

**VPDES General Permit Regulation for Vehicle Wash Facilities and Laundry Facilities
(9VAC25-194)**

Reissuance

Technical Advisory Committee Meeting

May 11, 2026, 10:00 am

4949-A Cox Road, Glen Allen, Virginia 23060

(DEQ Piedmont Regional Office, Training Room)

Draft Agenda

- Introductions
- Purpose, exempt regulatory process, role of the TAC
- Overview of the Vehicle Wash and Laundry GP (9VAC25-194)
- NOIRA comments received
- Challenges
- Known revisions to Vehicle Wash and Laundry GP
- Open discussion

If you need more information regarding this regulatory action, please call or contact Azra Bilalagic (804) 584-6674 or azra.bilalagic@deq.virginia.gov or Morgan Emanuel at (804) 494-9635 or morgan.emanuel@deq.virginia.gov.

Regulatory Advisory Panel Handout

Background

The Public Participation Guidelines (PPGs) for the development of regulations that were adopted by the State Air Pollution Control, State Water Control and Virginia Waste Management Boards (Boards) and the Department of Environmental Quality (Department) are identical in the use of regulatory advisory panels.

The PPGs state that the Boards and Department may use regulatory advisory panels (RAP) in the formation and development of regulations for agency consideration. The PPGs state that decisions as to the membership of the RAP shall be at the discretion of the Department Director. Additionally, the PPGs state that the Notice of Intended Regulatory Action (NOIRA) shall indicate whether a public hearing is planned on the proposed regulatory action. If the agency receives requests from at least 25 persons during the public comment period, a public hearing will be held.

Establishment of a Group and Statutory Requirements

1. First and foremost is that the membership of any group is at the discretion of the Department Director and the recommended membership of any group must be approved by the Director.
2. Recommendations and appointments for membership are to be person specific. Multiple applications from a single company, organization, group or other entity count as one for purposes of making the decision specified in the preceding sentence. For example, if VAMWA requests to be represented on the group, VAMWA must submit the name of an individual, and may submit the name of an alternate, to sit at the table. Regulatory writers may encourage members to seek approval of alternates for them early in the regulatory development process. This will benefit the group in that alternates may wish to attend meetings as observers to keep abreast of issues discussed at meetings. This will allow alternates to contribute more at meetings. The appointment of alternates will also potentially increase the potential for a quorum at meetings. More than half of appointed members must be present at a meeting for a quorum to be present.
3. Alternates for RAP members must be approved by the Department Director. Ample time should be allowed for approval of alternates for RAP members. Alternates for an individual should share an affiliation with the member approved for the RAP. For example, RAP member may represent the interests of a professional organization and the alternate does not need to be employed by the same company as the member appointed to the committee but should be employed by a company that is part of the same professional organization.
4. The creation of a RAP is the creation of a public body. All meetings of the group are public meetings. This means notice of the meeting has to be given. There is a statutory

requirement to announce all meetings on the Virginia Regulatory Town Hall website and Commonwealth Calendar. In addition to the statutory requirement, Executive Order 14 (2018) requires notices of meetings and agendas for public meetings to be posted on the Town Hall website 7 days in advance of a meeting, except in the case of an emergency meeting. Also, notice is to be included on the Department's web page. Notice is to include the name of the group; the date, time, place of the meeting; a short description of the purpose of the meeting; and the name, address, phone, fax and email information of the contact for the meeting. Meetings may be audio or video recorded by the agency, RAP members, or members of the public as long as the use of the recording equipment does not physically interfere with the meeting.

Role of the Group

The purpose of the group is to assist in the development of a proposed regulation. The regulatory advisory panel has been formed to help the Department balance the concerns of all those interested in this particular regulation. All such concerns will be addressed by the group, and any group member is free to advance any opinion.

The role of the group is advisory only. The group's primary responsibility is to collaboratively contribute to a regulation that is in the best interests of the Commonwealth as a whole.

The group's goal is to reach a consensus on a specific action and make recommendations to the Department and Board. In this regulatory and public policy area, consensus is defined as a willingness of each member of a group to be able to say that he or she can live with the decisions reached and will not actively work against them outside of the process. This is not to say that everyone will be completely satisfied by the results of the process. It is necessary; however, that each participant come prepared to negotiate in good faith around complex and sensitive issues. Also, because the group represents many different interests, all members should expect to compromise in order to accomplish the group's mission. If the group cannot reach consensus, the Department staff will present the differing opinions to Department management and the Board.

Voting, per se, is contrary to a consensus-based process, but people may be asked to demonstrate their strength of feeling for or against a particular idea, and may be asked to help set priorities during the course of the process.

When requesting to serve as a member of the regulatory advisory panel, individuals are indicating that they are willing to devote the time and energy needed to ensure that they will be active participants of the regulatory advisory panel. Being an active participant includes not only attending scheduled meetings, but also being willing to contribute to group discussions, as well as actively listen as other members share their ideas.

Group Discussions

As the goal of the group is to reach consensus, guidelines for discussion have been developed to assist the group with being productive during the meetings. Following these guidelines will reduce distractions, eliminate redundancies, and help to speed up the progress of the group. These guidelines for discussions have been attached and should be reviewed by group members prior to every meeting.

Meeting Minutes

The Freedom of Information Act requires that minutes be prepared. That means a summary of the meeting shall be prepared and posted to the Townhall website (www.townhall.virginia.gov/). If the minutes must be approved by the group, a draft of the minutes must be posted within 10 days after the meeting with a final posted within 3 days of approval. If the minutes do not need to be approved by the group, the final must be posted within 10 days after the meeting. The minutes must include, but are not limited to, (i) the date, time and location of the meeting, (ii) the members of the public body recorded as present and absent, and (iii) a summary of the discussion on matters proposed, deliberated or decided, and a record of any votes taken. Minutes of advisory committees do not have to be officially approved by the group unless the group establishes that requirement.

Participation by Persons not on the Group

Because these types of group meetings are public meetings, any member of the public may attend and observe the proceedings. However, only group members have a seat at the table and only group members may actively participate in the discussions. Those persons not on the group are encouraged to work with the group members that have common interests to ensure their concerns are heard. For groups working on regulations, those persons not on the group also have an opportunity to be formally heard during the 60-day public comment period on the proposed regulation.

As warranted, the Department will provide a means for those persons not on the group to make their concerns known to the group to ensure full consideration of all issues surrounding the regulation in question, provided it is not disruptive or does not inhibit the advancement of the work of the group. There are several ways to accomplish this. One option is to allow for a specific time for interested persons to address the group at a designated time during the meeting. Another is to have an empty seat at the table. If an interested person desires to make a brief comment or raise an issue, he would come to the empty seat, be recognized in turn, make his statement and then return to the audience. Time limitations may be necessary in order to ensure all persons have an opportunity to address the group and to make sure the group has ample time to discuss issues surrounding the regulation.

When a Group Assisting in Regulation Development is Finished

After the group's meetings have concluded, the regulation writer will summarize the deliberations, outcomes and recommendations. Department management will meet prior to the board meeting scheduled to consider the regulation to review and determine recommendations that will be sent to the Board.

Areas where the group was unable to reach consensus or where the Department's recommendation differs from the group's recommendation will be identified in the material sent to the Board. In turn, the Board will decide if the Department's recommendation should be modified before the proposed regulation is promulgated for public comment.

The documentation sent to the Board before the meeting will also be sent to members of the group. As with all other members of the public, members of the group are free to attend the meeting at which Department staff will present its recommendation; however, the Board will not receive public comment on the proposed recommendation at that time.

After the Board approves the promulgation of the proposal, the proposed regulation will undergo executive review and then be published in the Virginia Register, marking the beginning of a 60-day comment period. During this period, any member of the public may comment on the proposed regulation. A member of the group, like any other member of the public, is free to express any opinion on the proposed regulation at this time, as well. However, it is hoped that if the regulation is essentially the same as that developed by the group through the consensus-based process, members of the group would actively support the work of the group during the public comment period.

