



Virginia
Regulatory
Town Hall

Exempt Agency Proposed Regulation Agency Background Document

Agency Name:	State Water Control Board
VAC Chapter Number:	9 VAC 25-151-10 et seq.
Regulation Title:	General VPDES Permit Regulation For Discharges of Storm Water Associated With Industrial Activity
Action Title:	Amend Existing Regulation
Date:	November 12, 2003

Where an agency or regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file with the Registrar and publish their regulations in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

This agency background document may be used by agencies exempt pursuant to § 9-6.14:4.1(A) at the proposed stage. Please refer to the *Virginia Register Form, Style and Procedure Manual* for more information.

Summary

Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and 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, 2004. This draft is modeled after the 2000 US EPA multi-sector industrial storm water general permit. The significant revisions to the regulation are as follows:

Added TMDL language authorizing coverage only if the SWPPP that is developed incorporates and is consistent with any TMDL requirements, if applicable.

Deleted the "No Exposure Exemption" provision because it was superseded by the no-exposure exemption in the EPA 1999 Phase 2 storm water regulation, which was incorporated into the VPDES Permit Regulation in September 2000.

Modified the monitoring periods for "Benchmark Monitoring" from twice a year in the 2nd and 4th years of the permit, to once annually in each year of the permit. Also, required the monitoring data to be maintained on site with the SWPPP, and only submitted to the Department upon request.

Modified the "Benchmark Monitoring Waiver" provision to require the permittee to submit waiver requests to the Department, along with the supporting monitoring data and a certification statement that the discharges that the waiver request covers will remain as clean or better than when the monitoring occurred.

Added a special condition requiring the permittee to select, install, implement and maintain BMPs to minimize pollutants in storm water runoff and meet water quality standards. If the permittee's discharge causes water quality standards violations or significant downstream impacts, the Board may take enforcement action and/or require an individual permit.

Extensively reduced the "Special Pollution Prevention Plan Requirements" for EPCRA 313 facilities to be consistent with EPA's 2000 MSGP.

Modified the benchmark monitoring parameters for Sector C (Chemical and Allied Products) and Sector U (Food and Kindred Products) by combining "TKN" and "Nitrate + Nitrite Nitrogen" into "Total Nitrogen", and setting a benchmark concentration of 2.2 mg/L.

Added additional benchmark monitoring to Sector G (Metal Mining), consistent with EPA's 2000

MSGP. Added effluent limitations to Sectors K (Hazardous Waste TSD Facilities) and Sector L (Landfills), consistent with EPA's 2000 MSGP.

Added coverage for SIC 4499 (limited to: facilities that are engaged in dismantling ships, marine salvaging, and marine wrecking - ships for scrap) to Sector N (Scrap Recycling and Waste Recycling Facilities). Added specific SWPPP requirements for those facilities, and benchmark monitoring requirements.

Clarified coverage requirements for Sector O (Steam Electric Generating Facilities) to state that "heat capture/heat recovery/combined cycle generating facilities" are not covered by this permit.

Additional Information

Please indicate that the text of the proposed regulation, the reporting forms the agency intends to incorporate or use in administering the proposed regulation, and a copy of any documents to be incorporated by reference are attached. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.

The text of the proposed regulation, and the Registration Statement, the Notice of Termination, the Change of Ownership, and the Permit Fee forms that the Agency proposes to use to administer the regulation are attached. The Office of the Attorney General has certified that the Agency has the authority to promulgated the proposed regulation and it comports with applicable state and/or federal law.

Family Impact Statement

Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which 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.