall not grant
913 permission for registration statements to be submitted later than the expiration date of the existing
914 permit.

915 N. Effect of a permit. This permit does not convey any property rights in either real or personal
916 property or any exclusive privileges, nor does it authorize any injury to private property or invasion
917 of personal rights or any infringement of federal, state or local laws or regulations.

918 O. State law. Nothing in this permit shall be construed to preclude the institution of any legal
919 action under, or relieve the permittee from any responsibilities, liabilities, or penalties established
920 pursuant to, any other state law or regulation or under authority preserved by § 510 of the federal
921 Clean Water Act. Except as provided in permit conditions on "bypass" (Part III U) and "upset"
922 (Part III V), nothing in this permit shall be construed to relieve the permittee from civil and criminal
923 penalties for noncompliance.

924 P. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude
925 the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or
926 penalties to which the permittee is or may be subject under §§ 62.1-44.34:14 through 62.1-
927 44.34:23 of the State Water Control Law.

928 Q. Proper operation and maintenance. The permittee shall at all times properly operate and
929 maintain all facilities and systems of treatment and control (and related appurtenances) that are
930 installed or used by the permittee to achieve compliance with the conditions of this permit. Proper
931 operation and maintenance also includes effective plant performance, adequate funding,
932 adequate staffing, and adequate laboratory and process controls, including appropriate quality
933 assurance procedures. This provision requires the operation of back-up or auxiliary facilities or
934 similar systems that are installed by the permittee only when the operation is necessary to achieve
935 compliance with the conditions of this permit.

936 R. Disposal of solids or sludges. Solids, sludges or other pollutants removed in the course of
937 treatment or management of pollutants shall be disposed of in a manner so as to prevent any
938 pollutant from such materials from entering state waters.

939 S. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any
940 discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of
941 adversely affecting human health or the environment.

942 T. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an
943 enforcement action that it would have been necessary to halt or reduce the permitted activity in
944 order to maintain compliance with the conditions of this permit.

945 U. Bypass.

946 1. "Bypass" means the intentional diversion of waste streams from any portion of a
947 treatment facility. The permittee may allow any bypass to occur that does not cause
948 effluent limitations to be exceeded, but only if it also is for essential maintenance to ensure
949 efficient operation. These bypasses are not subject to the provisions of Parts III U 2 and
950 U 3.

951 2. Notice.

952 a. Anticipated bypass. If the permittee knows in advance of the need for a bypass,
953 prior notice shall be submitted if possible at least 10 days before the date of the
954 bypass.

955 b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass
956 as required in Part III I (reports of noncompliance).

957 3. Prohibition of bypass.

958 a. Bypass is prohibited, and the board department may take enforcement action
959 against a permittee for bypass, unless:

960 (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property
961 damage;

962 (2) There were no feasible alternatives to the bypass, such as the use of auxiliary
963 treatment facilities, retention of untreated wastes, or maintenance during normal
964 periods of equipment downtime. This condition is not satisfied if adequate back-up
965 equipment should have been installed in the exercise of reasonable engineering
966 judgment to prevent a bypass that occurred during normal periods of equipment
967 downtime or preventive maintenance; and

968 (3) The permittee submitted notices as required under Part III U 2.

969 b. The board department may approve an anticipated bypass, after considering its
970 adverse effects, if the board department determines that it will meet the three
971 conditions listed in Part III U 3 a.

972 V. Upset.

973 1. An upset constitutes an affirmative defense to an action brought for noncompliance with
974 technology-based permit effluent limitations if the requirements of Part III V 2 are met. A
975 determination made during administrative review of claims that noncompliance was
976 caused by upset, and before an action for noncompliance, is not a final administrative
977 action subject to judicial review.

978 2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate,
979 through properly signed, contemporaneous operating logs or other relevant evidence that:

980 a. An upset occurred and that the permittee can identify the cause of the upset;

981 b. The permitted facility was at the time being properly operated;

982 c. The permittee submitted notice of the upset as required in Part III I; and

983 d. The permittee complied with any remedial measures required under Part III S.

984 3. In any enforcement proceeding, the permittee seeking to establish the occurrence of an
985 upset has the burden of proof.

986 W. Inspection and entry. The permittee shall allow the director or an authorized representative
987 (including an authorized contractor acting as a representative of the administrator), upon
988 presentation of credentials and other documents as may be required by law, to:

989 1. Enter upon the permittee's premises where a regulated facility or activity is located or
990 conducted or where records must be kept under the conditions of this permit;

991 2. Have access to and copy, at reasonable times, any records that must be kept under the
992 conditions of this permit;

993 3. Inspect at reasonable times any facilities, equipment (including monitoring and control
994 equipment), practices, or operations regulated or required under this permit; and

995 4. Sample or monitor at reasonable times, for the purposes of ensuring permit compliance
996 or as otherwise authorized by the federal Clean Water Act and the State Water Control
997 Law, any substances or parameters at any location.

998 For purposes of this section, the time for inspection shall be deemed reasonable during
999 regular business hours and whenever the facility is discharging. Nothing contained herein shall
1000 make an inspection unreasonable during an emergency.

1001 X. Permit actions. Permit coverage may be terminated for cause. The filing of a request by
1002 the permittee for a permit modification, revocation and reissuance, or termination, or a notification
1003 of planned changes or anticipated noncompliance does not stay any permit condition.

- 1004 Y. Transfer of permit coverage.
- 1005 1. Permit coverage is not transferable to any person except after notice to the department.
- 1006 2. Coverage under this permit may be automatically transferred to a new permittee if:
- 1007 a. The current permittee notifies the department at least 30 days in advance of the
- 1008 proposed transfer of the title to the facility or property unless permission for a later date
- 1009 has been granted by the department;
- 1010 b. The notice includes a written agreement between the existing and new permittees
- 1011 containing a specific date for transfer of permit responsibility, coverage, and liability
- 1012 between them; and
- 1013 c. The ~~board~~ department does not notify the existing permittee and the proposed new
- 1014 permittee of its intent to deny the permittee coverage under the permit. If this notice is
- 1015 not received, the transfer is effective on the date specified in the agreement mentioned
- 1016 in Part III Y 2 b.
- 1017 Z. Severability. The provisions of this permit are severable, and if any provision of this permit
- 1018 or the application of any provision of this permit to any circumstance is held invalid, the application
- 1019 of such provision to other circumstances and the remainder of this permit shall not be affected
- 1020 thereby.

1021 FORMS (9VAC25-190)

- 1022 [Department of Environmental Quality Water Division Permit Application Fee Form, Form 5](#)
- 1023 [\(rev. 10/2018\)](#)
- 1024 [Virginia Pollutant Discharge Elimination System Change of Ownership Agreement Form \(rev.](#)
- 1025 [4/2018\)](#)
- 1026 [VPDES General Permit for Nonmetallic Mineral Mining \(VAG84\) - Notice of Termination \(eff.](#)
- 1027 [7/2014\)](#)
- 1028 [Virginia Pollutant Discharge Elimination System \(VPDES\) General Permit for Nonmetallic](#)
- 1029 [Mineral Mining \(VAG84\) Registration Statement, Form VAG84-RS \(rev. 7/2019\)](#)

**COMMONWEALTH OF VIRGINIA
STATE WATER CONTROL BOARD**

**FACT SHEET
REISSUANCE OF A GENERAL VPDES PERMIT
FOR NONMETALLIC MINERAL MINING
2024 REISSUANCE
Revised February 2023**

The State Water Control Board (board) has authorized the reissuance of the Virginia Pollutant Discharge Elimination System (VPDES) general permit for point source discharges from nonmetallic mineral mining facilities. This general permit will replace VAG84, which expires June 30, 2024. Owners covered under the expiring general permit, who wish to continue to discharge under a general permit, must register for coverage under the new general permit.

Permit Number: VAG84

Name of Permittee: Any owner of a qualifying nonmetallic mineral mining facility with point source discharges that obtains coverage under the terms of this general permit.

Facility Location: Commonwealth of Virginia

Receiving Waters: Surface waters within the boundaries of the Commonwealth of Virginia, except those specifically named in board regulations that prohibit such discharges.
Discharge to surface waters may be through a municipal separate storm sewer system.

Based on preliminary review and application of lawful standards and regulations, the board has proposed to reissue the general permit subject to certain conditions and has prepared a general permit. The board has determined that this category of discharges is appropriately controlled under a general permit as it involves facilities with the same or similar types of operations that discharge the same or similar types of wastes. The general permit requires that all covered facilities meet standardized effluent limitations, conditions and monitoring requirements and that all covered facilities develop a site-specific stormwater pollution prevention plan.

The staff contact for questions or obtaining information about this general permit may be reached at:

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I. Activities Covered by This General Permit

The general permit will cover point source discharges associated with nonmetallic mineral mining operations classified in Standard Industrial Classification Major Group 14. The general permit will cover stormwater discharges for all qualifying facilities within this major group that have stormwater discharges only and, for specific SIC Codes, it will also provide coverage for process wastewater. Some of the Major Group 14 SIC codes or specific mining activities are excluded from the process wastewater coverage because the mining activities are subject to more stringent effluent limits under EPA effluent guidelines at 40 CFR Part 436. These facilities will require a separate, individual VPDES permit to discharge process wastewater.

Facilities for which the discharge of process wastewater is covered are those classified under SIC Codes 1411, 1422, 1423, 1429, 1442, 1455, 1459 except bentonite and magnesite mines, 1475 and 1499 except gypsum, graphite, asbestos, diatomite, jade, novaculite, wollastonite, tripoli and asphaltic mineral mining operations. As of the 2019 reissuance, DEQ included in the regulation North American Industry Classification Codes (NAICS) since these reflect the current classification system maintained by the federal government.

This general permit does not cover coal mining, metal mining, or oil and gas extraction.

Nonmetallic mineral mines may have other industrial activities co-located within the mine permit area. These activities may involve further processing of the mined material and discharges associated with them have characteristics similar to those of the mining operation. If the mineral mine is the primary industrial activity on the site and the characteristics of the wastewater from co-located industrial activities are similar to those of the mineral mine, the co-located activity discharges are also regulated under the general permit.

This permit does not allow discharge of process wastewater pollutants from co-located asphalt paving materials operations. For the purposes of this special condition, process wastewater pollutants are any pollutants present in water used in asphalt paving materials manufacturing which come into direct contact with any raw materials, intermediate product, by-product or product related to the asphalt paving materials manufacturing process.

No owner or operator of a mineral mine will be covered under the general permit until a mineral mining permit has been issued to the relevant facility by Virginia Energy, Division of Mineral Mining (DMM). In Virginia, mining activities that disturb the land surface and remove minerals at any site are required to have a mineral mining permit under the requirements of the Minerals Other Than Coal (MOTC) Surface Mining Law, Chapter 16, Title 45.1 of the Code of Virginia. The mineral mining permits are administered by DMM. The Surface Mining Law requires that no operator shall engage in mining without having first obtained from DMM an operating permit that covers the affected land. The exception to this requirement is for mineral mines owned and operated by governmental bodies, which are not required to have a mining permit, but will be eligible for coverage under VAG84. Mineral mining permits require the implementation of an erosion and sedimentation control plan as an enforceable part of the permit. The mineral mining permit application also requires the applicant to provide an acceptable mine reclamation plan that provides for adequate measures to prevent erosion and sedimentation from the reclaimed site. The mining permit and its requirements for erosion and sedimentation control are administered and enforced in such a manner as to provide protection of water quality and beneficial uses in the receiving waters from pollution caused by eroding material from mining activities. These requirements in the mineral mining permit satisfy many of the stormwater pollution prevention plan requirements of the general permit.

The reissued VPDES general permit will become effective on July 1, 2024, and expire on June 30, 2029.

II. Effluent Limitations and Monitoring Requirements

The effluent limitations and monitoring requirements specified in the general permit are depicted in items A and B below.

A. Discharge of process wastewater and commingled stormwater runoff:

<u>Parameter</u>	<u>Limitation</u>
Flow	Report average and maximum
Total Suspended Solids	30 mg/L monthly average, 60 mg/L daily maximum
pH	6.0 minimum, 9.0 maximum ¹

Discharge Monitoring Reports (DMRs) of quarterly monitoring shall be submitted to the applicable DEQ regional office no later than the 10th day of April, July, October and January. Monitoring frequency of once per every three months (1/3 Months) equals the following three-month periods each year of permit coverage: January through March, April through June, July through September, and October through December.

B. Discharge of stormwater associated with industrial activity that does not combine with other wastewater:

<u>Parameter</u>	<u>Monitoring Requirement</u>
Flow	Report volume discharged during monitored storm event
Total Suspended Solids	Report maximum
pH	Report minimum and maximum

Monitoring and reporting of grab sample analysis results are required once per year for a storm event that produces a discharge from the site. A discharge from a stormwater management structure must be sampled at the time the discharge occurs and must be representative. All other stormwater discharges must be taken when the discharge occurs, provided the interval from the preceding measurable storm event is at least 72 hours. The sample must also be taken during the first 30 minutes of the discharge. There are some exemptions to these timing requirements.

DMRs of yearly stormwater monitoring (January 1st to December 31st) must be submitted to the applicable DEQ regional office no later than the 10th day January.

For stormwater that is not combined with other wastewater, if total suspended solids (TSS) monitoring results exceed 100 mg/L daily maximum, the stormwater pollution prevention plan (SWPPP) must be reviewed for necessary changes, a routine facility inspection must be performed within five days of becoming aware of the exceedance, documentation must be maintained as specified, and any deficiencies must be corrected.

Permittees also must conduct calendar quarterly visual monitoring of discharges of stormwater associated with industrial activity. This monitoring must include examination of representative storm event discharges from the facility including observations regarding color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution.

III. Basis for Part I Effluent Limits and Monitoring Requirements for Commingled Wastewater

Mining area wastewaters are recycled as a source of processing water, lost by evaporation or discharged. The discharges that are not recycled are controlled by limitations in this general permit. These discharges may

¹ Where the Water Quality Standards establish alternate standards for pH, those standards shall be the minimum and maximum pH effluent limits.

consist of stormwater associated with industrial activity which has come in contact with overburden, raw material, intermediate product, finished product, byproduct or waste product; process wastewater which may include water used in the process of washing mined materials, vehicle or equipment degreasing wastewater, miscellaneous plant cleanup wastewater and mine pit dewatering, which may include the above collected discharges along with accumulated groundwater that enters the mine. Treatment usually consists of sedimentation.

The discharge parameters to be limited are pH and TSS.

The pH limitation is based upon Virginia's water quality standards and federal effluent guidelines (40 CFR Part 436). Effluent guidelines (40 CFR Part 436) require pH limits of 6.0 – 9.0 Standard Units (SU). Stream standards for pH are in most cases in the range of 6 to 9 SU; however, there are special standards in effect in some areas (e.g., 6.5 – 9.5 in some valley streams or 3.7 – 8.0 in some swamp waters). However, because DEQ comports with federal effluent guidelines for its general permits, pH limits cannot go below 6.0 or above 9.0. For example, a 6.5 to 9.5 special stream standard will necessitate a 6.5 to 9.0 effluent limit and a 3.7 – 8.0 special stream standard will necessitate a 6.0 – 8.0 effluent limit.

TSS limitations are based on federal effluent guidelines for some of the industrial categories covered by the general permit and at levels that, based on the Department's experience with individual VPDES permits, are achievable and will prevent the buildup of solids on the bottoms of receiving waters.

The monitoring frequency and sample type have been established after considering the consistency and nature of these operations, the existing analytical data and the potential environmental risk and consequences of the discharges. Reporting of monitoring data is required quarterly.

IV. Basis for Part I Storm Event Monitoring Requirement

Stormwater associated with industrial activity that is not combined with process wastewater may be discharged from mining activities covered by this permit subject to the applicable conditions of the permit, including annual monitoring for TSS and pH. This stormwater may have come in contact with or been exposed to overburden, raw material, intermediate product, finished product or byproduct and it may contain sediments eroded from the exposed surfaces of the mine, stockpiles, overburden storage, processing areas, or overburden disposal areas. It is necessary for the protection of water quality in the streams receiving the stormwater runoff from a mining operation that appropriate erosion and sedimentation controls and practices be designed and implemented at these facilities. The erosion and sedimentation control practices mandated by the DMM regulations and imposed on the owners or operators of a mineral mine through their mining permit include adequate drainage, erosion and sediment control measures installed and maintained in accordance with a mandated and approved drainage plan, as well as requirements that temporary and permanent control facilities for mining operations be designed with outlets that can accommodate the rainfall from at least the 50-year and 100-year storm event, respectively. In addition, DMM regulations require that mineral mining sediment basins provide for 0.125 acre-feet per disturbed acre of storage capacity. This general permit also includes stormwater management requirements (see Section VI).

Under this general permit, permittees are required to monitor stormwater discharges for pH and TSS once per year over the term of the general permit and report the results to the Department. If TSS levels exceed an evaluation value, follow-up actions are specified. These stormwater monitoring requirements are comparable to benchmark provisions under the U.S. EPA's Multi-sector General Permit (MSGP).

V. Basis for Special Conditions

The VPDES permit regulation (9VAC25-260-31) delineates the procedures and requirements applicable in VPDES permits pursuant to the Clean Water Act and the State Water Control Law. All special conditions protect water quality as required by the VPDES permit regulation. Additional explanations and citations are below.

- A. Special Condition No. 1 requires that vehicles and equipment used in the industrial activity are to be operated and maintained in a manner that prevents pollution of surface or ground water. Petroleum products and other fluids are to be stored and handled in such a manner that the discharge of pollutants to state waters is prevented. The basis for this condition is the state water quality standards (9VAC25-260).
- B. Special Condition No. 2 prohibits sewage discharges to surface waters under this general permit. Any sewage discharges would require coverage by a separate, individual permit. This condition is based on the typical characteristics of discharges from nonmetallic mineral mines and the corresponding absence of federal secondary sewage treatment standards in this permit.
- C. Special Condition No. 3 prohibits the discharge of chemical additives other than those identified in the registration statement unless prior approval is granted by the department.
- D. Special Condition No. 4 requires that the permittee submit a new registration statement if the DMM mining permit is modified or renewed in any way that would affect the location or characteristics of any discharge covered by the general permit. Any change to the mining facility that could impact discharge quality requires additional review before coverage under the general permit is continued. The basis for the condition is state water quality standards.
- E. Special Condition No. 5 is a requirement for notification of discharges of any toxic pollutants not limited by the permit. The basis for the condition is 40 CFR 122.42(a) and 9VAC25-31-200 A.
- F. Special Condition No. 6 requires that all materials, products and wastes resulting from the purchase, sale, mining, traction, transport, preparation, or storage of raw or intermediate materials, final product, by-product, or wastes, be handled and stored or disposed of consistent with best management practices and so as to not permit a discharge of such product, materials industrial wastes, or other wastes to state waters, except as expressly authorized. The basis for the condition is state water quality standards.
- G. Special Condition No. 7 prohibits the discharge of process wastewater pollutants from co-located asphalt operations. The basis is 40 CFR Part 443.
- H. Special Condition No. 8 allows process water to be used for dust suppression on site. The basis for the condition is that, when implemented as a BMP, the use of process water as a dust suppressant can control or abate the discharge of pollutants. This condition also prohibits dust suppression during a storm event that results in an actual discharge from the site.
- I. Special Condition No. 9 allows process water from mine dewatering to be provided to local property owners for beneficial agricultural use. This language is included in keeping with DEQ's pollution prevention philosophy.
- J. Special Condition No. 10 prohibits the discharge of floating solids or visible foam in other than trace amount from process water discharges. This condition also prohibits solids deposition to surface water as a result of discharges associated with industrial activity. It further prohibits an oil sheen resulting from petroleum products discharged to surface water as a result of the industrial activity. Housekeeping and onsite BMPs should maintain

this requirement. The prohibition of oil sheen reflects concerns that petroleum products are on the site and could lead to an oil discharge. Accidental spills of petroleum products are cleaned up immediately so as not to enter surface waters as per special condition No. 1. This special condition is an added measure of protection and something the inspector can look for to ensure proper BMPs, clean up measures or treatment is occurring. The citation in the water quality standards is 9VAC25-260-20.

K. Special Condition No. 11 requires all effluent limitations to be written using two significant figures. The basis for this condition is Guidance Memo No. 06-2016, Significant Figures for Discharge Monitoring Reports.

L. Special Condition No. 12 requires permittees subject to total maximum daily load (TMDL) waste load allocations established prior to this permit issuance to implement measures and controls that are consistent with the requirements and assumptions of the TMDL. The department will provide written notification to the owner that a facility is subject to the TMDL requirements. If the TMDL establishes a numeric wasteload allocation that is applicable to discharges from the facility, the owner must conduct monitoring in accordance with Part I A and implement measures necessary to meet the allocation. At permit reissuance, the permittee shall submit a demonstration with the registration statement to show the wasteload allocation is being met. The basis for this condition is Section 303(d) of the Clean Water Act, which requires that TMDLs be developed for streams listed as impaired, and 9VAC25-31-220 D. This provision has been revised so that implementation measures are not limited to the SWPPP, which makes it consistent with VPDES program requirements are other VPDES general permits. The demonstration documents compliance with any applicable wasteload allocation.

M. Special Condition No. 13 requires discharges to be controlled as necessary to meet applicable water quality standards. This condition is consistent with VPDES regulations (9VAC25-220) and EPA recommendations.

N. Special Condition No. 14 provides a waiver for monitoring and routine quarterly inspections at sites that are inactive and unstaffed (temporarily closed). An annual site inspection is still required. The waiver request must be submitted to the department for approval. Reactivation of the site also requires department notification within 30 days unless approval for an alternate timeframe is received in advance from the department. Inactive and unstaffed facilities covered under are not required to meet the "no industrial materials or activities exposed to stormwater" standard to be eligible for this waiver, consistent with the conditional exemption requirements established in Part 8 Sector J (Non-Metallic Mineral Mining and Dressing) of the EPA 2015 MSGP.

O. Special Condition No. 15 describes how process water systems designed to operate as "no discharge" must be implemented. These systems may not discharge except in storm events greater than a twenty-five-year, 24-hour storm event. In the event of such a discharge, the permittee must report an unusual or extraordinary discharge per Part III H of the permit. No sampling or DMR is required for these discharges as they are considered to be discharging in emergency discharge conditions. These discharges may not contravene the water quality standards, or any provision of the State Water Control Law. Any other discharge from this type of system is prohibited and shall be reported as an unauthorized discharge per Part III G of this permit. This special condition, which is a different design standard than the overflow provision in the pertinent ELGs, is based on best professional judgment of the staff and is consistent with the standard in Virginia's Pollution Abatement permit regulation (9VAC25-32-30 A).

P. Special Condition No. 16 requires that permittees must use best management practices to ensure that contaminants do not enter surface waters as a result of blasting at the mining site. This condition addresses concerns with ammonia and nitrate deposition resulting from the use of explosives.

Q. Special Condition No. 17 describes how terminations of coverage under a general permit will be implemented. Permittees need to know this is an option available to them. This is being added to all general permits as they are reissued.

R. Special Condition No. 18 establishes (for other than SIC 1475) discharge requirements for emergency dewatering during flooded conditions. This provision provides a time-limited, conditional exception from the TSS limits applicable to process wastewater for mine pit dewatering discharges resulting from a storm equal to or greater than a 10-year, 24-hour storm event that has caused flood conditions within the mine such that normal operation at the active portion of the mine cannot continue. Dewatering discharges shall not exceed a daily maximum of 100 mg/l during emergency dewatering and are subject to daily monitoring. The operator must conduct such dewatering by pumping from the surface of the flooded area through a filtered mechanism to minimize the discharge of solids. The operator also must notify DEQ of such flooded conditions. The permittee must take actions to maximize the settling of stormwater prior to and during dewatering. Dewatering discharges shall not contravene the Water Quality Standards (9VAC25-260) or any provision of the State Water Control Law. This provision is being added to address a concern identified by the regulated community that at times extreme storms flood the active portion of the mineral mines and render them inoperable and that since these volumes of water are more similar to stormwater than process water, particularly after allowing for settling, there is a need for greater flexibility in allowing dewatering. DEQ established the TSS limits for process wastewater to protect surface waters. DEQ believes that given that such extreme storms are infrequent, combined with the BMPs being required under this special condition, that such dewatering can be conducted in a manner that continues to be protective of water quality.

It is believed that the above effluent limitations and special conditions will maintain state water quality standards.

VI. Basis for Requirements for Stormwater Management

Industrial stormwater management is required to reduce the potential for pollutants to reach state waters via stormwater discharges. Stormwater management requirements in Part II are generally current with stormwater management requirements in the VPDES General Permit for Discharges of Stormwater Associated with Industrial Activity (VAR05), which itself reflects the EPA 2021 MSGP, while taking into account the characteristics of the industry to be regulated under this general permit and existing state mining regulations.

Management of stormwater is to be achieved through the development of a stormwater pollution prevention plan (SWPPP). The SWPPP is intended to identify potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges as well as describe and ensure the implementation of practices that will reduce the pollutants in stormwater discharges. The SWPPP requirement maintains the flexibility for a site-specific plan to be developed and implemented but identifies specific components that the plan must address. These components include the pollution prevention team, a description of pollutant sources, and a description of stormwater controls (including BMPs, good housekeeping measures, preventative maintenance, spill prevention and response, routine inspections, employee training, recordkeeping and internal reporting, sediment and erosion control, and run-off management).

Quarterly inspections are required to identify sources of pollution and to evaluate whether the pollution prevention measures are being effectively implemented. The inspections are considered a means of determining compliance with permit conditions without requiring extensive sampling programs. The permittee is required to maintain records summarizing the results of inspections. This permit provides that where a facility has an E3 (Exemplary Environmental Enterprise) or E4 (Extraordinary Environmental Enterprise) status under Virginia's Environmental Excellence Program (VEEP), routine inspection requirements are waived. This is consistent with the VPDES General Permit for Discharges of Stormwater Associated with Industrial Activity and is based on the fact that such facilities are required under the VEEP program to implement an environmental management

system (EMS), which includes implementation and evaluation components, as well as have a pollution prevention program and a record of sustained compliance with environmental requirements.

In its 2015 MSGP, U.S. EPA included provisions that address pre-mining earth-disturbing activities (i.e., section 8.J.4). Under Virginia law (§ 62.1-44.15:34) land-disturbing activities associated with surface mining are exempt from stormwater regulation provided such activities are conducted pursuant to a mining permit under Title 45.1. In addition, under § 62.1-44.15:55, permitted surface mining conducted under Title 45.1 is exempt from Virginia's erosion and sediment control law. Under state regulations, mining permits, which are required as a condition of this general permit, include an operation plan, drainage plan (including erosion and sediment control) and reclamation plan, and must meet performance standards that address topics including impoundments, drainage and sediment control, sediment basins, diversions, and water quality (4VAC25-31-10 through 570). These mining permit regulations apply starting with the first disturbance of any part of a site. Based on the statutory exclusions noted above and the existing state DMM permit regulations applicable to mineral mining, new pre-mining provisions are not included in VAG84.

VII. Administrative

The general permit will have a fixed term of five (5) years. Every authorization to discharge under this general permit will expire at the same time and most existing covered owners' authorizations to discharge will be renewed on the same date.

All persons desiring to be covered by this general permit must register with the Department by filing a registration statement and submitting applicable fees. Owners of nonmetallic mineral mining facilities that are discharging on the effective date of this general permit, and which have not been covered under the previous general permit or an individual VPDES permit and desire to be covered under this general permit, are required to submit the registration statement.

In this general permit DEQ has added a conditional electronic submittal requirement for registration statements. This provision establishes that, following notification from the department of the start date for the required electronic submission of registration statements, as provided for in 9VAC25-31-1020, such registration statements must be electronically submitted to the department in compliance with this permit and 9VAC25-31-1020. It also specifies that there will be at least a three-month notice provided between the notification from the department and the date after which such forms must be submitted electronically. Permittees will need to register at the myDEQ Portal (<https://portal.deq.virginia.gov/>) if they have not already done so. There is also a *Getting started with myDEQ* document available online to facilitate account registration, setup and use. <https://www.deq.virginia.gov/home/showpublisheddocument/15678>. This provision implements federal (40 CFR Part 127) and state (9VAC25-31-1020) electronic reporting regulations.

The reissued general permit includes a requirement to include on the registration statement a list of chemicals added to wastewater or stormwater and that could be discharged, including Safety Data Sheets (SDS), the maximum proposed dosing rates, and a demonstration that the application or use will not result in aquatic toxicity to protect water quality in receiving streams. The use of chemicals, including cationic chemicals, by nonmetallic mineral mining facilities is a potential concern due to the potential aquatic toxicity of certain chemicals in particular settings (e.g., see 8.J.4.1.8 in the federal 2015 MSGP. This provision reflects EPA concerns regarding the aquatic toxicity of cationic chemicals, as discussed in the fact sheet to EPA's 2012 Construction General Permit). The additional information being requested is to ensure that permit staff have adequate information to evaluate the potential toxicity of any added chemicals that could be discharged and to approve, restrict or condition such use as appropriate. A demonstration that chemical use will not result in aquatic toxicity is somewhat flexible but must include information that allows DEQ to make informed judgements that discharges from these facilities will not contain chemicals at levels that pose aquatic toxicity. Such a demonstration should include a description of when, where and how the chemicals will be used, the

manufacturer's specification regarding the use or recommended concentration of the chemical, and calculations of the maximum concentration expected in the effluent or other documentation showing that the maximum concentration expected in the effluent is not expected to adversely affect aquatic life. Additional information that could potentially support a demonstration includes why the chemical use is appropriate for the site conditions, whether the chemical is or is not a cationic polymer, if the chemical is used internally or as part of final treatment, controls or implementation procedures that protect water quality, and available toxicity data other than the SDS.

Owners of existing operations covered under an individual VPDES permit that wish to seek coverage under the general permit must file a registration statement at least 240 days prior to the expiration date of the individual VPDES permit. Owners of existing operations covered under the previous general permit seeking to retain coverage under the reissued general permit must file a new registration in accordance with the reissued general permit requirements at least 60 days prior to the expiration of the existing permit. For all new facilities that will begin activities after the effective date of this permit, the registration statement must be filed at least 60 days prior to the commencement of discharge.

This general permit does not cover activities or discharges covered by an individual VPDES permit until the individual permit has expired or has been terminated. Any person conducting an activity covered by an individual permit which could be covered by this general permit may request that the individual permit be terminated and register for coverage under this general permit. Any owner or operator not wishing to be covered or limited by this general permit may make application for an individual VPDES permit in accordance with VPDES permit application procedures.

To gain coverage under this general permit an owner must submit the registration information required in 9VAC25-190-60 (a registration statement form will be provided by the department), submit the required permit fee and comply with the applicable effluent limitations and other requirements of the permit. An additional requirement for this general permit is that the owner must have a mineral mining permit approved by the Virginia Department of Mines, Minerals and Energy, Division of Mineral Mining under provisions and requirements of Title 45.1 of the Code of Virginia. Owners of mineral mines in bordering states with discharges in Virginia must provide documentation that they have a mining permit from the appropriate state authority. Mineral mines owned and operated by governmental bodies not subject to the provisions and requirement of Title 45.1 are exempt from this requirement.

Coverage under this general permit will not be issued for any new or increased discharge that will result a violation of the board's antidegradation policy contained in the Virginia Water Quality Standards at 9VAC25-260-30 or to a facility where the discharge is not consistent with the assumptions and requirements of an approved TMDL for the receiving stream. Coverage under the general permit is also not available to owners that discharge to state waters that are specifically named in other board regulations that prohibit such discharges (e.g., exceptional or tier 3 waters).

In this general permit DEQ has added a conditional electronic submittal requirement for DMRs. This provision establishes that, following notification from the department of the start date for the required electronic submission of monitoring reports, as provided for in 9VAC25-31-1020, such forms and reports submitted after that date shall be electronically submitted to the department in compliance with this permit and 9VAC25-31-1020. It also specifies that there will be at least a three-month notice provided between the notification from the department and the date after which such reports must be submitted electronically. Permittees will need to register at the myDEQ Portal (<https://portal.deq.virginia.gov/>) if they have not already done so. There is also a *Getting started with myDEQ* document available online to facilitate account registration, setup and use. <https://www.deq.virginia.gov/home/showpublisheddocument/15678>. This provision implements federal (40 CFR Part 127) and state (9VAC25-31-1020) electronic reporting regulations.

TAB D



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Travis A. Voyles
Acting Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director
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February 22, 2023

MEMORANDUM

TO: State Water Control Board Members
FROM: Joseph Bryan, Office of VPDES Permits
SUBJECT: Reissuance of VPDES General Permit Regulation for Storm Water Discharges
Associated with Industrial Activity, 9VAC25-151

The current VPDES Industrial Stormwater General Permit will expire on June 30, 2024 and the regulation establishing this general permit is being amended to reissue another term. The staff is bringing this proposed regulatory amendment before the Board to request authorization to hold a public comment period and a public hearing. The proposed regulation takes into consideration the recommendations of a technical advisory committee (TAC) formed for this regulatory action. A list of the TAC membership is attached.

Draft amendments showing proposed changes to the current regulation, the Agency Town Hall background document and the draft Fact Sheet are also attached. Substantive changes to the existing regulation are:

- Section 10 – Definitions – Removed definition for “measurable storm event” as it is no longer referenced in the regulation.
- Section 15 – Applicability of Incorporated References – Changed date to indicate that incorporated references are based on the Code of Federal Regulations published as of July 1, 2022.
- Section 40 – Effective Date of the Permit – Changed effective date to July 1, 2024, and expiration date to June 30, 2029.
- Section 50 – Authorization to Discharge, C.4 – Added firefighting training activities managed in a manner to avoid an instream impact as an authorized non-stormwater discharge in accordance with § 9.1-207.1 of the Code of Virginia. Clarified that routine external building washdown must be managed in a manner to avoid instream impact.
- Section 50 – Authorization to Discharge, C.6 – Clarified that facilities subject to 40 CFR 449 (discharges from primary airport deicing operations) may be covered under Sector AD of the permit. The authorization for these discharges was previously removed in the 2019 general permit; however,

a handful of non-hub primary airports were subsequently covered under Sector AD (Nonclassified Facilities/Stormwater Discharges Designated by the Department as Requiring Permits) to avoid the unnecessary costs and administrative burden of coverage under an Individual VPDES Permit. Subsequent sections of the regulation have been updated accordingly and a new special condition has been added to Part III of the general permit to address deicing and anti-icing operations.

- Section 60 – Registration Statement and SWPPP – Added the following requirements: 1) Include a description of the primary industrial activity and all other industrial activities onsite, 2) identify the SIC codes or Industrial Activity Codes for each outfall, and 3) identify outfalls that collect runoff from mulch dyeing operations. Clarified that a new MS4 notification does not need to be made with each re-registration under the general permit. Removed statement regarding deicing operations not being authorized under the permit. Added that once the 9VAC25-31-1020 (Electronic Reporting) date is established for this industry, registration statements shall be submitted electronically following three months’ notice by the department.
- Section 70 – General Permit – Revised effective and expiration dates. Added reference to a new Part V of the general permit which consolidates all the Chesapeake Bay TMDL compliance requirements into one section.
- Section 70 – General Permit, Part I.A – Updated benchmarks in accordance with EPA’s 2021 MSGP, the Virginia Water Quality Standards (WQS), and the recommendations of the TAC. Clarified that facilities subject to 40 CFR 449 (discharges from primary airport deicing operations) may be covered under Sector AD of the permit. Clarified that TMDL conditions are only applicable if the TMDLs are approved by EPA prior to the term of the permit. Clarified that sampling data collected during the 2019 industrial stormwater general permit term may be used to satisfy all or part of any TMDL monitoring requirements. Added language requiring facilities exceeding a TMDL wasteload allocation to prepare and submit a pollutant minimization plan (PMP) upon notification from the department. Replaced references to “measurable storm events” with “storm event discharges” to clarify that samples are required when a storm event results in a discharge from the site. Removed requirement to report the duration (in hours) of storm events.
- Section 70 – General Permit, Part I.B – Updated authorized non-stormwater discharges in accordance with Section 50 (Authorization to Discharge). Moved the entirety of the Chesapeake Bay TMDL conditions to a new Part V (9VAC25-151-400) to simplify the general permit.
- Section 70 – General Permit, Part II - Clarified that the immediate reports required by Part II G, H, and I shall be made to the Department’s regional office. Updated link to the online Pollution Response Preparedness (PReP) portal and clarified that the online portal shall be used for reports outside of normal working hours
- Section 80 – Stormwater Pollution Prevention Plans, Part III – Added an Airport Deicing Operations condition to make it clear that they are covered by this permit (non-primary airports are covered under Sector AE, primary airports may be covered under Sector AD) and provide some control measure options for consideration. This condition is based on language in the 2021 EPA MSGP and language used for “Sector S” in previous iterations of the general permit. Clarified that copies of the SWPPP retained onsite may be either in hard copy or in electronic format.
- Section 85 – Sector-Specific Permit Requirements, Part IV – Added this new Section delineating the beginning of Part IV. The permittee must only comply with the additional requirements of Part IV (9VAC25-151-90 et seq.) that apply to the sectors of industrial activity located at the facility.

- Sections 90 through 390 – Sector-Specific Permit Requirements, Part IV – Sector-specific benchmark monitoring parameters were updated in accordance with EPA’s 2021 MSGP, the Virginia Water Quality Standards (WQS), and the recommendations of the TAC. Benchmark concentrations are not effluent limitations and are merely levels used to determine if a stormwater discharge merits further monitoring to ensure that the facility has been successful in implementing a SWPPP.
- Section 400 – Chesapeake Bay TMDL Compliance, Part V - The entirety of the Chesapeake Bay TMDL conditions are moved to this new Part V of the general permit. Changes to the conditions are as follows:
 - The monitoring frequency has been changed to quarterly in order to meet the December 31, 2025 deadline of the Chesapeake Bay TMDL.
 - TSS reduction requirements have been removed in accordance with Virginia’s Final Phase III Watershed Implementation Plan (WIP) based on the recommendations of the 2019 Chesapeake Bay Program Principals’ Staff Committee.
 - Requirements are now separated into three distinct categories depending on the status of a facility’s demonstration of compliance with the Chesapeake Bay TMDL nutrient loading rates:
 - (1) Existing facilities under the 2019 permit that have already demonstrated compliance.
 - (2) Existing facilities under the 2019 permit that have not demonstrated compliance.
 - (3) Existing facilities that obtain initial coverage under the 2024 permit.

Existing facilities registered under the 2019 permit after June 30, 2022, are subject to the same requirements as facilities obtaining initial coverage under the 2024 permit.
 - Facilities that have already demonstrated compliance with the nutrient loading rates are to maintain documentation of their demonstration with the SWPPP and continue to implement any BMPs developed as part of their demonstration.
 - Reductions for existing facilities under the 2019 permit, if applicable, are to be achieved by December 31, 2025.
 - Reductions for existing facilities that obtain initial coverage under the 2024 permit, if applicable, are to be achieved two years following the fourth quarterly monitoring period.
 - Facilities may use applicable sampling data collected during the 2019 permit term to satisfy all or part of their monitoring requirements.
 - Alternative calculations may be proposed on a case-by-case basis to address facilities with outfalls that rarely discharge.

A Notice of Intended Regulatory Action (NOIRA) for the amendment was published April 11, 2022. Comments were received from the Chesapeake Bay Foundation (CBF), the Virginia Association of Municipal Wastewater Agencies (VAMWA), the Virginia Manufacturers Association (VMA), and the Virginia Transportation Construction Alliance (VTCA). Representatives from each of these organizations were approved as technical advisory committee (TAC) members and their comments were considered during the TAC meetings held on October 5, 2022, October 25, 2022, and December 1, 2022.

The Office of the Attorney General will be sent the proposed regulation for certification of statutory authority. The U.S. Environmental Protection Agency will also need to review and approve the general permit prior to final adoption.

Attachments: TAC Membership, Draft General Permit Regulation, Agency Background Document (Town Hall), Draft Fact Sheet

**TECHNICAL ADVISORY COMMITTEE MEMBERSHIP INDUSTRIAL STORMWATER
GENERAL PERMIT REGULATION**

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<p>DEQ Staff: Allan Brockenbrough – CO VPDES Joseph Bryan – CO VPDES</p>	<p>DEQ Staff Technical Liaisons: Kevin Crider (BRRO, VPDES Permits) Amy Dooley (NRO, Water Compliance) Susan Mackert (NRO, VPDES Permits) Troy Nipper (CO, Water Compliance) Peter Sherman (CO, VPDES Permits) Sara Sivers (NRO, VPDES Permits) Edward Stuart (NRO, Water Compliance) Noel Thomas (VRO, VPDES Permits) Ethan Virts (SWRO, VPDES Permits) Somsiri Youngpattana (PRO, VPDES Permits)</p>



townhall.virginia.gov

Exempt Action: Proposed Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	9 VAC 25 - 151
VAC Chapter title(s)	Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Stormwater Associated with Industrial Activity
Action title	Proposed 2024 Amendment and Reissuance of the VPDES Industrial Stormwater General Permit Regulation
Date this document prepared	February 9, 2023

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

Brief Summary

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

This action addresses the proposed reissuance of the Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Stormwater Associated with Industrial Activity. The existing general permit regulation establishes limitations, monitoring requirements and other special conditions for point source discharges of stormwater associated with industrial activity to surface waters in order to maintain surface water quality. This regulatory action proposes to amend and reissue the existing general permit, which expires on June 30, 2024.

Mandate and Impetus

Identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

This regulation (9VAC25-151) constitutes a VPDES general permit administered by Virginia DEQ, a U.S. EPA authorized permitting authority under CWA § 402(b). Under CWA § 402(b)(1)(B), VPDES permits must be for fixed terms not to exceed five years. The existing general permit expires on June 30, 2024 and must be reissued for another term to remain available to permittees. If this permit is not re-issued in a timely manner, no new coverage is available to any new facility owner or operator and such owners or operators would be required to obtain individual VPDES permits, which require more time to develop and issue, and impose significantly greater burden and costs on permittees and increased administrative burden on DEQ. In addition, internal staff review and TAC meeting input have identified areas where the general permit could be updated and potentially improved.

Acronyms and Definitions

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

- Board: State Water Control Board
- EPA (U.S. EPA): United States Environmental Protection Agency
- BMP: Best Management Practice
- DEQ: Department of Environmental Quality
- MSGP: Multi-Sector General Permit
- NOIRA: Notice of Intended Regulatory Action
- NPDES: National Pollutant Discharge Elimination System
- SWPPP: Stormwater Pollution Prevention Plan
- TMDL: Total Maximum Daily Load
- USC: United States Code
- VAC: Virginia Administrative Code
- VPDES: Virginia Pollutant Discharge Elimination System

Legal Basis

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

The basis for this regulation is § 62.1-44.2 et seq. of the Code of Virginia. Specifically, § 62.1-44.15(5) authorizes the Board to issue permits for the discharge of treated sewage, industrial wastes or other waste into or adjacent to state waters and § 62.1-44.15(7) authorizes the Board to adopt rules governing the procedures of the Board with respect to the issuance of permits. Further, § 62.1-44.15(10) authorizes the Board to adopt such regulations as it deems necessary to enforce the general water quality management program, §62.1-44.15(14) authorizes the Board to establish requirements for the treatment of sewage, industrial wastes and other wastes, § 62.1-44.16 specifies the Board's authority to regulate

discharges of industrial wastes, § 62.1-44.20 provides that agents of the Board may have the right of entry to public or private property for the purpose of obtaining information or conducting necessary surveys or investigations, and § 62.1-44.21 authorizes the Board to require owners to furnish information necessary to determine the effect of the wastes from a discharge on the quality of state waters.

Section 402 of the Clean Water Act (33 USC 1251 et seq.) authorizes states to administer the National Pollutant Discharge Elimination System (NPDES) permit program under state law. The Commonwealth of Virginia received such authorization in 1975 under the terms of a Memorandum of Understanding with the U.S. EPA. This Memorandum of Understanding was modified on May 20, 1991 to authorize the Commonwealth to administer a General VPDES Permit Program.

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

Purpose

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

This proposed regulatory action is needed in order to establish permitting requirements for discharges of stormwater associated with industrial activity to surface waters in order to maintain surface water quality and thus protect the health, safety and welfare of citizens. The existing general permit expires on June 30, 2024 and must be reissued to continue to authorize stormwater discharges from industrial activities through general permit coverage.

Other issues that needed consideration were updates to sector-specific benchmarks, monitoring requirements, and special conditions.

Substance

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

The general permit establishes limitations and monitoring requirements for point source discharges of stormwater associated with industrial activity to surface waters. The effluent limits, monitoring requirements and special conditions in the general permit were reviewed to ensure that the permit is protective of water quality. The primary issue that is being addressed is that the existing general permit expires on June 30, 2024 and must be reissued in order to continue making it available after that date. Some general issues that needed consideration were updates to sector-specific benchmarks, monitoring requirements, and special conditions. A significant change was updating the Chesapeake Bay TMDL compliance language and consolidating the requirements into a new section (9VAC25-151-400).

Issues

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

The advantages to the public, permittees and the agency of reissuing this general permit are that a Virginia Pollutant Discharge Elimination System (VPDES) General Permit will continue to be available to facilities with eligible discharges enabling them to discharge to surface waters in a manner that is protective of those waters. In addition, the continued availability of this general permit avoids the increased cost and more complicated application process for permittees associated with issuing an individual permit, and makes permit administration more reasonable for DEQ. There are no known disadvantages the public, agency, or regulated community.

Requirements More Restrictive than Federal

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

There are no requirements that exceed applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

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

Other State Agencies Particularly Affected:

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

Localities Particularly Affected:

There are no localities that bear a disproportionate material impact as the general permit is available and applies statewide. The proposed amendments to the regulation apply statewide, except for the Chesapeake Bay TMDL Special Condition. The general permit regulation implements the Commonwealth of Virginia's Chesapeake Bay TMDL Phase I Watershed Implementation Plan dated November 29, 2010. The proposed amendments applicable throughout the Chesapeake Bay watershed are not expected to impose a disproportionate material water quality impact on any locality that would not be experienced by the other localities in the Chesapeake Bay watershed.

Other Entities Particularly Affected:

There are no other entities that bear a disproportionate material impact as the general permit is available and applies statewide.

Regulatory Flexibility Analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing

performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

This general permit does not predominantly apply to small businesses, rather, this general permit regulation governs point source discharges of stormwater associated with industrial activity to surface waters. Nevertheless, the reissuance of this VPDES general permit accomplishes the objectives of applicable law and minimizes the application burden and permit implementation costs to affected small business owners. Without the general permit, a small business owner would be required to obtain an individual permit, which would increase the complexity of a permit application, implementation and compliance costs.

Public Comment Received

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

Commenter	Comment	Agency response
<p>Chesapeake Bay Foundation (CBF)</p> <p>Joe Wood, Ph. D., Virginia Staff Scientist</p> <p>Margaret L. Sanner, Virginia Assistant Director & Senior Attorney</p>	<p>For facilities with excessive loads, CBF recommends closer investigation and transitioning to an individual permit with enhanced monitoring and reporting. CBF also notes the continuing need for nutrient and sediment monitoring in the renewal of this general permit.</p> <p>CBF recommends DEQ require continued nutrient monitoring for all facilities with enhanced monitoring requirements for facilities with higher documented loads and require individual permits for facilities which demonstrate clear water quality problems (i.e., facilities with loads greater than ten times the WLA basis). CBF also recommends DEQ develop SIC specific guidance on managing nutrient loads for SIC codes with high loading rates and for highly impervious facilities.</p>	<p>DEQ appreciates CBF’s contributions to helping develop the draft regulation during the TAC meetings.</p> <p>These comments were taken into consideration and discussed by the TAC. The general permit contains conditions that are consistent with the Chesapeake Bay TMDL and Virginia’s Watershed Implementation Plans.</p> <p>For facilities with excessive loads, DEQ may require the owner of a facility to obtain an individual permit in accordance with 9VAC25-31-170 B 3 of the VPDES Permit Regulation.</p> <p>Total suspended solids (TSS) and nutrient data collected during the 2014 and 2019 general permit terms was analyzed and presented to the TAC for discussion.</p> <p>TSS reduction requirements have been removed from the Chesapeake Bay TMDL Compliance section of the general permit in accordance with Virginia’s Final Phase III Watershed Implementation Plan (WIP) based on the recommendations of the 2019 Chesapeake Bay Program Principals’ Staff Committee.</p> <p>All facilities are still required to provide a demonstration of compliance with the Chesapeake Bay TMDL nutrient loading rates if they have not already done so. Reductions for existing permitted facilities, if applicable, are to be achieved by December 31, 2025. Reductions for newly permitted facilities, if applicable, are to be achieved two years following the fourth quarterly monitoring period. For facilities that have already demonstrated compliance with the nutrient loading rates, documentation of the demonstration of compliance is to be maintained with SWPPP and permittees are required to continue to implement any BMPs developed as part of the demonstration.</p> <p>Permit eligibility is limited to discharges from facilities in the "sectors" of industrial activity in Table 50-2 of the general permit. The sector descriptions are based on Standard Industrial Classification (SIC) Codes and Industrial Activity Codes. Several sectors in the general permit have SIC code specific nutrient effluent limitations and/or benchmarks, including Sector A (timber products facilities), Sector C (chemical and allied products manufacturing), Sector K (Hazardous waste treatment, storage or disposal), and Sector U (food and kindred products). These requirements are evaluated during the reissuance process and updated, if necessary, based on a review of the current EPA MSGP requirements, updates to the Virginia Water Quality Standards, and the input of the technical advisory committee.</p>

Commenter	Comment	Agency response
<p>Virginia Association of Municipal Wastewater Agencies (VAMWA). George Hayes, President</p>	<p>VAMWA continues to support monitoring exemptions from Chesapeake Bay TMDL monitoring for the upcoming 2024-2029 General Permit term.</p>	<p>DEQ appreciates VAMWA’s contributions to helping develop the draft regulation during the TAC meetings. Facilities that have provided a demonstration of compliance with the Chesapeake Bay TMDL nutrient loading rates are not required to do additional monitoring. Documentation of the demonstration of compliance is to be maintained with SWPPP and permittees are required to continue to implement any BMPs developed as part of the demonstration.</p>
<p>Virginia Manufacturers Association (VMA). Brooks M. Smith and Andrea W. Wortzel, Counsel to VMA Water Subcommittee</p>	<p>VMA looks forward to contributing feedback based on the extensive experience of our members implementing the current ISWGP, and well as our understanding of costs and impacts of other permitting approaches at the federal level (MSGP) and in other states.</p>	<p>DEQ appreciates VMA’s contributions to helping develop the draft regulation during the TAC meetings.</p>
<p>Virginia Transportation Construction Alliance (VTCA). Rob Lanham, Aggregates Program Manager</p>	<p>It is the position of the Aggregate Producer members of VTCA that the ISWGP be retained in its current form. However, if the Department of Environmental Quality, pursuant to this review, determines it necessary to open a formal review of the ISWGP, VTCA and our Aggregate Producer Members request to be included as part of any stakeholder involvement and/or advisory committees.</p>	<p>DEQ appreciates VTCA contributions to helping develop the draft regulation during the TAC meetings. The existing general permit expires on June 30, 2024 and must be reissued to continue to authorize stormwater discharges from industrial activities through general permit coverage. During the amendment and reissuance process the general permit is updated in accordance with staff review of applicable federal and state requirements and the input of the technical advisory committee (TAC).</p>

Public Participation

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

In addition to any other comments, the Board is seeking comments on the costs and benefits of the proposal, the potential impacts of this regulatory proposal and any impacts of the regulation on farm and

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

Anyone wishing to submit written comments for the public comment file may do so by mail, email or fax to Joseph B. Bryan, P.O. Box 1105, Richmond, VA 23218-1105, 804.659.2659, fax 804.698.4178 (please ensure recipient [Joseph B. Bryan] is on the fax or cover page of the fax) and joseph.bryan@deg.virginia.gov. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at (<http://www.townhall.virginia.gov>). Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

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

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. If the regulatory change will be a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory change. Please include citations to the specific section(s) of the regulation that are changing.