Department staff will review and consider all comments relevant to the subject regulation. The comments will be summarized and a Department response prepared. The Department may have a meeting with the group to review the public comments and Department responses prior to finalizing the summary and response document for the Board. This summary and response document explains the Department's position on the comment (why the regulation was changed or was not changed). The document will be forwarded to the Board as part of the material for their review prior to final action. If requested by the Board, copies of specific comments or documents referenced in those comments will be provided to each Board member. At a minimum a summary of comments received shall be sent to those persons who provided comments during the 60-day comment period at least five (5) days before the meeting where Board action is planned. If possible, Department staff should send the summary and response document to those who provided comments. In addition, Department staff should send the summary and response document to all advisory committee members and post the document on the Department's web site.

At the Board meeting, Department staff will recommend final action by the Board. At that time public comment on the regulation will be accepted in accordance with the Board's Policy on Public Comment at Board meetings. A copy of the Boards' policy on public comment at board meetings is attached.

When a Group Assisting in Something Other Than Regulation Development is Finished

In some cases, a group may not be working on developing a regulation. In these instances, after the group makes its recommendations, Department staff managing the group will summarize the deliberations, outcomes and recommendations and prepare recommendations for Department management. Areas where the group was unable to reach consensus or where the staff's recommendation differs from the group's recommendation will be identified in the material sent

to Department management for a decision. Department staff will inform the group members of the decision made by Department management.

Guidelines for Discussions for Advisory Panel Members

Listen with an open mind and heart - it allows deeper understanding and, therefore, progress.

Speak one at a time; interruptions and side conversations are distracting and disrespectful to the speaker. "Caucus" or private conversation between members of the audience and people at the table may take place during breaks or at lunch, not during the work of the group.

Be concise and try to speak only once on a particular issue, unless you have new or different information to share.

Simply note your agreement with what someone else has said if you feel that it is important to do so, it is not necessary to repeat it.

Review materials to be discussed prior to meetings so you are prepared to participate in the discussion. Do not assume that the panel will revisit issues previously discussed at later meetings.

If you miss a meeting, get up to speed before the next one as the group cannot afford the luxury of starting over.

Focus on the issue, not the speaker - personalizing makes it impossible to listen effectively.

Present options for solutions at the same time you present the problems you see.

Stay positive; despairing of the group's inability to reach agreement will almost certainly make it so.

Turn off all cell phones; take and make all calls outside the room.

Regulatory Guidelines- the Public Participation Guidelines

As required by Chapter 321 of the 2008 Acts of Assembly, the Department and each of the Agency's three Boards have adopted Public Participation Guidelines modeled after public participation guidelines issued by the Department of Planning and Budget through the adoption of regulations (DEQ- 9 VAC 15-11 et seq., State Water Control Board- 9 VAC 25-11 et seq., Waste Management Board 9 VAC 20-11 et seq., Air Pollution Control Board 9 VAC 5-5 et seq.)

The Public Participation Guidelines (PPGs) adopted by each of the Boards and the Department require the agency to:

1. provide the public the opportunity to provide information, orally or in writing to the agency on non-emergency and nonexempt regulatory actions.
2. have comment periods for a minimum number of days, dependent upon the regulatory action and stage.
3. respond to comments on proposed regulations at least 5 days prior to the adoption of a final regulation.
4. post all open meetings on the Virginia Regulatory Town Hall and Commonwealth Calendar website at least seven working days prior to the meeting.
5. indicate in the NOIRA if a public meeting will be held following publication of the proposed regulation.
6. hold a public hearing once the NOIRA is published if 25 persons request a hearing and notify the requestors of the details of the meeting.
7. conduct periodic reviews of regulations which includes examination of the effectiveness, efficiency, necessity, clarity, and cost of compliance with the regulations, and consider the impact, and to prepare a regulatory flexibility analysis in which the agency shall consider utilizing 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 businesses. The regulatory flexibility for small businesses must consider:
 1. The establishment of less stringent compliance or reporting requirements.
 2. The establishment of less stringent schedules or deadlines for compliance or reporting requirements.
 3. The consolidation or simplification of compliance or reporting requirements.
 4. The establishment of 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 proposed regulation.

Also, the PPGs build upon the procedural requirements established by the Administrative Process Act.

In addition to the above requirements, Section 2.2-618 of the Code of Virginia requires that whenever programs are developed or regulations adopted to implement federal programs they be done in good faith with a critical view toward any federal regulations, guidelines, or policies; with due consideration of the financial restraints of the Commonwealth, local governments, and the citizens of Virginia; and using the most efficient method possible with careful consideration given to cost of the program and the impact of the program on Virginia citizens and local governments, and the long-range public health, safety, and welfare of citizens of the Commonwealth. This Code section applies to any mandate contained in a federal statute and specifically includes the Clean Air Act, Clean Water Act, Solid Waste Disposal Act, Resource Conservation and Recovery Act, Comprehensive Environmental Response, Compensation and Liability Act, Superfund Amendments and Reauthorization Act and Emergency Planning and Community Right-to-Know Act.

While the above items set development principles and the procedural requirements for all regulatory actions, all regulations are adopted under the laws of the State Air Pollution Control Board, Virginia Waste Management Board, State Water Control Board, and the Department of Environmental Quality. While the statutes provide legal authority for the development and adoption of regulations, the statutes also include a requirement that any provision(s) of regulations that exceeds an applicable minimum federal requirement must be justified and certain legislative committees must be informed.

Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Vehicle Wash Facilities and Laundry Facilities

Summary of Known Revisions

- Update permit term to 1/1/2028 – 12/31/2032
- Incorporate changes required by SB 657, revising regulatory language to clarify that regulatory actions fall under the State Water Control Board (SWCB), while permit actions fall under the Department of Environmental Quality (DEQ)
- Add definitions for “Department” and “Director”
- Revise the discharge monitoring reporting instructional footnote
- Update *E. coli* and Enterococci discharge limitations to reflect the more stringent water quality standards effective October 21, 2019
- Update compliance reporting requirements in Part III.I (Reports of Noncompliance)
 - Revise provisions to address online reporting

1 **Project 8564 - NOIRA**

2 **State Water Control Board**

3 **CH 194 – 2028 Amend and Reissue the Existing General Permit Regulation**

4 Chapter 194

5 Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Vehicle

6 Wash Facilities and Laundry Facilities

7 **9VAC25-194-10. Definitions.**

8 The words and terms used in this chapter shall have the meanings defined in the State Water
9 Control Law and 9VAC25-31 (VPDES Permit Regulation) unless the context clearly indicates
10 otherwise, except that for the purposes of this chapter:

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

14 "Construction equipment" means trenchers, backhoes, boring equipment, bulldozers, loaders,
15 dump trucks, and any other piece of earth moving equipment.

16 "Department" or "DEQ" means the Department of Environmental Quality.

17 "Director" means the Director of the Department of Environmental Quality or an authorized
18 representative.

19 "Golf course equipment" means carts, utility vehicles, bunker rakes, groomers, seeders, and
20 other turf equipment but does not mean equipment used in fertilizer, pesticide, or herbicide
21 application.

22 "Inlet protection measures" means equipment and best management practices to minimize
23 pollution to state waters via the storm drain. Equipment includes containment berms, barriers, or

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24 seals designed to prevent water from entering the inlet, weighted filters, or socks designed to
25 remove metals, oil and grease, solids, and debris combined with other measures, including
26 vacuuming of wastewater, shut off hose nozzles, washing, or directing wastewater to grassy
27 areas.

28 "Laundry" means any self-service facility where the washing of clothes is conducted as
29 designated by NAICS Code 812310 and SIC 7215. It does not include facilities that engage in dry
30 cleaning.

31 "Lawn maintenance equipment" means motorized or hand operated lawn care equipment,
32 including mowers, hedgers, aerators, augers, blowers, brush clearers, brush cutters, dethatchers,
33 edgers, pole saws, power rakes, and tillers, but does not mean equipment used in fertilizer,
34 pesticide, or herbicide application.

