

9 VAC 25-110-10 et seq. GENERAL VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) PERMIT FOR DOMESTIC SEWAGE DISCHARGES OF LESS THAN OR EQUAL TO 1,000 GALLONS PER DAY

9 VAC 25-110-10. Definitions.

The words and terms used in this regulation shall have the same meanings defined as given in the State Water Control Law, Code §62.1-44.2 et seq. and 9 VAC 25-31-10 et seq. (The VPDES Permit Regulation) unless the context clearly indicates otherwise, except that for the purposes of this regulation:

~~"Department" means the Department of Environmental Quality.~~

"Domestic Sewage" means the water-carried human wastes from residences, buildings, industrial establishments or other places.

9 VAC 25-110-20. Purpose; delegation of authority; effective date of permit.

A. This General Permit Regulation governs domestic sewage discharges to surface waters from treatment works with a design discharge flow of less than or equal to 1000 gallons per day on a monthly average.

~~9 VAC 25-110-30. Repealed~~

~~9 VAC 25-110-40. Delegation of authority.~~

B. The Director of the Department of Environmental Quality, or his designee, may perform any act of the Board provided under this regulation, except as limited by §62.1-44.14 of the Code of Virginia.

~~9 VAC 25-110-50. Effective date of the permit.~~

C. This General VPDES ~~General~~ Permit regulation supersedes the regulation ~~9 VAC 25-110-10 et seq.~~, which was effective July 1, 1992 and which expired on August 1, 1996. ~~General~~ Permit will become effective on August 1, 1996 2001 and it expires on August 1, ~~2001~~ 2006. With respect to a particular facility, this this

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General Permit ~~is shall become~~ effective ~~as to any covered owner~~ upon the facility owner's compliance with ~~all~~ the provisions of 9 VAC 25-110-60 and receipt of ~~this a~~ copy of the General VPDES ~~General~~ Permit.

9 VAC 25-110-60. Authorization to discharge.

~~A.~~ Any owner of a treatment works governed by this General Permit is hereby authorized to discharge treated domestic sewage to surface waters of the Commonwealth of Virginia provided that the owner ~~files~~ has filed with the Department the Registration Statement ~~of~~ described in 9 VAC 25-110-70, ~~complies~~ has complied with the effluent limitations and other requirements of 9 VAC 25-110-80, and ~~provided that the owner~~ has complied with all the following conditions:

~~A. Individual permit.~~

1. The owner shall not have been required to obtain an individual VPDES permit as may be required in 9 VAC 25-31-170 B;

~~B. Prohibited discharge locations.~~

2. The owner shall not be authorized by this General Permit to discharge to surface waters specifically named in other board regulations or policies which prohibit such discharges;

~~C. Central sewage facilities.~~

3. The owner shall not be authorized by this General Permit to discharge to surface waters where there are central sewage facilities reasonably available, as determined by the Department ~~of Environmental Quality~~; and

~~D. Onsite sewage disposal system.~~

4. The owner of any proposed treatment works or any treatment works which has not previously been issued a valid VPDES permit shall have applied to the Virginia Department of Health for an onsite sewage disposal system permit and the Virginia Department of Health must have determined that there is no technology available to serve that parcel of land with an onsite system.

~~B.~~ Receipt of this General VPDES ~~General~~ Permit does not relieve any owner of the responsibility to comply with any other applicable federal, state or local

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statute, ordinance or regulation, including applicable regulations of the Virginia Department of Health adopted pursuant to §§ 32.1-163 and 32.1-164 of the Code of Virginia.

9 VAC 25-110-70. Registration Statement.

A. Deadlines for Submitting Registration Statement

The owner shall file a complete General VPDES ~~General~~ Permit Registration Statement for domestic sewage discharges of less than or equal to 1000 gallons per day. Any owner proposing a new discharge shall file ~~the~~ a complete Registration Statement with the Department at least 60 days prior to the date planned for commencing construction or operation of the treatment works from which the discharge will emanate. Any owner of an existing treatment works covered by an individual VPDES permit who ~~is proposing~~ proposes to be covered by this General Permit shall file ~~the~~ a complete Registration Statement at least 180 days prior to the expiration date of the individual VPDES permit. To avoid a lapse in permit coverage, any owner of an existing treatment works which was authorized to discharge under the General Permit issued in 1996 shall [file have filed] a complete Registration Statement prior to August 1, 2001.