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
All Sections			<p><i>Minor edits to the language in all sections of the regulation were updated in accordance with the Virginia Register of Regulations’ “Form, Style and Procedure Manual for Publication of Virginia Regulations”.</i></p> <p><i>These edits do not constitute substantive changes to the regulation.</i></p>
All Sections			<p><i>Where applicable, “board” is replaced with “department” in accordance with the updated definition of “Board”.</i></p>
9VAC25-151-10. Definitions.		<p><i>"Measurable storm event" means a storm event that results in a discharge from an outfall.</i></p>	<p><i>Deleted definition. It is no longer referenced in the regulation.</i></p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
9VAC25-151-15. Applicability of incorporated references based on the dates that they became effective.		Except as noted, when a regulation of the U.S. Environmental Protection Agency set forth in Title 40 of the Code of Federal Regulations is referenced or adopted in this chapter and incorporated by reference, that regulation shall be as it exists and has been published as of July 1, 2018.	<i>Revised date to “July 1, 2022” based on the most recent federal update prior to this reissuance.</i>
9VAC25-151-40. Effective date of the permit		This general permit will become effective on July 1, 2019. This general permit will expire on June 30, 2024.	This general permit will become effective on July 1, 2024. This general permit will expire on June 30, 2029. <i>Amended dates to reflect new 5-year term.</i>
9VAC25-151-50. Authorization to discharge. B.4.		B.4. The discharge is not consistent with the assumptions and requirements of an approved TMDL. Virginia’s Phase I Chesapeake Bay TMDL Watershed Implementation Plan (November 29, 2010) states that wasteloads for future growth for new facilities in the Chesapeake Bay watershed with industrial stormwater discharges cannot exceed the nutrient and sediment loadings that were discharged prior to the land being developed for the new industrial activity. For purposes of this permit regulation, facilities that commence construction after June 30, 2019, must be consistent with this requirement to be eligible for coverage under this general permit.	<i>Amended date to June 30, 2024.</i>
9VAC25-151-50. Authorization to discharge. C.		C.	<i>Revised header of this section to “C. Additional Conditions”.</i>
9VAC25-151-50.		a. Discharges from emergency firefighting activities	a. Discharges from emergency firefighting activities or firefighting

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
Authorization to Discharge. C.4.a			<p>training activities managed in a manner to avoid an instream impact in accordance with § 9.1-207.1 of the Code of Virginia;</p> <p><i>Added firefighting training activities managed in a manner to avoid an instream impact in accordance with § 9.1-207.1 of the Code of Virginia.</i></p>
9VAC25-151-50. Authorization to Discharge. C.4.h		h. Routine external building washdown that does not use detergents or hazardous cleaning products	<p>h. Routine external building washdown that does not use detergents or hazardous cleaning products and is managed in a manner to avoid an instream impact;</p> <p><i>Clarified that routine external building washdown must be managed in a manner to avoid instream impact.</i></p>
9VAC25-151-50. Authorization to Discharge. C.6		Discharges subject to stormwater effluent limitation guidelines under 40 CFR Subchapter N (Effluent Guidelines and Standards). Only those stormwater discharges subject to stormwater effluent limitation guidelines under 40 CFR Subchapter N that are identified in Table 50-1 of this subsection are eligible for coverage under this permit.	<p>Discharges subject to stormwater effluent limitation guidelines under 40 CFR Subchapter N (Effluent Guidelines and Standards) are only eligible for coverage under this permit if they are identified in Table 50-1 of this subsection.</p> <p><i>Clarified wording and removed repetition.</i></p>
9VAC25-151-50. Authorization to Discharge. C.6 Table 50-1		<p>Table 50-1 Stormwater-Specific Effluent Limitation Guidelines.</p> <p>... Facilities subject to effluent limitation guidelines in 40 CFR Part 449 are not authorized under this permit.</p>	<p>... Facilities subject to the effluent limitation guidelines in 40 CFR Part 449 may be covered under Sector AD.</p> <p><i>Authorization for discharges from deicing operations at primary airports was removed in the 2019 general permit. However, a handful of non-hub primary airports were subsequently covered under Sector AD (Nonclassified Facilities/Stormwater Discharges Designated by the Department as Requiring Permits) in order to avoid the unnecessary costs and</i></p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p><i>administrative burden of coverage under an Individual VPDES Permit.</i></p> <p><i>As such, Tables 50-1 and 70-2 of the regulation have been updated to clarify that primary airports subject to the referenced federal effluent limitation guidelines may be covered under Sector AD. Further, a new condition has been added to Part III of the general permit to address deicing and anti-icing operations.</i></p>
<p>9VAC25-151-60. Registration Statement and stormwater pollution prevention plan (SWPPP). A.</p>		<p>A. Any owner that was authorized to discharge under the industrial stormwater general permit that became effective on July 1, 2014, and that intends to continue coverage under this general permit shall review and update the stormwater pollution prevention plan (SWPPP) to meet all provisions of the general permit (9VAC25-151-70 et seq.) within 90 days of the board granting coverage under this permit ...</p>	<p><i>Revised date to July 1, 2019.</i></p>
<p>9VAC25-151-60. Registration Statement and stormwater pollution prevention plan (SWPPP). B.1.a</p>		<p>a. Any owner that was authorized to discharge under the industrial stormwater general permit that became effective on July 1, 2014, and that intends to continue coverage under this general permit shall submit a complete registration statement to the board on or before May 2, 2019.</p>	<p><i>Revised dates to July 1, 2019, and May 1, 2024, respectively.</i></p>
<p>9VAC25-151-60. Registration Statement and stormwater pollution prevention plan (SWPPP). B.4</p>		<p>4. Late registration statements. Registration statements for existing facilities covered under subdivision 1 a of this subsection will be accepted after June 30, 2019, but authorization to discharge will not be retroactive. Owners described in subdivision 1 a of this subsection that submit registration statements after</p>	<p><i>Revised dates to June 30, 2024, May 1, 2019, and July 1, 2024, respectively.</i></p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		<p>May 2, 2019 are authorized to discharge under the provisions of 9VAC25-151-50 F (Continuation of permit coverage) if a complete registration statement is submitted before July 1, 2019.</p>	
<p>9VAC25-151-60. Registration Statement and stormwater pollution prevention plan (SWPPP). C.4</p>		<p>4. The nature of the business conducted at the facility to be covered under this general permit;</p>	<p>4. The nature of the business conducted at the facility to be covered under this general permit, including a description of the primary industrial activity and all other industrial activities that take place.</p> <p><i>Added language to the registration statement in order to clarify a facility's primary industrial activity and any co-located industrial activities.</i></p>
<p>9VAC25-151-60. Registration Statement and stormwater pollution prevention plan (SWPPP). C.6</p>		<p>6. A determination of whether the facility will discharge to an MS4. If the facility discharges to an MS4, the facility owner must notify the owner of the MS4 of the existence of the discharge information at the time of registration under this permit and include that notification with the registration statement ...</p>	<p><i>Removed "at the time of registration under this permit" in order to clarify that a new MS4 notification does not need to be made with each re-registration under the general permit.</i></p>
<p>9VAC25-151-60. Registration Statement and stormwater pollution prevention plan (SWPPP). C.9</p>		<p>9. Whether or not this facility will discharge stormwater runoff from coal storage piles;</p>	<p><i>Deleted due to duplicative language. Section 11.c (now 10.c) of this section already asks about runoff from coal storage piles.</i></p> <p><i>Following sections renumbered.</i></p>
<p>9VAC25-151-60. Registration Statement and stormwater pollution prevention</p>	<p>C.9</p>	<p>10. Identification of up to four four-digit Standard Industrial Classification (SIC) Codes or 2-letter Industrial Activity Codes that best represent the principal products or services rendered by the facility and</p>	<p>9. For each outfall, identification of up to four four-digit Standard Industrial Classification (SIC) Codes ...</p> <p><i>Added "For each outfall". Different outfalls at a facility may have vastly</i></p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
plan (SWPPP). C.10		major colocated industrial activities ...	<i>different industrial activities in their drainage areas.</i>
9VAC25-151-60. Registration Statement and stormwater pollution prevention plan (SWPPP). C.11.b	C.10.b	b. If the facility is a timber products operation (sector A), indicate which outfalls (if any) receive discharges from wet decking areas;	<p>b. If the facility is a timber products operation (sector A), state which outfalls (if any) receive discharges from wet decking areas, and which outfalls (if any) collect runoff from areas where mulch dyeing operations (including loading, transporting, and storage) occur;</p> <p><i>Added requirement to identify outfalls that collect runoff from mulch dyeing operations. There are additional requirements for mulch dyeing operations under Sector A, so this helps clarify which outfalls at a facility need these additional requirements.</i></p>
9VAC25-151-60. Registration Statement and stormwater pollution prevention plan (SWPPP). C.11.g	C.10.g	g. For primary airports, list the average deicing season and indicate which outfalls (if any) receive discharges from deicing of non-propeller aircraft, and the annual average departures of non-propeller aircraft. It should be noted that airport facilities subject to the effluent limitation guidelines in 40 CFR Part 449 are not authorized under this permit.	<p>g. For primary airports, list the average deicing season and state which outfalls (if any) receive discharges from deicing or anti-icing operations.</p> <p><i>Authorization for discharges from deicing operations at primary airports was removed in the 2019 general permit. However, a handful of non-hub primary airports were subsequently covered under Sector AD in order to avoid the unnecessary costs and administrative burden of coverage under an Individual VPDES Permit.</i></p> <p><i>The registration statement has been updated to identify which outfalls at primary airports receive discharges from deicing or anti-icing operations.</i></p> <p><i>A new condition has been added to Part III of the general permit to address these operations.</i></p>
9VAC25-151-60. Registration	C.13	13. Virginia's Phase I Chesapeake Bay TMDL Watershed Implementation	<i>Revised both dates to June 30, 2024.</i>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
Statement and stormwater pollution prevention plan (SWPPP). C.14		Plan (November 29, 2010) states that wasteloads for future growth for new facilities in the Chesapeake Bay watershed with industrial stormwater discharges cannot exceed the nutrient and sediment loadings that were discharged prior to the land being developed for the industrial activity. For purposes of this permit regulation, facilities that commence construction after June 30, 2019, must be consistent with this requirement to be eligible for coverage under this general permit. If this is a new facility that commenced construction after June 30, 2019, in the Chesapeake Bay watershed, and applying for first time general permit coverage ...	
9VAC25-151-60. Registration Statement and stormwater pollution prevention plan (SWPPP). C.14.a	C.13.a	a. ... Design specifications and pollutant removal efficiencies for specific BMPs can be found on the Virginia Stormwater BMP Clearinghouse website at http://www.vwrrc.vt.edu/swc ; or,	<i>Removed "at http://www.vwrrc.vt.edu/swc" to avoid having to update the link every reissuance.</i>
9VAC25-151-60. Registration Statement and stormwater pollution prevention plan (SWPPP). E.		E. Where to submit.	<i>Added the following contingent e-reporting language:</i> Following notification from the department of the start date for the required electronic submission of Notices of Intent to discharge forms (i.e., registration statements) as provided for in 9VAC25-31-1020, such forms submitted after that date shall be electronically submitted to the department in compliance with this section and 9VAC25-31-1020. There shall be at least three months' notice provided between the notification from the department and the date

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			<p>after which such forms must be submitted electronically.</p> <p><i>E-reporting is required by federal regulation (see 80 FR 64064; 10/22/2015 and 85 FR 69189; 11/2/2020) and state regulation (9VAC25-31-1020).</i></p>
9VAC25-151-70. General permit.		<p>General Permit No.: VAR05 Effective Date: July 1, 2019 Expiration Date: June 30, 2024</p>	<p><i>Updated effective date to July 1, 2024, and the expiration date to June 30, 2029.</i></p>
9VAC25-151-70. General permit.		<p>The authorized discharge shall be in accordance with this cover page, the registration statement, Part I-Effluent Limitations, Monitoring Requirements and Special Conditions, Part II-Conditions Applicable to All VPDES Permits, Part III-Stormwater Pollution Prevention Plan, and Part IV-Sector-Specific Permit Requirements as set forth in this general permit.</p>	<p>The authorized discharge shall be in accordance with this cover page, the registration statement, Part I-Effluent Limitations, Monitoring Requirements and Special Conditions, Part II-Conditions Applicable to All VPDES Permits, Part III-Stormwater Pollution Prevention Plan, Part IV-Sector-Specific Permit Requirements, and Part V-Chesapeake Bay Total Maximum Daily Load Compliance as set forth in this general permit.</p> <p><i>Added reference to the new Part V of the general permit which consolidates all the Chesapeake Bay TMDL Compliance requirements into one section.</i></p>
9VAC25-151-70. General Permit. Part I.A.1.a.(1)		<p>(1) The permittee shall perform and document a quarterly visual examination of a stormwater discharge associated with industrial activity from each outfall, except discharges exempted in Part I A 3 or Part I A 4. The examinations shall be made at least once in each of the following three-month periods: January through March, April through June, July through September, and October through December. The visual examination shall be made during normal working hours, where practicable, and when</p>	<p><i>Deleted last sentence requiring that documentation be signed in accordance with Part II K. Visual monitoring documentation is not submitted to the Department and therefore does not require this form of signature.</i></p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		<p>considerations for safety and feasibility allow. If no storm event resulted in runoff from the facility during a monitoring quarter, the permittee is excused from visual monitoring for that quarter provided that documentation is included with the monitoring records indicating that no runoff occurred. The documentation shall be signed and certified in accordance with Part II K of this permit.</p>	
<p>9VAC25-151-70. General Permit. Part I.A.1.a.(3)</p>		<p>(3) The visual examination reports shall be maintained on-site with the SWPPP. The report shall include the outfall location, the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the stormwater discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution), and probable sources of any observed stormwater contamination.</p>	<p><i>Revised “reports” and “report” to “documentation” to clarify that visual examinations are not reported to the department. Documentation of these examinations are to be maintained with the SWPPP.</i></p>
<p>9VAC25-151-70. General Permit. Part I.A.1.b. Table 70-1</p>		<p>Table 70-1 Industrial Sectors Subject to Benchmark Monitoring</p>	<p><i>Table 70-1 lists the benchmark monitoring parameters for each Industry Sector and their associated SIC or Activity codes. Benchmarks were updated in accordance with EPA’s 2021 MSGP, the Virginia Water Quality Standards (WQS), and the recommendations of the TAC. As part of these updates, iron and magnesium were removed as benchmarks and have been deleted from Table 70-1 where present.</i></p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<i>Sector O (Steam Electric Generating Facilities) previously only had a benchmark for iron; thus, this sector is no longer subject to benchmark requirements.</i>
9VAC25-151-70. General Permit. Part I.A.1.b.(1)		(1) ... Depending on the results of four consecutive monitoring periods, benchmark monitoring may not be required to be conducted in subsequent monitoring periods (see Part I A 1 b (2)).	<i>This final sentence references the very next section. Deleted due to unnecessary duplication.</i>
9VAC25-151-70. General Permit. Part I.A.1.b.(1)(a)		(a) Samples were collected in four consecutive monitoring periods, and the average of the four samples for all parameters at the outfall is below the applicable benchmark concentration value in Part IV. Facilities that were covered under the 2014 industrial stormwater general permit may use sampling data from the last two monitoring periods of that permit and the first two monitoring periods of this permit to satisfy the four consecutive monitoring periods requirement;	<i>Revised date to 2019.</i>
9VAC25-151-70. General Permit. Part I.A.1.b.(1)(c)		(c) ... The waiver request shall be sent to the appropriate DEQ regional office, along with the supporting monitoring data for four consecutive monitoring periods, and a certification that, based on current potential pollutant sources and control measures used, discharges from the facility are reasonably expected to be essentially the same (or cleaner) compared to when the benchmark monitoring for the four consecutive monitoring periods was done.	(c) ... and a certification that, based on current potential pollutant sources and control measures used, discharges from the facility are reasonably expected to be substantially similar or cleaner compared to when the benchmark monitoring for the four consecutive monitoring periods was done. <i>Revised “essentially the same (or cleaner)” to “substantially similar or cleaner” to match the language used throughout the regulation.</i>
9VAC25-151-70. General Permit. Part		Table 70-2 Stormwater-Specific Effluent Limitation Guidelines.	... Facilities subject to the effluent limitation guidelines in 40 CFR Part

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
I.A.1.c.(1). Table 70-2		... Facilities subject to effluent limitation guidelines in 40 CFR Part 449 are not authorized under this permit.	<p>449 may be covered under Sector AD.</p> <p><i>Authorization for discharges from deicing operations at primary airports was removed in the 2019 general permit. However, a handful of non-hub primary airports were subsequently covered under Sector AD (Nonclassified Facilities/Stormwater Discharges Designated by the Department as Requiring Permits) in order to avoid the unnecessary costs and administrative burden of coverage under an Individual VPDES Permit.</i></p> <p><i>As such, Tables 50-1 and 70-2 of the regulation have been updated with to clarify that primary airports subject to the referenced federal effluent limitation guidelines may be covered under Sector AD. Further, a new condition has been added to Part III of the general permit to address deicing and anti-icing operations.</i></p>
9VAC25-151-70. General Permit. Part I.A.1.c.(3)		(3) ...Owners of facilities that are a source of the specified pollutant of concern to waters for which a TMDL wasteload allocation has been approved prior to the term of this permit will be notified as such by the department when they are approved for coverage under the general permit.	<p>(3) ... Owners of facilities that are a source of the specified pollutant of concern to waters for which a TMDL wasteload allocation has been approved by the U.S. Environmental Protection Agency (EPA) before the term of this permit will be notified by the department when they are approved for coverage under the general permit.</p> <p><i>Clarified that TMDLs must be approved by EPA prior to the term of the permit.</i></p>
9VAC25-151-70. General Permit. Part I.A.1.c.(3)(a)		(a) Upon written notification from the department, facilities subject to TMDL wasteload allocations shall be required to monitor such the discharges to evaluate compliance with the TMDL requirements.	(a) Upon written notification from the department, facilities permittees shall monitor the discharges for the pollutant subject to TMDL wasteload allocations once every six months after coverage under

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>the permit begins, unless another sampling frequency is determined by the department for polychlorinated biphenyls (PCBs). Monitoring begins with the first full monitoring period after the owner is granted coverage under the permit. Monitoring periods are specified in Part I A 2.</p> <p><i>Sections (a) and (b) had duplicative language and have been combined. Subsequent sections of Part I.A.1.c.(3) renumbered.</i></p>
<p>9VAC25-151-70. General Permit. Part I.A.1.c.(3)(d)</p>	<p>I.A.1.c(3)(c)</p>	<p>(d) If the pollutant subject to the TMDL wasteload allocation is below the quantitation level in all of the samples from the first four monitoring periods (i.e., the first two years of coverage under the permit) ...If the pollutant subject to the TMDL wasteload allocation is above the quantitation level in any of the samples from the first four monitoring periods, the permittee shall continue the scheduled TMDL monitoring throughout the term of the permit.</p>	<p>(c) If the pollutant subject to the TMDL wasteload allocation is below the quantitation level in all of the samples from the first four monitoring periods ...If the pollutant subject to the TMDL wasteload allocation is above the quantitation level in any of the samples from the first four monitoring periods, the permittee shall continue the scheduled TMDL monitoring. Applicable sampling data collected during the 2019 industrial stormwater general permit term may be used to satisfy all or part of the four monitoring periods requirement.</p> <p><i>Deleted "(i.e., the first two years of coverage under the permit)" given that PCB monitoring likely has a different sampling frequency.</i></p> <p><i>Added final sentence to allow previous sampling, if available, to be used to satisfy new TMDL monitoring requirements.</i></p>
<p>9VAC25-151-70. General Permit.</p>	<p>I.A.1.c(3)(d)</p>		<p>(d) Upon written notification from the department, facilities exceeding the TMDL wasteload allocation shall prepare and submit a pollutant minimization plan (PMP) designed to investigate the location and potential reduction of</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>sources in the facility's stormwater discharges. The PMP shall be developed and submitted to the department for approval within 180 days of the receipt of notification from the department. The PMP shall include the following items, as appropriate ...</p> <p><i>Added language requiring facilities exceeding a TMDL wasteload allocation to prepare and submit a pollutant minimization plan (PMP) upon notification from the department. The contents of a PMP are included in the new language.</i></p>
<p>9VAC25-151-70. General Permit. Part I.A.1.c.(4)</p>		<p>(4) Facilities discharging to an impaired water without an approved TMDL wasteload allocation. Owners of facilities that discharge to waters listed as impaired in the 2016 Final 305(b)/303(d) Water Quality Assessment Integrated Report ...</p>	<p><i>Updated date of the Water Quality Assessment Integrated Report to 2022.</i></p>
<p>9VAC25-151-70. General Permit. Part I.A.1.c.(4)(a)</p>		<p>(a) Upon written notification from the department, facilities discharging to an impaired water without an approved TMDL wasteload allocation shall be required to monitoring such discharges for the pollutants that caused the impairment.</p>	<p>(a) Upon written notification from the department, permittees shall monitor the discharges for all pollutants for which the waterbody is impaired, and for which a standard analytical method exists, at least once every six months after coverage under the permit begins, unless otherwise determined by the department for polychlorinated biphenyls (PCBs). Monitoring begins with the first full monitoring period after the owner is granted coverage under the permit. Monitoring period are specified in Part I A 2.</p> <p><i>Sections (a) and (b) had duplicative language and have been combined. Following sections renumbered.</i></p> <p><i>Added that monitoring is to be done once every six months unless</i></p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<i>another frequency is determined by the department for PCBs.</i>
9VAC25-151-70. General Permit. Part I.A.2.b		b. When and how to sample. A minimum of one grab sample shall be taken from the discharge associated with industrial activity resulting from a storm event that results in a discharge from the site (defined as a "measurable storm event"), providing the interval from the preceding measurable storm event is at least 72 hours ...	b. When and how to sample. A minimum of one grab sample shall be taken from the discharge associated with industrial activity resulting from a storm event that results in a discharge from the site, providing the interval from the preceding storm event discharge is at least 72 hours ... <i>Deleted parenthetical "measurable storm event" definition and replaced associated references with "storm event discharge". Samples are required when a storm event results in a discharge.</i>
9VAC25-151-70. General Permit. Part I.A.2.c		c. Storm event data. For each monitoring event (except snowmelt monitoring), along with the monitoring results, the permittee shall identify the date and duration (in hours) of the storm events sampled; rainfall total (in inches) of the storm event that generated the sampled runoff; and the duration between the storm event sampled and the end of the previous measurable storm event. For snowmelt monitoring, the permittee shall identify the date of the sampling event.	c. Storm event data. For each monitoring event (except snowmelt monitoring), along with the monitoring results, the permittee shall identify the date of the storm event sampled; rainfall total (in inches) of the storm event that generated the sampled runoff; and the interval between the storm event sampled and the end of the previous storm event discharge. For snowmelt monitoring, the permittee shall identify the date of the sampling event. <i>Removed requirement to report the duration (in hours) of the storm event. Replaced "measurable storm event" with "storm event discharge".</i>
9VAC25-151-70. General Permit. Part I.A.2.e		e. Documentation explaining a facility's inability to obtain a sample (including dates and times the outfalls were viewed or sampling was attempted), of no rain event, or of deviation from the "measurable" storm event requirements shall be maintained with the SWPPP ...	e. Documentation explaining a facility's inability to obtain a sample (including dates and times the outfalls were viewed or sampling was attempted), of no rain event, or of deviation from the 72-hour storm interval shall be submitted with the e-DMR and maintained with the SWPPP.

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p><i>Replaced “measurable storm event requirements” with “72-hour storm interval”. Added that the documentation must be submitted with the e-DMR in addition to being maintained with the SWPPP.</i></p>
<p>9VAC25-151-70. General Permit. Part I.A.6.a</p>		<p>a. Data exceeding benchmark concentration values ...</p>	<p>a. The permittee shall take corrective action whenever: ...</p> <p><i>Part I.A.6 Corrective actions sections a. and b. were reorganized and duplicative language was removed for clarification purposes.</i></p> <p><i>There are no substantive changes to the regulatory requirements of this section.</i></p>
<p>9VAC25-151-70. General Permit. Part I.A.6.c</p>		<p>c. Follow-up reporting ... Within 30 calendar days of implementing the relevant corrective action, an exceedance report shall be submitted to the department.</p>	<p>c. Follow-up reporting ... Within 30 calendar days of implementing the relevant corrective action, an exceedance report shall be submitted to the department and shall be signed in accordance with Part II K.</p> <p><i>Added language requiring that exceedance reports submitted to the department must be signed in accordance with Part II K.</i></p>
<p>9VAC25-151-70. General Permit. Part I.B.1.a</p>		<p>a. Discharges from emergency firefighting activities;</p>	<p>a. Discharges from emergency firefighting activities or firefighting training activities managed in a manner to avoid an instream impact in accordance with § 9.1-207.1 of the Code of Virginia;</p> <p><i>Added firefighting training activities managed in a manner to avoid an instream impact in accordance with § 9.1-207.1 of the Code of Virginia.</i></p>
<p>9VAC25-151-70. General Permit. Part I.B.1.g</p>		<p>g. Routine external building washdown that does not use detergents or hazardous cleaning products;</p>	<p>g. Routine external building washdown that does not use detergents or hazardous cleaning products and is managed in a manner to avoid an instream impact;</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p><i>Clarified that routine external building washdown must be managed in a manner to avoid instream impact.</i></p>
<p>9VAC25-151-70. General Permit. Part I.B.7</p>		<p>7. Discharges to waters subject to TMDL wasteload allocations. Owners of facilities that are a source of the specified pollutant of concern to waters for which a TMDL wasteload allocation has been approved prior to the term of this permit shall incorporate measures and controls into the SWPPP ...</p>	<p>7. Discharges to waters subject to TMDL wasteload allocations. Owners of facilities that are a source of the specified pollutant of concern to waters for which a TMDL wasteload allocation has been approved by EPA prior to the term of this permit shall incorporate measures and controls into the SWPPP ...</p> <p><i>Clarified that TMDLs must be approved by EPA prior to the term of the permit.</i></p>
<p>9VAC25-151-70. General Permit. Part I.B.8</p>		<p>8. Discharges to waters subject to the Chesapeake Bay TMDL.</p>	<p><i>The entirety of the Chesapeake Bay TMDL conditions are moved to a new Part V (9VAC25-151-400) in order to simplify the general permit. Substantive changes to the requirements are described later in this document.</i></p> <p><i>Subsequent sections of Part I.B renumbered.</i></p>
<p>9VAC25-151-70. General Permit. Part I.B.10.a</p>	<p>Part I.B.9.a</p>	<p>a. For any industrial activity area expansions (i.e., construction activities, including clearing, grading, and excavation activities) that commence on or after July 1, 2019, (the effective date of this permit), the permittee shall document in the SWPPP the information and calculations used to determine the nutrient and sediment loadings discharged from the expanded land area prior to the land being developed, and the measures and controls that were employed to meet the no net increase of stormwater nutrient and sediment load as</p>	<p>a. For any industrial activity area expansions (i.e., construction activities, including clearing, grading, and excavation activities) that begin on or after July 1, 2024, the permittee shall document in the SWPPP the information and calculations used to determine the nutrient and sediment loadings discharged from the expanded land area before the land was developed, and the measures and controls that were employed to meet the no net increase of stormwater nutrient and sediment load as a result of the expansion of the industrial activity.</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		a result of the expansion of the industrial activity.	<i>Updated date to July 1, 2024 and deleted parenthetical reference to the effective date of the permit.</i>
9VAC25-151-70. General Permit. Part II.H		H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the department by telephone after the discovery of the discharge ...	<i>Deleted “by telephone”. Part II.1.3 handles the various options for reports of noncompliance, which includes phone, fax, and the online Pollution Response Preparedness (PReP) portal.</i>
9VAC25-151-70. General Permit. Part II.1.1.a		a. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances ...	<i>Deleted “oral”. Part II.1.3 handles the various options for reports of noncompliance, which includes phone, fax, and the online Pollution Response Preparedness (PReP) portal.</i>
9VAC25-151-70. General Permit. Part II.1.3		3. The immediate (with 24 hours) reports required in Part II G, H and I may be made to the department’s regional office. Reports may be made by telephone, FAX, or online at [old weblink here]. For reports outside normal working hours, a message may be left and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Management maintains a 24-hour telephone service at 1-800-468-8892.	3. The immediate (with 24 hours) reports required in Part II G, H and I shall be made to the department’s regional office. Reports may be made by telephone, FAX, or online at https://www.deq.virginia.gov/get-involved/pollution-response . For reports outside normal working hours, the online portal shall be used. For emergencies, call the Virginia Department of Emergency Management’s Emergency Operations Center (24-hours) at 1-800-468-8892. <i>Clarified that the referenced immediate reports shall be made to the department’s regional office. Updated link to the online Pollution Response Preparedness (PReP) portal. Clarified that the online portal shall be used for reports outside of normal working hours.</i>
9VAC25-151-80.		1. Facilities that were covered under the 2014 Industrial	<i>Updated dates to reference the 2019 general permit.</i>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
Stormwater Pollution Prevention Plans. Part III.A.1		Stormwater General Permit. Owners of facilities that were covered under the 2014 Industrial Stormwater General Permit who are continuing coverage under this general permit shall update and implement any revisions to the SWPPP within 90 days of the board granting coverage under this permit.	
9VAC25-151-80. Stormwater Pollution Prevention Plans. Part III.B	Part III.B.10		<p>(10) Airport deicing operations. The permittee shall minimize, and where practicable eliminate, the use of deicing or anti-icing chemicals in order to reduce the aggregate amount of deicing or anti-icing chemicals used and lessen the environmental impact.</p> <p>...</p> <p><i>“Airport deicing operations” are included in the list of “industrial activity” in the Definitions section (9VAC25-151-10). However, permittees typically only receive the “general permit” section of the regulation and may not be aware that it is a covered industrial activity.</i></p> <p><i>This condition has been added to the general SWPPP section in order to make it clear that deicing operations are covered by the general permit (non-primary airports are covered under Sector AE, primary airports may covered under Sector AD) and to provide some control measure options for consideration.</i></p> <p><i>This condition is based on language in the 2021 EPA MSGP and language used for “Sector S” in previous iterations of the general permit.</i></p>
9VAC25-151-80.		2. Availability. The permittee shall retain a copy of the	2. Availability. The permittee shall retain a copy of the current

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
Stormwater Pollution Prevention Plans. Part III.E.2		current SWPPP required by this permit at the facility ...	<p>SWPPP (hard copy or electronic) required by this permit at the facility ...</p> <p><i>Clarified that copies of the SWPPP retained onsite may be either in hard copy or in electronic format.</i></p>
9VAC25-151-90 through 9VAC25-390. Sector-Specific Permit Requirements. Part IV			<p><i>Sector-specific benchmark monitoring parameters were updated in accordance with EPA’s 2021 MSGP, the Virginia Water Quality Standards (WQS), and the recommendations of the TAC.</i></p> <p><i>Benchmark concentrations are not effluent limitations and should not be interpreted as such. These values are merely levels to determine if a stormwater discharge merits further monitoring to ensure that the facility has been successful in implementing a SWPPP.</i></p> <p><i>The following benchmarks were changed, where applicable:</i></p> <p><i>Aluminum: Updated to match the 2021 MSGP benchmark (1.10 mg/L). There is no Virginia WQS for aluminum.</i></p> <p><i>Arsenic: Updated to match the 2021 MSGP benchmark, which matches the chronic criteria in the current Virginia WQS (0.150 mg/L).</i></p> <p><i>Cadmium: Updated to match the 2021 MSGP benchmark, which matches the acute criteria in the current Virginia WQS (0.0018 mg/L).</i></p> <p><i>Copper: EPA’s copper benchmark (0.00519 mg/L) in the 2021 MSGP is based on the biotic ligand model. This model was not adopted by Virginia for copper in the 2022 rulemaking (Triennial Review) of the WQS. Thus, the copper</i></p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p><i>benchmark was updated to match the current acute criteria in the Virginia WQS (0.013 mg/L).</i></p> <p><i>Iron: Removed. EPA removed iron as a benchmark in the 2021 MSGP due to lack of acute toxicity. There is no acute criteria for iron in the Virginia WQS.</i></p> <p><i>Lead: Updated to match the 2021 MSGP benchmark (0.082 mg/L), which is slightly lower than the acute criteria in the current Virginia WQS (0.094 mg/L).</i></p> <p><i>Magnesium: Removed. EPA removed magnesium as a benchmark in the 2021 MSGP due to lack of acute toxicity. There is no Virginia WQS for magnesium.</i></p> <p><i>Silver: Updated to match the 2021 MSGP benchmark (0.0032 mg/L), which is slightly lower than the acute criteria in the current Virginia WQS (0.0034 mg/L).</i></p>
9VAC25-151-220. Sector O. Steam electric generating facilities.		D. Benchmark monitoring and reporting requirements.	<i>Removed. Sector O previously only had a benchmark for iron; thus, this sector is no longer subject to benchmark requirements.</i>
	9VAC25-151-400. Chesapeake Bay Total Maximum Daily Load Compliance. Part V.		<p><i>The entirety of the Chesapeake Bay TMDL conditions are moved to this new Part V of the general permit. Changes to the conditions are as follows:</i></p> <p><i>The monitoring frequency has been changed to quarterly in order to meet the December 31, 2025 deadline of the Chesapeake Bay TMDL.</i></p> <p><i>TSS reduction requirements have been removed in accordance with Virginia's Final Phase III Watershed Implementation Plan (WIP) based on the recommendations of the 2019</i></p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p><i>Chesapeake Bay Program Principals' Staff Committee.</i></p> <p><i>Requirements are now separated into three distinct categories depending on the status of a facility's demonstration of compliance with the Chesapeake Bay TMDL nutrient loading rates:</i></p> <p><i>(1) Existing facilities under the 2019 permit that have already demonstrated compliance,</i></p> <p><i>(2) Existing facilities under the 2019 permit that have <u>not</u> demonstrated compliance, and</i></p> <p><i>(3) Existing facilities that obtain initial coverage under the 2024 permit.</i></p> <p><i>Existing facilities registered under the 2019 permit after June 30, 2022, are subject to the same requirements as facilities obtaining initial coverage under the 2024 permit.</i></p> <p><i>Facilities that have already demonstrated compliance with the nutrient loading rates are to maintain documentation of the demonstration with SWPPP and continue to implement any BMPs developed as part of the demonstration.</i></p> <p><i>Reductions for existing facilities under the 2019 permit, if applicable, are to be achieved by December 31, 2025.</i></p> <p><i>Reductions for existing facilities that obtain initial coverage under the 2024 permit, if applicable, are to be achieved two years following the fourth quarterly monitoring period.</i></p> <p><i>Facilities may use applicable sampling data collected during the 2019 permit term to satisfy all or</i></p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p><i>part of their monitoring requirements.</i></p> <p><i>Alternative calculations may be proposed on a case-by-case basis to address facilities with outfalls that rarely discharge.</i></p>

Family Impact

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

This general permit applies to point source discharges of stormwater associated with industrial activity to surface waters and has been designed to minimize burden while achieving a level of water quality protection consistent with state and federal requirements. This regulatory action does not address and will have no direct impact on 1) the authority and rights of parents, 2) economic self-sufficiency, self-pride, or assumption of familial responsibilities, 3) marital commitments, or 4) disposable family income.

Office of Regulatory Management
Economic Review Form

Agency name	State Water Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC25-151
VAC Chapter title(s)	Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Stormwater Associated with Industrial Activity
Action title	Proposed 2024 Amendment and Reissuance of the VPDES Industrial Stormwater General Permit Regulation
Date this document prepared	February 9, 2023
Regulatory Stage (including Issuance of Guidance Documents)	Proposed

Cost Benefit Analysis

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

VPDES general permit regulations expire every 5 years and must be re-issued in order for permit coverage to be available to new permittees and existing permittees that do not submit a registration statement in a timely manner. If the general permit is not re-issued, the regulated community will need to obtain an individual permit to conduct the regulated activity. For this reason, the costs associated with obtaining an individual permit are compared with the costs associated with general permit coverage. General permits provide the regulated community with a streamlined, less burdensome approach to obtain coverage for conducting a specific regulated activity. As of February 2023, 1235 industrial facilities have obtained coverage under this statewide general permit.

Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)

<p>(1) Direct & Indirect Costs & Benefits (Monetized)</p>	<p>Presently there are 1,235 regulated entities covered by this general permit. Reissuance of this general permit allows new entities to be able to obtain coverage for conducting this regulated activity.</p> <p>New requirements resulting from proposed regulatory changes are very limited and include:</p> <ul style="list-style-type: none"> • Clarified that primary airports are eligible for coverage under Sector AD of this permit and added an “Airport Deicing Operations” condition to address such operations. • Updated benchmark monitoring parameters (two removed) • Consolidated Chesapeake Bay TMDL compliance requirements <p>Direct Costs: No increase in direct economic cost to regulated entities expected due to the above changes.</p> <p>Indirect Costs: No increase in indirect costs to regulated entities expected due to the above changes.</p> <p>Direct Benefits: The re-issuance of this general permit provides the regulated community with a streamlined, less burdensome approach to obtaining coverage for conducting specific regulated activities. Primary airports, in particular, will benefit from eligibility for coverage. Further, there are potential cost savings (reduced monitoring/sampling costs) for regulated entities that were previously required to sample for the benchmarks that are proposed to be removed from the regulation. Regulating discharges of pollutants to state waters results in cleaner waters for public water supplies, fishing, and recreational uses.</p> <p>Indirect Benefits: The reissuance of the general permit may indirectly benefit economic development because it allows for the issuance of a general permit that is protective of human health and the environment that is less burdensome on the regulated community than an Individual VPDES permit. Regulating discharges into state waters benefits tourism and the seafood industry. Cleaner waters may also increase tourism related to recreational uses of state waters.</p>
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(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Unable to be quantified.	(b) Unable to be quantified.
(3) Net Monetized Benefit	Unknown	
(4) Other Costs & Benefits (Non-Monetized)	n/a	
(5) Information Sources		

Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Available general cost and benefit data concerning permit fees is provided in Table 1.c. Given the general character of this data, it would also be applicable to the general permit under the status quo (i.e., no change to the regulation).</p> <p>In terms of industrial stormwater costs generally, EPA estimated the average annual cost of complying with the 2015 MSGP is around \$2,752 for new facilities and \$2,199 for existing facilities. EPA also found that the requirements of the 2015 MSGP are economically practicable under BPT criteria and economically achievable under BAT criteria. (U.S. Environmental Protection Agency 2015 Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) – Fact Sheet, pages 20-21). General permits impose lower administrative costs on permittees compared with individual permits. (See, Table 1.c).</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) estimates direct costs based on EPA data range from \$2199 to \$2752. See information in table 1c concerning permit fees.	(b) Unable to be quantified. See information in table 1c concerning permit fees.
(3) Net Monetized Benefit	General permit coverage reduces permit fees to a permit holder by \$18,515 per 5-year permit term.	

(4) Other Costs & Benefits (Non-Monetized)	General permits reduce the administrative burden on the agency and the applicant by simplifying the permitting process for entities that conduct similar activities while still protecting human health and the environment.
(5) Information Sources	See table 1c U.S. Environmental Protection Agency 2015 Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) – Fact Sheet https://www.epa.gov/sites/default/files/2015-10/documents/msgp2015_fs.pdf

Table 1c: Costs and Benefits under Alternative Approach(es)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Point source discharges of pollutants and industrial stormwater from industrial activities must be authorized by a VPDES permit under the CWA and State Water Control Law. Thus, no non-regulatory options were determined to be available.</p> <p>Regulating activities through the issuance of general permit regulations is an alternative streamlined approach that is used to regulate entities that conduct similar activities. Regulating activities through the issuance of general permit regulations is an alternative streamlined approach that is used to regulate entities that conduct similar activities. If the general permit regulation did not exist, individual permits would be required to be obtained for these regulated activities. A benefit of this general permit is its lower cost to permittees relative to the cost of obtaining an individual permit. The permit fee for operators to obtain coverage under this general permit is \$500. If this general permit were not available, these operators would be required to obtain an individual VPDES permit, and the initial application fee would be \$7,200 (assumes VPDES Industrial Stormwater). An annual permit maintenance fee of \$2,363 would also apply (total of \$11,815 per permittee/ 5-year permit term). This does not account for the longer lead time to obtain an individual permit and the increased burden on DEQ staff resources that would result.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$7,200 for initial Individual Permit coverage. \$2,363 annual maintenance fee. Total: \$19,015 per 5-year permit term.	(b) The registration fee for general permit coverage is \$500 for the 5-year permit term.

(3) Net Monetized Benefit	General permit coverage reduces permit fees to a permit holder by \$18,515 per 5-year permit term
(4) Other Costs & Benefits (Non-Monetized)	General permits reduce the administrative burden on the agency and the applicant by simplifying the permitting process for entities that conduct similar activities while still protecting human health and the environment.
(5) Information Sources	<p>9VAC25-20-110. Fee schedules for individual VPDES and VPA new permit issuance, and individual VWP, SWW, and GWW new permit issuance and existing permit reissuance.</p> <p>9VAC25-20-130. Fees for filing registration statements or applications for general permits issued by the board.</p> <p>9VAC25-20-142. Permit maintenance fees.</p>

Impact on Local Partners

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 2: Impact on Local Partners

(1) Direct & Indirect Costs & Benefits (Monetized)	No costs or benefit impacts on local partners are expected due to the limited extent of changes being made to the general permit regulation. General permits provide the regulated community with a streamlined, less burdensome approach to obtain coverage for conducting a specific regulated activity. Without this general permit regulation, an individual permit would be required to conduct the regulated activity.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) n/a	(b) n/a
(3) Other Costs & Benefits (Non-Monetized)	n/a	
(4) Assistance	n/a	
(5) Information Sources	n/a	

Impacts on Families

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 3: Impact on Families

(1) Direct & Indirect Costs & Benefits (Monetized)	No costs or benefit impacts on families are expected due to the limited extent of change being made to the general permit regulation. Single family residences do not typically conduct an activity that would be regulated by this general permit.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) n/a	(b) n/a
(3) Other Costs & Benefits (Non-Monetized)	Families could potentially benefit from industry’s use of general permits. If this general permit did not exist, individual permits would be required for these activities, and the additional costs would likely be passed on to consumers, which would potentially include families.	
(4) Information Sources	<p>9VAC25-20-110. Fee schedules for individual VPDES and VPA new permit issuance, and individual VWP, SWW, and GWW new permit issuance and existing permit reissuance.</p> <p>9VAC25-20-130. Fees for filing registration statements or applications for general permits issued by the board.</p> <p>9VAC25-20-142. Permit maintenance fees.</p>	

Impacts on Small Businesses

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 4: Impact on Small Businesses

(1) Direct & Indirect Costs & Benefits (Monetized)	No costs or benefit impacts on small businesses are expected due to the limited extent of change being made to the general permit regulation. General permits provide the regulated community with a streamlined, less burdensome approach to obtain coverage for conducting a specific regulated activity. Without this general permit regulation, an individual permit would be required to conduct the regulated activity.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) n/a	(b) n/a

(3) Other Costs & Benefits (Non-Monetized)	No costs or benefit impacts on small businesses are expected due to the limited extent of changes being made to the general permit regulation. If this general permit did not exist, individual permits and their associated fees and application process would be required for these activities,
(4) Alternatives	n/a
(5) Information Sources	n/a

Changes to Number of Regulatory Requirements

For each individual VAC Chapter amended, repealed, or promulgated by this regulatory action, list (a) the initial requirement count, (b) the count of requirements that this regulatory package is adding, (c) the count of requirements that this regulatory package is reducing, (d) the net change in the number of requirements. This count should be based upon the text as written when this stage was presented for executive branch review. Five rows have been provided, add or delete rows as needed. In the last row, indicate the total number for each column.

Table 5: Total Number of Requirements

Chapter number	Number of Requirements			
	Initial Count	Additions	Subtractions	Net Change
9VAC25-151-60	5	0	0	0
9VAC25-151-70	137	0	17	-17
9VAC25-151-80	37	0	0	0
9VAC25-151-90	6	0	0	0
9VAC25-151-100	1	0	0	0
9VAC25-151-110	2	0	0	0
9VAC25-151-120	2	0	0	0
9VAC25-151-130	4	0	0	0
9VAC25-151-140	1	0	0	0
9VAC25-151-150	21	0	0	0
9VAC25-151-160	9	0	0	0
9VAC25-151-180	3	0	0	0

9VAC25-151-190	9	0	0	0
9VAC25-151-200	9	0	0	0
9VAC25-151-210	24	0	0	0
9VAC25-151-220	26	0	1	-1
9VAC25-151-240	9	0	0	0
9VAC25-151-280	2	0	0	0
9VAC25-151-320	4	0	0	0
9VAC25-151-340	1	0	0	0
9VAC25-151-350	2	0	0	0
9VAC25-151-370	1	0	0	0
9VAC25-151-380	0	0	0	0
9VAC25-151-390	1	0	0	0
9VAC25-151-400	0	16 ¹	0	+16
Total	316	16	18	-2

¹ A condition with 16 requirements was removed from Section 9VAC25-151-70 and placed into a new Section 9VAC25-151-400.

1 **Project 7009 - Exempt Proposed for March 23, 2023 State Water Control Board meeting**

2 **2024 Amendment and Reissuance of the VPDES Industrial Stormwater General Permit**
3 **Regulation**

4 Chapter 151

5 Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm
6 Water Discharges Associated with Industrial Activity

7 **9VAC25-151-10. Definitions.**

8 The words and terms used in this chapter shall have the meanings defined in the State
9 Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia) and the VPDES Permit
10 Regulation (9VAC25-31) unless the context clearly indicates shows otherwise, except that for
11 the purposes of this chapter:

12 "Best management practices" or "BMPs" means schedules of activities, practices,
13 prohibitions of practices, structures, vegetation, maintenance procedures, and other
14 management practices, including both structural and nonstructural practices, to prevent or
15 reduce the discharge of pollutants to surface waters.

16 "Board" means the Virginia State Water Control Board or State Water Control Board. When
17 used outside the context of the promulgation of regulations, including regulations to establish
18 general permits, "board" means the Department of Environmental Quality.

19 "Closed landfill" means a landfill that, on a permanent basis, will no longer receive waste
20 and has completed closure in accordance with applicable federal, state, or local requirements.

21 "Coal pile runoff" means the rainfall runoff from or through any coal storage pile.

22 "Colocated industrial activity" means any industrial activity, excluding the facility's primary
23 industrial activity, located on-site that meets the description of a category included in the
24 "industrial activity" definition. An activity at a facility is not considered colocated if the activity,
25 when considered separately, does not meet the description of a category included in the
26 "industrial activity" definition or identified by the Standard Industrial Classification (SIC) code list
27 in Table 50-2 in 9VAC25-151-50.

28 "Commercial treatment and disposal facilities" means facilities that receive, on a commercial
29 basis, any produced hazardous waste (not their own) and treat or dispose of those wastes as a
30 service to the generators. ~~Such~~ The facilities treating or disposing exclusively residential
31 hazardous wastes are not included in this definition.

32 "Control measure" means any best management practice or other method (including effluent
33 limitations) used to prevent or reduce the discharge of pollutants to surface waters.

34 "Corrective action" means any action to (i) repair, modify, or replace any stormwater control
35 used at the facility; (ii) clean up and properly dispose of spills, releases, or other deposits at the
36 facility; or (iii) return to compliance with permit requirements.

37 "Department" or "DEQ" means the Department of Environmental Quality.

38 "Director" means the Director of the Department of Environmental Quality or an authorized
39 representative.

40 "Existing discharger" means an operator applying for coverage under this permit for
41 discharges authorized previously under a VPDES general or individual permit.

42 "Impaired water" means, for purposes of this chapter, a water that has been identified by
43 Virginia pursuant to § 303(d) of the Clean Water Act as not meeting applicable water quality
44 standards (these waters are called "water quality limited segments" under 40 CFR 30.2(j)).

45 Impaired waters include both waters with approved or established TMDLs, and those for which
46 a TMDL has not yet been approved or established.

47 "Impervious surface" means a surface composed of any material that significantly impedes
48 or prevents natural infiltration of water into the soil.

49 "Industrial activity" - the following categories of facilities are considered to be engaging in
50 "industrial activity":

51 1. Facilities subject to stormwater effluent limitations guidelines, new source
52 performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter
53 N (except facilities with toxic pollutant effluent standards which are exempted under
54 category 10 of this definition);

55 2. Facilities classified as Standard Industrial Classification (SIC) 24 (except 2434), 26
56 (except 265 and 267), 28 (except 283 and 285), 29, 311, 32 (except 323), 33, 3441, and
57 373 (Office of Management and Budget (OMB) SIC Manual, 1987);

58 3. Facilities classified as SIC 10 through 14 (mineral industry) (OMB SIC Manual, 1987)
59 including active or inactive mining operations (except for areas of coal mining operations
60 no longer meeting the definition of a reclamation area under 40 CFR 434.11(l) because
61 the performance bond issued to the facility by the appropriate Surface Mining Control
62 and Reclamation Act of 1977 (SMCRA) (30 USC § 1201 et seq.) authority has been
63 released, or except for areas of noncoal mining operations which have been released
64 from applicable state or federal reclamation requirements after December 17, 1990) and
65 oil and gas exploration, production, processing, or treatment operations, or transmission
66 facilities that discharge stormwater contaminated by contact with or that has come into
67 contact with, any overburden, raw material, intermediate products, finished products,
68 byproducts or waste products located on the site of ~~such~~ the operations (inactive mining
69 operations are mining sites that are not being actively mined, but which have an
70 identifiable owner or operator; inactive mining sites do not include sites where mining
71 claims are being maintained ~~prior to~~ before disturbances associated with the extraction,
72 beneficiation, or processing of mined materials, nor sites where minimal activities are
73 undertaken for the sole purpose of maintaining a mining claim);

74 4. Hazardous waste treatment, storage, or disposal facilities, including those that are
75 operating under interim status or a permit under Subtitle C of the Resource Conservation
76 and Recovery Act (RCRA) (42 USC § 6901 et seq.);

77 5. Landfills, land application sites, and open dumps that receive or have received any
78 industrial wastes (waste that is received from any of the facilities described under this
79 definition, and debris or wastes from VPDES regulated construction activities or sites),
80 including those that are subject to regulation under Subtitle D of RCRA;

81 6. Facilities involved in the recycling of materials, including metal scrapyards, battery
82 reclaimers, salvage yards, and automobile junkyards, including but limited to those
83 classified as Standard Industrial Classification Codes 5015 and 5093 (OMB SIC Manual,
84 1987);

85 7. Steam electric power generating facilities, including coal handling sites;

86 8. Transportation facilities classified as SIC Codes 40, 41, 42 (except 4221-4225), 43,
87 44, 45, and 5171 (OMB SIC Manual, 1987) which have vehicle maintenance shops,
88 equipment cleaning operations, or airport deicing operations. Only those portions of the
89 facility that are either involved in vehicle maintenance (including vehicle rehabilitation,
90 mechanical repairs, painting, fueling, and lubrication), equipment cleaning operation,
91 airport deicing operation, or which are otherwise identified under categories 1 through 7
92 or 9 and 10 of this definition are associated with industrial activity;

93 9. Treatment works treating domestic sewage or any other sewage sludge or wastewater
94 treatment device or system used in the storage treatment, recycling, and reclamation of
95 municipal or domestic sewage, including land dedicated to the disposal of sewage
96 sludge that is located within the confines of the facility, with a design flow of 1.0 MGD or
97 more, or required to have an approved publicly owned treatment works (POTW)
98 pretreatment program under 9VAC25-31. Not included are farm lands, domestic gardens
99 or lands used for sludge management where sludge is beneficially reused and which are
100 not physically located in the confines of the facility, or areas that are in compliance with
101 9VAC25-31-420 through 9VAC25-31- 720; and

102 10. Facilities under SIC Codes 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31
103 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-4225 (OMB
104 SIC Manual, 1987).

105 "Industrial stormwater" means stormwater runoff from industrial activity.

106 "Land application unit" means an area where wastes are applied onto or incorporated into
107 the soil surface (excluding manure spreading operations) for treatment or disposal.

108 "Landfill" means an area of land or an excavation in which wastes are placed for permanent
109 disposal, and that is not a land application unit, surface impoundment, injection well, or waste
110 pile.

111 ~~"Measurable storm event" means a storm event that results in a discharge from an outfall.~~

112 "Minimize" means reduce or eliminate to the extent achievable using control measures
113 (including best management practices) that are technologically available and economically
114 practicable and achievable in light of best industry practice.

115 "Municipal separate storm sewer system" or "MS4" means a conveyance or system of
116 conveyances (including roads with drainage systems, municipal streets, catch basins, curbs,
117 gutters, ditches, man-made channels, or storm drains): (i) owned or operated by a state, city,
118 town, borough, county, parish, district, association, or other public body (created by or pursuant
119 to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other
120 wastes, including special districts under state law ~~such as~~ (e.g., a sewer district, flood control
121 district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal
122 organization, or a designated and approved management agency under § 208 of the Clean
123 Water Act that discharges to surface waters of the state); (ii) designed or used for collecting or
124 conveying stormwater; (iii) which is not a combined sewer; and (iv) which is not part of a POTW.

125 "No exposure" means all industrial materials or activities are protected by a storm-resistant
126 shelter to prevent exposure to rain, snow, snowmelt, or runoff.

127 "Primary industrial activity" includes any activities performed on-site that are:

128 1. Identified by the facility's primary SIC code; or

129 2. Included in the narrative descriptions of the definition of "industrial activity."

130 Narrative descriptions in the "industrial activity" definition include: category 1 activities
131 subject to stormwater effluent limitations guidelines, new source performance standards,
132 or toxic pollutant effluent standards; category 4 hazardous waste treatment storage or
133 disposal facilities, including those that are operating under interim status or a permit
134 under subtitle C of the Resource Conservation and Recovery Act (RCRA); category 5
135 landfills, land application sites, and open dumps that receive or have received industrial
136 wastes; category 7 steam electric power generating facilities; and category 9 sewage
137 treatment works with a design flow of 1.0 mgd or more.

138 For colocated activities covered by multiple SIC codes, the primary industrial determination
139 should be based on the value of receipts or revenues, or, if ~~such~~ the information is not available
140 for a particular facility, the number of employees or production rate for each process may be

141 compared. The operation that generates the most revenue or employs the most ~~personnel~~ staff
142 is the operation in which the facility is primarily engaged. In situations where the vast majority of
143 on-site activity falls within one SIC code, that activity may be the primary industrial activity.

144 "Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as
145 runoff.

146 "Significant materials" includes raw materials; fuels; materials ~~such as~~ (e.g., solvents,
147 detergents, and plastic pellets); finished materials ~~such as~~ (e.g., metallic products); raw
148 materials used in food processing or production; hazardous substances designated under §
149 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act
150 (CERCLA) (42 USC § 9601 et seq.); any chemical the facility is required to report pursuant to
151 the Emergency Planning and Community Right-to-Know Act (EPCRA) § 313; fertilizers;
152 pesticides; and waste products ~~such as~~ (e.g., ashes, slag and sludge) that have the potential to
153 be released with stormwater discharges.

154 "Significant spills" includes releases of oil or hazardous substances in excess of reportable
155 quantities under § 311 of the Clean Water Act (see 40 CFR 110.10 and 40 CFR 117.21) or §
156 102 of CERCLA (see 40 CFR 302.4).

157 "Site" means the land or water area where any facility or activity is physically located or
158 conducted, including adjacent land used in connection with the facility or activity.

159 "Stormwater" means stormwater runoff, snow melt runoff, and surface runoff and drainage.

160 "Stormwater discharge associated with industrial activity" means the discharge from any
161 conveyance that is used for collecting and conveying stormwater and that is directly related to
162 manufacturing, processing or raw materials storage areas at an industrial plant. The term does
163 not include discharges from facilities or activities excluded from the VPDES program under
164 9VAC25-31. For the categories of industries identified in the "industrial activity" definition, the
165 term includes stormwater discharges from industrial plant yards; immediate access roads and
166 rail lines used or traveled by carriers of raw materials, manufactured products, waste material,
167 or by-products used or created by the facility; material handling sites; refuse sites; sites used for
168 the application or disposal of process wastewaters; sites used for the storage and maintenance
169 of material handling equipment; sites used for residual treatment, storage, or disposal; shipping
170 and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw
171 materials, and intermediate and final products; and areas where industrial activity has taken
172 place in the past and significant materials remain and are exposed to stormwater. For the
173 purposes of this definition, material handling activities include the storage, loading and
174 unloading, transportation, or conveyance of any raw material, intermediate product, final
175 product, by-product or waste product. The term excludes areas located on plant lands separate
176 from the plant's industrial activities, ~~such as~~ (e.g., office buildings and accompanying parking
177 lots;) as long as the drainage from the excluded areas is not mixed with stormwater drained
178 from ~~the above~~ these described areas. Industrial facilities include those that are federally, state,
179 or municipally owned or operated that meet the description of the facilities listed in the "industrial
180 activity" definition. The term also includes those facilities designated under the provisions of
181 9VAC25-31-120 A 1 c, or under 9VAC25-31-120 A 7 a (1) or (2) of the VPDES Permit
182 Regulation.

183 "SWPPP" means stormwater pollution prevention plan.

184 "Total maximum daily load" or "TMDL" means a calculation of the maximum amount of a
185 pollutant that a waterbody can receive and still meet water quality standards, and an allocation
186 of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for
187 point source discharges, load allocations (LAs) for nonpoint sources or natural background, and
188 must include a margin of safety (MOS) and account for seasonal variations.

189 "Virginia Environmental Excellence Program" or "VEEP" means a voluntary program
190 established by the department to provide public recognition and regulatory incentives to
191 encourage higher levels of environmental performance for program participants that develop
192 and implement environmental management systems (EMSs). The program is based on the use
193 of EMSs that improve compliance, prevent pollution, and utilize other measures to improve
194 environmental performance.

195 "Waste pile" means any noncontainerized accumulation of solid, nonflowing waste that is
196 used for treatment or storage.

197 **9VAC25-151-15. Applicability of incorporated references based on the dates that they**
198 **became effective.**

199 Except as noted, when a regulation of the U.S. Environmental Protection Agency set forth in
200 Title 40 CFR is referenced and incorporated herein, that regulation shall be as it exists and has
201 been published as of July 1, ~~2018~~ 2022.

202 **9VAC25-151-40. Effective date of the permit.**

203 This general permit will become effective on July 1, ~~2019~~ 2024. This general permit will
204 expire on June 30, ~~2024~~ 2029.

205 **9VAC25-151-50. Authorization to discharge.**

206 A. To be eligible to discharge under this permit, an owner must (i) have a stormwater
207 discharge associated with industrial activity from the facility's primary industrial activity, as
208 defined in 9VAC25-151-10 (Definitions), provided the primary industrial activity is included in
209 Table 50-2 of this section, or (ii) be notified that discharges from the facility have been
210 designated by the ~~board~~ department for permitting under the provisions of 9VAC25-31-120 A 1
211 c, or under 9VAC25-31-120 A 7 a (1) or (2) of the VPDES Permit Regulation, and are eligible for
212 coverage under Sector AD of this permit.

213 Any owner governed by this general permit is hereby authorized to discharge stormwater
214 associated with industrial activity, as defined in this chapter, to surface waters of the
215 Commonwealth of Virginia provided that:

- 216 1. The owner submits a registration statement in accordance with 9VAC25-151-60, and
217 that registration statement is accepted by the ~~board~~ department;
- 218 2. The owner submits the required permit fee;
- 219 3. The owner complies with the applicable requirements of 9VAC25-151-70 et seq.; and
- 220 4. The ~~board~~ department has not notified the owner that the discharge is ineligible for
221 coverage in accordance with subsection B of this section.

222 B. The ~~board~~ department will notify an owner that the discharge is not eligible for coverage
223 under this general permit in the event of any of the following:

- 224 1. The owner is required to obtain an individual permit in accordance with 9VAC25-31-
225 170 B 3 of the VPDES Permit Regulation;
- 226 2. The owner is proposing to discharge to state waters specifically named in other board
227 regulations that prohibit such discharges;
- 228 3. The discharge violates or would violate the antidegradation policy in the Water Quality
229 Standards at 9VAC25-260-30; or
- 230 4. The discharge is not consistent with the assumptions and requirements of an
231 approved TMDL. Virginia's Phase I Chesapeake Bay TMDL Watershed Implementation
232 Plan (November 29, 2010) states that wasteloads for future growth for new facilities in
233 the Chesapeake Bay watershed with industrial stormwater discharges cannot exceed
234 the nutrient and sediment loadings that were discharged ~~prior to~~ before the land being
235 developed for the new industrial activity. For purposes of this permit regulation, facilities

236 that ~~commence~~ begin construction after ~~June 30, 2019~~ June 30, 2024, must be
237 consistent with this requirement to be eligible for coverage under this general permit.

238 C. Additional Conditions.

239 1. Facilities with colocated industrial activities on-site shall comply with all applicable
240 effluent limitations, monitoring and SWPPP requirements of each section of 9VAC25-
241 151-70 et seq. in which a colocated industrial activity is described.

242 2. Stormwater discharges associated with industrial activity that are mixed with other
243 discharges (~~both~~ i.e., stormwater and nonstormwater) requiring a VPDES permit are
244 authorized by this permit, provided that the owner obtains coverage under this VPDES
245 general permit for the industrial activity discharges, and a VPDES general or individual
246 permit for the other discharges. The owner shall comply with the terms and requirements
247 of each permit ~~obtained~~ that authorizes any component of the discharge.

248 3. The stormwater discharges authorized by this permit may be combined with other
249 sources of stormwater which are not required to be covered under a VPDES permit, so
250 long as the combined discharge is in compliance with this permit.

251 4. Authorized nonstormwater discharges. The following "nonstormwater" discharges are
252 authorized by this permit:

253 a. Discharges from emergency firefighting activities or firefighting training activities
254 managed in a manner to avoid an instream impact in accordance with § 9.1-207.1 of
255 the Code of Virginia;

256 b. Fire hydrant flushing, managed in a manner to avoid an instream impact;

257 c. Potable water, including water line flushing, managed in a manner to avoid an
258 instream impact;

259 d. Uncontaminated condensate from air conditioners, coolers, and other
260 compressors and from the outside storage of refrigerated gases or liquids;

261 e. Irrigation drainage;

262 f. Landscape watering provided all pesticides, herbicides, and fertilizers have been
263 applied in accordance with the approved labeling;

264 g. Pavement wash waters where no detergents or hazardous cleaning products are
265 used and no spills or leaks of toxic or hazardous materials have occurred (unless all
266 spilled material has been removed). Pavement wash waters shall be managed in a
267 manner to avoid an instream impact;

268 h. Routine external building washdown that does not use detergents or hazardous
269 cleaning products and is managed in a manner to avoid an instream impact;

270 i. Uncontaminated groundwater or spring water;

271 j. Foundation or footing drains where flows are not contaminated with process
272 materials; and

273 k. Incidental windblown mist from cooling towers that collects on rooftops or adjacent
274 portions of the facility, but not intentional discharges from the cooling tower (e.g.,
275 "piped" cooling tower blowdown or drains).

276 5. Stormwater discharges associated with construction activity that are regulated under a
277 VPDES permit are not authorized by this permit.

278 6. Discharges subject to stormwater effluent limitation guidelines under 40 CFR
279 Subchapter N (Effluent Guidelines and Standards). ~~Only those stormwater discharges~~
280 ~~subject to stormwater effluent limitation guidelines under 40 CFR Subchapter N that are~~

281 only eligible for coverage under this permit if they are identified in Table 50-1 of this
 282 subsection are eligible for coverage under this permit.

TABLE 50 - 1 STORMWATER-SPECIFIC EFFLUENT LIMITATION GUIDELINES.	
Effluent Limitation Guideline	Sectors with Affected Facilities
Runoff from material storage piles at cement manufacturing facilities (40 CFR Part 411 Subpart C (established February 20, 1974))	E
Contaminated runoff from phosphate fertilizer manufacturing facilities (40 CFR Part 418 Subpart A (established April 8, 1974))	C
Coal pile runoff at steam electric generating facilities (40 CFR Part 423 (established November 19, 1982))	O
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas (40 CFR Part 429 Subpart I (established January 26, 1981))	A
Runoff from asphalt emulsion facilities (40 CFR Part 443 Subpart A (established July 24, 1975))	D
Runoff from landfills (40 CFR Part 445 Subparts A and B (established January 19, 2000))	K and L
Discharges from airport deicing operations (40 CFR Part 449 (established May 16, 2012))	Facilities subject to the effluent limitation guidelines in 40 CFR Part 449 are <u>not authorized under this permit</u> <u>may be covered under Sector AD.</u>

283 7. Permit eligibility is limited to discharges from facilities in the "sectors" of industrial
 284 activity summarized in Table 50-2 of this subsection. These sector descriptions are
 285 based on Standard Industrial Classification (SIC) Codes and Industrial Activity Codes.
 286 References to "sectors" in this permit refer to these groupings.

TABLE 50 - 2 SECTORS OF INDUSTRIAL ACTIVITY COVERED BY THIS PERMIT	
SIC Code or Activity Code	Activity Represented
Sector A: Timber Products	
2411	Log Storage and Handling (wet deck storage areas are only authorized if no chemical additives are used in the spray water or applied to the logs).
2421	General Sawmills and Planing Mills.
2426	Hardwood Dimension and Flooring Mills.

2429	Special Product Sawmills, Not Elsewhere Classified.
2431-2439 (except 2434 - see Sector W)	Millwork, Veneer, Plywood, and Structural Wood.
2441, 2448, 2449	Wood Containers.
2451, 2452	Wood Buildings and Mobile Homes.
2491	Wood Preserving.
2493	Reconstituted Wood Products.
2499	Wood Products, Not Elsewhere Classified (includes SIC Code 24991303 - Wood, Mulch and Bark facilities).
Sector B: Paper and Allied Products	
2631	Paperboard Mills.
Sector C: Chemical and Allied Products	
2812-2819	Industrial Inorganic Chemicals.
2821-2824	Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic and Other Synthetic Fibers, except Glass.
2841-2844	Soaps, Detergents, and Cleaning Preparations; Perfumes, Cosmetics, and Other Toilet Preparations.
2873-2879	Agricultural Chemicals (includes SIC Code 2875 - Composting Facilities).
Sector D: Asphalt Paving and Roofing Materials and Lubricants	
2951, 2952	Asphalt Paving and Roofing Materials.
2992, 2999	Miscellaneous Products of Petroleum and Coal.
Sector E: Glass Clay, Cement, Concrete, and Gypsum Products	
3251-3259	Structural Clay Products.
3261-3269	Pottery and Related Products.
3274, 3275	Concrete, Gypsum and Plaster Products, Except: Concrete Block and Brick; Concrete Products, except Block and Brick; and Ready-Mixed Concrete Facilities (SIC Codes 3271-3273).
Sector F: Primary Metals	
3312-3317	Steel Works, Blast Furnaces, and Rolling and Finishing Mills.
3321-3325	Iron and Steel Foundries.
3351-3357	Rolling, Drawing, and Extruding of Nonferrous Metals.