35 "NAICS" means North American Industry Classification System from the U.S. Office of
36 Management and Budget, 2017 edition.

37 "SIC" means the Standard Industrial Classification from the U.S. Office of Management and
38 Budget Standard Industrial Classification Manual, 1987 edition.

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

44 "Vehicle maintenance" means vehicle and equipment rehabilitation, mechanical repairs,
45 painting, fueling, and lubrication.

46 "Vehicle wash" means any fixed or mobile facility where the manual, automatic, or self-service
47 exterior washing of vehicles is conducted and includes the following:

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- 48 1. Vehicles that convey passengers or goods on streets or highways, such as automobiles,
49 trucks, motor homes, buses, motorcycles, ambulances, fire trucks, and tractor trailers.
50 This industry primarily comprises establishments engaged in cleaning, washing, or waxing
51 automotive vehicles, such as passenger cars, trucks, and vans, and trailers as designated
52 by NAICS Code 811192 and Standard Industrial Classification (SIC) Code 7542;
- 53 2. Incidental floor cleaning wash waters associated with facilities that wash vehicles where
54 the floor wash water also passes through the vehicle wash treatment system;
- 55 3. Golf course equipment and lawn maintenance equipment;
- 56 4. Maintenance and construction equipment;
- 57 5. Street sweepers and catch basin cleaner trucks; and
- 58 6. Recreational boats less than 8.6' beam and 25' in length towed by a vehicle.

59 "Vehicle wash" does not mean engine cleaning or degreasing; the cleaning of floors in vehicle
60 maintenance areas, cleaning of the interior of tanks or trailers carrying bulk or raw material,
61 cleaning of equipment used in the paving industry, cleaning of chemical, fertilizer, or pesticide
62 spreading equipment, or cleaning of tanker trucks, garbage trucks, livestock trailers, trains, boats
63 larger than 8.6' beam and 25' in length, or aircraft; or the use of acid caustic metal brighteners or
64 steam heated water.

65 **9VAC25-194-15. Applicability of incorporated references based on the dates that they**
66 **became effective.**

67 Except as noted, when a regulation of the U.S. Environmental Protection Agency (EPA) set
68 forth in Title 40 of the Code of Federal Regulations (CFR) is referenced or adopted in this chapter
69 and incorporated by reference, that regulation shall be as it exists and has been published as of
70 July 1, ~~2024~~ 2024; however, references to 40 CFR Part 136 are incorporated as published in the
71 July 1, 2024, update.

72 **9VAC25-194-20. Purpose.**

73 This general permit regulation governs the discharge of wastewater from vehicle wash
74 facilities and laundry facilities to surface waters.

75 **9VAC25-194-40. Effective date of the permit.**

76 This general permit will become effective on January 1, ~~2023~~ 2028. This general permit will
77 expire on December 31, ~~2027~~ 2032. This general permit is effective for any covered owner upon
78 compliance with all the provisions of 9VAC25-194-50.

79 **9VAC25-194-50. Authorization to discharge.**

80 A. Any owner governed by this general permit is hereby authorized to discharge wastewater
81 as described in 9VAC25-194-20 to surface waters of the Commonwealth of Virginia provided that:

- 82 1. The owner files a registration statement in accordance with 9VAC25-194-60, and that
83 registration statement is accepted by the ~~board~~ department;
- 84 2. The owner submits the required permit fee;
- 85 3. The owner complies with the applicable effluent limitations and other requirements of
86 9VAC25-194-70; and
- 87 4. The owner has not been notified by the ~~board~~ department that the discharge is not
88 eligible for coverage under this permit in accordance with subsection B of this section.

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

- 91 1. The owner is required to obtain an individual permit in accordance with 9VAC25-31-170
92 B 3 of the VPDES Permit Regulation;
- 93 2. The owner is proposing to discharge to state waters specifically named in other board
94 regulations that prohibit such discharges;

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95 3. The discharge would violate the antidegradation policy in the Water Quality Standards
96 at 9VAC25-260-30;

97 4. The discharge is not consistent with the assumptions and requirements of an approved
98 TMDL; or

99 5. The discharge is to surface waters where there are central wastewater treatment
100 facilities reasonably available, as determined by the board.

101 C. Mobile vehicle wash owners shall operate such that there is no discharge to surface waters
102 and storm sewers unless they have coverage under this permit.

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

109 E. Continuation of permit coverage.

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

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

117 b. Notifies the owner that the discharge is not eligible for coverage under this permit.

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

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

123 b. Issue a notice of intent to deny coverage under the amended general permit. If the
124 general permit coverage is denied, the owner would then be required to cease the
125 discharges authorized by the continued general permit coverage or be subject to
126 enforcement action for discharging without a permit;

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

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

129 **9VAC25-194-60. Registration statement.**

130 A. Deadlines for submitting registration statements. Any owner seeking coverage under this
131 general permit shall submit a complete VPDES general permit registration statement in
132 accordance with this chapter, which shall serve as a notice of intent for coverage under the
133 VPDES general permit regulation for vehicle wash facilities and laundry facilities.

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

137 2. Existing facilities.

138 a. Any owner covered by an individual VPDES permit that is proposing to be covered
139 by this general permit shall submit a complete registration statement at least 240 days

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140 prior to the expiration date of the individual VPDES permit or a later submittal
141 established by the ~~board~~ department.

142 b. Any owner that was authorized to discharge under an expiring or expired VPDES
143 general permit for vehicle wash facilities and laundry facilities and that intends to
144 continue coverage under this general permit shall submit a complete registration
145 statement to the ~~board~~ department at least 60 days prior to the expiration date of the
146 existing permit or a later submittal established by the ~~board~~ department.

147 c. Any owner of a vehicle wash facility covered under this permit that had a monthly
148 average flow rate of less than 5,000 gallons per day, and the flow rate increases above
149 a monthly average flow rate of 5,000 gallons per day, shall submit an amended
150 registration statement to the department within 60 days of the increased flow or a later
151 submittal established by the ~~board~~ department.

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

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

156 1. Facility name and mailing address, owner name and mailing address, telephone
157 number, and email address (if available);

158 2. Facility street address (if different from mailing address);

159 3. Facility operator (local contact) name, address, telephone number, and email address
160 (if available) if different than owner;

161 4. Whether the facility discharges to surface waters. If "yes," name of receiving stream; if
162 "no," describe the discharge;

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- 163 5. Whether the facility discharges to a municipal separate storm sewer system (MS4). If
164 "yes," the facility owner must provide the name of the MS4 and notify the owner of the
165 municipal separate storm sewer system of the existence of the discharge at the time of
166 registration under this permit and include that notification with the registration statement.
167 The notice shall include the following information: the name of the facility, a contact
168 person, phone number, email, the location of the discharge, the nature of the discharge,
169 and the facility's VPDES general permit number;
- 170 6. Whether the facility has a current VPDES permit. If "yes," provide permit number;
- 171 7. Whether the locality requires connection to central wastewater treatment facilities;
- 172 8. Whether central wastewater treatment facilities are available to serve the site. If "yes,"
173 the option of discharging to the central wastewater facility must be evaluated and the result
174 of that evaluation reported here;
- 175 9. A U.S. Geological Survey (USGS) 7.5 - minute topographic map or equivalent computer
176 - generated map with sufficient resolution to clearly show ~~showing~~ the facility location, the
177 discharge locations, latitude and longitude, and receiving stream;
- 178 10. ~~Provide a~~ A brief description of the type of washing activity. ~~Include,~~ including (as
179 applicable) the type of vehicles washed, number of vehicle washing bays, and the number
180 of laundry machines;
- 181 11. Highest average monthly flow rate for each washing activity or combined washing
182 activity, reported as gallons per day;
- 183 12. Facility line (water balance) drawing;
- 184 13. Description of wastewater treatment or stormwater inlet protection measures;

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185 14. Information on use of chemicals at the facility. ~~Include, including~~ detergents, soaps,
186 waxes, and other chemicals;

187 15. Whether detergent used for washing vehicles contains more than 0.5% phosphorus
188 by weight;

189 16. State Corporation Commission entity identification number if the facility is required to
190 obtain an entity identification number by law; and

191 17. The following certification:

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

200 The registration statement shall be signed in accordance with 9VAC25-31-110 of the VPDES
201 Permit Regulation.

202 D. The registration statement shall be delivered by either postal or electronic mail to the DEQ
203 regional office serving the area where the facility is located. Following notification from the
204 department of the start date for the required electronic submission of Notices of Intent to discharge
205 forms (i.e., registration statements) as provided for in 9VAC25-31-1020, such forms submitted
206 after that date shall be electronically submitted to the department in compliance with this section
207 and 9VAC25-31-1020. There shall be at least ~~a-three months'~~ month notice provided between the

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208 notification from the department and the date after which such forms must be submitted
209 electronically.

