



Exempt Action Final Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation	9VAC25-194 9VAC25-810
Regulation title	General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Vehicle Wash Facilities and Laundry Facilities General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Coin-Operated Laundries
Action title	Amend and Reissue Existing Regulation (9VAC25-194) Repeal Existing Regulation (9VAC25-810)
Final agency action date	April 5, 2012
Document preparation date	March 1, 2012

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia 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 14 (2010) 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 rulemaking replaces and updates VAG75 (the VPDES car wash general permit) which expires October 16, 2012 and combines into this permit VAG72 (the VPDES coin-operated laundry general permit) which expires February 8, 2016. A secondary action associated with this rulemaking is the repeal of the VPDES coin-operated laundry general permit since the requirements of that permit (VAG72) are being incorporated into VAG75.

The general permit establishes limitations and monitoring requirements for point source discharge of treated wastewaters from vehicle wash facilities and laundry facilities to surface waters. The general permit regulation is being reissued in order to continue making it available as a permitting option for these types of facilities.

This general permit covers vehicle wash wastewater generated from fixed or mobile facilities where the manual, automatic, or self-service exterior washing of vehicles is conducted. During this rulemaking those allowed coverage under the regulation was expanded to include more types of vehicle washing activities, but also includes cars, vans and pick-up trucks designated by SIC 7542. This was done because most vehicle washing produces similar quality effluent and permittees and DEQ staff have requested expanded coverage.

This general permit also covers laundry facility wastewater from any self service facility where the washing of clothes is conducted, as designated by Standard Industrial Classification Code 7215. However, it does not include facilities that engage in dry-cleaning.

Substantive changes proposed are: added three reasons authorization to discharge cannot be granted (if the discharge violates the antidegradation policy in the Water Quality Standards at 9VAC25-260-30, if the discharge is not consistent with the assumptions and requirements of an approved TMDL or if central wastewater treatment facilities are reasonably available), added language to allow for 'administrative continuances' of coverage, added effluent limits pages for laundries and combined laundry and vehicle wash facilities and added six new special conditions. These changes were made to make this general permit similar to other general permits issued recently and in response to staff requests to clarify and update permit limits and conditions.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On April 5, 2012 the State Water Control Board adopted the amended General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Vehicle Wash Facilities and Laundry Facilities and repealed the General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Coin-Operated Laundries.

Changes made during and since the proposed stage

Please describe all changes made to the text of the proposed regulation and since the publication of the proposed stage. For the Registrar's office, please put an asterisk next to any substantive changes. Describe all changes that were proposed and the rationale of the changes. Detail new provisions and/or all changes to existing sections.

Section number	Requirement at proposed stage	What has changed	Rationale for change
Section 10	Definitions contained in this section. During the proposed stage added definitions for department, laundry, total maximum daily load, vehicle maintenance and vehicle wash because this terminology is used in the regulation.	Added "or DEQ" in the definition of "Department." Included "mobile" car washes as part of the vehicle wash" definition.	"DEQ" acronym in used in the permit. This change was based on comments from the City of Alexandria that the definition of "Vehicle Wash" seems to exclude mobile car washes because the

			definition uses the word "fixed facility" yet mobile car washes can apply per proposed section 50 C (see below) but are not required to apply if they are able to keep the wash water from entering surface waters or the storm sewer.
Section 15 (This is a new section)	U.S. Environmental Protection Agency regulations in Title 40 of the Code of Federal Regulations are referenced within the document sections individually. This particular regulation had no dates incorporated in the CFR references.	New Section 15, allows for dates to U.S. Environmental Agency references to be as described in this new section (shall be as it existing and has been published as final in the Federal Register prior to July 1, 2012, with the effective date as published in the Federal Register notice or October 16, 2012 whichever is later.)	Language is being inserted in all DEQ regulations as they are amended. Language provided by DEQ Policy staff
Section 20	The purpose or what type of wastewater is governed under the regulation is in this section. During the proposed stage the statement the general permit regulation covers "vehicle wash facilities and laundry facilities" was added. Previously the permit covered only car wash facilities. The staff and the public requested wider coverage for similar washing facilities as defined in section 10.	No change	N/A
Section 40	The effective dates of the permit are in this section. During the proposed stage, the effective dates were changed for reissuance in this section and throughout the regulation.	No change	N/A
Section 50 A and B	Section 50 contains what conditions require authorization and what conditions will not allow authorization. During the proposed stage the section was reformatted to match the structure of other general permits being issued at this time.	Changed the TMDL reason an owner will be denied coverage to "The discharge is not consistent with the assumptions and requirements of an approved TMDL."	Language was agreed upon by DEQ TMDL and VPDES Permits staff. This language is being inserted into all general permits as they are reissued. The language was developed since general permit discharges are