3363-3369	Nonferrous Foundries (Castings).
Sector G: Metal Mining (Ore Mining and Dressing)	
1011	Iron Ores.
1021	Copper Ores.
1031	Lead and Zinc Ores.
1041, 1044	Gold and Silver Ores.
1061	Ferroalloy Ores, except Vanadium.
1081	Metal Mining Services.
1094, 1099	Miscellaneous Metal Ores.
Sector H: Coal Mines and Coal Mining Related Facilities	
1221-1241	Coal Mines and Coal Mining-Related Facilities.
Sector J: Mineral Mining and Dressing Facilities (SIC Codes 1411-1499 are not authorized under this permit)	
Sector K: Hazardous Waste Treatment, Storage, or Disposal Facilities	
HZ	Hazardous Waste Treatment Storage or Disposal.
Sector L: Landfills and Land Application Sites	
LF	Landfills, Land Application Sites, and Open Dumps.
Sector M: Automobile Salvage Yards	
5015	Automobile Salvage Yards.
Sector N: Scrap Recycling Facilities	
5093	Scrap Recycling Facilities.
4499 (limited to list)	Dismantling Ships, Marine Salvaging, and Marine Wrecking - Ships for Scrap.
Sector O: Steam Electric Generating Facilities	
SE	Steam Electric Generating Facilities.
Sector Q: Water Transportation and Ship and Boat Building or Repairing Yards.	
4412-4499 (except 4499 facilities as specified in Sector N)	Water Transportation.
3731, 3732	Ship and Boat Building or Repairing Yards.
Sector U: Food and Kindred Products	
2021-2026	Dairy Products.

2041-2048	Grain Mill Products.
2074-2079	Fats and Oils.
Sector Y: Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries	
3011	Tires and Inner Tubes.
3021	Rubber and Plastics Footwear.
3052, 3053	Gaskets, Packing, and Sealing Devices and Rubber and Plastics Hose and Belting.
3061, 3069	Fabricated Rubber Products, Not Elsewhere Classified.
Sector AA: Fabricated Metal Products	
3411-3471, 3482-3499	Fabricated Metal Products, except Machinery and Transportation Equipment.
3479	Fabricated Metal Coating and Engraving.
3911-3915	Jewelry, Silverware, and Plated Ware.
Sector AB: Industrial or Commercial Machinery	
3511-3599 (except 3571-3579)	Industrial and Commercial Machinery (except Computer and Office Equipment).
Sector AD: Nonclassified Facilities/Stormwater Discharges Designated by the Board Department as Requiring Permits	
N/A	Stormwater Discharges Designated by the Board <u>Department</u> for Permitting under the Provisions of 9VAC25-31-120 A 1, or under 9VAC25-31-120 A 7 a (1) or (2) of the VPDES Permit Regulation. Facilities may not elect to be covered under Sector AD. Only the board <u>department</u> may assign a facility to Sector AD.
Sector AE: Facilities with No Analytical Benchmark Monitoring Requirements	
2611	Pulp Mills.
2621	Paper Mills.
2652-2657	Paperboard Containers and Boxes.
2671-2679	Converted Paper and Paperboard Products, except Containers and Boxes.
2833-2836	Medicinal Chemicals and Botanical Products; Pharmaceutical Preparations; In Vitro and In Vivo Diagnostic Substances; Biological Products, except Diagnostic Substances.

2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products.
2861-2869	Industrial Organic Chemicals.
2891-2899	Miscellaneous Chemical Products.
3952 (limited to list)	Inks and Paints, Including China Painting Enamels, India Ink, Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting, Artist's paints, and Artist's Watercolors.
3211	Flat Glass.
3221, 3229	Glass and Glassware, Pressed or Blown.
3231	Glass Products Made of Purchased Glass.
3241	Hydraulic Cement.
3281	Cut Stone and Stone Products.
3291-3299	Abrasive, Asbestos, and Miscellaneous Nonmetallic Mineral Products.
3331-3339	Primary Smelting and Refining of Nonferrous Metals.
3398, 3399	Miscellaneous Primary Metal Products.
3341	Secondary Smelting and refining of Nonferrous Metals.
1311	Crude Petroleum and Natural Gas.
1321	Natural Gas Liquids.
1381-1389	Oil and Gas Field Services.
2911	Petroleum Refineries.
4512-4581	Air Transportation Facilities.
TW	Treatment Works.
2011-2015	Meat Products.
2032-2038	Canned, Frozen, and Preserved Fruits, Vegetables, and Food Specialties.
2051-2053	Bakery Products.
2061-2068	Sugar and Confectionary Products.
2082-2087	Beverages.
2091-2099	Miscellaneous Food Preparations Kindred Products.
2111-2141	Tobacco Products.
2211-2299	Textile Mill Products.
2311-2399	Apparel and Other Finished Products Made from Fabrics and Similar Materials.

3131-3199	Leather and Leather Products, except Leather Tanning and Finishing.
2434	Wood Kitchen Cabinets.
2511-2599	Furniture and Fixtures.
2711-2796	Printing, Publishing, and Allied Products.
3081-3089	Miscellaneous Plastics Products.
3931	Musical Instruments.
3942-3949	Dolls, Toys, Games, and Sporting and Athletic Goods.
3951-3955 (except 3952)	Pens, Pencils, and Other Artist's Materials.
3961, 3965	Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, except Precious Metal.
3991-3999	Miscellaneous Manufacturing Industries.
3111	Leather Tanning, Currying, and Finishing.
3711-3799 (except 3731, 3732 – see Sector Q)	Transportation Equipment, except Ship and Boat Building and Repairing.
3571-3579	Computer and Office Equipment.
3612-3699	Electronic and Other Electrical Equipment and Components, except Computer Equipment.
3812-3873	Measuring, Analyzing, and Controlling Instruments; Photographic, Medical, and Optical Goods; Watches and Clocks.
Sector AF: Facilities Limited to Total Suspended Solids Benchmark Monitoring Requirements	
4011, 4013	Railroad Transportation.
4111-4173	Local and Highway Passenger Transportation.
4212-4231	Motor Freight Transportation and Warehousing.
4311	United State Postal Service.
5171	Petroleum Bulk Stations and Terminals.

287 D. Conditional exclusion for no exposure. Any owner covered by this permit who becomes
288 eligible for a no exposure exclusion from permitting under 9VAC25-31-120 E may file a no
289 exposure certification. ~~Upon~~ On submission and acceptance by the ~~board~~ department of a
290 complete and accurate no exposure certification, the permit requirements no longer apply, and
291 the owner is not required to submit a notice of termination. A no exposure certification must be
292 submitted to the ~~board~~ department once every five years.

293 E. Compliance with this general permit constitutes compliance with the federal Clean Water
294 Act and the State Water Control Law, with the exceptions stated in 9VAC25-31-60 of the

295 VPDES Permit Regulation. Approval for coverage under this general permit does not relieve any
296 owner of the responsibility to comply with any other applicable federal, state, or local statute,
297 ordinance, or regulation.

298 F. Continuation of permit coverage.

299 1. Permit coverage shall expire at the end of its term. However, expiring permit
300 coverages are automatically continued if the owner has submitted a complete
301 registration statement at least 60 days ~~prior to~~ before the expiration date of the permit or
302 a later submittal date established by the ~~board~~ department, which cannot extend beyond
303 the expiration date of the original permit. The permittee is authorized to continue to
304 discharge until ~~such time as the board~~ department either:

- 305 a. Issues coverage to the owner under this general permit; or
306 b. Notifies the owner that the discharge is not eligible for coverage under this general
307 permit.

308 2. When the owner that was covered under the expiring or expired general permit has
309 violated or is violating the conditions of that permit, the ~~board~~ department may choose to
310 do any or all of the following:

- 311 a. Initiate enforcement action based ~~upon~~ on the general permit coverage that has
312 been continued;
313 b. Issue a notice of intent to deny coverage under the amended general permit. If the
314 general permit coverage is denied, the owner would then be required to cease the
315 discharges authorized by the continued general permit coverage or be subject to
316 enforcement action for discharging without a permit;
317 c. Issue an individual permit with appropriate conditions; or
318 d. Take other actions authorized by the VPDES Permit Regulation (9VAC25-31).

319 **9VAC25-151-60. Registration statement and stormwater pollution prevention plan**
320 **(SWPPP).**

321 A. An owner seeking coverage under this general permit shall submit a complete VPDES
322 general permit registration statement in accordance with this section, which shall serve as a
323 notice of intent for coverage under the VPDES general permit regulation for discharges of
324 stormwater associated with industrial activity.

325 Any owner that was authorized to discharge under the industrial stormwater general permit
326 that became effective on ~~July 1, 2014~~ July 1, 2019, and that intends to continue coverage under
327 this general permit shall review and update the stormwater pollution prevention plan (SWPPP)
328 to meet all provisions of the general permit (9VAC25-151-70 et seq.) within 90 days of the ~~board~~
329 department granting coverage under this permit. Owners of new facilities, facilities previously
330 covered by an expiring individual permit, and existing facilities not currently covered by a
331 VPDES permit who wish to obtain coverage under this general permit shall prepare and
332 implement a written SWPPP for the facility in accordance with the general permit (9VAC25-151-
333 70 et seq.) ~~prior to~~ before submitting the registration statement.

334 B. Deadlines for submitting registration statements.

335 1. Existing facilities.

336 a. Any owner that was authorized to discharge under the industrial stormwater
337 general permit that became effective on July 1, ~~2014~~ 2019, and that intends to
338 continue coverage under this general permit shall submit a complete registration
339 statement to the ~~board~~ department on or before ~~May 2, 2019~~ 1, 2024.

340 b. Any owner covered by a VPDES individual permit for stormwater discharges
341 associated with industrial activity that is proposing to be covered under this general

342 permit shall submit a complete registration statement at least 240 days ~~prior to~~
343 before the expiration date of the VPDES individual permit.

344 c. Any owner of an existing facility with stormwater discharges associated with
345 industrial activity, not currently covered by a VPDES permit, that is proposing to be
346 covered under this general permit shall submit a complete registration statement to
347 the ~~board~~ department.

348 2. New facilities. Any owner proposing a new discharge of stormwater associated with
349 industrial activity shall submit a complete registration statement at least 60 days ~~prior to~~
350 before the date planned for the ~~commencement~~ beginning of the industrial activity at the
351 facility.

352 3. New owners of existing facilities. Where the owner of an existing facility that is
353 covered by this permit changes, the new owner of the facility shall submit a complete
354 registration statement within 30 days of the ownership change.

355 4. Late registration statements. Registration statements for existing facilities covered
356 under subdivision 1 a of this subsection will be accepted after June 30, ~~2019~~ 2024, but
357 authorization to discharge will not be retroactive. Owners described in subdivision 1 a of
358 this subsection that submit registration statements after May ~~2, 2019~~ 1, 2024, are
359 authorized to discharge under the provisions of 9VAC25-151-50 F (Continuation of
360 permit coverage) if a complete registration statement is submitted before July 1, ~~2019~~
361 2024.

362 C. The required registration statement shall contain the following information:

363 1. Facility name and mailing address, owner name and mailing address, telephone
364 number, and email address;

365 2. Facility street address (if different from mailing address) or location (if the facility
366 location does not have a mailing address);

367 3. Facility operator (local contact) name, address, telephone number, and email address
368 (if available) if different than owner;

369 4. The nature of the business conducted at the facility to be covered under this general
370 permit, including a description of the primary industrial activity and all other industrial
371 activities that take place;

372 5. The receiving waters of the industrial activity discharges;

373 6. A determination of whether the facility will discharge to an MS4. If the facility
374 discharges to an MS4, the facility owner must notify the owner of the MS4 of the
375 existence of the discharge information ~~at the time of registration under this permit~~ and
376 include that notification with the registration statement. The notice shall include the
377 following information: the name of the facility, a contact person and telephone number,
378 the location of the discharge, the nature of the discharge, and the facility's VPDES
379 general permit number (if assigned by DEQ);

380 7. The permit number for any existing VPDES permit assigned to the facility;

381 8. ~~Indicate~~ An indication that a SWPPP has been prepared ~~prior to~~ before submitting this
382 registration statement by the owner of a new facility, a facility previously covered by an
383 expiring individual permit, or an existing facility not currently covered by a VPDES
384 permit;

385 9. ~~Whether or not this facility will discharge stormwater runoff from coal storage piles;~~

386 10. 9. Identification For each outfall, identification of up to four four-digit Standard
387 Industrial Classification (SIC) Codes or 2-letter Industrial Activity Codes that best
388 represent the principal products or services rendered by the facility and major colocated

389 industrial activities (2-letter Industrial Activity Codes are: HZ – hazardous waste
390 treatment, storage, or disposal facilities; LF – landfills and disposal facilities that receive
391 or have received any industrial wastes; SE – steam electric power generating facilities;
392 or TW – treatment works treating domestic sewage);

393 ~~44.~~ 10. Identification of all applicable industrial sectors in this permit (as designated in
394 Table 50-2) that cover the industrial activities at the facility, and major colocated
395 industrial activities to be covered under this permit, and the stormwater outfalls
396 associated with each industrial sector.

397 a. If the facility is a landfill (sector L), ~~indicate~~ state the type of landfill (i.e., MSWLF
398 (municipal solid waste landfill), CDD (construction debris and demolition), or other),
399 and which outfalls (if any) receive contaminated stormwater runoff;

400 b. If the facility is a timber products operation (sector A), ~~indicate~~ state which outfalls
401 (if any) receive discharges from wet decking areas, and which outfalls (if any) collect
402 runoff from areas where mulch dyeing operations (including loading, transporting,
403 and storage) occur;

404 c. For all facilities, ~~indicate~~ state any outfalls receiving discharges from coal storage
405 piles;

406 d. If the facility manufactures asphalt paving and roofing materials (sector D),
407 ~~indicate~~ state which outfalls (if any) receive discharges from areas where production
408 of asphalt paving emulsions or roofing emulsions occurs;

409 e. If the facility manufactures cement (sector E), ~~indicate~~ state which outfalls (if any)
410 receive discharges from material storage piles;

411 f. If a scrap recycling and waste recycling facility (sector N - SIC 5093) only receives
412 source-separated recyclable materials, ~~indicate~~ state which outfalls (if any) receive
413 discharges from this activity. List the metals (if any) that are received; or

414 g. For primary airports, list the average deicing season and ~~indicate~~ state which
415 outfalls (if any) receive discharges from deicing ~~of non-propeller aircraft, and the~~
416 ~~annual average departures of non-propeller aircraft. It should be noted that airport~~
417 ~~facilities subject to the effluent limitation guidelines in 40 CFR Part 449 are not~~
418 ~~authorized under this permit~~ or anti-icing operations;

419 ~~42.~~ 11. List the following facility area information:

420 a. The total area of the facility in acres;

421 b. The total area of industrial activity of the facility in acres;

422 c. The total impervious surface area of the industrial activity of the facility in acres;

423 d. The impervious and total areas in acres draining to each industrial activity outfall
424 at the facility. Outfalls shall be numbered using a unique numerical identification
425 code for each outfall. For example: Outfall Number 001, Outfall Number 002, etc.;;
426 and

427 e. The latitude and longitude of each outfall location;

428 ~~43.~~ 12. A site map depicting the following shall be included with the registration
429 statement:

430 a. The property boundaries;

431 b. All industrial activity outfalls labeled with unique numerical identification for each
432 outfall. Outfall numbering shall be the same as that used for the facility area
433 information in subdivision ~~42~~ 11 of this subsection; and

434 c. All water bodies or MS4 conveyances, labeled with names if applicable, receiving
435 stormwater discharges from the site;

436 14. 13. Virginia's Phase I Chesapeake Bay TMDL Watershed Implementation Plan
437 (November 29, 2010) states that wasteloads for future growth for new facilities in the
438 Chesapeake Bay watershed with industrial stormwater discharges cannot exceed the
439 nutrient and sediment loadings that were discharged ~~prior to~~ before the land ~~being~~ was
440 developed for the industrial activity. For purposes of this permit regulation, facilities that
441 ~~commence~~ begin construction after June 30, ~~2019~~ 2024, must be consistent with this
442 requirement to be eligible for coverage under this general permit.

443 If this is a new facility that ~~commenced~~ began construction after June 30, ~~2019~~ 2024, in
444 the Chesapeake Bay watershed, and applying for first time general permit coverage,
445 attach documentation to the registration statement to demonstrate:

446 a. That the total phosphorus load does not exceed the greater of (i) the total
447 phosphorus load that was discharged from the industrial area of the property ~~prior to~~
448 before the land ~~being~~ was developed for the new industrial activity, or (ii) 0.41
449 pounds per acre per year (VSMP water quality design criteria). The documentation
450 must include the measures and controls that were employed to meet this
451 requirement, along with the supporting calculations. The owner may include
452 additional nonindustrial land on the site as part of any plan to comply with the no net
453 increase requirement. Consistent with the definition of "site," this includes adjacent
454 land used in connection with the facility. Compliance with the water quality design
455 criteria may be determined utilizing the Virginia Runoff Reduction Method or another
456 equivalent methodology approved by the ~~board~~ department. Design specifications
457 and pollutant removal efficiencies for specific BMPs can be found on the Virginia
458 Stormwater BMP Clearinghouse website at <http://www.vwrrc.vt.edu/swc>; or

459 b. The owner may consider utilization of any pollutant trading or offset program in
460 accordance with §§ 62.1-44.19:20 through 62.1-44.19:23 of the Code of Virginia,
461 governing trading and offsetting, to meet the no net increase requirement;

462 15. 14. State Corporation Commission entity identification number if the facility is
463 required to obtain an entity identification number by law; and

464 16. 15. The following certification: "I certify under penalty of law that this document and
465 all attachments were prepared under my direction or supervision in accordance with a
466 system designed to assure that qualified personnel properly gather and evaluate the
467 information submitted. Based on my inquiry of the person or persons who manage the
468 system, or those persons directly responsible for gathering the information, the
469 information submitted is, to the best of my knowledge and belief, true, accurate, and
470 complete. I am aware that there are significant penalties for submitting false information,
471 including the possibility of fine and imprisonment for knowing violations."

472 D. The registration statement shall be signed in accordance with 9VAC25-31-110 A.

473 E. Where to submit. The registration statement may be delivered to the department by either
474 postal or electronic mail and shall be submitted to the DEQ regional office serving the area
475 where the industrial facility is located. Following notification from the department of the start
476 date for the required electronic submission of Notices of Intent to discharge forms (i.e.,
477 registration statements) as provided for in 9VAC25-31-1020, such forms submitted after that
478 date shall be electronically submitted to the department in compliance with this section and
479 9VAC25-31-1020. There shall be at least three months' notice provided between the notification
480 from the department and the date after which such forms must be submitted electronically.

481 **9VAC25-151-70. General permit.**

482 Any owner whose registration statement is accepted by the director will receive the following
483 general permit and shall comply with the requirements therein and be subject to the VPDES
484 Permit Regulation, 9VAC25-31. Facilities with colocated industrial activities shall comply with all
485 applicable monitoring and SWPPP requirements of each industrial activity sector of this chapter
486 in which a colocated industrial activity is described. All pages of 9VAC25-151-70 and 9VAC25-
487 151-80 apply to all stormwater discharges associated with industrial activity covered under this
488 general permit. Not all pages of 9VAC25-151-90 et seq. will apply to every permittee. The
489 determination of which pages apply will be based on an evaluation of the regulated activities
490 located at the facility.

491 General Permit No.: VAR05

492 Effective Date: July 1, ~~2019~~ 2024

493 Expiration Date: June 30, ~~2024~~ 2029

494 VPDES GENERAL PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH
495 INDUSTRIAL ACTIVITY

496 AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE
497 ELIMINATION SYSTEM AND THE VIRGINIA STATE WATER CONTROL LAW

498 In compliance with the provisions of the Clean Water Act, as amended, and pursuant to the
499 State Water Control Law and regulations adopted pursuant thereto, owners of facilities with
500 stormwater discharges associated with industrial activity are authorized to discharge to surface
501 waters within the boundaries of the Commonwealth of Virginia, except those waters specifically
502 named in board regulation that prohibit such discharges.

503 The authorized discharge shall be in accordance with this cover page, the registration
504 statement, Part I-Effluent Limitations, Monitoring Requirements and Special Conditions, Part II-
505 Conditions Applicable to All VPDES Permits, Part III-Stormwater Pollution Prevention Plan, ~~and~~
506 Part IV-Sector-Specific Permit Requirements, and Part V-Chesapeake Bay Total Maximum
507 Daily Load Compliance as set forth in this general permit.

508 Part I

509 Effluent Limitations, Monitoring Requirements and Special Conditions

510 A. Effluent limitations and monitoring requirements.

511 There are four individual and separate categories of monitoring requirements that a facility
512 may be subject to under this permit: (i) quarterly visual monitoring; (ii) benchmark monitoring of
513 discharges associated with specific industrial activities; (iii) compliance monitoring for
514 discharges subject to numerical effluent limitations; and (iv) monitoring of discharges to
515 impaired waters, both those with an approved TMDL and those without an approved TMDL. The
516 monitoring requirements and numeric effluent limitations applicable to a facility depend on the
517 types of industrial activities generating stormwater runoff from the facility, and for TMDL
518 monitoring, the location of the facility's discharge or discharges. Part IV of the permit (9VAC25-
519 151-90 et seq.) identifies monitoring requirements applicable to specific sectors of industrial
520 activity. The permittee shall review Part I A 1 and Part IV of the permit to determine which
521 monitoring requirements and numeric limitations apply to his facility. Unless otherwise specified,
522 limitations and monitoring requirements under Part I A 1 and Part IV are additive.

523 Sector-specific monitoring requirements and limitations are applied discharge by discharge
524 at facilities with colocated activities. Where stormwater from the colocated activities are
525 commingled, the monitoring requirements and limitations are additive. Where more than one
526 numeric limitation for a specific parameter applies to a discharge, compliance with the more
527 restrictive limitation is required. Where benchmark, numerical effluent limitations, or TMDL
528 monitoring requirements for a monitoring period overlap, the permittee may use a single sample
529 to satisfy monitoring requirements.

530 1. Types of monitoring requirements and limitations.

531 a. Quarterly visual monitoring. The requirements and procedures for quarterly visual
532 monitoring are applicable to all facilities covered under this permit, regardless of the
533 facility's sector of industrial activity.

534 (1) The permittee shall perform and document a quarterly visual examination of a
535 stormwater discharge associated with industrial activity from each outfall, except
536 discharges exempted in Part I A 3 or Part I A 4. The visual examinations shall be
537 made at least once in each of the following three-month periods: January through
538 March, April through June, July through September, and October through December.
539 The visual examination shall be made during normal working hours, where
540 practicable, and when considerations for safety and feasibility allow. If no storm
541 event resulted in runoff from the facility during a monitoring quarter, the permittee is
542 excused from visual monitoring for that quarter provided that documentation is
543 included with the monitoring records indicating that no runoff occurred. ~~The~~
544 ~~documentation shall be signed and certified in accordance with Part II K of this~~
545 ~~permit.~~

546 (2) Samples shall be collected in accordance with Part I A 2. Sample examination
547 shall document observations of color, odor, clarity, floating solids, settled solids,
548 suspended solids, foam, oil sheen, and other obvious indicators of stormwater
549 pollution. The visual examination of the sample shall be conducted in a well-lit area.
550 No analytical tests are required to be performed on the samples.

551 (3) The visual examination ~~reports~~ documentation shall be maintained on-site with
552 the SWPPP. The ~~report~~ documentation shall include the outfall location, the
553 examination date and time, ~~examination personnel~~ staff, the nature of the discharge
554 (i.e., runoff or snow melt), visual quality of the stormwater discharge (including
555 observations of color, odor, clarity, floating solids, settled solids, suspended solids,
556 foam, oil sheen, and other obvious indicators of stormwater pollution), and probable
557 sources of any observed stormwater contamination.

558 b. Benchmark monitoring of discharges associated with specific industrial activities.

559 Table 70-1 identifies the specific industrial sectors subject to the benchmark
560 monitoring requirements of this permit and the industry-specific pollutants of concern.
561 The permittee shall refer to the tables found in the individual sectors in Part IV
562 (9VAC25-151-90 et seq.) for benchmark monitoring concentration values. Colocated
563 industrial activities at the facility that are described in more than one sector in Part IV
564 shall comply with all applicable benchmark monitoring requirements from each
565 sector.

566 The results of benchmark monitoring are primarily for the permittee to use to
567 determine the overall effectiveness of the SWPPP in controlling the discharge of
568 pollutants to receiving waters. Benchmark concentration values, included in Part IV
569 of this permit, are not effluent limitations. Exceedance of a benchmark concentration
570 does not constitute a violation of this permit and does not ~~indicate~~ show that violation
571 of a water quality standard has occurred; however, it does signal that modifications

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575

to the SWPPP are necessary, unless justification is provided in a routine facility inspection. In addition, exceedance of benchmark concentrations may identify facilities that would be more appropriately covered under an individual, or alternative general permit where more specific pollution prevention controls could be required.

TABLE 70-1 INDUSTRIAL SECTORS SUBJECT TO BENCHMARK MONITORING		
Industry Sector ¹	SIC Code or Activity Code	Benchmark Monitoring Parameters
A	2421	TSS.
	2491	Arsenic, Chromium, Copper.
	2411	TSS.
	2426	TSS.
	2499 (24991303)	COD, TSS.
	2499 (Mulch Dyeing)	BOD, TSS, COD, Aluminum, Arsenic, Cadmium, Chromium, Copper, Iron , Selenium, Silver, Zinc, Total N, Total P.
B	2631	BOD.
C	2812-2819	Aluminum, Iron, Total N.
	2821-2824	Zinc.
	2841-2844	Total N, Zinc.
	2873-2879	Total N, Iron , Zinc, Total P.
	2875 (Composting Facilities)	TSS, BOD, COD, Ammonia, Total N, Total P.
D	2951, 2952	TSS.
E	3251-3259, 3261-3269	Aluminum.
	3274, 3275	TSS, pH, Iron .
F	3312-3317	Aluminum, Zinc.
	3321-3325	Aluminum, TSS, Copper, Iron , Zinc.
	3351-3357	Copper, Zinc.
	3363-3369	Copper, Zinc.
G ²	1021	TSS.
H	1221-1241	TSS, Aluminum, Iron .
K	HZ (Hazardous Waste Treatment,	TKN, TSS, TOC, Arsenic, Cadmium, Cyanide, Lead,

	Storage, or Disposal)	Magnesium , Mercury, Selenium, Silver.
L	LF (Landfills, Land Application Sites, and Open Dumps)	TSS.
M	5015	TSS, Aluminum, Iron , Lead.
N	5093	Copper, Aluminum, Iron , Lead, Zinc, TSS, Cadmium, Chromium.
	4499	Aluminum, Cadmium, Chromium, Copper, Iron , Lead, Zinc, TSS.
O	SE (Steam Electric Generating Facilities)	Iron <u>Facilities in Sector O are not subject to benchmark requirements.</u>
Q	4412-4499 (except 4499 facilities as specified in Sector N)	TSS, Copper, Zinc.
	3731, 3732	TSS, Copper, Zinc.
U	2021-2026	BOD, TSS.
	2041-2048	TSS, TKN.
	2074-2079	BOD, Total N, TSS.
Y	3011-3069	Zinc.
AA	3411-3471, 3482-3499, 3911-3915	Iron , Aluminum, Copper, Zinc.
	3479	Zinc.
AB	3511-3599 (except 3571-3579)	TSS, TPH, Copper, Zinc.
AD	Nonclassified Facilities/Stormwater Discharges Designated by the Board department as Requiring Permits	As determined by the director.
AE	2611, 2621, 2652-2657, 2671-2679, 2833-2836, 2851, 2861-2869, 2891-2899, 3952, 3211, 3221, 3229, 3231, 3241, 3281, 3291-3299, 3331-3339, 3398, 3399, 3341, 1311, 1321, 1381-1389, 2911, 4512-4581, (TW) Treatment Works, 2011-2015, 2032-2038, 2051-2053, 2061-2068, 2082-2087, 2091-2099, 2111-2141, 2211-2299, 2311-2399, 3131-3199, 2434, 2511-2599, 2711-2796, 3081-3089, 3931, 3942-3949, 3951-3955 (except 3952), 3961, 3965, 3991-3999, 3111, 3711-3799 (except 3731, 3732 see Sector Q), 3571-3579, 3612-	Facilities in Sector AE are not subject to benchmark monitoring requirements.

	3699, 3812-3873	
AF	4011, 4013, 4111-4173, 4212-4231, 4311, 5171	TSS.

¹Table does not include parameters for compliance monitoring under effluent limitations guidelines.

²See Sector G (Part IV G) for additional monitoring discharges from waste rock and overburden piles from active ore mining or dressing facilities, inactive ore mining or dressing facilities, and sites undergoing reclamation.

576 (1) Benchmark monitoring shall be performed for all benchmark parameters specified
577 for the industrial sector or sectors applicable to a facility's discharge. Monitoring shall
578 be performed at least once during each of the first four, and potentially all, monitoring
579 periods after coverage under the permit begins. Monitoring ~~commences~~ begins with
580 the first full monitoring period after the owner is granted coverage under the permit.
581 Monitoring periods are specified in Part I A 2.

582 ~~Depending on the results of four consecutive monitoring periods, benchmark~~
583 ~~monitoring may not be required to be conducted in subsequent monitoring periods~~
584 ~~(see Part I A 1 b (2)).~~

585 (2) Benchmark monitoring waivers for facilities testing below benchmark
586 concentration values. Waivers from benchmark monitoring are available to facilities
587 whose discharges are below benchmark concentration values on an outfall by outfall
588 basis. Sector-specific benchmark monitoring is not required to be conducted in
589 subsequent monitoring periods during the term of this permit provided:

590 (a) Samples were collected in four consecutive monitoring periods, and the average
591 of the four samples for all parameters at the outfall is below the applicable
592 benchmark concentration value in Part IV. Facilities that were covered under the
593 ~~2014~~ 2019 industrial stormwater general permit may use sampling data from the last
594 two monitoring periods of that permit and the first two monitoring periods of this
595 permit to satisfy the four consecutive monitoring periods requirement;

596 (b) The facility is not subject to a numeric effluent limitation established in Part I A 1 c
597 (1) (stormwater effluent limitations), Part I A 1 c (2) (coal pile runoff), or Part IV
598 (Sector Specific Permit Requirements) for any of the parameters at that outfall; and

599 (c) A waiver request is submitted to and approved by the ~~board~~ department. The
600 waiver request shall be sent to the appropriate DEQ regional office, along with the
601 supporting monitoring data for four consecutive monitoring periods, and a
602 certification that, based on current potential pollutant sources and control measures
603 used, discharges from the facility are reasonably expected to be ~~essentially the same~~
604 ~~(or cleaner)~~, substantially similar or cleaner compared to when the benchmark
605 monitoring for the four consecutive monitoring periods was done.

606 Waiver requests will be evaluated by the ~~board~~ department based ~~upon~~ on (i)
607 benchmark monitoring results below the benchmark concentration values; (ii) a
608 favorable compliance history (including inspection results); and (iii) no outstanding
609 enforcement actions.

610 The monitoring waiver may be revoked by the ~~board~~ department for cause. The
611 permittee will be notified in writing that the monitoring waiver is revoked, and that the
612 benchmark monitoring requirements are again in force and will remain in effect until
613 the permit's expiration date.

614 (3) Samples shall be collected and analyzed in accordance with Part I A 2.
 615 Monitoring results shall be reported in accordance with Part I A 5 and Part II C and
 616 retained in accordance with Part II B.

617 c. Compliance monitoring for discharges subject to numerical effluent limitations or
 618 discharges to impaired waters.

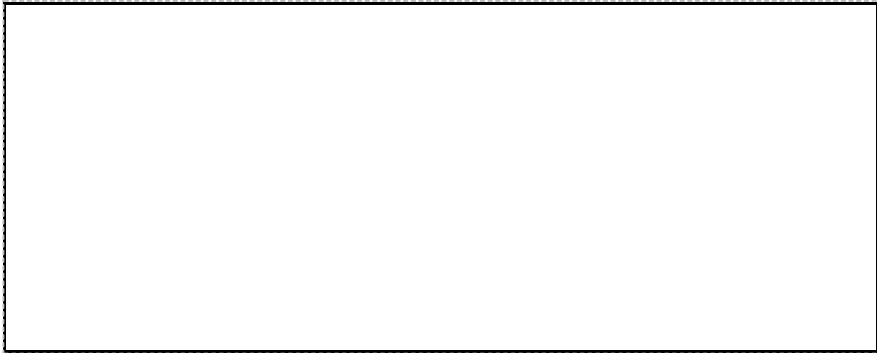
619 (1) Facilities subject to stormwater effluent limitation guidelines.

620 (a) Facilities subject to stormwater effluent limitation guidelines (see Table 70-2) are
 621 required to monitor ~~such~~ the discharges to evaluate compliance with numerical
 622 effluent limitations. Industry-specific numerical limitations and compliance monitoring
 623 requirements are described in Part IV of the permit (9VAC25-151-90 et seq.).
 624 Permittees with colocated industrial activities at the facility that are described in more
 625 than one sector in Part IV shall comply on a discharge-by-discharge basis with all
 626 applicable effluent limitations from each sector.

627 (b) Permittees shall monitor the discharges for the presence of the pollutant subject
 628 to the effluent limitation at least once during each of the monitoring periods after
 629 coverage under the permit begins. Monitoring ~~commences~~ begins with the first full
 630 monitoring period after the owner is granted coverage under the permit. Monitoring
 631 periods are specified in Part I A 2. The substantially identical outfall monitoring
 632 provisions (Part I A 2 f) are not available for numeric effluent limits monitoring.

633 (c) Samples shall be collected and analyzed in accordance with Part I A 2.
 634 Monitoring results shall be reported in accordance with Part I A 5 and Part II C, and
 635 retained in accordance with Part II B.

TABLE 70-2 STORMWATER-SPECIFIC EFFLUENT LIMITATION GUIDELINES	
Effluent Limitation Guideline	Sectors with Affected Facilities
Runoff from material storage piles at cement manufacturing facilities (40 CFR Part 411 Subpart C (established February 20, 1974))	E
Contaminated runoff from phosphate fertilizer manufacturing facilities (40 CFR Part 418 Subpart A (established April 8, 1974))	C
Coal pile runoff at steam electric generating facilities (40 CFR Part 423 (established November 19, 1982))	O
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas (40 CFR Part 429, Subpart I (established January 26, 1981))	A
Runoff from asphalt emulsion facilities (40 CFR Part 443 Subpart A (established July 24, 1975))	D
Runoff from landfills (40 CFR Part 445, Subpart A and B (established January 19, 2000))	K and L
Discharges from airport deicing operations (40 CFR Part 449 (established May 16, 2012))	Facilities subject to the effluent



limitation guidelines in 40 CFR Part 449 are not authorized under this permit may be covered under Sector AD.

- 636 (2) Facilities subject to coal pile runoff monitoring.
- 637 (a) Facilities with discharges of stormwater from coal storage piles shall comply with
- 638 the limitations and monitoring requirements of Table 70-3 for all discharges
- 639 containing the coal pile runoff, regardless of the facility's sector of industrial activity.
- 640 (b) Permittees shall monitor ~~such~~ the stormwater discharges at least once during
- 641 each of the monitoring periods after coverage under the permit begins. Monitoring
- 642 ~~commences~~ begins with the first full monitoring period after the owner is granted
- 643 coverage under the permit. Monitoring periods are specified in Part I A 2. The
- 644 substantially identical outfall monitoring provisions (Part I A 2 f) are not available for
- 645 coal pile numeric effluent limits monitoring.
- 646 (c) The coal pile runoff shall not be diluted with other stormwater or other flows ~~in~~
- 647 ~~order~~ to meet this limitation.
- 648 (d) If a facility is designed, constructed and operated to treat the volume of coal pile
- 649 runoff that is associated with a 10-year, 24-hour rainfall event, any untreated
- 650 overflow of coal pile runoff from the treatment unit is not subject to the 50 mg/L
- 651 limitation for total suspended solids.
- 652 (e) Samples shall be collected and analyzed in accordance with Part I A 2.
- 653 Monitoring results shall be reported in accordance with Part I A 5 and Part II C, and
- 654 retained in accordance with Part II B.

TABLE 70-3 NUMERIC LIMITATIONS FOR COAL PILE RUNOFF			
Parameter	Limit	Monitoring Frequency	Sample Type
Total Suspended Solids (TSS)	50 mg/l, max.	1/6 months	Grab
pH	6.0 min. - 9.0 max.	1/6 months	Grab

- 655 (3) Facilities discharging to an impaired water with an approved TMDL wasteload
- 656 allocation.
- 657 Owners of facilities that are a source of the specified pollutant of concern to waters
- 658 for which a TMDL wasteload allocation has been approved ~~prior to~~ by the U.S.
- 659 Environmental Protection Agency (EPA) before the term of this permit will be notified
- 660 ~~as such~~ by the department when they are approved for coverage under the general
- 661 permit.
- 662 (a) Upon written notification from the department, ~~facilities~~ permittees shall monitor
- 663 the discharges for the pollutant subject to TMDL wasteload ~~allocations shall be~~

664 required to monitor such discharges to evaluate compliance with the TMDL
665 requirements.

666 (b) Permittees shall monitor the discharges for the pollutant subject to the TMDL
667 wasteload allocation once every six months after coverage under the permit begins,
668 unless otherwise another sampling frequency is determined by the department for
669 polychlorinated biphenyls (PCBs). Monitoring commences begins with the first full
670 monitoring period after the owner is granted coverage under the permit. Monitoring
671 periods are specified in Part I A 2.

672 (c) (b) Samples shall be collected and analyzed in accordance with Part I A 2.
673 Monitoring results shall be reported in accordance with Part I A 5 and Part II C, and
674 retained in accordance with Part II B.

675 (d) (c) If the pollutant subject to the TMDL wasteload allocation is below the
676 quantitation level in all of the samples from the first four monitoring periods (i.e., the
677 first two years of coverage under the permit), the permittee may request to the board
678 department in writing that further sampling be discontinued, unless the TMDL has
679 specific instructions to the contrary (in which case those instructions shall be
680 followed). The laboratory certificate of analysis shall be submitted with the request. If
681 approved, documentation of this shall be kept with the SWPPP.

682 If the pollutant subject to the TMDL wasteload allocation is above the quantitation
683 level in any of the samples from the first four monitoring periods, the permittee shall
684 continue the scheduled TMDL monitoring throughout the term of the permit.
685 Applicable sampling data collected during the 2019 industrial stormwater general
686 permit term may be used to satisfy all or part of the four monitoring periods
687 requirement.

688 (d) Upon written notification from the department, facilities exceeding the TMDL
689 wasteload allocation shall prepare and submit a pollutant minimization plan (PMP)
690 designed to investigate the location and potential reduction of sources in the facility's
691 stormwater discharges. The PMP shall be developed and submitted to the
692 department for approval within 180 days of the receipt of notification from the
693 department.

694 The PMP shall include the following items, as appropriate:

695 i. Facility contact for the contents of the PMP and any activities associated with the
696 PMP;

697 ii. A proposed implementation schedule for minimization activities and prospective
698 milestones;

699 iii. Proposed actions for known or probable sources;

700 iv. Proposed action to find and control unknown sources;

701 v. A summary of any previous minimization activities; and

702 vi. Information on continuing assessment of progress, which may include
703 establishment of criteria to evaluate whether the location and potential reduction of
704 sources have been addressed.

705 (4) Facilities discharging to an impaired water without an approved TMDL wasteload
706 allocation.

707 Owners of facilities that discharge to waters listed as impaired in the 2016 2022 Final
708 305(b)/303(d) Water Quality Assessment Integrated Report, and for which a TMDL
709 wasteload allocation has not been approved prior to before the term of this permit,
710 will be notified as such by the department when they are approved for coverage
711 under the general permit.

712 ~~(a) Upon written notification from the department, facilities discharging to an impaired~~
713 ~~water without an approved TMDL wasteload allocation shall be required to monitor~~
714 ~~such discharges for the pollutants that caused the impairment.~~

715 ~~(b) (a) Permittees~~ Upon written notification from the department, permittees shall
716 monitor the discharges for all pollutants for which the waterbody is impaired, and for
717 which a standard analytical method exists, at least once during each of the
718 ~~monitoring periods~~ every six months after coverage under the permit begins, unless
719 ~~otherwise determined by the department for polychlorinated biphenyls (PCBs).~~
720 Monitoring commences begins with the first full monitoring period after the owner is
721 granted coverage under the permit. Monitoring periods are specified in Part I A 2.

722 ~~(c) (b)~~ If the pollutant for which the waterbody is impaired is suspended solids,
723 turbidity, or sediment, or sedimentation, monitor for total suspended solids (TSS). If
724 the pollutant for which the waterbody is impaired is expressed in the form of an
725 indicator or surrogate pollutant, monitor for that indicator or surrogate pollutant. No
726 monitoring is required when a waterbody's biological communities are impaired but
727 no pollutant, including indicator or surrogate pollutants, is specified as causing the
728 impairment, or when a waterbody's impairment is related to hydrologic modifications,
729 impaired hydrology, or temperature.

730 Samples shall be collected and analyzed in accordance with Part I A 2. Monitoring
731 results shall be reported in accordance with Part I A 5 and Part II C, and retained in
732 accordance with Part II B.

733 ~~(d) (c)~~ If the pollutant for which the water is impaired is below the quantitation level in
734 the discharges from the facility, or it is above the quantitation level but its presence is
735 caused solely by natural background sources, the permittee may request to the
736 ~~board~~ department in writing that further impaired water monitoring be discontinued.
737 The laboratory certificate of analysis shall be submitted with the request. If approved,
738 documentation of this shall be kept with the SWPPP.

739 To support a determination that the pollutant's presence is caused solely by natural
740 background sources, the following documentation shall be submitted with the request
741 and kept with the SWPPP: (i) an explanation of why it is believed that the presence
742 of the impairment pollutant in the facility's discharge is not related to the activities at
743 the facility; and (ii) data or studies that tie the presence of the impairment pollutant in
744 the facility's discharge to natural background sources in the watershed. Natural
745 background pollutants include those substances that are naturally occurring in soils
746 or groundwater. Natural background pollutants do not include legacy pollutants from
747 earlier activity at the facility's site, or pollutants in run-on from neighboring sources
748 that are not naturally occurring.

749 2. Monitoring instructions.

750 a. Collection and analysis of samples. Sampling requirements shall be assessed on
751 an outfall by outfall basis. Samples shall be collected and analyzed in accordance
752 with the requirements of Part II A.

753 b. When and how to sample. A minimum of one grab sample shall be taken from the
754 discharge associated with industrial activity resulting from a storm event that results
755 in a discharge from the site ~~(defined as a "measurable storm event")~~, providing the
756 interval from the preceding measurable storm event discharge is at least 72 hours.
757 The 72-hour storm interval is waived if the permittee is able to document that less
758 than a 72-hour interval is representative for local storm events during the sampling
759 period. In the case of snowmelt, the monitoring shall be performed at a time when a
760 measurable discharge occurs at the site. For discharges from a stormwater

761 management structure, the monitoring shall be performed at a time when a
762 measurable discharge occurs from the structure.

763 The grab sample shall be taken during the first 30 minutes of the discharge. If it is
764 not practicable to take the sample during the first 30 minutes, the sample may be
765 taken during the first three hours of the discharge, provided that the permittee
766 explains why a grab sample during the first 30 minutes was impracticable. This
767 information shall be submitted in the department's electronic discharge monitoring
768 report (e-DMR) system, and maintained with the SWPPP. If the sampled discharge
769 commingles with process or nonprocess water, the permittee shall attempt to sample
770 the stormwater discharge before it mixes with the nonstormwater.

771 c. Storm event data. For each monitoring event (except snowmelt monitoring), along
772 with the monitoring results, the permittee shall identify the date ~~and duration (in~~
773 ~~hours)~~ of the storm ~~events~~ event sampled; rainfall total (in inches) of the storm event
774 that generated the sampled runoff; and the ~~duration interval~~ between the storm event
775 sampled and the end of the previous ~~measurable~~ storm event discharge. For
776 snowmelt monitoring, the permittee shall identify the date of the sampling event.

777 d. Monitoring periods.

778 (1) Quarterly visual monitoring. The quarterly visual examinations shall be made at
779 least once in each of the following three-month periods each year of permit
780 coverage: January through March, April through June, July through September, and
781 October through December.

782 (2) Benchmark monitoring, effluent limitation monitoring, and impaired waters
783 monitoring (for waters both with and without an approved TMDL). Monitoring shall be
784 conducted at least once in each of the following semiannual periods each year of
785 permit coverage: January through June, and July through December.

786 e. Documentation explaining a facility's inability to obtain a sample (including dates
787 and times the outfalls were viewed or sampling was attempted), of no rain event, or
788 of deviation from the ~~"measurable" storm event requirements shall be~~ 72-hour storm
789 interval shall be submitted with the e-DMR and maintained with the SWPPP.
790 Acceptable documentation includes National Climatic Data Center (NCDC) weather
791 station data, local weather station data, facility rainfall logs, and other appropriate
792 supporting data.

793 f. Representative outfalls - substantially identical discharges. If the facility has two or
794 more outfalls that discharge substantially identical effluents, based on similarities of
795 the industrial activities, significant materials, size of drainage areas, and stormwater
796 management practices occurring within the drainage areas of the outfalls, frequency
797 of discharges, and stormwater management practices occurring within the drainage
798 areas of the outfalls, the permittee may conduct monitoring on the effluent of just one
799 of the outfalls and report that the observations also apply to the substantially identical
800 outfall or outfalls. The substantially identical outfall monitoring provisions apply to
801 quarterly visual monitoring, benchmark monitoring, and impaired waters monitoring
802 (both those with and without an approved TMDL). The substantially identical outfall
803 monitoring provisions are not available for numeric effluent limits monitoring.

804 The permittee shall include the following information in the SWPPP:

805 (1) The locations of the outfalls;

806 (2) An evaluation, including available monitoring data, indicating the outfalls are
807 expected to discharge substantially identical effluents, including evaluation of
808 monitoring data where available; and

809 (3) An estimate of the size of each outfall's drainage area in acres.

810 3. Adverse climatic conditions waiver. When adverse weather conditions prevent the

811 collection of samples, a substitute sample may be taken during a qualifying storm event

812 in the next monitoring period. Adverse weather conditions are those that are dangerous

813 or create inaccessibility for ~~personnel staff~~, and may include ~~such things as~~ local

814 flooding, high winds, electrical storms, or situations that otherwise make sampling

815 impracticable, ~~such as~~ (e.g., drought or extended frozen conditions). Unless specifically

816 stated otherwise, this waiver may be applied to any monitoring required under this

817 permit. Narrative documentation of conditions necessitating the use of the waiver shall

818 be kept with the SWPPP.

819 4. Inactive and unstaffed sites (including temporarily inactive sites).

820 a. A waiver of the quarterly visual monitoring, routine facility inspections, and

821 monitoring requirements (including benchmark, effluent limitation, and impaired

822 waters monitoring) may be granted by the ~~board~~ department at a facility that is both

823 inactive and unstaffed, as long as the facility remains inactive and unstaffed and

824 there are no industrial materials or activities exposed to stormwater. The owner of

825 ~~such a~~ the facility is only required to conduct an annual routine site inspection in

826 accordance with the requirements in Part III B 5.

827 b. An inactive and unstaffed sites waiver request shall be submitted to the ~~board~~

828 department for approval and shall include the name of the facility; the facility's

829 VPDES general permit registration number; a contact person, phone number and

830 email address; the reason for the request; and the date the facility became or will

831 become inactive and unstaffed. The waiver request shall be signed and certified in

832 accordance with Part II K. If this waiver is granted, a copy of the request and the

833 ~~board's~~ department's written approval of the waiver shall be maintained with the

834 SWPPP.

835 c. If circumstances change and industrial materials or activities become exposed to

836 stormwater, or the facility becomes either active or staffed, the permittee shall notify

837 the department within 30 days, and all quarterly visual monitoring, routine facility

838 inspections, and monitoring requirements shall be resumed immediately.

839 d. The ~~board~~ department retains the right to revoke this waiver when it is determined

840 that the discharge is causing, has a reasonable potential to cause, or contributes to a

841 water quality standards violation.

842 e. Inactive and unstaffed facilities covered under Sector G (Metal Mining) and Sector

843 H (Coal Mines and Coal Mining-Related Facilities) are not required to meet the "no

844 industrial materials or activities exposed to stormwater" standard to be eligible for

845 this waiver, consistent with the conditional exemption requirements established in

846 Part IV Sector G and Part IV Sector H.

847 5. Reporting monitoring results.

848 a. Reporting to the department. The permittee shall follow the reporting requirements

849 and deadlines ~~below~~ in Table 70-4 for the types of monitoring that apply to the

850 facility:

TABLE 70-4 MONITORING REPORTING REQUIREMENTS	
Semiannual Monitoring	Submit the results by January 10 and by July 10.

851 Permittees shall submit results for each outfall associated with industrial activity
852 according to the requirements of Part II C.

853 b. Significant digits. The permittee shall report at least the same number of
854 significant digits as a numeric effluent limitation or TMDL wasteload allocation for a
855 given parameter; otherwise, at least two significant digits shall be reported for a
856 given parameter. Regardless of the rounding convention used by the permittee (i.e.,
857 five always rounding up or to the nearest even number), the permittee shall use the
858 convention consistently and shall ensure that consulting laboratories employed by
859 the permittee use the same convention.

860 6. Corrective actions.

861 a. ~~Data exceeding benchmark concentration values.~~ The permittee shall take
862 corrective action whenever:

863 ~~(1) If the benchmark monitoring result exceeds the benchmark concentration value~~
864 ~~for that parameter, the permittee shall review the SWPPP and modify it as necessary~~
865 ~~to address any deficiencies that caused the exceedance. Revisions to the SWPPP~~
866 ~~shall be completed within 60 days after an exceedance is discovered. When control~~
867 ~~measures need to be modified or added (distinct from regular preventive~~
868 ~~maintenance of existing control measures described in Part III C), implementation~~
869 ~~shall be completed before the next anticipated storm event if possible, but no later~~
870 ~~than 60 days after the exceedance is discovered, or as otherwise provided or~~
871 ~~approved by the department. In cases where construction is necessary to implement~~
872 ~~control measures, the permittee shall include a schedule in the SWPPP that provides~~
873 ~~for the completion of the control measures as expeditiously as practicable, but no~~
874 ~~later than three years after the exceedance is discovered. Where a construction~~
875 ~~compliance schedule is included in the SWPPP, the SWPPP shall include~~
876 ~~appropriate nonstructural and temporary controls to be implemented in the affected~~
877 ~~portions of the facility prior to completion of the permanent control measure. Any~~
878 ~~control measure modifications shall be documented and dated, and retained with the~~
879 ~~SWPPP, along with the amount of time taken to modify the applicable control~~
880 ~~measures or implement additional control measures. Routine facility inspections,~~
881 ~~inspections by local, state or federal officials, or any other process, observation or~~
882 ~~event result in a determination that modifications to the stormwater control measures~~
883 ~~are necessary to meet the permit requirements; or~~

884 ~~(2) Natural background pollutant levels. If the concentration of a pollutant exceeds a~~
885 ~~benchmark concentration value, and the permittee determines that exceedance of~~
886 ~~the benchmark is attributable solely to the presence of that pollutant in the natural~~
887 ~~background, corrective action is not required provided that: There is any exceedance~~
888 ~~of an effluent limitation (including coal pile runoff), TMDL wasteload allocation, or a~~
889 ~~reduction required by a local ordinance established by a municipality to meet~~
890 ~~Chesapeake Bay TMDL requirements; or~~

891 ~~(a) The concentration of the benchmark monitoring result is less than or equal to the~~
892 ~~concentration of that pollutant in the natural background;~~

893 ~~(b) The permittee documents and maintains with the SWPPP the supporting~~
894 ~~rationale for concluding that benchmark exceedances are in fact attributable solely to~~
895 ~~natural background pollutant levels. The supporting rationale shall include any data~~
896 ~~previously collected by the facility or others (including literature studies) that describe~~

897 ~~the levels of natural background pollutants in the facility's stormwater discharges;~~
898 ~~and~~

899 ~~(c) The permittee notifies the department on the benchmark monitoring DMR that the~~
900 ~~benchmark exceedances are attributable solely to natural background pollutant~~
901 ~~levels.~~

902 ~~Natural background pollutants include those substances that are naturally occurring~~
903 ~~in soils or groundwater. Natural background pollutants do not include legacy~~
904 ~~pollutants from earlier activity on the facility's site, or pollutants in run-on from~~
905 ~~neighboring sources that are not naturally occurring.~~

906 ~~(3) The department determines, or the permittee becomes aware, that the~~
907 ~~stormwater control measures are not stringent enough for the discharge to meet~~
908 ~~applicable water quality standards; or~~

909 ~~(4) Benchmark monitoring results exceed the benchmark concentration value for a~~
910 ~~parameter.~~

911 ~~The permittee shall review the SWPPP and modify it as necessary to address any~~
912 ~~deficiencies. Revisions to the SWPPP shall be completed within 60 days following~~
913 ~~the discovery of the deficiency. When control measures need to be modified or~~
914 ~~added (distinct from regular preventive maintenance of existing control measures~~
915 ~~described in Part III C), implementation shall be completed before the next~~
916 ~~anticipated storm event if possible, but no later than 60 days after the deficiency is~~
917 ~~discovered, or as otherwise provided or approved by the department. In cases where~~
918 ~~construction is necessary to implement control measures, the permittee shall include~~
919 ~~a schedule in the SWPPP that provides for the completion of the control measures~~
920 ~~as expeditiously as practicable, but no later than three years after the deficiency is~~
921 ~~discovered. Where a construction compliance schedule is included in the SWPPP,~~
922 ~~the SWPPP shall include appropriate nonstructural and temporary controls to be~~
923 ~~implemented in the affected portion of the facility before completion of the permanent~~
924 ~~control measure.~~

925 ~~Any corrective actions taken shall be documented and retained with the SWPPP.~~
926 ~~Any control measure modifications shall be dated and document the amount of time~~
927 ~~taken to modify the applicable control measures or implement additional control~~
928 ~~measures.~~

929 ~~b. Corrective actions. The permittee shall take corrective action whenever: Natural~~
930 ~~background pollutant levels. If the concentration of a pollutant exceeds a benchmark~~
931 ~~concentration value, and the permittee determines that exceedance of the~~
932 ~~benchmark is attributable solely to the presence of that pollutant in the natural~~
933 ~~background, corrective action is not required provided that:~~

934 ~~(1) Routine facility inspections, inspections by local, state or federal officials, or any~~
935 ~~other process, observation or event result in a determination that modifications to the~~
936 ~~stormwater control measures are necessary to meet the permit requirements; The~~
937 ~~concentration of the benchmark monitoring result is less than or equal to the~~
938 ~~concentration of that pollutant in the natural background;~~

939 ~~(2) There is any exceedance of an effluent limitation (including coal pile runoff),~~
940 ~~TMDL wasteload allocation, or a reduction required by a local ordinance established~~
941 ~~by a municipality to meet Chesapeake Bay TMDL requirements; or The permittee~~
942 ~~documents and maintains with the SWPPP the supporting rationale for concluding~~
943 ~~that benchmark exceedances are in fact attributable solely to natural background~~
944 ~~pollutant levels. The supporting rationale shall include any data previously collected~~

945 by the facility or others (including literature studies) that describe the levels of natural
946 background pollutants in the facility's stormwater discharges; and

947 ~~(3) The department determines, or the permittee becomes aware, that the~~
948 ~~stormwater control measures are not stringent enough for the discharge to meet~~
949 ~~applicable water quality standards. The permittee shall review the SWPPP and~~
950 ~~modify it as necessary to address any deficiencies. Revisions to the SWPPP shall be~~
951 ~~completed within 60 days following the discovery of the deficiency. When control~~
952 ~~measures need to be modified or added (distinct from regular preventive~~
953 ~~maintenance of existing control measures described in Part III C), implementation~~
954 ~~shall be completed before the next anticipated storm event if possible, but no later~~
955 ~~than 60 days after the deficiency is discovered, or as otherwise provided or approved~~
956 ~~by the department. In cases where construction is necessary to implement control~~
957 ~~measures, the permittee shall include a schedule in the SWPPP that provides for the~~
958 ~~completion of the control measures as expeditiously as practicable, but no later than~~
959 ~~three years after the deficiency is discovered. Where a construction compliance~~
960 ~~schedule is included in the SWPPP, the SWPPP shall include appropriate~~
961 ~~nonstructural and temporary controls to be implemented in the affected portion of the~~
962 ~~facility prior to completion of the permanent control measure. The amount of time~~
963 ~~taken to modify a control measure or implement additional control measures shall be~~
964 ~~documented in the SWPPP.~~

965 ~~Any corrective actions taken shall be documented and retained with the SWPPP.~~
966 ~~Reports of corrective actions shall be signed in accordance with Part II K. The~~
967 ~~permittee notifies the department on the benchmark monitoring DMR that the~~
968 ~~benchmark exceedances are attributable solely to natural background pollutant~~
969 ~~levels. Natural background pollutants include those substances that are naturally~~
970 ~~occurring in soils or groundwater. Natural background pollutants do not include~~
971 ~~legacy pollutants from earlier activity on the facility's site, or pollutants in run-on from~~
972 ~~neighboring sources that are not naturally occurring.~~

973 c. Follow-up reporting. If at any time monitoring results indicate show that discharges
974 from the facility exceed an effluent limitation or a TMDL wasteload allocation, or the
975 department determines that discharges from the facility are causing or contributing to
976 an exceedance of a water quality standard, immediate steps shall be taken to
977 eliminate the exceedances in accordance with ~~the above~~ Part I A 6 b ~~(Corrective~~
978 ~~actions). Within 30 calendar days of implementing the relevant corrective action, an~~
979 ~~exceedance report shall be submitted to the department and shall be signed in~~
980 ~~accordance with Part II K. The following information shall be included in the report:~~

- 981 (1) General permit registration number;
982 (2) Facility name and address;
983 (3) Receiving water for each outfall exceeding an effluent limitation of TMDL
984 wasteload allocation;
985 (4) Monitoring data from the event being reported;
986 (5) A narrative description of the situation;
987 (6) A description of actions taken since the event was discovered and steps taken to
988 minimize to the extent feasible pollutants in the discharge; and
989 (7) A local facility contact name, email address, and phone number.

990 B. Special conditions.

- 991 1. Authorized nonstormwater discharges. Except as provided in this section or in Part IV
992 (9VAC25-151-90 et seq.), all discharges covered by this permit shall be composed

- 993 entirely of stormwater. The following nonstormwater discharges are authorized by this
 994 permit:
- 995 a. Discharges from emergency firefighting activities or firefighting training activities
 996 managed in a manner to avoid an instream impact in accordance with § 9.1-207.1 of
 997 the Code of Virginia;
 - 998 b. Fire hydrant flushings, managed in a manner to avoid an instream impact;
 - 999 c. Potable water, including water line flushings, managed in a manner to avoid an
 1000 instream impact;
 - 1001 d. Uncontaminated condensate from air conditioners, coolers, and other
 1002 compressors and from the outside storage of refrigerated gases or liquids;
 - 1003 e. Irrigation drainage;
 - 1004 f. Landscape watering provided all pesticides, herbicides, and fertilizer have been
 1005 applied in accordance with the approved labeling;
 - 1006 g. Routine external building washdown that does not use detergents or hazardous
 1007 cleaning products and is managed in a manner to avoid an instream impact;
 - 1008 h. Pavement wash waters where no detergents or hazardous cleaning products are
 1009 used and no spills or leaks of toxic or hazardous materials have occurred (unless all
 1010 spilled material has been removed). Pavement wash waters shall be managed in a
 1011 manner to avoid an instream impact;
 - 1012 i. Uncontaminated groundwater or spring water;
 - 1013 j. Foundation or footing drains where flows are not contaminated with process
 1014 materials; and
 - 1015 k. Incidental windblown mist from cooling towers that collects on rooftops or adjacent
 1016 portions of the facility, but not intentional discharges from the cooling tower (e.g.,
 1017 "piped" cooling tower blowdown or drains).
- 1018 All other nonstormwater discharges are not authorized and shall either be eliminated or
 1019 covered under a separate VPDES permit.
- 1020 2. Releases of hazardous substances or oil in excess of reportable quantities. The
 1021 discharge of hazardous substances or oil in the stormwater discharges from the facility
 1022 shall be prevented or minimized in accordance with the SWPPP for the facility. This
 1023 permit does not authorize the discharge of hazardous substances or oil resulting from an
 1024 on-site spill. This permit does not relieve the permittee of the reporting requirements of
 1025 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 or § 62.1-44.34:19 of the
 1026 Code of Virginia.
- 1027 Where a release containing a hazardous substance or oil in an amount equal to or in
 1028 excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part
 1029 117, or 40 CFR Part 302 occurs during a 24-hour period:
- 1030 a. The permittee is required to notify the department in accordance with the
 1031 requirements of Part II G as soon as he has knowledge of the discharge;
 - 1032 b. Where a release enters an MS4, the permittee shall also notify the owner of the
 1033 MS4; and
 - 1034 c. The SWPPP required under Part III shall be reviewed to identify measures to
 1035 prevent the reoccurrence of ~~such~~ the releases and to respond to ~~such~~ the releases,
 1036 and the SWPPP shall be modified where appropriate.
- 1037 3. Colocated industrial activity. If the facility has industrial activities occurring on-site
 1038 which are described by any of the activities in Part IV of the permit (9VAC25-151-90 et

1039 seq.), those industrial activities are considered to be colocated industrial activities.
1040 Stormwater discharges from colocated industrial activities are authorized by this permit,
1041 provided that the permittee complies with any and all additional SWPPP and monitoring
1042 requirements from Part IV applicable to that particular colocated industrial activity. The
1043 permittee shall be responsible for additional SWPPP and monitoring requirements
1044 applicable to the colocated industrial activity by examining the narrative descriptions of
1045 all discharges covered under this section.