210 E. An incomplete Registration Statement for coverage under this general permit may be
211 closed as incomplete by the department for failure to provide the required information after 30
212 calendar days from the date of the latest written information request made by the department. An
213 applicant may proceed with the withdrawal of their Registration Statement; however, resubmittal
214 of a Registration Statement for the same facility after the time that the original Registration
215 Statement was closed as incomplete by the department shall require submittal of an additional
216 Registration Statement fee.

217 **9VAC25-194-70. General permit.**

218 Any owner whose registration statement is accepted by the ~~board~~ department shall comply
219 with the requirements of the general permit and be subject to all requirements of 9VAC25-31-170
220 of the VPDES Permit Regulation.

221 General Permit No.: VAG75

222 Effective Date: January 1, ~~2023~~ 2028

223 Expiration Date: December 31, ~~2027~~ 2032

224 **GENERAL PERMIT FOR VEHICLE WASH FACILITIES AND LAUNDRY FACILITIES**

225 **AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE**
226 **ELIMINATION SYSTEM AND THE VIRGINIA STATE WATER CONTROL LAW**

227 In compliance with the provisions of the Clean Water Act, as amended, and pursuant to the
228 State Water Control Law and regulations adopted pursuant thereto, owners of vehicle wash
229 facilities and laundry facilities are authorized to discharge to surface waters within the boundaries
230 of the Commonwealth of Virginia, except those specifically named in board regulations that
231 prohibit such discharges.

232 The authorized discharge shall be in accordance with the information submitted with the
233 registration statement, this cover page, Part I - Effluent Limitations, Monitoring Requirements,

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234 Special Conditions and Part II - Conditions Applicable to All VPDES Permits, as set forth in this
 235 general permit.

236 Part I

237 A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

238 1. During the period beginning with the permittee's coverage under this general permit and
 239 lasting until the permit's expiration date, the permittee is authorized to discharge
 240 wastewater originating from vehicle wash facilities that discharge a monthly average flow
 241 rate less than or equal to 5,000 gallons per day from outfalls:

242 Such discharges shall be limited and monitored by the permittee as specified below in the
 243 following table:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Frequency ⁽³⁾	Sample Type
Flow (GPD)	NA	5,000	1/Year	Estimate
pH (S.U.)	6.0 ⁽¹⁾	9.0 ⁽¹⁾	1/Year	Grab
TSS (mg/l)	NA	60 ⁽²⁾	1/Year	Composite ⁽⁴⁾
Oil and Grease (mg/l)	NA	15	1/Year	Grab

NL - No Limitation, monitoring requirement only
 NA - Not applicable
⁽¹⁾Where the Water Quality Standards (9VAC25-260) establish alternate standards for pH in waters receiving the discharge, those standards shall be the maximum and minimum effluent limitations.
⁽²⁾Limit given is expressed in two significant figures.
⁽³⁾Discharge Monitoring Reports (DMRs) of yearly monitoring (January 1 to December 31) shall be submitted to the DEQ regional office no later than ~~the~~ the 10th day of January January 10 of each the following calendar year.
⁽⁴⁾Five grab samples evenly spaced over an eight-hour period or five grab samples evenly spaced for the duration of the discharge if less than eight hours in length.

244 Part I

245 A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

FOR DISCUSSION PURPOSES ONLY

246 2. During the period beginning with the permittee's coverage under this general permit and
 247 lasting until the permit's expiration date, the permittee is authorized to discharge
 248 wastewater originating from vehicle wash facilities that discharge a monthly average flow
 249 rate greater than 5,000 gallons per day from outfalls:

250 Such discharges shall be limited and monitored by the permittee as specified ~~below~~ in the
 251 following table:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Frequency ⁽³⁾	Sample Type
Flow (GPD)	NA	NL	1/6 Months	Estimate
pH (S.U.)	6.0 ⁽¹⁾	9.0 ⁽¹⁾	1/6 Months	Grab
TSS (mg/ℓ)	NA	60 ⁽²⁾	1/6 Months	Composite ⁽⁴⁾
Oil and Grease (mg/ℓ)	NA	15	1/6 Months	Grab

NL - No Limitation, monitoring requirement only
 NA - Not applicable
⁽¹⁾Where the Water Quality Standards (9VAC25-260) establish alternate standards for pH in waters receiving the discharge, those standards shall be the maximum and minimum effluent limitations.
⁽²⁾Limit given is expressed in two significant figures.
⁽³⁾Samples shall be collected by December 31 and June 30 of each year and reported on the facility's Discharge Monitoring Report (DMR). DMRs shall be submitted by January 10 and July 10 of each year following each applicable semiannual monitoring period.
⁽⁴⁾Five grab samples evenly spaced over an eight-hour period or five grab samples evenly spaced for the duration of the discharge if less than eight hours in length.

252 Part I

253 A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

254 3. During the period beginning with the permittee's coverage under this general permit and
 255 lasting until the permit's expiration date, the permittee is authorized to discharge
 256 wastewater originating from a laundry facility from outfalls:

FOR DISCUSSION PURPOSES ONLY

257 Such discharges shall be limited and monitored by the permittee as specified below in the
 258 following table:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Frequency ⁽³⁾	Sample Type
Flow (GPD)	NA	NL	1/Quarter	Estimate
pH (S.U.)	6.0 ⁽¹⁾	9.0 ⁽¹⁾	1/Quarter	Grab
TSS (mg/ℓ)	NA	60 ⁽²⁾	1/Quarter	Grab
BOD ₅ (mg/ℓ)	NA	60 ^{(1), (2)}	1/Quarter	Grab
Dissolved Oxygen (mg/ℓ)	6.0 ⁽¹⁾	NA	1/Quarter	Grab
Temperature °C	NA	32 ^{(1), (4)}	1/6 Months	Immersion Stabilization
Total Residual Chlorine (mg/ℓ)	NA	0.011 ⁽¹⁾	1/Quarter	Grab
E. Coli ⁽⁵⁾	NA	235 <u>126</u> CFU/100 ml	1/6 Months	Grab
Enterococci ⁽⁶⁾	NA	104 <u>35</u> CFU/100 ml	1/6 Months	Grab
Fecal Coliform ⁽⁷⁾	NA	200 CFU/100 ml	1/6 Months	Grab

NL - No Limitation, monitoring requirement only

NA - Not applicable

CFU – Colony forming units

⁽¹⁾Where the Water Quality Standards (9VAC25-260) establish alternate standards for pH, BOD₅, DO, TRC and temperature in waters receiving the discharge, those standards shall be, as appropriate, the maximum and minimum effluent limitations.

⁽²⁾Limit given is expressed in two significant figures.

⁽³⁾Reports of quarterly monitoring shall be submitted to the DEQ regional office no later than the ~~10th day of~~ April 10, July 10, October 10, and January 10 following each applicable quarterly period. ~~Reports of once per six months~~ Semiannual reports shall be submitted no later than the ~~10th day of~~ January 10 and the ~~10th day of~~ July 10 for samples collected by December 31 and June 30 of each year.

