



Exempt Action Final Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation	9VAC25-151
Regulation title	General Virginia Pollutant Discharge Elimination System (VPDES) Permit For Discharges of Storm Water Associated With Industrial Activity
Action title	Amend and Reissue the Existing Permit Regulation
Final agency action date	December 17, 2013
Document preparation date	December 18, 2013

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, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Summary

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

This regulation amendment will reissue the existing VPDES Industrial Activity Storm Water General Permit (VAR05) which expires on June 30, 2014. The general permit establishes permit conditions and monitoring requirements for point source discharges of storm water associated with industrial activity to surface waters. The permit requirements are designed to protect the quality of the waters receiving the storm water discharges.

The existing (2009) general permit was based primarily on EPA's draft 2006 Multi-Sector General Permit (MSGP). This revision is based primarily on EPA's final 2008 MSGP. Changes to the regulation were made to make this general permit similar to other VPDES general permits reissued recently, to address the Technical Advisory Committee (TAC) suggestions, to address staff requests to clarify and update permit requirements, and to address comments received during the public comment period. All changes since publication of the proposed stage are found in the "Changes Made Since the Proposed Stage"

section of this document. There were quite a few changes from the proposed stage to the final, but most of these were editorial changes, or clarifications based on public comments and EPA comments.

The most significant changes since the proposed stage are as follows:

(1) In Section 70, Part I B 7 b, added subsection b (3) to the Chesapeake Bay TMDL special condition to require permittees to analyze the collected TMDL monitoring data and compare it to the industrial storm water loading values that Virginia supplied to EPA for the Phase I Chesapeake Bay TMDL Watershed Implementation Plan. If the average of the facility data for TN, TP or TSS is above the loading value, then the permittee must develop and submit for approval a TMDL Action Plan to reduce the pollutant of concern down to the loading value by 2024; and

(2) In Section 260, Sector S (Air Transportation), modified subsection E regarding the EPA Effluent Limitation Guideline for airport deicing to add more detail from the EPA ELG, and included additional ELG requirements in subsection E 3 regarding "Monitoring, Reporting, and Recordkeeping".

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 December 17, 2013 the State Water Control Board adopted amendments to the regulation 9VAC25-151, General Virginia Pollutant Discharge Elimination System (VPDES) Permit For Discharges of Storm Water Associated With Industrial Activity. The Board also affirmed that they will receive, consider and respond to petitions by any person at any time with respect to reconsideration or revision of the regulation.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar's office, please put an asterisk next to any substantive changes.

Section number	Requirement at proposed stage	What has changed	Rationale for change
10	Definitions section.	Added definitions for "Board" and "Site".	Definitions from the VPDES Permit Regulation (9VAC25-31), added in response to public comment.
10	Industrial Activity definition, #5 Landfills part.	Replaced the reference to Virginia Stormwater Management Program (VSMP) with VPDES.	VSMP construction permits are now VPDES permits.
15	July 1, 2012	July 1, 2013	Adjusted the date for CFR references to July 1, 2013 to reflect the current CFR publication date.
50 B 4	The discharge is not consistent with the assumptions and requirements of an approved TMDL. Note: Virginia's	The discharge is not consistent with the assumptions and requirements of an approved TMDL. Note: Virginia's Phase I Chesapeake Bay	Modified this section in response to public comments to clarify the note regarding newly

	Chesapeake Bay TMDL Watershed Implementation Plan (November 29, 2010) requires that waste loads for new facilities in the Chesapeake Bay watershed with industrial stormwater discharges not exceed the nutrient and sediment loadings that were discharged prior to the land being developed for the industrial activity. For purposes of this permit regulation, facilities constructed after November 29, 2010, must be consistent with this requirement to be eligible for coverage under this general permit.	TMDL Watershed Implementation Plan (November 29, 2010) requires <u>states that waste loads for future growth</u> for new facilities in the Chesapeake Bay watershed with industrial stormwater discharges <u>cannot</u> exceed the nutrient and sediment loadings that were discharged prior to the land being developed for the <u>new</u> industrial activity. For purposes of this permit regulation, facilities constructed that commence construction after November 29, 2010 <u>June 30, 2014</u> , must be consistent with this requirement to be eligible for coverage under this general permit.	constructed facilities in the Chesapeake Bay watershed, and what the owner needs to do to be eligible for coverage under the permit.
50 C 5	Storm water discharges associated with construction activity that are regulated under the Virginia Stormwater Management Program (VSMP) are not authorized by this permit.	Storm water discharges associated with construction activity that are regulated under the Virginia Stormwater Management Program (VSMP) <u>a VPDES permit</u> are not authorized by this permit.	VSMP construction permits are now VPDES permits.
50 F 1	...and that submits a complete registration statement on or before July 1, 2014...	..and that submits a complete registration statement on or before July 1, 2014...	Corrected this to reflect that the registrations must be submitted before July 1, 2014.
60 B 3	3. New owners of existing facilities. Where the owner of an existing facility that is covered by this permit changes, the new owner of the facility shall submit a complete registration statement or a "Change of Ownership" form within 30 days of the ownership change.	3. New owners of existing facilities. Where the owner of an existing facility that is covered by this permit changes, the new owner of the facility shall submit a complete registration statement or a "Change of Ownership" form within 30 days of the ownership change.	Originally proposed to delete this requirement. Based on comments received, restored this subsection, but now the new owner is required to submit a registration statement.
60 B 4 (was 3 in the proposed stage)	3. Late registration statements. Registration statements for existing facilities covered under subdivision 1 a of this subsection will be accepted after July 1, 2014, but authorization to discharge ...	3.4. Late registration statements. Registration statements for existing facilities covered under subdivision 1 a of this subsection will be accepted after July 1 <u>June 30</u> , 2014, but authorization to discharge ...	Corrected this date consistent with the corrections made to section 50 F 1.
60 C 2	2. Facility name (or other identifier), street address,	2. Facility name (or other identifier) , street address,	Based on comments received, removed "or other identified" as not necessary.
60 C 8	8. An indication as to whether this facility will discharge storm water runoff from coal storage piles;	8. An indication as to <u>Whether or not</u> this facility will discharge storm water runoff from coal storage piles;	Editorial change based on comments received.
60 C 11	11. Facility site information. List the total area of the site (in acres), the area of industrial activity at the site (in acres), and the total impervious area of the site (in acres).	11. Facility site area <u>site-facility</u> information. List the total area of the <u>site-facility</u> (in acres), the area of industrial activity at the <u>site-facility</u> (in acres), and the total impervious area of the <u>site-industrial activity at the facility</u> (in acres), <u>and the area</u> (in acres)	Based on comments received, clarified that we are looking for facility area information. Also moved the outfall numbering instructions up from item 60 C 12 b.

		<u>draining to each industrial activity outfall at the facility. Outfalls shall be numbered using a unique numerical identification code for each outfall (e.g., Outfall No. 001, No. 002, etc.);</u>	
60 C 12 b	b. Site map. Outfalls shall be numbered using a unique numerical identification code for each outfall (e.g., Outfall No. 001, No. 002, etc.);	b. Site map. Outfalls shall be numbered using a unique numerical identification code for each outfall (e.g., Outfall No. 001, No. 002, etc.) <u>Outfall numbering shall be the same as that used for the facility area information in question #11;</u>	Moved the outfall numbering instructions up to item 60 C 11.
60 C 13	<p>13. Virginia's Chesapeake Bay TMDL Watershed Implementation Plan (November 29, 2010) requires that waste loads for new facilities in the Chesapeake Bay watershed with industrial stormwater discharges not exceed the nutrient and sediment loadings that were discharged prior to the land being developed for the industrial activity. For purposes of this permit regulation, facilities constructed after November 29, 2010, must be consistent with this requirement to be eligible for coverage under this general permit.</p> <p>If this is a new facility constructed after November 29, 2010, in the Chesapeake Bay watershed, and applying for first time general permit coverage, attach documentation to the registration statement to show:</p>	<p>13. Virginia's <u>Phase I</u> Chesapeake Bay TMDL Watershed Implementation Plan (November 29, 2010) <u>requires-states</u> that waste loads <u>for future growth</u> for new facilities in the Chesapeake Bay watershed with industrial stormwater discharges <u>cannot</u> exceed the nutrient and sediment loadings that were discharged prior to the land being developed for the industrial activity. For purposes of this permit regulation, facilities constructed after November 29, 2010 <u>that commence construction after June 30, 2014</u>, must be consistent with this requirement to be eligible for coverage under this general permit.</p> <p>If this is a new facility constructed after November 29, 2010 <u>that commenced construction after June 30, 2014</u>, in the Chesapeake Bay watershed, and applying for first time general permit coverage, attach documentation to the registration statement to show:</p>	Based on comments received, clarified what owners of new facilities that begin construction after the effective date of the permit have to do to qualify for permit coverage.
	<p>a. That the total phosphorus load does not exceed the greater of: (i) the total phosphorus load that was discharged from the site prior to the land being developed for the industrial activity, or (ii) 0.41 pounds per acre per year (VSMP water quality design criteria). The documentation must include the measures and controls that were employed to meet this requirement, along with the supporting calculations.</p> <p>Compliance with the water quality design criteria may be determined utilizing the Virginia Runoff Reduction Method or another equivalent methodology approved by the board. Design specifications and pollutant</p>	<p>a. That the total phosphorus load does not exceed the greater of: (i) the total phosphorus load that was discharged from the site <u>industrial area of the property</u> prior to the land being developed for the <u>new</u> industrial activity, or (ii) 0.41 pounds per acre per year (VSMP water quality design criteria). The documentation must include the measures and controls that were employed to meet this requirement, along with the supporting calculations. <u>The owner may include additional non-industrial land on the site as part of any plan to comply with the no net increase requirement. Consistent with the definition of "site", this includes adjacent land used in connection</u></p>	

	removal efficiencies for BMPs can be found on the Virginia Storm Water BMP Clearinghouse website at http://www.vwrrc.vt.edu/swc ; or	<u>with the facility.</u> Compliance with the water quality design criteria may be determined utilizing the Virginia Runoff Reduction Method or another equivalent methodology approved by the board. Design specifications and pollutant removal efficiencies for <u>specific</u> BMPs can be found on the Virginia Storm Water BMP Clearinghouse website at http://www.vwrrc.vt.edu/swc ; or	
	b. That nutrient credits have been acquired to meet the no net increase requirement in accordance with applicable regulations; and	b. That nutrient credits have been acquired. <u>The owner may consider utilization of any pollutant trading or offset program in accordance with §§ 62.1-44.19:20 through 62.1-44.19:23 of the Code of Virginia, governing trading and offsetting, to meet the no net increase requirement in accordance with applicable regulations; and</u>	
70, Part I A 1 a (2)	...No analytical tests are required to be performed on the samples. Where practicable, the same individual shall carry out the collection and examination of discharges for the entire permit term.	...No analytical tests are required to be performed on the samples. Where practicable, the same individual shall carry out the collection and examination of discharges for the entire permit term.	Based on comments received, deleted the "same individual" language. This is now consistent with the language in EPA's 2008 MSGP.
70, Part I A 1 b (2) (c) (and throughout sections 70 to 370, as appropriate)	BMPs	BMPs <u>control measures</u>	Based on comments received, changed "BMPs" to "control measures" throughout the general permit (Sections 70 to 370, as appropriate) to be consistent with EPA's 2008 MSGP.
70, Part I A 1 c (3)	(3) Facilities discharging to an impaired water with an approved TMDL wasteload allocation.	(3) Facilities discharging to an impaired water with an approved TMDL wasteload allocation. <u>Owners of facilities that are a source of the specified pollutant of concern to waters for which a TMDL wasteload allocation has been approved prior to the term of this permit will be notified as such by the department when they are approved for coverage under the general permit.</u>	Added an opening paragraph to the TMDL monitoring section to specify that the TMDL monitoring requirements only apply to TMDLs that are approved prior to the effective date of this permit.
70, Part I A 1 c (3) (b)	Note: Facilities discharging to waters impaired for PCBs shall follow the monitoring schedule and the pollutant minimization plan (PMP) requirements described in the written notification from the department.	Note: Facilities discharging to waters impaired for PCBs shall follow the monitoring schedule and the pollutant minimization plan (PMP) requirements described in the written notification from the department.	Based upon comments received, removed this stipulation. Any required PCB monitoring will be indicated in the notification sent by the Department at the time of permit coverage.
70, Part I A	... is not detected in any of the	... is not detected in any <u>below the quantitation level in all of the</u>	In response to public comments, changed "not

1 c (3) (d)	samples... ... is detected in any of the samples...	samples... ... is detected <u>above the quantitation level</u> in any of the samples...	detected" to "below the quantitation level" to remove the confusion with this term.
70, Part I A 1 c (4)	(4) Facilities discharging to an impaired water without an approved TMDL wasteload allocation.	(4) Facilities discharging to an impaired water without an approved TMDL wasteload allocation. <u>Owners of facilities that discharge to waters listed as impaired in the 2012 Final 305(b)/303(d) Water Quality Assessment Integrated Report, and for which a TMDL wasteload allocation has not been approved prior to the term of this permit, will be notified as such by the department when they are approved for coverage under the general permit.</u>	Added an opening paragraph to the Impaired Waters monitoring section to specify that the monitoring requirements only apply to facilities discharging to waters identified as impaired in the 2010 Integrated Report (this is the latest approved report).
70, Part I A 1 c (4) (b)	Note: Facilities discharging to waters impaired for PCBs shall follow the monitoring schedule and the pollutant minimization plan (PMP) requirements described in the written notification from the department.	Note: Facilities discharging to waters impaired for PCBs shall follow the monitoring schedule and the pollutant minimization plan (PMP) requirements described in the written notification from the department.	Based upon comments received, removed this stipulation. Any required PCB monitoring will be indicated in the notification sent by the Department at the time of permit coverage.
70, Part I A 1 c (4) (d)	... is not present in the discharges... ... is present but its presence...	... is not present <u>below the quantitation level</u> in the discharges... ... is present <u>above the quantitation level</u> but its presence...	In response to public comments, changed "not present" to "below the quantitation level" to remove the confusion with this term.
70, Part I B 6	6. Salt storage piles... to the ground or to state waters.	6. Salt storage piles... to the ground or to state waters. <u>Approval for coverage under this general permit does not relieve the permittee of the responsibility to comply with any other applicable federal, state, or local statute, ordinance, or regulation.</u>	Replaced the "Salt Storage Piles" special condition (SC) with: "Approval for coverage under this general permit..." SC. This condition comes from the regulation Section 50 E, and is being added to the special conditions section of general permits as they are reissued. It was felt that it needed to be in the permit itself, and not just in the regulation section. The "salt storage pile" SC was moved to the storm water pollution prevention plan (SWPPP) section of the permit.
70, Part I B 7 b (2) (was 6 in the proposed stage)	None	<u>(2) Facilities that were covered under the 2009 industrial storm water general permit that sampled for TSS, TN or TP may use applicable sampling data from the last two monitoring periods of that permit and the first two monitoring</u>	In response to public comments, added this allowance so facilities can use data collected for the 2009 permit to satisfy some of the TMDL sampling requirements if