1046 4. The stormwater discharges authorized by this permit may be combined with other
1047 sources of stormwater which are not required to be covered under a VPDES permit, so
1048 long as the combined discharge is in compliance with this permit.

1049 5. There shall be no discharge of waste, garbage, or floating debris in other than trace
1050 amounts.

1051 6. Approval for coverage under this general permit does not relieve the permittee of the
1052 responsibility to comply with any other applicable federal, state, or local statute,
1053 ordinance, or regulation.

1054 7. Discharges to waters subject to TMDL wasteload allocations. Owners of facilities that
1055 are a source of the specified pollutant of concern to waters for which a TMDL wasteload
1056 allocation has been approved ~~prior to~~ by the EPA before the term of this permit shall
1057 incorporate measures and controls into the SWPPP required by Part III that are
1058 consistent with the assumptions and requirements of the TMDL. The department will
1059 provide written notification to the owner that a facility is subject to the TMDL
1060 requirements. The facility's SWPPP shall specifically address any conditions or
1061 requirements included in the TMDL that are applicable to discharges from the facility. If
1062 the TMDL establishes a specific numeric wasteload allocation that applies to discharges
1063 from the facility, the owner shall perform any required monitoring in accordance with Part
1064 I A 1 c (3), and implement control measures designed to meet that allocation.

1065 ~~8. Discharges to waters subject to the Chesapeake Bay TMDL.~~

1066 ~~a. Owners of facilities in the Chesapeake Bay watershed shall monitor their~~
1067 ~~discharges for total suspended solids (TSS), total nitrogen (TN), and total~~
1068 ~~phosphorus (TP) to characterize the contributions from their facility's specific~~
1069 ~~industrial sector for these parameters. Total nitrogen is the sum of total Kjeldahl~~
1070 ~~nitrogen (TKN) and nitrite + nitrate and shall be derived from the results of those~~
1071 ~~tests. After the facility is granted coverage under the permit, samples shall be~~
1072 ~~collected during each of the first four monitoring periods (i.e., the first two years of~~
1073 ~~permit coverage). Monitoring periods are specified in Part I A 2. Samples shall be~~
1074 ~~collected and analyzed in accordance with Part I A 2. Monitoring results shall be~~
1075 ~~reported in accordance with Part I A 5 and Part II C, and retained in accordance with~~
1076 ~~Part II B.~~

1077 ~~b. Facilities that were covered under the 2014 industrial stormwater general permit~~
1078 ~~shall comply with the following:~~

1079 ~~(1) Facilities that submitted a Chesapeake Bay TMDL action plan that was approved~~
1080 ~~by the board during the 2014 industrial stormwater general permit term shall continue~~
1081 ~~to implement the approved Chesapeake Bay TMDL action plan during this permit~~
1082 ~~term. An annual report shall be submitted to the department by June 30 of each year~~
1083 ~~describing the progress in meeting the required reductions unless this reporting~~
1084 ~~requirement is waived by the department in accordance with Part I B 8 g. Monitoring~~
1085 ~~in accordance with Part I B 8 a is not required for these facilities during this permit~~
1086 ~~term.~~

1087 ~~(2) Facilities that completed four samples for TSS, TN, and TP during the 2014~~
1088 ~~industrial stormwater general permit term shall utilize the procedures in Part I B 8 c~~
1089 ~~(2) to calculate their facility stormwater loads. The permittee shall submit a copy of~~
1090 ~~the calculations and Chesapeake Bay TMDL action plan if required under Part I B 8 f~~
1091 ~~to the department within 60 days of coverage under this general permit.~~

1092 ~~(3) Facilities that did not complete four samples for TSS, TN, and TP during the 2014~~
1093 ~~industrial stormwater general permit term shall be subject to completing the~~
1094 ~~monitoring requirements in Part I B 8 a beginning with the first full monitoring period~~
1095 ~~after receiving permit coverage. Calculations and a Chesapeake Bay TMDL action~~
1096 ~~plan if required under Part I B 8 f shall be submitted no later than 90 days following~~
1097 ~~the completion of the fourth monitoring period to the DEQ regional office serving the~~
1098 ~~area where the industrial facility is located on a form provided by the department and~~
1099 ~~maintained with the facility's SWPPP.~~

1100 ~~(4) Facilities that monitored for TSS, TN, or TP may use the applicable sampling data~~
1101 ~~collected during the 2014 industrial stormwater general permit term to satisfy all or~~
1102 ~~part of the four monitoring periods requirement in accordance with Part I B 8 a.~~

1103 ~~c. Chesapeake Bay TMDL wasteload allocations and Chesapeake Bay TMDL action~~
1104 ~~plans.~~

1105 ~~(1) EPA's Chesapeake Bay TMDL (December 29, 2010) includes wasteload~~
1106 ~~allocations for VPDES permitted industrial stormwater facilities as part of the~~
1107 ~~regulated stormwater aggregate load. EPA used data submitted by Virginia with the~~
1108 ~~Phase I Chesapeake Bay TMDL Watershed Implementation Plan, including the~~
1109 ~~number of industrial stormwater permits per county and the number of urban acres~~
1110 ~~regulated by industrial stormwater permits, as part of their development of the~~
1111 ~~aggregate load. Aggregate loads for industrial stormwater facilities were appropriate~~
1112 ~~because actual facility loading data were not available to develop individual facility~~
1113 ~~wasteload allocations.~~

1114 ~~Virginia estimated the loadings from industrial stormwater facilities using actual and~~
1115 ~~estimated facility acreage information and TP, TN, and TSS loading rates from the~~
1116 ~~Northern Virginia Planning District Commission (NVPDC) Guidebook for Screening~~
1117 ~~Urban Nonpoint Pollution Management Strategies (Annandale, VA November 1979),~~
1118 ~~prepared for the Metropolitan Washington Council of Governments. The loading~~
1119 ~~rates used were as follows:~~

1120 ~~TP - High (80%) imperviousness industrial; 1.5 lb/ac/yr~~

1121 ~~TN - High (80%) imperviousness industrial; 12.3 lb/ac/yr~~

1122 ~~TSS - High (80%) imperviousness industrial; 440 lb/ac/yr~~

1123 ~~The actual facility area information and the TP, TN, and TSS data collected for this~~
1124 ~~permit will be used by the board to quantify the nutrient and sediment loads from~~
1125 ~~VPDES permitted industrial stormwater facilities.~~

1126 ~~(2) Calculation of facility loads. The permittee shall analyze the nutrient and sediment~~
1127 ~~data collected in accordance with Part I B 8 a and 8 b to determine if pollution~~
1128 ~~reductions are required for this permit term. The permittee shall average the data~~
1129 ~~collected at the facility for each of the pollutants of concern (POC) (e.g., TP, TN, and~~
1130 ~~TSS) and compare the results to the loading rates for TP, TN, and TSS presented in~~
1131 ~~Part I B 8 c (1).~~

1132 ~~The following formula may be used to determine the loading rate:~~

1133 ~~$$L = 0.226 \times P \times P_j \times (0.05 + (0.9 \times I_a)) \times C$$~~

1134 ~~where:~~

1135 ~~L = the POC loading rate (lb/acre/year)~~
1136 ~~P = the annual rainfall (inches/year) — The permittee may use either actual annual~~
1137 ~~average rainfall data for the facility location (in inches/year), the Virginia annual~~
1138 ~~average rainfall of 44.3 inches/year, or another method approved by the board.~~
1139 ~~P_j = the fraction of annual events that produce runoff — The permittee shall use 0.9~~
1140 ~~unless the board approves another rate.~~
1141 ~~l_a = the impervious fraction of the facility impervious area of industrial activity to the~~
1142 ~~facility industrial activity area~~
1143 ~~C = the POC average concentration of all facility samples (mg/L) — Facilities with~~
1144 ~~multiple outfalls shall calculate a weighted average concentration for each outfall~~
1145 ~~using the drainage area of each outfall.~~
1146 ~~For total phosphorus and total suspended solids, all daily concentration data below~~
1147 ~~the quantitation level (QL) for the analytical method used shall be treated as half the~~
1148 ~~QL. All daily concentration data equal to or above the QL for the analytical method~~
1149 ~~used shall be treated as it is reported.~~
1150 ~~For total nitrogen, if none of the daily concentration data for the respective species~~
1151 ~~(i.e., TKN, nitrate, or nitrite) are equal to or above the QL for the respective analytical~~
1152 ~~methods used, the daily TN concentration value reported shall equal one half of the~~
1153 ~~largest QL used for the respective species. If one of the data is equal to or above the~~
1154 ~~QL, the daily TN concentration value shall be treated as that data point is reported. If~~
1155 ~~more than one of the data is above the QL, the daily TN concentration value shall~~
1156 ~~equal the sum of the data points as reported.~~
1157 ~~d. The permittee shall submit a copy of the calculations to the department within 90~~
1158 ~~days from the end of the last monitoring period that satisfies the monitoring~~
1159 ~~requirement in Part I B 8 a. Calculations shall be submitted to the DEQ regional~~
1160 ~~office serving the area where the industrial facility is located, on a form provided by~~
1161 ~~the department, and maintained with the facility's SWPPP.~~
1162 ~~e. Any modification to the facility's industrial acreage or impervious industrial acreage~~
1163 ~~shall require the facility to recalculate facility loading rates. This may require the~~
1164 ~~facility to modify the facility's Chesapeake Bay TMDL action plan or submit a~~
1165 ~~Chesapeake Bay TMDL action plan as appropriate. Any recalculation of facility~~
1166 ~~loading rates or modifications to a Chesapeake Bay TMDL action plan shall be~~
1167 ~~submitted to the department within 90 days of the date on which the permittee~~
1168 ~~completes a site modification. If previous monitoring is no longer representative of~~
1169 ~~the modified facility, monitoring in accordance with Part I B 8 a shall commence~~
1170 ~~within 90 days of the modification and the revised calculations and Chesapeake Bay~~
1171 ~~TMDL action plan if required under Part I B 8 f shall be submitted no later than 90~~
1172 ~~days following completion of the fourth monitoring period.~~
1173 ~~f. Chesapeake Bay TMDL action plan requirements. If the calculated facility loading~~
1174 ~~rate for TP, TN, or TSS is above the loading rates for TP, TN, or TSS presented in~~
1175 ~~Part I B 8 c (1), then the permittee shall develop and submit a Chesapeake Bay~~
1176 ~~TMDL action plan to the department.~~
1177 ~~The Chesapeake Bay TMDL action plan shall be submitted on a form provided by~~
1178 ~~the department to the regional office serving the area where the industrial facility is~~
1179 ~~located within 90 days following the completion of the fourth monitoring period. A~~
1180 ~~copy of the current Chesapeake Bay TMDL action plan and all facility loading rate~~
1181 ~~calculations shall be maintained with the facility's SWPPP. The Chesapeake Bay~~
1182 ~~TMDL action plan shall include:~~

1183 ~~(1) A determination of the total pollutant load reductions for TP, TN, and TSS (as~~
1184 ~~appropriate) necessary to reduce the annual loads from industrial activities. This~~
1185 ~~shall be determined by multiplying the industrial acreage times the difference~~
1186 ~~between the TMDL loading rates listed in Part I B 8 c (1) and the actual facility~~
1187 ~~loading rates calculated in accordance with Part I B 8 c (2). The reduction applies to~~
1188 ~~the total difference calculated for each pollutant of concern;~~

1189 ~~(2) The means and methods, such as management practices and retrofit programs,~~
1190 ~~that will be utilized to meet the required reductions determined in Part I B 8 f (1) and~~
1191 ~~a schedule to achieve those reductions by June 30, 2024. The schedule should~~
1192 ~~include annual milestones to demonstrate the ongoing progress in meeting those~~
1193 ~~reductions; and~~

1194 ~~(3) The permittee may consider utilization of any pollutant trading or offset program~~
1195 ~~in accordance with §§ 62.1-44.19:20 through 62.1-44.19:23 of the Code of Virginia,~~
1196 ~~governing trading and offsetting, to meet the required reductions.~~

1197 ~~g. A permittee required to develop and implement a Chesapeake Bay TMDL Action~~
1198 ~~Plan shall submit an annual report to the department by June 30 of each year~~
1199 ~~describing the progress in meeting the required reductions.~~

1200 ~~h. Chesapeake Bay TMDL action plan annual reporting waiver. Upon implementation~~
1201 ~~of the facility's Chesapeake Bay TMDL action plan, permittees may submit a waiver~~
1202 ~~for the annual reporting requirements. The waiver request shall be submitted for~~
1203 ~~board approval to the DEQ regional office serving the area where the industrial~~
1204 ~~facility is located on a form provided by the department. Annual reporting~~
1205 ~~requirements will be in effect until the permittee receives notice from the department~~
1206 ~~that the waiver has been approved. A copy of the waiver approval shall be~~
1207 ~~maintained with the SWPPP. The waiver may be revoked for cause by the board. A~~
1208 ~~waiver request may be approved by the board once the permittee demonstrates that~~
1209 ~~they have achieved all of the required pollutant reductions calculated under Part I B 8~~
1210 ~~f (1). Pollutant reductions may be achieved using a combination of the following~~
1211 ~~alternatives:~~

1212 ~~(1) Reductions provided by one or more of the BMPs from the Virginia Stormwater~~
1213 ~~BMP Clearinghouse listed in 9VAC25-870-65, approved BMPs found on the Virginia~~
1214 ~~Stormwater Clearinghouse website, or BMPs approved by the Chesapeake Bay~~
1215 ~~Program. Any BMPs implemented to provide the required pollutant reductions shall~~
1216 ~~be incorporated in the SWPPP and be permanently maintained by the permittee;~~

1217 ~~(2) Implementation of site-specific BMPs followed by a minimum of four stormwater~~
1218 ~~samples collected in accordance with sampling requirements in Part I B 8 a that~~
1219 ~~demonstrate pollutant loadings have been reduced below those calculated under~~
1220 ~~Part I B 8 c. Any BMPs implemented to provide the required pollutant reductions~~
1221 ~~shall be incorporated in the SWPPP and be permanently maintained by the~~
1222 ~~permittee; or~~

1223 ~~(3) Acquisition of nonpoint source credits certified by the board as perpetual in~~
1224 ~~accordance with § 62.1-44.19:20 of the Code of Virginia.~~

1225 ~~9. 8. Discharges through a regulated MS4 to waters subject to the Chesapeake Bay~~
1226 ~~TMDL. In addition to the requirements of this permit, any facility with industrial activity~~
1227 ~~stormwater discharges through a regulated MS4 that is notified by the MS4 operator that~~
1228 ~~the locality has adopted ordinances to meet the Chesapeake Bay TMDL shall~~
1229 ~~incorporate measures and controls into its SWPPP to comply with applicable local TMDL~~
1230 ~~ordinance requirements.~~

1231 40. ~~9.~~ Expansion of facilities that discharge to waters subject to the Chesapeake Bay
1232 TMDL. Virginia's Phase I Chesapeake Bay TMDL Watershed Implementation Plan
1233 (November 29, 2010), states that the wasteloads from any expansion of an existing
1234 permitted facility discharging stormwater in the Chesapeake Bay watershed cannot
1235 exceed the nutrient and sediment loadings that were discharged from the expanded
1236 portion of the land prior to the land being developed for the expanded industrial activity.

1237 a. For any industrial activity area expansions (i.e., construction activities, including
1238 clearing, grading, and excavation activities) that ~~commence~~ begin on or after July 1,
1239 ~~2019~~ 2024, (~~the effective date of this permit~~), the permittee shall document in the
1240 SWPPP the information and calculations used to determine the nutrient and
1241 sediment loadings discharged from the expanded land area ~~prior to~~ before the land
1242 ~~being~~ was developed, and the measures and controls that were employed to meet
1243 the no net increase of stormwater nutrient and sediment load as a result of the
1244 expansion of the industrial activity. Any land disturbance that is exempt from
1245 permitting under the VPDES construction stormwater general permit regulation
1246 (9VAC25-880) is exempt from this requirement.

1247 b. The permittee may use the VSMP water quality design criteria to meet the
1248 requirements of Part I B 10 a. Under this criteria, the total phosphorus load shall not
1249 exceed the greater of (i) the total phosphorus load that was discharged from the
1250 expanded portion of the land ~~prior to~~ before the land being developed for the
1251 industrial activity or (ii) 0.41 pounds per acre per year. Compliance with the water
1252 quality design criteria may be determined utilizing the Virginia Runoff Reduction
1253 Method or another equivalent methodology approved by the ~~board~~ department.
1254 Design specifications and pollutant removal efficiencies for specific BMPs can be
1255 found on the Virginia Stormwater BMP Clearinghouse website.

1256 c. The permittee may consider utilization of any pollutant trading or offset program in
1257 accordance with §§ 62.1-44.19:20 through 62.1-44.19:23 of the Code of Virginia,
1258 governing trading and offsetting, to meet the no net increase requirement.

1259 ~~41.~~ 10. Water quality protection. The discharges authorized by this permit shall be
1260 controlled as necessary to meet applicable water quality standards. The ~~board~~
1261 department expects that compliance with the conditions in this permit will control
1262 discharges as necessary to meet applicable water quality standards.

1263 ~~42.~~ 11. Adding or deleting stormwater outfalls. The permittee may add new or delete
1264 existing stormwater outfalls at the facility as necessary and appropriate. The permittee
1265 shall update the SWPPP and notify the department of all outfall changes within 30 days
1266 of the change. The permittee shall submit a copy of the updated SWPPP site map with
1267 this notification.

1268 ~~43.~~ 12. Antidegradation requirements for new or increased discharges to high quality
1269 waters. Facilities that add new outfalls, or increase their discharges from existing outfalls
1270 that discharge directly to high quality waters designated under Virginia's water quality
1271 standards antidegradation policy under 9VAC25-260-30 A 2 may be notified by the
1272 department that additional control measures, or other permit conditions are necessary to
1273 comply with the applicable antidegradation requirements, or may be notified that an
1274 individual permit is required in accordance with 9VAC25-31-170 B 3.

1275 ~~44.~~ 13. Termination of permit coverage.
1276 a. The owner may terminate coverage under this general permit by filing a ~~complete~~
1277 notice of termination with the department. The notice of termination may be filed after
1278 one or more of the following conditions have been met:

- 1279 (1) Operations have ceased at the facility and there are no longer discharges of
1280 stormwater associated with industrial activity from the facility;
- 1281 (2) A new owner has assumed responsibility for the facility. A notice of termination
1282 does not have to be submitted if a VPDES Change of Ownership Agreement Form
1283 has been submitted;
- 1284 (3) All stormwater discharges associated with industrial activity have been covered
1285 by an individual VPDES permit; or
- 1286 (4) Termination of coverage is being requested for another reason, provided the
1287 ~~board~~ department agrees that coverage under this general permit is no longer
1288 needed.
- 1289 b. The notice of termination shall contain the following information:
- 1290 (1) Owner's name, mailing address, telephone number, and email address (if
1291 available);
- 1292 (2) Facility name and location;
- 1293 (3) VPDES industrial stormwater general permit registration number;
- 1294 (4) The basis for submitting the notice of termination, including:
- 1295 (a) A statement indicating that a new owner has assumed responsibility for the
1296 facility; or
- 1297 (b) A statement indicating that operations have ceased at the facility, and there are
1298 no longer discharges of stormwater associated with industrial activity from the facility;
1299 or
- 1300 (c) A statement indicating that all stormwater discharges associated with industrial
1301 activity have been covered by an individual VPDES permit; or
- 1302 (d) A statement indicating that termination of coverage is being requested for another
1303 reason and a description of the reason; and
- 1304 (5) The following certification: "I certify under penalty of law that all stormwater
1305 discharges associated with industrial activity from the identified facility that are
1306 authorized by this VPDES general permit have been eliminated, or covered under a
1307 VPDES individual permit, or that I am no longer the owner of the industrial activity, or
1308 permit coverage should be terminated for another reason listed above. I understand
1309 that by submitting this notice of termination, that I am no longer authorized to
1310 discharge stormwater associated with industrial activity in accordance with the
1311 general permit, and that discharging pollutants in stormwater associated with
1312 industrial activity to surface waters is unlawful where the discharge is not authorized
1313 by a VPDES permit. I also understand that the submittal of this notice of termination
1314 does not release an owner from liability for any violations of this permit or the Clean
1315 Water Act."
- 1316 c. The notice of termination shall be signed in accordance with Part II K.
- 1317 d. The notice of termination shall be submitted to the DEQ regional office serving the
1318 area where the industrial facility is located.

Part II

Conditions Applicable to All VPDES Permits

1321 A. Monitoring.

- 1322 1. Samples and measurements taken as required by this permit shall be representative
1323 of the monitored activity.

1324 2. Monitoring shall be conducted according to procedures approved under 40 CFR Part
1325 136 or alternative methods approved by the U.S. Environmental Protection Agency,
1326 unless other procedures have been specified in this permit.

1327 3. The permittee shall periodically calibrate and perform maintenance procedures on all
1328 monitoring and analytical instrumentation at intervals that will ensure accuracy of
1329 measurements.

1330 4. Samples taken as required by this permit shall be analyzed in accordance with
1331 1VAC30-45 (Certification for Noncommercial Environmental Laboratories) or 1VAC30-46
1332 (Accreditation for Commercial Environmental Laboratories).

1333 B. Records.

1334 1. Records of monitoring information shall include:

1335 a. The date, exact place, and time of sampling or measurements;

1336 b. The individuals who performed the sampling or measurements;

1337 c. The dates and times analyses were performed;

1338 d. The individuals who performed the analyses;

1339 e. The analytical techniques or methods used; and

1340 f. The results of such ~~the~~ analyses.

1341 2. The permittee shall retain copies of the SWPPP, including any modifications made
1342 during the term of this permit, records of all monitoring information, including all
1343 calibration and maintenance records and all original strip chart recordings for continuous
1344 monitoring instrumentation, copies of all reports required by this permit, and records of
1345 all data used to complete the registration statement for this permit, for a period of at least
1346 three years from the date that coverage under this permit expires or is terminated. This
1347 period of retention shall be extended automatically during the course of any unresolved
1348 litigation regarding the regulated activity or regarding control standards applicable to the
1349 permittee, or as requested by the ~~board~~ department.

1350 C. Reporting monitoring results.

1351 1. The permittee shall submit the results of the monitoring required by this permit not
1352 later than the 10th day of the month after monitoring takes place, unless another
1353 reporting schedule is specified elsewhere in this permit. Monitoring results shall be
1354 submitted to the department's regional office.

1355 2. Monitoring results shall be reported in the department's electronic discharge
1356 monitoring report (e-DMR) system. All reports and forms submitted in compliance with
1357 this permit shall be submitted electronically by the permittee in accordance with
1358 9VAC25-31-1020.

1359 3. If the permittee monitors any pollutant specifically addressed by this permit more
1360 frequently than required by this permit using test procedures approved under 40 CFR
1361 Part 136 or using other test procedures approved by the U.S. Environmental Protection
1362 Agency or using procedures specified in this permit, the results of this monitoring shall
1363 be included in the calculation and reporting of the data submitted in e-DMR or reporting
1364 form specified by the department.

1365 4. Calculations for all limitations which require averaging of measurements shall utilize
1366 an arithmetic mean unless otherwise specified in this permit.

1367 D. Duty to provide information. The permittee shall furnish to the department, within a
1368 reasonable time, any information which the ~~board~~ department may request to determine
1369 whether cause exists for modifying, revoking and reissuing, or terminating coverage under this
1370 permit or to determine compliance with this permit. The ~~board~~ department may require the

1371 permittee to furnish, ~~upon~~ on request, ~~such~~ plans, specifications, and other pertinent information
1372 as may be necessary to determine the effect of the wastes from the discharge on the quality of
1373 state waters, or ~~such~~ other information as may be necessary to accomplish the purposes of the
1374 State Water Control Law. The permittee shall also furnish to the department ~~upon~~ on request,
1375 copies of records required to be kept by this permit.

1376 E. Compliance schedule reports. Reports of compliance or noncompliance with, or any
1377 progress reports on, interim and final requirements contained in any compliance schedule of this
1378 permit shall be submitted no later than 14 days following each schedule date.

1379 F. Unauthorized discharges. Except in compliance with this permit, or another permit issued
1380 by the ~~board~~ department, it shall be unlawful for any person to:

1381 1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious
1382 or deleterious substances; or

1383 2. Otherwise alter the physical, chemical or biological properties of ~~such~~ state waters
1384 and make them detrimental to the public health, or to animal or aquatic life, or to the use
1385 of ~~such~~ state waters for domestic or industrial consumption, or for recreation, or for other
1386 uses.

1387 G. Reports of unauthorized discharges. Any permittee who discharges or causes or allows a
1388 discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance
1389 into or upon state waters in violation of Part II F; or who discharges or causes or allows a
1390 discharge that may reasonably be expected to enter state waters in violation of Part II F, shall
1391 notify the department of the discharge immediately upon discovery of the discharge, but in no
1392 case later than 24 hours after ~~said~~ the discovery. A written report of the unauthorized discharge
1393 shall be submitted to the department within five days of discovery of the discharge. The written
1394 report shall contain:

1395 1. A description of the nature and location of the discharge;

1396 2. The cause of the discharge;

1397 3. The date on which the discharge occurred;

1398 4. The length of time that the discharge continued;

1399 5. The volume of the discharge;

1400 6. If the discharge is continuing, how long it is expected to continue;

1401 7. If the discharge is continuing, what the expected total volume of the discharge will be;
1402 and

1403 8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the
1404 present discharge or any future discharges not authorized by this permit.

1405 Discharges reportable to the department under the immediate reporting requirements of
1406 other regulations are exempted from this requirement.

1407 H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge
1408 including a bypass or upset should occur from a treatment works and the discharge enters or
1409 could be expected to enter state waters, the permittee shall promptly notify, in no case later than
1410 24 hours, the department ~~by telephone~~ after the discovery of the discharge. This notification
1411 shall provide all available details of the incident, including any adverse effects on aquatic life
1412 and the known number of fish killed. The permittee shall reduce the report to writing and shall
1413 submit it to the department within five days of discovery of the discharge in accordance with
1414 Part II 1 b. Unusual and extraordinary discharges include any discharge resulting from:

1415 1. Unusual spillage of materials resulting directly or indirectly from processing
1416 operations;

1417 2. Breakdown of processing or accessory equipment;

- 1418 3. Failure or taking out of service some or all of the treatment works; and
1419 4. Flooding or other acts of nature.

1420 I. Reports of noncompliance.

- 1421 1. The permittee shall report any noncompliance that may adversely affect state waters
1422 or may endanger public health.

1423 a. An oral report shall be provided within 24 hours from the time the permittee
1424 becomes aware of the circumstances. The following shall be included as information
1425 that shall be reported within 24 hours under Part II I:

1426 (1) Any unanticipated bypass; and

1427 (2) Any upset which causes a discharge to surface waters.

1428 b. A written report shall be submitted within five days and shall contain:

1429 (1) A description of the noncompliance and its cause;

1430 (2) The period of noncompliance, including exact dates and times, and if the
1431 noncompliance has not been corrected, the anticipated time it is expected to
1432 continue; and

1433 (3) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the
1434 noncompliance.

1435 The board department may waive the written report on a case-by-case basis for reports
1436 of noncompliance under Part II I if the oral report has been received within 24 hours and
1437 no adverse impact on state waters has been reported.

1438 2. The permittee shall report all instances of noncompliance not reported under Part II I 1
1439 in writing at the time the next monitoring reports are submitted. The reports shall contain
1440 the information listed in Part II I 1.

1441 3. The immediate (within 24 hours) reports required in Part II G, H and I ~~may~~ shall be
1442 made to the department's regional office. Reports may be made by telephone, FAX, or
1443 online at
1444 ~~http://www.deq.virginia.gov/Programs/PollutionResponsePreparedness/MakingaReport.~~
1445 ~~asp~~ https://www.deq.virginia.gov/get-involved/pollution-response. For reports outside
1446 normal working hours, ~~a message may be left and this shall fulfill the immediate~~
1447 ~~reporting requirement~~ the online portal shall be used. For emergencies, call the Virginia
1448 Department of Emergency Management ~~maintains a 24-hour telephone service~~
1449 Management's Emergency Operations Center (24-hours) at 1-800-468-8892.

1450 J. Notice of planned changes.

1451 1. The permittee shall give notice to the department as soon as possible of any planned
1452 physical alterations or additions to the permitted facility. Notice is required only when:

1453 a. The permittee plans alteration or addition to any building, structure, facility, or
1454 installation from which there is or may be a discharge of pollutants, the construction
1455 of which ~~commenced~~ began:

1456 (1) After promulgation of standards of performance under § 306 of the Clean Water
1457 Act which are applicable to ~~such~~ the source; or

1458 (2) After proposal of standards of performance in accordance with § 306 of the Clean
1459 Water Act which are applicable to ~~such~~ the source, but only if the standards are
1460 promulgated in accordance with § 306 within 120 days of their proposal;

1461 b. The alteration or addition could significantly change the nature or increase the
1462 quantity of pollutants discharged. This notification applies to pollutants which are

1463 subject neither to effluent limitations nor to notification requirements specified
1464 elsewhere in this permit; or

1465 c. The alteration or addition results in a significant change in the permittee's sludge
1466 use or disposal practices, and ~~such the~~ alteration, addition, or change may justify the
1467 application of permit conditions that are different from or absent in the existing
1468 permit, including notification of additional use or disposal sites not reported during
1469 the permit application process or not reported pursuant to an approved land
1470 application plan.

1471 2. The permittee shall give advance notice to the department of any planned changes in
1472 the permitted facility or activity which may result in noncompliance with permit
1473 requirements.

1474 K. Signatory requirements.

1475 1. Registration statement. All registration statements shall be signed as follows:

1476 a. For a corporation: by a responsible corporate officer. For the purpose of this
1477 section, a responsible corporate officer means (i) a president, secretary, treasurer, or
1478 vice-president of the corporation in charge of a principal business function, or any
1479 other person who performs similar policy-making or decision-making functions for the
1480 corporation; or (ii) the manager of one or more manufacturing, production, or
1481 operating facilities, provided the manager is authorized to make management
1482 decisions that govern the operation of the regulated facility including having the
1483 explicit or implicit duty of making major capital investment recommendations, and
1484 initiating and directing other comprehensive measures to assure long-term
1485 environmental compliance with environmental laws and regulations; the manager
1486 can ensure that the necessary systems are established or actions taken to gather
1487 complete and accurate information for permit registration requirements; and where
1488 authority to sign documents has been assigned or delegated to the manager in
1489 accordance with corporate procedures;

1490 b. For a partnership or sole proprietorship: by a general partner or the proprietor,
1491 respectively; or

1492 c. For a municipality, state, federal, or other public agency: by either a principal
1493 executive officer or ranking elected official. For purposes of this section, a principal
1494 executive officer of a public agency includes (i) the chief executive officer of the
1495 agency, or (ii) a senior executive officer having responsibility for the overall
1496 operations of a principal geographic unit of the agency.

1497 2. Reports, etc. All reports required by permits, and other information requested by the
1498 ~~board~~ department shall be signed by a person described in Part II K 1 or by a duly
1499 authorized representative of that person. A person is a duly authorized representative
1500 only if:

1501 a. The authorization is made in writing by a person described in Part II K 1;

1502 b. The authorization specifies either an individual or a position having responsibility
1503 for the overall operation of the regulated facility or activity ~~such as~~ (e.g., the position
1504 of plant manager, operator of a well or a well field, superintendent, position of
1505 equivalent responsibility, or an individual or position having overall responsibility for
1506 environmental matters for the company). A duly authorized representative may ~~thus~~
1507 be ~~either~~ a named individual or any individual occupying a named position; and

1508 c. The written authorization is submitted to the department.

1509 3. Changes to authorization. If an authorization under Part II K 2 is no longer accurate
1510 because a different individual or position has responsibility for the overall operation of

1511 the facility, a new authorization satisfying the requirements of Part II K 2 shall be
1512 submitted to the department ~~prior to~~ before or together with any reports, or information to
1513 be signed by an authorized representative.

1514 4. Certification. Any person signing a document under Part II K 1 or 2 shall make the
1515 following certification:

1516 "I certify under penalty of law that this document and all attachments were prepared
1517 under my direction or supervision in accordance with a system designed to assure
1518 that qualified personnel properly gather and evaluate the information submitted.
1519 Based on my inquiry of the person or persons who manage the system, or those
1520 persons directly responsible for gathering the information, the information submitted
1521 is, to the best of my knowledge and belief, true, accurate, and complete. I am aware
1522 that there are significant penalties for submitting false information, including the
1523 possibility of fine and imprisonment for knowing violations."

1524 L. Duty to comply. The permittee shall comply with all conditions of this permit. Any permit
1525 noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act,
1526 except that noncompliance with certain provisions of this permit may constitute a violation of the
1527 State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for
1528 enforcement action; for permit coverage termination or denial of a permit coverage renewal.

1529 The permittee shall comply with effluent standards or prohibitions established under §
1530 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that
1531 establish these standards even if this permit has not yet been modified to incorporate the
1532 requirement.

1533 M. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit
1534 after the expiration date of this permit, the permittee shall submit a new registration statement at
1535 least 60 days before the expiration date of the existing permit, unless permission for a later date
1536 has been granted by the ~~board~~ department. The ~~board~~ department shall not grant permission for
1537 registration statements to be submitted later than the expiration date of the existing permit.

1538 N. Effect of a permit. This permit does not convey any property rights in either real or
1539 personal property or any exclusive privileges, nor does it authorize any injury to private property
1540 or invasion of personal rights, or any infringement of federal, state or local law or regulations.

1541 O. State law. Nothing in this permit shall be construed to preclude the institution of any legal
1542 action under, or relieve the permittee from any responsibilities, liabilities, or penalties
1543 established pursuant to any other state law or regulation or under authority preserved by § 510
1544 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II U), and
1545 "upset" (Part II V) nothing in this permit shall be construed to relieve the permittee from civil and
1546 criminal penalties for noncompliance.

1547 P. Oil and hazardous substance liability. Nothing in this permit shall be construed to
1548 preclude the institution of any legal action or relieve the permittee from any responsibilities,
1549 liabilities, or penalties to which the permittee is or may be subject under §§ 62.1-44.34:14
1550 through 62.1-44.34:23 of the State Water Control Law.

1551 Q. Proper operation and maintenance. The permittee shall at all times properly operate and
1552 maintain all facilities and systems of treatment and control (and related appurtenances) which
1553 are installed or used by the permittee to achieve compliance with the conditions of this permit.
1554 Proper operation and maintenance also includes effective plant performance, adequate funding,
1555 adequate staffing, and adequate laboratory and process controls, including appropriate quality
1556 assurance procedures. This provision requires the operation of back-up or auxiliary facilities or
1557 similar systems which are installed by the permittee only when the operation is necessary to
1558 achieve compliance with the conditions of this permit.

1559 R. Disposal of solids or sludges. Solids, sludges or other pollutants removed in the course of
1560 treatment or management of pollutants shall be disposed of in a manner so as to prevent any
1561 pollutant from ~~such~~ the materials from entering state waters.

1562 S. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any
1563 discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood
1564 of adversely affecting human health or the environment.

1565 T. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in
1566 an enforcement action that it would have been necessary to halt or reduce the permitted activity
1567 in order to maintain compliance with the conditions of this permit.

1568 U. Bypass.

1569 1. "Bypass" means the intentional diversion of waste streams from any portion of a
1570 treatment facility. The permittee may allow any bypass to occur which does not cause
1571 effluent limitations to be exceeded, but only if it also is for essential maintenance to
1572 assure efficient operation. These bypasses are not subject to the provisions of Part II U
1573 2 and 3.

1574 2. Notice.

1575 a. Anticipated bypass. If the permittee knows in advance of the need for a bypass,
1576 prior notice shall be submitted, if possible at least 10 days before the date of the
1577 bypass.

1578 b. Unanticipated bypass. The permittee shall submit notice of an unanticipated
1579 bypass as required in Part II I.

1580 3. Prohibition of bypass.

1581 a. Bypass is prohibited, and the ~~board~~ department may take enforcement action
1582 against a permittee for bypass, unless:

1583 (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe
1584 property damage;

1585 (2) There were no feasible alternatives to the bypass, ~~such as~~ (e.g., the use of
1586 auxiliary treatment facilities, retention of untreated wastes, or maintenance during
1587 normal periods of equipment downtime). This condition is not satisfied if adequate
1588 back-up equipment should have been installed in the exercise of reasonable
1589 engineering judgment to prevent a bypass which occurred during normal periods of
1590 equipment downtime or preventive maintenance; and

1591 (3) The permittee submitted notices as required under Part II U 2.

1592 b. The ~~board~~ department may approve an anticipated bypass, after considering its
1593 adverse effects, if the ~~board~~ department determines that it will meet the three
1594 conditions listed ~~above~~ in Part II U 3 a.

1595 V. Upset.

1596 1. An upset constitutes an affirmative defense to an action brought for noncompliance
1597 with technology based permit effluent limitations if the requirements of Part II V 2 are
1598 met. A determination made during administrative review of claims that noncompliance
1599 was caused by upset, and before an action for noncompliance, is not a final
1600 administrative action subject to judicial review.

1601 2. A permittee who wishes to establish the affirmative defense of upset shall
1602 demonstrate, through properly signed, contemporaneous operating logs, or other
1603 relevant evidence that:

1604 a. An upset occurred and that the permittee can identify the causes of the upset;

- 1605 b. The permitted facility was at the time being properly operated;
1606 c. The permittee submitted notice of the upset as required in Part II I; and
1607 d. The permittee complied with any remedial measures required under Part II S.

1608 3. In any enforcement proceeding the permittee seeking to establish the occurrence of
1609 an upset has the burden of proof.

1610 W. Inspection and entry. The permittee shall allow the director, or an authorized
1611 representative, including an authorized contractor acting as a representative of the
1612 administrator, upon presentation of credentials and other documents as may be required by law,
1613 to:

- 1614 1. Enter ~~upon~~ on the permittee's premises where a regulated facility or activity is located
1615 or conducted, or where records must be kept under the conditions of this permit;
1616 2. Have access to and copy, at reasonable times, any records that must be kept under
1617 the conditions of this permit;
1618 3. Inspect at reasonable times any facilities, equipment (including monitoring and control
1619 equipment), practices, or operations regulated or required under this permit; and
1620 4. Sample or monitor at reasonable times, for the purposes of assuring permit
1621 compliance or as otherwise authorized by the Clean Water Act and the State Water
1622 Control Law, any substances or parameters at any location.

1623 For purposes of this section, the time for inspection shall be deemed reasonable during
1624 regular business hours, and whenever the facility is discharging. Nothing contained herein shall
1625 make an inspection unreasonable during an emergency.

1626 X. Permit actions. Permit coverages may be terminated for cause. The filing of a request by
1627 the permittee for a permit termination or a notification of planned changes or anticipated
1628 noncompliance does not stay any permit condition.

1629 Y. Transfer of permits.

- 1630 1. Permits are not transferable to any person except after notice to the department.
1631 2. Coverage under this permit may be automatically transferred to a new permittee if:
1632 a. The current permittee notifies the department within 30 days of the transfer of the
1633 title to the facility or property, unless permission for a later date has been granted by
1634 the ~~board~~ department;
1635 b. The notice includes a written agreement between the existing and new permittees
1636 containing a specific date for transfer of permit responsibility, coverage, and liability
1637 between them; and
1638 c. The ~~board~~ department does not notify the existing permittee and the proposed
1639 new permittee of its intent to deny the new permittee coverage under the permit. If
1640 this notice is not received, the transfer is effective on the date specified in the
1641 agreement mentioned in Part II Y 2 b.

1642 Z. Severability. The provisions of this permit are severable, and if any provision of this permit
1643 or the application of any provision of this permit to any circumstance, is held invalid, the
1644 application of such provision to other circumstances, and the remainder of this permit, shall not
1645 be affected thereby.

1646

Part III

1647

Stormwater Pollution Prevention Plan

1648

9VAC25-151-80. Stormwater pollution prevention plans.

1649

A stormwater pollution prevention plan (SWPPP) shall be developed and implemented for the facility covered by this permit. 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.

1654

The SWPPP requirements of this general permit may be fulfilled, in part, by incorporating by reference other plans or documents ~~such as~~ (i.e., a spill prevention control and countermeasure (SPCC) plan developed for the facility under § 311 of the Clean Water Act, or best management practices (BMP) programs otherwise required for the facility, provided that the incorporated plan meets or exceeds the plan requirements of Part III B (~~Contents of the SWPPP~~). 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 B, the permittee shall develop the missing SWPPP elements and include them in the required plan.

1663

A. Deadlines for SWPPP preparation and compliance.

1664

1. Facilities that were covered under the ~~2014~~ 2019 Industrial Stormwater General Permit. Owners of facilities that were covered under the ~~2014~~ 2019 Industrial Stormwater General Permit who are continuing coverage under this general permit shall update and implement any revisions to the SWPPP within 90 days of the ~~board~~ department granting coverage under this permit.

1669

2. New facilities, facilities previously covered by an expiring individual permit, and existing facilities not currently covered by a VPDES permit. Owners of new facilities, facilities previously covered by an expiring individual permit, and existing facilities not currently covered by a VPDES permit who elect to be covered under this general permit shall prepare and implement the SWPPP ~~prior to~~ before submitting the registration statement.

1675

3. New owners of existing facilities. Where the owner of an existing facility that is covered by this permit changes, the new owner of the facility shall update and implement any revisions to the SWPPP within 60 days of the ownership change.

1678

4. Extensions. Upon a showing of good cause, the director may establish a later date in writing for the preparation and compliance with the SWPPP.

1680

B. Contents of the SWPPP. The contents of the SWPPP shall comply with the requirements listed below and those in the appropriate sectors of Part IV (9VAC25-151-90 et seq.). These requirements are cumulative. If a facility has collocated industrial activities that are covered in more than one sector of Part IV, that facility's SWPPP shall comply with the requirements listed in all applicable sectors. The following requirements are applicable to all SWPPPs developed under this general permit. The SWPPP shall include, at a minimum, the following items:

1686

1. Pollution prevention team. The SWPPP shall identify the staff individuals by name or title who comprise the facility's stormwater pollution prevention team. The pollution prevention team is responsible for assisting the facility or plant manager in developing, implementing, maintaining, revising and ensuring compliance with the facility's SWPPP. Specific responsibilities of each staff individual on the team shall be identified and listed.

1691

2. Site description. The SWPPP shall include the following:

1692

a. A description of the industrial activities at the facility.

- 1693 b. A site map identifying the following:
- 1694 (1) The boundaries of the property and the size of the property in acres;
- 1695 (2) The location and extent of significant structures and impervious surfaces;
- 1696 (3) Locations of all stormwater conveyances, including ditches, pipes, swales, and
- 1697 inlets, and the directions of stormwater flow using arrows to ~~indicate~~ show which
- 1698 direction stormwater will flow;
- 1699 (4) Locations of all stormwater control measures, including BMPs;
- 1700 (5) Locations of all surface water bodies, including wetlands;
- 1701 (6) Locations of potential pollutant sources identified under Part III B 3;
- 1702 (7) Locations where significant spills or leaks identified under Part III B 3 c have
- 1703 occurred;
- 1704 (8) Locations of stormwater outfalls.
- 1705 (a) An approximate outline of the area draining to each outfall;
- 1706 (b) The drainage area of each outfall in acres;
- 1707 (c) The longitude and latitude of each outfall;
- 1708 (d) The location of any MS4 conveyance receiving discharge from the facility; and
- 1709 (e) Each outfall shall be identified with a unique numerical identification code. For
- 1710 example: Outfall Number 001, Outfall Number 002, etc.;
- 1711 (9) Location and description of all nonstormwater discharges;
- 1712 (10) Location of any storage piles containing salt;
- 1713 (11) Locations and sources of suspected run-on to the site from an adjacent property
- 1714 if the run-on is suspected of containing significant quantities of pollutants; and
- 1715 (12) Locations of all stormwater monitoring points.
- 1716 c. Receiving waters and wetlands. The name of all surface waters receiving
- 1717 discharges from the site, including intermittent streams, dry sloughs, and arroyos.
- 1718 Provide a description of wetland sites that may receive discharges from the facility. If
- 1719 the facility discharges through an MS4, identify the MS4 operator, and the receiving
- 1720 water to which the MS4 discharges.
- 1721 3. Summary of potential pollutant sources. The SWPPP shall identify each separate area
- 1722 at the facility where industrial materials or activities are exposed to stormwater. Industrial
- 1723 materials or activities include material handling equipment or activities, industrial
- 1724 machinery, raw materials, industrial production and processes, intermediate products,
- 1725 byproducts, final products, and waste products. Material handling activities include the
- 1726 storage, loading and unloading, transportation, disposal, or conveyance of any raw
- 1727 material, intermediate product, final product or waste product. For each separate area
- 1728 identified, the description shall include:
- 1729 a. Activities in the area. A list of the industrial activities exposed to stormwater.
- 1730 b. Pollutants. A list of the pollutants, pollutant constituents, or industrial chemicals
- 1731 associated with each industrial activity that could potentially be exposed to
- 1732 stormwater. The pollutant list shall include all significant materials handled, treated,
- 1733 stored or disposed that have been exposed to stormwater in the three years ~~prior to~~
- 1734 before the date this SWPPP was prepared or amended. The list shall include any
- 1735 hazardous substances or oil at the facility.
- 1736 c. Spills and leaks. The SWPPP shall clearly identify areas where potential spills and
- 1737 leaks that can contribute pollutants to stormwater discharges can occur and their
- 1738 corresponding outfalls. The SWPPP shall include a list of significant spills and leaks

1739 of toxic or hazardous pollutants that actually occurred at exposed areas, or that
1740 drained to a stormwater conveyance during the three-year period ~~prior to~~ before the
1741 date this SWPPP was prepared or amended. The list shall be updated within 60 days
1742 of the incident if significant spills or leaks occur in exposed areas of the facility during
1743 the term of the permit.

1744 d. Sampling data. The SWPPP shall include stormwater discharge sampling data
1745 collected during the previous three years.

1746 4. Stormwater controls.

1747 a. Control measures shall be implemented for all the areas identified in Part III B 3 to
1748 prevent or control pollutants in stormwater discharges from the facility. Regulated
1749 stormwater discharges from the facility include stormwater run-on that commingles
1750 with stormwater discharges associated with industrial activity at the facility. The
1751 SWPPP shall describe the type, location and implementation of all control measures
1752 for each area where industrial materials or activities are exposed to stormwater.

1753 Selection of control measures shall take into consideration:

1754 (1) That preventing stormwater from coming into contact with polluting materials is
1755 generally more effective, and less costly, than trying to remove pollutants from
1756 stormwater;

1757 (2) Control measures generally shall be used in combination with each other for most
1758 effective water quality protection;

1759 (3) Assessing the type and quantity of pollutants, including their potential to impact
1760 receiving water quality, is critical to designing effective control measures;

1761 (4) That minimizing impervious areas at the facility can reduce runoff and improve
1762 groundwater recharge and stream base flows in local streams (however, care must
1763 be taken to avoid groundwater contamination);

1764 (5) Flow attenuation by use of open vegetated swales and natural depressions can
1765 reduce instream impacts of erosive flows;

1766 (6) Conservation or restoration of riparian buffers will help protect streams from
1767 stormwater runoff and improve water quality; and

1768 (7) Treatment interceptors (e.g., swirl separators and sand filters) may be
1769 appropriate in some instances to minimize the discharge of pollutants.

1770 b. Nonnumeric technology-based effluent limits. The permittee shall implement the
1771 following types of control measures to prevent and control pollutants in the
1772 stormwater discharges from the facility, unless it can be demonstrated and
1773 documented that ~~such~~ the controls are not relevant to the discharges.

1774 (1) Good housekeeping. The permittee shall keep clean all exposed areas of the
1775 facility that are potential sources of pollutants to stormwater discharges. The
1776 permittee shall perform the following good housekeeping measures to minimize
1777 pollutant discharges:

1778 (a) The SWPPP shall include a schedule for regular pickup and disposal of waste
1779 materials, along with routine inspections for leaks and conditions of drums, tanks,
1780 and containers;

1781 (b) As feasible, the facility shall sweep or vacuum;

1782 (c) Store materials in containers constructed of appropriate materials;

1783 (d) Manage all waste containers to prevent a discharge of pollutants;

1784 (e) Minimize the potential for waste, garbage, and floatable debris to be discharged
1785 by keeping areas exposed to stormwater free of such materials or by intercepting
1786 ~~such the materials prior to~~ before the discharge; and

1787 (f) Facilities that handle pre-production plastic or plastic waste shall implement BMPs
1788 to eliminate stormwater discharges of plastics.

1789 (2) Eliminating and minimizing exposure. To the extent practicable, manufacturing,
1790 processing, and material storage areas (including loading and unloading, storage,
1791 disposal, cleaning, maintenance, and fueling operations) shall be located inside, or
1792 protected by a storm-resistant covering to prevent exposure to rain, snow, snowmelt,
1793 and runoff. Eliminating exposure at all industrial areas may make the facility eligible
1794 for the "Conditional Exclusion for No Exposure" provision of 9VAC25-31-120 E,
1795 ~~thereby~~ eliminating the need to have a permit. Unless infeasible, facilities shall
1796 implement the following:

1797 (a) Use grading, berming, or curbing to prevent runoff of contaminated flows and
1798 divert run-on away from potential sources of pollutants;

1799 (b) Locate materials, equipment, and activities so that potential leaks and spills are
1800 contained, or able to be contained, or diverted before discharge;

1801 (c) Clean up spills and leaks immediately, ~~upon~~ on discovery of the spills or leaks,
1802 using dry methods (e.g., absorbents) to prevent the discharge of pollutants;

1803 (d) Store leaking vehicles and equipment indoors or, if stored outdoors, use drip
1804 pans and adsorbents;

1805 (e) Utilize appropriate spill or overflow protections equipment;

1806 (f) Perform all vehicle maintenance or equipment cleaning operations indoors, under
1807 cover, or in bermed areas that prevent runoff and run-on and also capture any
1808 overspray; and

1809 (g) Drain fluids from equipment and vehicles that will be decommissioned, and for
1810 any equipment and vehicles that remain unused for extended periods of time, inspect
1811 at least monthly for leaks.

1812 (3) Preventive maintenance. The permittee shall have a preventive maintenance
1813 program that includes regular inspection, testing, maintenance and repairing of all
1814 industrial equipment and systems to avoid situations that could result in leaks, spills
1815 and other releases of pollutants in stormwater discharged from the facility. This
1816 program is in addition to the specific control measure maintenance required under
1817 Part III C (Maintenance).

1818 (4) Spill prevention and response procedures. The SWPPP shall describe the
1819 procedures that will be followed for preventing and responding to spills and leaks,
1820 including:

1821 (a) Preventive measures, ~~such as (e.g.,~~ barriers between material storage and traffic
1822 areas, secondary containment provisions, and procedures for material storage and
1823 handling);

1824 (b) Response procedures, including notification of appropriate facility ~~personnel~~ staff,
1825 emergency agencies, and regulatory agencies, and procedures for stopping,
1826 containing and cleaning up spills. Measures for cleaning up hazardous material spills
1827 or leaks shall be consistent with applicable Resource Conservation and Recovery
1828 Act regulations at 40 CFR Part 264 and 40 CFR Part 265. Employees who may
1829 cause, detect or respond to a spill or leak shall be trained in these procedures and
1830 have necessary spill response equipment available. If possible, one of these
1831 individuals shall be a member of the Pollution Prevention Team;

1832 (c) Procedures for plainly labeling containers (e.g., "used oil," "spent solvents,"
1833 "fertilizers and pesticides," etc.) that could be susceptible to spillage or leakage to
1834 encourage proper handling and facilitate rapid response if spills or leaks occur; and

1835 (d) Contact information for individuals and agencies that must be notified ~~in the event~~
1836 of a spill shall be included in the SWPPP, and in other locations where it will be
1837 readily available.

1838 (5) Salt storage piles or piles containing salt. Storage piles of salt or piles containing
1839 salt used for deicing or other commercial or industrial purposes shall be enclosed or
1840 covered to prevent exposure to precipitation. The permittee shall implement
1841 appropriate measures (e.g., good housekeeping, diversions, containment) to
1842 minimize exposure resulting from adding to or removing materials from the pile. All
1843 salt storage piles shall be located on an impervious surface. All runoff from the pile,
1844 and runoff that comes in contact with salt, including under drain systems, shall be
1845 collected and contained within a bermed basin lined with concrete or other
1846 impermeable materials, or within an underground storage tank or tanks, or within an
1847 above ground storage tank or tanks, or disposed of through a sanitary sewer (with
1848 the permission of the owner of the treatment facility). A combination of any or all of
1849 these methods may be used. In no case shall salt contaminated stormwater be
1850 allowed to discharge directly to the ground or to surface waters.

1851 (6) Employee training. The permittee shall implement a stormwater employee
1852 training program for the facility. The SWPPP shall include a schedule for all types of
1853 necessary training, and shall document all training sessions and the employees who
1854 received the training. Training shall be provided at least annually for all employees
1855 who work in areas where industrial materials or activities are exposed to stormwater,
1856 and for employees who are responsible for implementing activities identified in the
1857 SWPPP (e.g., inspectors, maintenance ~~personnel~~ staff, etc.). The training shall cover
1858 the components and goals of the SWPPP, and include such topics as spill response,
1859 good housekeeping, material management practices, control measure operation and
1860 maintenance, etc. The SWPPP shall include a summary of any training performed.

1861 (7) Sediment and erosion control. The SWPPP shall identify areas at the facility that,
1862 due to topography, land disturbance (e.g., construction, landscaping, site grading), or
1863 other factors, have a potential for soil erosion. The permittee shall identify and
1864 implement structural, vegetative, and stabilization control measures to prevent or
1865 control on-site and off-site erosion and sedimentation. Flow velocity dissipation
1866 devices shall be placed at discharge locations and along the length of any outfall
1867 channel if the flows would otherwise create erosive conditions.

1868 (8) Management of runoff. The SWPPP shall describe the stormwater runoff
1869 management practices (i.e., permanent structural control measures) for the facility.
1870 These types of control measures shall be used to divert, infiltrate, reuse, or otherwise
1871 reduce pollutants in stormwater discharges from the site.

1872 Structural control measures may require a separate permit under § 404 of the Clean
1873 Water Act and the Virginia Water Protection Permit Program Regulation (9VAC25-
1874 210) before installation begins.

1875 (9) Dust suppression and vehicle tracking of industrial materials. The permittee shall
1876 implement control measures to minimize the generation of dust and off-site tracking
1877 of raw, final, or waste materials. Stormwater collected on-site may be used for the
1878 purposes of dust suppression or for spraying stockpiles. Potable water, well water,
1879 and uncontaminated reuse water may also be used for this purpose. There shall be

1880 no direct discharge to surface waters from dust suppression activities or as a result
1881 of spraying stockpiles.

1882 (10) Airport deicing operations. The permittee shall minimize, and where practicable
1883 eliminate, the use of deicing or anti-icing chemicals in order to reduce the aggregate
1884 amount of deicing or anti-icing chemicals used and lessen the environmental impact.

1885 (a) The permittee shall minimize contamination of stormwater runoff from aircraft
1886 deicing and anti-icing operations and runway deicing operations, if applicable. Where
1887 deicing and anti-icing operations occur, the SWPPP shall describe procedures and
1888 control measures to manage contaminated stormwater runoff or snow melt (from
1889 areas used to dispose contaminated snow) to minimize the amount of pollutants
1890 discharged from the site. The following control measure options (or their equivalents)
1891 shall be considered: covering storm sewer inlets, using booms, installing absorptive
1892 interceptors in the drain, establishing a dedicated deicing facility with a runoff
1893 collection and recovery system; using vacuum or collection trucks; storing
1894 contaminated stormwater water or deicing fluids in tanks and releasing controlled
1895 amounts to a publicly owned treatment works (with their permission); collecting
1896 contaminated runoff in a wet pond for biochemical decomposition; and directing
1897 runoff into vegetative swales or other infiltration measures. Procedures and selected
1898 control measures should at all times be consistent with considerations of flight safety.

1899 5. Routine facility inspections. ~~Personnel~~ Staff who possess the knowledge and skills to
1900 assess conditions and activities that could impact stormwater quality at the facility and
1901 who can also evaluate the effectiveness of control measures shall regularly inspect all
1902 areas of the facility where industrial materials or activities are exposed to stormwater,
1903 areas where spills or leaks have occurred in the past three years, discharge points, and
1904 control measures. At least one member of the pollution prevention team shall participate
1905 in the routine facility inspections.
1906 The inspection frequency shall be specified in the SWPPP based upon ~~upon~~ on a
1907 consideration of the level of industrial activity at the facility, but shall be at a minimum of
1908 once per calendar quarter unless more frequent intervals are specified elsewhere in the
1909 permit or written approval is received from the department for less frequent intervals.
1910 Inspections shall be performed during operating hours. At least once each calendar
1911 year, the routine facility inspection shall be conducted during a period when a
1912 stormwater discharge is occurring.
1913 The requirement for routine facility inspections is waived for facilities that have
1914 maintained an active VEEP E3/E4 status. Certain sectors in Part IV have additional
1915 inspection requirements. If the VEEP E3/E4 waiver language is not included for the
1916 sector specific inspections, these additional inspection requirements may not be waived.
1917 Any deficiencies in the implementation of the SWPPP that are found shall be corrected
1918 as soon as practicable, but not later than within 60 days of the inspection, unless
1919 permission for a later date is granted in writing by the director. The results of the
1920 inspections shall be documented in the SWPPP and shall include at a minimum:

- 1921 a. The inspection date;
- 1922 b. The names of the inspectors;
- 1923 c. Weather information and a description of any discharges occurring at the time of
- 1924 the inspection;
- 1925 d. Any previously unidentified discharges of pollutants from the site;
- 1926 e. Any control measures needing maintenance or repairs;
- 1927 f. Any failed control measures that need replacement;

- 1928 g. Any incidents of noncompliance observed; and
- 1929 h. Any additional control measures needed to comply with the permit requirements.

1930 C. Maintenance. The SWPPP shall include a description of procedures and a regular
1931 schedule for preventive maintenance of all control measures, and shall include a description of
1932 the back-up practices that are in place should a runoff event occur while a control measure is
1933 off-line. The effectiveness of nonstructural control measures shall also be maintained by
1934 appropriate means (e.g., spill response supplies available and ~~personnel~~ staff trained, etc.).