⁽⁴⁾The effluent temperature shall not exceed a maximum 32°C for discharges to nontidal coastal and piedmont waters, 31°C for mountain and upper

FOR DISCUSSION PURPOSES ONLY

piedmont waters, 21°C for put and take trout waters, or 20°C for natural trout waters. For estuarine waters, nontidal coastal and piedmont waters, mountain and upper piedmont waters, and put and take trout waters, the effluent shall not cause an increase in temperature of the receiving stream of more than 3°C above the natural water temperature. For natural trout waters, the temperature of the effluent shall not cause an increase of 1°C above natural water temperature. The effluent shall not cause the temperature in the receiving stream to change more than 2°C per hour, except in the case of natural trout waters where the hourly temperature change shall not exceed 0.5°C.

⁽⁵⁾Applies only when the discharge is into freshwater (see 9VAC25-260-140 C for the classes of waters and boundary designations).

⁽⁶⁾Applies only when the discharge is into saltwater or the transition zone (see 9VAC25-260-140 C for the classes of waters and boundary designations).

⁽⁷⁾Applies only when the discharge is into shellfish waters (see 9VAC25-260-160 for the description of what are shellfish waters).

259 Part I

260 A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS.

261 4. During the period beginning with the permittee's coverage under this general permit and
 262 lasting until the permit's expiration date, the permittee is authorized to discharge
 263 wastewater originating from a combined vehicle wash and laundry facility from outfalls:

264 Such discharges shall be limited and monitored by the permittee as specified below in the
 265 following table:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Minimum	Maximum	Frequency ⁽³⁾	Sample Type
Flow (GPD)	NA	NL	1/Quarter	Estimate
pH (S.U.)	6.0 ⁽¹⁾	9.0 ⁽¹⁾	1/Quarter	Grab
TSS (mg/ℓ)	NA	60 ⁽²⁾	1/Quarter	5G/8HC
BOD ₅ (mg/ℓ)	NA	60 ^{(1), (2)}	1/Quarter	Grab
Oil and Grease (mg/L)	NA	15	1/6 Months	Grab
Dissolved Oxygen (mg/ℓ)	6.0 ⁽¹⁾	NA	1/Quarter	Grab
Temperature °C	NA	32 ^{(1), (4)}	1/6 Months	Immersion Stabilization

FOR DISCUSSION PURPOSES ONLY

Total Residual Chlorine (mg/L)	NA	0.011 ⁽¹⁾	1/Quarter	Grab
E. Coli ⁽⁵⁾	NA	235 <u>126</u> CFU/100 ml	1/6 Months	Grab
Enterococci ⁽⁶⁾	NA	104 <u>35</u> CFU/100 ml	1/6 Months	Grab
Fecal Coliform ⁽⁷⁾	NA	200 CFU/100 ml	1/6 Months	Grab

NL - No Limitation, monitoring requirement only

NA - Not applicable

CFU – Colony forming units

⁽¹⁾Where the Water Quality Standards (9VAC25-260) establish alternate standards for pH, BOD₅, DO, TRC and temperature in waters receiving the discharge, those standards shall be, as appropriate, the maximum and minimum effluent limitations.

⁽²⁾Limit given is expressed in two significant figures.

⁽³⁾Reports of quarterly monitoring shall be submitted to the DEQ regional office no later than ~~the 10th day of April 10, July 10, October 10, and January 10~~ following each applicable quarterly monitoring period. Reports of once per six months shall be submitted no later than the ~~10th day of January 10 and the 10th day of July 10~~ for samples collected by December 31 and June 30 of each year.

⁽⁴⁾The effluent temperature shall not exceed a maximum 32°C for discharges to nontidal coastal and piedmont waters, 31°C for mountain and upper piedmont waters, 21°C for put and take trout waters, or 20°C for natural trout waters. For estuarine waters, nontidal coastal and piedmont waters, mountain and upper piedmont waters, and put and take trout waters, the effluent shall not cause an increase in temperature of the receiving stream of more than 3°C above the natural water temperature. For natural trout waters, the temperature of the effluent shall not cause an increase of 1°C above natural water temperature. The effluent shall not cause the temperature in the receiving stream to change more than 2°C per hour, except in the case of natural trout waters where the hourly temperature change shall not exceed 0.5°C.

⁽⁵⁾Applies only when the discharge is into freshwater (see 9VAC25-260-140 C for the classes of waters and boundary designations).

⁽⁶⁾Applies only when the discharge is into saltwater or the transition zone (see 9VAC25-260-140 C for the classes of waters and boundary designations).

⁽⁷⁾Applies only when the discharge is into shellfish waters (see 9VAC25-260-160 for the description of what are shellfish waters).

FOR DISCUSSION PURPOSES ONLY

267 1. The permittee of a vehicle wash facility shall perform visual examinations of the effluent
268 including sheens, floating solids, or visible foam and maintenance of the wastewater
269 treatment facilities and inlet protection measures, if applicable, at least once per week and
270 document this visual examination and maintenance activities in the operational log. This
271 operational log shall include the examination date and time, examination personnel,
272 presence of a discharge, and the visual quality of the discharge. The operational log shall
273 be made available for review by the department personnel upon request.

274 2. The effluent shall be free of sheens. There shall be no discharge of floating solids or
275 visible foam in other than trace amounts.

276 3. No sewage shall be discharged from a point source to surface waters from this facility
277 except under the provisions of another VPDES permit specifically issued for that purpose.

278 4. There shall be no chemicals added to the water or waste that may be discharged other
279 than those listed on the owner's accepted registration statement, unless prior approval of
280 the chemical is granted by the board.

281 5. Wastewater should be reused or recycled whenever feasible.

282 6. The permittee of a vehicle wash facility shall comply with the following solids
283 management plan requirements, where applicable:

284 a. Any settling basins or oil water separators shall be cleaned in accordance with the
285 schedule outlined in the operation and maintenance (O&M) manual and at a frequent
286 enough interval to achieve effective treatment.

287 b. Any solids from settling basins, oil water separators, trash, or other debris shall be
288 handled, stored, and disposed of so as to prevent a discharge to state waters of such
289 solids.

FOR DISCUSSION PURPOSES ONLY

290 7. Washing of vehicles or containers bearing residue of animal manure or toxic chemicals
291 (fertilizers, organic chemicals, etc.) is prohibited. If the facility is a self-service operation,
292 the permittee shall post this prohibition on a sign prominently located and of sufficient size
293 to be easily read by all patrons.

294 8. If the facility has a vehicle wash discharge with a monthly average flow rate of less than
295 5,000 gallons per day, and the flow rate increases above a monthly average flow rate of
296 5,000 gallons per day, an amended registration statement shall be filed within 30 days of
297 the increased flow.

298 9. A permittee submitting a registration statement in accordance with Part II M and
299 discharging into a municipal separate storm sewer shall notify the owner of the municipal
300 separate storm sewer system of the existence of the discharge at the time of registration
301 under this permit and include that notification with the registration statement. The notice
302 shall include the following information: the name of the facility, a contact person and
303 contact information (phone number and email), the location of the discharge, the nature
304 of the discharge, and the facility's VPDES general permit number, if known or existing.

305 10. Approval for coverage under this general permit does not relieve any owner of the
306 responsibility to comply with any other federal, state, or local statute, ordinance, or
307 regulation.

308 11. The owner of a facility discharging vehicle wash water directly to a stormwater drain
309 shall provide inlet protection measures in addition to meeting all other requirements of the
310 permit.

311 12. The permittee shall notify the department as soon as the permittee knows or has
312 reason to believe:

FOR DISCUSSION PURPOSES ONLY

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

316 (1) One hundred micrograms per liter of the toxic pollutant;

317 (2) Two hundred micrograms per liter for acrolein and acrylonitrile; five hundred
318 micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one
319 milligram per liter for antimony;

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

322 (4) The level established by the board or department.