		<p><u>periods of this permit to satisfy the four consecutive monitoring periods requirement.</u></p>	<p>the collected TN, TP or TSS samples.</p>
<p>70, Part I B 7 b (3) (was 6 in the proposed stage)</p>	<p>None</p>	<p><u>(3) Chesapeake Bay TMDL waste load allocations and Chesapeake Bay TMDL action plans.</u></p> <p><u>(a) EPA's Chesapeake Bay TMDL (December 29, 2010) includes waste load allocations for VPDES permitted industrial storm water facilities as part of the regulated stormwater aggregate load. EPA used data submitted by Virginia with the Phase I Chesapeake Bay TMDL Watershed Implementation Plan, including the number of industrial stormwater permits per county and the number of urban acres regulated by industrial stormwater permits, as part of their development of the aggregate load. Aggregate loads for industrial storm water facilities were appropriate because actual facility loading data were not available to develop individual facility waste load allocations.</u></p> <p><u>Virginia estimated the loadings from industrial storm water facilities using actual and estimated facility acreage information, and TP, TN, and TSS loading values from the Northern Virginia Planning District Commission (NVPDC) <i>Guidebook for Screening Urban Nonpoint Pollution Management Strategies</i>, prepared for the Metropolitan Washington Council of Governments. Annandale, VA. November, 1979. The loading values used were as follows:</u></p> <p><u>TP - High (80%) imperviousness industrial; 1.5 lb/ac/yr</u></p> <p><u>TN - High (80%) imperviousness industrial; 12.3 lb/ac/yr</u></p> <p><u>TSS - High (80%) imperviousness industrial; 440 lb/ac/yr</u></p> <p><u>The actual facility area information, and the TP, TN and TSS data collected for this permit will be used by the board to quantify the nutrient and sediment loads from VPDES permitted industrial storm water facilities, and will be submitted to EPA to aid them in further refinements to their Chesapeake Bay TMDL model. The loading information will also be used by the board to determine any additional load reductions needed for</u></p>	<p>In response to public comments, added this requirement for facilities to analyze the nutrient and sediment data collected for the Chesapeake Bay TMDL. The data must be compared to the loading values that were submitted to EPA for the Phase I WIP, and where the data is above the loading values, the permittee must develop a TMDL action plan to reduce the facility loading down to the target value by 2024. The action plan must be submitted to the Department for approval within 90 days following the end of the permit's second monitoring year, and annual reports describing the progress in meeting the required reductions must be submitted by June 30th of each year.</p>

		<p>industrial storm water facilities for the next reissuance of this permit.</p> <p><u>(b) Data analysis and Chesapeake Bay TMDL action plans. The permittee shall analyze the nutrient and sediment data collected in accordance with subpart (1) of this subsection to determine if additional action is needed for this permit term. The permittee shall average the data collected at the facility for each of the pollutants of concern (POC) (e.g., TP, TN and TSS) and compare the results to the loading values for TP, TN and TSS presented in subpart (3)(a). To calculate the facility loadings, the permittee may use either: (i) actual annual average rainfall data for the facility location (in inches/year), or the Virginia annual average rainfall of 44.3 inches/year; or (ii) another method approved by the board.</u></p> <p><u>The following formula may be used to determine the loading value:</u></p> $L = (0.2263 \times R \times C) / A$ <p><u>where:</u></p> <p><u>L = the POC loading value (lb/acre/year)</u></p> <p><u>R = the annual average rainfall (inches/year)</u></p> <p><u>C = the POC average concentration of all facility samples (mg/L)</u></p> <p><u>A = the facility industrial activity area (acres)</u></p> <p><u>(c) If the calculated facility loading value for TP or TN or TSS is above the loading values for TP or TN or TSS presented in subpart (3)(a), then the permittee shall develop and submit to the board for review and approval a Chesapeake Bay TMDL Action Plan. The plan shall be submitted within 90 days from the end of the second year's monitoring period (by September 28, 2016). The permittee shall implement the approved plan over the remaining term of this permit to achieve all the necessary reductions by June 30, 2024. The action plan shall include:</u></p> <p><u>(i) A determination of the total pollutant load reductions for TP, TN and TSS (as appropriate) necessary to reduce the annual loads from industrial activities. This shall be determined by calculating the difference between the loading values listed in subpart (3)(a), and</u></p>	
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		<p><u>the average of the sampling data for TP, TN or TSS (as appropriate) for the entire facility. The reduction applies to the total difference calculated for each pollutant of concern;</u></p> <p><u>(ii) The means and methods, such as management practices and retrofit programs, that will be utilized to meet the required reductions determined in subpart (i) of this subsection, and a schedule to achieve those reductions by June 30, 2024. The schedule should include annual benchmarks to demonstrate the ongoing progress in meeting those reductions;</u></p> <p><u>(iii) The permittee may consider utilization of any pollutant trading or offset program in accordance with §§ 62.1-44.19:20 through 62.1-44.19:23 of the Code of Virginia, governing trading and offsetting, to meet the required reductions.</u></p> <p><u>(d) Permittees required to develop and implement a Chesapeake Bay TMDL Action Plan shall submit an annual report to the department by June 30th of each year describing the progress in meeting the required reductions.</u></p>	
<p>70, Part I B 8 (was 7 in the proposed stage)</p>	<p>Discharges through a Virginia Stormwater Management Program (VSMP) regulated MS4 to waters subject to the Chesapeake Bay TMDL. Any facility with industrial activity discharges through a VSMP regulated MS4 that is notified by the MS4 operator that the locality has adopted ordinances to meet the Chesapeake Bay TMDL shall incorporate measures and controls into their SWPPP to comply with the local ordinances.</p>	<p>Discharges through a Virginia Stormwater Management Program (VSMP) regulated MS4 to waters subject to the Chesapeake Bay TMDL. Any-In addition to the requirements of this permit, any facility with industrial activity discharges through a VSMP regulated MS4 that is notified by the MS4 operator that the locality has adopted ordinances to meet the Chesapeake Bay TMDL shall incorporate measures and controls into their SWPPP to comply with the local ordinances applicable local TMDL ordinance requirements.</p>	<p>Modified this SC to remove the reference to "VSMP". In response to public comments, clarified that applicable local ordinance requirements are in addition to the requirements of this permit. This goes along with SC #6 that was added above regarding a permittees responsibility to comply with applicable federal, state or local statutes, ordinances and regulations.</p>
<p>70, Part I B 9 (was 8 in the proposed stage)</p>	<p>8. Expansion of facilities that discharge to waters subject to the Chesapeake Bay TMDL. a. After November 29, 2010, (the date of Virginia's Phase I Chesapeake Bay TMDL Watershed Implementation Plan), the waste loads from any expansion of an existing permitted facility discharging storm water in the Chesapeake Bay watershed cannot exceed</p>	<p>8-9. Expansion of facilities that discharge to waters subject to the Chesapeake Bay TMDL. a. After November 29, 2010, (the date of Virginia's Phase I Chesapeake Bay TMDL Watershed Implementation Plan (November 29, 2010), states that the waste loads from any expansion of an existing permitted facility discharging storm water in the Chesapeake Bay watershed cannot exceed the</p>	<p>Modified this SC in response to public comments to clarify what permittees need to do if they expand their industrial activity area after they receive coverage under the permit, in order to satisfy Chesapeake Bay TMDL requirements.</p>

	<p>the nutrient and sediment loadings that were discharged from the expanded portion of the land prior to the land being developed for the industrial activity.</p>	<p>nutrient and sediment loadings that were discharged from the expanded portion of the land prior to the land being developed for the <u>expanded</u> industrial activity.</p>	
	<p>b. The permittee shall document in the SWPPP the information and calculations used to determine the nutrient and sediment loadings discharged from the expanded portion of the land prior to the land being developed, and the measures and controls that were employed to meet the no net increase of storm water nutrient and sediment load as a result of the expansion of the industrial activity.</p>	<p>b. The a. <u>For any industrial activity area expansions (i.e., construction activities, including clearing, grading and excavation activities) that commence on or after July 1, 2014 (the effective date of this permit), the permittee shall document in the SWPPP the information and calculations used to determine the nutrient and sediment loadings discharged from the expanded portion of the land area prior to the land being developed, and the measures and controls that were employed to meet the no net increase of storm water nutrient and sediment load as a result of the expansion of the industrial activity. Any land disturbance that is exempt from permitting under the VPDES construction stormwater general permit regulation (9VAC25-880) is exempt from this requirement.</u></p>	
	<p>c. The permittee may use the VSMP water quality design criteria to meet the requirements of subdivisions a and b of this subsection. Under this criteria, the total phosphorus load shall not exceed the greater of: (i) the total phosphorus load that was discharged from the expanded portion of the land prior to the land being developed for the industrial activity or (ii) 0.41 pounds per acre per year. Compliance with the water quality design criteria may be determined utilizing the Virginia Runoff Reduction Method or another equivalent methodology approved by the board. Design specifications and pollutant removal efficiencies for BMPs can be found on the Virginia Storm Water BMP Clearinghouse website at http://www.vwrrc.vt.edu/swc.</p>	<p>c. b. The permittee may use the VSMP water quality design criteria to meet the requirements of subdivisions a and b <u>subdivision a</u> of this subsection. Under this criteria, the total phosphorus load shall not exceed the greater of: (i) the total phosphorus load that was discharged from the expanded portion of the land prior to the land being developed for the industrial activity or (ii) 0.41 pounds per acre per year. Compliance with the water quality design criteria may be determined utilizing the Virginia Runoff Reduction Method or another equivalent methodology approved by the board. Design specifications and pollutant removal efficiencies for <u>specific</u> BMPs can be found on the Virginia Storm Water BMP Clearinghouse website at http://www.vwrrc.vt.edu/swc.</p>	
	<p>d. The facility owner may acquire nutrient credits to meet the no net increase requirement in accordance with applicable regulations.</p>	<p>d. The facility owner may acquire nutrient credits <u>c. The permittee may consider utilization of any pollutant trading or offset program in accordance with §§ 62.1-44.19:20 through 62.1-44.19:23 of</u></p>	

		the Code of Virginia, governing trading and offsetting, to meet the no net increase requirement in accordance with applicable regulations.	
70, Part II Y 1	1. The current permittee notifies the department at least 30 days in advance of the proposed transfer...	1. The current permittee notifies the department at least <u>within</u> 30 days in advance of the proposed transfer...	Modified this standard condition to make it consistent with the registration statement section 60 B 3.
80, Part III	A Storm Water Pollution Prevention Plan (SWPPP) shall be developed and implemented for the facility covered by this permit. The SWPPP shall include control measures selected, designed, installed, implemented and maintained in accordance with good engineering practices and manufacturer's specifications to eliminate or reduce the pollutants in all storm water discharges from the facility, and to meet applicable effluent limitations and water quality standards.	A Storm Water Pollution Prevention Plan (SWPPP) shall be developed and implemented for the facility covered by this permit. The SWPPP shall include <u>is intended to document the selection, design, and installation of</u> control measures selected, designed, installed, implemented and maintained in accordance with good engineering practices and manufacturer's specifications, including BMPs, to eliminate or reduce the pollutants in all storm water discharges from the facility and to meet applicable effluent limitations and water quality standards.	Modified this paragraph based on public comments, and to be consistent with EPA's 2008 MSGP.
80, Part III B 2 c	c. Site map. A site map identifying the following: (1) The size of the property (in acres); ... (4) Locations of all existing structural and source control BMPs;	c. Site map. A site <u>map</u> identifying the following: (1) The <u>boundaries of the property and the size</u> of the property (in acres); ... (4) Locations of all existing structural and source control <u>measures, including</u> BMPs;	Modified c (1) and c (4) to be consistent with EPA's 2008 MSGP.
80, Part III B 4 b (6)	(6) Employee training. The permittee shall implement a storm water employee training program for the facility. Employee training shall take place, at a minimum, once per calendar year. The storm water employee training program shall include initial training for new hires. ...	(6) Employee training. The permittee shall implement a storm water employee training program for the facility. Employee training shall take place, at a minimum, once per calendar year. The storm water employee training program shall include initial training for new hires. ...	Deleted this based on public comment, and to be consistent with EPA's 2008 MSGP. Specific training requirements (including, in some instances minimum frequency) are specified in the Part IV Sector Specific Requirements sections.
80, Part III B 4 b (9)	(9) Dust suppression and vehicle tracking of industrial materials. Potable water and well water may also be used for this purpose. ...	(9) Dust suppression and vehicle tracking of industrial materials. Potable water <u>and</u> , well water, <u>and uncontaminated reuse water</u> may also be used for this purpose. ...	Based on public comments, included reuse water as acceptable to use for dust suppression.
80, Part III C	C. Maintenance. ... All control measures and structural BMPs identified in the SWPPP ...	C. Maintenance. ... All control measures and structural BMPs identified in the SWPPP ...	Since structural BMPs are included in "control measures", removed this phrase.
80, Part III	a. The SWPPP shall include	a. The SWPPP shall include	Modified this based on

D 2 a	documentation that all outfalls have been evaluated annually ...	documentation that all <u>storm water</u> outfalls <u>associated with industrial activity</u> have been evaluated annually ...	public comments to clarify which outfalls need to be evaluated annually.
80, Part III E 1 g	g. Review of storm water related training performed, inspections completed, maintenance performed, quarterly visual examinations, and effective operation of BMPs;	g. Review of storm water related training performed, inspections completed, maintenance performed, quarterly visual examinations, and effective operation of <u>control measures, including BMPs</u> ;	Modified this to be consistent with EPA's 2008 MSGP.
80, Part III G 1 b	b. Routine inspections or compliance evaluations determine that there are deficiencies in the BMPs;	b. Routine inspections or compliance evaluations determine that there are deficiencies in the <u>control measures, including BMPs</u> ;	Modified this to be consistent with EPA's 2008 MSGP.
90, Part IV (Sector A) C 2	Facilities that surface protect or preserve wood products shall address specific BMPs for wood surface protection and preserving activities.	Facilities that surface protect or preserve wood products shall address specific <u>control measures, including any BMPs</u> , for wood surface protection and preserving activities.	Modified this to be consistent with EPA's 2008 MSGP.
90, Part IV (Sector A) D 2	2. Compliance monitoring requirements. In addition to the parameters listed above, the permittee shall provide an estimate of the total volume (in gallons) of the discharge sampled.	2. Compliance monitoring requirements. In addition to the parameters listed above, the permittee shall provide an estimate of the total volume (in gallons) of the discharge sampled.	EPA deleted this requirement in their 2000 MSGP. This should have been removed from the ISWGP in 2004.
90, Part IV (Sector A) E, Table 90-2	mg/L	mg/L <u>µg/L</u>	Corrected the mulch facilities (SIC 24991303) benchmark concentration units for the following metals: Aluminum, Arsenic, Cadmium, Chromium, Copper, Lead, Manganese, Mercury, Nickel, Selenium, Silver, and Zinc
90, Part IV (Sector A) E, Table 90-2, Footnote 2	² Benchmark monitoring waivers are available to facilities utilizing mulch dye or colorant products that do not contain the specified parameters provided that: (i) monitoring from samples collected during one monitoring period demonstrates that all parameters are nondetectable; (ii) a waiver request is submitted to and approved by the board; and (iii) a certification statement is submitted to the department annually that the facility does not use mulch dyeing products that contain any of the specified parameters.	² Benchmark monitoring waivers are available to facilities utilizing mulch dye or colorant products that do not contain the specified parameters provided that: (i) monitoring from samples collected during one monitoring period demonstrates that all parameters are nondetectable <u>the specific parameter in question is below the quantitation level</u> ; (ii) a waiver request is submitted to and approved by the board. <u>The laboratory certificate of analysis must be submitted with the request. If approved, documentation of this shall be kept with the SWPPP</u> ; and (iii) a certification statement is submitted to the department annually that the facility does not use mulch dyeing products that contain any of the specified <u>specifically waived</u> parameters.	Modified the footnote to be consistent with the Section 70, Part I A 1 c (3) (d) and c (4) (d) "quantitation level" language. Added that the laboratory certificate of analysis has to be submitted with the waiver request, consistent with the above referenced sections as well.