B. Registration Statement

The ~~required~~ owner shall submit a Registration Statement ~~shall contain~~ that contains the following information:

~~VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM~~

~~GENERAL PERMIT REGISTRATION STATEMENT~~

~~FOR DOMESTIC SEWAGE DISCHARGES~~

~~LESS THAN OR EQUAL TO 1,000 GALLONS PER DAY~~

1. ~~Name of Facility/Residence~~

~~_____~~

2. ~~Address of Facility~~

~~_____ Street _____ City _____ State _____ Zip~~

3. ~~Facility Owner(s)~~

~~_____ Last Name _____ First Name _____ M.I.~~

~~_____~~

~~_____ Last Name _____ First Name _____ M.I.~~

4. ~~Address of Owner~~

~~_____ Street _____ City _____ State _____ Zip~~

5. ~~Phone~~

~~_____ Home _____ Work~~

6. ~~Name of stream into which discharge occurs~~

~~_____ Is the discharge point on a stream that usually flows during dry weather?~~

~~_____ Yes _____ No _____ If No, approximate distance from the discharge to the point where a stream flows during dry weather. _____ ft.~~

7. ~~Amount of Discharge (gallons per day)~~

8. ~~Are any pollutants other than domestic sewage to be discharged?~~

~~_____ Yes _____ No _____ If yes, please indicate what:~~

~~9. Are central sewage facilities available to this facility?~~

~~___Yes___No If yes, please explain:~~

~~10. Does this facility currently have a VPDES permit?~~

~~___Yes___No If yes, please provide Permit Number:~~

~~_____~~

~~_____ Has the facility been built and begun discharging? ___Yes___No~~

~~11. The owner of any proposed treatment works or any treatment works which has not previously been issued a valid VPDES permit must submit the following attachments with this registration statement:~~

~~a. A topographic or other map which indicates discharge point, property boundaries, wells, downstream houses, etc. for 1/2 mile downstream;~~

~~b. A diagram of the existing or proposed sewage treatment system, including the location of the facility/residence and the individual sewage treatment units; and~~

~~c. A notification from the Department of Health that an onsite sewage disposal system permit has been applied for and that the Department of Health has determined that there is no technology available to serve that parcel of land with an onsite system.~~

~~___ Check here if these items have been submitted previously and are still accurate/applicable.~~

~~_____ Certification:~~

~~_____ I hereby grant to duly authorized agents of the Department of~~

~~Environmental Quality, upon presentation of credentials, permission to enter the property for the purpose of determining the suitability of the General Permit. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations.~~

~~_____ Signature(s): _____ Date: _____~~

~~_____ _____ Date: _____~~

~~For Department of Environmental Quality use only:~~

~~_____ Accepted/Not Accepted by: _____ Date: _____~~

~~_____~~

~~Basin _____ Stream Class _____ Section _____~~

~~_____ Special Standards _____~~

~~1. Name and location of the facility/residence;~~

~~2. Name, mailing address, and work and home telephone numbers of the facility owner. Indicate if the owner is or will be the occupant of the facility;~~

~~_____ 3. Name of the water body receiving the discharge. Indicate if the discharge point is on a stream that usually flows during dry weather;~~

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_____ 4. The amount of discharge, in gallons per day, on a monthly average;

_____ 5. A description of any pollutants, other than domestic sewage, to be discharged;

_____ 6. If there are central sewage facilities available to serve this facility;

_____ 7. If the facility currently has a VPDES permit. Provide the permit number, if applicable. Indicate if the facility has been built and begun discharge;

_____ 8. For the owner of any proposed treatment works or any treatment works which has not previously been issued a valid VPDES permit.