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

326 (1) Five hundred micrograms per liter of the toxic pollutant;

327 (2) One milligram per liter for antimony;

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

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

331 13. Operation and maintenance manual requirement. The permittee shall develop and
332 maintain an accurate operation and maintenance (O&M) manual for the wastewater
333 treatment works and applicable inlet protection measures. This manual shall detail the
334 practices and procedures that will be followed to ensure compliance with the requirements
335 of this permit. The permittee shall operate and maintain the treatment works and the inlet

FOR DISCUSSION PURPOSES ONLY

336 protection measures in accordance with the O&M manual. The O&M manual shall be
337 reviewed and updated at least annually and shall be signed and certified in accordance
338 with Part II K of this permit. The O&M manual shall be made available for review by the
339 department personnel upon request. The O&M manual shall include the following items,
340 as appropriate:

341 a. Techniques to be employed in the collection, preservation, and analysis of effluent
342 samples;

343 b. Stormwater inlet protection measure directions for use and maintenance of
344 equipment;

345 c. Best management practices employed;

346 d. Treatment system operation, routine preventive maintenance of units within the
347 treatment system, critical spare parts inventory, and recordkeeping;

348 e. A sludge/solids management plan practices, including the schedule for settling
349 basin or oil water separator cleaning and solids handling as required by Part I B 6;

350 f. Procedures for performing the visual examination and maintenance required by Part
351 I B 1 including example log sheets and the location of the operational log; and

352 g. Date when the O&M manual was updated or reviewed and any changes that were
353 made.

354 14. Compliance reporting under Part I A 1 through 4.

355 a. The quantification levels (QL) shall be as follows:

Effluent Characteristic	Quantification Level
BOD ₅	2 mg/l
TSS	1.0 mg/l
Oil and Grease	5.0 mg/l

FOR DISCUSSION PURPOSES ONLY

	Chlorine	0.10 mg/l
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356 The QL is defined as the lowest concentration used to calibrate a measurement
357 system in accordance with the procedures published for the test method.

358 b. Reporting. Any single datum required shall be reported as "<QL" if it is less than the
359 QL in subdivision 14 a of this subsection. Otherwise, the numerical value shall be
360 reported. The QL must be less than or equal to the QL in subdivision 14 a of this
361 subsection.

362 c. Monitoring results shall be reported using the same number of significant digits as
363 listed in the permit. Regardless of the rounding convention used by the permittee (e.g.,
364 five always rounding up or to the nearest even number), the permittee shall use the
365 convention consistently and shall ensure that consulting laboratories employed by the
366 permittee use the same convention.

367 15. The discharges authorized by this permit shall be controlled as necessary to meet
368 applicable water quality standards in 9VAC25-260.

369 16. Discharges to waters with an approved total maximum daily load (TMDL). Owners of
370 facilities that are a source of the specified pollutant of concern to waters where an
371 approved TMDL has been established shall implement measures and controls that are
372 consistent with the assumptions and requirements of the TMDL.

373 17. Notice of termination.

374 a. The owner may terminate coverage under this general permit by filing a complete
375 notice of termination with the department. The notice of termination may be filed after
376 one or more of the following conditions have been met:

377 (1) Operations have ceased at the facility and there are no longer wastewater
378 discharges from vehicle wash or laundry activities from the facility;

FOR DISCUSSION PURPOSES ONLY

379 (2) A new owner has assumed responsibility for the facility. A notice of termination
380 does not have to be submitted if a VPDES Change of Ownership Agreement form has
381 been submitted;

382 (3) All discharges associated with this facility have been covered by a VPDES
383 individual permit or an alternative VPDES permit; or

384 (4) Termination of coverage is requested for another reason provided the ~~board~~
385 department agrees that coverage under this general permit is no longer needed.

386 b. The notice of termination shall contain the following information:

387 (1) Owner's name, mailing address, telephone number, and email address (if
388 available);

389 (2) Facility name and location;

390 (3) VPDES vehicle wash facilities and laundry facilities general permit number; and

391 (4) The basis for submitting the notice of termination, including:

392 (a) A statement indicating that a new owner has assumed responsibility for the facility;

393 (b) A statement indicating that operations have ceased at the facility and there are no
394 longer wastewater discharges from vehicle wash or laundry activities from the facility;

395 (c) A statement indicating that all wastewater discharges from vehicle wash facilities
396 and laundry facilities have been covered by an individual VPDES permit; or

397 (d) A statement indicating that termination of coverage is being requested for another
398 reason (state the reason).

399 c. The following certification:

400 "I certify under penalty of law that all wastewater discharges from vehicle wash or
401 laundry facilities from the identified facility that are authorized by this VPDES general

FOR DISCUSSION PURPOSES ONLY

402 permit have been eliminated, or covered under a VPDES individual or alternative
403 permit, or that I am no longer the owner of the industrial activity, or permit coverage
404 should be terminated for another reason listed above. I understand that by submitting
405 this notice of termination, that I am no longer authorized to discharge wastewater from
406 vehicle wash facilities or laundry facilities in accordance with the general permit, and
407 that discharging pollutants in wastewater from vehicle wash facilities or laundry
408 facilities to surface waters is unlawful where the discharge is not authorized by a
409 VPDES permit. I also understand that the submittal of this notice of termination does
410 not release an owner from liability for any violations of this permit or the Clean Water
411 Act."

412 d. The notice of termination shall be signed in accordance with Part II K.

413 e. The notice of termination shall be submitted to the DEQ regional office serving the
414 area where the vehicle wash or laundry facility is located.

415 Part II
416 CONDITIONS APPLICABLE TO ALL VPDES PERMITS

417 A. Monitoring.

418 1. Samples and measurements taken as required by this permit shall be representative of
419 the monitored activity.

420 2. Monitoring shall be conducted according to procedures approved under 40 CFR Part
421 136 or alternative methods approved by the U.S. Environmental Protection Agency unless
422 other procedures have been specified in this permit.

423 3. The permittee shall periodically calibrate and perform maintenance procedures on all
424 monitoring and analytical instrumentation at intervals that will ensure accuracy of
425 measurements.

FOR DISCUSSION PURPOSES ONLY

426 4. Samples taken as required by this permit shall be analyzed in accordance with 1VAC30-
427 45, Certification for Noncommercial Environmental Laboratories, or 1VAC30-46,
428 Accreditation for Commercial Environmental Laboratories.

429 B. Records.

430 1. Records of monitoring information shall include:

- 431 a. The date, exact place, and time of sampling or measurements;
- 432 b. The individuals who performed the sampling or measurements;
- 433 c. The dates and times analyses were performed;
- 434 d. The individuals who performed the analyses;
- 435 e. The analytical techniques or methods used; and
- 436 f. The results of such analyses.

437 2. Except for records of monitoring information required by this permit related to the
438 permittee's sewage sludge use and disposal activities, which shall be retained for a period
439 of at least five years, the permittee shall retain records of all monitoring information,
440 including all calibration and maintenance records and all original strip chart recordings for
441 continuous monitoring instrumentation, copies of all reports required by this permit, and
442 records of all data used to complete the registration statement for this permit, for a period
443 of at least three years from the date of the sample, measurement, report or request for
444 coverage. This period of retention shall be extended automatically during the course of
445 any unresolved litigation regarding the regulated activity or regarding control standards
446 applicable to the permittee, or as requested by the ~~board~~ department.

447 C. Reporting monitoring results.

FOR DISCUSSION PURPOSES ONLY

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

452 2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on
453 forms provided, approved or specified by the department. Following notification from the
454 department of the start date for the required electronic submission of monitoring reports,
455 as provided for in 9VAC25-31-1020, such forms and reports submitted after that date shall
456 be electronically submitted to the department in compliance with this section and 9VAC25-
457 31-1020. There shall be at least a three months' notice provided between the notification
458 from the department and the date after which such forms and reports must be submitted
459 electronically.