140, Part IV (Sector F) B 2 a	a. Good housekeeping. The SWPPP shall consider implementation of the following measures ...	a. Good housekeeping. The SWPPP permittee shall consider implementation of implement the following measures ...	Per comment received, strengthened this language to require implementation of control measures.
150, Part IV (Sector G) F 3 c	c. Structural control measures. Each of the following control measures shall be considered in the SWPPP.	c. Structural control measures. Each In addition to the control measures required by permit Part III B 4, each of the following control measures shall be considered in the SWPPP.	Per comments received, clarified that these measures are in addition to control measures required by the SWPPP in Part III B 4.
160, Part IV (Sector H) C 2 a	a. Good housekeeping. As part of the facility's good housekeeping program, the permittee shall ...	a. Good housekeeping. As part of the facility's good housekeeping program <u>required by permit Part III B 4 b (1)</u> , the permittee shall ...	Clarified that the good housekeeping requirements are contained in the SWPPP in Part III B 4 b (1).
170, Part IV (Sector I) C 2	... The erosion control requirement for well drillings and sand or shale mining areas are as follows: ...	... The sediment and erosion control requirement <u>additional documentation requirements</u> for well drillings and sand or shale mining areas are as follows:	Modified this for consistency with EPA's 2008 MSGP.
170, Part IV (Sector I) C 2 c	c. Procedures in the plan shall provide that all erosion controls ...	c. Procedures in the plan shall provide that all erosion <u>and sedimentation</u> controls ...	Modified this for consistency with EPA's 2008 MSGP.
190, Part IV (Sector L) A	... Landfills that have been properly closed ...	... Landfills (<u>including landfills in "post-closure care"</u>) that have been properly closed ...	Per comment received, clarified that landfills in post-closure care that have been closed and capped in accordance with the waste permitting regulations do not require this permit.
200, Part IV (Sector M) B 2 d	d. Management of runoff. The plan shall consider management practices, such as berms or drainage ditches on the property line, to help prevent runoff from neighboring properties. Berms shall be considered for uncovered outdoor storage of oily parts, engine blocks, and aboveground liquid storage. The permittee shall consider the installation of detention ponds, filtering devices, and oil/water separators.	d. Management of runoff. The plan permittee shall consider <u>implement control measures to divert, infiltrate, reuse, contain, or otherwise reduce storm water runoff, to minimize pollutants in discharges from the facility.</u> The following management practices, such as <u>shall be considered</u> : berms or drainage ditches on the property line, to help prevent runoff from neighboring properties. Berms shall be considered ; <u>berms</u> for uncovered outdoor storage of oily parts, engine blocks, and aboveground liquid storage. The permittee shall consider ; and the installation of detention ponds, filtering devices, and oil/water separators.	Modified this for consistency with EPA's 2008 MSGP.
210, Part IV (Sector N) C	... Selection or deselection of a particular BMP or approach is up to the best professional judgment of the permittee, as long as the objective of the requirement is met.	... Selection or deselection of a particular BMP or approach is up to the best professional judgment of the permittee, as long as the objective of the requirement is met.	Per comment received, and for consistency with EPA's 2008 MSGP, deleted this sentence.
210, Part IV	¹ Metals monitoring is only	¹ Metals monitoring is only required	Per comment received,

(Sector N) D, Table 210, Footnote 1	required at source-separated facilities if metals are received at the facility.	at source-separated facilities if for <u>the specific metals listed above that</u> are received at the facility.	clarified which metals are subject to the benchmark monitoring.
220, Part IV (Sector O) C 2 a (1)	...The permittee shall consider establishing procedures to minimize off-site tracking of coal dust and ash such as installing ...	...The permittee shall consider <u>establishing procedures</u> to minimize off-site tracking of coal dust and ash such as . <u>Control measures to consider include</u> installing ...	Modified this section for consistency with EPA's 2008 MSGP.
220, Part IV (Sector O) C 2 a (8)	...At a minimum the structural integrity of all aboveground tanks, pipelines, pumps and other related equipment shall be visually inspected regularly.	... At a minimum The structural integrity of all aboveground tanks, pipelines, pumps and other related equipment shall be visually inspected <u>regularly as part of the routine facility inspection</u> .	Modified this section for consistency with EPA's 2008 MSGP.
250, Part IV (Sector R) C 2 a (3)	...The plan shall specify which materials are stored indoors and consider containment or enclosure for materials that are stored outdoors. ...]	... The plan shall specify which materials are stored indoors and consider containment or enclosure for materials that are stored outdoors. ...	Deleted this sentence for consistency with EPA's 2008 MSGP.
250, Part IV (Sector R) C 2 c	c. Routine facility inspections. The following areas shall be included in all quarterly routine inspections: ...	c. Routine facility inspections. The following areas shall be included in all quarterly routine <u>facility</u> inspections: ...	Added this to clarify that the requirement refers to quarterly routine facility inspections.
260, Part IV (Sector S) D 1 c	... Implementation of BMPs, ...	... Implementation of <u>control measures, including any BMPs</u> , ...	Modified this section for consistency with EPA's 2008 MSGP.
260, Part IV (Sector S) D 2 a (1), (3), (4), (5), b (1), (2)	... The following practices [or BMPs] (or their equivalents) shall be considered: ...	... The following practices [or BMPs] <u>Appropriate control measures</u> (or their equivalents) shall be considered implemented , <u>such as the following practices</u> : ...	Modified this in the multiple sections shown to be consistent with EPA's 2008 MSGP. In some cases the original wording was "BMPs" instead of "practices".
260, Part IV (Sector S) D 2 b	b. Source reduction. Owners who conduct deicing or anti-icing operations shall consider alternatives to the use of urea and glycol-based deicing or anti-icing chemicals in order to reduce ...	b. Source reduction. Owners who conduct deicing or anti-icing operations The permittee shall <u>consider alternatives to minimize</u> , and where practicable <u>eliminate</u> , the use of urea and glycol-based deicing or anti-icing chemicals <u>in order to reduce</u> ...	Modified this section for consistency with EPA's 2008 MSGP.
260, Part IV (Sector S) D 2 b (1)	(1) Runway deicing operations. Owners shall evaluate present application rates to ensure against excessive over application by analyzing application rates and adjusting as necessary, consistent with considerations of flight safety. Also the following BMP options shall be considered (or their equivalents): metered application ...	(1) Runway deicing operations. Owners The permittee shall <u>minimize contamination of stormwater runoff from runways as a result of deicing operations</u> . The permittee shall evaluate present application rates to ensure against excessive over application by analyzing application rates and adjusting as necessary, consistent with considerations of flight safety. Also the following BMP options <u>Appropriate control measures, (or their equivalents)</u> shall be considered (or their equivalents) <u>implemented, such as the following</u>	Modified this section for consistency with EPA's 2008 MSGP.

<p>260, Part IV (Sector S) D 2 b (2)</p>	<p>(2) Aircraft deicing operations. Owners shall determine whether ...</p> <p>... Also, the following BMP options (or their equivalents) shall be considered for reducing deicing fluid use: forced-air ...</p> <p>... The use of ice-detection systems and airport traffic flow strategies and departure slot allocation systems shall also be considered.</p>	<p><u>practices</u>: metered application ...</p> <p>(2) Aircraft deicing operations. Owners <u>The permittee shall minimize contamination of stormwater runoff from aircraft deicing operations.</u> The permittee shall determine whether ...</p> <p>... Also, the following BMP options <u>Appropriate control measures</u> (or their equivalents) shall be considered implemented for reducing deicing fluid use, <u>such as the following practices</u>: forced-air ...</p> <p>... The use of ice-detection systems and airport traffic flow strategies and departure slot allocation systems shall also be considered <u>where practicable.</u></p>	<p>Modified this section for consistency with EPA's 2008 MSGP.</p>
<p>260, Part IV (Sector S) D 2 c</p>	<p>c. Management of runoff. Where deicing operations occur, owners shall describe and implement a program to control or manage contaminated runoff to reduce the amount of pollutants being discharged from the site. The plan shall describe the controls used for collecting or containing contaminated melt water from collection areas used for disposal of contaminated snow. The following BMPs (or their equivalents) ...</p>	<p>c. Management of runoff. Where deicing operations occur, owners shall describe and the permittee <u>shall</u> implement a program to control or manage contaminated runoff to reduce <u>minimize</u> the amount of pollutants being discharged from the site. The plan shall describe the controls used for collecting or containing contaminated melt water from collection areas used for disposal of contaminated snow. The following BMPs <u>The following control measure options</u> (or their equivalents) ...</p>	<p>Modified this section for consistency with EPA's 2008 MSGP.</p>
<p>260, Part IV (Sector S) D 2 e</p>	<p>e. Comprehensive site compliance evaluation. The annual site compliance evaluations shall be conducted by qualified facility personnel during periods of actual deicing operations, if possible. If not practicable during active deicing or if the weather is too inclement, the evaluations shall be conducted when deicing operations are likely to occur and the materials and equipment for deicing are in place.</p>	<p>e. Comprehensive site compliance evaluation. The annual site compliance evaluations shall be conducted by qualified facility personnel during periods of actual deicing operations, if possible. If not practicable during active deicing or if the weather is too inclement, the evaluations shall be conducted when deicing operations are likely to occur and the materials and equipment for deicing are in place.</p>	<p>Restored this section. Consistent with EPA's 2008 MSGP, this should not have been deleted.</p>
<p>260, Part IV (Sector S) E 1, E 2, and E 3</p>	<p>1. Airfield pavement deicing. Existing and new primary airports with at least 1,000 annual jet departures (non-propeller aircraft) that have discharges associated with airport pavement deicing comingled with storm water shall either use airfield deicing products that do not contain urea or alternatively, airfield pavement discharges at every discharge</p>	<p>1. Airfield pavement deicing. Existing <u>primary airports and primary airports meeting the definition of a new source</u> (new primary airports) with at least 1,000 annual jet departures (non-propeller aircraft) that have discharges <u>discharge wastewater</u> associated with airport pavement deicing comingled with storm water shall either use airfield deicing products</p>	<p>Modified this section to be consistent with EPA's Airport Deicing ELG.</p>

	<p>point shall achieve the numeric limitations for ammonia in Table 260-1, prior to any dilution or commingling with any non-deicing discharge.</p>	<p>that do not contain urea or alternatively, airfield pavement discharges at every discharge point shall achieve the numeric limitations for ammonia in Table 260-1, prior to any dilution or commingling with any non-deicing discharge. <u>Primary airports that only use deicing products that do not contain urea shall certify this fact annually to the board. The certification shall be signed in accordance with Part II K, and a copy of the certification shall be kept with the SWPPP.</u></p>	
	<p>2. Aircraft deicing. Airports in cold climate zones meeting the definition of a new source (new airports) with 10,000 annual departures, shall collect ...</p>	<p>2. Aircraft deicing. Airports in cold climate zones meeting the definition of a new source (new airports) with 10,000 annual departures, <u>and located in cold climate zones,</u> shall collect ...</p>	
	<p>3. Monitoring, reporting, and recordkeeping requirements. New airports subject to the effluent limitations in subdivision 2 of this subsection shall comply with the monitoring, reporting, and recordkeeping requirements outlined in 40 CFR 449.20(a)(1) and 40 CFR449.20 (a) (2).</p>	<p>3. Monitoring, reporting, and recordkeeping requirements. New airports subject to the effluent limitations in subdivision 2 of this subsection shall comply with the monitoring, reporting, and recordkeeping requirements outlined in 40 CFR 449.20(a)(1) and 40 CFR449.20 (a) (2).</p> <p><u>a. Demonstrating compliance with the ADF collection requirement for dischargers subject to the requirements in subdivision E 2 of this subsection.</u></p> <p><u>(1) The permittee shall maintain records with the SWPPP to demonstrate that the airport is operating and maintaining one or more centralized deicing pads, and shall certify this annually to the board. The certification shall be signed in accordance with Part II K, and a copy of the certification shall be kept with the SWPPP.</u></p> <p><u>The centralized deicing pad technology shall be operated and maintained according to the technical specifications set forth in paragraphs (a) through (d) of this subsection. The demonstration and valid certification are sufficient to meet the applicable collection requirement without the permittee having to determine the numeric percentage of available ADF collected.</u></p> <p><u>(a) Each centralized deicing pad shall be sized and sited in accordance with all applicable FAA</u></p>	