_____ a. A topographic map which indicates the discharge point, the location of the property to be served by the treatment works, and the location of any wells, springs, and other water bodies, or downstream residences within ½ mile downstream from the discharge;

_____ b. A site diagram of the existing or proposed sewage treatment works, including the property boundaries, the location of the facility/residence to be served, the individual sewage treatment units, the receiving water body, and the discharge line location;

_____ c. A notification from the Virginia Department of Health that an onsite sewage disposal system permit has been applied for and that the Virginia Department of Health has determined that there is no technology available to serve that parcel of land with an onsite system; and

_____ d. For discharges into any water impoundment, a notification from the governing body of the county, city, or town in which the discharge is to take place that the location and operation of the treatment works are consistent with applicable ordinances adopted pursuant to Chapter 22 (§15.2-2200 et seq.) of Title 15.2 of the Code of Virginia. Should the governing body fail to provide such written notification within 45 days from the receipt of a request from the applicant, the requirement for such notification is waived.

_____ 9. For the owner of any existing treatment works, a copy of a valid maintenance contract that provides for the following:

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a. Performance of all testing required in accordance with 9 VAC 25-110-80, Part I A [and periodic inspections of the treatment works];

b. [Full and complete repairs to the treatment works within 48 hours of notification that repairs are needed. Any deductible provision in a maintenance agreement shall not exceed \$500 in any given year for repairs (including parts and labor)] A written notification to the owner within 24 hours whenever the contract provider becomes aware that maintenance or repair of the owner's treatment works is necessary. The owner is responsible for prompt maintenance and repair of the treatment works including all costs associated with the maintenance or repair. Immediately upon receipt of notice that repair or maintenance is required, the owner shall begin emergency pump and haul of all sewage generated in the dwelling if full and complete repairs cannot be accomplished within 48 hours.

c. A log of the following items will be maintained by the contract provider:

1. Results of all tests and sampling;

2. Alarm activation incidents;

3. Maintenance, corrective, or repair activities performed;

4. Recommended repair or replacement items; and

5. Copies of all reports prepared by the contract provider.

d. An inspection will be conducted by the contract provider within 48 hours after notification by the owner that a problem may be occurring; and

[c-e.] A minimum of twenty-four months of consecutive coverage under the maintenance contract.

10. The owner of any existing treatment works may request an exception to the maintenance contract requirement by submitting an Operation and Maintenance Plan to the Department for review and approval. At a minimum, the Plan shall contain the following information:

a. An up-to-date Operation and Maintenance Manual for the treatment works;

b. A log of maintenance performed on the plant, including, but not limited to, the following:

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1. The date and amount of disinfection chemicals added to the chlorinator.

2. If dechlorination is used, the date and amount of any dechlorination chemicals that are added.

3. The date and time of equipment failure(s) and the date and time the equipment was restored to service.

4. The date and approximate volume of sludge removed;

c. Dated receipts for chemicals purchased, equipment purchased, and maintenance performed;

d. Proof of installation of [a non-resettable] elapsed time [meters meter] for electric motor-driven equipment; and

e. An effluent monitoring plan in accordance with the requirements of 9 VAC 25-110-80 Part I A.

11. The following certification: "I hereby grant to duly authorized agents of the Department of Environmental Quality, upon presentation of credentials, permission to enter the property where the treatment works is located for the purpose of determining compliance with or the suitability of coverage under the General Permit. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

The registration statement shall be signed in accordance with the requirements of 9 VAC 25-31-110.

9 VAC 25-110-80. General permit.

Any owner whose Registration Statement is accepted by the Board will receive the following permit and shall comply with the requirements contained therein and be subject to all requirements of 9 VAC 25-31-170.

General Permit No.:VAG40

Effective Date: August 1, 2001

Expiration Date: August 1, 2006

GENERAL PERMIT FOR DOMESTIC SEWAGE DISCHARGES
LESS THAN OR EQUAL TO 1,000 GALLONS PER DAY

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

In compliance with the provisions of the Clean Water Act, as amended, and pursuant to the State Water Control Law and regulations adopted pursuant thereto, owners of treatment works with domestic sewage discharges with of a design flow of less than or equal to 1,000 gallons per day on a monthly average, are authorized to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those waters specifically named in board regulations or policies which prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Part I - Effluent Limitations, and Monitoring Requirements and Special

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~~Conditions, and Part II - Monitoring and Reporting Requirements, and Part III - Management Requirements Conditions Applicable to All VPDES Permits,~~
as set forth herein.