460 3. If the permittee monitors any pollutant specifically addressed by this permit more
461 frequently than required by this permit using test procedures approved under 40 CFR Part
462 136 or using other test procedures approved by the U.S. Environmental Protection Agency
463 or using procedures specified in this permit, the results of this monitoring shall be included
464 in the calculation and reporting of the data submitted in the DMR or reporting form
465 specified by the department.

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

468 D. Duty to provide information. The permittee shall furnish to the department, within a
469 reasonable time, any information that the ~~board~~ department may request to determine whether
470 cause exists for terminating coverage under this permit or to determine compliance with this
471 permit. The ~~board~~ department may require the permittee to furnish, upon request, such plans,
472 specifications, and other pertinent information as may be necessary to determine the effect of the

FOR DISCUSSION PURPOSES ONLY

473 wastes from the permittee's discharge on the quality of state waters, or such other information as
474 may be necessary to accomplish the purposes of the State Water Control Law. The permittee
475 shall also furnish to the department upon request, copies of records required to be kept by this
476 permit.

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

480 F. Unauthorized discharges. Except in compliance with this permit or another permit issued
481 by the ~~board~~ department, it shall be unlawful for any person to:

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

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

487 G. Reports of unauthorized discharges. Any permittee who discharges or causes or allows a
488 discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into
489 or upon state waters in violation of Part II F, or who discharges or causes or allows a discharge
490 that may reasonably be expected to enter state waters in violation of Part II F, shall notify the
491 department of the discharge immediately (see Part II I 4) upon discovery of the discharge, but in
492 no case later than 24 hours after ~~said~~ the discovery. A written report of the unauthorized discharge
493 shall be submitted to the department within five days of discovery of the discharge. The written
494 report shall contain:

495 1. A description of the nature and location of the discharge;

496 2. The cause of the discharge;

FOR DISCUSSION PURPOSES ONLY

- 497 3. The date on which the discharge occurred;
- 498 4. The length of time that the discharge continued;
- 499 5. The volume of the discharge;
- 500 6. If the discharge is continuing, how long it is expected to continue;
- 501 7. If the discharge is continuing, what the expected total volume of the discharge will be;
- 502 and
- 503 8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present
- 504 discharge or any future discharges not authorized by this permit.

505 Discharges reportable to the department under the immediate reporting requirements of other

506 regulations are exempted from this requirement.

507 H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge,

508 including a bypass or upset, should occur from a treatment works, and the discharge enters or

509 could be expected to enter state waters, the permittee shall promptly notify (see Part II I 4), in no

510 case later than 24 hours, the department after the discovery of the discharge. This notification

511 shall provide all available details of the incident, including any adverse effects on aquatic life and

512 the known number of fish killed. The permittee shall submit the report to the department in writing

513 within five days of discovery of the discharge in accordance with Part II I 2. Unusual and

514 extraordinary discharges include any discharge resulting from:

- 515 1. Unusual spillage of materials resulting directly or indirectly from processing operations;
- 516 2. Breakdown of processing or accessory equipment;
- 517 3. Failure or taking out of service some or all of the treatment works; and
- 518 4. Flooding or other acts of nature.

FOR DISCUSSION PURPOSES ONLY

519 I. Reports of noncompliance. The permittee shall report any noncompliance that may
520 adversely affect state waters or may endanger public health.

521 1. An oral or online report shall be provided within 24 hours from the time the permittee
522 becomes aware of the circumstances. The following shall be included as information that
523 shall be reported within 24 hours under this subsection:

524 a. Any unanticipated bypass; and

525 b. Any upset which causes a discharge to surface waters.

526 2. A written report shall be submitted within five days and shall contain:

527 a. A description of the noncompliance and its cause;

528 b. The period of noncompliance, including exact dates and times, and if the
529 noncompliance has not been corrected, the anticipated time it is expected to continue;
530 and

531 c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the
532 noncompliance.

533 The ~~board~~ department may waive the written report on a case-by-case basis for reports
534 of noncompliance under Part II I if the oral or online report has been received within 24
535 hours and no adverse impact on state waters has been reported.

536 3. The permittee shall report all instances of noncompliance not reported under Part II I 1
537 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall
538 contain the information listed in Part II I 2.

539 4. The immediate (within 24 hours) reports required in Part II G, H, and I may be made to
540 the department's regional office. Reports ~~may~~ shall be made by telephone or online at
541 <https://www.deq.virginia.gov/land-waste/pollution-response> (online reporting is preferred).

FOR DISCUSSION PURPOSES ONLY

542 For reports outside normal working hours, ~~leave a message and this~~ the online portal shall
543 ~~fulfill the immediate reporting requirement~~ be used. For emergencies, call the Virginia
544 ~~Department of Emergency~~ Operations Center (24 hours) ~~Management maintains a 24-~~
545 ~~hour telephone service~~ at 804-750-8845.

546 5. Where the permittee becomes aware that it failed to submit any relevant facts in a permit
547 registration statement or in any report to the department, it shall promptly submit such
548 facts or information.

549 J. Notice of planned changes.

550 1. The permittee shall give notice to the department as soon as possible of any planned
551 physical alterations or additions to the permitted facility. Notice is required only when:

552 a. The permittee plans alteration or addition to any building, structure, facility, or
553 installation from which there is or may be a discharge of pollutants, the construction of
554 which commenced:

555 (1) After promulgation of standards of performance under § 306 of the Clean Water
556 Act that are applicable to such source; or

557 (2) After proposal of standards of performance in accordance with § 306 of the Clean
558 Water Act that are applicable to such source, but only if the standards are promulgated
559 in accordance with § 306 within 120 days of ~~their~~ proposal;

560 b. The alteration or addition could significantly change the nature or increase the
561 quantity of pollutants discharged. This notification applies to pollutants that are subject
562 neither to effluent limitations nor to notification requirements specified in Part I B 12;
563 or

564 c. The alteration or addition results in a significant change in the permittee's sludge
565 use or disposal practices, and such alteration, addition, or change may justify the

FOR DISCUSSION PURPOSES ONLY

566 application of permit conditions that are different from or absent in the existing permit,
567 including notification of additional use or disposal sites not reported during the permit
568 registration process or not reported pursuant to an approved land application plan.

569 2. The permittee shall give advance notice to the department of any planned changes in
570 the permitted facility or activity that may result in noncompliance with permit requirements.

571 K. Signatory requirements.

572 1. Registration statement. All registration statements shall be signed as follows:

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

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

588 c. For a municipality, state, federal, or other public agency: by either a principal
589 executive officer or ranking elected official. For purposes of this section, a principal

FOR DISCUSSION PURPOSES ONLY

590 executive officer of a public agency includes: (i) the chief executive officer of the
591 agency, ~~or~~ and (ii) a senior executive officer having responsibility for the overall
592 operations of a principal geographic unit of the agency.

593 2. Reporting requirements. All reports required by permits and other information requested
594 by the ~~board~~ department shall be signed by a person described in Part II K 1 or by a duly
595 authorized representative of that person. A person is a duly authorized representative only
596 if:

597 a. The authorization is made in writing by a person described in Part II K 1;

598 b. The authorization specifies either an individual or a position having responsibility for
599 the overall operation of the regulated facility or activity such as the position of plant
600 manager, operator of a well or a well field, superintendent, position of equivalent
601 responsibility, or an individual or position having overall responsibility for
602 environmental matters for the company. A duly authorized representative may thus be
603 either a named individual or any individual occupying a named position; and

604 c. The written authorization is submitted to the department.

605 3. Changes to authorization. If an authorization under Part II K 2 is no longer accurate
606 because a different individual or position has responsibility for the overall operation of the
607 facility, a new authorization satisfying the requirements of Part II K 2 shall be submitted to
608 the department prior to or together with any reports or information to be signed by an
609 authorized representative.