		<p><u>advisory circulars.</u></p> <p><u>(b) Drainage valves associated with the centralized deicing pad shall be activated before deicing activities commence, to collect available ADF.</u></p> <p><u>(c) The centralized deicing pad and associated collection equipment shall be installed and maintained per any applicable manufacturers' instructions, and shall be inspected, at a minimum, at the beginning of each deicing season to ensure that the pad and associated equipment are in working condition.</u></p> <p><u>(d) All aircraft deicing shall take place on a centralized deicing pad, with the exception of defrosting and deicing for safe taxiing.</u></p> <p><u>(2) The permittee shall maintain records with the SWPPP on the volume of ADF sprayed and the amount of available ADF collected in order to determine compliance with the collection requirement, and shall report this information annually to the department.</u></p> <p><u>b. Monitoring requirements.</u></p> <p><u>(1) COD limitation. Permittees subject to the ADF collection and discharge requirements specified in subdivision E 2 of this subsection shall conduct effluent monitoring to demonstrate compliance with the COD limitation for all ADF that is collected.</u></p> <p><u>Compliance shall be demonstrated at the location where the effluent leaves the on-site treatment system utilized for meeting these requirements and before commingling with any non-deicing discharge. Effluent samples shall be collected following the grab sample protocol in 40 CFR 449, Appendix A.</u></p> <p><u>(2) Ammonia limitation. If a permittee chooses to comply with the compliance alternative specified in subdivision E 1 of this subsection, the permittee shall conduct effluent monitoring at all locations where pavement deicing with a product that contains urea is occurring, prior to any dilution or commingling with any non-deicing discharge.</u></p> <p><u>c. Recordkeeping.</u></p> <p><u>(1) The permittee shall maintain</u></p>	
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270, Part IV (Sector T) C 2 a	a. Control measures. In addition to the other control measures considered, the following measures shall be considered: ...	a. Control measures. In addition to the other control measures considered <u>required by permit Part III B 4</u> , the following measures shall be considered:	Per comments received, clarified that these measures are in addition to control measures required by the SWPPP in Part III B 4.
320, Part IV (Sector Y) B 2 a (1), (2), (3), (4), and (5)	(1) Zinc bags. All permittees shall review the handling and storage of zinc bags at their facilities and consider the following BMP options: employee training ...	(1) Zinc bags. All permittees shall review the handling and storage of zinc bags at their facilities and consider the following BMP. <u>Following are some control measure options: employee training</u> ...	Modified this section for consistency with EPA's 2008 MSGP.
	(2) Dumpsters. The following BMPs shall be considered to reduce discharges of zinc from dumpsters: providing a cover ...	(2) Dumpsters. The following BMPs shall be considered to reduce discharges of zinc from dumpsters <u>The permittee shall minimize discharges of zinc from dumpsters. Following are some control measure options: providing a cover</u> ...	
	(3) Dust collectors or baghouses. Permittees shall review dust collectors and baghouses as possible sources of zinc in storm water runoff. ...	(3) Dust collectors or baghouses. Permittees shall review minimize <u>contribute to minimize</u> contributions of zinc to storm water from dust collectors and baghouses as possible sources of zinc in storm water runoff. ...	
	(4) Grinding operations. Permittees shall review dust generation from rubber grinding operations at their facility and, as appropriate, install a dust collection system.	(4) Grinding operations. Permittees shall review dust generation from rubber grinding operations at their facility and, as appropriate, install <u>minimize contamination of storm water as a result of dust generation from rubber grinding operations.</u> <u>One control measure option is to install</u> a dust collection system.	
	(5) Zinc stearate coating operations. Permittees shall include in the SWPPP appropriate measures to prevent or clean up drips and spills of zinc stearate slurry that may be released to the storm drain. Alternate compounds to zinc stearate shall also be considered.	(5) Zinc stearate coating operations. Permittees shall include in the SWPPP appropriate measures to prevent or clean up drips and spills of zinc stearate slurry that may be released to the storm drain. <u>Alternate minimize the potential for storm water contamination from drips and spills of zinc stearate slurry that may be released to the</u>	

		storm drain. One control measure option is to use alternative compounds to zinc stearate- shall also be considered.	
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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
Written Comments Received During the Public Comment Period		
1. Thomas G. Shepperd, Hampton Roads PDC, 723 Woodlake Dr., Chesapeake, VA 23320	a. <u>Section 60 Registration Statement and Storm Water Pollution Prevention Plan (SWPP)</u> . C5 requires the facility to identify whether or not it discharges, or will discharge, to an MS4. If so, the permittee must provide the name of the MS4 owner. This provision is important because permit special condition #12 requires the permittee to notify the MS4 owner in writing of the existence of the discharge within 30 days of coverage under this permit. In order to facilitate timely identification and notification of the MS4, the HRPDC encourages DEQ to include a table of MS4 localities and program administrator contact information with the Registration Statements that are made available to potential permittees.	Good suggestion. A table of MS4 localities and program administrator contact information will be included with the Registration Statement that we post on-line and make available to the public.
	b. <u>Part 1B - Special Conditions</u> . The HRPDC recommends that facilities be required to collect monitoring data for total nitrogen, total phosphorus, and total suspended solids for the entire permit cycle rather than just the first two years. While the data collected in the first two years will serve to characterize the discharge, the subsequent monitoring can used to determine continued compliance with the TMDL.	We initially proposed CB TMDL sampling for the entire 5 year permit term, but the ISWGP TAC felt that 2 years of data would be adequate to characterize the nutrient and sediment contributions for facilities in the CB watershed. Since there are no limits in the permit for the TMDL discharges from these facilities, there is nothing to compare additional data to in order to assess continued compliance. No change is proposed for this monitoring.
2. Michael Chase, Corporate Secretary, Corporate Counsel, ChromaScape Inc., 2055 Enterprise Pkwy, Twinsburg, OH 44087	We are aware that Virginia is considering expanding stormwater regulation enforcement to more aggressively protect streams and rivers by regulating the run-off water of mulch yards in the state. Clean water is of critical importance for everyone, so this is a goal that we share with the regulators and citizens of Virginia. Our concern is that we know of 37 medium to large-scale producers of colored mulch in the state, and regulations that are stricter than necessary could harm the industry and could cost jobs of mulch producers in Virginia (as well as sales and jobs at companies that supply those mulch producers, of course). Therefore, our request for the Department of Environmental Quality is that enforcement of stormwater regulations for mulch producers be rationally based on actual dangers presented by the	While we understand the concerns of the colored mulch producers, data that we have indicates that many of these operations are having water quality problems. We believe that including additional SWPPP requirements and benchmark monitoring is appropriate for these facilities. We recognize that mulch dyeing/coloring operations may not be using formulations that contain the pollutants of concern, so we have allowed a waiver from the monitoring after one monitoring period if their samples show that they are below the quantitation level for the specific monitoring

	<p>use of mulch colorants and the production thereof. Because of the relatively safe nature of mulch colorants from large producers, it is our belief that the restrictions and requirements of the DEQ to prevent water pollution from mulch production yards should be less onerous than those of other potential sources of water pollution.</p>	<p>parameter. They would also need to certify to us annually that they still do not use dying products that contain the waived parameter(s).</p>
<p>3. Richard J. Schreck, Executive Vice-President, Virginia Asphalt Association, Inc., 6900 Patterson Ave., Richmond, VA 23226</p>	<p>VAA members have only one comment which concerns additional sampling required for plants located in the Chesapeake Bay (CB) watershed. Most of Virginia's asphalt plants discharge to the CB drainage basin. While we understand the need for monitoring nitrogen and phosphorous discharges from many facilities, we feel the requirement for asphalt plants to sample four times during the first two years of the five year permit cycle is unnecessary. Because of the materials used to produce asphalt concrete, aggregates and liquid asphalt, there is no reason to believe that these facilities will have any source of nutrients onsite that would be discharged during rainfall runoff. There may be other industrial classifications that also have no nutrient exposure to rainfall runoff. VAA members suggest that DEQ identify and exempt SIC codes that would not be expected to discharge nutrients from the sampling and incorporate that determination into the regulation and permit issuance process. These exempt SIC codes could then be simply listed as insignificant sources in the nutrient loading calculation process for the Chesapeake Bay.</p>	<p>The monitoring we are requiring from facilities in the Chesapeake Bay watershed (i.e., nutrient and sediment sampling for the first two years of the permit term -- a total of four samples), will be used to characterize the discharges from the different industrial GP sectors. This is needed for the Chesapeake Bay TMDL to determine if additional nutrient and sediment reductions will be required for the next reissuance of the general permit. At this time we do not have any nutrient data, and very limited sediment data, for the industrial GP facilities. It would be premature to exempt certain facilities from the sampling requirements because we "think" they may not contribute nutrients or sediment. We need the facilities to collect the data to verify their contributions. We do not believe that four samples are an onerous requirement.</p>
<p>4. Bryan T. Chrisman, Assistant Town Manager, Town of Luray, 45 East Main Street, P.O. Box 629, Luray, Virginia 22835</p>	<p>My primary comments focus on the testing. For small businesses, this can be quite an expense, especially now with the addition of the Bay testing parameters. The testing is also spread out over the first half of the permit cycle instead of the first year. It seems like the same number of tests (albeit with extra testing parameters) but just over a longer period of time. My comment is this: for businesses that have a documented history of testing waivers due to the fact that they don't generate significant levels of pollutants, and that don't engage in processes that generate the specified Bay pollutants, and that have not changed their operations, there could be a testing protocol whereby these permit holders sample for the required parameters (regular and Bay) once per quarter for the first year of the permit and if they are below limits, then they can apply for a testing waiver for having to do any further testing during the remaining 4 years of that permit cycle. This would provide 4 tests over 12 months of initial benchmark sampling to prove that once again, their business is not generating significant amounts of pollutants. To me, this seems far more fair and equitable for those business operations that do not generate storm water pollutants. Completing the inspection reports, updating the maps and reviewing BMP's are not a significant issue for most permit holders, but continual testing, and submittal of DMR's can be both time consuming and expensive.</p>	<p>We are only requiring that four samples be collected for those facilities in the Chesapeake Bay watershed. The semi-annual sampling for this corresponds to the semi-annual sampling we have gone to in the rest of the permit for all benchmark, effluent limitation, TMDL and impaired waters monitoring. This allows permittees to collect all their required samples at the same time, which saves them time and money. Also, quarterly storm event sampling can be problematic in Virginia, and would be especially so if an extended drought were to reoccur. Semi-annual sampling gives facilities more opportunity to be able to collect a sample from a qualifying storm event during the sampling period. With regards to DMRs, we are deploying an electronic DMR reporting system for storm water GP holders that will simplify the reporting for those that wish to participate.</p>
<p>5. Thomas G.</p>	<p>a. Increase of Benchmark Monitoring from Annual to</p>	<p>For this reissuance we have</p>

<p>Foley, PE, Environmental Manager, Vulcan Materials, 6860 Commercial Dr., Springfield VA 22151</p> <p>Also submitting the same comments:</p> <p>Sam L. Hollins, Aggregates Program Manager, Virginia Transportation Construction Alliance (VTCA)</p> <p>Brian Parker, PE, Mining Engineer, Cardno MM&A, 10988 Richardson Rd., Ashland, VA 23005</p> <p>Walter Beck, Environmental Engineer, Mideast Division, Vulcan Construction Materials, LP, 5601 Ironbridge Pkwy, Chester, VA 23831</p> <p>John R. Snoddy, Environmental & Safety Director, Kyanite Mining Corp., 30 Willis Mountain Plant Lane, Dillwyn, VA 23936 (Comments 5 a and b only)</p>	<p><u>Semi-Annual</u>. DEQ has proposed to revise Parts I.A.1.b and I.A.2.d of the General Permit to increase the frequency of benchmark monitoring from once per year to twice per year. DEQ's Agency Background Document states that this change was made "to allow better tracking of compliance with the monitoring requirements," as well as to more quickly identify which facilities are having storm water quality issues. During the TAC, DEQ stated that these changes were needed due to the way its enforcement Point Assessment Criteria work; more monitoring is needed so that more points can be accumulated by non-compliant facilities and an enforcement action could be triggered sooner.</p> <p>These explanations are not sufficient to justify the proposed change. There is no record to support DEQ's statement. The General Storm Water Permit program was designed so that general requirements could be established for similarly situated facilities. Facilities subject to the General Permit are largely self regulating. The monitoring benchmarks are used by permittees to evaluate and adjust best management practices ("BMPs"). Moreover, monitoring is not the only measure of compliance. Permittees are required to complete monthly inspections, maintain documentation of those inspections, maintain BMPs, and conduct training. All of this information is available to DEQ to inspect at any time. One additional data point for a benchmark constituent per year will not meaningfully advance the water quality goals of the program.</p> <p>If a compliance problem is truly the issue then, deal with a non-compliance issue of a permittee not taking a sample on a case by case basis possibly by performing an onsite inspection of the facility. If water samples are not being taken routinely then there are likely other problems that can be identified by an onsite inspection. Moreover, the costs associated with the additional monitoring far exceed the benefits. The increased sampling will double the cost of sampling for every facility covered by this permit in the Commonwealth. This increased cost is in addition to the costs associated with additional monitoring required as part of the Chesapeake Bay TMDL implementation. Such a significant increase in permitting compliance costs in today's economy without any corresponding benefit makes it harder for Virginia businesses to compete and does not portray the key message that "Virginia is open for business."</p>	<p>changed the Benchmark Monitoring, Effluent Limitation Monitoring and Impaired Waters Monitoring from annual to semi-annual. This will allow the permittee to see more quickly when they have and exceedance of a benchmark concentration or an effluent limitation, and will improve water quality by having SWPPP modifications, control measure adjustments and corrective actions taken sooner in the process. Having all the permit monitoring on the same semi-annual basis will also allow the Department to better track compliance with the permit monitoring requirements, and allow us to see more quickly which facilities are having storm water quality issues so that inspections can be targeted to the facilities that need more attention. Also, having all the monitoring on the same semi-annual basis will take the confusion out of the reporting requirements for the permittee.</p> <p>The permit still allows facilities to qualify for benchmark waivers, and for this reissuance we are allowing facilities to use the data from the last two monitoring periods from the previous permit term as part of their waiver submittal. We are also allowing them to average the sampling results to qualify for the benchmark waiver. We believe that benchmark monitoring waivers are the incentive for facilities to minimize the pollutants in their storm water discharges to the maximum extent practicable.</p>
	<p>b. <u>Monitoring of Sediment and Nutrients by Facilities in the Bay Watershed</u>. DEQ has proposed to revise Special Condition 6 to require all industrial facilities in the Chesapeake Bay watershed subject to the General VPDES Storm Water Permit requirements to monitor discharges for total suspended solids ("TSS"), total nitrogen ("TN") and total phosphorus ("TP"). The monitoring is to be conducted semi-annually for the first two years of permit coverage (four samples), and will be used to characterize the contributions of specific industrial sectors for these parameters.</p> <p>It is unduly burdensome and unnecessary to apply this requirement to all industrial sectors. The monitoring</p>	<p>See response #3.</p> <p>Also, based on comments received, we have added a provision that allows facilities that have collected TN, TP or TSS data during the previous permit term to use that data, and data from the first two monitoring periods of this permit to satisfy the four consecutive monitoring periods requirement (see special condition #7 b (2)).</p> <p>Regarding adding provisions to allow an "out" for facilities whose</p>