PART I

A. Effluent Limitations and Monitoring Requirements

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall serial number 001 to receiving waters where ~~either: a) the 7Q10 flow is zero and the discharge travels less than 500 feet before it reaches receiving waters with 7Q10 flow greater than zero; or b) the 7Q10 flow is flows are greater than zero and less than 0.2 MGD.~~

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

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
	Instantaneous	Instantaneous	<u>Frequency</u>	<u>Sample Type</u>
	<u>Minimum</u>	<u>Maximum</u>		
Flow (MGD)*	NA	NL	1/year	Estimate
BOD ₅	NA	30 mg/l	1/year	Grab
Total Suspended Solids	NA	30 mg/l	1/year	Grab
Total Residual Chlorine**				

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After contact tank	1.0 mg/l	NA	1/year	Grab
Final effluent	NA	Non-detectable	1/year	Grab
Fecal Coliform Bacteria***	NA	200/100 ml	1/year	Grab
pH (standard units)	6.0[****]	9.0[****]	1/year	Grab
Dissolved Oxygen	5 mg/l	NA	1/year	Grab

NL = No Limitation, monitoring required

NA = Not Applicable

2. All monitoring data required by Part I.A.1 shall be maintained on site in accordance with Part II.B. Reporting of results to the Department is not required; however, the monitoring results shall be made available to Department or Virginia Department of Health personnel upon request.

* The design flow of this treatment facility is less than or equal to 1,000 gallons per day.

** Applies only when chlorine is used for disinfection. Chlorine limitation of non-detectable is defined as <0.1 mg/l.

*** Applies only when methods other than chlorine are used for disinfection. Continuous disinfection capability shall be provided in order to maintain this effluent limit.

[**** Where the Water Quality Standards (9 VAC 25-260-5 et seq.) establish alternate standards for pH in the waters receiving the discharge, those standards shall be the maximum and minimum effluent

limitations.] 3. 40 CFR 133.102 (c) requires that the 30-day average percent removal for BOD₅ and total suspended solids shall not be less than 85 percent.]

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A. Effluent Limitations and Monitoring Requirements

2 1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall serial number 001 to receiving waters where either: ~~a) the 7Q10 flow is zero and the discharge must travel at least 500 feet to reach receiving waters with 7Q10 flow greater than zero; or b) the 7Q10 flow is~~ flows are equal to or greater than 0.2 MGD.

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

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
	Instantaneous <u>Minimum</u>	Instantaneous <u>Maximum</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow (MGD)*	NA	NL	1/year	Estimate
BOD ₅	NA	30 mg/l	1/year	Grab
Total Suspended Solids	NA	30 mg/l	1/year	Grab
Total Residual Chlorine**				
Final effluent	1.0 mg/l	2.0 mg/l	1/year	Grab

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Fecal Coliform Bacteria***	NA	200/100 ml	1/year	Grab
pH (standard units)	6.0[****]	9.0[****]	1/year	Grab

NL = No Limitation, monitoring required

NA = Not Applicable

2. All monitoring data required by Part I.A.1 shall be maintained on site in accordance with Part II.B. Reporting of results to the Department is not required; however, the monitoring results shall be made available to Department or Virginia Department of Health personnel upon request.

* The design flow of this treatment facility is less than or equal to 1,000 gallons per day.

** Applies only when chlorine is used for disinfection.

*** Applies only when methods other than chlorine are used for disinfection. Continuous disinfection capability shall be provided in order to maintain this effluent limit.

~~[**** Where the Water Quality Standards (9 VAC 25-260-5 et seq.) establish alternate standards for pH in the waters receiving the discharge, those standards shall be the maximum and minimum effluent limitations.]~~
 3. 40 CFR 133.102 (c) requires that the 30-day average percent removal for BOD₅ and total suspended solids shall not be less than 85 percent.]

B. Special Conditions

1. There shall be no discharge of floating solids or visible foam in other than trace amounts.

2. Schedule of Compliance

This compliance schedule shall be allowed only for treatment works that were existing on the effective date of this general permit. Treatment works constructed after the permit effective date are expected to comply with the limitations and conditions of the general permit from the date of coverage operation. The permittee shall install equipment or unit processes or make other physical modifications to the treatment works that are necessary to achieve compliance with the limitations and conditions of this permit within 180 days of the date of coverage under the permit. The modifications shall not be initiated until written authorization is first provided by the Virginia Department of Health or the Department of Environmental Quality. The permittee shall submit to the Department of Environmental Quality Regional Office a written notice certifying completion of any necessary modifications on or before the 180 day compliance deadline. If the permittee is unable to meet the deadline, a written notice shall be submitted which shall include the cause of the delay, any remedial actions taken to eliminate the delay, and the projected date for compliance.

