



Exempt Action Proposed Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation	9 VAC 25-151
Regulation title	General VPDES Permit For Discharges Of Storm Water Associated With Industrial Activity
Action title	Amend Existing Regulation
Document preparation date	September 15, 2008

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This regulation will reissue the existing general permit for industrial activity storm water discharges that will expire on June 30, 2009. This draft is generally modeled after EPA's proposed 2006 Multi-Sector General Permit. The significant revisions to the regulation are as follows:

1. Registration Statement and SWPPP. Clarified that the SWPPP must be prepared and implemented prior to the submittal of the registration statement, and that existing permittees who intend to continue coverage under this GP must review and update the SWPPP to meet any new permit requirements prior to submitting their registration statement.
2. General permit, Part I A - Effluent Limitations, Monitoring Requirements and Special Conditions.
 - Monitoring. Set the monitoring periods for benchmark monitoring, and effluent limitation monitoring (including coal pile runoff monitoring) to (1) July 1, 2009 to December 31, 2009; and (2) January 1 to December 31 for each of the remaining years of the permit term. Required DMRs to be submitted by January 30th for both benchmark monitoring and effluent limitation monitoring.

- Added monitoring requirements for facilities subject to TMDL waste load allocations. Facilities will be given written notification from DEQ that they are subject to TMDL monitoring. Required the monitoring to be conducted at least semi-annually. Required TMDL WLA monitoring to be submitted by each July 30th and January 30th.
- Monitoring waivers. Deleted the alternative certification of "not present" or "no exposure" to be consistent with EPA's proposed 2006 MSGP.
- Corrective Actions. Added a section that describes actions that the permittee must take if (a) benchmark monitoring results exceed benchmark monitoring concentrations; (b) routine facility inspections, comprehensive site compliance evaluations, facility inspections, or other observations result in discovery of a deficiency; or (c) there is an exceedance of an effluent limitation, TMDL wasteload allocation or a water quality standard. For exceedances of an effluent limitation, TMDL wasteload allocation or a water quality standard, the permittee must conduct follow-up monitoring and reporting on the schedule set in the permit until the results indicate that the limitation/allocation/standard is no longer being exceeded. Required follow-up monitoring to be submitted on a DMR no later than 30 days after the results are received.
- Special Conditions
 - Salt storage piles. Added a requirement for all salt storage piles to be located on an impervious surface, and a requirement that all runoff from the pile, and/or runoff that comes in contact with salt, including under drain systems, be collected and contained within a basin lined with concrete or other impermeable materials, and that the lined basin be bermed and sized to contain runoff resulting from a 24 hr 25 year storm event. Salt contaminated stormwater is not allowed to be discharged directly to the ground or to state waters.
 - Discharges to Waters Subject to TMDL WLA's. Added a special condition requiring facilities that are an identified source of the pollutant of concern to TMDL waters (Board established and EPA approved prior to the term of the permit) to incorporate measures and controls into their SWPPP to address the TMDL requirements, and any waste load allocations that impact the facility. DEQ will notify the permittee that they are subject to the TMDL requirements. If the TMDL establishes a specific WLA that applies to the facility's discharges, the permittee must address that allocation in the SWPPP, perform TMDL monitoring, and implement measures to meet the allocation.

3. General permit, Part III - Storm Water Pollution Prevention Plan.

- Changed the deadline to update and implement any revisions to the SWPPP to "prior to submitting the registration statement".
- Maintenance. Added a requirement that storm water BMPs be observed during active operation to ensure they are operating properly.
- Non-storm Water Discharges. Added a statement that all non-storm water discharges are subject to all the provisions of this permit, including numeric effluent limitations, benchmarks and monitoring requirements.
- Comprehensive Site Compliance Evaluation. Added the following things for facility personnel to evaluate: (1) evidence of pollutants discharging to surface waters at all facility outfalls, and the condition of and around the outfall, including flow dissipation measures to prevent scouring; (2) review of training performed, inspections completed, maintenance performed, quarterly visual examinations, and effective operation of BMPs; and (3) Certification of outfall evaluation for unauthorized discharges (this had been in the Part III C non-storm water discharges section). Changed this to an annual certification. Removed the provision allowing the permittee to skip the certification if they previously did a certification and believed nothing had changed at the facility. If the permittee fails to do the certification, they must notify DEQ of the reason within 14 days after completion of the annual site compliance evaluation.