	<p>requirement should only apply to facilities that are likely to contribute these particular parameters. Sectors such as Q (Water Transportation) and R (Ship and Boat Building and Repair Yards) are not associated with the types of activities that could reasonably result in an increase of nitrogen or phosphorus loading to the Chesapeake Bay.</p> <p>Moreover, many industrial sectors already have TSS data available. If a facility already achieves the applicable TSS benchmark based on existing data, it should be allowed to request a sampling waiver for both the sector specific TSS sampling parameter of the permit and the Special Condition 6 TSS requirement. As written, a facility could be granted a waiver under Part I A 1 b 2 but would still be subject to TSS monitoring pursuant to Special Condition 6.</p> <p>Additionally, provisions should be added to allow an "out" for facilities whose initial monitoring results show that nitrogen and phosphorus are not present in their discharge in amounts greater than benchmark levels.</p>	<p>initial monitoring results show that nitrogen and phosphorus are not present in their discharge in amounts greater than benchmark levels, we are only requiring four samples in this permit term to characterize the nutrient contributions from facilities in the Chesapeake Bay watershed. No additional requirements are imposed in this permit term.</p>
	<p><u>c. Addition of Sampling Requirements for Total Recoverable Copper for Sector Q and Total Recoverable Copper and Total Recoverable Zinc for Sector R.</u> DEQ has proposed to revise the Sector specific monitoring requirements for Sectors Q and R. Sector Q's monitoring requirements now include Total Recoverable Copper; Sector R has been revised to add monitoring for both Total Recoverable Copper and Total Recoverable Zinc. DEQ's Agency Background Document states that this additional monitoring has been added because "[t]hese sectors are very similar in their storm water discharge characteristics." While this statement explains why the monitoring requirements are proposed to be the same for both Sectors, it does not explain why these additional parameters have been added.</p> <p>There is no data or information in the record to justify the addition of these parameters. The benchmark levels DEQ is proposing for copper and zinc are lower than that typically found in Virginia soils. NRCS obtained copper and zinc data for soils across the Commonwealth. On average, copper and zinc concentrations in those soils are orders of magnitude greater than the benchmark concentrations included in the permit. For example, the average copper and zinc concentration detected were 28.9 and 58.4 ppm, respectively, while the benchmark concentrations in the permit are 0.018 and 0.12 ppm for copper and zinc respectively. A copy of the soil data obtained by USDA NRCS Soil Data Mart can be found at the following website: http://datagateway.nrcs.usda.gov/</p> <p>The monitoring requirement applies to "Total Copper" and "Total Zinc." Thus, it is likely that any copper and zinc concentrations identified in the discharges would be associated with TSS that contains copper and zinc from the native soil and not associated with copper and zinc associated with industrial activity.</p> <p>EPA's recommended water quality criterion for copper and zinc is expressed as a dissolved metal concentration. This is based on the knowledge that the</p>	<p>The Department has chosen to monitor the presence of Cu and Zn in storm water discharges from industrial activities under Sectors Q and R, specific to water transportation and ship and boat yard repair and maintenance facilities. These potentially toxic pollutants, in their dissolved form, have been continually tracked by DEQ for nearly two decades via individual VPDES permits issued to industrial activities under SIC codes 3731/3732 and 4499. In addition, whole effluent toxicity (WET) testing performed on storm water samples from those Sectors reveal that those discharges are often toxic when Cu and Zn are present singularly or in combination (synergistic effect).</p> <p>Cu and Zn may be found in numerous products and materials expected to be used in these Sectors, such as anti-foulant and anti-corrosive paints and coatings, wiring, piping, and other metallic components used on-site, but stored at locations exposed to the weather. Industrial activities involving those materials and products, if performed at exposed locations such as coating removal and reapplication, repair and maintenance of vessel hulls or other equipment's structures, repair and maintenance of engines and machinery, waste and scrap material handling and storage, and similar activities are all expected to be primary or contributing sources of Cu and Zn if</p>

	<p>concentration of dissolve metal better approximates the toxic fraction than does the concentration of total metal.</p> <p>Benchmarks are intended to be measures of proper storm water management. Thus, where the copper and zinc are associated with native soils, the benchmark measures are not meaningful. They do not assess whether storm water is being properly managed at the site because copper and zinc that is present is not associated with the industrial operation, but instead is naturally occurring in the soil. One of the facilities currently permitted in Sector Q has not met the Zinc benchmark yet has no shipbuilding, no parts storage, no maintenance, or other industrial marine transportation materials on its site. Instead, the facility has large land areas exposed to storm water, which results in sediment discharges (particularly during large rain events). The background levels of zinc in the sediment are higher than the current benchmark limit.</p> <p>Although there are certain facilities within Sectors Q and R that may perform activities that could result in the presence of copper or zinc in the storm water from the site, many of the facilities in these categories do not have such operations. One option might be to modify the benchmark sampling requirements for these sectors to provide that the monitoring is only required for facilities that use or store materials containing copper and zinc that are not covered and are exposed to storm water. Additionally, the benchmark levels should be based on the dissolved metal concentration, not total recoverable, so that bound copper and zinc in soils/TSS are not detected and attributed to industrial activity. If the benchmark values remain as "totals," they should be adjusted to account for copper and zinc associated with native soils.</p>	<p>operational controls are not continually applied.</p> <p>The DEQ is confident that monitoring point source storm water discharges from industrial activities under Sectors Q and R for Cu and Zn, in their total recoverable form, will yield valuable data relevant to those potentially toxic heavy metals known to impart water quality impairments, such as whole effluent toxicity and observed values that may exceed applicable water quality standards for surface waters of Virginia, if suitable and appropriate operational controls (BMPs) are not imposed. Further, neither Al or Fe are addressed by Virginia's Water Quality Standards for fresh or salt waters. As such, Al and Fe are inappropriate constituents to regularly monitor for the purpose of determining if industrial storm water discharges from Sectors Q and R are, or may be causing or contributing to water quality impairments in surface waters of Virginia.</p> <p>No change is proposed for this section.</p>
<p>6. L J Hansen, P.E., Assistant Director, Department of Public Works, City of Suffolk, 440 Market Street, 2nd Floor, Suffolk, VA 23439</p> <p>Also submitting the same comments: Barbara Brumbaugh, City of Chesapeake, VA, and City of Norfolk</p>	<p>a. <u>9VAC25-151-50. Newly Constructed Facilities.</u> The draft industrial regulations require any newly constructed facilities (constructed after November 29, 2010) meet the runoff reduction methods or purchase credits prior to obtaining coverage under the VPDES Industrial Permit. This provision should be removed from these draft regulations in its entirety. Per state law (§62.1-44) and regulations (4VAC50-60), sites are not required to construct to the new storm water standards until July 1, 2014, with some sites grandfathered for additional permit cycles. Facility construction is covered under the Virginia Storm Water Management Program (VSMP) Permit or General Construction Permit and should not be mentioned in an Industrial permit. Additionally, the drafted industrial regulations are not consistent with the construction regulations outlined in 4VAC50-60 for both redevelopment and the timeframe specified above.</p> <p>b. <u>9VAC25-151-60. Registration Statement and Storm Water Pollution Prevention Plans (SWPPP).</u> This section of the permit requires the facility to identify whether or not it discharges to an MS4, and if so identify the MS4. This provision requires the permit holder to notify the MS4 of the discharge within 30-days of coverage under the terms of this permit. It may be beneficial for DEQ to provide a table or a link to a map</p>	<p>Virginia's Phase I Chesapeake Bay TMDL WIP states that waste loads for future growth for new facilities in the Chesapeake Bay watershed with industrial stormwater discharges cannot exceed the nutrient and sediment loadings that were discharged prior to the land being developed for the industrial activity. We allow facilities to use the VSMP water quality criteria (0.41 lbs/acre/yr) to meet the requirement, and in response to public comments we have corrected the date in the requirement to state that it applies to construction that commences after June 30, 2014.</p> <p>We agree. See response #1a.</p>

	<p>that identifies the MS4 localities and program administrator contact information.</p>	
	<p>c. <u>9VAC25-151-70, Special Conditions</u>. The regulations require the permit holder to provide monitoring data semi-annually for total nitrogen, total phosphorus, and total suspended solids for the first two years of the permit to assist with establishing a baseline. The City recommends that the permit language be modified to require monitoring be performed annually for the entire 5-year permit cycle. The provision for obtaining an exemption of the monitoring requirements if two consecutive monitoring data sets show the analysis below detectable limits should be continued and if possible to allow for facilities to receive an exemption if the MS4 permit holder is in agreement with the exemption. Additionally, the City recommends baseline monitoring for any impairment (bacteria, PCB, metals, etc.) within the watershed for which the discharge occurs to assist with TMDL source tracking.</p>	<p>We disagree. See response #1 b. The two consecutive monitoring data sets waiver provision was for the old permit's benchmark monitoring. The TMDL waiver is for the first four monitoring periods, and doesn't apply to the Chesapeake Bay TMDL sampling because that sampling is only required for the first four monitoring periods of the permit. Regarding baseline monitoring for any impairment, that is already required in the permit in Part I A 1 c (4).</p>
	<p>d. The City of Suffolk would also like to seek clarification on the status of a landfill in post-closure condition. The City would like to see an exemption for facilities that have been remediated and stabilized but have not yet cleared the mandatory 30 year monitoring period from the necessity to obtain an Industrial Permit for stormwater collected on a remediated facility with the associated costs of SWPPP preparation and monitoring.</p>	<p>We have added a clarification that landfills in post-closure care that have been closed and capped in accordance with the waste permitting regulations do not require this permit.</p>
<p>7. James J. Pletl, Ph.D., Director of Water Quality, HRSD, Water Quality Department, PO Box 5911, Virginia Beach, VA 2347</p>	<p>With regard to the no-net increase concept, HRSD is concerned that if we needed to build a new wastewater treatment plant to serve our community or expand/upgrade our current facility we would be required to prove that the project would not add any pounds of nutrients or sediment to the Bay, even though we do not store or manufacture nutrients or sediment on our site; in fact, our treatment process actually removes these pollutants. We do not believe this is appropriate. In addition, from a practical perspective, we question how we would perform the calculations required by the GP, given the fact that there is no established formula for doing so. To our knowledge, no one has established the nutrient and sediment loadings associated with industrial activity generally or, more appropriately, for each individual industrial activity. In addition, we object to these requirements because the text: (i) includes no exemptions for <i>de minimis</i> construction activity; (ii) is inappropriately retroactive to November 29, 2010; (iii) does not limit the definition of "site" in the Registration Statement and Storm Water Pollution Prevention Plan section to the industrial area of the site; and (iv) fails to acknowledge that land disturbance may occur on a previously developed site.</p> <p>Because there are numerous critical issues with the "no-net increase" language that could lead to significant confusion and possible non-compliance, we agree with the recommendations made by the Virginia Association of Municipal Wastewater Agencies ("VAMWA") in their comments that DEQ address these issues before the proposed general permit regulation is finalized. We</p>	<p>The requirement for "no net increase" of industrial storm water nutrients and sediment is from Virginia's Phase I Chesapeake Bay TMDL WIP, and is included in this permit for consistency with the WIP. The requirement is only for pre- and post-development loadings of nutrient and sediment. In response to public comment we have modified the requirement to state that it applies to industrial activity area expansions (i.e., construction activities, including clearing, grading and excavation activities) that commence on or after July 1, 2014 (the effective date of this permit), and that any land disturbance that is exempt from permitting under the VPDES construction stormwater general permit regulation (9VAC25-880) is exempt from this requirement.</p> <p>Regarding the VAMWA comments, see the response to comment #9.</p>

	<p>also support VAMWA's comments regarding TMDL, impaired waters, and Chesapeake Bay monitoring, and ask that DEQ and the State Water Control Board fully address all of VAMWA's comments before finalizing the GP.</p>	
<p>8. Margaret L. (Peggy) Sanner, Virginia Senior Attorney, Chesapeake Bay Foundation (CBF), Capitol Place, 1108 East Main St., Suite 1600, Richmond, VA 23219</p>	<p>a. <u>ISGP Regulatory Framework, the Bay TMDL and the Phase I WIP.</u> The ISGP will authorize approximately 900 industrial facilities to discharge runoff to Virginia streams, rivers and the Chesapeake Bay. Approximately 25% of these facilities discharge first to a permitted Phase I or Phase II MS4, and the balance discharge directly into local waterways. As pollutant point sources, these facilities are required by Clean Water Act ("CWA") § 402(p) and regulations of the Virginia State Water Control Board to be covered by a VPDES permit that prescribes best available/best conventional pollution control technology and additional necessary water quality-based limitations. Notably, the State Water Control Law and regulations and the CWA mandate that, where there is an approved applicable TMDL, a VPDES permit like the present example must ensure that the discharges it authorizes are consistent with the assumptions and requirements of the TMDL's waste load allocation ("WLA").</p> <p>The Bay TMDL, which applies to most ISGP-permitted facilities, sets forth the maximum load of nutrients and sediment that the Bay and its tributaries may receive and still maintain water quality standards; it allocates this load among the watershed's 7 jurisdictions, major river basins and significant pollutant source sectors; and it identifies the point source WLAs and nonpoint source load allocations ("LAs") that comprise the total Bay load. The Bay TMDL notes that the industrial stormwater WLA was developed using data supplied by Virginia, includes that WLA (with the MS4 WLA) in the regulated stormwater category and explains that the industrial stormwater WLA is "subtracted from the MS4 load when applicable." As the sum of the individual WLAs, LAs and natural background, the Bay TMDL states goals that will only be achieved if all sources meet their load. Ensuring that Bay TMDL-compliant WLAs are included as VPDES permit limitations is, therefore, critical to the success of the Bay TMDL and a crucial part of its reasonable assurances framework.</p> <p>Virginia's Phase I WIP commits to achieving these goals in part by tasking each pollution source sector "with significant but achievable actions in a way that all sectors share in meeting TMDL allocations." Specifically, it affirmed that the industrial stormwater WLA "will be included as part of the local load allocation for regulated MS4s." As noted above, the Phase I WIP also clarified that the industrial stormwater sector is subject to a "no net increase standard," such that new facilities may not exceed the nutrient and sediment loadings that were discharged prior to the site's being developed for industrial activity.</p>	<p>There are currently 1343 facilities permitted under the ISWGP for their industrial activity storm water discharges; of these, close to 900 discharge to the Chesapeake Bay watershed.</p> <p>The industrial storm water loads that were developed for the Phase I WIP were an aggregate. Aggregate loads were appropriate because actual facility data was not used to develop the entire individual facility loading, and these industrial storm water discharges have low nutrient and sediment loadings. Aggregate loadings for VPDES ISWGP facilities were included as part of the local load allocation for regulated MS4s. These loads were included in EPA's TMDL under the "regulated stormwater" category for each sub-watershed. No further breakdown or actual facility WLAs were included in the TMDL.</p>
	<p>b. <u>The ISGP Contravenes Assumptions and Requirements of the Bay TMDL, Virginia's Phase I WIP, the Clean Water Act and the State Water Control Law.</u> The ISGP incorrectly states that "compliance with this</p>	<p>In the Phase I WIP, the aggregate TN and TP wasteload allocations for non-significant industries were considered to be conservative</p>