	<p>Added three additional reasons authorization to discharge cannot be granted per EPA comments on other general permits issued recently and per technical advisory committee recommendations. Therefore, an owner will be denied authorization when the discharge would violate the antidegradation policy, if additional requirements are needed to meet a TMDL or if central wastewater treatment facilities are reasonably available.</p>		<p>considered insignificant to the overall TMDL waste load allocation. This clarification allows staff more flexibility to allow permit coverage for discharges without requiring immediate modification of the TMDL. DEQ will track all the general permit discharge coverages and once they become significant for TMDL purposes, the TMDL will be modified to include the load.</p>
Section 50 C	<p>Section 50 contains what conditions require authorization and what conditions will not allow authorization. During the proposed stage a statement was added that <i>"Mobile car washes may apply for coverage under this permit provided each discharge location is permitted separately"</i> for clarification. This was added in response to the City of Alexandria concerns with mobile car wash discharges entering the storm sewers. We wanted to give the mobile owners the option to apply for coverage if needed but routinely DEQ advises mobile car wash owners to utilize best management practices or other technologies so that they do not discharge to surface waters or the storm sewer.</p>	<p>Replaced <i>"mobile car washes"</i> with <i>"mobile vehicle washes"</i></p> <p>The statement <i>"Mobile car washes may apply for coverage under this permit provided each discharge location is permitted separately"</i> was changed to say that <i>"Mobile vehicle wash owners shall operate such that there is no discharge to surface waters and storm sewers unless they have coverage under this permit."</i></p>	<p>This was per comment from the City of Alexandria to match the title and definition proposed in the permit (vehicles not just cars).</p> <p>This was added in response to the City of Alexandria concerns with mobile car wash discharges going to the storm sewer but also reflects what DEQ routinely tells mobile car wash businesses when they call asking about permit requirements. Staff rewrote the statement after NOPC to put the primary and preferred mode of operation (no discharge) into the statement.</p>
Section 50 D	<p>Section 50 contains what conditions require authorization and what conditions will not allow authorization. During the proposed stage the statement <i>"Compliance</i></p>	No change	N/A

	<p><i>with this general permit constitutes compliance with the Clean Water Act, the State Water Control Law, and applicable regulations under either, with the exceptions stated in 9VAC25-31-60 of the VPDES Permit Regulation" was added. This was added in response to AGO comments on other general permits recently to recognize there are some exceptions to compliance with the CWA as stated in the permit regulation. Regulation.</i></p>		
Section 50 E	<p>Section 50 contains what conditions require authorization and what conditions will not allow authorization. During the proposed stage language was added to allow for administrative continuances of coverage under the old expired general permit until the new permit is issued and coverage is granted or coverage is denied; if the permittee has submitted a timely registration and is in compliance. This language is being added to all recently reissued general permits so permittees can discharge legally and safely if the permit reissuance process is delayed.</p>	<p>Clarified in E 2 b that if we deny coverage under the general permit because the owner is in violation of the permit that the owner is to cease "<i>discharges</i>" rather than cease "<i>activities</i>" authorized by the continued general permit or be subject to enforcement action for "<i>discharging without a permit</i>" rather than "<i>operating without a permit.</i>"</p>	<p>We didn't intend to mean that the entire operation would shut down in the instances when the board can no longer allow coverage for the discharge. Other options do exist to keep a facility operating if a permit is not allowed (pump and haul, recycle/reuse or discharge to sanitary).</p>
Section 60 A	<p>Section 60 contains registration (or notice of intent) requirements. Changes during the proposed stage were the section was reformatted to match the structure of other recent general permits. Revised the deadline for existing facilities currently holding an individual VPDES</p>	<p>Corrected a spelling error in this paragraph ("<i>launder</i>" to "<i>laundry</i>").</p>	<p>Spelling error.</p>