3. Maintenance Contract

For existing treatment works, the permittee shall maintain a maintenance contract during the permit term. A copy of a valid maintenance contract shall be maintained at the site of treatment works and made available to the Department or to the Virginia Department of Health for examination upon request. For proposed

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treatment works, the permittee shall submit a copy of a valid maintenance contract to the Department [for review and approval] prior to operation of the treatment works. The maintenance contract shall provide for the following:

- a. Performance of all testing required in accordance with Part I.A [and periodic inspections of the treatment works];
- b. [Full and complete repairs to the facility within 48 hours of notification that repairs are needed. Any deductible provision in a maintenance agreement shall not exceed \$500 in any given year for repairs (including parts and labor)]A written notification to the owner within 24 hours whenever the contract provider becomes aware that maintenance or repair of the owner's treatment works is necessary. The owner is responsible for prompt maintenance and repair of the treatment works including all costs associated with the maintenance or repair. Immediately upon receipt of notice that repair or maintenance is required, the owner shall begin emergency pump and haul of all sewage generated in the dwelling if full and complete repairs cannot be accomplished within 48 hours.
- c. A log of the following items will be maintained by the contract provider:
 1. Results of all tests and sampling;
 2. Alarm activation incidents;
 3. Maintenance, corrective, or repair activities performed;
 4. Recommended repair or replacement items; and
 5. Copies of all reports prepared by the contract provider.
- d. An inspection will be conducted by the contract provider within 48 hours after notification by the owner that a problem may be occurring]; and
[c.e.] A minimum of twenty-four months of consecutive

_____ coverage under the maintenance contract.

4. Operation and Maintenance Plan

The owner of any treatment works may request an exception to the maintenance contract requirement by submitting an Operation and Maintenance Plan to the Department for review and approval. At a minimum, the Plan shall contain the following information:

- a. An up-to-date Operation and Maintenance Manual for the treatment works;
- b. A log of maintenance performed on the plant, including, but not limited to, the following:
 - (1) The date and amount of disinfection chemicals added to the chlorinator.
 - (2) If dechlorination is used, the date and amount of any dechlorination chemicals that are added.
 - (3) The date and time of equipment failure(s) and the date and time the equipment was restored to service.
 - (4) The date and approximate volume of sludge removed;
- c. Dated receipts for chemicals purchased, equipment purchased, and maintenance performed;
- d. Proof of installation of [a non-resettable] elapsed time [meters meter] for electric motor-driven equipment; and
- e. An effluent monitoring plan in accordance with Part I A.

_____ Should the permittee fail to implement the approved Operation and Maintenance Plan, or if there are violations of effluent limitations, the Department reserves the right to require the permittee to obtain a maintenance contract.

PART II

MONITORING AND REPORTING

~~A. Sampling and Analysis Methods~~

- ~~1. Samples and measurements taken as required by this permit shall be representative of the volume and nature of the monitored activity.~~
- ~~2. Unless otherwise specified in the permit all sample preservation methods, maximum holding times and analysis methods for pollutants shall comply with requirements set forth in Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act as published in the Federal Register (40 CFR 136).~~
- ~~3. The sampling and analysis program to demonstrate compliance with the permit shall at a minimum, conform to Part I of this permit.~~
- ~~4. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.~~

~~B. Recording of Results~~

~~For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:~~

- ~~1. The date, exact place and time of sampling or measurements;~~
- ~~2. The person(s) who performed the sampling or measurements;~~
- ~~3. The dates analyses were performed;~~
- ~~4. The person(s) who performed each analysis;~~
- ~~5. The analytical techniques or methods used; and~~
- ~~6. The results of such analyses and measurements.~~

~~C. Monitoring Records~~

~~All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be retained for five (5)~~

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~~years from the date of the sample, measurement, report or application.~~

~~Such records shall be made available to the department or the State Department of Health upon request.~~

~~D. Reporting Requirements~~

~~The permittee shall report any unpermitted, unusual or extraordinary discharge which enters or could be expected to enter state waters.~~