1935 All control measures identified in the SWPPP shall be maintained in effective operating
1936 condition and shall be observed at least annually when a stormwater discharge is occurring to
1937 ensure that they are functioning correctly. Where discharge locations are inaccessible, nearby
1938 downstream locations shall be observed. The observations shall be documented in the SWPPP.

1939 If routine facility inspections required by Part III B 5 identify control measures that are not
1940 operating effectively, repairs or maintenance shall be performed before the next anticipated
1941 storm event. If maintenance ~~prior to~~ before the next anticipated storm event is not possible,
1942 maintenance shall be scheduled and accomplished as soon as practicable. In the interim, back-
1943 up measures shall be employed and documented in the SWPPP until repairs or maintenance is
1944 complete. Documentation shall be kept with the SWPPP of maintenance and repairs of control
1945 measures, including the dates of regular maintenance, dates of discovery of areas in need of
1946 repair or replacement, dates for repairs, dates that the control measures returned to full
1947 function, and the justification for any extended maintenance or repair schedules.

1948 D. Nonstormwater discharges.

1949 1. Discharges of certain sources of nonstormwater listed in Part I B 1 are allowable
1950 discharges under this permit. All other nonstormwater discharges are not authorized and
1951 shall be either eliminated or covered under a separate VPDES permit.

1952 2. Annual outfall evaluation for unauthorized discharges.

1953 a. The SWPPP shall include documentation that all stormwater outfalls associated
1954 with industrial activity have been evaluated annually for the presence of unauthorized
1955 discharges. The documentation shall include:

1956 (1) The date of the evaluation;

1957 (2) A description of the evaluation criteria used;

1958 (3) A list of the outfalls or on-site drainage points that were directly observed during
1959 the evaluation;

1960 (4) A description of the results of the evaluation for the presence of unauthorized
1961 discharges; and

1962 (5) The actions taken to eliminate unauthorized discharges if any were identified.

1963 b. The permittee may request in writing to the department that the facility be allowed
1964 to conduct annual outfall evaluations at 20% of the outfalls. If approved, the
1965 permittee shall evaluate at least 20% of the facility outfalls each year on a rotating
1966 basis ~~such~~ so that all facility outfalls will be evaluated during the period of coverage
1967 under this permit.

1968 E. Signature and SWPPP review.

1969 1. Signature and location. The SWPPP, including revisions to the SWPPP to document
1970 any corrective actions taken as required by Part I A 6, shall be signed in accordance with
1971 Part II K, dated, and retained on-site at the facility covered by this permit in accordance
1972 with Part II B 2. All other changes to the SWPPP, and other permit compliance
1973 documentation, shall be signed and dated by the person preparing the change or

1974 documentation. For inactive and unstaffed facilities, the plan may be kept at the nearest
1975 office of the permittee.

1976 2. Availability. The permittee shall retain a copy of the current SWPPP (hard copy or
1977 electronic) required by this permit at the facility, and it shall be immediately available to
1978 the department, EPA, or the operator of an MS4 receiving discharges from the site at the
1979 time of an on-site inspection or upon request.

1980 3. Required modifications. The permittee shall modify the SWPPP whenever necessary
1981 to address all corrective actions required by Part I A 6 a (Data exceeding benchmark
1982 concentration values) or Part I A 6 b (Corrective actions). Changes to the SWPPP shall
1983 be made in accordance with the corrective action deadlines in Part I A 6 a and Part I A 6
1984 b, and shall be signed and dated in accordance with Part III E 1.

1985 The director may notify the permittee at any time that the SWPPP, control measures, or
1986 other components of the facility's stormwater program do not meet one or more of the
1987 requirements of this permit. The notification shall identify specific provisions of the permit
1988 that are not being met, and may include required modifications to the stormwater
1989 program, additional monitoring requirements, and special reporting requirements. The
1990 permittee shall make any required changes to the SWPPP within 60 days of receipt of
1991 ~~such~~ the notification, unless permission for a later date is granted in writing by the
1992 director, and shall submit a written certification to the director that the requested
1993 changes have been made.

1994 F. Maintaining an updated SWPPP.

1995 1. The permittee shall review and amend the SWPPP as appropriate whenever:

1996 a. There is construction or a change in design, operation, or maintenance at the
1997 facility that has a significant effect on the discharge, or the potential for the
1998 discharge, of pollutants from the facility;

1999 b. Routine inspections or compliance evaluations determine that there are
2000 deficiencies in the control measures, including BMPs;

2001 c. Inspections by local, state, or federal officials determine that modifications to the
2002 SWPPP are necessary;

2003 d. There is a significant spill, leak, or other release at the facility;

2004 e. There is an unauthorized discharge from the facility; or

2005 f. The department notifies the permittee that a TMDL has been developed and
2006 applies to the permitted facility, consistent with Part I B.

2007 2. SWPPP modifications shall be made within 60 calendar days after discovery,
2008 observation or event requiring a SWPPP modification. Implementation of new or
2009 modified control measures (distinct from regular preventive maintenance of existing
2010 control measures described in Part III C) shall be initiated before the next storm event if
2011 possible, but no later than 60 days after discovery, or as otherwise provided or approved
2012 by the director. The amount of time taken to modify a control measure or implement
2013 additional control measures shall be documented in the SWPPP.

2014 3. If the SWPPP modification is based on a significant spill, leak, release, or
2015 unauthorized discharge, include a description and date of the incident, the
2016 circumstances leading to the incident, actions taken in response to the incident, and
2017 measures to prevent the recurrence of ~~such~~ releases. Unauthorized discharges are
2018 subject to the reporting requirements of Part II G of this permit.

2019

Part IV

2020

Sector Specific Permit Requirements

2021

9VAC25-151-85. Sector Specific Permit Requirements.

2022

The permittee must only comply with the additional requirements of Part IV (9VAC25-151-85 et seq.) that apply to the sectors of industrial activity located at the facility. These sector specific requirements are in addition to the requirements specified in Parts I, II and III of this permit. All numeric effluent limitations and benchmark monitoring concentration values reflect two significant digits, unless otherwise noted.

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9VAC25-151-90. Sector A - Timber products facilities (including mulch, wood, and bark facilities and mulch dyeing facilities).

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~~The permittee must only comply with the additional requirements of Part IV (9VAC25-151-90 et seq.) that apply to the sectors of industrial activity located at the facility. These sector specific requirements are in addition to the requirements specified in Parts I, II and III of this permit. All numeric effluent limitations and benchmark monitoring concentration values reflect two significant digits, unless otherwise noted.~~

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A. Discharges covered under this section. The requirements listed under this section apply to stormwater discharges associated with industrial activity from facilities generally classified under Standard Industrial Classification (SIC) Codes 2491 and 2499 that are engaged in the following activities: cutting timber and pulpwood (those that have log storage or handling areas), mills, including merchant, lath, shingle, cooperage stock, planing, plywood and veneer, and producing lumber and wood materials; wood preserving, manufacturing wood buildings or mobile homes; and manufacturing finished articles made entirely of wood or related materials, except for wood kitchen cabinet manufacturers (SIC Code 2434), and mulch, wood, and bark facilities, including mulch dyeing operations (SIC Code 24991303).

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B. Special conditions.

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1. Prohibition of nonstormwater discharges. Discharges of stormwater from areas where there may be contact with chemical formulations applied to provide surface protection are not authorized by this permit. Surface protection includes chemical application to control sap stain, mold, mildew, and insects. These discharges must be covered under a separate VPDES permit. Discharge of wet dye drippings from mulch dyeing operations are also prohibited.

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2. Authorized nonstormwater discharges. In addition to the discharges described in Part I B 1, the following nonstormwater discharges may be authorized by this permit provided the nonstormwater component of the discharge is in compliance with 9VAC25-151-90 C and the effluent limitations described in 9VAC25-151-90 D: discharges from the spray down of lumber and wood product storage yards where no chemical additives are used in the spray down waters and no chemicals are applied to the wood during storage.

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C. Stormwater controls. The description of stormwater management controls shall address the following areas of the site: log, lumber and wood product storage areas; residue storage areas; loading and unloading areas; material handling areas; chemical storage areas; and equipment and vehicle maintenance, storage and repair areas. Facilities that surface protect or preserve wood products shall address specific control measures, including any BMPs, for wood surface protection and preserving activities. Facilities that dye mulch shall address specific control measures to prevent the discharge of wet dye drippings and to prevent seepage of pollutants to groundwater.

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The SWPPP shall address the following minimum components:

2065 1. Good housekeeping. Good housekeeping measures in storage areas, loading and
 2066 unloading areas, and material handling areas shall be designed to:

- 2067 a. Limit the discharge of wood debris;
- 2068 b. Minimize the leachate generated from decaying wood materials; and
- 2069 c. Minimize the generation of dust.

2070 2. Routine facility inspections. Inspections at processing areas, transport areas, and
 2071 treated wood storage areas of facilities performing wood surface protection and
 2072 preservation activities shall be performed monthly to assess the usefulness of practices
 2073 in minimizing the deposit of treatment chemicals on unprotected soils and in areas that
 2074 will come in contact with stormwater discharges. The requirement for routine facility
 2075 inspections is waived for facilities that have maintained an active VEEP E3/E4 status.

2076 D. Numeric effluent limitations.

2077 The following numeric effluent limitations shall be met by existing and new facilities.

2078 Wet deck storage area runoff. Nonstormwater discharges from areas used for the
 2079 storage of logs where water, without chemical additives, is intentionally sprayed or
 2080 deposited on logs to deter decay or infestation by insects are required to meet the
 2081 following effluent limitations: pH shall be within the range of 6.0-9.0, and there will be no
 2082 discharge of debris. Chemicals are not allowed to be applied to the stored logs. The term
 2083 "debris" is defined as woody material such as (e.g., bark, twigs, branches, heartwood or
 2084 sapwood that will not pass through a 2.54 cm (1 in.) diameter round opening and is
 2085 present in the discharge from a wet deck storage area. Permittees subject to these
 2086 numeric limitations shall be in compliance with these limitations through the duration of
 2087 permit coverage.

Table 90-1 Sector A - Numeric Effluent Limitations	
Parameter	Effluent Limitations
Wet Decking Discharges at Log Storage and Handling Areas (SIC Code 2411)	
pH	6.0 - 9.0 s.u.
Debris, (woody material such as (e.g., bark, twigs, branches, heartwood, or sapwood)	No discharge of debris that will not pass through a 2.54 cm (1") diameter round opening.

2088 E. Benchmark monitoring and reporting requirements. Wood preserving facilities; mulch,
 2089 wood, and bark facilities; and mulch dyeing facilities are required to monitor their stormwater
 2090 discharges for the pollutants of concern listed in the appropriate section of Table 90-2.

Table 90-2 Sector A - Benchmark Monitoring Requirements	
Pollutants of Concern	Benchmark Concentration
General Sawmills and Planing Mills (SIC Code 2421)	
Total Suspended Solids (TSS)	100 mg/L
Wood Preserving Facilities (SIC Code 2491)	

Total Recoverable Arsenic ¹	50 <u>150</u> µg/L
Total Recoverable Chromium ¹	16 µg/L
Total Recoverable Copper ¹	48 <u>13</u> µg/L
Log Storage and Handling Facilities (SIC Code 2411)	
Total Suspended Solids (TSS)	100 mg/L
Hardwood Dimension and Flooring Mills; Special Products Sawmills, not elsewhere classified; Millwork, Veneer, Plywood and Structural Wood; Wood Containers; Wood Buildings and Mobile Homes; Reconstituted Wood Products; and Wood Products Facilities not elsewhere classified (SIC Codes 2426, 2429, 2431-2439 (except 2434), 2441, 2448, 2449, 2451, 2452, 2493, and 2499).	
Total Suspended Solids (TSS)	100 mg/L
Mulch, Wood, and Bark Facilities (SIC Code 24991303)	
Total Suspended Solids (TSS)	100 mg/L
Chemical Oxygen Demand (COD)	120 mg/L
Facilities with Mulch Dyeing/Coloring Operations (SIC Code 24991303): Monitor ONLY those outfalls from the facility that collect runoff from areas where mulch dyeing/coloring activities occur, including but not limited to areas where loading, transporting, and storage of dyed/colored mulch occurs. ²	
Total Suspended Solids (TSS)	100 mg/L
Biochemical Oxygen Demand (BOD5)	30 mg/L
Chemical Oxygen Demand (COD)	120 mg/L
Total Recoverable Aluminum	750 <u>1,100</u> µg/L
Total Recoverable Arsenic	50 <u>150</u> µg/L
Total Recoverable Cadmium	2.4 <u>1.8</u> µg/L
Total Recoverable Chromium	16 µg/L
Total Recoverable Copper	48 <u>13</u> µg/L
Total Recoverable Iron	4.0 mg/L
Total Recoverable Selenium	5.0 µg/L
Total Recoverable Silver	3.8 <u>3.2</u> µg/L
Total Recoverable Zinc	120 µg/L
Total Nitrogen	2.2 mg/L
Total Phosphorus	2.0 mg/L
¹ Monitoring for metals (arsenic, chromium and copper) is not required for wood preserving facilities using only oil-based preservatives.	
² Benchmark monitoring waivers are available to facilities utilizing mulch dye or colorant	

products that do not contain the specified parameters provided that: (i) monitoring from samples collected during one monitoring period demonstrates that the specific parameter in question is below the quantitation level; (ii) a waiver request with attached laboratory certificate of analysis is submitted to and approved by the ~~board~~ department; and (iii) a certification statement is submitted to the department annually that the facility does not use mulch dyeing products that contain any of the specifically waived parameters. Approved benchmark monitoring waivers shall be kept with the SWPPP.

2091 9VAC25-151-100. Sector B - Paper and allied products manufacturing.

2092 A. Discharges covered under this section. The requirements listed under this section apply
2093 to stormwater discharges associated with industrial activity from facilities generally classified as
2094 paperboard mills, SIC Code 2631.

2095 B. Benchmark monitoring and reporting requirements. Paperboard mills are required to
2096 monitor their stormwater discharges for the pollutant of concern listed in Table 100.

Table 100 Sector B – Benchmark Monitoring Requirements.	
Pollutants of Concern	Benchmark Concentration
Paperboard Mills (SIC Code 2631)	
Biochemical Oxygen Demand (BOD ₅)	30 mg/L

2097 9VAC25-151-110. Sector C - Chemical and allied products manufacturing.

2098 A. Discharges covered under this section. The requirements listed under this section apply
2099 to stormwater discharges associated with industrial activity from facilities engaged in
2100 manufacturing the following products and generally described by the SIC code shown:

- 2101** 1. Industrial inorganic chemicals (including SIC Codes 2812-2819);
- 2102** 2. Plastic materials and synthetic resins, synthetic rubbers, and cellulosic and other
2103 synthetic fibers, except glass (including SIC Codes 2821-2824);
- 2104** 3. Soap and other detergents, including facilities producing glycerin from vegetable and
2105 animal fats and oils; specialty cleaning, polishing, and sanitation preparations; surface
2106 active preparations used as emulsifiers, wetting agents, and finishing agents, including
2107 sulfonated oils; and perfumes, cosmetics, and other toilet preparations (including SIC
2108 Codes 2841-2844); and
- 2109** 4. Nitrogenous and phosphatic basic fertilizers, mixed fertilizer, pesticides, and other
2110 agricultural chemicals (SIC Codes 2873-2879). Composting Facilities (SIC Code 2875)
2111 are included.

2112 B. Numeric effluent limitations. The following numeric effluent limitations shall be met by
2113 existing and new discharges with phosphate fertilizer manufacturing runoff. The provisions of
2114 this paragraph are applicable to stormwater discharges from the phosphate subcategory of the
2115 fertilizer manufacturing point source category (40 CFR 418.10). The term contaminated
2116 stormwater runoff shall mean precipitation runoff, that during manufacturing or processing,
2117 comes into contact with any raw materials, intermediate product, finished product, by-products
2118 or waste product. The concentration of pollutants in stormwater discharges shall not exceed the
2119 effluent limitations in Table 110-1.

Table 110-1 Sector C – Numeric Effluent Limitations	
Parameter	Effluent Limitations

	Daily Maximum	30-day Average
Phosphate Subcategory of the Fertilizer Manufacturing Point Source Category (40 CFR 418.10) - applies to precipitation runoff that, during manufacturing or processing, comes into contact with any raw materials, intermediate product, finished product, by-products or waste product (SIC Code 2874)		
Total Phosphorus (as P)	105 mg/L	35 mg/L
Fluoride	75 mg/L	25 mg/L

2120 C. Benchmark monitoring and reporting requirements. Agricultural chemical manufacturing
 2121 facilities; industrial inorganic chemical facilities; soaps, detergents, cosmetics, and perfume
 2122 manufacturing facilities; and plastics, synthetics, and resin manufacturing facilities are required
 2123 to monitor their stormwater discharges for the pollutants of concern listed in Table 110-2.

Table 110-2 Sector C – Benchmark Monitoring Requirements	
Pollutants of Concern	Benchmark Concentration
Agricultural Chemicals (SIC Codes 2873-2879)	
Total Nitrogen	2.2 mg/L
Total Recoverable Iron	1.0 mg/L
Total Recoverable Zinc	120 µg/L
Total Phosphorus	2.0 mg/L
Industrial Inorganic Chemicals (SIC Codes 2812-2819)	
Total Recoverable Aluminum	750 1,100 µg/L
Total Recoverable Iron	1.0 mg/L
Total Nitrogen	2.2 mg/L
Soaps, Detergents, Cosmetics, and Perfumes (SIC Codes 2841-2844)	
Total Nitrogen	2.2 mg/L
Total Recoverable Zinc	120 µg/L
Plastics, Synthetics, and Resins (SIC Codes 2821-2824)	
Total Recoverable Zinc	120 µg/L
Composting Facilities (SIC Code 2875)	
Total Suspended Solids (TSS)	100 mg/L
Biochemical Oxygen Demand (BOD ₅)	30 mg/L
Chemical Oxygen Demand (COD)	120 mg/L

Ammonia	2.14 mg/L
Total Nitrogen	2.2 mg/L
Total Phosphorus	2.0 mg/L

2124 9VAC25-151-120. Sector D - Asphalt paving and roofing materials and lubricant
2125 manufacturers.

2126 A. Discharges covered under this section. The requirements listed under this section apply
2127 to stormwater discharges associated with industrial activity from facilities engaged in the
2128 following activities: manufacturing asphalt paving and roofing materials, including those facilities
2129 commonly identified by SIC Codes 2951 and 2952; portable asphalt plants (also commonly
2130 identified by SIC Code 2951); and manufacturing miscellaneous products of petroleum and coal,
2131 including those facilities classified as SIC Code 2992 and 2999.

2132 B. Limitations on coverage. The following stormwater discharges associated with industrial
2133 activity are not authorized by this section of the permit:

- 2134** 1. Stormwater discharges from petroleum refining facilities, including those that
- 2135** manufacture asphalt or asphalt products, that are subject to effluent limitation guidelines
- 2136** for the Petroleum Refining Point Source Category (40 CFR 419);
- 2137** 2. Stormwater discharges from oil recycling facilities; and
- 2138** 3. Stormwater discharges associated with fats and oils rendering.

2139 C. Numeric effluent limitations. In addition to the numeric effluent limitations listed in Part I A
2140 c, discharges from areas where production of asphalt paving and roofing emulsions occurs may
2141 not exceed the limitations in Table 120-1.

Table 120-1
Sector D – Numeric Effluent Limitations

Parameter	Effluent Limitations	
	Daily Maximum	30-day Average
Discharges from areas where production of asphalt paving and roofing emulsions occurs (SIC 2951, 2952)		
Total Suspended Solids (TSS)	23 mg/L	15 mg/L
Oil and Grease	15 mg/L	10 mg/L
pH	6.0 - 9.0 s.u.	

2142 D. Benchmark monitoring and reporting requirements. Asphalt paving and roofing materials
2143 manufacturing facilities are required to monitor their stormwater discharges for the pollutants of
2144 concern listed in Table 120-2.

Table 120-2
Sector D – Benchmark Monitoring Requirements

Pollutants of Concern	Benchmark Concentration
Asphalt Paving and Roofing Materials (SIC 2951, 2952)	
Total Suspended Solids (TSS)	100 mg/L

2145 9VAC25-151-130. Sector E - Clay, cement, concrete, and gypsum products.

2146 A. Discharges covered under this section. The requirements listed under this section apply
2147 to stormwater discharges associated with industrial activity from facilities generally classified
2148 under SIC Codes 3251-3259, 3261-3269, 3274, and 3275 that are engaged in either
2149 manufacturing the following products or performing the following activities: structural clay
2150 products including tile and brick; pottery and porcelain electrical supplies; and concrete, plaster,
2151 and gypsum products.

2152 Concrete block and brick facilities (SIC Code 3271), concrete products facilities, except
2153 block and brick (SIC Code 3272), and ready-mixed concrete facilities (SIC Code 3273) are not
2154 covered by this permit.

2155 B. Stormwater controls. In addition to the requirements of Part III, the SWPPP shall include,
2156 at a minimum, the following items:

2157 1. Facilities shall prevent or minimize the discharge of: spilled cement; aggregate
2158 (including sand or gravel); kiln dust; fly ash; settled dust; and other significant materials
2159 in stormwater from paved portions of the site that are exposed to stormwater. Measures
2160 used to minimize the presence of these materials may include regular sweeping, or other
2161 equivalent measures. The SWPPP shall indicate the frequency of sweeping or
2162 equivalent measures. The frequency shall be determined based ~~upon~~ on consideration
2163 of the amount of industrial activity occurring in the area and frequency of precipitation,
2164 but shall not be less than once per week if cement, aggregate, kiln dust, fly ash, or
2165 settled dust are being handled or processed.

2166 2. Facilities shall prevent the exposure of fine granular solids (~~such as e.g.,~~ cement, fly
2167 ash, kiln dust, etc.) to stormwater. Where practicable, these materials shall be stored in
2168 enclosed silos or hoppers, buildings, or under other covering.

2169 C. Numeric effluent limitations. The following numeric effluent limitations shall be met by
2170 facilities with cement manufacturing and material storage runoff. Any discharge composed of
2171 runoff from the storage of materials, including raw materials, intermediate products, finished
2172 products, and waste materials from the manufacture of cement, shall not exceed the limitations
2173 in Table 130-1. Runoff from the storage piles shall not be diluted with other stormwater runoff or
2174 flows to meet these limitations. Any untreated overflow from facilities designed, constructed and
2175 operated to treat the volume of material storage pile runoff that is associated with a 10-year, 24-
2176 hour rainfall event shall not be subject to the TSS or pH limitations.

Table 130-1 Sector E – Numeric Effluent Limitations		
Parameter	Effluent Limitations	
	Daily Maximum	30-day Average
Cement Manufacturing Facility, Material Storage Runoff: Any discharge composed of runoff that derives from the storage of materials including raw materials, intermediate products, finished products, and waste materials that are used in or derived from the manufacture of cement.		
Total Suspended Solids (TSS)	50 mg/L	
pH	6.0 - 9.0 s.u.	

2177 D. Benchmark monitoring and reporting requirements. Clay product manufacturers (SIC
2178 Codes 3251-3259, SIC Codes 3261-3269) and lime and gypsum product manufacturers (SIC

2179 Codes 3274, 3275) are required to monitor their stormwater discharges for the pollutants of
 2180 concern listed in Table 130-2.

Table 130-2 Sector E – Benchmark Monitoring Requirements	
Pollutants of Concern	Benchmark Concentration
Clay Product Manufacturers (SIC Codes 3251-3259, 3261-3269)	
Total Recoverable Aluminum	750 1,100 µg/L
Lime and Gypsum Product Manufacturers (SIC Codes 3274, 3275)	
Total Suspended Solids (TSS)	100 mg/L
pH	6.0 - 9.0 s.u.
Total Recoverable Iron	1.0 mg/L

2181 **9VAC25-151-140. Sector F - Primary metals.**

2182 A. Discharges covered under this section. The requirements listed under this section apply
 2183 to stormwater discharges associated with industrial activity from the following types of facilities
 2184 in the primary metal industry, and generally described by the SIC codes shown:

- 2185 1. Steel works, blast furnaces, and rolling and finishing mills, including: steel wire
 2186 drawing and steel nails and spikes; cold-rolled steel sheet, strip, and bars; and steel
 2187 pipes and tubes (SIC Codes 3312-3317).
- 2188 2. Iron and steel foundries, including: gray and ductile iron, malleable iron, steel
 2189 investment, and steel foundries not elsewhere classified (SIC Codes 3321-3325).
- 2190 3. Rolling, drawing, and extruding of nonferrous metals, including: rolling, drawing, and
 2191 extruding of copper; rolling, drawing and extruding of nonferrous metals except copper
 2192 and aluminum; and drawing and insulating of nonferrous wire (SIC Codes 3351-3357).
- 2193 4. Nonferrous foundries (castings), including aluminum die-castings, nonferrous die-
 2194 castings, except aluminum, aluminum foundries, copper foundries, and nonferrous
 2195 foundries, except copper and aluminum (SIC Codes 3363-3369).

2196 B. Benchmark monitoring and reporting requirements. Primary metals facilities are required
 2197 to monitor their stormwater discharges for the pollutants of concern listed in Table 140.

Table 140 Sector F – Benchmark Monitoring Requirements	
Pollutants of Concern	Benchmark Concentration
Steel Works, Blast Furnaces, and Rolling and Finishing Mills (SIC Codes 3312-3317)	
Total Recoverable Aluminum	750 1,100 µg/L
Total Recoverable Zinc	120 µg/L
Iron and Steel Foundries (SIC Codes 3321-3325)	
Total Recoverable Aluminum	750 1,100 µg/L
Total Suspended Solids (TSS)	100 mg/L

Total Recoverable Copper	48 <u>13</u> µg/L
Total Recoverable Iron	1.0 mg/L
Total Recoverable Zinc	120 µg/L
Rolling, Drawing, and Extruding of Nonferrous Metals (SIC Codes 3351-3357)	
Total Recoverable Copper	48 <u>13</u> µg/L
Total Recoverable Zinc	120 µg/L
Nonferrous Foundries (SIC Codes 3363-3369)	
Total Recoverable Copper	48 <u>13</u> µg/L
Total Recoverable Zinc	120 µg/L

2198 9VAC25-151-150. Sector G - Metal mining (ore mining and dressing).

2199 A. Discharges covered under this section. The requirements listed under this section apply
2200 to stormwater discharges associated with industrial activity from active, temporarily inactive and
2201 inactive metal mining and ore dressing facilities including mines abandoned on federal lands, as
2202 classified under SIC Major Group 10. Coverage is required for facilities that discharge
2203 stormwater that has come into contact with, or is contaminated by, any overburden, raw
2204 material, intermediate product, finished product, byproduct, or waste product located on the site
2205 of the operation. SIC Major Group 10 includes establishments primarily engaged in mining of
2206 ores, developing mines, or exploring for metallic minerals (ores) and also includes ore dressing
2207 and beneficiating operations, whether performed at colocated, dedicated mills or at separate
2208 mills, such as (e.g., custom mills). For the purposes of this section, the term "metal mining"
2209 includes any of the separate activities listed in this subsection. Covered discharges include:

- 2210** 1. All stormwater discharges from inactive facilities;
- 2211** 2. Stormwater discharges from the following areas of active and temporarily inactive
2212 metal mining facilities: waste rock and overburden piles if composed entirely of
2213 stormwater and not combining with mine drainage; topsoil piles; off-site haul and access
2214 roads; on-site haul and access roads constructed of waste rock and overburden if
2215 composed entirely of stormwater and not combining with mine drainage; on-site haul and
2216 access roads not constructed of waste rock, overburden, or spent ore except if mine
2217 drainage is used for dust control; runoff from tailings dams and dikes when not
2218 constructed of waste rock or tailings and no process fluids are present; runoff from
2219 tailings dams or dikes when constructed of waste rock or tailings and no process fluids
2220 are present if composed entirely of stormwater and not combining with mine drainage;
2221 concentration building if no contact with material piles; mill site if no contact with material
2222 piles; office or administrative building and housing if mixed with stormwater from
2223 industrial area; chemical storage area; docking facility if no excessive contact with waste
2224 product that would otherwise constitute mine drainage; explosive storage; fuel storage;
2225 vehicle and equipment maintenance area and building; parking areas (if necessary);
2226 power plant; truck wash areas if no excessive contact with waste product that would
2227 otherwise constitute mine drainage; unreclaimed, disturbed areas outside of active
2228 mining area; reclaimed areas released from reclamation bonds ~~prior to~~ before December
2229 17, 1990; and partially or inadequately reclaimed areas or areas not released from
2230 reclamation bonds;

2231 3. Stormwater discharges from exploration and development of metal mining and ore
2232 dressing facilities; and

2233 4. Stormwater discharges from facilities at mining sites undergoing reclamation.

2234 B. Limitations on coverage. Stormwater discharges from active metal mining facilities that
2235 are subject to the effluent limitation guidelines for the Ore Mining and Dressing Point Source
2236 Category (40 CFR Part 440) are not authorized by this permit.

2237 Discharges that come in contact with overburden and waste rock are subject to 40 CFR Part
2238 440, providing: the discharges drain to a point source (either naturally or as a result of
2239 intentional diversion), and they combine with mine drainage that is otherwise regulated under 40
2240 CFR Part 440. Discharges from overburden and waste rock can be covered under this permit if
2241 they are composed entirely of stormwater and do not combine with sources of mine drainage
2242 that are subject to 40 CFR Part 440.

2243 C. Special Conditions. Prohibition of nonstormwater discharges. In addition to the general
2244 prohibition of nonstormwater discharges in Part I B 1, the following discharge is not covered by
2245 this permit: adit drainage. Contaminated seeps and springs discharging from waste rock dumps
2246 that do not directly result from precipitation events are also not authorized by this permit.

2247 D. Special definitions. The following definitions are not intended to supersede the definitions
2248 of active and inactive mining facilities established by 40 CFR 122.26(b)(14)(iii), and are only for
2249 this section of the general permit:

2250 "Active metal mining facility" means a place where work or other related activity to the
2251 extraction, removal, or recovery of metal ore is being conducted. For surface mines, this
2252 definition does not include any land where grading has returned the earth to a desired contour
2253 and reclamation has begun.

2254 "Active phase" means activities including the extraction, removal, or recovery of metal ore.
2255 For surface mines, this definition does not include any land where grading has returned the
2256 earth to a desired contour and reclamation has begun.

2257 "Construction phase" means the building of site access roads and removal of overburden
2258 and waste rock to expose mineable minerals. The construction phase is not considered part of
2259 "mining operations."

2260 "Exploration phase" means exploration and land disturbance activities to determine the
2261 financial viability of a site. The exploration phase is not considered part of "mining operations."

2262 "Final stabilization" means a site or portion of a site where all applicable federal and state
2263 reclamation requirements have been implemented.

2264 "Inactive metal mining facility" means a site or portion of a site where metal mining or milling
2265 occurred in the past but is not an active facility as defined in this permit, and where the inactive
2266 portion is not covered by an active mining permit issued by the applicable federal or state
2267 agency. An inactive metal mining facility has an identifiable owner or operator. Sites where
2268 mining claims are being maintained ~~prior to~~ before disturbances associated with the extraction,
2269 beneficiation, or processing of mined materials and sites where minimal activities are
2270 undertaken for the sole purpose of maintaining a mining claim are not considered either active
2271 or inactive mining facilities and do not require a VPDES industrial stormwater permit.

2272 "Mining operation" means the active and temporarily inactive phases and the reclamation
2273 phase, but excludes the exploration and construction phases.

2274 "Reclamation phase" means activities undertaken, in compliance with applicable mined land
2275 reclamation requirements, following the cessation of the "active phase," intended to return the
2276 land to an appropriate post-mining land use in order to meet applicable federal and state
2277 reclamation requirements. The reclamation phase is considered part of "mining operations."

2278 "Temporarily inactive metal mining facility" means a site or portion of a site where metal
2279 mining or milling occurred in the past but currently are not being actively undertaken, and the
2280 facility is covered by an active mining permit issued by the applicable federal or state agency.

2281 E. Clearing, grading, and excavation activities. Clearing, grading, and excavation activities
2282 being conducted as part of the exploration and construction phase of mining activities are
2283 covered under this permit.

2284 1. Management practices for clearing, grading, and excavation activities.

2285 a. Selecting and installing control measures. A combination of erosion and
2286 sedimentation control measures are required to achieve maximum pollutant
2287 prevention and removal. All control measures shall be properly selected, installed,
2288 and maintained in accordance with any relevant manufacturer specifications and
2289 good engineering practices.

2290 b. Good housekeeping. Litter, debris, and chemicals shall be prevented from
2291 becoming a pollutant source in stormwater discharges.

2292 c. Retention and detention of stormwater runoff. For drainage locations serving more
2293 than one acre, sediment basins or temporary sediment traps should be used. At a
2294 minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are
2295 required for all down slope boundaries (and for those side slope boundaries deemed
2296 appropriate as dictated by individual site conditions) of the development area unless
2297 a sediment basin providing storage for a calculated volume of runoff from a two-year,
2298 24-hour storm or 3,600 cubic feet of storage per acre drained is provided. Sediment
2299 shall be removed from sediment traps or sedimentation ponds when the design
2300 capacity has been reduced by 50%.

2301 d. Temporary stabilization of disturbed areas. Stabilization measures shall be
2302 initiated immediately in portions of the site where development activities have
2303 temporarily ceased, but in no case more than 14 days after the clearing, grading, and
2304 excavation activities in that portion of the site have temporarily ceased. In arid, semi-
2305 arid, and drought-stricken areas, or in areas subject to snow or freezing conditions,
2306 where initiating perennial vegetative stabilization measures is not possible within 14
2307 days after mining, exploration, or construction activity has temporarily ceased, final
2308 temporary vegetative stabilization measures shall be initiated as soon as practicable.
2309 Until temporary vegetative stabilization is achieved, interim measures ~~such as (i.e.,~~
2310 ~~erosion control blankets with an appropriate seed base and tackifiers shall be~~
2311 ~~employed) shall be used.~~ In areas of the site where exploration or construction has
2312 permanently ceased ~~prior to~~ before active mining, temporary stabilization measures
2313 shall be implemented to minimize mobilization of sediment or other pollutants until
2314 ~~such time as~~ the active mining phase ~~commences~~ begins.

2315 2. Requirements for inspection of clearing, grading, and excavation activities.

2316 a. Inspection frequency. Inspections shall be conducted at least once every seven
2317 calendar days or at least once every 14 calendar days and within 24 hours of the end
2318 of a storm event of 0.5 inches or greater. Inspection frequency may be reduced to at
2319 least once every month if the entire site is temporarily stabilized, if runoff is unlikely
2320 due to winter (e.g., site is covered with snow or ice) or frozen conditions, or
2321 construction is occurring during seasonal dry periods in arid areas and semi-arid
2322 areas.

2323 b. Location of inspections. Inspections shall include all areas of the site disturbed by
2324 clearing, grading, and excavation activities and areas used for storage of materials
2325 that are exposed to precipitation. Sedimentation and erosion control measures
2326 identified in the SWPPP shall be observed to ensure proper operation. Discharge

2327 locations shall be inspected to ~~ascertain~~ determine whether erosion control
2328 measures are effective in preventing significant impacts to surface waters, where
2329 accessible. Where discharge locations are inaccessible, nearby downstream
2330 locations shall be inspected to the extent that ~~such~~ inspections are practicable.
2331 Locations where vehicles enter or exit the site shall be inspected for evidence of off-
2332 site sediment tracking.

2333 c. Inspection reports. For each inspection required in this subsection, an inspection
2334 report shall be completed. At a minimum, the inspection report shall include:

2335 (1) The inspection date;

2336 (2) Names, titles, and qualifications of ~~personnel~~ staff making the inspection;

2337 (3) Weather information for the period since the last inspection (or note if it is the first
2338 inspection) including a best estimate of the beginning of each storm event, duration
2339 of each storm event, approximate amount of rainfall for each storm event (in inches),
2340 and whether any discharges occurred;

2341 (4) Weather information and a description of any discharges occurring at the time of
2342 the inspection;

2343 (5) Locations of discharges of sediment or other pollutants from the site;

2344 (6) Locations of control measures that need to be maintained;

2345 (7) Locations of control measures that failed to operate as designed or proved
2346 inadequate for a particular location;

2347 (8) Locations where additional control measures are needed that did not exist at the
2348 time of inspection; and

2349 (9) Corrective actions required, including any changes to the SWPPP necessary and
2350 implementation dates.

2351 A record of each inspection and of any actions taken in accordance with this section
2352 shall be retained as part of the SWPPP for at least three years from the date that
2353 permit coverage expires or is terminated. The inspection reports shall identify any
2354 incidents of noncompliance with the permit conditions. Where a report does not
2355 identify any incidents of noncompliance, the report shall contain a certification that
2356 the clearing, grading, and excavation activities are in compliance with the SWPPP
2357 and this permit.

2358 3. Requirements for cessation of clearing, grading, and excavation activities.

2359 a. Inspections and maintenance. Inspections and maintenance of control measures,
2360 including BMPs, associated with clearing, grading, and excavation activities being
2361 conducted as part of the exploration and construction phase of a mining operation
2362 shall continue until final stabilization has been achieved on all portions of the
2363 disturbed area, or until the commencement of the active mining phase for those
2364 areas that have been temporarily stabilized as a precursor to mining.

2365 b. Final stabilization. Stabilization measures shall be initiated immediately in portions
2366 of the site where exploration or construction activities have permanently ceased, but
2367 in no case more than 14 days after the exploration or construction activity in that
2368 portion of the site has permanently ceased. In arid, semi-arid, and drought-stricken
2369 areas, or in areas subject to snow or freezing conditions, where initiating perennial
2370 vegetative stabilization measures is not possible within 14 days after exploration or
2371 construction activity has permanently ceased, final vegetative stabilization measures
2372 shall be initiated as soon as possible. Until final stabilization is achieved temporary

2373 stabilization measures, such as (e.g., erosion control blankets with an appropriate
2374 seed base and tackifiers), shall be used.

2375 F. SWPPP requirements for active, inactive, and temporarily inactive metal mining facilities
2376 and sites undergoing reclamation. In addition to the requirements of Part III, the SWPPP shall
2377 include, at a minimum, the following items.

2378 1. Site description.

2379 a. Activities at the facility. A description of the mining and associated activities taking
2380 place at the site that can potentially affect stormwater discharges covered by this
2381 permit. The description shall include a general description of the location of the site
2382 relative to major transportation routes and communities.

2383 b. Site map. The site map shall identify the locations of the following, as appropriate:
2384 mining and milling site boundaries; access and haul roads; an outline of the drainage
2385 areas of each stormwater outfall within the facility, and an indication of the types of
2386 discharges from the drainage areas; locations of all permitted discharges covered
2387 under an individual VPDES permit; outdoor equipment storage, fueling and
2388 maintenance areas; materials handling areas; outdoor manufacturing, storage or
2389 material disposal areas; outdoor storage areas for chemicals and explosives; areas
2390 used for storage of overburden, materials, soils or wastes; location of mine drainage
2391 (where water leaves mine) or any other process water; tailings piles and ponds, both
2392 proposed and existing; heap leach pads; points of discharge from the property for
2393 mine drainage and process water; surface waters; boundary of tributary areas that
2394 are subject to effluent limitations guidelines; and locations of reclaimed areas.

2395 2. Summary of potential pollutant sources. For each area of the mine or mill site where
2396 stormwater discharges associated with industrial activities occur, the SWPPP shall
2397 identify the types of pollutants likely to be present in significant amounts (e.g., heavy
2398 metals, sediment). The following factors shall be considered: the mineralogy of the ore
2399 and waste rock (e.g., acid forming); toxicity and quantity of chemicals used, produced or
2400 discharged; the likelihood of contact with stormwater; vegetation of site, if any; and
2401 history of significant leaks and spills of toxic or hazardous pollutants. A summary of any
2402 existing ore or waste rock and overburden characterization data and test results for
2403 potential generation of acid rock shall also be included. If the ore or waste rock and
2404 overburden characterization data are updated due to a change in the ore type being
2405 mined, the SWPPP shall be updated with the new data.

2406 3. Stormwater controls.

2407 a. Routine facility inspections. Except for areas subject to clearing, grading, and
2408 excavation activities subject to subdivision E 2 of this section, sites shall be
2409 inspected at least quarterly unless adverse weather conditions make the site
2410 inaccessible. The requirement for routine facility inspections is waived for facilities
2411 that have maintained an active VEEP E3/E4 status.

2412 b. Employee training. Employee training shall be conducted at least annually at
2413 active mining and temporarily inactive sites. All employee training shall be
2414 documented in the SWPPP.

2415 c. Structural control measures. In addition to the control measures required by Part
2416 III B 4, each of the following control measures shall be documented in the SWPPP.
2417 The potential pollutants identified in subdivision 2 of this subsection shall determine
2418 the priority and appropriateness of the control measures selected. If control
2419 measures are implemented or planned but are not listed here (e.g., substituting a
2420 less toxic chemical for a more toxic one), descriptions of them shall be included in
2421 the SWPPP.

2422 (1) Stormwater diversion. A description of how and where stormwater will be diverted
2423 away from potential pollutant sources to prevent stormwater contamination. Control
2424 measures shall include one or more of the following:

2425 (a) Interceptor dikes and swales;
2426 (b) Diversion dikes, curbs, and berms;
2427 (c) Pipe slope drains;
2428 (d) Subsurface drains;
2429 (e) Drainage and stormwater conveyance systems; or
2430 (f) Equivalent measures.

2431 (2) Capping. When capping of a contaminant source is necessary, the source being
2432 capped and materials and procedures used to cap the contaminant source shall be
2433 identified.

2434 (3) Treatment. If treatment of a stormwater discharge is necessary to protect water
2435 quality, include a description of the type and location of stormwater treatment that will
2436 be used. Stormwater treatments include the following: chemical or physical systems,
2437 oil and water separators, artificial wetlands, etc. The permittee is encouraged to use
2438 both passive and active treatment of stormwater runoff. Treated runoff may be
2439 discharged as a stormwater source regulated under this permit provided the
2440 discharge is not combined with discharges subject to effluent limitation guidelines for
2441 the Ore Mining and Dressing Point Source Category (40 CFR Part 440).

2442 (4) Certification of discharge testing. The permittee shall test or evaluate all outfalls
2443 covered under this permit for the presence of specific mining-related nonstormwater
2444 discharges such as (e.g., seeps or adit discharges or discharges subject to effluent
2445 limitations guidelines (e.g., 40 CFR Part 440), such as mine drainage or process
2446 water). The permittee may certify in the SWPPP that a particular discharge
2447 composed of commingled stormwater and nonstormwater is covered under a
2448 separate VPDES permit; and that permit subjects the nonstormwater portion to
2449 effluent limitations ~~prior to~~ before any commingling. This certification shall identify the
2450 nonstormwater discharges, the applicable VPDES permits, the effluent limitations
2451 placed on the nonstormwater discharge by the permits, and the points at which the
2452 limitations are applied.

2453 G. Termination of permit coverage.

2454 1. Termination of permit coverage for sites reclaimed after December 17, 1990. A site or
2455 a portion of a site that has been released from applicable state or federal reclamation
2456 requirements after December 17, 1990, is no longer required to maintain coverage under
2457 this permit. If the site or portion of a site reclaimed after December 17, 1990, was not
2458 subject to reclamation requirements, the site or portion of the site is no longer required to
2459 maintain coverage under this permit if the site or portion of the site has been reclaimed
2460 as defined in subdivision 2 of this subsection.

2461 2. Termination of permit coverage for sites reclaimed before December 17, 1990. A site
2462 or portion of a site that was released from applicable state or federal reclamation
2463 requirements before December 17, 1990, or that was otherwise reclaimed before
2464 December 17, 1990, is no longer required to maintain coverage under this permit if the
2465 site or portion of the site has been reclaimed. A site or portion of a site is considered to
2466 have been reclaimed if: (i) stormwater runoff that comes into contact with raw materials,
2467 intermediate byproducts, finished products, and waste products does not have the
2468 potential to cause or contribute to violations of state water quality standards; (ii) soil-
2469 disturbing activities related to mining at the sites or portion of the site have been

2470 completed; (iii) the site or portion of the site has been stabilized to minimize soil erosion;
 2471 and (iv) as appropriate depending on location, size, and the potential to contribute
 2472 pollutants to stormwater discharges, the site or portion of the site has been revegetated,
 2473 will be amenable to natural revegetation, or will be left in a condition consistent with the
 2474 post-mining land use.

2475 H. Inactive and unstaffed sites. Permittees in Sector G seeking to exercise a waiver from the
 2476 quarterly visual monitoring and routine facility inspection requirements for inactive and unstaffed
 2477 sites (including temporarily inactive sites) are conditionally exempt from the requirement to
 2478 certify that "there are no industrial materials or activities exposed to stormwater" in Part I A 4.

2479 This exemption is conditioned on the following:

2480 1. If circumstances change and the facility becomes active or staffed, this exception no
 2481 longer applies and the permittee shall immediately begin complying with the quarterly
 2482 visual assessment and routine facility inspection requirements; and

2483 2. The ~~board~~ department retains the authority to revoke this exemption and the
 2484 monitoring waiver when it is determined that the discharge causes, has a reasonable
 2485 potential to cause, or contributes to an instream excursion above an applicable water
 2486 quality standard, including designated uses.

2487 Subject to the two conditions in subdivisions 1 and 2 of this subsection, if a facility is inactive
 2488 and unstaffed, the permittee is waived from the requirement to conduct quarterly visual
 2489 monitoring and routine facility inspections. The permittee is not waived from conducting at least
 2490 one routine facility inspection per calendar year. The ~~board~~ department encourages the
 2491 permittee to inspect the site more frequently when there is reason to believe that severe
 2492 weather or natural disasters may have damaged control measures.

2493 I. Benchmark monitoring and reporting requirements. There are no benchmark monitoring
 2494 requirements for inactive and unstaffed sites that have received a waiver in accordance with
 2495 Part I A 4 (Inactive and unstaffed sites).

2496 1. Copper ore mining and dressing facilities. Active copper ore mining and dressing
 2497 facilities are required to monitor their stormwater discharges for the pollutants of concern
 2498 listed in Table 150-1-~~below~~.

2499 2. Discharges from waste rock and overburden piles at active sites. Discharges from
 2500 waste rock and overburden piles at active sites shall be analyzed for the parameters
 2501 listed in Table 150-2. Facilities shall also monitor for the parameters listed in Table 150-
 2502 3. The director may also notify the facility that additional monitoring must be performed
 2503 to accurately characterize the quality and quantity of pollutants discharged from the
 2504 waste rock or overburden piles.

Table 150-1 Sector G – Benchmark Monitoring Requirements - Copper Ore Mining and Dressing Facilities	
Pollutants of Concern	Benchmark Concentration
Active Copper Ore Mining and Dressing Facilities (SIC Code 1021)	
Total Suspended Solids (TSS)	100 mg/L

Table 150-2 Sector G – Benchmark Monitoring Requirements - Discharges from Waste Rock and Overburden Piles from Active Ore Mining or Dressing Facilities	
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Pollutants of Concern	Benchmark Concentration
Iron Ores; Copper Ores; Lead and Zinc Ores; Gold and Silver Ores; Ferroalloy Ores Except Vanadium; Miscellaneous Metal Ores (SIC Codes 1011, 1021, 1031, 1041, 1044, 1061, 1081, 1094, 1099)	
Total Suspended Solids (TSS)	100 mg/L
Turbidity (NTUs)	50 NTU
pH	6.0 - 9.0 s.u.
Hardness (as CaCO ₃)	no benchmark value
Total Recoverable Antimony	640 µg/L
Total Recoverable Arsenic	50 <u>150</u> µg/L
Total Recoverable Beryllium	130 µg/L
Total Recoverable Cadmium	2.4 <u>1.8</u> µg/L
Total Recoverable Copper	48 <u>13</u> µg/L
Total Recoverable Iron	1.0 mg/L
Total Recoverable Lead	120 µg/L
Total Recoverable Mercury	1.4 µg/L
Total Recoverable Nickel	470 µg/L
Total Recoverable Selenium	5.0 µg/L
Total Recoverable Silver	3.8 <u>3.2</u> µg/L
Total Recoverable Zinc	120 µg/L

Table 150-3
Sector G – Additional Monitoring Requirements for Discharges from Waste Rock and Overburden Piles from Active Ore Mining or Dressing Facilities

Type of Ore Mined	Pollutants of Concern		
	TSS (mg/L)	pH	Metals, Total Recoverable
Tungsten Ore	X	X	Arsenic, Cadmium (H), Copper (H), Lead (H), Zinc (H).
Nickel Ore	X	X	Arsenic, Cadmium (H), Copper (H), Lead (H), Zinc (H).
Aluminum Ore	X	X	Iron.
Mercury Ore	X	X	Nickel (H).
Iron Ore	X	X	Iron (Dissolved).

Platinum Ore			Cadmium (H), Copper (H), Mercury, Lead (H), Zinc (H).
Titanium Ore	X	X	Iron , Nickel (H), Zinc (H).
Vanadium Ore	X	X	Arsenic, Cadmium (H), Copper (H), Lead (H), Zinc (H).
Copper, Lead, Zinc, Gold, Silver and Molybdenum	X	X	Arsenic, Cadmium (H), Copper (H), Lead (H), Mercury, Zinc (H).
Uranium, Radium and Vanadium	X	X	Chemical Oxygen Demand, Arsenic, Radium (Dissolved and Total Recoverable), Uranium, Zinc (H).
Note: (H) indicates that hardness shall also be measured when this pollutant is measured.			

2507 9VAC25-151-160. Sector H - Coal mines and coal mining-related facilities.

2508 A. Discharges covered under this section. The requirements listed under this section apply
2509 to stormwater discharges associated with industrial activity from coal mining-related areas (SIC
2510 Major Group 12) if (i) they are not subject to effluent limitations guidelines under 40 CFR Part
2511 434 or (ii) they are not subject to the standards of the Surface Mining Control and Reclamation
2512 Act of 1977 (SMCRA) (30 USC § 1201 et seq.) and the Virginia Department of Mines, Minerals
2513 and Energy's individual permit requirements.

2514 The requirements of this section shall apply to stormwater discharges from coal mining-
2515 related activities exempt from SMCRA, including the public financed exemption, the 16-2/3%
2516 exemption, the private use exemption, the under 250 tons exemption, the nonincidental tippie
2517 exemption, and the exemption for coal piles and preparation plants associated with the end
2518 user. Stormwater discharges from the following portions of eligible coal mines and coal mining
2519 related facilities may be eligible for this permit: haul roads (nonpublic roads on which coal or
2520 coal refuse is conveyed), access roads (nonpublic roads providing light vehicular traffic within
2521 the facility property and to public roadways), railroad spurs, sidings, and internal haulage lines
2522 (rail lines used for hauling coal within the facility property and to off-site commercial railroad
2523 lines or loading areas); conveyor belts, chutes, and aerial tramway haulage areas (areas under
2524 and around coal or refuse conveyor areas, including transfer stations); and equipment storage
2525 and maintenance yards, coal handling buildings and structures, coal tipples, coal loading
2526 facilities and inactive coal mines and related areas (abandoned and other inactive mines, refuse
2527 disposal sites and other mining-related areas).

2528 B. Special conditions. Prohibition of nonstormwater discharges. In addition to the general
2529 prohibition of nonstormwater discharges in Part I B 1, the following discharges are not covered
2530 by this permit: discharges from pollutant seeps or underground drainage from inactive coal
2531 mines and refuse disposal areas that do not result from precipitation events and discharges
2532 from floor drains in maintenance buildings and other similar drains in mining and preparation
2533 plant areas.

2534 C. SWPPP requirements. In addition to the requirements of Part III, the SWPPP shall
2535 include at a minimum, the following items.

2536 1. Site description.

2537 a. Site map. The site map shall identify where any of the following may be exposed
2538 to precipitation or surface runoff:

2539 (1) Haul and access roads;

2540 (2) Railroad spurs, sliding, and internal hauling lines;

2541 (3) Conveyor belts, chutes, and aerial tramways;
2542 (4) Equipment storage and maintenance yards;
2543 (5) Coal handling buildings and structures;
2544 (6) Inactive mines and related areas;
2545 (7) Acidic spoil, refuse or unreclaimed disturbed areas; and
2546 (8) Liquid storage tanks containing pollutants such as (e.g., caustics, hydraulic fluids
2547 and lubricants).

2548 b. Summary of potential pollutant sources. A description of the potential pollutant
2549 sources from the following activities: truck traffic on haul roads and resulting
2550 generation of sediment subject to runoff and dust generation; fuel or other liquid
2551 storage; pressure lines containing slurry, hydraulic fluid or other potential harmful
2552 liquids; and loading or temporary storage of acidic refuse or spoil.

2553 2. Stormwater controls.

2554 a. Good housekeeping. As part of the facility's good housekeeping program required
2555 by Part III B 4 b (1), the permittee shall consider the following: using sweepers,
2556 covered storage, and watering of haul roads to minimize dust generation; and
2557 conservation of vegetation (where possible) to minimize erosion.

2558 b. Preventive maintenance. The permittee shall also perform inspections of storage
2559 tanks and pressure lines for fuels, lubricants, hydraulic fluid or slurry to prevent leaks
2560 due to deterioration or faulty connections; or other equivalent measures.

2561 c. Routine facility inspections. Sites shall be inspected at least quarterly unless
2562 adverse weather conditions make the site inaccessible. The requirement for routine
2563 facility inspections is waived for facilities that have maintained an active VEEP E3/E4
2564 status.

2565 D. Inactive and unstaffed sites. Permittees in Sector H seeking to exercise a waiver from the
2566 quarterly visual monitoring and routine facility inspection requirements for inactive and unstaffed
2567 sites (including temporarily inactive sites) are conditionally exempt from the requirement to
2568 certify that "there are no industrial materials or activities exposed to stormwater" in Part I A 4.

2569 This exemption is conditioned on the following:

2570 1. If circumstances change and the facility becomes active or staffed, this exception no
2571 longer applies and the permittee shall immediately begin complying with the quarterly
2572 visual monitoring requirements and routine facility inspection requirements; and

2573 2. The ~~board~~ department retains the authority to revoke this exemption and the
2574 monitoring waiver when it is determined that the discharge causes, has a reasonable
2575 potential to cause, or contributes to an instream excursion above an applicable water
2576 quality standard, including designated uses.

2577 Subject to the two conditions in subdivisions 1 and 2 of this subsection, if a facility is inactive
2578 and unstaffed, the permittee is waived from the requirement to conduct quarterly visual
2579 monitoring and routine facility inspections. The permittee is not waived from conducting a
2580 minimum of one annual site inspection. The ~~board~~ department encourages the permittee to
2581 inspect the site more frequently when there is reason to believe that severe weather or natural
2582 disasters may have damaged control measures.

2583 E. Benchmark monitoring and reporting requirements. Coal mining facilities are required to
2584 monitor their stormwater discharges for the pollutants of concern listed in Table 160. There are
2585 no benchmark monitoring requirements for inactive and unstaffed sites that have received a
2586 waiver in accordance with Part I A 4 (Inactive and unstaffed sites).

Table 160 Sector H - Benchmark Monitoring Requirements	
Pollutants of Concern	Benchmark Concentration
Coal Mines and Related Areas (SIC Codes 1221-1241)	
Total Recoverable Aluminum	750 <u>1,100</u> µg/L
Total Recoverable Iron	1.0 mg/L
Total Suspended Solids (TSS)	100 mg/L

2587 9VAC25-151-180. Sector K - Hazardous waste treatment, storage, or disposal facilities.

2588 A. Discharges covered under this section. The requirements listed under this section apply
2589 to stormwater discharges associated with industrial activity from facilities that treat, store, or
2590 dispose of hazardous wastes, including those that are operating under interim status or a permit
2591 under Subtitle C of the Resource Conservation and Recovery Act (RCRA) (Industrial Activity
2592 Code "HZ"). Disposal facilities that have been properly closed and capped, or clean closed, and
2593 have no significant materials exposed to stormwater, do not require this permit.

2594 B. Special conditions. Prohibition of nonstormwater discharges. In addition to the general
2595 prohibition of nonstormwater discharges in Part I B 1, the following discharges are not covered
2596 by this permit: leachate, gas collection condensate, drained free liquids, contaminated
2597 groundwater, laboratory-derived wastewater and contact washwater from washing truck,
2598 equipment, and railcar exteriors and surface areas that have come in direct contact with solid
2599 waste at the landfill facility.

2600 C. Definitions.

2601 "Contaminated stormwater" means stormwater that comes in direct contact with landfill
2602 wastes, the waste handling and treatment areas, or landfill wastewater as defined in this
2603 section. Some specific areas of a landfill that may produce contaminated stormwater include the
2604 open face of an active landfill with exposed waste (no cover added); the areas around
2605 wastewater treatment operations; trucks, equipment or machinery that has been in direct
2606 contact with the waste; and waste dumping areas.

2607 "Drained free liquids" means aqueous wastes drained from waste containers (e.g., drums,
2608 etc.) ~~prior to~~ before landfilling.

2609 "Landfill" means an area of land or an excavation in which wastes are placed for permanent
2610 disposal, that is not a land application or land treatment unit, surface impoundment,
2611 underground injection well, waste pile, salt dome formation, a salt bed formation, an
2612 underground mine or a cave as these terms are defined in 40 CFR 257.2, 40 CFR 258.2 and 40
2613 CFR 260.10.

2614 "Landfill wastewater," as defined in 40 CFR Part 445 (Landfills Point Source Category),
2615 means all wastewater associated with, or produced by, landfilling activities except for sanitary
2616 wastewater, noncontaminated stormwater, contaminated groundwater, and wastewater from
2617 recovery pumping wells. Landfill wastewater includes leachate, gas collection condensate,
2618 drained free liquids, laboratory derived wastewater, contaminated stormwater and contact
2619 washwater from washing truck, equipment, and railcar exteriors and surface areas that have
2620 come in direct contact with solid waste at the landfill facility.

2621 "Leachate" means liquid that has passed through or emerged from solid waste and contains
2622 soluble, suspended, or miscible materials removed from such waste.

2623 "Noncontaminated stormwater" means stormwater that does not come into direct contact
 2624 with landfill wastes, the waste handling and treatment areas, or landfill wastewater as defined
 2625 above. Noncontaminated stormwater includes stormwater that flows off the cap, cover,
 2626 intermediate cover, daily cover, or final cover of the landfill.

2627 D. Numeric effluent limitations. As set forth at 40 CFR Part 445 Subpart A, the numeric
 2628 limitations in Table 180-1 apply to contaminated stormwater discharges from hazardous waste
 2629 landfills subject to the provisions of RCRA Subtitle C at 40 CFR Parts 264 (Subpart N) and 265
 2630 (Subpart N) except for any of the following facilities:

2631 1. Landfills operated in conjunction with other industrial or commercial operations when
 2632 the landfill only receives wastes generated by the industrial or commercial operation
 2633 directly associated with the landfill;

2634 2. Landfills operated in conjunction with other industrial or commercial operations when
 2635 the landfill receives wastes generated by the industrial or commercial operation directly
 2636 associated with the landfill and also receives other wastes provided the other wastes
 2637 received for disposal are generated by a facility that is subject to the same provisions in
 2638 40 CFR Subchapter N as the industrial or commercial operation or the other wastes
 2639 received are of similar nature to the wastes generated by the industrial or commercial
 2640 operation;

2641 3. Landfills operated in conjunction with centralized waste treatment (CWT) facilities
 2642 subject to 40 CFR Part 437 so long as the CWT facility commingles the landfill
 2643 wastewater with other nonlandfill wastewater for discharge. A landfill directly associated
 2644 with a CWT facility is subject to this part if the CWT facility discharges landfill wastewater
 2645 separately from other CWT wastewater or commingles the wastewater from its landfill
 2646 only with wastewater from other landfills; or

2647 4. Landfills operated in conjunction with other industrial or commercial operations when
 2648 the landfill receives wastes from public service activities so long as the company owning
 2649 the landfill does not receive a fee or other remuneration for the disposal service.