	<p>general permit constitutes compliance with the federal Clean Water Act and the State Water Control Law." The statement is incorrect because the Permit's provisions are not consistent with basic assumptions and requirements of the Bay TMDL and Phase I WIP.</p> <p><u>(1) The ISGP Must be Amended to Require Permittees to Meet Bay TMDL-Compliant WLAs.</u> In stark contradiction to critical assumptions and requirements of the Bay TMDL, the ISGP fails to assign any part of the industrial stormwater WLA (or an obligation to reduce pollutants to meet that WLA) to any covered industrial facility and also fails to address this WLA by any other means.</p> <p>First, the Permit does not assign a Bay TMDL WLA to any permittee, and it incorrectly implies that Bay TMDL consistency requires nothing more than holding new and expanding facilities to the principle of no net increase in nutrient and sediment pollution.</p> <p>Second, Virginia has not followed through on its WIP commitment that the industrial stormwater WLA "will be included as part of the local load allocation for regulated MS4s." Virginia's two new MS4 permits - the Phase II MS4 General Permit and the Arlington County Phase I Permit -- make this point clear. No provision in either requires the MS4 to be responsible for the WLA (or associated pollutant reductions) of any industrial facility. Instead, both include a Special Condition requiring the MS4 permittee to calculate its own separate Bay TMDL-consistent total reduction obligation (and its WLA for the current permit period), using a Phase I WIP ("L2") formula that depends on the total pervious and impervious acreage within the MS4's service area. Further, we understand that these localities define their service areas to exclude the acreage (and therefore the Bay TMDL-consistent reduction obligation) of any facility, whether industrial or MS4, which is covered by a separate VPDES stormwater permit even if that separate permitted facility discharges directly to the MS4.</p> <p>If this Permit is approved in its current form, therefore, no entity will be responsible for Virginia's industrial stormwater WLA, a result that would violate the Clean Water Act and the State Water Control Law.</p> <p><i>Recommended Revision #1:</i> The Permit should be revised to require each permittee: to calculate its Bay TMDL-consistent reduction obligation (and its WLA for this permit period), using the Phase I WIP formula now incorporated into Virginia's new MS4 permits; within two years to develop, submit for DEQ's approval, and implement by the end of the permit period a Chesapeake Bay TMDL action plan that requires a 5% reduction in the load; and, at the end of the permit period, to include a new action plan as part of its application for permit renewal that demonstrates how the permittee will achieve an additional Bay TMDL-consistent 35% reduction in nutrients and sediment.</p> <p>This protocol -- the same that applies to MS4 permittees - is the appropriate protocol for industrial permittees for several reasons: (1) the Phase I WIP committed to assigning the industrial stormwater WLA</p>	<p>"placeholders". The WIP stated that DEQ would adopt procedures to add nutrient reporting requirements to non-significant industrial permits to establish better estimates of these loads over the coming years. Once better estimates of these loads are generated, the WIP may be adjusted accordingly.</p> <p>Consistent with this commitment, we added nutrient and sediment sampling requirements for Chesapeake Bay watershed facilities to the ISWGP to characterize the loadings from these facilities.</p> <p>The GP does not assign a Bay TMDL WLA to any permittee because we do not have any actual facility data to base a WLA on.</p> <p>The permit does require new and expanding Bay facilities to meet the "no net increase" in nutrient and sediment pollution, consistent with our WIP commitment.</p> <p>In response to this and other similar comments, we have modified the permit Special Condition 7 b (Facilities in the Chesapeake Bay watershed), and added subsection (3) to address Chesapeake Bay TMDL waste load allocations and Chesapeake Bay TMDL action plans. This new section requires facilities to analyze the nutrient and sediment data collected for the Chesapeake Bay TMDL. The data must be compared to the loading values that were submitted to EPA for the Phase I WIP, and where the data is above the loading values, the permittee must develop a TMDL action plan to reduce the facility loading down to the target value by 2024. The action plan must be submitted to the Department for approval within 90 days following the end of the permit's second monitoring year, and annual reports describing the progress in meeting the required reductions must be submitted by June 30th of each year.</p>
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	<p>to MS4s, so use of the MS4 protocol for industrial stormwater permittees is consistent therewith; (2) many industrial stormwater permittees discharge into MS4s service areas, such that the pollution accounting and reduction methodology should be the same; and (3) performing and implementing the recommended calculations and reductions are tasks well within the expertise of each covered facility. (Indeed, the draft Permit requires a similar calculation of nutrients and sediment loads in cases of new or expanding permittees, and it also requires permittees to adopt appropriate best management practices to minimize or eliminate pollutants as required to meet the WLA for applicable non-Bay TMDLs.)</p>	
	<p><u>(2) The ISGP Should Require 5 Years of Nutrient and Sediment Monitoring To "Ground-Truth" the Calculated WLA for Bay TMDL-Consistency for the Next Permit Period.</u> The draft Permit's Special Condition 6(b), which requires each Bay watershed permittee to undertake two years of semi-annual monitoring of the nutrients and sediments discharged from its site, should be amended to require such monitoring semi-annually for the entire five years of the permit term.</p> <p>This proposed revision is appropriate to take into account that the pollutant loading from industrial sites will, in many cases, include nutrients and sediments specifically associated with the industrial activity that may be in addition to the nutrients and sediment as calculated with the Phase I WIP "L2" formula referenced above. Data from 5 years of monitoring will assist the permittee and DEQ in determining whether the control measures undertaken by the permittee are effective in reducing nutrient and sediment loads as required under the Permit, and will enable any upward adjustment of the facility's calculated Bay TMDL WLA (and associated reduction obligations) for the next permit cycle to reflect actual site conditions.</p> <p><i>Recommended Revision #2:</i> The Permit should be amended to require permittees throughout the term of the Permit to undertake semi-annual monitoring of the nutrient and sediment loads in the runoff from each covered industrial site. The Permit should require the permittee to incorporate this data as appropriate in the development and implementation of the action plan for the next permit cycle as called for in Recommended Revision #1.</p>	<p>We initially proposed CB TMDL sampling for the entire 5 year permit term, but the ISWGP TAC felt that 2 years of data would be adequate to characterize the nutrient and sediment contributions for facilities in the CB watershed.</p> <p>As described in response to #8 b (1) above, the permittees will have to analyze their sampling data to determine if they need to develop a TMDL action plan to reduce their nutrient and sediment loadings.</p> <p>We are not proposing additional CB TMDL sampling in this permit term. Facilities may include this sampling in their action plans as the means to demonstrate adequate progress towards meeting required reductions, but we are not proposing this sampling across the board at this time. After the third year of this permit term, we will convene a TAC to assist the Department with the reissuance of this GP. We will analyze the statewide CB data, and with the TAC's input, we will develop appropriate monitoring requirements for the next permit term based on that analysis.</p>
	<p><u>(3) The ISGP's SWPPP Provisions Must Be Revised to Ensure Consistency with the Assumptions and Requirements of the Bay TMDL.</u> The Permit's requirement that each permittee develop and implement a stormwater pollution prevention plan ("SWPPP") with control measures that reduce pollutants from the site's stormwater discharges must be revised to ensure greater accountability and public transparency, consistent with the Bay TMDL's "Accountability Framework."</p> <p>The ISGP specifies, among other things, that the permittee's key pollution control measures be described in the SWPPP. Relevant provisions include: Special Condition 6, requiring the permittee to adopt controls</p>	<p>Regarding <i>Recommended Revision #3:</i> With the addition to the permit of the TMDL action plan development and submittal for review (required by SC#7 B (3) (b)), and the annual reports (required by SC#7 B (3) (d)), we believe the additional submittal of all parts of the SWPPP that address nutrient and sediment discharges and reductions, including a description of relevant controls and other BMPs, would not serve any benefit to the Department or the permittee. We are not</p>

	<p>consistent with the assumptions and requirements of applicable TMDLs; Special Condition 7, requiring Bay watershed permittees that discharge into MS4s to adopt controls that comply with any local Bay TMDL-related ordinances; Special Condition 8, requiring new or expanding Bay watershed permittees to adopt controls that ensure no net increase in nutrient and sediment pollution from the new activity; any other control measures to "reduce the pollutants in all storm water discharges"; and relevant inspection information such as schedules, results, and necessary corrective actions. However, while each permittees must fully implement, update and maintain copies of its SWPPP, the SWPPP is not required to be submitted to DEQ, the Environmental Protection Agency or even the operator of a receiving MS4 -- except on request. Without the requirement that the SWPPP be submitted to the agency or otherwise made publicly available, the existence and effectiveness of a permittee's chosen controls will remain unknown and unaccountable, and this sector's progress toward meeting the Bay TMDL goals obscured.</p> <p><i>Recommended Revision #3:</i> The Permit should be revised to require submission to DEQ of all parts of the SWPPP that address nutrient and sediment discharges and reductions, including a description of relevant controls and other BMPs (implementation, inspections, and any modification and/or corrective actions).</p> <p>The ISGP also proposes new provisions relating to outfall inspections for unpermitted discharges, including one which would enable DEQ, upon permittee request, to reduce the annual rate of required outfall inspections from 100% to 20%. No criteria which would justify such a decision are included in the Permit.</p> <p><i>Recommended Revision #4:</i> The Permit should be revised to eliminate this option or to modify it to require the permittee to first establish, pursuant to specified criteria, that inspection of 20% of outfalls will not compromise the effectiveness of the SWPPP or any Bay TMDL-consistent pollution reductions.</p>	<p>proposing to make this change.</p> <p>Regarding <i>Recommended Revision #4:</i> The requirement in this subsection is not new or changed, just moved. The "Annual outfall evaluation for unauthorized discharges" subsection was moved from Section 80, Part III E 1 h (the Comprehensive Site Compliance Evaluation section). The annual outfall evaluation did not really fit under the Comprehensive Site Compliance Evaluation, so it was moved back to the Non-storm Water Discharges section, where it was in the 2004 general permit. The requirements for this subsection did not change. The subsection in question here allows permittees with many outfalls to request in writing that they be allowed to evaluate a percentage of their outfalls every year for unauthorized discharges. This request is only approved (on a case-by-case basis) for facilities with so many outfalls that for them to evaluate each one each year is really impractical. No change is proposed here.</p>
	<p>c. <u>The ISGP Contravenes Virginia's Trading Laws.</u> The draft Permit would improperly allow new or expanding permittees to use nutrient credits in a manner that is not authorized by Virginia's recent nutrient trading legislation. The Permit would allow new and expanding permittees to use nutrient credits in a manner – to comply with water quality requirements for land-disturbing activities -- that the trading laws permit only for entities covered by a General VSMP Permit for Discharges of Stormwater from Construction Activities or a Construction Individual Permit. Virginia's Nutrient Trading Act makes it clear, however, industrial stormwater permittees may only engage in nutrient trading to comply with a WLA assigned in their VPDES permits. As drafted, however, this Permit assigns no WLA to permittees, so permittees would be precluded from engaging in nutrient trading.</p> <p><i>Recommended Revision #5:</i> The Permit must be amended to correct the current permit's misapplication of Virginia's trading laws by deleting the current</p>	<p>The intent of the language in the permit is to allow the permittee to use nutrient credits or offsets, if these are allowed by applicable regulations, to satisfy the no net increase permit requirements for newly constructed or expanded facilities in the Chesapeake Bay watershed.</p> <p>The permit has been amended to reword the references to nutrient credits or offsets to those that are allowed for the facility by applicable regulations.</p>

	<p>provision that allows for meeting water quality design criteria through acquisition of nutrient credits. Assuming that the Permit is amended, as suggested above, to require the permittee to calculate and meet a facility-specific Bay TMDL-consistent WLA, the Permit should also be amended to allow the permittee to meet that WLA through acquisition of nutrient credits.</p> <p>d. <u>The ISGP Should be Revised to Address Local Water Quality Issues.</u> The ISGP should be revised to require permittees to implement measures and controls to meet pollution reductions made necessary by appropriate local water quality ordinances more stringent than statewide standards.</p> <p>The Permit currently requires permittees to take corrective action to address exceedances of applicable effluent limitations, applicable TMDL WLAs, or reductions required by a local ordinance established to meet Chesapeake Bay TMDL requirements. It does not, however, require permittees to make changes required to meet more stringent local water quality ordinances promulgated to protect exceptional state waters and for other proper reasons.</p> <p><i>Recommended Revision #6:</i> The Permit must be amended to ensure that the permittee takes corrective action necessary to meet local, more stringent water quality requirements promulgated pursuant to Va. Code § 62.1-44.15:33.</p>	<p>The regulation itself has a requirement in Section 50 E that states: "Approval for coverage under this general permit does not relieve any owner of the responsibility to comply with any other applicable federal, state, or local statute, ordinance, or regulation."</p> <p>It was felt that this needed to be in the permit itself, and not just in the regulation section, so SC#6 was modified to include this.</p> <p>Also, SC #8 (Discharges through a regulated MS4 to Chesapeake Bay TMDL waters) was modified, in response to public comments, to clarify that applicable local ordinance requirements apply and are in addition to the requirements of this permit.</p>
<p>9. Robert C. Steidel, Virginia Association of Municipal Wastewater Agencies, Inc. (VAMWA), P.O. Box 51, Richmond, VA 23218</p>	<p>a. <u>No Net Increase of Bay-Related Nutrient & Sediment Loads.</u> DEQ has proposed "no net increase" requirements for new or expanding industrial stormwater dischargers in the Chesapeake Bay Watershed in the following three sections of the Proposed GP: (1) Authorization to Discharge (9VAC25-151-50.B.4); (2) Registration Statement and Storm Water Pollution Prevention Plan (9VAC25-151-60.C.13) and (3) Special Conditions (9VAC25-151-70 Part I.B.8). VAMWA's comments are as follows:</p> <p>(1) <u>Support for 0.41 lbs/ac/yr Phosphorus Compliance Option.</u> DEQ has proposed that the permittee may meet the state's general post-construction phosphorus criterion of 0.41 lbs/ac/yr as a means of complying with the no net increase requirement for the three pollutants. VAMWA strongly supports this option subject to DEQ's confirmation of VAMWA's understanding of this provision.</p> <p>We understand that the construction of new POTWs or expansion of existing POTWs may trigger the above VSMP post-construction phosphorus requirement for stormwater as a design element when the area of land disturbance meets or exceeds certain area thresholds established in the VSMP Program Regulations (e.g., 1 acre generally or 2,500 square feet in Chesapeake Bay Preservation Act designated areas of jurisdictions subject to this statute).</p> <p>We further understand from our experience with the design and operation of POTWs that POTWs generally have no onsite industrial activity-related sources of nutrients (or sediments). For example, wastewater containing nutrients is handled on the "wet" side of the operation in process tanks and pipes, where it is</p>	<p>The commenter is correct that in the scenarios listed the no net increase provision will impose no additional burden on a new or expanded POTW aside from compliance with the independently applicable VSMP regulations.</p>