610 4. Certification. Any person signing a document under Part II K 1 or 2 shall make the
611 following certification:

612 "I certify under penalty of law that this document and all attachments were prepared
613 under my direction or supervision in accordance with a system designed to ensure that

FOR DISCUSSION PURPOSES ONLY

614 qualified personnel properly gather and evaluate the information submitted. Based on
615 my inquiry of the person or persons who manage the system, or those persons directly
616 responsible for gathering the information, the information submitted is, to the best of
617 my knowledge and belief, true, accurate, and complete. I am aware that there are
618 significant penalties for submitting false information, including the possibility of fine
619 and imprisonment for knowing violations."

620 L. Duty to comply. The permittee shall comply with all conditions of this permit. Any permit
621 noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act,
622 except that noncompliance with certain provisions of this permit may constitute a violation of the
623 State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for
624 enforcement action, for permit coverage termination, or for denial of a permit coverage renewal
625 application.

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

630 M. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after
631 the expiration date of this permit, the permittee shall submit a new registration statement at least
632 60 days before the expiration date of the existing permit, unless permission for a later date has
633 been granted by the ~~board~~ department. The ~~board~~ department shall not grant permission for
634 registration statements to be submitted later than the expiration date of the existing permit.

635 N. Effect of a permit. This permit does not convey any property rights in either real or personal
636 property or any exclusive privileges, ~~nor~~ This permit does it not authorize any injury to private
637 property or invasion of personal rights, or any infringement of federal, state or local law or
638 regulations.

FOR DISCUSSION PURPOSES ONLY

639 O. State law. Nothing in this permit shall be construed to preclude the institution of any legal
640 action under, or relieve the permittee from any responsibilities, liabilities, or penalties established
641 pursuant to any other state law or regulation or under authority preserved by § 510 of the Clean
642 Water Act. Except as provided in permit conditions on "bypassing" (Part II U) and "upset" (Part II
643 V), nothing in this permit shall be construed to relieve the permittee from civil and criminal
644 penalties for noncompliance.

645 P. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude
646 the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or
647 penalties to which the permittee is or may be subject under Article 11 (§ 62.1-44.34:14 et seq.) of
648 the State Water Control Law.

649 Q. Proper operation and maintenance. The permittee shall at all times properly operate and
650 maintain all facilities and systems of treatment and control (and related appurtenances) that are
651 installed or used by the permittee to achieve compliance with the conditions of this permit. Proper
652 operation and maintenance also includes effective plant performance, adequate funding,
653 adequate staffing, and adequate laboratory and process controls, including appropriate quality
654 assurance procedures. This provision requires the operation of back-up or auxiliary facilities or
655 similar systems which are installed by the permittee only when the operation is necessary to
656 achieve compliance with the conditions of this permit.

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

660 S. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any
661 discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of
662 adversely affecting human health or the environment.

FOR DISCUSSION PURPOSES ONLY

663 T. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an
664 enforcement action that it would have been necessary to halt or reduce the permitted activity in
665 order to maintain compliance with the conditions of this permit.

666 U. Bypass.

667 1. The permittee may allow any bypass to occur that does not cause effluent limitations to
668 be exceeded, but only if it also is for essential maintenance to assure efficient operation.
669 These bypasses are not subject to the provisions of Part II U 2 and U 3.

670 2. Notice.

671 a. Anticipated bypass. If the permittee knows in advance of the need for a bypass,
672 prior notice shall be submitted, if possible, at least 10 days before the date of the
673 bypass.

674 b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass
675 as required in Part II I.

676 3. Prohibition of bypass.

677 a. Bypass is prohibited, and the ~~board~~ department may take enforcement action
678 against a permittee for bypass, unless:

679 (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property
680 damage;

681 (2) There were no feasible alternatives to the bypass, such as the use of auxiliary
682 treatment facilities, retention of untreated wastes, or maintenance during normal
683 periods of equipment downtime. This condition is not satisfied if adequate back-up
684 equipment should have been installed in the exercise of reasonable engineering

FOR DISCUSSION PURPOSES ONLY

685 judgment to prevent a bypass that occurred during normal periods of equipment
686 downtime or preventive maintenance; and

687 (3) The permittee submitted notices as required under Part II U 2.

688 b. The ~~board~~ department may approve an anticipated bypass, after considering its
689 adverse effects, if the ~~board~~ department determines that it will meet the three
690 conditions listed in Part II U 3 a.

691 V. Upset.

692 1. An upset constitutes an affirmative defense to an action brought for noncompliance with
693 technology based permit effluent limitations if the requirements of Part II V 2 are met. A
694 determination made during administrative review of claims that noncompliance was
695 caused by upset, and before an action for noncompliance, is not a final administrative
696 action subject to judicial review.

697 2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate
698 through properly signed, contemporaneous operating logs, or other relevant evidence
699 that:

700 a. An upset occurred and that the permittee can identify the causes of the upset;

701 b. The permitted facility was at the time being properly operated;

702 c. The permittee submitted notice of the upset as required in Part II I; and

703 d. The permittee complied with any remedial measures required under Part II S.

704 3. In any enforcement proceeding the permittee seeking to establish the occurrence of an
705 upset has the burden of proof.

706 W. Inspection and entry. The permittee shall allow the director, or an authorized
707 representative, (including an authorized contractor acting as a representative of the

FOR DISCUSSION PURPOSES ONLY

708 administrator}, upon presentation of credentials and other documents as may be required by law
709 to:

- 710 1. Enter upon the permittee's premises where a regulated facility or activity is located or
711 conducted, or where records must be kept under the conditions of this permit;
- 712 2. Have access to and copy, at reasonable times, any records that must be kept under the
713 conditions of this permit;
- 714 3. Inspect at reasonable times any facilities, equipment (including monitoring and control
715 equipment), practices, or operations regulated or required under this permit; and
- 716 4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance
717 or as otherwise authorized by the Clean Water Act and the State Water Control Law, any
718 substances or parameters at any location.

719 For purposes of this section, the time for inspection shall be deemed reasonable during
720 regular business hours, and whenever the facility is discharging. Nothing contained ~~herein~~ in this
721 general permit shall make an inspection unreasonable during an emergency.

722 X. Permit actions. Permit coverage may be terminated for cause. The filing of a request by
723 the permittee for a permit coverage termination or a notification of planned changes or anticipated
724 noncompliance does not stay any permit condition.

725 Y. Transfer of permit coverage.

- 726 1. Permit coverage is not transferable to any person except after notice to the department.
- 727 2. Coverage under this permit may be automatically transferred to a new permittee if:
 - 728 a. The current permittee notifies the department ~~within~~ at least 30 days in advance of
729 the transfer of the title to the facility or property, unless permission for a later date has
730 been granted by the department;

FOR DISCUSSION PURPOSES ONLY

731 b. The notice includes a written agreement between the existing and new permittees
732 containing a specific date for transfer of permit responsibility, coverage, and liability
733 between them; and

734 c. The ~~board~~ department does not notify the existing permittee and the proposed new
735 permittee of its intent to modify or revoke and reissue the permit. If this notice is not
736 received, the transfer is effective on the date specified in the agreement mentioned in
737 Part II Y 2 b.

738 Z. Severability. The provisions of this permit are severable, and, if any provision of this permit
739 or the application of any provision of this permit to any circumstance, is held invalid, the application
740 of such provision to other circumstances, and the remainder of this permit, shall not be affected
741 thereby.

742 FORMS (9VAC25-194)

743 [Registration Statement for the General Virginia Pollutant Discharge Elimination System](#)
744 [\(VPDES\) Permit for Vehicle Wash Facilities and Laundry Facilities 2022 Reissuance \(rev. 6/2022\)](#)

745 DOCUMENTS INCORPORATED BY REFERENCE (9VAC25-194)

746 Standard Industrial Classification Manual 1987, U.S. Office of Management and Budget,
747 National Technical Information Service, Order No. PB 87-100012.