Table 180-1 Sector K – Numeric Effluent Limitations		
Parameter	Effluent Limitations	
	Maximum Daily	Maximum Monthly Average
Hazardous Waste Treatment, Storage, or Disposal Facilities (Industrial Activity Code "HZ") Subject to the Provisions of 40 CFR Part 445 Subpart A.		
Biochemical Oxygen Demand (BOD ₅)	220 mg/L	56 mg/L
Total Suspended Solids (TSS)	88 mg/L	27 mg/L
Ammonia	10 mg/L	4.9 mg/L
Alpha Terpineol	0.042 mg/L	0.019 mg/L
Aniline	0.024 mg/L	0.015 mg/L
Benzoic Acid	0.119 mg/L*	0.073 mg/L
Naphthalene	0.059 mg/L	0.022 mg/L
p-Cresol	0.024 mg/L	0.015 mg/L

Phenol	0.048 mg/L	0.029 mg/L
Pyridine	0.072 mg/L	0.025 mg/L
Arsenic (Total)	1.1 mg/L	0.54 mg/L
Chromium (Total)	1.1 mg/L	0.46 mg/L
Zinc (Total)	0.535 mg/L*	0.296 mg/L*
pH	Within the range of 6.0 - 9.0 s.u.	
*These effluent limitations are three significant digits for reporting purposes.		

2650 E. Benchmark monitoring and reporting requirements. Permittees with hazardous waste
2651 treatment, storage, or disposal facilities (TSDFs) are required to monitor their stormwater
2652 discharges for the pollutants of concern listed in Table 180-2. These benchmark monitoring
2653 concentrations apply to stormwater discharges associated with industrial activity other than
2654 contaminated stormwater discharges from landfills subject to the numeric effluent limitations set
2655 forth in Table 180-1.

Table 180-2 Sector K – Benchmark Monitoring Requirements	
Pollutants of Concern	Benchmark Concentration
Hazardous Waste Treatment, Storage, or Disposal Facilities (Industrial Activity Code "HZ")	
Total Kjeldahl Nitrogen (TKN)	1.5 mg/L
Total Suspended Solids (TSS)	100 mg/L
Total Organic Carbon (TOC)	110 mg/L
Total Recoverable Arsenic	50 <u>150</u> µg/L
Total Recoverable Cadmium	2.4 <u>1.8</u> µg/L
Total Cyanide	22 µg/L
Total Recoverable Lead	120 µg/L
Total Magnesium	64 µg/L
Total Recoverable Mercury	1.4 µg/L
Total Recoverable Selenium	5.0 µg/L
Total Recoverable Silver	3.8 <u>3.2</u> µg/L

2656 **9VAC25-151-190. Sector L - Landfills, land application sites and open dumps.**

2657 A. Discharges covered under this section. The requirements listed under this section apply
2658 to stormwater discharges associated with industrial activity from waste disposal at landfills, land
2659 application sites, and open dumps that receive or have received industrial wastes (Industrial
2660 Activity Code "LF"), including sites subject to regulation under Subtitle D of the Resource
2661 Conservation and Recovery Act (RCRA). Landfills, land application sites, and open dumps that
2662 have stormwater discharges from other types of industrial activities ~~such as~~ (e.g., vehicle
2663 maintenance, truck washing, and recycling) may be subject to additional requirements specified

2664 elsewhere in this permit. This permit does not cover discharges from landfills that receive only
2665 municipal wastes. Landfills (including landfills in "post-closure care") that have been properly
2666 closed and capped in accordance with 9VAC20-81-160 and 9VAC20-81-170 and have no
2667 significant materials exposed to stormwater do not require this permit. Landfills closed in
2668 accordance with regulations or permits in effect ~~prior to~~ before December 21, 1988, do not
2669 require this permit, unless significant materials are exposed to stormwater.

2670 B. Special conditions. Prohibition of nonstormwater discharges. In addition to the general
2671 nonstormwater prohibition in Part I B 1, the following discharges are not covered by this permit:
2672 leachate, gas collection condensate, drained free liquids, contaminated ground water, laboratory
2673 wastewater, and contact washwater from washing truck, equipment, and railcar exteriors and
2674 surface areas that have come in direct contact with solid waste at the landfill facility.

2675 C. Definitions.

2676 "Contaminated stormwater" means stormwater that comes in direct contact with landfill
2677 wastes, the waste handling and treatment areas, or landfill wastewater. Some areas of a landfill
2678 that may produce contaminated stormwater include, but are not limited to, the working face of
2679 an active landfill; the areas around wastewater treatment operations; trucks, equipment, or
2680 machinery that has been in direct contact with the waste; and waste dumping areas.

2681 "Drained free liquids" means aqueous wastes drained from waste containers (e.g., drums,
2682 etc.) ~~prior to~~ before landfilling.

2683 "Landfill wastewater," as defined in 40 CFR Part 445 (Landfills Point Source Category),
2684 means all wastewater associated with, or produced by, landfilling activities except for sanitary
2685 wastewater, noncontaminated stormwater, contaminated groundwater, and wastewater from
2686 recovery pumping wells. Landfill wastewater includes leachate, gas collection condensate,
2687 drained free liquids, laboratory derived wastewater, contaminated stormwater and contact
2688 washwater from washing truck, equipment, and railcar exteriors and surface areas that have
2689 come in direct contact with solid waste at the landfill facility.

2690 "Leachate" means liquid that has passed through or emerged from solid waste and contains
2691 soluble, suspended, or miscible materials removed from ~~such~~ the waste.

2692 "Noncontaminated stormwater" means stormwater that does not come into direct contact
2693 with landfill wastes, the waste handling and treatment areas, or landfill wastewater as defined
2694 ~~above~~. Noncontaminated stormwater includes stormwater that flows off the cap, intermediate
2695 cover, or final cover of the landfill.

2696 "Open dump" means a site on which any solid waste is placed, discharged, deposited,
2697 injected, dumped, or spilled so as to present a threat of a release of harmful substances into the
2698 environment or present a hazard to human health. Such a site is subject to the open dump
2699 criteria in 9VAC20-81-45.

2700 D. Stormwater controls. In addition to the requirements in Part III, the SWPPP shall include,
2701 at a minimum, the following items:

2702 1. Preventive maintenance program. As part of the preventive maintenance program, the
2703 permittee shall maintain all elements of leachate collection and treatment systems to
2704 prevent commingling of leachate with stormwater and the integrity and effectiveness of
2705 any intermediate or final cover (including making repairs to the cover as necessary), to
2706 minimize the effects of settlement, sinking, and erosion.

2707 2. Routine facility inspections.

2708 a. Inspections of active sites. Operating landfills, open dumps, and land application
2709 sites shall be inspected at least once every seven days. Qualified ~~personnel~~ staff
2710 shall inspect areas of landfills that have not yet been finally stabilized, active land
2711 application areas, areas used for storage of materials or wastes that are exposed to

2712 precipitation, stabilization and structural control measures, leachate collection and
2713 treatment systems, and locations where equipment and waste trucks enter and exit
2714 the site. Erosion and sediment control measures shall be observed to ensure they
2715 are operating correctly. For stabilized sites and areas where land application has
2716 been completed, inspections shall be conducted at least once every month.

2717 b. Inspections of inactive sites. Inactive landfills, open dumps, and land application
2718 sites shall be inspected at least quarterly. Qualified ~~personnel~~ staff shall inspect
2719 landfill (or open dump) stabilization and structural erosion control measures and
2720 leachate collection and treatment systems and all closed land application areas.

2721 3. Recordkeeping and internal reporting procedures. Landfill and open dump owners
2722 shall provide for a tracking system for the types of wastes disposed of in each cell or
2723 trench of a landfill or open dump. Land application site owners shall track the types and
2724 quantities of wastes applied in specific areas.

2725 4. Annual outfall evaluation for unauthorized discharges. The evaluation shall also be
2726 conducted for the presence of leachate and vehicle washwater.

2727 5. Sediment and erosion control plan. Landfill and open dump owners shall provide for
2728 temporary stabilization of materials stockpiled for daily, intermediate, and final cover.
2729 Stabilization practices to consider include temporary seeding, mulching, and placing
2730 geotextiles on the inactive portions of the stockpiles. Landfill and open dump owners
2731 shall provide for temporary stabilization of inactive areas of the landfill or open dump
2732 which have an intermediate cover but no final cover. Landfill and open dump owners
2733 shall provide for temporary stabilization of any landfill or open dumping areas which
2734 have received a final cover until vegetation has established itself. Land application site
2735 owners shall also stabilize areas where waste application has been completed until
2736 vegetation has been established.

2737 E. Numeric effluent limitations. As set forth at 40 CFR Part 445 Subpart B, the numeric
2738 limitations in Table 190-1 apply to contaminated stormwater discharges from municipal solid
2739 waste landfills (MSWLFs) that have not been closed in accordance with 40 CFR 258.60, and
2740 contaminated stormwater discharges from those landfills that are subject to the provisions of 40
2741 CFR Part 257 (these include construction and debris landfills and industrial landfills) except for
2742 discharges from any of the following facilities:

2743 1. Landfills operated in conjunction with other industrial or commercial operations when
2744 the landfill only receives wastes generated by the industrial or commercial operation
2745 directly associated with the landfill;

2746 2. Landfills operated in conjunction with other industrial or commercial operations when
2747 the landfill receives wastes generated by the industrial or commercial operation directly
2748 associated with the landfill and also receives other wastes provided the other wastes
2749 received for disposal are generated by a facility that is subject to the same provisions in
2750 40 CFR Subchapter N as the industrial or commercial operation or the other wastes
2751 received are of similar nature to the wastes generated by the industrial or commercial
2752 operation;

2753 3. Landfills operated in conjunction with centralized waste treatment (CWT) facilities
2754 subject to 40 CFR Part 437 so long as the CWT facility commingles the landfill
2755 wastewater with other nonlandfill wastewater for discharge. A landfill directly associated
2756 with a CWT facility is subject to this part if the CWT facility discharges landfill wastewater
2757 separately from other CWT wastewater or commingles the wastewater from its landfill
2758 only with wastewater from other landfills; or

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4. Landfills operated in conjunction with other industrial or commercial operations when the landfill receives wastes from public service activities so long as the company owning the landfill does not receive a fee or other remuneration for the disposal service.

Table 190-1 Sector L – Numeric Effluent Limitations		
Parameter	Effluent Limitations	
	Maximum Daily	Maximum Monthly Average
Landfills (Industrial Activity Code "LF") that are Subject to the Requirements of 40 CFR Part 445 Subpart B.		
Biochemical Oxygen Demand (BOD ₅)	140 mg/L	37 mg/L
Total Suspended Solids (TSS)	88 mg/L	27 mg/L
Ammonia	10 mg/L	4.9 mg/L
Alpha Terpineol	0.033 mg/L	0.016 mg/L
Benzoic Acid	0.12 mg/L	0.071 mg/L
p-Cresol	0.025 mg/L	0.014 mg/L
Phenol	0.026 mg/L	0.015 mg/L
Zinc (Total)	0.20 mg/L	0.11 mg/L
pH	Within the range of 6.0 - 9.0 s.u.	

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F. Benchmark monitoring and reporting requirements. Landfills, land application, and open dump sites are required to monitor their stormwater discharges for the pollutants of concern listed in Table 190-2. These benchmark monitoring concentrations apply to stormwater discharges associated with industrial activity other than contaminated stormwater discharges from landfills subject to the numeric effluent limitations set forth in Table 190-1.

Table 190-2 Sector L – Benchmark Monitoring Requirements	
Pollutants of Concern	Benchmark Concentration
Landfills, Land Application Sites and Open Dumps (Industrial Activity Code "LF").	
Total Suspended Solids (TSS)	100 mg/L

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9VAC25-151-200. Sector M - Automobile salvage yards.

A. Discharges covered under this section. The requirements listed under this section apply to stormwater discharges associated with industrial activity from facilities engaged in dismantling or wrecking used motor vehicles for parts recycling or resale, and for scrap (SIC Code 5015).

B. Stormwater controls. In addition to the requirements of Part III, the SWPPP shall include, at a minimum, the following items:

- 2774 1. Spill and leak prevention procedures. All vehicles that are intended to be dismantled
 2775 shall be properly drained of all fluids ~~prior to~~ before being dismantled or crushed, or
 2776 other equivalent means shall be taken to prevent leaks or spills of fluids upon arrival at
 2777 the site, or as soon thereafter as feasible. All drained fluids shall be managed to
 2778 minimize leaks or spills.
- 2779 2. Inspections. Upon arrival at the site, or as soon thereafter as feasible, vehicles shall
 2780 be inspected for leaks. Any equipment containing oily parts, hydraulic fluids, any other
 2781 types of fluids, or mercury switches shall be inspected at least quarterly (four times per
 2782 year) for signs of leaks. All vessels, containers, or tanks and areas where hazardous
 2783 materials and general automotive fluids are stored, including mercury switches, brake
 2784 fluid, transmission fluid, radiator water, and antifreeze, shall be inspected at least
 2785 quarterly for leaks. Quarterly inspection records shall be maintained with the SWPPP.
- 2786 3. Employee training. Employee training shall, at a minimum, address the following
 2787 areas when applicable to a facility: proper handling (collection, storage, and disposal) of
 2788 oil, used mineral spirits, antifreeze, mercury switches, and solvents.
- 2789 4. Management of runoff. The permittee shall implement control measures to divert,
 2790 infiltrate, reuse, contain, or otherwise reduce stormwater runoff to minimize pollutants in
 2791 discharges from the facility. The following management practices shall be used to
 2792 prevent or reduce the discharge of pollutants to surface waters:
- 2793 a. Berms or drainage ditches on the property line used to help prevent run-on from
 2794 neighboring properties;
 - 2795 b. Berms for uncovered outdoor storage of oily parts and engine blocks;
 - 2796 c. Aboveground liquid storage;
 - 2797 d. The installation of detention ponds, filtering devices, or oil/water separators; and
 - 2798 e. Another control measure used to prevent or reduce the discharge of pollutants to
 2799 surface waters.
- 2800 C. Benchmark monitoring and reporting requirements. Automobile salvage yards are
 2801 required to monitor their stormwater discharges for the pollutants of concern listed in Table 200.

Table 200 Sector M – Benchmark Monitoring Requirements	
Pollutants of Concern	Benchmark Concentration
Automobile Salvage Yards (SIC Code 5015)	
Total Suspended Solids (TSS)	100 mg/L
Total Recoverable Aluminum	750 <u>1,100</u> µg/L
Total Recoverable Iron	1.0 mg/L
Total Recoverable Lead	120 µg/L

2802 **9VAC25-151-210. Sector N - Scrap recycling and waste recycling facilities and material**
 2803 **recovery facilities (MRF).**

2804 A. Discharges covered under this section. The requirements listed under this section apply
 2805 to stormwater discharges associated with industrial activity from facilities typically identified as
 2806 SIC code 5093 that are engaged in the processing, reclaiming and wholesale distribution of
 2807 scrap and waste materials such as ferrous and nonferrous metals, paper, plastic, cardboard,
 2808 glass, animal hides (~~these types of activities are typically identified as SIC Code 5093~~), and

2809 facilities that are engaged in reclaiming and recycling liquid wastes such as used oil, antifreeze,
2810 mineral spirits, and industrial solvents (~~also identified as SIC Code 5093~~). Separate permit
2811 requirements have been established for recycling facilities that only receive source-separated
2812 recyclable materials primarily from nonindustrial and residential sources (~~also identified as SIC
2813 Code 5093~~) (e.g., common consumer products including paper, newspaper, glass, cardboard,
2814 plastic containers, aluminum and tin cans).

2815 Separate permit requirements have also been established for facilities that are engaged in
2816 dismantling ships, marine salvaging, and marine wrecking—ships for scrap (SIC Code 4499,
2817 limited to those listed; for others in SIC Code 4499 not listed in this subsection, see Sector Q
2818 (9VAC25-151-240)).

2819 B. Special conditions. Prohibition of nonstormwater discharges. Discharges from
2820 containment areas in the absence of a storm event are prohibited unless covered by a separate
2821 VPDES permit.

2822 C. SWPPP requirements. In addition to the requirements of Part III, the following items are
2823 applicable:

2824 1. Scrap recycling and waste recycling facilities (nonsource-separated, nonliquid
2825 recyclable materials). The following SWPPP special conditions have been established
2826 for facilities that receive, process and do wholesale distribution of nonliquid recyclable
2827 wastes (e.g., ferrous and nonferrous metals, plastics, glass, cardboard and paper).
2828 These facilities may receive both nonrecyclable and recyclable materials. This section is
2829 not intended for those facilities that only accept recyclable materials primarily from
2830 nonindustrial and residential sources.

2831 a. Inbound recyclable and waste material control program. The SWPPP shall include
2832 a recyclable and waste material inspection program to minimize the likelihood of
2833 receiving materials that may be significant pollutant sources to stormwater
2834 discharges. Control measures shall include one or more of the following:

2835 (1) Provide information and education flyers, brochures and pamphlets to suppliers
2836 of scrap and recyclable waste materials on draining and properly disposing of
2837 residual fluids ~~prior to~~ before delivery to the facility (e.g., from vehicles and
2838 equipment engines, radiators, and transmissions, oil-filled transformers, and
2839 individual containers or drums), and on removal of mercury switches ~~prior to~~ before
2840 delivery to the facility;

2841 (2) Establish procedures to minimize the potential of any residual fluids from coming
2842 in contact with precipitation or runoff;

2843 (3) Establish procedures for accepting scrap lead-acid batteries. Additional
2844 requirements for the handling, storage and disposal or recycling of batteries are
2845 contained in the scrap lead-acid battery program provisions in subdivision 2 f of this
2846 subsection;

2847 (4) Provide training targeted for those ~~personnel~~ staff engaged in the inspection and
2848 acceptance of inbound recyclable materials; or

2849 (5) Establish procedures to ensure that liquid wastes, including used oil, are stored in
2850 materially compatible and nonleaking containers and disposed or recycled in
2851 accordance with all requirements under the Resource Conservation and Recovery
2852 Act (RCRA), and other state or local requirements.

2853 b. Scrap and waste material stockpiles and storage (outdoor). The SWPPP shall
2854 describe measures and controls to minimize contact of stormwater runoff with
2855 stockpiled materials, processed materials and nonrecyclable wastes. Control
2856 measures shall include one or more of the following:

- 2857 (1) Permanent or semipermanent covers;
- 2858 (2) The use of sediment traps, vegetated swales and strips, catch basin filters, and
2859 sand filters to facilitate settling or filtering of pollutants;
- 2860 (3) Diversion of runoff away from storage areas via dikes, berms, containment
2861 trenches, culverts, and surface grading;
- 2862 (4) Silt fencing;
- 2863 (5) Oil/water separators, sumps, and dry adsorbents for areas where potential
2864 sources of residual fluids are stockpiled (e.g., automotive engine storage areas); or
- 2865 (6) Another control measure used to prevent or reduce the discharge of pollutants to
2866 surface waters.
- 2867 c. Stockpiling of turnings exposed to cutting fluids (outdoor storage). The SWPPP
2868 shall implement measures necessary to minimize contact of surface runoff with
2869 residual cutting fluids. Control measures shall include one or more of the following:
- 2870 (1) Storage of all turnings exposed to cutting fluids under some form of permanent or
2871 semipermanent cover. Stormwater discharges from these areas are permitted
2872 provided the runoff is first treated by an oil/water separator or its equivalent.
2873 Procedures to collect, handle, and dispose or recycle residual fluids that may be
2874 present shall be identified in the SWPPP; or
- 2875 (2) Establish dedicated containment areas for all turnings that have been exposed to
2876 cutting fluids. Stormwater runoff from these areas can be discharged provided:
- 2877 (a) The containment areas are constructed of either concrete, asphalt or other
2878 equivalent type of impermeable material;
- 2879 (b) There is a barrier around the perimeter of the containment areas to prevent
2880 contact with stormwater run-on (e.g., berms, curbing, elevated pads, etc.);
- 2881 (c) There is a drainage collection system for runoff generated from containment
2882 areas;
- 2883 (d) There is a schedule to maintain the oil/water separator (or its equivalent); and
- 2884 (e) Procedures are identified for the proper disposal or recycling of collected residual
2885 fluids.
- 2886 d. Scrap and waste material stockpiles and storage (covered or indoor storage). The
2887 SWPPP shall address measures and controls to minimize contact of residual liquids
2888 and particulate matter from materials stored indoors or under cover from coming in
2889 contact with surface runoff. Control measures shall include one or more of the
2890 following:
- 2891 (1) Good housekeeping measures, including the use of dry absorbent or wet vacuum
2892 cleanup methods, to contain, dispose, or recycle residual liquids originating from
2893 recyclable containers, or mercury spill kits from storage of mercury switches;
- 2894 (2) Prohibiting the practice of allowing washwater from tipping floors or other
2895 processing areas from discharging;
- 2896 (3) Disconnecting or sealing off all floor drains if necessary to prevent a discharge; or
- 2897 (4) Another control measure used to prevent or reduce the discharge of pollutants to
2898 surface waters.
- 2899 e. Scrap and recyclable waste processing areas. The SWPPP shall include
2900 measures and controls to minimize surface runoff from coming in contact with scrap
2901 processing equipment. In the case of processing equipment that generate visible
2902 amounts of particulate residue (e.g., shredding facilities), the SWPPP shall describe

2903 measures to minimize the contact of residual fluids and accumulated particulate
2904 matter with runoff (i.e., through good housekeeping, preventive maintenance, etc.).
2905 Control measures shall include one or more of the following:

2906 (1) A schedule of regular inspections of equipment for leaks, spills, malfunctioning,
2907 worn or corroded parts or equipment;

2908 (2) A preventive maintenance program for processing equipment;

2909 (3) Removal of mercury switches from the hood and trunk lighting units, and removal
2910 of anti-lock brake system units containing mercury switches;

2911 (4) Use of dry-absorbents or other cleanup practices to collect and to dispose of or
2912 recycle spilled or leaking fluids, or use of mercury spill kits for spills from storage of
2913 mercury switches;

2914 (5) Installation of low-level alarms or other equivalent protection devices on
2915 unattended hydraulic reservoirs over 150 gallons in capacity. Alternatively, provide
2916 secondary containment with sufficient volume to contain the entire volume of the
2917 reservoir;

2918 (6) Containment or diversion structures ~~such as~~ (e.g., dikes, berms, culverts,
2919 trenches, elevated concrete pads, and grading) to minimize contact of stormwater
2920 runoff with outdoor processing equipment or stored materials;

2921 (7) Oil/water separators or sumps;

2922 (8) Permanent or semipermanent covers in processing areas where there are
2923 residual fluids and grease;

2924 (9) Retention and detention basins or ponds, sediment traps, vegetated swales or
2925 strips, to facilitate pollutant settling and filtration;

2926 (10) Catch basin filters or sand filters; or

2927 (11) Another control measure used to prevent or reduce the discharge of pollutants
2928 to surface waters.

2929 f. Scrap lead-acid battery program. The SWPPP shall address measures and
2930 controls for the proper handling, storage and disposal of scrap lead-acid batteries.
2931 Control measures shall include one or more of the following:

2932 (1) Segregate scrap lead-acid batteries from other scrap materials and store under
2933 cover;

2934 (2) A description of procedures and measures for the proper handling, storage and
2935 disposal of cracked or broken batteries;

2936 (3) A description of measures to collect and dispose of leaking lead-acid battery fluid;

2937 (4) A description of measures to minimize and, whenever possible, eliminate
2938 exposure of scrap lead-acid batteries to precipitation or runoff; or

2939 (5) A description of employee training for the management of scrap batteries.

2940 g. Spill prevention and response procedures. The SWPPP shall include measures to
2941 minimize stormwater contamination at loading and unloading areas, and from
2942 equipment or container failures. Control measures shall include one or more of the
2943 following:

2944 (1) Description of spill prevention and response measures to address areas that are
2945 potential sources of fluid leaks or spills;

2946 (2) Immediate containment and cleanup of spills and leaks. If malfunctioning
2947 equipment is responsible for the spill or leak, repairs shall also be conducted as soon
2948 as possible;

2949 (3) Cleanup procedures shall be identified in the SWPPP, including the use of dry
2950 absorbents. Where dry absorbent cleanup methods are used, an adequate supply of
2951 dry absorbent material shall be maintained on-site. Used absorbent material shall be
2952 disposed of properly;

2953 (4) Drums containing liquids, especially oil and lubricants, shall be stored indoors, in
2954 a bermed area, in overpack containers or spill pallets, or in similar containment
2955 devices;

2956 (5) Overfill prevention devices shall be installed on all fuel pumps or tanks;

2957 (6) Drip pans or equivalent measures shall be placed under any leaking piece of
2958 stationary equipment until the leak is repaired. The drip pans shall be inspected for
2959 leaks and potential overflow and all liquids properly disposed of in accordance with
2960 RCRA requirements; or

2961 (7) An alarm or pump shut off system shall be installed on outdoor equipment with
2962 hydraulic reservoirs exceeding 150 gallons in order to prevent draining the tank
2963 contents ~~in the event of~~ due to a line break. Alternatively, the equipment may have a
2964 secondary containment system capable of containing the contents of the hydraulic
2965 reservoir plus adequate freeboard for precipitation. A mercury spill kit shall be used
2966 for any release of mercury from switches, anti-lock brake systems, and switch
2967 storage areas.

2968 h. Inspection program. All designated areas of the facility and equipment identified in
2969 the SWPPP shall be inspected at least quarterly. The requirement for routine facility
2970 inspections is waived for facilities that have maintained an active VEEP E3/E4
2971 status.

2972 i. Supplier notification program. The SWPPP shall include a program to notify major
2973 suppliers which scrap materials will not be accepted at the facility or are only
2974 accepted under certain conditions.

2975 2. Waste recycling facilities (liquid recyclable materials).

2976 a. Waste material storage (indoor). The SWPPP shall include measures and controls
2977 to eliminate contact between residual liquids from waste materials stored indoors and
2978 surface runoff. The SWPPP may refer to applicable portions of other existing plans
2979 such as SPCC plans required under 40 CFR Part 112. Control measures shall
2980 include one or more of the following:

2981 (1) Procedures for material handling (including labeling and marking);

2982 (2) A sufficient supply of dry-absorbent materials or a wet vacuum system to collect
2983 spilled or leaked materials (spilled or leaking mercury should never be vacuumed);

2984 (3) An appropriate containment structure, ~~such as~~ (e.g., trenches, curbing, gutters or
2985 other equivalent measures); or

2986 (4) A drainage system, including appurtenances (e.g., pumps or ejectors, or
2987 manually operated valves), to handle discharges from diked or bermed areas.
2988 Drainage shall be discharged to an appropriate treatment facility, sanitary sewer
2989 system, or otherwise disposed of properly. Discharges from these areas may require
2990 coverage under a separate VPDES permit or industrial user permit under the
2991 pretreatment program.

2992 b. Waste material storage (outdoor). The SWPPP shall describe measures and
2993 controls to minimize contact between stored residual liquids and precipitation or
2994 runoff. The SWPPP may refer to applicable portions of other existing plans ~~such as~~
2995 (e.g., SPCC plans required under 40 CFR Part 112). Discharges of precipitation
2996 from containment areas containing used oil shall also be in accordance with

2997 applicable sections of 40 CFR Part 112. Control measures shall include one or more
2998 of the following:

2999 (1) Appropriate containment structures (e.g., dikes, berms, curbing, pits) to store the
3000 volume of the largest single tank, with sufficient extra capacity for precipitation;

3001 (2) Drainage control and other diversionary structures;

3002 (3) For storage tanks, provide corrosion protection or leak detection systems; or

3003 (4) Dry-absorbent materials or a wet vacuum system to collect spills.

3004 c. Truck and rail car waste transfer areas. The SWPPP shall describe measures and
3005 controls to minimize pollutants in discharges from truck and rail car loading and
3006 unloading areas. The SWPPP shall also address measures to clean up minor spills
3007 and leaks resulting from the transfer of liquid wastes. Control measures shall include
3008 one or more of the following:

3009 (1) Containment and diversionary structures to minimize contact with precipitation or
3010 runoff;

3011 (2) Use of dry cleanup methods, wet vacuuming, roof coverings, or runoff controls; or

3012 (3) Another control measure used to prevent or reduce the discharge of pollutants to
3013 surface waters.

3014 d. Inspections. Inspections shall be made quarterly and shall also include all areas
3015 where waste is generated, received, stored, treated or disposed that are exposed to
3016 either precipitation or stormwater runoff. The requirement for routine facility
3017 inspections is waived for facilities that have maintained an active VEEP E3/E4
3018 status.

3019 3. Recycling facilities (source separated materials). The following SWPPP special
3020 conditions have been established for facilities that receive only source-separated
3021 recyclable materials primarily from nonindustrial and residential sources.

3022 a. Inbound recyclable material control. The SWPPP shall include an inbound
3023 materials inspection program to minimize the likelihood of receiving nonrecyclable
3024 materials (e.g., hazardous materials) that may be a significant source of pollutants in
3025 surface runoff. Control measures shall include one or more of the following:

3026 (1) Provide information and education measures to inform suppliers of recyclable
3027 materials on the types of materials that are acceptable and those that are not
3028 acceptable;

3029 (2) A description of training measures for drivers responsible for pickup of recyclable
3030 materials;

3031 (3) Clearly mark public drop-off containers regarding which materials can be
3032 accepted;

3033 (4) Rejecting nonrecyclable wastes or household hazardous wastes at the source; or

3034 (5) Establish procedures for the handling and disposal of nonrecyclable materials.

3035 b. Outdoor storage. The SWPPP shall include procedures to minimize the exposure
3036 of recyclable materials to surface runoff and precipitation. The SWPPP shall include
3037 good housekeeping measures to prevent the accumulation of particulate matter and
3038 fluids, particularly in high traffic areas. Control measures shall include one or more of
3039 the following:

3040 (1) Provide totally-enclosed drop-off containers for the public;

3041 (2) Install a sump and pump with each containment pit, and treat or discharge
3042 collected fluids to a sanitary sewer system;

- 3043 (3) Provide dikes and curbs for secondary containment (e.g., around bales of
3044 recyclable waste paper);
- 3045 (4) Divert surface runoff away from outside material storage areas;
- 3046 (5) Provide covers over containment bins, dumpsters, roll-off boxes; or
- 3047 (6) Store the equivalent one day's volume of recyclable materials indoors.
- 3048 c. Indoor storage and material processing. The SWPPP shall include measures to
3049 minimize the release of pollutants from indoor storage and processing areas. Control
3050 measures shall include one or more of the following:
- 3051 (1) Schedule routine good housekeeping measures for all storage and processing
3052 areas;
- 3053 (2) Prohibit a practice of allowing tipping floor washwaters from draining to any
3054 portion of the storm sewer system; or
- 3055 (3) Provide employee training on pollution prevention practices.
- 3056 d. Vehicle and equipment maintenance. The SWPPP shall also provide for control
3057 measures in those areas where vehicle and equipment maintenance is occurring
3058 outdoors. Control measures shall include one or more of the following:
- 3059 (1) Prohibit vehicle and equipment washwater discharges;
- 3060 (2) Minimize or eliminate outdoor maintenance areas, wherever possible;
- 3061 (3) Establish spill prevention and clean-up procedures in fueling areas;
- 3062 (4) Avoid topping off fuel tanks;
- 3063 (5) Divert runoff from fueling areas;
- 3064 (6) Store lubricants and hydraulic fluids indoors; or
- 3065 (7) Provide employee training on proper, handling, storage of hydraulic fluids and
3066 lubricants.
- 3067 5. Facilities engaged in dismantling ships, marine salvaging, and marine wrecking—
3068 ships for scrap. The following SWPPP special conditions have been established for
3069 facilities that are engaged in dismantling ships, marine salvaging, and marine
3070 wrecking—ships for scrap.
- 3071 Vessel breaking and scrapping activities. Scrapping of vessels shall be accomplished
3072 ashore beyond the range of mean high tide, whenever practicable. If this activity must be
3073 conducted while a vessel is afloat or grounded in state waters, then the permittee shall
3074 employ control measures to reduce the amount of pollutants released. The following
3075 control measures shall be implemented during those periods when vessels (ships,
3076 barges, yachts, etc.) are brought to the facility's site for recycling, scrapping and storage
3077 ~~prior to~~ before scrapping.
- 3078 a. Fixed or floating platforms sufficiently sized and constructed to catch and prevent
3079 scrap materials and pollutants from entering surface waters (or equivalent measures
3080 approved by the ~~board~~ department) shall be used as work surfaces when working on
3081 or near the water surface. These platforms shall be cleaned as required to prevent
3082 pollutants from entering surface waters and at the end of each work shift. All scrap
3083 metals and pollutants shall be collected in a manner to prevent releases.
- 3084 b. There shall be no discharge of oil or oily wastewater at the facility. Drip pans and
3085 other protective devices shall be required for all oil and oily waste transfer operations
3086 to catch incidental spillage and drips from hose nozzles, hose racks, drums or
3087 barrels. Drip pans and other protective devices shall be inspected and maintained to
3088 prevent releases. Oil and oily waste shall be disposed at a permitted facility and

3089 adequate documentation of off-site disposition shall be retained for review by the
 3090 ~~board~~ before upon request.

3091 c. During the storage, breaking, and scrapping period, oil containment booms shall
 3092 be deployed either around the vessel being scrapped, or across the mouth of the
 3093 facility's wet slip, to contain pollutants in the event of a spill. Booms shall be
 3094 inspected, maintained, and repaired as needed. Oil, grease and fuel spills shall be
 3095 prevented from reaching surface waters. Cleanup shall be carried out immediately
 3096 after an oil, grease, or fuel spill is detected.

3097 d. Paint and solvent spills shall be immediately, upon discovery of the spills, cleaned
 3098 up to prevent pollutants from reaching storm drains, deck drains, and surface waters.

3099 e. Contaminated bilge and ballast water shall not be discharged to surface waters. If
 3100 it becomes necessary to dispose of contaminated bilge and ballast waters during a
 3101 vessel breaking activity, the wastewater shall be disposed at a permitted facility and
 3102 adequate documentation of off-site disposition shall be retained for review by the
 3103 ~~board~~ department upon request.

3104 D. Benchmark monitoring and reporting requirements. Scrap recycling and waste recycling
 3105 facilities (both source-separated and nonsource-separated facilities), and facilities engaged in
 3106 dismantling ships, marine salvaging, and marine wrecking—ships for scrap are required to
 3107 monitor their stormwater discharges for the pollutants of concern listed in Table 210.

Table 210 Sector N – Benchmark Monitoring Requirements	
Pollutants of Concern	Benchmark Concentration
Scrap Recycling and Waste Recycling Facilities (nonsource-separated facilities only) (SIC Code 5093)	
Total Suspended Solids (TSS)	100 mg/L
Total Recoverable Aluminum	750 <u>1,100</u> µg/L
Total Recoverable Cadmium	2.4 <u>1.8</u> µg/L
Total Recoverable Chromium	16 µg/L
Total Recoverable Copper	48 <u>13</u> µg/L
Total Recoverable Iron	1.0 mg/L
Total Recoverable Lead	120 µg/L
Total Recoverable Zinc	120 µg/L
Scrap Recycling and Waste Recycling Facilities (source-separated facilities) (SIC Code 5093)	
Total Suspended Solids (TSS)	100 mg/L
Total Recoverable Aluminum ¹	750 <u>1,100</u> µg/L
Total Recoverable Cadmium ¹	2.4 <u>1.8</u> µg/L
Total Recoverable Chromium ¹	16 µg/L

Total Recoverable Copper ¹	48 <u>13</u> µg/L
Total Recoverable Iron ¹	1.0 mg/L
Total Recoverable Lead ¹	120 µg/L
Total Recoverable Zinc ¹	120 µg/L
¹ Metals monitoring is only required at source-separated facilities for the specific metals listed above that are received at the facility.	
Facilities Engaged in Dismantling Ships, Marine Salvaging, and Marine Wrecking - Ships for Scrap (SIC Code 4499, limited to list)	
Total Recoverable Aluminum	750 <u>1,100</u> µg/L
Total Recoverable Cadmium	2.4 <u>1.8</u> µg/L
Total Recoverable Chromium	16 µg/L
Total Recoverable Copper	48 <u>13</u> µg/L
Total Recoverable Iron	1.0 mg/L
Total Recoverable Lead	120 µg/L
Total Recoverable Zinc	120 µg/L
Total Suspended Solids (TSS)	100 mg/L

3108 9VAC25-151-220. Sector O - Steam electric generating facilities.

3109 A. Discharges covered under this section. The requirements listed under this section apply
3110 to stormwater discharges associated with industrial activity from steam electric power
3111 generating facilities using coal, natural gas, oil, nuclear energy, etc. to produce a steam source,
3112 including coal handling areas (Industrial Activity Code "SE").

3113 Stormwater discharges from coal pile runoff subject to numeric effluent limitations are
3114 eligible for coverage under this permit, but are subject to the limitations established by Part I A 1
3115 c (2).

3116 Stormwater discharges from ancillary facilities (e.g., fleet centers, gas turbine stations, and
3117 substations) that are not contiguous to a steam electric power generating facility are not covered
3118 by this permit. Heat capture and heat recovery combined cycle generation facilities are also not
3119 covered by this permit; however, dual fuel co-generation facilities that generate electric power
3120 are included.

3121 B. Stormwater controls. Good housekeeping measures.

3122 1. Fugitive dust emissions. The permittee shall describe and implement measures that
3123 prevent or minimize fugitive dust emissions from coal and ash handling areas. The
3124 permittee shall minimize off-site tracking of coal dust and ash. Control measures to
3125 consider include installing specially designed tires, or washing vehicles in a designated
3126 area before they leave the site, and controlling the wash water.

3127 2. Delivery vehicles. The SWPPP shall describe measures that prevent or minimize
3128 contamination of stormwater runoff from delivery vehicles arriving on the plant site. At a
3129 minimum the permittee shall consider the following:

- 3130 a. Develop procedures for the inspection of delivery vehicles arriving on the plant
3131 site, and ensure overall integrity of the body or container; and
- 3132 b. Develop procedures to deal with leakage and spillage from vehicles or containers.
- 3133 3. Fuel oil unloading areas. The SWPPP shall describe measures that prevent or
3134 minimize contamination of precipitation or surface runoff from fuel oil unloading areas. At
3135 a minimum the permittee shall consider using the following measures, or an equivalent:
- 3136 a. Use of containment curbs in unloading areas;
- 3137 b. During deliveries, having station ~~personnel~~ staff familiar with spill prevention and
3138 response procedures present to ensure that any leaks and spills are immediately
3139 contained and cleaned up; and
- 3140 c. Use of spill and overflow protection. Drip pans, drip diapers, or other containment
3141 devices may be placed beneath fuel oil connectors to contain potential spillage
3142 during deliveries or from leaks at the connectors.
- 3143 4. Chemical loading and unloading areas. The permittee shall describe and implement
3144 measures that prevent or minimize the contamination of precipitation or surface runoff
3145 from chemical loading and unloading areas. At a minimum the permittee shall consider
3146 using the following measures (or their equivalents):
- 3147 a. Use of containment curbs at chemical loading and unloading areas to contain
3148 spills;
- 3149 b. During deliveries, having station personnel familiar with spill prevention and
3150 response procedures present to ensure that any leaks or spills are immediately
3151 contained and cleaned up; and
- 3152 c. Covering chemical loading and unloading areas, and storing chemicals indoors.
- 3153 5. Miscellaneous loading and unloading areas. The permittee shall describe and
3154 implement measures that prevent or minimize the contamination of stormwater runoff
3155 from loading and unloading areas. The permittee shall consider the following, at a
3156 minimum (or their equivalents):
- 3157 a. Covering the loading area;
- 3158 b. Grading, berming, or curbing around the loading area to divert run-on; or
- 3159 c. Locating the loading and unloading equipment and vehicles so that leaks are
3160 contained in existing containment and flow diversion systems.
- 3161 6. Liquid storage tanks. The permittee shall describe and implement measures that
3162 prevent or minimize contamination of stormwater runoff from aboveground liquid storage
3163 tanks. At a minimum the permittee shall consider employing the following measures (or
3164 their equivalents):
- 3165 a. Use of protective guards around tanks;
- 3166 b. Use of containment curbs;
- 3167 c. Use of spill and overflow protection; and
- 3168 d. Use of dry cleanup methods.
- 3169 7. Large bulk fuel storage tanks. The permittee shall describe and implement measures
3170 that prevent or minimize contamination of stormwater runoff from large bulk fuel storage
3171 tanks. At a minimum the permittee shall consider employing containment berms (or its
3172 equivalent). The permittee shall also comply with applicable state and federal laws,
3173 including Spill Prevention Control and Countermeasures (SPCC).
- 3174 8. Spill reduction measures. The permittee shall describe and implement measures to
3175 reduce the potential for an oil or chemical spill, or reference the appropriate section of

3176 their SPCC plan. The structural integrity of all aboveground tanks, pipelines, pumps and
 3177 other related equipment shall be visually inspected as part of the routine facility
 3178 inspection. All repairs deemed necessary based on the findings of the inspections shall
 3179 be completed immediately to reduce the incidence of spills and leaks occurring from
 3180 such faulty equipment.

3181 9. Oil bearing equipment in switchyards. The permittee shall describe and implement
 3182 measures to prevent or minimize contamination of surface runoff from oil bearing
 3183 equipment in switchyard areas. The permittee shall consider the use of level grades and
 3184 gravel surfaces to retard flows and limit the spread of spills, and the collection of
 3185 stormwater runoff in perimeter ditches.

3186 10. Residue hauling vehicles. All residue hauling vehicles shall be inspected for proper
 3187 covering over the load, adequate gate sealing and overall integrity of the container body.
 3188 Vehicles without load coverings or adequate gate sealing, or with leaking containers or
 3189 beds shall be repaired as soon as practicable.

3190 11. Ash loading areas. The permittee shall describe and implement procedures to
 3191 reduce or control the tracking of ash and residue from ash loading areas. Where
 3192 practicable, clear the ash building floor and immediately adjacent roadways of spillage,
 3193 debris and excess water before departure of each loaded vehicle.

3194 12. Areas adjacent to disposal ponds or landfills. The permittee shall describe and
 3195 implement measures that prevent or minimize contamination of stormwater runoff from
 3196 areas adjacent to disposal ponds or landfills. The permittee shall develop procedures to:

3197 a. Reduce ash residue which may be tracked on to access roads traveled by residue
 3198 trucks or residue handling vehicles; and

3199 b. Reduce ash residue on exit roads leading into and out of residue handling areas.

3200 13. Landfills, scrapyards, surface impoundments, open dumps, general refuse sites. The
 3201 SWPPP shall address and include appropriate control measures to minimize the
 3202 potential for contamination of runoff from landfills, scrapyards, surface impoundments,
 3203 open dumps and general refuse sites.

3204 C. Numeric effluent limitations. Permittees with point sources of coal pile runoff associated
 3205 with steam electric power generation shall monitor these stormwater discharges for the
 3206 presence of TSS and for pH at least annually in accordance with Part I A 1 c (2).

3207 ~~D. Benchmark monitoring and reporting requirements. Steam electric power generating~~
 3208 ~~facilities are required to monitor their stormwater discharges for the pollutants of concern listed~~
 3209 ~~in Table 220.~~

Table 220 Sector O — Benchmark Monitoring Requirements	
Pollutants of Concern	Benchmark Concentration
Steam Electric Generating Facilities (Industrial Activity Code "SE")	
Total Recoverable Iron	1.0 mg/L

3210 **9VAC25-151-240. Sector Q - Water transportation and ship and boat building and**
 3211 **repairing yards.**

3212 A. Discharges covered under this section. The requirements listed under this section apply
 3213 to stormwater discharges associated with the following industrial activities:

3214 1. Water transportation facilities identified by SIC Codes 4412-4499 (except SIC Code
 3215 4499 facilities as specified in Sector N - 9VAC25-151-210). The water transportation

3216 industry includes facilities engaged in foreign or domestic transport of freight or
3217 passengers in deep sea or inland waters, marine cargo handling operations, ferry
3218 operations, towing and tugboat services, and marinas.

3219 2. Ship building and repairing and boat building and repairing facilities identified by SIC
3220 Codes 3731 and 3732. The U.S. Coast Guard refers to a vessel 65 feet or greater in
3221 length as a "ship" and a vessel smaller than 65 feet as a "boat."

3222 B. Special conditions. Prohibition of nonstormwater discharges. In addition to the general
3223 nonstormwater prohibition in Part I B 1, the following discharges are not covered by this permit:
3224 bilge and ballast water, sanitary wastes, pressure wash water, and cooling water originating
3225 from vessels.

3226 C. Stormwater controls.

3227 1. Good housekeeping.

3228 a. Pressure washing area. As defined by this permit, process wastewater related to
3229 hull work at facilities shall be any water used on a vessel's hull for any purpose,
3230 regardless of application pressure, including the activities of removing marine salts,
3231 sediments, marine growth and paint, or other hull, weather deck, or superstructure
3232 cleaning activities using water, ~~such as~~ (e.g., preparing those areas for inspection or
3233 work (cutting, welding, grinding, coating, etc.)). The discharge water shall be
3234 permitted as a process wastewater by a separate VPDES permit.

3235 b. Blasting and painting areas. The permittee shall describe and implement
3236 measures to prevent spent abrasives, paint chips, and overspray from discharging
3237 into the receiving water or the storm sewer system. The permittee shall contain all
3238 blasting or painting activities or use other measures to prevent or minimize the
3239 discharge of contaminants (e.g., hanging plastic barriers or tarpaulins during blasting
3240 or painting operations to contain debris). Stormwater conveyances shall be regularly
3241 cleaned to remove deposits of abrasive blasting debris and paint chips. The SWPPP
3242 shall include any standard operating practices with regard to blasting and painting
3243 activities, ~~such as~~ (e.g., the prohibition of uncontained blasting or painting over open
3244 water, or the prohibition of blasting or painting during windy conditions which can
3245 render containment ineffective).

3246 c. Material storage areas. All containerized materials shall be plainly labeled and
3247 stored in a protected, secure location away from drains. The permittee shall describe
3248 and implement measures to prevent or minimize the contamination of precipitation or
3249 surface runoff from the storage areas. The SWPPP shall specify which materials are
3250 stored indoors and consider containment or enclosure for materials that are stored
3251 outdoors. The permittee shall consider implementing an inventory control plan to limit
3252 the presence of potentially hazardous materials on-site. Where abrasive blasting is
3253 performed, the SWPPP shall specifically include a discussion on the storage and
3254 disposal of spent abrasive materials generated at the facility.

3255 d. Engine maintenance and repair areas. The permittee shall describe and
3256 implement measures to prevent or minimize contamination of precipitation or surface
3257 runoff from all areas used for engine maintenance and repair. The permittee shall
3258 consider the following measures (or their equivalent): performing all maintenance
3259 activities indoors, maintaining an organized inventory of materials used in the shop,
3260 draining all parts of fluids ~~prior to~~ before disposal, prohibiting the practice of hosing
3261 down the shop floor using dry cleanup methods, and treating or recycling stormwater
3262 runoff collected from the maintenance area.

3263 e. Material handling areas. The permittee shall describe and implement measures to
3264 prevent or minimize contamination of precipitation or surface runoff from material

3265 handling operations and areas (e.g., fueling, paint and solvent mixing, disposal of
 3266 process wastewater streams from vessels). The permittee shall consider the
 3267 following measures (or their equivalents): covering fueling areas; using spill and
 3268 overflow protection; mixing paints and solvents in a designated area (preferably
 3269 indoors or under a shed); and minimizing run-on of stormwater to material handling
 3270 areas.

3271 f. Drydock activities. The SWPPP shall address the routine maintenance and
 3272 cleaning of the drydock to minimize the potential for pollutants in the stormwater
 3273 runoff. The SWPPP shall describe the procedures for cleaning the accessible areas
 3274 of the drydock ~~prior to~~ before flooding and final cleanup after the vessel is removed
 3275 and the dock is raised. Cleanup procedures for oil, grease, or fuel spills occurring on
 3276 the drydock shall also be included within the SWPPP. The permittee shall consider
 3277 the following measures (or their equivalents): sweeping rather than hosing off debris
 3278 and spent blasting material from the accessible areas of the drydock ~~prior to~~ before
 3279 flooding; and having absorbent materials and oil containment booms readily
 3280 available to contain or cleanup any spills.

3281 g. General yard area. The SWPPP shall include a schedule for routine yard
 3282 maintenance and cleanup. Scrap metal, wood, plastic, miscellaneous trash, paper,
 3283 glass, industrial scrap, insulation, welding rods, packaging, etc. shall be routinely
 3284 removed from the general yard area.

3285 (1) Preventative maintenance. As part of the facility's preventive maintenance
 3286 program, stormwater management devices shall be inspected and maintained in a
 3287 timely manner (e.g., oil/water separators and sediment traps cleaned to ensure that
 3288 spent abrasives, paint chips and solids are intercepted and retained ~~prior to~~ before
 3289 entering the storm drainage system). Facility equipment and systems shall also be
 3290 inspected and tested to uncover conditions that could cause breakdowns or failures
 3291 resulting in discharges of pollutants to surface waters.

3292 (2) Routine facility inspections. The following areas shall be included in all quarterly
 3293 inspections: pressure washing area; blasting, sanding, and painting areas; material
 3294 storage areas; engine maintenance and repair areas; material handling areas;
 3295 drydock area; and general yard area. The requirement for routine facility inspections
 3296 is waived for facilities that have maintained an active VEEP E3/E4 status.

3297 (3) Employee training. Training shall address, at a minimum, the following activities
 3298 (as applicable): used oil management, spent solvent management, disposal of spent
 3299 abrasives, disposal of vessel wastewaters, spill prevention and control, fueling
 3300 procedures, general good housekeeping practices, painting and blasting procedures,
 3301 and used battery management.

3302 D. Benchmark monitoring and reporting requirements. These facilities are required to
 3303 monitor their stormwater discharges for the pollutants of concern listed in Table 240.

Table 240 Sector Q – Benchmark Monitoring Requirements	
Pollutants of Concern	Benchmark Concentration
Water Transportation Facilities (SIC Codes 4412-4499 except 4499 as specified in Sector N) and Ship and Boat Building or Repairing Yards (SIC Codes 3731 and 3732)	
Total Suspended Solids (TSS)	100 mg/L
Total Recoverable Copper	48 <u>13</u> µg/L

Total Recoverable Zinc	120 µg/L
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3304 9VAC25-151-280. Sector U - Food and kindred products.

3305 A. Discharges covered under this section. The requirements listed under this section apply
3306 to stormwater discharges associated with industrial activity from food and kindred products
3307 processing facilities, including dairy products SIC Codes 2021-2026; grain mill products SIC
3308 Codes 2041-2048; and fats and oils SIC Codes 2074-2079.

3309 B. Special conditions. Prohibition of nonstormwater discharges. In addition to the general
3310 nonstormwater prohibition in Part I B 1, the following discharges are not covered by this permit:
3311 boiler blowdown, cooling tower overflow and blowdown, ammonia refrigeration purging, and
3312 vehicle washing and clean-out operations.

3313 C. Benchmark monitoring and reporting requirements. Dairy products, grain mills and fats
3314 and oils products facilities are required to monitor their stormwater discharges for the pollutants
3315 of concern listed in Table 280.

Table 280 Sector U – Benchmark Monitoring Requirements	
Pollutants of Concern	Benchmark Concentration
Dairy Products (SIC Codes 2021-2026)	
Biochemical Oxygen Demand (BOD ₅)	30 mg/L
Total Suspended Solids (TSS)	100 mg/L
Grain Mill Products (SIC Codes 2041-2048)	
Total Kjeldahl Nitrogen (TKN)	1.5 mg/L
Total Suspended Solids (TSS)	100 mg/L
Fats and Oils Products (SIC Codes 2074-2079)	
Biochemical Oxygen Demand (BOD ₅)	30 mg/L
Total Nitrogen	2.2 mg/L
Total Suspended Solids (TSS)	100 mg/L

3316 9VAC25-151-320. Sector Y - Rubber, miscellaneous plastic products, and miscellaneous
3317 manufacturing industries.

3318 A. Discharges covered under this section. The requirements listed under this section apply
3319 to stormwater discharges associated with industrial activity from rubber and miscellaneous
3320 plastic products manufacturing facilities, SIC Codes 3011, 3021, 3052, 3053, 3061, and 3069.

3321 B. SWPPP requirements. In addition to the requirements of Part III, the SWPPP shall
3322 include, at a minimum, the following items:

3323 1. Site description. Summary of potential pollutant sources. Rubber manufacturing
3324 facilities shall review the use of zinc at the facility and the possible pathways through
3325 which zinc may be discharged in stormwater runoff.

3326 2. Stormwater controls.

3327 a. Controls for rubber manufacturers. Rubber manufacturing facilities shall describe
3328 and implement specific controls to minimize the discharge of zinc in stormwater
3329 discharges from the facility. Listed below are possible sources of zinc. These shall be

3330 reviewed and the accompanying control measures (or their equivalents) shall be
 3331 documented in the SWPPP. Also, some general control measure options to consider
 3332 include: using chemicals that are purchased in pre-weighed, sealed polyethylene
 3333 bags; storing materials that are in use in sealable containers; ensuring an airspace
 3334 between the container and the cover to minimize "puffing" losses when the container
 3335 is opened; and using automatic dispensing and weighing equipment.

3336 (1) Zinc bags. All permittees shall review the handling and storage of zinc bags at
 3337 their facilities. Following are some control measure options: employee training
 3338 regarding the handling and storage of zinc bags; indoor storage of zinc bags;
 3339 cleanup of zinc spills without washing the zinc into the storm drain; and the use of
 3340 2,500-pound sacks of zinc rather than 50- to 100-pound sacks.

3341 (2) Dumpsters. The permittee shall minimize discharges of zinc from dumpsters.
 3342 Following are some control measure options: provide a cover for the dumpster; move
 3343 the dumpster to an indoor location; or provide a lining for the dumpster.

3344 (3) Dust collectors or baghouses. Permittees shall minimize contributions of zinc to
 3345 stormwater from dust collectors and baghouses. Improperly operating dust collectors
 3346 and baghouses shall be replaced or repaired as appropriate.

3347 (4) Grinding operations. Permittees shall minimize contamination of stormwater as a
 3348 result of dust generation from rubber grinding operations. One control measure
 3349 option is to install a dust collection system.

3350 (5) Zinc stearate coating operations. Permittees shall minimize the potential for
 3351 stormwater contamination from drips and spills of zinc stearate slurry that may be
 3352 released to the storm drain. One control measure option is to use alternative
 3353 compounds to zinc stearate.

3354 b. Controls for plastic products manufacturers. Plastic products manufacturing
 3355 facilities shall describe and implement specific controls to minimize the discharge of
 3356 plastic resin pellets in stormwater discharges from the facility. The following control
 3357 measures (or their equivalents) shall be documented in the SWPPP: minimizing
 3358 spills; cleaning up of spills immediately and thoroughly; sweeping thoroughly; pellet
 3359 capturing; employee education; and disposal precautions.

3360 C. Benchmark monitoring and reporting requirements. Rubber product manufacturing
 3361 facilities are required to monitor their stormwater discharges for the pollutants of concern listed
 3362 in Table 320.

Table 320 Sector Y – Benchmark Monitoring Requirements	
Pollutants of Concern	Benchmark Concentration
Tires and Inner Tubes; Rubber Footwear; Gaskets, Packing and Sealing Devices; Rubber Hose and Belting; and Fabricated Rubber Products, Not Elsewhere Classified (SIC Codes 3011, 3021, 3052, 3053, 3061, and 3069).	
Total Recoverable Zinc	120 µg/L

3363 **9VAC25-151-340. Sector AA - Fabricated metal products.**

3364 A. Discharges covered under this section. The requirements listed under this section apply
 3365 to stormwater discharges associated with industrial activity from the following fabricated metals
 3366 industries, except for electrical related industries: fabricated metal products, except machinery
 3367 and transportation equipment, SIC Codes 3411-3471, 3479, and 3482-3499; and jewelry,
 3368 silverware, and plated ware, SIC Codes 3911-3915.

3369 B. Benchmark monitoring and reporting requirements. Metal fabricating facilities are required
 3370 to monitor their stormwater discharges for the pollutants of concern listed in Table 340.

Table 340 Sector AA – Benchmark Monitoring Requirements	
Pollutants of Concern	Benchmark Concentration
Fabricated Metal Products Except Coating (SIC Codes 3411-3471, 3482-3499, 3911-3915)	
Total Recoverable Aluminum	750 <u>1,100</u> µg/L
Total Recoverable Iron	1.0 mg/L
Total Recoverable Zinc	120 µg/L
Total Recoverable Copper	48 <u>13</u> µg/L
Fabricated Metal Coating and Engraving (SIC Code 3479)	
Total Recoverable Zinc	120 µg/L

3371 **9VAC25-151-350. Sector AB - Transportation equipment, industrial, or commercial**
 3372 **machinery.**

3373 A. Discharges covered under this section. The requirements listed under this section apply
 3374 to stormwater discharges associated with industrial activity from transportation equipment and
 3375 industrial or commercial machinery manufacturing facilities commonly described by SIC Codes
 3376 3511-3599, except SIC Codes 3571-3579.

3377 B. SWPPP requirements. In addition to the requirements of Part III, the SWPPP shall
 3378 include, at a minimum, the following item:

3379 Site description. The site map shall identify where any of the following may be exposed to
 3380 precipitation or surface runoff: vents and stacks from metal processing and similar operations.

3381 C. Benchmark monitoring and reporting requirements. Transportation equipment
 3382 manufacturing facilities are required to monitor their stormwater discharges for the pollutants of
 3383 concern listed in Table 350.

Table 350 Sector AB – Benchmark Monitoring Requirements	
Pollutants of Concern	Benchmark Concentration
Transportation equipment manufacturing facilities (SIC Codes 3511-3599 except SIC Codes 3571-3579)	
Total Petroleum Hydrocarbons (TPH)*	15.0 mg/L
Total Suspended Solids (TSS)	100 mg/L
Total Recoverable Copper	48 <u>13</u> µg/L
Total Recoverable Zinc	120 µg/L
*Total Petroleum Hydrocarbons (TPH) is the sum of individual gasoline range organics and diesel range organics (TPH-GRO and TPH-DRO) to be measured by EPA SW 846 Method 8015 for gasoline and diesel range organics, or by EPA SW 846 Methods 8260 Extended and 8270 Extended.	

3384 **9VAC25-151-370. Sector AD - Nonclassified facilities or stormwater discharges**
 3385 **designated by the board department as requiring permits.**

3386 A. Discharges covered under this section. Sector AD is used to provide permit coverage for
 3387 facilities designated by the board department as needing a stormwater permit under the
 3388 provisions of 9VAC25-31-120 A 1 c or under 9VAC25-31-120 A 7 a (1) or (2) of the VPDES
 3389 Permit Regulation. Therefore, almost any type of stormwater discharge may be covered under
 3390 this sector. Permittees shall be assigned to Sector AD by the board department and may not
 3391 choose Sector AD as the sector describing the facility's activities.

3392 B. Benchmark monitoring and reporting requirements. The board department shall establish
 3393 any additional monitoring requirements for your facility ~~prior to~~ before authorizing coverage
 3394 under this permit.