~~The permittee shall provide the following information regarding each such discharge immediately, that is as quickly as possible upon discovery, however, in no case later than 24 hours:~~

~~1. A description and cause of noncompliance;~~

~~2. The period of noncompliance, including exact dates and times and/or the anticipated time when the noncompliance will cease and~~

~~3. Actions taken or to be taken to reduce, eliminate, and prevent recurrence of the noncompliance.~~

~~A written submission covering these points shall be provided within five days of the time the permittee becomes aware of the circumstances covered by this paragraph.~~

~~E. Signatory Requirements~~

~~Any registration statement, report, or certification required by this permit shall be signed as follows:~~

~~1. Registration Statement~~

~~a. For a corporation: by a responsible corporate official.~~

~~For purposes of this section, a responsible corporate official means (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding~~

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~~§25,000,000 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.~~

~~b. For a Municipality, State, Federal or other public agency by either a principal executive officer or ranking elected official. (A principal executive officer of a Federal, municipal, or state agency includes the chief executive officer of the agency or head executive officer having responsibility for the overall operation of a principal geographic unit of the agency).~~

~~c. For a partnership or sole proprietorship, by a general partner or proprietor respectively.~~

~~2. Reports - All reports required by permits and other information requested by the board shall be signed by:~~

~~a. One of the persons described in subparagraph 1., a., b., or c. of this section; or~~

~~b. A duly authorized representative of that person. A person is a duly authorized representative only if:~~

~~(1) The authorization is made in writing by a person described in subparagraph 1.a., b., or c. of this section; and~~

~~(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).~~

~~(3) If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the board prior to~~

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~~or together with any separate information, or
registration statement to be signed by an authorized
representative.~~

- ~~3. Certification - Any person signing a document under paragraph 1. or 2. of this section shall make the following certification: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations.~~

~~PART III~~

~~MANAGEMENT REQUIREMENTS~~

~~A. Change in Discharge~~

- ~~1. Any permittee proposing a new discharge shall submit a new registration statement at least 60 days prior to commencing erection, construction, or expansion or employment of new processes at any facility. There shall be no commencement of treatment until a permit is received.~~
- ~~2. All discharges authorized by this permit shall be made in accordance with the terms and conditions of the permit. The permittee shall submit a new registration statement 60 days prior to all expansions, production increases, or process modifications, that will result in new or increased pollutants.~~

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~~The discharge of any pollutant more frequently than, or at a level greater than that identified and authorized by this permit, shall constitute a violation of the terms and conditions of this permit.~~

~~B. Treatment Works Operation and Quality Control~~

~~1. Design and operation of facilities and/or treatment works and disposal of all wastes shall be in accordance with the registration statement. If facility deficiencies, design and/or operational, are identified in the future which could affect the facility performance or reliability, it is the responsibility of the permittee to correct such deficiencies.~~

~~2. All waste collection, control, treatment, and disposal facilities shall be operated in a manner consistent with the following:~~

~~a. At all times, all facilities shall be operated in a prudent and workmanlike manner so as to minimize upsets and discharges of excessive pollutants to state waters.~~

~~b. Maintenance of treatment works shall be carried out in such a manner that the monitoring and/or limitation requirements are not violated.~~

~~c. Collected sludges shall be stored in such a manner as to prevent entry of those wastes (or runoff from the wastes) into state waters.~~

~~C. Adverse Impact~~

~~The permittee shall take all feasible steps to minimize any adverse impact to state waters resulting from noncompliance with any limitation(s) and/or conditions specified in this permit, and shall perform and report such accelerated or additional monitoring as is necessary to determine the nature and impact of the noncomplying limitation(s) and/or conditions.~~

~~D. Duty to Halt, Reduce Activity or to Mitigate~~

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~~1. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.~~

~~2. The permittee shall take all reasonable steps to minimize, correct or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.~~

~~E. Structural Stability~~

~~The structural stability of any of the units or parts of the treatment works herein permitted is the sole responsibility of the permittee and the failure of such structural units or parts shall not relieve the permittee of the responsibility of complying with all terms and conditions of this permit.~~

~~F. Bypassing~~

~~Any bypass ("Bypass - means intentional diversion of waste streams from any portion of a treatment works") of the treatment works herein permitted is prohibited.~~