	<p>cleaned prior to discharge in accordance with POTW VDPES permit limits. Solids (sludge) is removed from the process but is typically handled indoors, or under cover, in a manner that precludes stormwater runoff.</p> <p>We seek DEQ’s confirmation that in the above scenarios the no net increase provision will impose no additional burden on a new or expanded POTW aside from compliance with the independently applicable VSMP regulations.</p>	
	<p>(2) <u>Request for Exemption for New or Expanded Sector T POTWs.</u> As stated above, POTWs typically have no onsite industrial activity-related sources of nutrients (or sediments) due to the normal design and operation of such a facility. In contrast, other types of facilities such as manufacturers of fertilizers or nutrient-containing chemicals, or other types of manufacturing facilities that either use as raw materials significant quantities of nutrients (or solids stored outdoors or capable of being transported by stormwater) or produce such products may warrant analysis. Given the nature of POTW design and operation, we request that DEQ include an exemption in the regulation for Sector T POTWs or otherwise state DEQ’s expectation in the regulation or accompanying guidance that new or expanded POTWs are generally not expected to be subject to any additional requirements (beyond VSMP compliance) as a result of this GP’s no net increase provision.</p>	<p>The nutrient and sediment sampling we are requiring from facilities in the Chesapeake Bay watershed will be used to characterize the discharges from the different industrial GP sectors. This is needed for the Chesapeake Bay TMDL to determine if additional nutrient and sediment reductions will be required for the next reissuance of the general permit. At this time we do not have any nutrient data, and very limited sediment data, for the industrial GP facilities. It would be premature to exempt certain facilities from the sampling requirements because we “think” they may not contribute nutrients or sediment. We need the facilities to collect the data to verify their contributions.</p> <p>The no net increase provision and requirements are a separate issue that we will address in the accompanying guidance.</p>
	<p>(3) <u>Support for Site-Specific No Net Increase Compliance Option.</u> In addition to the above VSMP-based compliance option, VAMWA supports the option of complying by means of a site-specific no net increase determination. While in the typical POTW construction scenario we would expect the VSMP regulation to control (because it is applicable when the land disturbance threshold is met or exceeded), we support retaining a site-specific calculation as an independent option under this GP.</p>	<p>Facilities have the option to use the VSMP water quality design criteria, or a site-specific calculation to demonstrate compliance with the no net increase requirement.</p>
	<p>(4) <u>Support for Nutrient Credit Use Compliance Option.</u> DEQ has proposed that the permittee may use nutrient credits “to meet the no net increase requirement.” VAMWA strongly supports this option, which is consistent with VA Code § 62.1-44.19:21(D).</p>	<p>Other comments have noted problems with the wording of this option in the proposed regulation. As such, the permit has been amended to reword the references to nutrient credits or offsets to those that are allowed for the facility by applicable regulations.</p>
	<p>(5) <u>Create De Minimis Exemption Consistent with VSMP Thresholds.</u> The Proposed GP is inconsistent with the Board’s recently adopted VSMP regulations establishing post-construction phosphorus criteria in that the VSMP regulations include land disturbance area thresholds (e.g., 1 acre or in certain places 2,500 sq. ft.) as applicability triggers. The Proposed GP</p>	<p>In response to public comments, we have amended this wording to state that any land disturbance that is exempt from permitting under the VPDES construction stormwater general permit regulation (9VAC25-880) is exempt from this</p>

	<p>includes no minimum threshold, which is problematic especially for “expansion.” Is the construction of 8’ x 12’ wooden storage shed an expansion? Any reasonable approach to implementing this novel no net increase provision should include a <i>de minimis</i> threshold, at least in case of Sector T POTWs and perhaps other sectors. VAMWA urges DEQ to develop and apply a threshold. We recommend the VSMP area thresholds. For the reasons above, VAMWA recommends exempting any land-disturbance if it would otherwise be exempted by the VMSP regulations. In the alternative, DEQ could consider exempting Sector T facilities that would not require a DEQ certificate to construct (pursuant to 9VAC25-790-180), as these types of facilities would ordinarily be small and have little impact on overall POTW operations.</p>	<p>requirement.</p>
	<p>(6) <u>Provide Contemporaneous Guidance on Load Calculations.</u> If DEQ does not adopt the options and exemptions supported above, VAMWA is concerned about the lack of clear rules and procedures for implementing the GP. VAMWA is highly interested in understanding how DEQ would expect a permittee to perform the required analysis and calculations of no net increase. We recommend that this GP reissuance be suspended until such time as DEQ establishes implementation guidance so that the regulated community will not face uncertainty and attendant costs and delays.</p>	<p>We will include implementation guidance with the permit reissuance describing load calculations for the no net increase provision.</p>
	<p>(7) <u>Eliminate Retroactive Regulation.</u> The no net increase requirement is inappropriately retroactive. It applies to new facilities or those that have expanded or will have expanded after November 29, 2010 and before the effective date of July 1, 2014. Although VAMWA understands the basis for the November 29, 2010 date, we question the legality of reaching back in time to add requirements after-the-fact. Practically speaking, this is a terribly inefficient method of regulation, especially for regulating facility construction or expansion of all things. In such a case, there would be no opportunity to address the requirement as a part of the project (already completed). In addition, projects that are in active construction as of the July 1, 2014 date should be grandfathered for the same reason.</p>	<p>We agree and have modified the regulation to specify that the no net increase requirements apply to construction that commences after June 30, 2014.</p>
	<p>(8) <u>Define “Site” For New Facilities.</u> The term “site” in the Registration Statement and Storm Water Pollution Prevention Plan section is undefined, and is not limited, as it should be, to the industrial area of the property, though we believe this is the intent. VAMWA recommends clarifying that “site” generally includes only the <i>industrial area</i> of the property for purposes of defining the extent of the no net increase requirement. (However, the owner should also have the option of including additional non-industrial land on the same or adjacent parcels as part of any plan of the owner to comply with the no net increase requirement.)</p>	<p>As suggested, we have modified registration section to state that the loading is from the “industrial area of the property”. We have also added the definition of “site” from the VPDES Permit Regulation to this regulation, and added: “The owner may include additional non-industrial land on the site as part of any plan to comply with the no net increase requirement. Consistent with the definition of “site”, this includes adjacent land used in connection with the facility.”</p>
	<p>(9) <u>Clarify Reference to Pre-Development Condition.</u> The no net increase provisions for both new and expanded industrial activities should be clarified to</p>	<p>We have made the clarifications suggested.</p>

	<p>ensure that the November 29, 2010 condition is recognized, i.e., that “prior to the land being developed” cannot be misinterpreted to mean a forested or other undeveloped condition, if site was previously developed in some manner. These provisions should read “prior to the land being developed <i>for the new industrial activity</i>” and “prior to the land being developed <i>for the expanded industrial activity</i>,” respectively.</p>	
	<p>b. <u>Excessive Monitoring Requirements.</u> The Proposed GP requires that facilities that are subject to TMDL wasteload allocations (WLAs) that discharge to an impaired water without a TMDL or that discharge to the Chesapeake Bay monitor for the pollutant(s) of concern twice per year. There are separate rules for PCB monitoring (discussed below). If the TMDL pollutant is not detected in the first four monitoring periods, the permittee can request that sampling be discontinued, unless the TMDL has specific instructions to the contrary. Similarly, if the impaired water pollutant is not present in facility discharges or is “caused solely by natural background sources,” the permittee can request that further monitoring be discontinued. Chesapeake Bay nutrient and sediment monitoring can be discontinued per the permit terms after the first two years of permit coverage. VAMWA objects to the Proposed GP’s costly stormwater testing mandates for the following reasons.</p> <p>First, the existence of the Chesapeake Bay TMDL alone will trigger widespread stormwater testing at hundreds of facilities. Assuming it costs \$100 to test for nitrogen, phosphorus, and sediment, it will cost the state’s permittees (of which there are an estimated 867 in the Bay Watershed) over \$350,000 to run the minimum number of tests. This \$350,000 worth of direct test costs will occasion significant additional work for permittees and for DEQ staff in handling the resultant data, resulting in far higher actual costs for staff time than the \$350,000 lab cost estimate indicates. Further, it is unclear what benefit this broad-based nitrogen, phosphorus and sediment testing requirement is intended to achieve much less achieve cost-effectively. The industrial facilities covered by the GP are regulated because they are potential dischargers of pollutants (e.g., metals) related to their industrial activities. DEQ has not explained why any of the particular source sectors would have any greater risk of nutrient and sediment discharges than an unregulated industrial facility (one not included in one of the GP’s industrial sectors) or even a commercial property of comparable size. The entire approach seems to be one of monitoring for monitoring’s sake, which is arbitrary and wasteful. For these reasons, VAMWA requests that DEQ delete the Bay monitoring requirements in the permit entirely.</p>	<p>EPA imposed the Chesapeake Bay TMDL on the Bay states and required them to develop for EPA approval a TMDL WIP. ISWGP facilities are one of the permitted point sources that had to be included in the WIP. However, Virginia has no data to base ISWGP WLAs on, much less any reductions. Therefore, we told EPA that the TN and TP WLAs for non-significant industries were conservative “placeholders”, and that we would adopt procedures to add nutrient reporting requirements to non-significant industrial permits to establish better estimates of these loads over the coming years. Consistent with this commitment, we added nutrient and sediment sampling requirements for Chesapeake Bay watershed facilities to the ISWGP to characterize the loadings from these facilities. Once better estimates of these loads are generated, the WIP may be adjusted accordingly, and nutrient and sediment reductions may be required for ISWGP facilities in the next permit term.</p> <p>No change to the monitoring is proposed based on this comment.</p>
	<p>With regard to monitoring for other pollutants and for monitoring outside the Bay Watershed, VAMWA is concerned that DEQ has included text in subsection (3) and (4) of Part I.A. (9VAC25-151-70, Part I.A.1.c.3, Facilities discharging to an impaired water with an approved TMDL wasteload allocation, and Part</p>	<p>We agree that the permit should be more clear as to Impaired Waters and TMDL applicability. We have added an opening paragraph to the Impaired Waters monitoring section to specify that the monitoring</p>

	<p>I.A.1.c.4, Facilities discharging to an impaired water without an approved TMDL wasteload allocation) that would impose monitoring requirements on a permittee that are dependent on future events or future pollutant minimization plans from DEQ. In these cases, and particularly in the case of PCB monitoring, the permittee has no actual notice of the requirement at the time the GP is issued.</p> <p>The issuance of the GP to a particular permittee is a case decision, just like the issuance of an individual permit. Case decisions by agencies are governed by the Virginia Administrative Process Act (VA Code §2.2-4000, <i>et seq.</i>). Requirements imposed through case decisions must be through a proceeding that provides for affected persons (the permittee) “reasonable notice” of the requirements imposed. VA Code § 2.2-4019.A (emphasis added). Although VAMWA recognizes the special challenges that crafting a General Permit imposes (along with the attendant benefits for both permittees and the agency), we respectfully note that, as drafted, parts of the GP would not provide reasonable notice (or in some cases any notice at all) of the requirements that it purports to impose.</p> <p>On the level of the substantive statutes, generally the Clean Water Act and the State Water Control Law (“SWCL”), or regulations adopted pursuant to them, do not directly impose requirements such as these. Rather, specific requirements and limitations are imposed through permits. Secondary treatment and consistency with adopted water quality standards are imposed by permit in a manner specific to individual dischargers, and changes to these underlying CWA or SWCL requirements are not effective until included in the next permit reissuance (or modification as appropriate). It would be similarly inconsistent with the CWA and SWCL for DEQ to develop a new Pollutant Minimization Plan requirement and impose it simply by letter.</p> <p>VAMWA submits that APA procedures require that a permittee know or be able to determine at the time of GP coverage what the monitoring requirements (or any other requirements) will be. If they are not determinable at that time, the proper procedure would be for the agency to reopen and modify the permit during the term, as permit Part II.X authorizes. Alternately, we suggest that new monitoring requirements that come about mid-permit may simply be imposed with the next five-year reissuance. In fact, the short five-year term of NPDES permits is specifically for the purposes of (1) new or changed requirements with changing conditions and needs, and (2) a measure of reasonable assurance for the permittee as to what his requirements will be during the term. These provisions protect not only the permittee, but also third parties who may have input into purported new mid-term requirements.</p> <p>Without taking away from the generality of our comments, we note in particular the draft requirements that would purport to impose, mid-term and without any prior notice to permittees of the substance of requirements, pollutant monitoring and Pollutant Minimization Plan requirements simply by letter from</p>	<p>requirements only apply to facilities discharging to waters identified as impaired in the 2010 Integrated Report (this is the latest approved report). We also added an opening paragraph to the TMDL monitoring section to specify that the TMDL monitoring requirements only apply to TMDLs that are approved prior to the effective date of this permit.</p>
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	<p>DEQ. This is entirely outside of the powers of agencies of the Commonwealth under the APA.</p>	
	<p>Separate from these points, and although our request is that the Department delete the Bay TMDL monitoring and any references to requirements to be identified in the future, we wanted to go on record as opposing the idea of discontinuing sampling based on lack of detection, rather than lack of quantitation. Consistent with the Department's other programs and on its traditional insistence on data quality, and consistent with the fact that by definition no substantive reliance can be placed on the numbers in a <PQL result, any reference to discontinuing sampling should be based on lack of quantitation.</p>	<p>We agree that the "not detected" and "not present" language in the TMDL and Impaired Waters monitoring sections is too nebulous. We have modified that language to use the term "quantitation level".</p>
	<p>Also not by way of limitation of our comments above, we note particularly that, if the Department has in mind PCB monitoring at the very low levels that might be present in these discharges, such levels will not be detectable with approved methods. The far more sensitive EPA developmental Method 1668 is not approved and may not be required by permit. 40 C.F.R. § 136.1; 9VAC25-31-840.G.5. We also note that (if that Method were to be approved) the Method is very costly, and the cost of those analyses would be orders of magnitude beyond the costs of the Bay TMDL-related monitoring to which we object above.</p> <p>If DEQ wishes to provide for new mid-term monitoring requirements for PMPs, we suggest the following approach (redline of the General Permit with DEQ's currently proposed changes accepted).</p> <p>(3) Facilities discharging to an impaired water with an approved TMDL wasteload allocation <u>at the time of Permit issuance.</u></p> <p>(a) ...</p> <p>(b) ... Note: Facilities discharging to waters impaired for PCBs shall may follow the an alternate monitoring schedule and the pollutant minimization plan (PMP) requirements described in the written notification from the Department.</p> <p>(c) ...</p> <p>(d) ...</p> <p>(4) Facilities discharging to an impaired water without an approved TMDL wasteload allocation, <u>for which there is an identified pollutant responsible for the impairment at the time of Permit issuance.</u></p> <p>(a) ...</p> <p>(b) . . . Note: Facilities discharging to waters impaired for PCBs shall may follow the an alternate monitoring schedule and the pollutant minimization plan (PMP) requirements described in the written notification from the Department.</p> <p>(c) ...</p> <p>(d) ...</p> <p>(e) <u>The Department may modify the Permit pursuant to Part II.X to propose and apply additional monitoring requirements to address newly approved TMDL wasteload allocations applicable to affected dischargers.</u></p>	<p>We have deleted the specific PCB references in the TMDL and Impaired Waters monitoring sections. Facilities discharging to waters impaired for PCBs will be notified of this when they receive permit coverage, the same as they would for any other impairment.</p>