3395 **9VAC25-151-380. Sector AE - Facilities with no analytical benchmark monitoring**
 3396 **requirements.**

3397 A. Discharges covered under this section. The requirements listed under this section apply
 3398 to stormwater discharges associated with industrial activity from facilities with SIC Codes 2611,
 3399 2621, 2652-2657, 2833-2836, 2851, 2861-2869, 2891-2899, 3952, 3211, 3221, 3229, 3231,
 3400 3241, 3281, 3291-3299, 3331-3339, 3398, 3399, 3341, 1311, 1321, 1381-1389, 2911,
 3401 4512-4581, Treatment Works (TW), 2011-2015, 2032-2038, 2051-2053, 2061-2068, 2082-2087,
 3402 2091-2099, 2111-2141, 2211-2299, 2311-2399, 3131-3199, 2434, 2511-2599, 2711-2796,
 3403 3081-3089, 3931, 3942-3949, 3951-3955 (except 3952), 3961, 3965, 3991-3999, 3111,
 3404 3711-3799 (except 3731 and 3732 as identified in Sector Q), 3571-3579, 3612-3699, and
 3405 3812-3873.

3406 B. No additional sector-specific requirements apply to this sector.

3407 **9VAC25-151-390. Sector AF- Facilities limited to total suspended solids benchmark**
 3408 **monitoring requirements.**

3409 A. Discharges covered under this section. The requirements listed under this section apply
 3410 to stormwater discharges associated with industrial activity from facilities with SIC Codes 4011,
 3411 4013, 4111-4173, 4212-4231, 4311, and 5171.

3412 B. Benchmark monitoring and reporting requirements. Facilities or stormwater discharges
 3413 included in this sector are required to monitor their stormwater discharges for the pollutants of
 3414 concern listed in Table 390.

3415

Table 390	
Sector AF- Benchmark Monitoring Requirements	
Pollutants of Concern	Benchmark Concentration
Facilities Limited to Total Suspended Solids Benchmark Monitoring Requirements	
Total Suspended Solids (TSS)	100 mg/L

3416 Part V

3417 Chesapeake Bay Total Maximum Daily Load Compliance

3418 **9VAC25-151-400. Chesapeake Bay total maximum daily load compliance.**

3419 A. Chesapeake Bay TMDL Compliance. EPA's Chesapeake Bay TMDL (December 29,
 3420 2010) includes wasteload allocations for VPDES permitted industrial stormwater facilities as part
 3421 of the regulated stormwater aggregate load. EPA used data submitted by Virginia with the

3422 Phase I Chesapeake Bay TMDL Watershed Implementation Plan, including the number of
3423 industrial stormwater permits per county and the number of urban acres regulated by industrial
3424 stormwater permits, as part of their development of the aggregate load. Aggregate loads for
3425 industrial stormwater facilities were appropriate because actual facility loading data were not
3426 available to develop individual facility wasteload allocations.

3427 Virginia estimated the loadings from industrial stormwater facilities using actual and
3428 estimated facility acreage information and total phosphorus (TP) and total nitrogen (TN) loading
3429 rates from the Northern Virginia Planning District Commission (NVPDC) Guidebook for
3430 Screening Urban Nonpoint Pollution Management Strategies (Annandale, VA November 1979),
3431 prepared for the Metropolitan Washington Council of Governments. The loading rates used
3432 were as follows:

3433 TP - High (80%) imperviousness industrial; 1.5 lb/ac/yr

3434 TN - High (80%) imperviousness industrial; 12.3 lb/ac/yr

3435 Actual facility area information and TP and TN data collected for facilities subject to Part V of
3436 this permit will be used by the department to quantify the nutrient and sediment loads from
3437 those VPDES permitted industrial stormwater facilities.

3438 1. Facilities that obtained coverage under the 2019 industrial stormwater general permit
3439 that demonstrated compliance with the Chesapeake Bay TMDL loading rates.

3440 a. Owners shall maintain documentation of their demonstration of compliance with
3441 the Chesapeake Bay TMDL loading rates with the SWPPP and shall continue
3442 implementing any BMPs that may have been developed as part of that
3443 demonstration. Documentation may include:

3444 (1) Calculations submitted to the department indicating that reductions were not
3445 necessary;

3446 (2) A completed TMDL Action Plan, including a description of the means and
3447 methods, such as management practices and retrofit programs that were utilized to
3448 meet the required reductions;

3449 (3) Other means accepted by the department indicating compliance with the
3450 Chesapeake Bay TMDL loading rates.

3451 2. Facilities that obtained coverage under the 2019 industrial stormwater general permit
3452 that did not demonstrate compliance with the Chesapeake Bay TMDL loading rates shall
3453 submit a demonstration to the department.

3454 a. Owners of facilities that submitted a Chesapeake Bay TMDL action plan during the
3455 2019 industrial stormwater general permit term that did not achieve reductions by the
3456 end of the 2019 permit term shall demonstrate that they have achieved their
3457 reductions by December 31, 2025. The demonstration shall be submitted to the
3458 department no later than January 10, 2026. Documentation of compliance with the
3459 Chesapeake Bay TMDL loading rates shall be maintained with the SWPPP.

3460 b. Owners of facilities that completed four samples for each outfall for TN and TP
3461 during the 2019 industrial stormwater general permit term that did not submit
3462 calculations by the end of the 2019 permit term shall utilize the procedures in Part V
3463 D to calculate their facility stormwater loads. The permittee shall submit a copy of the
3464 calculations, and a Chesapeake Bay TMDL action plan if required under Part V E, no
3465 later than 60 days following coverage under this general permit to the DEQ regional
3466 office serving the area where the industrial facility is located on a form provided by
3467 the department. Reductions, if applicable, shall be achieved by December 31, 2025,
3468 and documentation that the reductions have been achieved shall be submitted to the

3469 department no later than January 10, 2026. Documentation of compliance with the
3470 Chesapeake Bay TMDL loading rates shall be maintained with the SWPPP.

3471 c. Owners of facilities registered prior to July 1, 2022, that did not complete four
3472 samples for each outfall for TN and TP by the end of the 2019 industrial stormwater
3473 general permit term shall monitor their discharges for TN and TP to characterize the
3474 contributions from their facility's specific industrial sector for these parameters. Total
3475 nitrogen is the sum of total Kjeldahl nitrogen (TKN) and nitrite + nitrate and shall be
3476 derived from the results of those tests. After the facility is granted coverage under the
3477 permit, samples shall be collected during each of the first four quarters of permit
3478 coverage. Samples shall be collected and analyzed in accordance with Part V B.
3479 Monitoring results shall be reported in accordance with Part V C and Part II C, and
3480 retained in accordance with Part II B. Calculations utilizing the procedures in Part V
3481 D, and a Chesapeake Bay TMDL action plan if required under Part V E, shall be
3482 submitted no later than 60 days following the completion of the fourth quarterly
3483 monitoring period to the DEQ regional office serving the area where the industrial
3484 facility is located on a form provided by the department. Reductions, if applicable,
3485 shall be achieved by December 31, 2025, and documentation that the reductions
3486 have been achieved shall be submitted to the department no later than January 10,
3487 2026. Documentation of compliance with the Chesapeake Bay TMDL loading rates
3488 shall be maintained with the SWPPP.

3489 Facilities may use the applicable sampling data collected during the 2019 industrial
3490 stormwater general permit term to satisfy all or part of the four monitoring periods
3491 requirement in accordance with Part V A 2 c.

3492 d. Owners of facilities registered after June 30, 2022, that did not complete four
3493 samples for each outfall for TN and TP by the end of the 2019 industrial stormwater
3494 general permit term shall monitor their discharges in accordance with Part V A 3.

3495 Facilities may use the applicable sampling data collected during the 2019 industrial
3496 stormwater general permit term to satisfy all or part of the four monitoring periods
3497 requirements in accordance with Part V A 3.

3498 3. Facilities that obtain initial coverage under the 2024 industrial stormwater general
3499 permit, but are not newly constructed facilities as identified in 9VAC25-151-60 C 13.

3500 a. Owners of facilities in the Chesapeake Bay watershed that obtain initial coverage
3501 under the 2024 industrial stormwater general permit shall monitor their discharges for
3502 TN and TP to characterize the contributions from their facility's specific industrial
3503 sector for these parameters. Total nitrogen is the sum of total Kjeldahl nitrogen
3504 (TKN) and nitrite + nitrate and shall be derived from the results of those tests. After
3505 the facility is granted coverage under the permit, samples shall be collected during
3506 each of the first four quarters of permit coverage. Samples shall be collected and
3507 analyzed in accordance with Part V B. Monitoring results shall be reported in
3508 accordance with Part V C and Part II C, and retained in accordance with Part II B.
3509 Calculations utilizing the procedures in Part V D, and a Chesapeake Bay TMDL
3510 action plan if required under Part V E, shall be submitted no later than 60 days
3511 following the completion of the fourth quarterly monitoring period to the DEQ regional
3512 office serving the area where the industrial facility is located on a form provided by
3513 the department. Reductions, if applicable, shall be achieved by two years following
3514 the end of the fourth quarterly monitoring period and documentation that the
3515 reductions have been achieved shall be submitted to the department no later than
3516 the 10th of the month directly following the two year period. Documentation of

3517 compliance with the Chesapeake Bay TMDL loading rates shall be maintained with
3518 the SWPPP.

3519 B. Monitoring instructions.

3520 1. Collection and analysis of samples. Sampling requirements shall be assessed on an
3521 outfall by outfall basis. Samples shall be collected and analyzed in accordance with the
3522 requirements of Part II A.

3523 2. When and how to sample. A minimum of one grab sample shall be taken from the
3524 discharge associated with industrial activity resulting from a storm event that results in a
3525 discharge from the site providing the interval from the preceding storm event discharge
3526 is at least 72 hours. The 72-hour storm interval is waived if the permittee is able to
3527 document that less than a 72-hour interval is representative for local storm events during
3528 the sampling period. In the case of snowmelt, the monitoring shall be performed at a
3529 time when a measurable discharge occurs at the site. For discharges from a stormwater
3530 management structure, the monitoring shall be performed at a time when a measurable
3531 discharge occurs from the structure.

3532 The grab sample shall be taken during the first 30 minutes of the discharge. If it is not
3533 practicable to take the sample during the first 30 minutes, the sample may be taken
3534 during the first three hours of the discharge, provided that the permittee explains why a
3535 grab sample during the first 30 minutes was impracticable. This information shall be
3536 submitted in the department's electronic discharge monitoring report (e-DMR) system,
3537 and maintained with the SWPPP. If the sampled discharge commingles with process or
3538 nonprocess water, the permittee shall attempt to sample the stormwater discharge
3539 before it mixes with the nonstormwater.

3540 3. Storm event data. For each monitoring event (except snowmelt monitoring), along
3541 with the monitoring results, the permittee shall identify the date of the storm event
3542 sampled; rainfall total (in inches) of the storm event that generated the sampled runoff;
3543 and the interval between the storm event sampled and the end of the previous storm
3544 event discharge. For snowmelt monitoring, the permittee shall identify the date of the
3545 sampling event.

3546 4. Monitoring periods. Quarterly monitoring shall be conducted in each of the following
3547 three-month periods: January through March, April through June, July through
3548 September, and October through December.

3549 5. Documentation explaining a facility's inability to obtain a sample (including dates and
3550 times the outfalls were viewed or sampling was attempted), of no rain event, or of
3551 deviation from the 72-hour storm interval shall be submitted with the e-DMR and
3552 maintained with the SWPPP. Acceptable documentation includes National Climatic Data
3553 Center (NCDC) weather station data, local weather station data, facility rainfall logs, and
3554 other appropriate supporting data.

3555 6. Representative outfalls may be used in accordance with Part I A 2 f.

3556 C. Reporting monitoring results.

3557 1. Reporting to the department. The permittee shall follow the reporting requirements
3558 and deadlines in Table 400-1, if required by Part V A 2 or Part V A 3:

<u>TABLE 400-1</u>	
<u>MONITORING REPORTING REQUIREMENTS</u>	
<u>Quarterly Chesapeake Bay TMDL Monitoring</u>	<u>Submit the results by January 10, April 10, July 10, and October 10.</u>

3559 2. Permittees shall submit results for each outfall associated with industrial activity
3560 according to the requirements of Part II C.

3561 3. Significant digits. The permittee shall report at least the same number of significant
3562 digits as a numeric effluent limitation or TMDL wasteload allocation for a given
3563 parameter; otherwise, at least two significant digits shall be reported for a given
3564 parameter. Regardless of the rounding convention used by the permittee (i.e., five
3565 always rounding up or to the nearest even number), the permittee shall use the
3566 convention consistently and shall ensure that consulting laboratories employed by the
3567 permittee use the same convention.

3568 D. Calculation of facility loads.

3569 1. Permittees required to collect nutrient and sediment data in accordance with Part V A
3570 2 or A 3 shall analyze the data collected to determine if pollution reductions are required.
3571 The permittee shall average the data collected at the facility for each of the pollutants of
3572 concern (POC) (e.g., TP and TN) and compare the results to the loading rates for TP
3573 and TN presented in Part V A.

3574 The following formula may be used to determine the loading rate:

3575
$$L = 0.226 \times P \times P_j \times (0.05 + (0.9 \times I_a)) \times C$$

3576 where:

3577 L = the POC loading rate (lb/acre/year)

3578 P = the annual rainfall (inches/year) - The permittee may use either actual annual
3579 average rainfall data for the facility location (in inches/year), the Virginia annual average
3580 rainfall of 44.3 inches/year, or another method approved by the department.

3581 P_j = the fraction of annual events that produce runoff - The permittee shall use 0.9
3582 unless the department approves another rate.

3583 I_a = the impervious fraction of the facility impervious area of industrial activity to the
3584 facility industrial activity area

3585 C = the POC average concentration of all facility samples (mg/L) - Facilities with multiple
3586 outfalls shall calculate a weighted average concentration for each outfall using the
3587 drainage area of each outfall.

3588 For total phosphorus, all daily concentration data below the quantitation level (QL) for
3589 the analytical method used shall be treated as half the QL. All daily concentration data
3590 equal to or above the QL for the analytical method used shall be treated as it is reported.

3591 For total nitrogen, if none of the daily concentration data for the respective species (i.e.,
3592 TKN, nitrate, or nitrite) are equal to or above the QL for the respective analytical
3593 methods used, the daily TN concentration value reported shall equal one half of the
3594 largest QL used for the respective species. If one of the data is equal to or above the
3595 QL, the daily TN concentration value shall be treated as that data point is reported. If
3596 more than one of the data is above the QL, the daily TN concentration value shall equal
3597 the sum of the data points as reported.

3598 Calculations shall be submitted to the department within 60 days from the end of the last
3599 monitoring period that satisfies the monitoring requirements in Part V A 2 or Part V A 3.
3600 Calculations shall be submitted to the DEQ regional office serving the area where the
3601 industrial facility is located, on a form provided by the department, and maintained with
3602 the facility's SWPPP.

3603 Alternative calculations may be accepted on a case by case basis by the department to
3604 accommodate facilities with outfalls that rarely discharge.

3605 E. Chesapeake Bay TMDL action plan requirements.

3606 For permittees required to submit calculations in accordance with Part V D, if the calculated
3607 facility loading rate for TP or TN is above the loading rates for TP or TN presented in Part V A,
3608 then the permittee shall develop and submit a Chesapeake Bay TMDL action plan to the
3609 department.

3610 The Chesapeake Bay TMDL action plan shall be submitted on a form provided by the
3611 department to the regional office serving the area where the industrial facility is located within 60
3612 days following the completion of the fourth quarterly monitoring period. A copy of the current
3613 Chesapeake Bay TMDL action plan and all facility loading rate calculations shall be maintained
3614 with the facility's SWPPP. The Chesapeake Bay TMDL action plan shall include:

3615 1. A determination of the total pollutant load reductions for TP and TN (as appropriate)
3616 necessary to reduce the annual loads from industrial activities. This shall be determined
3617 by multiplying the industrial average times the difference between the TMDL loading
3618 rates listed in Part V A and the actual facility loading rates calculated in accordance with
3619 Part V D . The reduction applies to the total difference calculated for each pollutant of
3620 concern;

3621 2. The means and methods, such as management practices and retrofit programs that
3622 will be utilized to meet the required reductions determined in Part V E 1 and a schedule
3623 to achieve those reductions by the applicable deadline set in Part V A 2 or A 3.

3624 a. Pollutant reductions may be achieved using a combination of the following
3625 alternatives:

3626 (1) Reductions provided by one or more of the BMPs from the Virginia Stormwater
3627 BMP Clearinghouse listed in 9VAC25-870-65, approved BMPs found on the Virginia
3628 Stormwater Clearinghouse website, or BMPs approved by the Chesapeake Bay
3629 Program. Any BMPs implemented to provide the required pollutant reductions shall
3630 be incorporated in the SWPPP and be permanently maintained by the permittee;

3631 (2) Implementation of site-specific BMPs followed by a minimum of four stormwater
3632 samples collected in accordance with sampling requirements in Part I B 8 a that
3633 demonstrate pollutant loadings have been reduced below those calculated under
3634 Part I B 8 c. Any BMPs implemented to provide the required pollutant reductions
3635 shall be incorporated in the SWPPP and be permanently maintained by the
3636 permittee; or

3637 (3) Acquisition of nonpoint source credits certified by the board as perpetual in
3638 accordance with § 62.1-44.19:20 of the Code of Virginia.

3639 FORMS (9VAC25-151)

3640 [Department of Environmental Quality Water Division Permit Application Fee Form, Form 5](#)
3641 [\(rev. 10/2018\)](#)

3642 [VPDES General Permit for Industrial Activity Stormwater Discharges \(VAR05\) Registration](#)
3643 [Statement, SWGP VAR05-RS \(eff. 7/2014\)](#)

3644 [VPDES General Permit for Industrial Activity Stormwater Discharges \(VAR05\) Notice of](#)
3645 [Termination, SWGP VAR05-NOT \(eff. 7/2014\)](#)

3646 [Virginia Pollutant Discharge Elimination System \(VPDES\) Discharge Monitoring Report](#)
3647 [\(DMR\) \(eff. 7/2014\)](#)

3648 [Virginia Pollutant Discharge Elimination System Change of Ownership Form \(undated\)](#)

3649 DOCUMENTS INCORPORATED BY REFERENCE (9VAC25-151)

- 3650 Standard Industrialization Classification (SIC) Manual, 1987, Office of Management and
3651 Budget
- 3652 [Method 8015C, Nonhalogenated Organics Using GC/FID, Revision 3, November 2000, U.S.](#)
3653 [Government Printing Office](#)
- 3654 Method 8015C, Nonhalogenated Organics Using GC/FID, Revision 3, February 2007, U.S.
3655 Government Printing Office
- 3656 [Method 8260B, Volatile Organic Compounds by Gas Chromatography/Mass Spectrometry](#)
3657 [\(GC/MS\), Revision 2, December 1996, U.S. Government Printing Office](#)
- 3658 [Method 8260C, Volatile Organic Compounds by Gas Chromatography/Mass Spectrometry](#)
3659 [\(GC/MS\), Revision 3, August 2006, U.S. Government Printing Office](#)
- 3660 [Method 8270C, Semivolatile Organic Compounds by Gas Chromatography/Mass](#)
3661 [Spectrometry \(GC/MS\), Revision 3, December 1996, U.S. Government Printing Office](#)
- 3662 Method 8270D, Semivolatile Organic Compounds by Gas Chromatography/Mass
3663 Spectrometry (GC/MS), Revision 4, February 2007, U.S. Government Printing Office

**FACT SHEET
REISSUANCE OF A GENERAL VPDES PERMIT
FOR INDUSTRIAL ACTIVITY STORMWATER DISCHARGES**

The Virginia State Water Control Board has under consideration the reissuance of a general VPDES permit for point source discharges of stormwater associated with industrial activity to surface waters.

Permit Number: VAR05

Name of Permittee: Any owner in the Commonwealth of Virginia agreeing to be regulated under the terms of this general permit.

Facility Location: Commonwealth of Virginia

Receiving Waters: Surface waters within the boundaries of the Commonwealth of Virginia, except waters specifically named in Board regulations or policies which prohibit such discharges.

On the basis of preliminary review and application of lawful standards and regulations, the State Water Control Board proposes to reissue the general permit subject to certain conditions and has prepared a draft permit. The category of discharges to be included involves stormwater discharges from subcategories of industrial facilities with the same or similar types of operations, and discharging the same or similar types of wastes. The Board has determined that this category of discharges is appropriately controlled under a general permit. The draft general permit requires that all covered facilities within a particular subcategory meet standardized permit conditions and monitoring requirements, and provides dates for submitting monitoring data. This permit will maintain the water quality standards adopted by the Board. This general permit will replace the general permit VAR05 which expires on June 30, 2024. Owners covered under the expiring general permit who wish to continue to discharge under a general permit must register for coverage under the new permit.

All pertinent information is on file and may be inspected, and arrangements made for copying by contacting:

Joseph Bryan
Virginia Department of Environmental Quality
P.O. Box 1105
Richmond, Virginia 23218
TEL: (804) 659-2659
joseph.bryan@deq.virginia.gov

Administrative

The general permit will have a fixed term of five (5) years effective, upon Board approval, July 1, 2024. Every authorization to discharge under this general permit will expire at the same time and all authorizations to discharge will be renewed on the same date. Discharges will be covered under the general permit upon approval of the Registration Statement and delivery of a copy of the general permit to the applicant.

This general permit does not apply to any new or increased discharge that will result in significant effects to the receiving waters. That determination is made in accordance with the State Water Control Board's Anti-degradation Policy contained in the Virginia Water Quality Standards, 9VAC25-260-30. Anti-backsliding will also be considered prior to granting coverage under this general permit to operations currently discharging stormwater under another VPDES permit.

If a discharge appears to qualify for this general permit, the operator must submit a general permit Registration Statement to apply for general permit coverage. The Department will either send a copy of the general permit to those applicants that qualify or send a copy of the VPDES individual permit application to those that do not qualify.

Activities Covered Under This General Permit

This permit covers point source discharges of stormwater associated with industrial activity to surface waters of the Commonwealth, including discharges through municipal or non-municipal separate storm sewer systems. This permit also covers stormwater discharges designated by the Board for permitting under the provisions of 9VAC25-31-120 A 1 c, or under 9VAC25-31-120 A 7 a (1) or (2) of the VPDES Permit Regulation.

To be eligible to discharge under the permit, an owner must (1) have a stormwater discharge associated with industrial activity from the facility's primary industrial activity, provided the primary industrial activity is included in Table 1 below, or (2) be notified that the stormwater discharges from the facility have been designated by the Board for permitting.

TABLE 1: SECTORS OF INDUSTRIAL ACTIVITY COVERED BY THIS PERMIT.

SIC Code or Activity Code	Activity Represented
Sector A: Timber Products	
2411	Log Storage and Handling (wet deck storage areas are only authorized if no chemical additives are used in the spray water or applied to the logs).
2421	General Sawmills and Planning Mills.
2426	Hardwood Dimension and Flooring Mills.
2429	Special Product Sawmills, Not Elsewhere Classified.
2431-2439 (except 2434 - see Sector W)	Millwork, Veneer, Plywood, and Structural Wood.
2441, 2448, 2449	Wood Containers.
2451, 2452	Wood Buildings and Mobile Homes.
2491	Wood Preserving.
2493	Reconstituted Wood Products.
2499	Wood Products, Not Elsewhere Classified (includes SIC Code 24991303 - Wood, Mulch and Bark facilities).
Sector B: Paper and Allied Products	
2631	Paperboard Mills.
Sector C: Chemical and Allied Products	
2812-2819	Industrial Inorganic Chemicals.
2821-2824	Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic and Other Synthetic Fibers except Glass.
2841-2844	Soaps, Detergents, and Cleaning Preparations; Perfumes, Cosmetics, and Other Toilet Preparations.

Fact Sheet – VPDES General Permit Regulation for Storm Water Discharges Associated with Industrial Activity, VAR05

2873-2879	Agricultural Chemicals (includes SIC Code 2875 - Composting facilities).
Sector D: Asphalt Paving and Roofing Materials and Lubricants	
2951, 2952	Asphalt Paving and Roofing Materials.
2992, 2999	Miscellaneous Products of Petroleum and Coal.
Sector E: Glass Clay, Cement, Concrete, and Gypsum Products	
3251-3259	Structural Clay Products.
3261-3269	Pottery and Related Products.
3274, 3275	Concrete, Gypsum and Plaster Products, except: Concrete Block and Brick; Concrete Products, except Block and Brick; and Ready-Mixed Concrete Facilities (SIC 3271-3273) (Concrete Block and Brick; Concrete Products, except Block and Brick; and Ready-Mixed Concrete Facilities (SIC 3271-3273) are covered under the Concrete Products General Permit (VAG11)).
Sector F: Primary Metals	
3312-3317	Steel Works, Blast Furnaces, and Rolling and Finishing Mills.
3321-3325	Iron and Steel Foundries.
3351-3357	Rolling, Drawing, and Extruding of Nonferrous Metals.
3363-3369	Nonferrous Foundries (Castings).
Sector G: Metal Mining (Ore Mining and Dressing)	
1011	Iron Ores.
1021	Copper Ores.
1031	Lead and Zinc Ores.
1041, 1044	Gold and Silver Ores.
1061	Ferroalloy Ores, Except Vanadium.
1081	Metal Mining Services.
1094, 1099	Miscellaneous Metal Ores.
Sector H: Coal Mines and Coal Mining Related Facilities	
1221-1241	Coal Mines and Coal Mining-Related Facilities.
(Sector J: Mineral Mining and Dressing Facilities (SIC 1411-1499) are not authorized under this permit – see the Non-Metallic Mineral Mining General Permit (VAG84) for permit coverage.)	
Sector K: Hazardous Waste Treatment, Storage, or Disposal Facilities	
HZ	Hazardous Waste Treatment Storage or Disposal.
Sector L: Landfills and Land Application Sites	
LF	Landfills, Land Application Sites, and Open Dumps.
Sector M: Automobile Salvage Yards	
5015	Automobile Salvage Yards.
Sector N: Scrap Recycling Facilities	
5093	Scrap Recycling Facilities.
4499 (limited to list)	Dismantling Ships, Marine Salvaging, and Marine Wrecking - Ships for Scrap

Fact Sheet – VPDES General Permit Regulation for Storm Water Discharges Associated with Industrial Activity, VAR05

Sector O: Steam Electric Generating Facilities	
SE	Steam Electric Generating Facilities.
Sector Q: Water Transportation and Ship and Boat Building or Repairing Yards	
4412-4499 (except 4499 facilities as specified in Sector N)	Water Transportation.
3731, 3732	Ship and Boat Building or Repairing Yards.
Sector U: Food and Kindred Products	
2021-2026	Dairy Products.
2041-2048	Grain Mill Products.
2074-2079	Fats and Oils.
Sector Y: Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries.	
3011	Tires and Inner Tubes.
3021	Rubber and Plastics Footwear.
3052, 3053	Gaskets, Packing, and Sealing Devices and Rubber and Plastics Hose and Belting.
3061, 3069	Fabricated Rubber Products, Not Elsewhere Classified.
Sector AA: Fabricated Metal Products	
3411–3471, 3482-3499	Fabricated Metal Products, except Machinery and Transportation Equipment.
3479	Fabricated Metal Coating and Engraving
3911–3915	Jewelry, Silverware, and Plated Ware
Sector AB: Transportation Equipment, Industrial or Commercial Machinery	
3511-3599 (except 3571-3579)	Industrial and Commercial Machinery (except Computer and Office Equipment).
Sector AD: Non-classified Facilities/Stormwater Discharges Designated by the Department as Requiring Permits	
N/A	Stormwater Discharges Designated by the Department for Permitting under the Provisions of 9VAC25-31-120 A 1 c, or Under 9VAC25-31-120 A 7 a (1) or (2) of the VPDES Permit Regulation. Facilities may not elect to be covered under Sector AD. Only the department may assign a facility to Sector AD.
Sector AE: Facilities with No Analytical Benchmark Monitoring Requirements	
2611	Pulp Mills.
2621	Paper Mills.
2652-2657	Paperboard Containers and Boxes.
2671-2679	Converted Paper and Paperboard Products, except Containers and Boxes.
2833-2836	Medicinal Chemicals and Botanical Products; Pharmaceutical Preparations; In Vitro and In Vivo Diagnostic Substances; Biological Products, except Diagnostic Substances.
2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products.

Fact Sheet – VPDES General Permit Regulation for Storm Water Discharges Associated with Industrial Activity, VAR05

2861-2869	Industrial Organic Chemicals.
2891-2899	Miscellaneous Chemical Products.
3952 (limited to list)	Inks and Paints, Including China Painting Enamels, India Ink, Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting, Artist's Paints and Artist's Watercolors.
3211	Flat Glass.
3221, 3229	Glass and Glassware, Pressed or Blown.
3231	Glass Products Made of Purchased Glass.
3241	Hydraulic Cement.
3281	Cut Stone and Stone Products
3291-3299	Abrasive, Asbestos, and Miscellaneous Non-Metallic Mineral Products.
3331-3339	Primary Smelting and Refining of Nonferrous Metals.
3398, 3399	Miscellaneous Primary Metal Products.
3341	Secondary Smelting and Refining of Nonferrous Metals.
1311	Crude Petroleum and Natural Gas.
1321	Natural Gas Liquids.
1381-1389	Oil and Gas Field Services.
2911	Petroleum Refineries.
4512-4581	Air Transportation Facilities.
TW	Treatment Works.
2011-2015	Meat Products.
2032-2038	Canned, Frozen and Preserved Fruits, Vegetables and Food Specialties.
2051-2053	Bakery Products.
2061-2068	Sugar and Confectionery Products.
2082-2087	Beverages.
2091-2099	Miscellaneous Food Preparations and Kindred Products.
2111-2141	Tobacco Products.
2211-2299	Textile Mill Products.
2311-2399	Apparel and Other Finished Products Made from Fabrics and Similar Materials.
3131-3199	Leather and Leather Products, except Leather Tanning and Finishing.
2434	Wood Kitchen Cabinets.
2511-2599	Furniture and Fixtures.
2711-2796	Printing, Publishing, and Allied Industries.
3081-3089	Miscellaneous Plastics Products.
3931	Musical Instruments.
3942-3949	Dolls, Toys, Games and Sporting and Athletic Goods.
3951-3955 (except 3952)	Pens, Pencils, and Other Artists' Materials.
3961, 3965	Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, Except Precious Metal.
3991-3999	Miscellaneous Manufacturing Industries.
3111	Leather Tanning, Currying and Finishing.
3711-3799 (except 3731, 3732 - see Sector Q)	Transportation Equipment (except Ship and Boat Building and Repairing).
3571-3579	Computer and Office Equipment.
3612-3699	Electronic and Other Electrical Equipment and Components, except

	Computer Equipment.
3812-3873	Measuring, Analyzing and Controlling Instruments; Photographic, Medical and Optical Goods; Watches and Clocks.
Sector AF: Facilities Limited to Total Suspended Solids Benchmark Monitoring Requirements	
4011, 4013	Railroad Transportation.
4111-4173	Local and Highway Passenger Transportation.
4212-4231	Motor Freight Transportation and Warehousing.
4311	United States Postal Service.
5171	Petroleum Bulk Stations and Terminals.

Owners/operators of facilities currently covered under the 2019 Industrial Stormwater General Permit (ISWGP) who wish to continue coverage under this general permit must submit a new Registration Statement to the Department.

This permit covers stormwater discharges from a wide variety of industrial activities. Because the conditions which affect the presence of pollutants in stormwater discharges vary among industries, the permit contains both general SWPPP requirements that apply to all facilities, and industry-specific sections (sector specific requirements) that describe any additional SWPPP requirements, applicable numeric effluent limitation requirements, and any benchmark monitoring requirements for that industrial sector.

The volume and quality of stormwater discharges associated with industrial activity will depend on a number of factors, including the industrial activities occurring at the facility, the nature of precipitation, and the degree of surface imperviousness. Pollutants in stormwater discharges from industrial plants may be reduced using the following methods: eliminating pollution sources, implementing Best Management Practices (BMPs) to prevent pollution, using traditional stormwater management practices, and providing end-of-pipe treatment.

This VPDES general permit follows the basic framework of the U.S. EPA Multi-Sector General Permit (MSGP). The reader is referred to the most recent 2021 MSGP and Fact Sheet for details on the profiles of the various industrial sectors, reviews of pollutants found in stormwater, selection of analytical monitoring parameters, estimated costs for pollution prevention measures, and stormwater pollution control options for each industry type (<https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-epas-2021-msgp>).

In the case where a facility has multiple industrial activities occurring on-site which are described by any of the subsectors in the general permit, those industrial activities are considered co-located industrial activities. Stormwater discharges from co-located industrial activities are authorized by this permit, provided that the permittee complies with any and all additional pollution prevention plan and monitoring requirements applicable to the co-located industrial activity. Permittees are required to determine which additional pollution prevention plan and monitoring requirements are applicable to the co-located industrial activity by examining the narrative descriptions of each sector specific coverage section of the permit (Discharges Covered Under This Section).

Limitations on Coverage

Because of the broad scope of this permit, most industrial activities regulated under the VPDES stormwater program are eligible to be covered under the permit. There are, however, several types of stormwater discharges which are *not* covered under this permit. Discharges into a waterbody where a discharge is prohibited by another regulation of the State Water Control Board are not authorized by this general permit. If an owner has been required to obtain an individual VPDES permit for their stormwater discharges pursuant to 9VAC25-31-170 B 3 (VPDES Permit Regulation), they are not authorized for coverage under this permit. Discharges from VPDES permitted construction activities are also not eligible for coverage under this permit.

Other discharges of stormwater that are not authorized under the general permit are:

1. Discharges that are not within the industrial sectors identified in Table 1 (unless they are designated by the Board for coverage under sector AD).

2. Discharges that violate or would violate the antidegradation policy in the Water Quality Standards at 9VAC25-260-30.
3. Discharges that are not consistent with the assumptions and requirements of an approved TMDL.
4. Discharges subject to stormwater effluent limitation guidelines not described in the permit.

Stormwater discharges from non-metallic mineral mining facilities (SIC Major Group 14), and concrete block and brick, concrete products (except block and brick), and ready-mixed concrete facilities (SIC codes 3271-3273) are not covered by this permit. Facilities in these SIC categories should seek coverage under separate VPDES general permits (VAG84 and VAG11) developed specifically for these industries.

Authorized non-stormwater discharges. The following non-stormwater discharges are authorized by this permit:

1. Discharges from emergency firefighting activities or firefighting training activities managed in a manner to avoid an instream impact in accordance with § 9.1-207.1 of the Code of Virginia.
2. Fire hydrant flushing, managed in a manner to avoid an instream impact.
3. Potable water, including water line flushing, managed in a manner to avoid an instream impact.
4. Uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids.
5. Irrigation drainage.
6. Landscape watering provided all pesticides, herbicides, and fertilizers have been applied in accordance with the approved labeling.
7. Routine external building washdown that does not use detergents or hazardous cleaning products and is managed in a manner to avoid an instream impact.
8. Pavement wash waters where no detergents or hazardous cleaning products are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed). Pavement wash waters shall be managed in a manner to avoid an instream impact.
9. Uncontaminated groundwater or spring water.
10. Foundation or footing drains where flows are not contaminated with process materials.
11. Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).

All other non-stormwater discharges are not authorized and shall either be eliminated or covered under a separate VPDES permit.

Summary of Substantive Changes from the 2019 Industrial Stormwater General Permit

This general permit replaces the 2019 ISWGP which was issued for a five-year term on July 1, 2019. Following is a list of substantive changes included in the permit as compared to the 2019 permit:

Part I - Effluent Limitations, Monitoring Requirements and Special Conditions

- **Quarterly visual monitoring**: Removed requirement to sign documentation in accordance with Part II K given that visual monitoring documentation is not submitted to the department.
- **Benchmark Monitoring**: Sector-specific benchmark monitoring parameters listed in Table 70-1 were updated in accordance with EPA's 2021 MSGP and the Virginia Water Quality Standards (WQS).
- **Effluent Limitation Guidelines**: Table 70-2 (Stormwater-Specific Effluent Limitation Guidelines) was updated to clarify that facilities subject to 40 CFR Part 449 (discharges from primary airport deicing operations) may be covered under Sector AD of this permit.
- **Facilities discharging to an impaired water with an approved TMDL wasteload allocation**: Added language to allow sampling data collected during the 2019 permit term to be used to satisfy all or part of any monitoring required by this section. Added language requiring facilities exceeding the TMDL wasteload allocation to prepare and submit a pollutant minimization plan (PMP) upon notification from the department. The contents of a PMP are included in the new language.

- Facilities discharging to an impaired water without an approved TMDL wasteload allocation: Clarified that monitoring in accordance with this section is to be completed at least once every six months unless another sampling frequency is determined by the department for polychlorinated biphenyls (PCBs). PCB monitoring is expensive, so a reduced frequency (e.g., annual) may be more appropriate.
- Monitoring Instructions: Replaced references to “measurable storm event” with “storm event discharge”. Revised section to remove the requirement to report the duration (in hours) of storm events sampled. The language now requires the permittee to identify the date of the storm events sampled, total rainfall (in inches), and the interval between the storm event sampled and the end of the previous storm event discharge. Added requirement to submit documentation via e-DMR explaining a facility’s inability to obtain a sample, of no rain event, or deviations from the 72-hour storm interval.
- Corrective actions: Section consolidated to remove repetition. Added requirement that exceedance reports submitted to the department must be signed in accordance with Part II K.
- Authorized nonstormwater discharges: Added firefighting training activities managed in a manner to avoid an instream impact in accordance with § 9.1-207.1 of the Code of Virginia. Clarified that routine external building washdown must be managed in a manner to avoid instream impact.
- Chesapeake Bay TMDL conditions: The entirety of the Chesapeake Bay TMDL conditions are moved to Part V (see below).

Part II - Conditions Applicable to All VPDES Permits

- Reports of noncompliance: Updated link to the online Pollution Response Preparedness (PReP) portal. Clarified that the online portal shall be used for reports outside of normal working hours.

Part III - Stormwater Pollution Prevention Plan

- Stormwater controls: Added airport deicing operations condition to clarify that deicing operations are covered under this permit and to provide some control measure options for consideration. The new condition is based on language previously used for Sector S.

Part IV – Sector Specific Permit Requirements

- Benchmark Monitoring: Sector-specific benchmark monitoring parameters were updated in accordance with EPA’s 2021 MSGP and the Virginia Water Quality Standards (WQS).

Part V – Chesapeake Bay Total Maximum Daily Load Compliance

- Total Suspended Solids: The reduction requirements for TSS under the Chesapeake Bay TMDL Compliance section have been removed. This is in accordance with Virginia’s Final Phase III Watershed Implementation Plan (WIP) based on the recommendations of the 2019 Chesapeake Bay Program Principals’ Staff Committee, discussed later in this fact sheet. Nutrient (nitrogen and phosphorus) reduction requirements remain in place.
- Chesapeake Bay TMDL Compliance: Requirements are now separated into three distinct categories depending on the status of a facility’s demonstration of compliance:
 1. Facilities that obtained coverage under the 2019 general permit that demonstrated compliance with the Chesapeake Bay TMDL loading rates.
 - a. Documentation of the demonstration of compliance is to be maintained with the stormwater pollution prevention plan (SWPPP) and permittees are to continue to implement any BMPs developed as part of the demonstration.
 2. Facilities that obtained coverage under the 2019 general permit that did not demonstrate compliance with the Chesapeake Bay TMDL loading rates.
 - a. If the required sampling was not completed under the 2019 permit, additional samples are to be collected during the first four quarters of permit coverage.
 - b. If stormwater load calculations and a Chesapeake Bay TMDL action plan (if required) were not submitted under the 2019 permit, they are to be submitted no later than 60 days following permit

coverage (if sampling was already completed) or 60 days following the completion of the fourth sample collected during the first four quarters of permit coverage.

- c. Reductions, if applicable, are to be achieved by December 31, 2025, and documentation that the reductions have been achieved is to be submitted to the department no later than February 1, 2026. Documentation of compliance with the Chesapeake Bay TMDL loading rates is to be maintained with the SWPPP.

Facilities registered under the 2019 industrial stormwater general permit *after* June 30, 2022, are treated the same as those that obtain initial coverage under the 2024 permit for the purposes of this section.

3. Facilities that obtain initial coverage under the 2024 general permit (but are not newly constructed facilities).
 - a. Samples are to be collected during the first four quarters of permit coverage. Stormwater load calculations and a Chesapeake Bay TMDL action plan (if required) are to be submitted no later than 60 days following the completion of the fourth sample. Reductions, if applicable, are to be achieved two years following the end of the fourth quarterly monitoring period and documentation that the reductions have been achieved shall be submitted to the department no later than the 10th of the month directly following the two year period. Documentation of compliance with the Chesapeake Bay TMDL loading rates shall be maintained with the SWPPP.
- Reporting Monitoring Results: The Chesapeake Bay TMDL monitoring frequency is now set to quarterly.
- Calculation of facility loads: Added language allowing for the proposal of alternative stormwater load calculations on a case-by-case basis to address facilities with outfalls that rarely discharge.

Part I.A - Permit Effluent Limitations and Monitoring Requirements

1. Discharge Monitoring Requirements. The permit contains four general types of monitoring requirements: (a) quarterly visual monitoring; (b) benchmark monitoring for specific industrial activities; (c) compliance monitoring for facilities subject to numerical effluent limitations, and (d) impaired waters monitoring, both for those with and without an approved TMDL. These are minimum monitoring requirements and if a permittee so chooses, additional sampling may be conducted to acquire more data to improve the statistical validity of the results. Through increased analytical or visual monitoring the permittee may be able to better ascertain the effectiveness of their SWPPP.
 - a. Quarterly visual examination of stormwater quality.

Applicability: All facilities

Frequency: Quarterly each year of general permit coverage (January-March, April-June, July-September, October-December)

Due Date: By the end of the applicable quarter (March 31, June 30, September 30, and December 31)

Where to Submit: Report is kept with facility's SWPPP (not submitted to DEQ)

Facilities covered under this permit are required to conduct a quarterly visual examination of stormwater discharges associated with industrial activity from each outfall, except discharges exempted under the representative discharge provision. These visual examinations will assist with the evaluation of the SWPPP, and provides a simple, low cost means of assessing the quality of stormwater discharge with immediate feedback. The visual examination of stormwater outfalls must include any observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, other obvious indicators of stormwater pollution, and identification of probably sources of any observed stormwater contamination.

No analytical tests are required to be performed on these visual examination samples.

The visual examination of the sample must be made in well lit areas during normal working hours, where practicable, and when considerations for safety and feasibility allow. The visual examination

is not required if there is insufficient rainfall or snow-melt to runoff, or if hazardous conditions prevent sampling during the monitoring period. Grab samples for the examination shall be collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed 3 hours) of when the runoff begins discharging. Reports of the visual examination include: the examination date and time, examination personnel, visual quality of the stormwater discharge, and probable sources of any observed stormwater contamination. The visual examination reports must be maintained on site with the SWPPP.

b. Benchmark monitoring requirements.

Applicability: All facilities except those covered under Sector AE (see Table 2). Sector AE does not require benchmark monitoring.

Frequency: Every six months each year of general permit coverage (January-June and July-December)

Due Date: July 10 for the January-June period and January 10 for the July-December period

Where to Submit: Submit results electronically through the eDMR system

Certain industrial sectors are required to conduct monitoring of their stormwater discharges associated with industrial activity for pollutants of concern. In some cases, the monitoring is applicable only to a subsector rather than the entire industrial sector. Benchmark monitoring requirements involve laboratory chemical analyses of samples collected by the permittee. Table 2 lists the industrial sectors, or subsectors, required to perform benchmark monitoring and the associated parameters.

TABLE 2. BENCHMARK MONITORING REQUIREMENTS.

Industry Sector ¹	SIC Code or Activity Code	Benchmark Monitoring Parameters
A	2421	TSS.
	2491	Arsenic, Chromium, Copper.
	2411	TSS.
	2426	TSS.
	2499 (24991303)	COD, TSS.
	2499 (Mulch Dyeing)	BOD, TSS, COD, Aluminum, Arsenic, Cadmium, Chromium, Copper, Selenium, Silver, Zinc, Total N, Total P.
B	2631	BOD.
C	2812-2819	Aluminum, Total N.
	2821-2824	Zinc.
	2841-2844	Total N, Zinc.
	2873-2879	Total N, Zinc, Total P.
	2875 (Composting Facilities)	TSS, BOD, COD, Ammonia, Total N, Total P.
D	2951, 2952	TSS.
E	3251-3259, 3261-3269	Aluminum.
	3274, 3275	TSS, pH.
F	3312-3317	Aluminum, Zinc.
	3321-3325	Aluminum, TSS, Copper, Zinc.
	3351-3357	Copper, Zinc.
	3363-3369	Copper, Zinc.

Fact Sheet – VPDES General Permit Regulation for Storm Water Discharges Associated with Industrial Activity, VAR05

G ²	1021	TSS
H	1221-1241	TSS, Aluminum.
K	HZ (Hazardous Waste Treatment, Storage, or Disposal)	TKN, TSS, TOC, Arsenic, Cadmium, Cyanide, Lead, Mercury, Selenium, Silver.
L	LF (Landfills, Land Application Sites, and Open Dumps)	TSS.
M	5015	TSS, Aluminum, Lead.
N	5093	Aluminum, Cadmium, Chromium, Copper, Lead, Zinc, TSS.
	4499	Aluminum, Cadmium, Chromium, Copper, Lead, Zinc, TSS.
O	SE (Steam Electric Generating Facilities)	Facilities in Sector O are not subject to benchmark requirements.
Q	4412-4499 (except 4499 facilities as specified in Sector N)	TSS, Copper, Zinc.
	3731, 3732	TSS, Copper, Zinc.
U	2021-2026	BOD, TSS.
	2041-2048	TSS, TKN.
	2074-2079	BOD, Total N, TSS.
Y	3011-3069	Zinc.
AA	3411-3471, 3482-3499, 3911-3915	Aluminum, Copper, Zinc.
	3479	Zinc.
AB	3511-3599 (except 3571-3579)	TSS, TPH, Copper, Zinc.
AD	Nonclassified Facilities/Stormwater Discharges Designated By the Department As Requiring Permits	As determined by the director.
AE	2611, 2621, 2652-2657, 2671-2679, 2833-2836, 2851, 2861 2869, 2891 2899, 39523211, 3221, 3229, 3231, 3241, 3281, 3291 3299, 3331 3339, 3398, 3399, 3341, 1311, 1321, 1381 1389, 2911, 4512 4581, (TW) Treatment Works, 2011 2015, 2032 2038, 2051 2053, 2061 2068, 2082-2087, 2091 2099, 2111 2141, 2211 2299, 2311 2399, 3131 3199, 2434, 2511 2599, 2711 2796, 3081 3089, 3931, 3942 3949, 3951 3955 (except 3952), 3961, 3965, 3991 3999, 3111, 3711 3799 (except 3731, 3732 see Sector Q), 3571 3579, 3612 3699, 3812 3873	Facilities in Sector AE are not subject to benchmark monitoring requirements.
AF	4011, 4013, 4111 4173, 4212 4231, 4311, 5171	TSS.

¹ Table does not include parameters for compliance monitoring under effluent limitations guidelines.

² See Sector G (Part IV G) for additional monitoring discharges from waste rock and overburden piles from active ore mining or dressing facilities, inactive ore mining or dressing facilities, and sites undergoing reclamation.

Industries may reduce the level of pollutants in stormwater runoff from their sites through the development and proper implementation of a SWPPP. Benchmark monitoring is a means by which to measure the concentration of a pollutant in a stormwater discharge. Because these pollutants have been reported at or above benchmark levels, DEQ is requiring monitoring after the SWPPP has been implemented to assess the effectiveness of the SWPPP and to help ensure that a reduction of pollutants is realized. Analytical results are quantitative and therefore can be used to compare

results from discharge to discharge and to quantify the improvement in stormwater quality attributable to the SWPPP, or to identify a pollutant that is not being successfully controlled by the plan. The results of the benchmark monitoring are not intended to be used to evaluate actual or potential exceedances of instream water quality criteria.

Development of Benchmark Values

To determine the industry sectors and subsectors that would be subject to benchmark monitoring requirements contained in the general permit, DEQ initially relied primarily upon the fact sheet prepared for the 1995 EPA MSGP and, in the years following, has continued to evaluate benchmarks in accordance with updates to the EPA MSGP, as deemed appropriate.

In developing the 1995 MSGP, EPA reviewed the data submitted in accordance with the 1990 group stormwater permit application process. EPA established benchmark concentrations for the pollutant parameters on which monitoring results had been received. EPA continued those benchmark requirements for their 2000 MSGP, but for the 2008 MSGP, EPA undertook an analysis of the monitoring requirements of the 2000 MSGP that included: how effective existing controls on these discharges have been based on the history of discharge monitoring data; Toxics Release Inventory (TRI) data; and results and conclusions from the University of California Los Angeles Final Report, *Industrial Stormwater Monitoring Program Existing Statewide Permit Utility and Proposed Modifications*. One of the primary purposes of these analyses was to determine if elimination of, or modification or addition to, benchmark monitoring requirements was warranted. This information helped EPA identify potential pollutants that may be present in the stormwater discharges.

The resulting benchmarks are the pollutant concentrations above which EPA views as levels of concern. The level of concern is a concentration at which a stormwater discharge could potentially impair or contribute to impairing water quality or affect human health from ingestion of water or fish. The benchmarks are also viewed by EPA as a level below which there is little potential for water quality concern.

The benchmark concentrations are not effluent limitations and should not be interpreted as such. These values are merely levels which EPA and DEQ have used to determine if a stormwater discharge from any given facility merits further monitoring to ensure that the facility has been successful in implementing a SWPPP. As such, these levels represent a target concentration for a facility to achieve through implementation of pollution prevention measures at the facility.

The reader is referred to the fact sheets of each iteration of the EPA MSGP and previous fact sheets of this general permit for more information on the periodic reevaluation of benchmarks. Changes for the 2024 general permit are discussed following Table 3 below.

Table 3 lists the parameter benchmark values and sources for the 2024 general permit. These values are based on an evaluation of the EPA fact sheets for the 1995, 2000, 2008, 2015 and 2021 MSGPs, the sector-specific analytical monitoring requirements, and the most recent Virginia WQS.

TABLE 3. PARAMETER BENCHMARK VALUES

Parameter Name	Benchmark Level	Source
Aluminum, Total (pH 6.5-9)	1.10 mg/L	14
Ammonia	2.14 mg/L	12
Antimony, Total	0.64 mg/L	4
Arsenic, Total (c)	0.150 mg/L	2, 12
Beryllium, Total (c)	0.13 mg/L	3
Biochemical Oxygen Demand (5 day)	30 mg/L	5
Cadmium, Total (H)	0.0018 mg/L	1, 12
Chromium, Total	0.016 mg/L	12
Chemical Oxygen Demand	120 mg/L	6
Copper, Total (H)	0.013 mg/L	12

Cyanide	0.022 mg/L	1, 12
Lead, Total (H)	0.082 mg/L	2
Mercury, Total	0.0014 mg/L	1
Nickel, Total (H)	0.47 mg/L	1
pH	6.0-9.0 SU	5
Selenium, Total (*)	0.005 mg/L	12
Silver, Total (H)	0.0032 mg/L	1
Total Kjeldahl Nitrogen (added by DEQ)	1.5 mg/L	8
Total Nitrogen (added by DEQ)	2.2 mg/L	8
Total Organic Carbon (added by DEQ)	110 mg/L	11
Total Phosphorus	2.0 mg/L	7, 13
Total Petroleum Hydrocarbons (added by DEQ)	15 mg/L	10
Total Suspended Solids	100 mg/L	8
Turbidity	50 NTU	9
Zinc, Total (H)	0.120 mg/L	12

Sources:

1. EPA Recommended Ambient Water Quality Criteria (acute, or low observed effect level (LOEL))
2. EPA Recommended Ambient Water Quality Criteria (chronic)
3. EPA Recommended Ambient Water Quality Criteria (Beryllium)
4. EPA Recommended Ambient Water Quality Criteria (Human Health)
5. Secondary Treatment Regulations (40 CFR 133)
6. North Carolina WQS - Factor of 4 times BOD5 concentration
7. North Carolina WQS - stormwater benchmark
8. National Urban Runoff Program (NURP) median concentration
9. Combination of Stormwater Effects Handbook (Burton and Pitt, 2001), Idaho WQS, and DMR data review
10. Discharge limitations and compliance data
11. Stormwater Effluent Limitation Guidelines (40 CFR Part 419) - Median Concentration
12. Virginia Water Quality Standards
13. Virginia policy for Nutrient Enriched Waters, 9VAC25-40-10 et seq
14. Industrial Stormwater Technical Memo for aluminum and copper criteria percentiles (EPA, 2019)

Notes:

- (*) Limit established for oil and gas exploration and production facilities only.
- (c) carcinogen
- (H) hardness dependent

Assumptions:

- Receiving water temperature - 20 C
- Receiving water pH - 7.8
- Receiving water hardness CaCO3 - 100 mg/L
- Receiving water salinity - 20 g/kg
- Acute to Chronic Ratio (ACR) - 10

There were several benchmark changes for the 2024 general permit in accordance with the recommendations of the Technical Advisory Committee, as noted below.

- Aluminum: Updated to match the 2021 MSGP benchmark (1.10 mg/L). There is no Virginia WQS for aluminum.
- Arsenic: Updated to match the 2021 MSGP benchmark, which matches the chronic criteria in the current Virginia WQS (0.150 mg/L).
- Cadmium: Updated to match the 2021 MSGP benchmark, which matches the acute criteria in the current Virginia WQS (0.0018 mg/L).
- Copper: EPA's copper benchmark (0.00519 mg/L) in the 2021 MSGP is based on the biotic ligand model. This model was not adopted by Virginia for copper in the 2022 rulemaking (Triennial Review) of the WQS. Thus, the copper benchmark was updated to match the current acute criteria in the Virginia WQS (0.013 mg/L).

- Iron: Removed. EPA removed iron as a benchmark in the 2021 MSGP due to lack of acute toxicity. There is no acute criteria for iron in the Virginia WQS.
- Lead: Updated to match the 2021 MSGP benchmark (0.082 mg/L), which is slightly lower than the acute criteria in the current Virginia WQS (0.094 mg/L).
- Magnesium: Removed. EPA removed magnesium as a benchmark in the 2021 MSGP due to lack of acute toxicity. There is no Virginia WQS for magnesium.
- Silver: Updated to match the 2021 MSGP benchmark (0.0032 mg/L), which is slightly lower than the acute criteria in the current Virginia WQS (0.0034 mg/L).

To reiterate, benchmark concentrations *are not effluent limitations* and should not be interpreted as such. These values are merely levels to determine if a stormwater discharge from any given facility merits further monitoring to ensure that the facility has been successful in implementing a SWPPP. As such, these levels represent a target concentration for a facility to achieve through implementation of pollution prevention measures at the facility.

c. Compliance Monitoring for Facilities Subject to Numeric Effluent Limitations.

Applicability: Facility-specific (see Table 4)

Frequency: Every six months each year of general permit coverage (January-June and July-December)

Due Date: July 10 for the January-June period and January 10 for the July-December period

Where to Submit: Submit results electronically through eDMR system

Two types of effluent limitation compliance monitoring have been identified in the permit: (1) facilities subject to stormwater effluent limitation guidelines; and (2) coal pile runoff monitoring.

- (1) Facilities Subject to Stormwater Effluent Limitation Guidelines. Compliance monitoring requirements are imposed under this permit to ensure that discharges subject to numerical effluent limitations under the stormwater effluent limitations guidelines are in compliance with those limitations. Eight types of stormwater discharges subject to effluent limitation guidelines may be covered under this general permit. These discharges include contaminated stormwater runoff from timber products facilities, phosphate fertilizer manufacturing facilities, runoff associated with asphalt paving or roofing emulsion production, runoff from material storage piles at cement manufacturing facilities, contaminated runoff from hazardous waste landfills, contaminated runoff from municipal solid waste landfills, coal pile runoff at steam electric generating facilities, and airport deicing at primary airports (if covered under Sector AD). Effluent limitations are listed in the Sector-Specific Permit Requirements section of the permit (Part IV). These limitations are required under the VPDES permit regulation, 9VAC25-31-220 A, and EPA's stormwater effluent limitation guidelines in the Code of Federal Regulations at 40 CFR Part 429, Part 418, Part 443, Part 411, Part 445 Subparts A and B, Part 449, and Part 423. The effluent limitations for the eight discharge categories are listed in Table 4.

TABLE 4. NUMERIC EFFLUENT LIMITATIONS

Industrial Sector	Parameter	Effluent Limitation
Sector A - Timber Products. Wet Decking Discharges at Log Storage and Handling Areas (40 CFR Part 429 Subpart I) (SIC 2411).	pH	6.0 - 9.0 s.u.
	Debris, woody material (e.g., bark, twigs, branches, heartwood, or sapwood)	No discharge of debris that will not pass through a 2.54 cm (1") diameter round opening.
Sector C - Chemical and Allied Products Manufacturing. Phosphate Subcategory of the Fertilizer Manufacturing Point Source Category (40 CFR 418.10) (SIC 2874).	Total Phosphorus (as P)	105 mg/L, Daily Maximum 35 mg/L, 30-day Average

	Fluoride	75 mg/L, Daily Maximum 25 mg/L, 30-day Average
Sector D - Asphalt Paving and Roofing Materials. Discharges from areas where production of asphalt paving and roofing emulsions occurs (40 CFR Part 443 Subpart A) (SIC 2951, 2952).	Total Suspended Solids (TSS)	23 mg/L, Daily Maximum 15 mg/L, 30-day Average
	Oil and Grease	15 mg/L, Daily Maximum 10 mg/L, 30-day Average
	pH	6.0 - 9.0 s.u.
Sector E - Glass, Clay, Cement, Concrete and Gypsum Products. Cement Manufacturing Facility, Material Storage Run-off (40 CFR Part 411 Subpart C).	Total Suspended Solids (TSS)	50 mg/L, Daily Maximum
	pH	6.0 - 9.0 s.u.
Sector K - Hazardous Waste TSD Facilities. Hazardous Waste Treatment, Storage, or Disposal Facilities (Industrial Activity Code "HZ") Subject to the Provisions of 40 CFR Part 445 Subpart A.	Biochemical Oxygen Demand (BOD ₅)	220 mg/L, Daily Maximum 56 mg/L, 30-day Average
	Total Suspended Solids (TSS)	88 mg/L, Daily Maximum 27 mg/L, 30-day Average
	Ammonia	10, Daily Maximum mg/L 4.9 mg/L, 30-day Average
	Alpha Terpineol	0.042, Daily Maximum mg/L 0.019 mg/L, 30-day Average
	Aniline	0.024, Daily Maximum mg/L 0.015 mg/L, 30-day Average
	Benzoic Acid	0.119, Daily Maximum mg/L 0.073 mg/L, 30-day Average
	Naphthalene	0.059, Daily Maximum mg/L 0.022 mg/L, 30-day Average
	p-Cresol	0.024, Daily Maximum 0.015 mg/L, 30-day Average
	Phenol	0.048, Daily Maximum mg/L 0.029 mg/L, 30-day Average

	Pyridine	0.072, Daily Maximum mg/L 0.025 mg/L, 30-day Average
	Arsenic (Total)	1.1, Daily Maximum mg/L 0.54 mg/L, 30-day Average
	Chromium (Total)	1.1, Daily Maximum mg/L 0.46 mg/L, 30-day Average
	Zinc (Total)	0.535, Daily Maximum mg/L 0.296 mg/L, 30-day Average
	pH	Within the range of 6.0 - 9.0 s.u.
Sector L – Landfills. Landfills (Industrial Activity Code "LF") Which Are Subject to the Requirements of 40 CFR Part 445 Subpart B.	Biochemical Oxygen Demand (BOD ₅)	140 mg/L, Daily Maximum 37 mg/L, 30-day Average
	Total Suspended Solids (TSS)	88 mg/L, Daily Maximum 27 mg/L, 30-day Average
	Ammonia	10, Daily Maximum mg/L 4.9 mg/L, 30-day Average
	Alpha Terpineol	0.033, Daily Maximum mg/L 0.016 mg/L, 30-day Average
	Benzoic Acid	0.12, Daily Maximum mg/L 0.071 mg/L, 30-day Average
	p-Cresol	0.025, Daily Maximum mg/L 0.014 mg/L, 30-day Average
	Phenol	0.026, Daily Maximum mg/L 0.015 mg/L, 30-day Average
	Zinc (Total)	0.20, Daily Maximum mg/L 0.11 mg/L, 30-day Average
	pH	Within the range of 6.0 - 9.0 s.u.
Sector O – Steam Electric. Coal pile runoff at steam electric generating facilities (40 CFR Part 423).	Total Suspended Solids (TSS)	50 mg/l, max

	pH	6.0 - 9.0 min. and max.
Sector AD (As needed for primary airports). Discharges from deicing operations at primary airports, (40 CFR Part 449)	Airfield Pavement Deicing, Ammonia as Nitrogen	14.7 mg/L, Daily Maximum
	Aircraft Deicing, Chemical Oxygen Demand (COD)	271 mg/L, Daily Maximum 154 mg/L, Weekly Average

(2) Coal Pile Runoff Monitoring. This permit establishes effluent limitations of 50 mg/L total suspended solids and a pH range of 6.0-9.0 for coal pile runoff. Any untreated overflow from facilities designed, constructed, and operated to treat the volume of coal pile runoff associated with a 10-year, 24-hour rainfall event is not subject to the 50 mg/L limitation for total suspended solids. The permit extends these effluent limitations to all industrial operations that discharge coal pile runoff, where the coal pile runoff can be defined as a stormwater discharge associated with industrial activity (i.e., at a plant in one of the industrial sectors listed in Table 1). DEQ has adopted these technology-based pH limitations in this general permit in accordance with setting limits on a case-by-case basis as allowed under 9VAC25-31-220 A. These case-by-case limits are derived by transferring the known achievable technology from an effluent guideline to a similar type of discharge. When developing these technology-based limitations, variables such as rainfall pH, sizes of coal piles, pollutant characteristics, and runoff volume were considered. Therefore, these variables need not be considered again. As discussed above, these pH limitations are technology-based and are not based on water quality. Facilities must comply with these limitations upon submittal of the registration statement. Facilities with treatment works for coal pile runoff are expected to meet the limitations.

d. Impaired Waters Monitoring, For Both Facilities With and Without an Approved TMDL.