	<p>permit to say they must notify us 210 days prior to give individual permit holders the required 180 days to submit an individual permit application if their request for coverage under the general permit is denied. Revised existing facilities covered under to submit registration prior to September 16, 2012 (which is 30 days prior to expiration).</p>		
Section 60 B	<p>Section 60 contains registration (or notice of intent) requirements. Changes during the proposed stage a statement <i>"Late registration statements will be accepted, but authorization to discharge will not be retroactive"</i> was added for clarification.</p>	<p>Added a clarification statement that existing owners that submit late registration statements are granted continuation of coverage as long as they submit a registration statement before the expiration date of the permit.</p>	<p>We require permittees to submit a registration statement 30 days before expiration but we want to allow continuation as long as they submit before the effective date and they are in good standing with the requirements of the existing permit. This gives DEQ staff as much time as possible to get the permit reissued and keep our permittees covered during that 30 days if we happen to be running behind.</p>
Section 60 C	<p>Section 60 contains registration (or notice of intent) requirements. Changes during the proposed stage were added the question #5 <i>"Does the facility discharge to a Municipal Separate Storm Sewer System (MS4)? If "yes," the facility owner must notify the owner of the municipal separate storm sewer system of the existence of the discharge within 30 days of coverage under the general permit and provide the following information: the name of the facility, a contact</i></p>	<p>Changed question #7 <i>"Does your locality require connection to central wastewater facilities?"</i> to <i>"Does your locality require connection to central wastewater treatment facilities?"</i></p>	<p>To match the wording in question #8.</p>

	<p><i>person and phone number, the location of the discharge, the nature of the discharge and the facility's VPDES general permit number.</i>" This notification is a permit requirement and the TAC thought it should be repeated as a reminder in the registration process. Added the question #7 <i>"Does your locality require connection to central wastewater facilities?"</i> and #8 <i>"Are central wastewater treatment facilities available to serve the site? If "yes," the option of discharging to the central wastewater facility must be evaluated and the result of that evaluation reported here."</i> This is a requirement carried over from the coin-operated laundry permit. Added the question <i>"Will detergent used for washing vehicles contain more than 0.5 percent phosphorus by weight?"</i> to gather information about the use of phosphate detergents in the vehicle wash industry. Added email address, allowance for computer maps to registration statement and a few other minor clarifications.</p>		
Section 70 Part I A 1 and 2	Section 70 contains the General Permit and all the effluent limitations, monitoring requirements and other special conditions. During the proposed stage the footnotes were reformatted and clarified that the TSS limit is two significant digits to match current agency guidance for use of significant digits.	Changed in footnote 3 in Part I A 1 the submittal dates for annual DMRs using a calendar year instead of a June - July year.	The existing submittal dates didn't conform to any guidance and staff thought it less confusing to tie the DMR submittal dates for annual monitoring to a calendar year. Other General Permits are set up this way and the other 3 limits pages are also set up that way.
Section 70	Section 70 contains the	Added footnote (1) to the	Footnote (1) applies to

<p>Part I A 3</p>	<p>General Permit and all the effluent limitations, monitoring requirements and other special conditions. During the proposed stage a limits page for laundry facilities was added since the coin operated laundry permit conditions are proposed for inclusion in this permit. Additional parameters for bacteria (enterococci and fecal coliform in addition to the E. coli limit) were added to ensure that laundry facilities to salt water could be included.</p>	<p>temperature limit.</p>	<p>temperature and was inadvertently left out.</p>
<p>Section 70 Part I A 4</p>	<p>Section 70 contains the General Permit and all the effluent limitations, monitoring requirements and other special conditions. During the proposed stage a new limits page for combined laundry and car wash facilities was added.</p>	<p>Added footnote (1) to the temperature limit.</p>	<p>Footnote (1) applies to temperature and was inadvertently left out.</p>
<p>Section 70 Part I B 2</p>	<p>Section 70 Part I B contains the permit special conditions. During the proposed stage the statement "<i>There shall be no discharge of floating solids or visible foam in other than trace amounts</i>" was added in the special conditions. This was moved from the permits limits page. This is a standard special condition in most general permits.</p>	<p>No change</p>	<p>N/A</p>
<p>Section 70 Part I B 8</p>	<p>Section 70 Part I B contains the permit special conditions. During the proposed stage a special condition was added "<i>If the facility has a vehicle wash discharge with a monthly average flow rate of less than 5,000 gallons per day, and the flow rate increases above a monthly average</i></p>	<p>No change</p>	<p>N/A</p>