~~G. Compliance With State and Federal Law~~

~~Compliance with this permit during its term constitutes compliance with the State Water Control Law and the Clean Water Act.~~

~~Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by § 510 of the Clean Water Act.~~

~~H. Property Rights~~

~~The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor~~

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~~does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.~~

~~I. Severability~~

~~The provisions of this permit are severable.~~

~~J. Duty to Reregister~~

~~If the permittee wishes to be eligible to discharge under a general permit after the expiration date of this permit, the permittee must submit a new registration statement at least 60 days prior to the expiration date of this permit.~~

~~K. Right of Entry~~

~~The permittee shall allow authorized state and federal representatives, upon the presentation of credentials:~~

- ~~1. To enter upon the permittee's premises on which the establishment, treatment works, or discharge(s) is located or in which any records are required to be kept under the terms and conditions of this permit;~~
- ~~2. To have access to inspect and copy at reasonable times any records required to be kept under the terms and conditions of this permit;~~
- ~~3. To inspect at reasonable times any monitoring equipment or monitoring method required in this permit;~~
- ~~4. To sample at reasonable times any waste stream, discharge, process stream, raw material or by-product; and~~
- ~~5. To inspect at reasonable times any collection, treatment, or discharge facilities required under this permit.~~

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

~~L. Transferability of Permits~~~~This permit may be transferred to another person by a permittee if:~~

- ~~1. The current owner notifies the Department of Environmental Quality Regional Office 30 days in advance of the proposed transfer of the title to the treatment works or property;~~
- ~~2. The notice includes a written agreement between the existing and proposed new owner containing a specific date of transfer of permit responsibility, coverage and liability between them; and~~
- ~~3. The department does not within the 30-day time period notify the existing owner and the proposed owner of the State Water Control Board's intent to modify or revoke and reissue the permit.~~

~~Such a transferred permit shall, as of the date of the transfer, be as fully effective as if it had been issued directly to the new permittee.~~~~M. Continuation of Expired General Permits~~~~An expired general permit continues in force and effect until a new general permit is issued. Only those treatment works authorized to discharge under the expiring general permit are covered by the continued permit.~~~~N. Public Access to Information~~~~All information pertaining to permit processing or in reference to any source of discharge of any pollutant, shall be available to the public.~~~~O. Permit Modification~~~~The permit may be modified when any of the following developments occur:~~

- ~~1. When a change is made in the promulgated standards or regulations on which the permit was based;~~
- ~~2. When an effluent standard or prohibition for a toxic pollutant~~

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~~must be incorporated in the permit in accordance with provisions of § 307(a) of the Clean Water Act; or~~

- ~~3. When the level of discharge of a pollutant not limited in the permit exceeds applicable Water Quality Standards or Water Quality Criteria, or the level which can be achieved by technology-based treatment requirements appropriate to the permittee.~~

~~P. Permit Termination~~

~~After public notice and opportunity for a public hearing, the general permit may be terminated for cause.~~

~~Q. When an Individual Permit May Be Required~~

~~The department may require any owner authorized to discharge under this permit to apply for and obtain an individual permit. Cases where an individual permit may be required include, but are not limited to, the following:~~

- ~~1. The discharger(s) is a significant contributor of pollution;~~
- ~~2. Conditions at the operating facility change, altering the constituents and/or characteristics of the discharge such that the discharge no longer qualifies for a General Permit;~~
- ~~3. The discharge violates the terms or conditions of this permit;~~
- ~~4. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;~~
- ~~5. Effluent limitation guidelines are promulgated for the point sources covered by this permit; or~~
- ~~6. A water quality management plan containing requirements applicable to such point sources is approved after the issuance of this permit.~~

~~This permit may be terminated as to an individual owner for any of the reasons set forth above after appropriate notice and an opportunity for a public hearing.~~

~~R. When an Individual Permit May be Requested~~

~~Any owner operating under this permit may request to be excluded from the coverage of this permit by applying for an individual permit.~~

~~When an individual permit is issued to an owner the applicability of this general permit to the individual owner is automatically terminated on the effective date of the individual permit. When a General Permit is issued which applies to an owner already covered by an individual permit, such owner may request exclusion from the provisions of the General Permit and subsequent coverage under an individual permit.~~

~~S. Civil and Criminal Liability~~

~~Nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.~~

~~T. Oil and Hazardous Substance Liability~~

~~Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under § 311 of the Clean Water Act or §§ 62.1-44.34-14 through 62.1-44.34-23 of the Law.~~

~~U. Unauthorized Discharge of Pollutants~~

~~Except in compliance with this permit, it shall be unlawful for any permittee to:~~

- ~~1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or~~
- ~~2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses.~~

PART IICONDITIONS APPLICABLE TO ALL VPDES PERMITSA. Monitoring.