Applicability: If notified by DEQ

Frequency: Every six months each year of general permit coverage (January-June and July-December)

Due Date: July 10 for the January-June period and January 10 for the July-December period

Where to Submit: Submit results electronically through eDMR system

Two types of impaired waters monitoring have been identified in the permit: (1) facilities discharging to impaired waters with an approved TMDL wasteload allocation; and (2) facilities discharging to impaired waters without an approved TMDL wasteload allocation.

(1) Facilities Discharging to Impaired Waters with an Approved TMDL Wasteload Allocation. Monitoring requirements for facilities subject to TMDL wasteload allocations are included in permit to ensure that discharges are in compliance with those allocations. DEQ will notify facilities in writing that they are subject to a TMDL wasteload allocation and that they are required to monitor their discharges for the pollutant of concern to evaluate compliance with the TMDL allocation. Monitoring must be performed at least semiannually (twice per year), and the monitoring periods are January through June, and July through December, unless another sampling frequency is determined by the department for polychlorinated biphenyls (PCBs). Monitoring commences with the first full monitoring period after the owner is granted coverage under the permit.

If the pollutant subject to the TMDL wasteload allocation is below the quantitation level in all of the samples from the first four monitoring periods, the permittee may request to the Department in writing that further sampling be discontinued, unless the TMDL has specific instructions to the contrary (in which case those instructions shall be followed). The laboratory certificate of

analysis shall be submitted with the request. If approved, documentation of this shall be kept with the SWPPP.

If the pollutant subject to the TMDL wasteload allocation is above the quantitation level in any of the samples from the first four monitoring periods, the permittee must continue the scheduled TMDL monitoring throughout the term of the permit.

Upon written notification from the department, facilities exceeding the TMDL wasteload allocation shall prepare and submit a pollutant minimization plan (PMP) designed to investigate the location and potential reduction of sources in the facility's stormwater discharges. The PMP shall be developed and submitted to the department for approval within 180 days of the receipt of notification from the department.

The PMP shall include the following items, as appropriate:

- (a) Facility contact for the contents of the PMP and any activities associated with the PMP;
- (b) A proposed implementation schedule for minimization activities and prospective milestones;
- (c) Proposed actions for known or probable sources;
- (d) Proposed action to find and control unknown sources;
- (e) A summary of any previous minimization activities; and,
- (f) Information on continuing assessment of progress, which may include establishment of criteria to evaluate whether the location and potential reduction of sources have been addressed.

Chesapeake Bay TMDL requirements can be found in the final section of this fact sheet.

- (2) Facilities Discharging to Impaired Waters without an Approved TMDL Wasteload Allocation. Monitoring requirements for facilities discharging to impaired waters without an approved TMDL wasteload allocation are included in this permit to ensure that the facility is not causing or contributing to the water quality impairment. DEQ will notify facilities in writing that they are subject to the impaired waters monitoring, and that they are required to monitor their discharges for the pollutants that are causing the impairment. Monitoring must be performed at least semiannually (twice per year), and the monitoring periods are January through June, and July through December, unless another sampling frequency is determined by the department for polychlorinated biphenyls (PCBs). Monitoring commences with the first full monitoring period after the owner is granted coverage under the permit.

If the pollutant for which the waterbody is impaired is suspended solids, turbidity or sediment/sedimentation, the permittee must monitor for Total Suspended Solids (TSS). If the pollutant for which the waterbody is impaired is expressed in the form of an indicator or surrogate pollutant, the permittee must monitor for that indicator or surrogate pollutant. No monitoring is required when a waterbody's biological communities are impaired but no pollutant, including indicator or surrogate pollutants, is specified as causing the impairment, or when a waterbody's impairment is related to hydrologic modifications, impaired hydrology, or temperature.

If the pollutant for which the water is impaired is below the quantitation level in the discharges from the facility, or it is above the quantitation level but its presence is caused solely by natural background sources, the permittee may request to the Board that the impaired water monitoring be discontinued. To support a determination that the pollutant's presence is caused solely by natural background sources, the permittee must submit the following documentation with the request and keep a copy with the SWPPP: (i) an explanation of why the permittee believed that the presence of the impairment pollutant in the facility's discharge is not related to the activities at the facility; and (ii) data or studies that tie the presence of the impairment pollutant in the facility's discharge to natural background sources in the watershed. Natural background pollutants include those substances that are naturally occurring in soils or groundwater. Natural background pollutants do not include legacy pollutants from earlier activity at the facility's site, or pollutants in run-on from neighboring sources which are not naturally occurring.

e. Monitoring Requirements:

- (1) Collection and analysis of samples. Sampling requirements are to be assessed on an outfall-by-outfall basis and are to be collected and analyzed in accordance with the requirements of Part II A (Monitoring, Conditions Applicable to All VPDES Permits).
- (2) When and how to sample. A minimum of one grab sample is to be taken from each discharge associated with industrial activity resulting from a storm event that produces a discharge from the site, providing the interval from the preceding storm event discharge is at least 72 hours. The 72-hour storm interval is waived if the permittee is able to document that less than a 72-hour interval is representative for local storm events during the sampling period. In the case of snowmelt, the monitoring is to be performed at a time when a measurable discharge occurs at the site. For discharges from a stormwater management structure, the monitoring shall be performed at a time when a measurable discharge occurs from the structure.

The grab sample is to be taken during the first 30 minutes of the discharge. If it is not practicable to take the sample during the first 30 minutes, the sample may be taken during the first three hours of the discharge, provided that the permittee explains why a grab sample during the first 30 minutes was impracticable. This information is to be submitted with the e-DMR and maintained with the SWPPP. If the sampled discharge commingles with process or nonprocess water, the permittee must attempt to sample the stormwater discharge before it mixes with the nonstormwater.

- (3) Storm Event Data. For each monitoring event (except snowmelt monitoring), along with the monitoring results, the permittee must identify the date of the storm event sampled; rainfall total (in inches) of the storm event that generated the sampled runoff; and the interval between the storm event sampled and the end of the previous storm event discharge. For snowmelt monitoring, the permittee must identify the date of the sampling event.
- (4) Monitoring periods. As noted in the sections above, visual monitoring is quarterly (Jan-Mar, Apr-Jun, July-Nov, Oct-Dec) while benchmark, effluent limitation, and impaired waters monitoring is semi-annual (Jan-June and July-Dec).

Chesapeake Bay TMDL sampling is quarterly and is discussed later in this fact sheet.

f. Monitoring Waivers, Inactive and Unstaffed Sites, Representative Outfalls, Record Keeping:

- (1) Monitoring Waivers: The general permit allows permittees to request a waiver of the benchmark monitoring requirements under certain circumstances. Permittees may request a waiver of the benchmark monitoring requirements on a outfall-by-outfall basis if they can demonstrate that the average of the samples at the outfall for four consecutive monitoring periods are all below the pollutant-specific benchmark concentration values. If so, then monitoring during the remaining permit monitoring periods may be waived. The waiver is conditional on the facility maintaining industrial operations and best management practices that will ensure a quality of stormwater discharges consistent with the average concentrations recorded during the earlier monitoring period. The waiver request must be submitted to the Department, along with the supporting monitoring data, and a certification that there has not been a significant change in industrial activity or the pollution prevention measures in area of the facility that drains to the outfall for which the sampling waiver is requested. Waiver requests are evaluated by the Department based upon: (i) benchmark monitoring results below the benchmark concentration values; (ii) a favorable compliance history (including inspection results); and (iii) no outstanding enforcement actions. The monitoring waiver may be revoked by the Department for just cause. The permittee will be notified in writing that the monitoring waiver is revoked, and that the benchmark monitoring requirements are again in force and will remain in effect until the permit's expiration date.

Permittees may take a substitute sample during the next qualifying storm event if adverse weather conditions make it unsafe or impossible to collect the sample.

- (2) Inactive and unstaffed sites (including temporarily inactive sites). A waiver of the quarterly visual assessments, routine facility inspections, and monitoring requirements (including benchmark, effluent limitation, and impaired waters monitoring) may be granted by the Department at a

facility that is both inactive and unstaffed, as long as the facility remains inactive and unstaffed and there are no industrial materials or activities exposed to stormwater. The owner is only required to conduct an annual comprehensive site inspection. An inactive and unstaffed sites waiver request has to be submitted to the Department for approval. If circumstances change and industrial materials or activities become exposed to stormwater, or the facility becomes either active or staffed, the permittee has to notify the Department within 30 days, and all quarterly visual assessments, routine facility inspections, and monitoring requirements must resume immediately.

Inactive and unstaffed facilities covered under Sector G (Metal Mining) and Sector H (Coal Mines and Coal Mining-Related Facilities) are not required to meet the "no industrial materials or activities exposed to stormwater" standard to be eligible for this waiver, consistent with the conditional exemption requirements established in Part IV Sector G and Part IV Sector H of the permit.

- (3) Representative Outfalls - Substantially Identical Discharges. If a facility has two or more outfalls that discharge substantially identical effluents, based on similarities of the industrial activities, significant materials, size of drainage areas, and stormwater management practices occurring within the drainage areas of the outfalls, the permittee may conduct monitoring on the effluent of just one of the outfalls and report that the observations also apply to the substantially identical outfall or outfalls. The substantially identical outfall monitoring provisions apply to quarterly visual monitoring, benchmark monitoring, and impaired waters monitoring (both those with and without an approved TMDL). The substantially identical outfall monitoring provisions are not available for numeric effluent limits monitoring.

The permittee has to include the following information in the SWPPP:

- (a) The locations of the outfalls;
 - (b) Why the outfalls are expected to discharge substantially identical effluents, including evaluation of monitoring data where available; and
 - (c) Estimates of the size of the drainage area (in square feet) for each of the outfalls.
- (4) Record Keeping: This permit requires permittees to retain all permit related records for a minimum of 3 years from the date that coverage under this permit expires or is terminated.

g. Corrective Actions and Follow-up Reporting

- (1) Corrective Actions. A corrective action requirement is included in the permit for actions the permittee must take in the event of the following:
- (a) Routine facility inspections, inspections by local, state or federal officials, or any other process, observation or event result in a determination that modifications to the stormwater control measures are necessary to meet the permit requirements; or
 - (b) There is any exceedance of an effluent limitation (including coal pile runoff), TMDL wasteload allocation, or a reduction required by a local ordinance established by a municipality to meet Chesapeake Bay TMDL requirements; or
 - (c) The department determines, or the permittee becomes aware, that the stormwater control measures are not stringent enough for the discharge to meet applicable water quality standards; or
 - (d) Benchmark monitoring results exceed the benchmark concentration value for a parameter.

The permittee is required to review the SWPPP and modify it as necessary to address any deficiencies. Revisions to the SWPPP are to be completed within 60 days following the discovery of a deficiency. When control measures need to be modified or added (distinct from regular preventive maintenance of existing control measures described in Part III C), implementation is to be completed before the next anticipated storm event if possible, but no later than 60 days after the deficiency is discovered, or as otherwise provided or approved by the department. In cases where construction is necessary to implement control measures, the permittee is required to include a schedule in the SWPPP that provides for the completion of the control measures as expeditiously as practicable, but no later than three years after the deficiency is discovered. Where a construction compliance schedule is

included in the SWPPP, the SWPPP will be modified to include appropriate nonstructural and temporary controls to be implemented in the affected portion of the facility before completion of the permanent control measure.

Any corrective actions taken are to be documented and retained with the SWPPP. Any control measure modifications are to be dated and document the amount of time taken to modify the applicable control measures or implement additional control measures.

- (2) Natural background pollutant levels. If the concentration of a pollutant exceeds a benchmark concentration value, and the permittee determines that exceedance of the benchmark is attributable solely to the presence of that pollutant in the natural background, corrective action is not required provided that:
- (a) The concentration of the benchmark monitoring result is less than or equal to the concentration of that pollutant in the natural background;
 - (b) The permittee documents and maintains with the SWPPP the supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. The supporting rationale shall include any data previously collected by the facility or others (including literature studies) that describe the levels of natural background pollutants in the facility's stormwater discharges; and
 - (c) The permittee notifies the department on the benchmark monitoring DMR that the benchmark exceedances are attributable solely to natural background pollutant levels.

Natural background pollutants include those substances that are naturally occurring in soils or groundwater. Natural background pollutants do not include legacy pollutants from earlier activity on the facility's site, or pollutants in run-on from neighboring sources that are not naturally occurring.

- (3) Follow-up Reporting. If at any time monitoring results show that discharges from the facility exceed an effluent limitation or a TMDL wasteload allocation, or that discharges from the facility are causing or contributing to an exceedance of a water quality standard, the permittee must take immediate steps to eliminate the exceedances. For this permit reissuance, an Exceedance Report must be submitted to the Department within 30 calendar days of implementing the relevant corrective actions. The report must include the following:
- (a) General permit registration number;
 - (b) Facility name and address;
 - (c) Receiving water for each outfall exceeding an effluent limitation of TMDL wasteload allocation;
 - (d) Monitoring data from the event being reported;
 - (e) A narrative description of the situation;
 - (f) A description of actions taken since the event was discovered and steps taken to minimize to the extent feasible pollutants in the discharge; and
 - (g) A local facility contact name, email address, and phone number.

Part I.B – Permit Special Conditions

1. Authorized Nonstormwater Discharges. This general permit does not authorize non-stormwater discharges that are mixed with stormwater except as provided below. The only non-stormwater discharges that are intended to be authorized under this permit include:
- a. Discharges from emergency firefighting activities or firefighting training activities managed in a manner to avoid an instream impact in accordance with § 9.1-207.1 of the Code of Virginia;
 - b. Fire hydrant flushings, managed in a manner to avoid an instream impact;
 - c. Potable water, including water line flushings, managed in a manner to avoid an instream impact;
 - d. Uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids;
 - e. Irrigation drainage;

- f. Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;
- g. Routine external building washdown that does not use detergents or hazardous cleaning products and is managed in a manner to avoid an instream impact;
- h. Pavement wash waters where no detergents or hazardous cleaning products are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed). Pavement wash waters shall be managed in a manner to avoid an instream impact;
- i. Uncontaminated groundwater or spring water;
- j. Foundation or footing drains where flows are not contaminated with process materials; and
- k. Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).

This permit does not require pollution prevention measures to be identified and implemented for non-stormwater flows from fire-fighting activities because these flows will generally be unplanned emergency situations where it is necessary to take immediate action to protect the public.

Where a stormwater discharge is mixed with non-stormwater that is not authorized by this general permit or another VPDES permit, the discharger should submit the appropriate application forms (Forms 1, 2C, and/or 2E) to obtain separate VPDES permit coverage of the non-stormwater portion of the discharge.

2. Releases of Hazardous Substances or Oil. The permit prohibits discharges of oil and-hazardous substances from spills. The discharge of hazardous substances or oil from a facility must be eliminated or minimized in accordance with the SWPPP developed for the facility. If there is a discharge of a material in excess of a reportable quantity established under 40 CFR Parts 110, 117, or 302 the permittee must make a report to DEQ within 24 hours. The permittee must also notify the MS4 operator if the release enters an MS4. The pollution prevention plan for the facility must be reviewed and revised as necessary to prevent a reoccurrence of the spill. This does not relieve the permittee from any reporting to federal or state authorities required under 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302 or § 62.1-44.34:19 of the Code of Virginia.

3. Co-located Industrial Activity. Where more than one regulated industrial activity occurs at the site, the permittee is required to implement the industry specific monitoring and pollution prevention requirements for all applicable industrial categories. Co-located industrial activities occur when activities being conducted onsite meet more than one of the industrial sector descriptions in the permit (e.g., a landfill at a wood treatment facility or a vehicle maintenance garage at an asphalt batching plant). Determination of which co-located activities require action is the responsibility of the permittee.

Authorizing co-located discharges allows industrial facilities to develop pollution prevention plans that fully address all industrial activities at the site. For example, if a wood treatment facility has a landfill, the pollution prevention plan requirements for the wood treatment facility will differ greatly from those needed for the landfill. Therefore, by authorizing co-located industrial activities, the wood treatment facility will develop a pollution prevention plan to meet the requirements addressing the stormwater discharges from the wood treatment facility and the landfill. The facility is also subject to applicable monitoring requirements for each type of industrial activity as described in the applicable sections of the permit. By monitoring the discharges from the different industrial activities, the facility can better determine the effectiveness of the pollution prevention plan requirements for controlling stormwater discharges from all activities.

4. Combined Discharges. The stormwater discharges regulated by the permit may be combined with unregulated stormwater provided that the combined effluent meets the requirements of the general permit.
5. Floating Solids or Visible Foam. The permit prohibits discharges of waste, garbage, or floating debris in other than trace amounts.
6. Responsibility to Comply With Any Other Applicable Federal, State, or Local Statute, Ordinance, or Regulation. Approval for coverage under this general permit does not relieve the permittee of the responsibility to comply with any other applicable federal, state, or local statute, ordinance, or regulation.

This condition comes from the regulation section (9VAC25-151-50 E) but is included in the general permit section for emphasis.

7. Discharges to Waters Subject to TMDL Wasteload Allocations. The permit requires facilities that are a source of the specified pollutant of concern to waters for which a TMDL wasteload allocation has been approved by EPA prior to the term of this permit to incorporate measures and controls into the SWPPP that are consistent with the assumptions and requirements of the TMDL. DEQ will notification the owner in writing that the facility is subject to the TMDL requirements. The facility's SWPPP needs to specifically address any conditions or requirements included in the TMDL that are applicable to discharges from the facility. If there is a specific numeric wasteload allocation established in the TMDL that applies to discharges from the facility, the owner has to perform any required monitoring in accordance with the permit requirements and implement BMPs designed to meet that allocation.

Discussion of discharges subject to the Chesapeake Bay TMDL are found later in this fact sheet.

8. Discharges through a regulated MS4 to waters subject to the Chesapeake Bay TMDL. In addition to the requirements of this permit, any facility with industrial activity discharges through a regulated MS4 that is notified by the MS4 operator that the locality has adopted ordinances to meet the Chesapeake Bay TMDL has to incorporate measures and controls into their SWPPP to comply with applicable local TMDL ordinance requirements.
9. Expansion of facilities that discharge to waters subject to the Chesapeake Bay TMDL. Virginia's Phase I Chesapeake Bay TMDL Watershed Implementation Plan (November 29, 2010), states that the wasteloads from any expansion of an existing permitted facility discharging stormwater in the Chesapeake Bay watershed cannot exceed the nutrient and sediment loadings that were discharged from the expanded portion of the land prior to the land being developed for the expanded industrial activity.

For any industrial activity area expansions (i.e., construction activities, including clearing, grading and excavation activities) that commence on or after July 1, 2024 (the effective date of this permit), the permittee has to document in the SWPPP the information and calculations used to determine the nutrient and sediment loadings discharged from the expanded land area prior to the land being developed, and the measures and controls that were employed to meet the no net increase of stormwater nutrient and sediment load as a result of the expansion of the industrial activity. Any land disturbance that is exempt from permitting under the Virginia Stormwater Management Act (§ 62.1-44.15:34 C of the Code of Virginia) is exempt from this requirement.

The permittee may use the VSMP water quality design criteria to meet the above requirements. Under this criteria, the total phosphorus load can't exceed the greater of: (i) the total phosphorus load that was discharged from the expanded portion of the land prior to the land being developed for the industrial activity or (ii) 0.41 pounds per acre per year. Compliance with the water quality design criteria may be determined utilizing the Virginia Runoff Reduction Method or another equivalent methodology approved by the department. Design specifications and pollutant removal efficiencies for specific BMPs can be found on the [Virginia Stormwater BMP Clearinghouse](#) website.

The permittee may consider utilization of any pollutant trading or offset program in accordance with §§ 62.1-44.19:20 through 62.1-44.19:23 of the Code of Virginia, governing trading and offsetting, to meet the no net increase requirement.

10. Water Quality Protection. The permit requires that discharges authorized by the permit be controlled as necessary to meet applicable water quality standards. The department expects that compliance with the conditions in this permit will control discharges as necessary to meet applicable water quality standards. If there is evidence indicating that the stormwater discharges authorized by the permit are causing, have the reasonable potential to cause, or are contributing to an excursion above an applicable water quality standard, an excursion above a TMDL wasteload allocation, or are causing downstream pollution (as defined in § 62.1-44.3 of the Code of Virginia), the department may require the permittee to take corrective action in accordance with the permit, and include and implement appropriate controls in the SWPPP to correct the problem, or may require the permittee to obtain an individual permit.
11. Adding/Deleting Stormwater Outfalls. The permit allows the permittee to add new and/or delete existing stormwater outfalls at the facility as necessary or appropriate. The permittee has to update the SWPPP

and notify DEQ of all outfall changes within 30 days of the change and submit a copy of the updated SWPPP site map with their notification.

12. Antidegradation Requirements for New or Increased Discharges to High Quality Waters. Facilities that add new outfalls or increase their discharges from existing outfalls that discharge directly to high quality waters designated under Virginia's water quality standards antidegradation policy may be notified by the Department that additional control measures, or other permit conditions are necessary to comply with the applicable antidegradation requirements or may be notified that an individual permit is required.
13. Termination of permit coverage. The termination of permit coverage section was taken from the regulation section (previously 9VAC25-151-65) and inserted into the permit special conditions section. This was done so the permittee (who usually only has a copy of the permit) would have the requirements in the permit itself.
 - a. The owner may terminate coverage under this general permit by filing a complete notice of termination. The notice of termination may be filed after one or more of the following conditions have been met:
 - (1) Operations have ceased at the facility and there are no longer discharges of stormwater associated with industrial activity from the facility;
 - (2) A new owner has assumed responsibility for the facility (Note: A notice of termination does not have to be submitted if a VPDES Change of Ownership Agreement Form has been submitted);
 - (3) All stormwater discharges associated with industrial activity have been covered by an individual VPDES permit; or
 - (4) Termination of coverage is being requested for another reason, provided the board agrees that coverage under this general permit is no longer needed.
 - b. The notice of termination has to contain the following information:
 - (1) Owner's name, mailing address, telephone number, and email address (if available);
 - (2) Facility name and location;
 - (3) VPDES industrial stormwater general permit registration number;
 - (4) The basis for submitting the notice of termination, including:
 - (a) A statement indicating that a new owner has assumed responsibility for the facility;
 - (b) A statement indicating that operations have ceased at the facility, and there are no longer discharges of stormwater associated with industrial activity from the facility;
 - (c) A statement indicating that all stormwater discharges associated with industrial activity have been covered by an individual VPDES permit; or
 - (d) A statement indicating that termination of coverage is being requested for another reason (state the reason).
 - (5) The following certification: "I certify under penalty of law that all stormwater discharges associated with industrial activity from the identified facility that are authorized by this VPDES general permit have been eliminated, or covered under a VPDES individual permit, or that I am no longer the owner of the industrial activity, 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 stormwater associated with industrial activity in accordance with the general permit, and that discharging pollutants in stormwater associated with industrial activity 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."

Part II – Conditions Applicable to All VPDES Permits

This general permit is a VPDES permit. As such, it is necessary to include certain conditions required by the VPDES Permit Regulation, 9VAC25-31. These conditions are included in all VPDES permits. With a few minor exceptions, the language is not modified to reflect their use in the general permit. Conditions in this section of the permit may not have direct application at all covered facilities.

Parts III and IV – Stormwater Pollution Prevention Plans

The conditions of this permit have been designed to comply with the technology-based standards of the CWA (BAT/BCT). Based on a consideration of the appropriate factors for BAT and BCT requirements, the general permit lists a set of tailored requirements for developing and implementing SWPPPs.

For discharges covered by the permit, other than those regulated by numeric effluent limitations, the permit conditions reflect DEQ's decision to identify a number of best management practices and traditional stormwater management practices which prevent pollution in stormwater discharges as the BAT/BCT level of control for the majority of stormwater discharges covered by this permit. The permit conditions applicable to these discharges are not numeric effluent limitations, but rather are flexible requirements for developing and implementing site specific plans to minimize and control pollutants in stormwater discharges associated with industrial activity.

DEQ is authorized under 9VAC25-31-220 K (the VPDES Permit Regulation) to impose BMPs in lieu of numeric effluent limitations in VPDES permits when the agency finds numeric effluent limitations to be infeasible. DEQ may also impose BMPs which are "reasonably necessary ... to carry out the purposes of the Law and the CWA" under 9VAC25-31-220 K 3. The conditions in the permit are issued under the authority of both of these regulatory provisions. The pollution prevention or BMP requirements in this permit operate as limitations on effluent discharges that reflect the application of BAT/BCT. This is because the BMPs identified require the use of source control technologies which, in the context of this general permit, are the best available of the technologies economically achievable (or the equivalent BCT finding).

All facilities intending to be covered by this general permit must prepare and implement a SWPPP. Existing general permit holders that are renewing coverage under the permit must update and implement any changes to their SWPPP within 90 days of the Board granting coverage under the permit. Facilities that are seeking new coverage under the general permit must develop and implement the SWPPP prior to submittal of the Registration Statement. Facilities are not required to submit the pollution prevention plans for review unless they are requested by the Department. When a plan is reviewed by DEQ, the Director can require the permittee to amend the plan if it does not meet the minimum permit requirements.

The permit addresses general SWPPP requirements that apply to all facilities that are covered under the permit, and sector-specific SWPPP requirements that apply to specific categories of industries. The following is a discussion of the common SWPPP requirements for all industries. These are the permit requirements which apply to discharges associated with any of the industrial activities covered by this permit. These common requirements may be amended or further clarified in the industry sector-specific pollution prevention plan requirements of the permit.

Both the general SWPPP and the industry sector-specific requirements were initially derived from the 2000 EPA MSGP and have been updated with each general permit reissuance in accordance with each iteration of the EPA MSGP. The requirements are based on an evaluation of the nature of the industrial activity, the pollutants in that activity's stormwater and applicable pollution control options. This framework provides the necessary flexibility to address the variable risk for pollutants in stormwater discharges associated with the different types of industrial activity addressed by this permit. This approach also assures that facilities have the opportunity to identify procedures to prevent stormwater pollution at a particular site that are appropriate, given processes employed, engineering aspects, functions, costs of controls, location, and age of the facility. The approach taken also allows the flexibility to establish controls that can appropriately address different sources of pollutants at different facilities. These industry sector-specific requirements are additive for facilities where co-located industrial activities occur. For example, if a facility has both a primary metals operation and a scrap recycling operation, then that facility is subject to the pollution prevention plan requirements of both of those sectors in the permit.

The pollution prevention approach in this general permit focuses on two major objectives: (1) to identify sources of pollution potentially affecting the quality of discharges from the facility; and (2) to describe and ensure implementation of practices to minimize and control pollutants in discharges from the facility and to ensure compliance with the terms and conditions of this permit.

The SWPPP requirements in the general permit are intended to facilitate a process whereby the operator of the industrial facility thoroughly evaluates potential pollution sources at the site and selects and implements appropriate measures designed to prevent or control the discharge of pollutants in stormwater runoff. The

process involves the following four steps: (1) formation of a team of qualified plant personnel who will be responsible for preparing the plan and assisting the plant manager in its implementation; (2) site description and assessment of potential stormwater pollution sources; (3) selection and implementation of appropriate management practices and controls; and (4) periodic evaluation of the effectiveness of the plan to prevent stormwater contamination and comply with the terms and conditions of this permit.

SWPPPs may reference the existence of other plans such as those for erosion and sediment control (ESC), Spill Prevention Control and Countermeasure (SPCC) plans developed for the facility under Section 31.1 of the CWA, or Best Management Practices (BMP) programs otherwise required for the facility as long as the other plan meets the minimum requirements of the permit and it is incorporated into the SWPPP. Any other plans so referenced become enforceable parts of the permit.

The pollution prevention approach is the most environmentally sound and cost-effective way to control the discharge of pollutants in stormwater runoff from industrial facilities. Two classes of management practices are generally employed at industries to control the non-routine discharge of pollutants from sources such as stormwater runoff, drainage from raw material storage and waste disposal areas, and discharges from places where spills or leaks have occurred. The first class of management practices includes those that are low in cost, applicable to a broad class of industries and substances, and widely considered essential to a good pollution control program. Some examples of practices in this class are good housekeeping, employee training, and spill response and prevention procedures. The second class includes management practices that provide a second line of defense against the release of pollutants. This class addresses containment, mitigation, and cleanup. Experience with these practices and controls has shown that they can be used in permits to reduce pollutants in stormwater discharges in a cost-effective manner. Pollution prevention has been and continues to be the cornerstone of the VPDES permitting program for stormwater.

1. Contents of the Plan. The SWPPPs generally must describe the following elements:

- a. Pollution Prevention Team. As a first step in the process of developing and implementing a SWPPP, permittees are required to identify a qualified individual or team of individuals to be responsible for developing the plan and assisting the facility or plant manager in its implementation. When selecting members of the team, the plant manager should draw on the expertise of all relevant departments within the plant to ensure that all aspects of plant operations are considered when the plan is developed. The plan must clearly describe the responsibilities of each team member as they relate to specific components of the plan. In addition to enhancing the quality of communication between team members and other personnel, clear delineation of responsibilities will ensure that every aspect of the plan is addressed by a specified individual or group of individuals. Pollution Prevention Teams may consist of one individual where appropriate (e.g., in certain small businesses with limited stormwater pollution potential).
- b. Site Description. Each SWPPP must describe activities, materials, and physical features of the facility that may contribute significant amounts of pollutants to stormwater runoff or, during periods of dry weather, result in pollutant discharges through the separate storm sewers or stormwater drainage systems that drain the facility. This assessment of stormwater pollution risk will support subsequent efforts to identify and set priorities for necessary changes in materials, materials management practices, or site features, as well as aid in the selection of appropriate structural and nonstructural control techniques. Some operators may find that significant amounts of pollutants are running onto the facility property. Such operators should identify and address the contaminated run-on in the SWPPP. If the run-on cannot be addressed or diverted by the permittee, the Department should be notified. If necessary, the DEQ may require the operator of the adjacent facility to obtain a permit.

The plan must contain a map of the site that shows the location of outfalls covered by the permit (or by other VPDES permits), the pattern of stormwater drainage, an indication of the types of discharges contained in the drainage areas of the outfalls, structural features that control pollutants in runoff, surface water bodies (including wetlands), places where significant materials are exposed to rainfall and runoff, and locations of major spills and leaks that occurred in the 3 years prior to the date of the submission of a registration statement to be covered under this permit. The map also must show areas where the following activities are exposed to precipitation: fueling stations; vehicle and equipment maintenance and/or cleaning areas; loading/unloading areas; locations used for the treatment, storage or disposal of wastes; liquid storage tanks; processing and storage areas; access

roads, rail cars and tracks; the location of transfer of substance in bulk; and machinery. The map must also show the location and description of non-stormwater discharges, and the location and source of run-off from adjacent property containing significant quantities of pollutants of concern to the facility (the permittee may include an evaluation of how the quality of the stormwater running onto the facility impacts the facility's stormwater discharges). The name of the nearest receiving waters, including intermittent streams, dry sloughs, arroyos and the areal extent and description of wetland sites that may receive discharges from the facility must also be included.

- c. Summary of Potential Pollutant Sources. The description of potential pollution sources culminates in a narrative assessment of the risk potential that sources of pollution pose to stormwater quality. This assessment should clearly point to activities, materials, and physical features of the facility that have a reasonable potential to contribute significant amounts of pollutants to stormwater. Any such activities, materials, or features must be addressed by the measures and controls subsequently described in the plan. In conducting the assessment, the facility operator must consider the following activities: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and onsite waste disposal practices. The assessment must list any significant pollution sources at the site and identify the pollutant parameter or parameters (i.e., biochemical oxygen demand, suspended solids, etc.) associated with each source.

The plan must include a list of any significant spills and leaks of toxic or hazardous pollutants that occurred in the 3 years prior to the date the SWPPP was prepared or amended. Significant spills include, but are not limited to, releases of oil or hazardous substances in excess of quantities that are reportable under Section 311 of CWA (see 40 CFR 110.10 and 40 CFR 117.21) or Section 102 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (see 40 CFR 302.4). Significant spills may also include releases of oil or hazardous substances that are not in excess of reporting requirements and releases of materials that are not classified as oil or a hazardous substance.

The listing should include a description of the causes of each spill or leak, the actions taken to respond to each release, and the actions taken to prevent similar such spills or leaks in the future. This effort will aid the facility operator as she or he examines existing spill prevention and response procedures and develops any additional procedures necessary to fulfill the requirements of the permit.

Any existing data on the quality or quantity of stormwater discharges from the facility must be summarized in the plan. These data may be useful for locating areas that have contributed pollutants to stormwater. The description should include a discussion of the methods used to collect and analyze the data. Sample collection points should be identified in the plan and shown on the site map.

- d. Stormwater Controls. Following completion of the source identification and assessment phase, the permit requires the permittee to evaluate, select, and describe the pollution prevention measures, best management practices (BMPs), and other controls that will be implemented at the facility. BMPs include processes, procedures, schedules of activities, prohibitions on practices, and other management practices that prevent or reduce the discharge of pollutants in stormwater runoff.

Source reduction measures include, among others, preventive maintenance, chemical substitution, spill prevention, good housekeeping, training, and proper materials management. Where such practices are not appropriate to a particular source or do not effectively reduce pollutant discharges, DEQ supports the use of source control measures and BMPs such as material segregation or covering, water diversion, and dust control. Like source reduction measures, source control measures and BMPs are intended to keep pollutants out of stormwater. The remaining classes of BMPs, which involve recycling or treatment of stormwater, allow the reuse of stormwater or attempt to lower pollutant concentrations prior to discharge.

The pollution prevention plan must discuss the reasons each selected control or practice is appropriate for the facility and how each will address one or more of the potential pollution sources identified in the plan. The plan also must include a schedule specifying the time or times during which each control or practice will be implemented. In addition, the plan should discuss ways in which the controls and practices relate to one another and, when taken as a whole, produce an

integrated and consistent approach for preventing or controlling potential stormwater contamination problems. The permit requirements included for the various industry sectors in the permit generally require that the portion of the plan that describes the measures and controls address the following minimum components.

When "minimize/reduce" is used relative to pollution prevention plan measures, it means to consider and implement best management practices that will result in an improvement over the baseline conditions as it relates to the levels of pollutants identified in stormwater discharges with due consideration to economic feasibility and effectiveness.

The permit includes the following non-numeric technology-based control measures to be implemented, unless it can be demonstrated and documented that such controls are not relevant to the discharges:

- (1) Good Housekeeping. Good housekeeping involves using practical, cost-effective methods to identify ways to maintain a clean and orderly facility and keep contaminants out of separate storm sewers. It includes establishing protocols to reduce the possibility of mishandling chemicals or equipment and training employees in good housekeeping techniques. These protocols must be described in the plan and communicated to appropriate plant personnel.
- (2) Eliminating and Minimizing Exposure. Eliminating exposure of all industrial activities to precipitation may make the facility eligible for the "Conditional Exclusion for No Exposure" provision of 9VAC25-31-120 E, thereby eliminating the need to have a permit. Where practicable, industrial materials and activities should be protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, or run-off.
- (3) Preventive Maintenance. Permittees must develop a preventive maintenance program that involves regular inspection and maintenance of stormwater management devices and other equipment and systems. The program description should identify the devices, equipment, and systems that will be inspected; provide a schedule for inspections and tests; and address appropriate adjustment, cleaning, repair, or replacement of devices, equipment, and systems. For stormwater management devices such as catch basins and oil/water separators, the preventive maintenance program should provide for periodic removal of debris to ensure that the devices are operating efficiently. For other equipment and systems, the program should reveal and enable the correction of conditions that could cause breakdowns or failures that may result in the release of pollutants.
- (4) Spill Prevention and Response Procedures. Based on an assessment of possible spill scenarios, permittees must specify appropriate material handling procedures, storage requirements, containment or diversion equipment, and spill cleanup procedures that will minimize the potential for spills and in the event of a spill enable proper and timely response. Areas and activities that typically pose a high risk for spills include loading and unloading areas, storage areas, process activities, and waste disposal activities. These activities and areas, and their accompanying drainage points, must be described in the plan. For a spill prevention and response program to be effective, employees should clearly understand the proper procedures and requirements and have the equipment necessary to respond to spills.
- (5) Salt Storage Piles or Piles Containing Salt. Storage piles of salt or piles containing salt used for deicing or other commercial or industrial purposes must be enclosed or covered to prevent exposure to precipitation. The permittee has to implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile. All salt storage piles are to be located on an impervious surface. All runoff from the pile, and runoff that comes in contact with salt, including under drain systems, must be collected and contained within a bermed basin lined with concrete or other impermeable materials, or within an underground storage tank or tanks, or within an above ground storage tank or tanks, or disposed of through a sanitary sewer (with the permission of the owner of the treatment facility). A combination of any or all of these methods may be used. In no case shall salt contaminated stormwater be allowed to discharge directly to the ground or to surface waters.

- (6) Employee Training. Annual training must be provided to 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. The training must cover the components and goals of the SWPPP, and include such topics as spill response, good housekeeping, material management practices, control measure operation and maintenance, etc. The SWPPP shall include a summary of any training performed.

Although training is required annually, more frequent training may be necessary at facilities with high turnover of employees or where employee participation is essential to the effective implementation of the facility's SWPPP.

- (7) Sediment and Erosion Control. The SWPPP must identify areas that, due to topography, activities, soils, cover materials, or other factors have a high potential for significant soil erosion. The plan must identify measures that will be implemented to limit erosion in these areas.
- (8) Management of Runoff. The plan must contain a narrative evaluation of the appropriateness of traditional stormwater management practices (i.e., practices other than those that control pollutant sources) that divert, infiltrate, reuse, or otherwise manage stormwater runoff so as to reduce the discharge of pollutants. Appropriate measures may include, among others, vegetative swales, collection and reuse of stormwater, inlet controls, snow management, infiltration devices, and wet detention/retention basins.

Based on the results of the evaluation, the plan must identify practices that the permittee determines are reasonable and appropriate for the facility. The plan also should describe the particular pollutant source area or activity to be controlled by each stormwater management practice. Reasonable and appropriate practices must be implemented and maintained according to the provisions prescribed in the plan.

In selecting stormwater management measures, it is important to consider the potential effects of each method on other water resources, such as ground water. Although SWPPPs primarily focus on stormwater management, facilities must also consider potential ground water pollution problems and take appropriate steps to avoid adversely impacting ground water quality. For example, if the water table is unusually high in an area, an infiltration pond may contaminate a ground water source unless special preventive measures are taken.

- (9) Dust suppression and vehicle tracking of industrial materials. Control measures to minimize the generation of dust and off-site tracking of raw, final, or waste materials must be implemented. Stormwater collected on-site may be used for the purposes of dust suppression or for spraying stockpiles. Potable water, well water, and uncontaminated reuse water may also be used for this purpose. However, no direct discharge to surface waters from dust suppression activities or as a result of spraying stockpiles is authorized.
- (10) Airport deicing operations. For airports covered under Sectors AD and AE of this permit, the permittee is required to minimize, and where practicable eliminate, the use of deicing or anti-icing chemicals in order to reduce the aggregate amount of deicing or anti-icing chemicals used and lessen the environmental impact.

The permittee is required to minimize contamination of stormwater runoff from aircraft deicing and anti-icing operations and runway deicing operations, if applicable. Where deicing and anti-icing operations occur, the SWPPP should include a description of the procedures and control measures used to manage contaminated stormwater runoff or snow melt (from areas used to dispose contaminated snow) to minimize the amount of pollutants discharged from the site.

The following control measure options (or their equivalents) are to be considered: covering storm sewer inlets, using booms, installing absorptive interceptors in the drain, establishing a dedicated deicing facility with a runoff collection and recovery system; using vacuum or collection trucks; storing contaminated stormwater water or deicing fluids in tanks and releasing controlled amounts to a publicly owned treatment works (with their permission); collecting contaminated runoff in a wet pond for biochemical decomposition; and directing runoff into vegetative swales or other infiltration measures.

Procedures and selected control measures should at all times be consistent with considerations of flight safety.

- e. Routine facility inspections. Staff who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility and who can also evaluate the effectiveness of control measures are to regularly inspect all areas of the facility where industrial materials or activities are exposed to stormwater, areas where spills or leaks have occurred in the past three years, discharge points, and control measures. At least one member of the pollution prevention team is to participate in the routine facility inspections.

The inspection frequency is to be at a minimum of quarterly unless more frequent intervals are specified elsewhere in the permit or written approval is received from the department for less frequent intervals. The frequency is to be specified in the SWPPP. Inspections are to be performed during operating hours. At least once each calendar year, the routine facility inspection is to be conducted during a period when a stormwater discharge is occurring.

The requirement for routine facility inspections is waived for facilities that have maintained an active VEEP E3/E4 status. Certain sectors in Part IV have additional inspection requirements. If the VEEP E3/E4 waiver language is not included for the sector specific inspections, these additional inspection requirements may not be waived.

Any deficiencies in the implementation of the SWPPP that are found are to be corrected as soon as practicable, but not later than within 60 days of the inspection, unless permission for a later date is granted in writing by the director.

The results of the inspections shall be documented in the SWPPP and shall include at a minimum, the inspection date, the names of the inspectors, weather information and a description of any discharges occurring at the time of the inspection, any previously unidentified discharges of pollutants from the site, any control measures needing maintenance or repairs, any failed control measures that need replacement, any incidents of noncompliance observed, and any additional control measures needed to comply with the permit requirements.

2. Maintenance. The SWPPP must include a description of procedures and a regular schedule for preventative maintenance of all control measures, including back-up practices should a runoff event occur while control measures are offline.

The permittee must maintain all BMPs identified in the plan in effective operating condition. If the facility site inspections identify BMPs that are not operating effectively, the permittee must perform maintenance before the next anticipated storm event or, if not possible, schedule maintenance as soon as practicable. In the interim, back-up measures shall be employed and documented in the SWPPP until repairs or maintenance is complete. In the case of non-structural BMPs, the effectiveness of the BMP must be maintained by appropriate means, such as spill response supplies available and personnel trained, etc.

3. Non-stormwater Discharges.

- a. Discharges of certain sources of non-stormwater are allowable discharges under this permit. All other non-stormwater discharges are not authorized and must be either eliminated or covered under a separate VPDES permit.

- b. Annual outfall evaluation for unauthorized discharges. The permit requires that discharges from the site be tested or evaluated annually for the presence of non-stormwater discharges. The evaluation documentation must include the date of the evaluation, a description of the evaluation criteria used, a list of the outfalls or on-site drainage points that were directly observed during the evaluation, a description of the results of the evaluation for the presence of unauthorized discharges, and the actions taken to eliminate unauthorized discharges if any were identified. Evaluation techniques may include dye tests, television surveillance, observation of outfalls or other appropriate locations during dry weather, water balance calculations, and analysis of piping and drainage schematics.

The permit also allows the permittee to request in writing to the Department that the facility be allowed to conduct annual outfall evaluations at 20% of the outfalls. If approved, the permittee must evaluate at least 20% of the facility outfalls each year on a rotating basis such that all facility outfalls will be evaluated during the period of coverage under this permit.

4. Signature and SWPPP Review.

- a. Signature and location. The SWPPP, including revisions to document corrective actions taken, is to be signed in accordance with Part II K, dated, and retained onsite (hard copy or electronic) at the facility covered by this permit. All other changes in documentation are to be signed and dated by the individual preparing the documentation. For inactive/unstaffed sites, the plan may be kept at the nearest office of the permittee.
 - b. Availability. A copy of the SWPPP is to be retained onsite (hard copy or electron) and be immediately available at the time of an on-site inspection or upon request from DEQ, EPA, or the operator of an MS4 that receives discharges from the site.
 - c. Required modifications. The SWPPP must be modified when necessary to address correction actions required by Part I A 6 a (Data exceeding benchmark concentration values) or Part I A 6 b (Corrective actions) and meet the associated deadlines. The SWPPP must also be modified, if required, within 60 days of receipt of a notification from the director that the SWPPP, control measures, or other components of the facility's stormwater program do not meet one or more of the requirements of the permit.
5. Maintaining an updated SWPPP. The permittee is required to review and amend the SWPPP as appropriate whenever: there is construction or a change in design, operation, or maintenance at the facility that has a significant effect on the discharge, or the potential for the discharge, of pollutants from the facility; routine inspections or compliance evaluations determine that there are deficiencies in the control measures, including BMPs; inspections by local, state, or federal officials determine that modifications to the SWPPP are necessary; there is a significant spill, leak, or other release at the facility; there is an unauthorized discharge from the facility; or, the department notifies the permittee that a TMDL has been developed and applies to the permitted facility, consistent with Part I B.

SWPPP modifications are to be made as noted under Signature and SWPPP Review above. If a modification is based on a significant spill, leak, release, or unauthorized discharge, the SWPPP must include a description and date of the incident, the circumstances leading to the incident, actions taken in response to the incident, and measures to prevent the recurrence of such releases. Unauthorized discharges are subject to the reporting requirements of Part II G of this general permit.

Part V – Chesapeake Bay Total Maximum Daily Load Compliance

1. Chesapeake Bay TMDL Compliance.

EPA's Chesapeake Bay TMDL (December 29, 2010) includes wasteload allocations for VPDES permitted industrial stormwater facilities as part of the regulated stormwater aggregate load. EPA used data submitted by Virginia with the Phase I Chesapeake Bay TMDL Watershed Implementation Plan, including the number of industrial stormwater permits per county and the number of urban acres regulated by industrial stormwater permits, as part of their development of the aggregate load. Aggregate loads for industrial stormwater facilities were appropriate because actual facility loading data were not available to develop individual facility wasteload allocations.

Virginia estimated the loadings from industrial stormwater facilities using actual and estimated facility acreage information, and TP, TN, and TSS loading values from the Northern Virginia Planning District Commission (NVPDC) *Guidebook for Screening Urban Nonpoint Pollution Management Strategies*, prepared for the Metropolitan Washington Council of Governments. Annandale, VA. November, 1979. The loading values used were as follows:

- TP - High (80%) imperviousness industrial; 1.5 lb/ac/yr
- TN - High (80%) imperviousness industrial; 12.3 lb/ac/yr
- TSS - High (80%) imperviousness industrial; 440 lb/ac/yr

Starting with the 2014 general permit, industrial stormwater facilities permitted within the Chesapeake Bay watershed have been required to provide actual facility area information and TP, TN and TSS monitoring data to quantify their nutrient and sediment loads in order to demonstrate compliance with the above Chesapeake Bay TMDL loading rates. In the event that a facility's calculated loads exceeded the TMDL loading rates, a Chesapeake Bay TMDL action plan was to be prepared indicating the means and methods (such as management practices and retrofit programs) that would be utilized to meet the required reductions and a schedule to achieve those reductions. These procedures were continued in

the 2019 general permit and are continued in the 2024 general permit in a modified format in order to address the Chesapeake Bay TMDL compliance deadline of 2025.

Notably, the TSS compliance requirements previously required under this section have been removed for the 2024 general permit. On August 12, 2019, the Chesapeake Bay Program Principals' Staff Committee (PSC) approved the process, timeline, and proposed Phase III WIP language for developing the Phase III WIP sediment targets. The Commonwealth of Virginia included the PSC-approved language in its final Phase III WIP on Page 29, Section 5.2 (Sediment Targets). This language states in part, "Sediment loads are managed in the Bay TMDL to specifically address the water clarity/submerged aquatic vegetation (SAV) water quality standards. Intuitively, it makes sense that the more sediment suspended in the water, the less makes it down to the SAV. Interestingly, research in the Chesapeake Bay has shown that the water clarity/SAV water quality standard is generally more responsive to nutrient load reductions than it is to reduction in sediment loads. This is because the algae that are fueled by the nutrients can block as much, or more, light from reaching the SAV as suspended sediments. *The sediment targets will not affect the BMPs called for in the WIP, and are not intended to be the driver for implementation moving forward...*"

Based upon DEQ's understanding of the PSC-approved language and because the Commonwealth of Virginia is on track to meet the 2025 Sediment milestone target, DEQ is reissuing this general permit without the previously required sediment load reductions. The reissued general permit will continue to include the required nutrient (i.e., total nitrogen and total phosphorus) load reductions at a much-accelerated rate to focus on achieving the needed nitrogen and phosphorous reductions.

The remaining Chesapeake Bay TMDL compliance requirements are separated into three distinct categories depending on the status of a facility's demonstration of compliance, as described below.

- a. Facilities that obtained coverage under the 2019 industrial stormwater general permit that demonstrated compliance with the Chesapeake Bay TMDL loading rates.
 - (1) Owners shall maintain documentation of their demonstration of compliance with the Chesapeake Bay TMDL loading rates with the SWPPP and shall continue implementing any BMPs that may have been developed as part of that demonstration. Documentation may include:
 - (a) Calculations submitted to the department indicating that reductions were not necessary.
 - (b) A completed TMDL Action Plan, including a description of the means and methods, such as management practices and retrofit programs that were utilized to meet the required reductions.
 - (c) Other means accepted by the department indicating compliance with the Chesapeake Bay TMDL loading rates.
- b. Facilities that obtained coverage under the 2019 industrial stormwater general permit that did *not* demonstrate compliance with the Chesapeake Bay TMDL loading rates shall submit a demonstration to the department.
 - (1) Owners of facilities that submitted a Chesapeake Bay TMDL action plan during the 2019 industrial stormwater general permit term that did not achieve reductions by the end of the 2019 permit term shall demonstrate that they have achieved their reductions by December 31, 2025. The demonstration shall be submitted to the department no later than February 1, 2026. Documentation of compliance with the Chesapeake Bay TMDL loading rates shall be maintained with the SWPPP.
 - (2) Owners of facilities that completed four samples for each outfall for TN and TP during the 2019 industrial stormwater general permit term that did not submit calculations by the end of the 2019 permit term shall utilize the procedures in Part V D to calculate their facility stormwater loads. The permittee shall submit a copy of the calculations, and a Chesapeake Bay TMDL action plan if required under Part V E, no later than 60 days following coverage under this general permit to the DEQ regional office serving the area where the industrial facility is located on a form provided by the department. Reductions, if applicable, shall be achieved by December 31, 2025, and documentation that the reductions have been achieved shall be submitted to the department no later than February 1, 2026. Documentation of compliance with the Chesapeake Bay TMDL loading rates shall be maintained with the SWPPP.

- (3) Owners of facilities registered prior to July 1, 2022, that did not complete four samples for each outfall for TN and TP by the end of the 2019 industrial stormwater general permit term shall monitor their discharges for TN and TP to characterize the contributions from their facility's specific industrial sector for these parameters. Total nitrogen is the sum of total Kjeldahl nitrogen (TKN) and nitrite + nitrate and shall be derived from the results of those tests. After the facility is granted coverage under the permit, samples shall be collected during each of the first four quarters of permit coverage. Samples shall be collected and analyzed in accordance with Part V B. Monitoring results shall be reported in accordance with Part V C and Part II C, and retained in accordance with Part II B. Calculations utilizing the procedures in Part V D, and a Chesapeake Bay TMDL action plan if required under Part V E, shall be submitted no later than 60 days following the completion of the fourth sample to the DEQ regional office serving the area where the industrial facility is located on a form provided by the department. Reductions, if applicable, shall be achieved by December 31, 2025, and documentation that the reductions have been achieved shall be submitted to the department no later than February 1, 2026. Documentation of compliance with the Chesapeake Bay TMDL loading rates shall be maintained with the SWPPP.

Facilities may use the applicable sampling data collected during the 2019 industrial stormwater general permit term to satisfy all or part of the four monitoring periods requirements.

- (4) Owners of facilities registered after June 30, 2022, that did not complete four samples for each outfall for TN and TP by the end of the 2019 industrial stormwater general permit term shall monitor their discharges in accordance with Part V A 3 (section c. of this fact sheet section).

Facilities may use the applicable sampling data collected during the 2019 industrial stormwater general permit term to satisfy all or part of the four monitoring periods requirements.

- c. Facilities that obtain initial coverage under the 2024 industrial stormwater general permit, but are not newly constructed facilities as identified in 9VAC25-151-60 C 13.

- (1) Owners of facilities in the Chesapeake Bay watershed that obtain initial coverage under the 2024 industrial stormwater general permit shall monitor their discharges for TN and TP to characterize the contributions from their facility's specific industrial sector for these parameters. Total nitrogen is the sum of total Kjeldahl nitrogen (TKN) and nitrite + nitrate and shall be derived from the results of those tests. After the facility is granted coverage under the permit, samples shall be collected during each of the first four quarters of permit coverage. Samples shall be collected and analyzed in accordance with Part V B. Monitoring results shall be reported in accordance with Part V C and Part II C, and retained in accordance with Part II B. Calculations utilizing the procedures in Part V D, and a Chesapeake Bay TMDL action plan if required under Part V E, shall be submitted no later than 60 days following the completion of the fourth sample to the DEQ regional office serving the area where the industrial facility is located on a form provided by the department. Reductions, if applicable, shall be achieved by two years following the end of the fourth sample and documentation that the reductions have been achieved shall be submitted to the department no later than 30 days following the two-year period. Documentation of compliance with the Chesapeake Bay TMDL loading rates shall be maintained with the SWPPP.

2. Monitoring Instructions and Reporting Monitoring Results.

These sections are identical to those listed under Part I of the general permit discussed previously, but are copied into this section and crafted specifically for Chesapeake Bay TMDL monitoring and reporting. Of note, monitoring periods are defined as quarterly (Jan-Mar, Apr-June, July-Sept, Oct-Dec) with monitoring results due the 10th of the month following each calendar quarter. Further, it is clarified that the representative outfalls provisions may be used for Chesapeake Bay TMDL monitoring.

3. Calculation of facility loads.

Permittees required to collect nutrient and sediment data in accordance with Part V A 2 or A 3 shall analyze the data collected to determine if pollution reductions are required. The permittee shall average the data collected at the facility for each of the pollutants of concern (POC) (e.g., TP and TN) and compare the results to the loading rates for TP and TN presented in Part V A 1.

The following formula may be used to determine the loading rate:

$$L = 0.226 \times P \times P_j \times (0.05 + (0.9 \times I_a)) \times C$$

where:

L = the POC loading rate (lb/acre/year)

P = the annual rainfall (inches/year) - The permittee may use either actual annual average rainfall data for the facility location (in inches/year), the Virginia annual average rainfall of 44.3 inches/year, or another method approved by the department.

P_j = the fraction of annual events that produce runoff - The permittee shall use 0.9 unless the department approves another rate.

I_a = the impervious fraction of the facility impervious area of industrial activity to the facility industrial activity area

C = the POC average concentration of all facility samples (mg/L) - Facilities with multiple outfalls shall calculate a weighted average concentration for each outfall using the drainage area of each outfall.

For total phosphorus, all daily concentration data below the quantitation level (QL) for the analytical method used shall be treated as half the QL. All daily concentration data equal to or above the QL for the analytical method used shall be treated as it is reported.

For total nitrogen, if none of the daily concentration data for the respective species (i.e., TKN, nitrate, or nitrite) are equal to or above the QL for the respective analytical methods used, the daily TN concentration value reported shall equal one half of the largest QL used for the respective species. If one of the data is equal to or above the QL, the daily TN concentration value shall be treated as that data point is reported. If more than one of the data is above the QL, the daily TN concentration value shall equal the sum of the data points as reported.

Calculations shall be submitted to the department within 60 days from the end of the last monitoring period that satisfies the monitoring requirements in Part V A 2 or Part V A 3. Calculations shall be submitted to the DEQ regional office serving the area where the industrial facility is located, on a form provided by the department, and maintained with the facility's SWPPP.

Alternative calculations may be proposed on a case-by-case basis to address facilities with outfalls that rarely discharge.

4. Chesapeake Bay TMDL action plan requirements.

For permittees required to submit calculations in accordance with Part V D, if the calculated facility loading rate for TP or TN is above the loading rates for TP or TN presented in Part V A, then the permittee shall develop and submit a Chesapeake Bay TMDL action plan to the department.

The Chesapeake Bay TMDL action plan shall be submitted on a form provided by the department to the regional office serving the area where the industrial facility is located within 60 days following the completion of the fourth sample. A copy of the current Chesapeake Bay TMDL action plan and all facility loading rate calculations shall be maintained with the facility's SWPPP. The Chesapeake Bay TMDL action plan shall include:

- a. A determination of the total pollutant load reductions for TP and TN (as appropriate) necessary to reduce the annual loads from industrial activities. This shall be determined by multiplying the industrial acreage times the difference between the TMDL loading rates listed in Part V A and the actual facility loading rates calculated in accordance with Part V D. The reduction applies to the total difference calculated for each pollutant of concern;
- b. The means and methods, such as management practices and retrofit programs that will be utilized to meet the required reductions determined in Part V E 1 and a schedule to achieve those reductions by the applicable deadline set in Part V A 2 or A 3.

(1) Pollutant reductions may be achieved using a combination of the following alternatives:

- (a) Reductions provided by one or more of the BMPs from the Virginia Stormwater BMP Clearinghouse listed in 9VAC25-870-65, approved BMPs found on the Virginia Stormwater Clearinghouse website, or BMPs approved by the Chesapeake Bay Program. Any BMPs implemented to provide the required pollutant reductions shall be incorporated in the SWPPP and be permanently maintained by the permittee.
- (b) Implementation of site-specific BMPs followed by a minimum of four stormwater samples collected in accordance with sampling requirements in Part I B 8 a that demonstrate pollutant loadings have been reduced below those calculated under Part I B 8 c. Any BMPs

implemented to provide the required pollutant reductions shall be incorporated in the SWPPP and be permanently maintained by the permittee; or,

- (c) Acquisition of nonpoint source credits certified by the board as perpetual in accordance with § 62.1-44.19:20 of the Code of Virginia.