	<p><i>flow rate of 5,000 gallons per day, an amended registration statement shall be filed within 30 days of the increased flow.</i>" This deadline is part of the registration statement requirements in the regulation but the technical advisory committee felt it should be repeated in the permit to remind the permittee of the deadline. Because of that it is not considered a new requirement.</p>		
<p>Section 70 Part I B 10</p>	<p>Section 70 Part I B contains the permit special conditions. During the proposed stage a special condition was added <i>"Approval for coverage under this general permit does not relieve any owner of the responsibility to comply with any other federal, state or local statute, ordinance or regulation."</i> This requirement is part of the regulation but the technical advisory committee felt it should be repeated in the permit to remind the permittee of the responsibility. Because of this it is not considered a new requirement.</p>	<p>No change</p>	<p>N/A</p>
<p>Section 70 Part I B 12</p>	<p>Section 70 Part I B contains the permit special conditions. During the proposed stage an operations and maintenance manual requirement was added because the current coin-operated laundry permit contained this requirement and since the coin-operated laundry permit is being combined with the car wash permit, the operations and maintenance manual</p>	<p>No change</p>	<p>N/A</p>

	should be included for both types of facilities.		
Section 70 Part I B 13	Section 70 Part I B contains the permit special conditions. During the proposed stage a compliance reporting special condition was added to match similar language going into other recent general permits and individual permits. The condition defines quantification levels, how to treat results < QL and rounding rules. This helps to ensure more consistent compliance reporting.	No change	N/A
Section 70 Part I B 14	Section 70 Part I B contains the permit special conditions. During the proposed stage Added <i>"Samples taken as required by this permit shall be analyzed in accordance with 1VAC30-45: Certification for Noncommercial Environmental Laboratories, or 1VAC30-46: Accreditation for Commercial Environmental Laboratories."</i> This is a new regulatory requirement effective January 1, 2012.	No change	N/A
Section 70 Part I B 15	Section 70 Part I B contains the permit special conditions. During the proposed stage a new special condition was added <i>"The discharges authorized by this permit shall be controlled as necessary to meet applicable water quality standards."</i> This is a general requirement to meet water quality standards and matches similar language going into other recent general permits.	No change	N/A
Section 70	Section 70 Part I B	A new special condition was	This was done to match

<p>Part I B 16</p>	<p>contains the permit special conditions.</p>	<p>added for <i>"Discharges to waters with an approved "total maximum daily load" (TMDL). Owners of facilities that are a source of the specified pollutant of concern to waters where an approved TMDL has been established shall implement measures and controls that are consistent with the assumptions and requirements of the TMDL."</i></p>	<p>language agreed upon by DEQ TMDL and VPDES Permits staff. This language is being inserted into all general permits as they are reissued. The condition was developed since general permit discharges are considered insignificant to the overall TMDL waste load allocation. This special condition allows staff more flexibility to allow permit coverage for discharges without requiring immediate modification of the TMDL. DEQ will track the general permit discharges and once they become significant, the TMDL will be modified to include the load.</p>
<p>Section 70 Part I B 17</p>	<p>Section 70 Part I B contains the permit special conditions. During the proposed stage procedures were added for termination notices so permittees are aware of their responsibilities when they need to terminate a permit.</p>	<p>Added a fourth 'catch all' reason that an owner may request termination <i>"Notice of termination is requested for another reason provided the board agrees that coverage under this general permit is no longer needed."</i></p>	<p>There may be other reasons an owner requests termination (e.g. connects to sanitary, goes to complete recycle and reuse) besides the 3 that were listed (operations have ceased, new owner, covered by an individual permit).</p>
<p>Section 70 Part II I</p>	<p>Part II of Section 70 contains conditions that are applicable to all VPDES permits. Paragraph I describes how to report noncompliance which adversely affects state waters or endangers public health. No changes were made during the proposed stage.</p>	<p>Under the Note which explains 24 hour reporting, added the online website as another option for 24 hour reporting.</p>	<p>This is allowed by the agency for 24 hour reporting. The condition was out of date by not allowing online reporting.</p>
<p>Section 70 Part II M</p>	<p>Part II of Section 70 contains conditions that are applicable to all VPDES permits. Paragraph M describes</p>	<p>Revised to say submittal of a new registration statement is 30 days before expiration instead of 180 days prior to expiration.</p>	<p>This matches the new submittal date requirement in the regulation at 9VAC25-194-60 A 2 c.</p>