- SWPPP Modifications. Deleted the provision that allowed the permittee to use the annual site compliance evaluation to satisfy a routine facility inspection where the schedules overlapped.
4. General permit, Part IV - Sector Specific Permit Requirements.
- Added benchmark monitoring for TSS to all sectors that had benchmark monitoring in the previous permit if they didn't already have TSS monitoring.
 - Sector A - Timber Products. Added benchmark monitoring for Phenols to "Wood Preserving Facilities" (SIC 2491).
 - Sector C - Chemical and Allied Products. Added benchmark monitoring for Zinc to "Industrial Inorganic Chemicals Facilities" (SIC 2812-2819)
 - Sector F - Primary Metals. Changed the routine facility inspection frequency from quarterly to monthly.
 - Sector G - Metal Mining. Added the following to the description of covered discharges: (1) storm water discharges from exploration and development of metal mining and/or ore dressing facilities; and (2) storm water discharges from facilities at mining sites undergoing reclamation. Added a section on "Clearing, Grading and Excavation Activities". Added a section for "Termination of permit coverage".
 - Sector I - Oil and Gas Extraction and Refining. Changed the routine facility inspection frequencies to monthly. Added benchmark monitoring for Lead, Nickel, Zinc, TKN, Total Nitrogen, and TSS to "Oil Refining Facilities" (SIC 2911).
 - Sector M - Automobile Salvage Yards. Added mercury switches to the list of things to inspect for leaks, and to train personnel on the proper handling of.
 - Sector N - Scrap Recycling and Waste Recycling Facilities. Added requirements for mercury switch removal, inspection and spill clean-up. For scrap recycling and waste recycling facilities (both types), changed the inspection frequency from quarterly to monthly. For facilities engaged in "Ship Dismantling, Marine Salvaging and Marine Wrecking" (SIC 4499), added benchmark monitoring for Aluminum, Cadmium, Chromium, Iron, Lead and Zinc, and TSS.
 - Sector P - Land Transportation and Warehousing. Added benchmark monitoring for TPH and TSS.
 - Sector R - Ship and Boat Building or Repair Yards. Added benchmark monitoring for TSS.
 - Sector S - Air Transportation. Added benchmark monitoring for COD.
 - Sector U - Food and Kindred Products. Changed the routine facility inspection frequency to monthly. Added benchmark monitoring for BOD₅ and TSS to "Dairy Products Facilities" (SIC 2021-2026).
 - Sector Y - Rubber Product Manufacturing Facilities. Added benchmark monitoring for Lead.
 - Sector AC - Electronic, Electrical Equipment and Components, Photographic and Optical Goods. Added benchmark monitoring for Copper, Lead and TSS to "Electronic and Electrical Equipment and Component Facilities" (Except Computers) (SIC 3612-3699).
 - Sector AD - Non-classified Facilities/Storm Water Discharges Designated by the Board. Added benchmark monitoring for TSS.

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, the potential impacts of the regulation on the regulated community and the impacts of the regulation on farm or forest land preservation.

In addition to any other comments, the Board is seeking comments on the costs and benefits of the proposal, the potential impacts on the regulated community and on any impacts of the regulation on farm and forest land preservation. Also, the Board is 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 at the public hearing or by mail, email or fax to Burt Tuxford, Department of Environmental Quality, 629 E. Main St., Richmond, VA 23218; Phone: (804) 698-4086; FAX: (804) 698-4032; E-Mail: brtuxford@deq.virginia.gov. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at: 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 5:00 p.m. on the date established as the close of the comment period.

A public hearing will be held and notice of the public hearing can be found on the Virginia Regulatory Town Hall web site and in the Virginia Register of Regulations. Both oral and written comments may be submitted at that time.

Family impact

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

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