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

2. Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 [~~1998~~] or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.

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

B. Records.

1. Records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) and time(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the registration statement for this permit, for a period of at least 3 years from the date of the sample, measurement, report or request for coverage. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the

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regulated activity or regarding control standards applicable to the permittee, or as requested by the Board.

C. Reporting Monitoring Results.

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

2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the Department.

3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under 40 CFR Part 136 [~~1998~~] or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted on the DMR or reporting form specified by the Department.

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

D. Duty to Provide Information.

The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

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E. Compliance Schedule Reports.

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

F. Unauthorized Discharges.

Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

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

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

G. Reports of Unauthorized Discharges.

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II F; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II F, shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, within five days of discovery of the discharge. The written report shall contain:

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

2. The cause of the discharge;

3. The date on which the discharge occurred;

4. The length of time that the discharge continued;

5. The volume of the discharge;

6. If the discharge is continuing, how long it is expected to continue;

7. If the discharge is continuing, what the expected total volume of the discharge will be; and

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8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

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

H. Reports of Unusual or Extraordinary Discharges.

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part II I b. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;

2. Breakdown of processing or accessory equipment;

3. Failure or taking out of service some or all of the treatment works;
and

4. Flooding or other acts of nature.

I. Reports of Noncompliance

The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:

a. Any unanticipated bypass; and

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

2. A written report shall be submitted within 5 days and shall contain:

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a. A description of the noncompliance and its cause;

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

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

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

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

NOTE: The immediate (within 24 hours) reports required in Parts II G, H and I may be made to the Department's Regional Office. Reports may be made by telephone or by fax. For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.

J. Notice of Planned Changes.

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

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

(1) After promulgation of standards of performance under Section 306 of Clean Water Act which are applicable to such source; or

(2) After proposal of standards of performance in accordance with Section 306 of Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal;

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b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or

c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

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

K. Signatory Requirements.

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

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities [employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where] authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

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

c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part II K 1 or by a duly authorized representative of that person. A person is a duly authorized representative only if:

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

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

c. The written authorization is submitted to the Department.

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

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

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information

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

L. Duty to Comply.

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to Reapply.

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall submit a new registration statement at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for registration statements to be submitted later than the expiration date of the existing permit.

N. Effect of a Permit.

This permit does not convey any property rights in either real or personal

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property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State Law.

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

P. Oil and Hazardous Substance Liability.

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper Operation and Maintenance.

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

R. Disposal of solids or sludges.

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any

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pollutant from such materials from entering state waters.

S. Duty to Mitigate.

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to Halt or Reduce Activity not a Defense.

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

U. Bypass.

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II U 2 and 3.

2. Notice

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

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

3. Prohibition of bypass.

a. Bypass is prohibited, and the Board may take enforcement action against a permittee for bypass, unless:

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

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

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exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

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

2.

b. The Board may approve an anticipated bypass, after considering its adverse effects, if the Board determines that it will meet the three conditions listed above in Part II U 3 a.

V. Upset.

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

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

a. An upset occurred and that the permittee can identify the cause(s) of the upset;

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

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

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

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

W. Inspection and Entry.

The permittee shall allow the Director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or

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activity is located or conducted, or where records must be kept under the conditions of this permit;

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

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

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

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

X. Permit Actions.

Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits.

1. Permits are not transferable to any person except after notice to the Department. Except as provided in Part II Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.

2. As an alternative to transfers under Part II Y 1, this permit may be automatically transferred to a new permittee if:

a. The current permittee notifies the Department at least 30 days in advance of the proposed transfer of the title to the facility or property;

b. The notice includes a written agreement between the existing and

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new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

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

Z. Severability.

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