	the duty of the permittee to reapply in a certain time frame.		
Section 70 Part II Y	Part II of Section 70 contains conditions that are applicable to all VPDES permits. Paragraph Y describes how to transfer permits to new owners. During the proposed stage it was revised to say automatic transfers can occur within 30 days of transfer rather than 30 days in advance of transfer. We have been told by staff that notification of an ownership transfer cannot occur in advance. Our regional office staff has also stated this advance transfer notification is unnecessary and we should be able to accept a transfer notification at any time.	No change	N/A
9VAC25-810 All Sections	During the proposed stage this entire regulation was deleted (repealed) as this is the existing (VAG72) coin-operated laundry general permit regulation and these requirements have been incorporated into the vehicle wash and laundry wash general permit 9VAC25-194 (VAG75).	No change	N/A

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

Commenter	Comment	Agency response
City of Alexandria (Lalit Sharma, P.E., Division	The city wanted to ensure that mobile car washes must obtain coverage under the general permit. They had some specific language	The final proposed regulation now recognizes "mobile" vehicle washing in the definition of "vehicle wash" and states in 9VAC25-194-50 C that "Mobile vehicle wash owners shall operate

<p>Chief, T&ES, Office of Environmental Quality)</p>	<p>changes to make this clear. Related to this comment, MS4 communities are tasked with eliminating illicit discharges to the storm drain. A process to ensure that facilities which fit the definition of 'car wash' seek coverage under the general permit should be considered. Some recourse should be incurred for those defined by that do not seek coverage.</p>	<p><i>such that there is no discharge to surface waters and storm sewers unless they have coverage under this permit.</i>" Without permit coverage, discharges to surface waters or the storm sewers are not allowed. DEQ consistently tells mobile car operators to apply technologies or best management practices that prevent wash water from entering the storm drain. There are mobile operators that use technologies or best management practices so they may conduct business without discharging to surface waters or storm drains. Normally, DEQ is only made aware of mobile car wash wastewater discharges via citizen complaints and at that time DEQ informs the owner that unpermitted discharges are illegal and encourages the mobile car wash to take steps to prevent discharges to surface waters. Staff believes that this clarification reflects how the agency currently handles mobile vehicle washing and also should assist the MS4 facilities in eliminating illicit discharges from the storm sewer.</p>
<p>City of Alexandria (Lalit Sharma, P.E., Division Chief, T&ES, Office of Environmental Quality)</p>	<p>They supported the TMDL and antidegradation language but asked to include monitoring for other pollutants such as oils, corrosives, fuel and other automotive related materials.</p>	<p>DEQ staff believe that oil and corrosives are already controlled via the oil and grease and pH limits. Also, acid caustic metal brighteners are not included in the definition of vehicle wash so this is not allowed under the permit. The permit also prohibits adding chemicals to the water or waste which may be discharged other than those listed on the owner's <u>accepted registration statement</u>. We would not accept registration if excluded items (such as washing using acid caustic metal brighteners) were listed. Fuel related materials were not identified by EPA in the waste characterization of this industry when EPA was considering effluent guidelines for the industry (<i>Guidance Document for Effluent Discharges from the Auto and Other Laundries Point Source Category</i>, February 1982 and the <i>DRAFT Development Documents for Proposed Effluent Limitations Guidelines and New Sources Performance Standards for the Auto and Other Laundries Point Source Category</i>, April 1974). We do not believe adding a new limit, such as Total Petroleum Hydrocarbons (TPH), is appropriate at this time without information indicating it is needed to protect aquatic life and human health.</p>

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale

All the information asked for in this part (section number, the current requirements, changes made during proposed and final and rationale) is in "Changes made since the proposed stage above."

Regulatory flexibility analysis

Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) 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.

The scope of the proposal has been widened to include many new types of vehicle wash facilities and to include coin-operated laundries. These effluents are of similar quality and quantity and the public and staff requested a wider scope of coverage. This will allow other types of vehicle wash facilities to get coverage under the general permit instead of applying for an individual permit which is more costly and burdensome.

The proposal includes an allowance for continuance of permit coverage in instances where a permittee has submitted a timely registration and is in compliance with their existing permit. This will allow the permittee to legally and safely discharge if the permit is not reissued on time by the Department.

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.

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