	<p>c. <u>Stormwater Runon</u>. The Proposed GP requires that a permittee include in their SWPPP stormwater control measures (BMPs) that “prevent or control pollutants in storm water discharges from the facility.” 9VAC25-151-80 Part III.B.4. Discharges from a particular facility “include storm water runon that commingles with storm water discharges associated with industrial activity at the facility.” Sources of runon from adjacent properties must also be identified in the SWPPP site map. VAMWA objects to the requirement that permittees must identify and address pollutants in runon from neighboring properties. In our view, making a permittee responsible for a third-party’s pollutant discharges inappropriately expands the regulated area and activities of the GP, which should remain limited to the industrial areas and activities of the regulated site. VAMWA questions DEQ’s legal authority for imposing responsibility on the GP permittee for runon pollutants, which DEQ should address directly with the runon source if at all. For these reasons, VAMWA recommends that DEQ delete references to “runon” throughout the Proposed GP.</p>	<p>The language that was added to the permit relative to storm water run-on was taken directly from EPA’s 2008 MSGP. Storm water run-on that commingles with industrial activity storm water at a permitted facility has always been part of EPA’s storm water program. This is because a facility is ultimately responsible for what is discharged from their facility, regardless of the originating source. If storm water from an unregulated source is causing problems at a facility’s discharge point, the facility needs to meet with DEQ so that we can get the unpermitted discharge controlled.</p> <p>No change is proposed for this section.</p>
	<p>d. <u>Other Recommended Clarifications and Edits</u>. In addition to the recommendations made above, VAMWA notes the following more minor issues that should be clarified before the GP is finalized.</p> <p>(1) <u>SWPPPs (9VAC25-151-80 Part III)</u>. The Proposed GP requires that a SWPPP include control measures that are “selected, designed, installed, implemented and maintained” in accordance with good engineering practices and “manufacturer’s specifications.” DEQ should consider substituting “best professional judgment” for “manufacturer’s specifications” which could be unduly conservative for various reasons.</p>	<p>We have modified the opening paragraph of the SWPPP section to be more consistent with EPA’s 2008 MSGP. The opening paragraph now reads: “<i>A Storm Water Pollution Prevention Plan (SWPPP) shall be developed and implemented for the facility covered by this permit. The SWPPP is intended to document the selection, design, and installation of control measures, including BMPs, to eliminate or reduce the pollutants in all storm water discharges from the facility, and to meet applicable effluent limitations and water quality standards.</i>”</p>
	<p>(2) <u>Dust Suppression and vehicle tracking of industrial materials (9VAC25-151-8 Part III.B.4.c.9)</u>. DEQ should consider authorizing through this GP a permittee to use reuse water for dust suppression or spraying stockpiles, which would be consistent with and further state legislative policy and DEQ’s stated interest in effluent reuse. In addition, the numbering of this section appears to be incorrect.</p>	<p>We agree and have modified the requirement to allow the use of reuse water as well.</p>
	<p>(3) <u>Copies of DMRs to MS4s (9VAC25-151-70 Part I.A.5.b)</u>. DEQ should consider clarifying how a permittee that discharges through a regulated MS4 will submit signed copies of DMRs to the MS4 operator “at the same time as the reports are submitted to the department” if the permittee is using e-DMR. It is unclear that there will be a signed copy, in the traditional sense, or that it will be possible to simultaneously submit a copy to the MS4 when the electronic version is sent to DEQ.</p>	<p>The eDMR system allows the user to print a copy of the completed DMR that was submitted to the Department, so a copy will be available to transmit to the MS4 owner.</p>
	<p>4) <u>Permit Coverage (9VAC25-151-60.B.1.b)</u>. DEQ should revise the proposal for an existing owner with individual coverage for industrial stormwater discharges</p>	<p>This change was based on comments received from the Office of the Attorney General on other</p>

	<p>to submit a registration statement for GP coverage at least 240 days prior to the expiration of the individual permit. The requirement is currently 30 days, and should be increased to no more than 180 days.</p>	<p>GPs recently reissued, and the advice from our regional storm water permit staff. The 240-day time period allows DEQ time to determine if the owner is eligible for general permit coverage, and if they are not eligible, the permittee still has sufficient time to submit an individual permit application within the required 180 day period before the individual permit expires.</p>
<p>10. Brooks M. Smith and Andrea W. Wortzel, Counsel to the VMA Water Subcommittee, Troutman Sanders LLP, 1001 Haxall Point, Richmond, VA 23219</p>	<p>a. <u>Changes Related to the Bay TMDL.</u> (1) <u>Applicability of Bay TMDL Requirements to "Expanded" Facilities.</u> Definition of "Expanded" Facility. The amendments to the General Permit require permittees to demonstrate that the waste loads from any expansion do not exceed the nutrient and sediment loadings discharged from the expanded portion of the land prior to the land being developed for industrial activity. The term "expansion" is not defined. VMA's representative on the RAP pointed out that, left undefined, any action taken by an industrial discharger that expands either its volume of production or the size of its facility could be deemed to trigger these requirements. This is far too broad. The "expansion" provisions should only apply to changes at a facility that have the potential to impact or increase the stormwater discharge from the site. So, for example, if a company adds additional stories to an existing facility, the expansion provisions should not be triggered. Likewise, if a facility "expands" production within its existing footprint without adding impervious cover or affecting stormwater pathways, loadings or volumes, then the expansion provisions should not be triggered. We urge DEQ to define "expansion" in a manner that avoids unintended and inappropriate consequences at industrial facilities.</p> <p>Phosphorus Loading Limit. As an alternative to the waste load demonstration referenced above, the General Permit provides that expanding facilities subject to the Bay TMDL may be subject to a criteria loading limit for phosphorus of 0.41 pounds per acre per year. During the RAP, DEQ described the 0.41 pound per acre limit as an "engineered calculation." However, DEQ has not provided - and does not appear to have - any actual monitoring data to support the calculation, and DEQ has not provided interested stakeholders, like VMA, with any technical record in support of the proposed loading limit. Absent anything in the administrative record to support the limit, VMA urges DEQ to withdraw it from the final permit.</p>	<p>Based upon public comments, we have modified this requirement to specify that expansion is any industrial activity area expansions (i.e., construction activities, including clearing, grading and excavation activities) that commence on or after July 1, 2014 (the effective date of this permit). Any land disturbance that is exempt from permitting under the VPDES construction stormwater general permit regulation (9VAC25-880) is exempt from this requirement.</p> <p>The special condition requires the permittee to document the information and calculations used to determine the nutrient and sediment loadings discharged from the expanded land area prior to the land being developed, and the measures and controls that were employed to meet the no net increase of storm water nutrient and sediment load as a result of the expansion of the industrial activity. The permittee can use site specific information to meet this requirement, or as an alternative, can use the VSMP water quality design criteria. This is not a ISWGP permit limit, per se, but is a way for the permittee to easily meet the SC requirement, especially if the expansion is required to be permitted under a VPDES construction permit.</p> <p>No additional changes are proposed</p>

	<p>Purpose of Phosphorus Loading Limit. Setting aside the lack of a technical record for the limit itself, VMA is concerned that the General Permit does not provide adequate detail on how the limit (if retained) will be applied. Many questions about implementation were raised during the RAP process without any clear or satisfactory answers. How will compliance with the limit be assessed? How will "baseline" be calculated for purposes of demonstrating any required load reduction? Will permittees be eligible for offsets? We respectfully submit that these questions need to be answered and clearly communicated to stakeholders before the permit is issued. Otherwise, permittees will be faced with uncertain regulatory requirements without any direction about how to implement or comply with them.</p>	<p>for this section.</p> <p>We will be providing implementation guidance as a companion to the reissued permit to describe how permittees can calculate the baseline values, as well as how to determine compliance with the requirements.</p>
	<p>(2) <u>Incorporation of MS4 Permitting Requirements.</u> Part I.B.7 states that permittees with discharges through a municipal separate storm sewer system ("MS4") regulated under the Virginia Stormwater Management Program ("VSMP") to receiving waters subject to the Bay TMDL must incorporate measures and controls into their Storm Water Pollution Prevention Plan ("SWPPP") to comply with local ordinances implemented to meet the Bay TMDL. But superimposing local requirements onto the state permit is inappropriate. All dischargers within the Bay watershed are subject to some form of requirements, and all bear their share to implement the ones applicable to them. Industrial permittees under the General Permit and MS4 permittees under the VSMP bear their own independent obligations. Allowing MS4s to allocate some or all of those obligations to industrial permittees within their service areas through the General Permit is simply not equitable or appropriate.</p> <p>Any local requirements should stay at the local level, through relevant and appropriate local codes or ordinances. Elevating them into the General Permit would create inherent confusion because instead of a general permit with uniformly applicable requirements across the watershed, industrial permittees would be subject to varying requirements depending on where they operate and what kinds of disparate local ordinances apply. VMA also has concerns about potential conflicts between MS4 requirements and the provisions of the General Permit. Such conflicts would create confusion about which provisions control.</p> <p>Incorporating MS4 requirements into the General Permit as proposed would deprive industrial permittees of the notice-and-comment safeguards in place for all other permit terms and conditions. Worst of all, this proposal would make local requirements enforceable by EPA, DEQ or even third party environmental groups by virtue of being in the General Permit. This is flatly unacceptable.</p>	<p>Based on public comments, the section has been modified to read: <i>"In addition to the requirements of this permit, any facility with industrial activity discharges through a regulated MS4 that is notified by the MS4 operator that the locality has adopted ordinances to meet the Chesapeake Bay TMDL shall incorporate measures and controls into their SWPPP to comply with applicable local TMDL ordinance requirements."</i> Permittees are already required to comply with any other applicable federal, state, or local statute, ordinance, or regulation (see regulation Section 50 E. This was also added to the permit as SC #6), so this special condition just notifies them that their locality may adopt special Chesapeake Bay TMDL ordinances that would apply to them as well.</p> <p>No additional changes are proposed.</p>
	<p>b. <u>Other Substantive Changes.</u></p> <p>(1) <u>Addition of Sectors.</u> During the RAP process, DEQ indicated that it may seek to add new sectors to the General Permit. This idea was subsequently abandoned, but it highlights the need for objective</p>	<p>One of the main functions of the TAC is to determine changes that should be made to the GP regulation. Based upon a TAC member suggestion, we proposed to</p>

	<p>decision criteria for any future expansion of the General Permit. First, unless and until EPA redefines the categories of "industrial activity" subject to stormwater permitting, we submit that it would be premature and inappropriate for DEQ to do so. Second, even if EPA elects to redefine its categories in the future, it is still incumbent on DEQ to determine - at that time - if similar changes would be appropriate in Virginia. EPA's regulations and MSGP serve as a model, but they are not inviolate. It is essential that DEQ retain its primary authority to determine which sectors of industrial activity should be covered by the General Permit. And, without question, no sector should be added without an appropriate and defensible supporting rationale.</p>	<p>add an activity to one of the existing industrial sectors. Based on TAC discussion, it was decided not to add the activity to the sector, but to cover the activity under Sector AD if we decided to permit a particular site. EPA's MSGP serves as a model, but Virginia determines what will be included in the ISWGP. We permit storm water discharges associated with industrial activity from the eleven categories in EPA's storm water regulation, and storm water discharges that are designated for permitting under the provisions of the VPDES Permit Regulation (9VAC25-31-120 A 1 c, or under 9VAC25-31-120 A 7 a (1) or (2)), based upon water quality considerations.</p>
	<p>(2) <u>Annual Training</u>. The General Permit adds a requirement that training must be provided for new hires. See Part III.B.4(6). Previously, the General Permit required that a permittee develop a training program to ensure employees working in areas where materials or activities are exposed to stormwater on the contents of the SWPPP. The requirement for training of all new employees is overly broad, and should be narrowed to apply only to new employees with stormwater responsibilities. Additionally, the provision states that employee training must take place at least once per year. A permittee should be able to evaluate and establish an appropriate training schedule based on its own site needs and limitations. In some cases, it may make sense to establish a training schedule that recurs less frequently than annually (e.g., at smaller sites or sites with dedicated staff and low turn-over). No evaluation of the cost involved in increasing the training versus the benefit achieved was provided. Additional regulatory burdens should not be imposed on permittees without some demonstration of the need for the change.</p>	<p>This was originally added based on a suggestion from the TAC. Based upon public comments, we have decided to delete those sentences.</p>
	<p>(3) Increase of Benchmark Monitoring from Annual to Semi-Annual. DEQ has proposed to revise Parts I.A.1.b and I.A.2.d of the General Permit to increase the frequency of benchmark monitoring from once per year to twice per year. DEQ's Agency Background Document states that this change was made "to allow better tracking of compliance with the monitoring requirements," as well as to more quickly identify which facilities are having storm water quality issues. During the RAP, DEQ stated that these changes were needed due to the way its enforcement Point Assessment Criteria work; more monitoring is needed so that more points can be accumulated by non-compliant facilities and an enforcement action could be triggered sooner. There is no record to support DEQ's proposed revisions. The General Permit program was designed so that general requirements could be established for similarly situated facilities. Facilities subject to the</p>	<p>For this reissuance we have changed the Benchmark Monitoring, Effluent Limitation Monitoring and Impaired Waters Monitoring from annual to semi-annual. This will allow the permittee to see more quickly when they have and exceedance of a benchmark concentration or an effluent limitation, and will improve water quality by having SWPPP modifications, control measure adjustments and corrective actions taken sooner in the process. Having all the permit monitoring on the same semi-annual basis will also allow the Department to better track compliance with the permit</p>

	<p>General Permit are largely self regulating. There are monitoring requirements for benchmarks, but benchmarks are not directly enforceable as permit limits. Instead, they serve as a point of comparison for evaluating the adequacy and efficiency of a site's stormwater management practices. Moreover, monitoring is not the only measure of compliance. Permittees are required to implement a broad range of other stormwater management practices, including inspections, training, best management practices and annual site reviews. All of this information is available to DEQ to review at any time. One additional data point per year will not meaningfully advance the water quality goals of the program.</p> <p>Moreover, as raised during the RAP meetings, such a change places an unfair burden on facilities that are already working to achieve compliance and participate in the program. The larger issue from a compliance and water quality standpoint is facilities that are subject to stormwater requirements but are not participating in the program. Rather than targeting facilities that have implemented BMPs and are providing data, DEQ's enforcement efforts should be focused on identifying and addressing the facilities that have failed to obtain a permit or institute measures to achieve compliance with the requirements of the stormwater permitting program.</p>	<p>monitoring requirements, and allow us to see more quickly which facilities are having storm water quality issues so that inspections can be targeted to the facilities that need more attention. Also, having all the monitoring on the same semi-annual basis will take the confusion out of the reporting requirements for the permittee.</p> <p>The permit still allows facilities to qualify for benchmark waivers, and for this reissuance we are allowing facilities to use the data from the last two monitoring periods from the previous permit term as part of their waiver submittal. We are also allowing them to average the sampling results to qualify for the benchmark waiver. We believe that benchmark monitoring waivers are the incentive for facilities to minimize the pollutants in their storm water discharges to the maximum extent practicable.</p> <p>No change is proposed for this monitoring.</p>
<p>11. Adrienne F. Kotula, Policy Specialist, James River Association, 9 South 12th Street, Richmond, VA 23219</p>	<p>a. <u>Addressing the Chesapeake Bay TMDL</u>. The proposed permit fails to appropriately address the pollution reductions in the Chesapeake Bay TMDL and Virginia's Phase I Watershed Implementation Plan (WIP) by merely requiring facilities to monitor their discharges of Total Nitrogen (TN), Total Phosphorus (TP) and Total Suspended Solids (TSS). By failing to address the TMDL and WIP, this permit is in direct conflict with the requirements of Virginia's State Water Control Law and regulations, as well as the Clean Water Act - all of which require that this permit be consistent with TMDL waste load allocations (WLAs). See 9VAC25-151- 70 and 40 CFR 122.44(d)(1)(vii)(B), 130.12(a); Water Quality Planning and Management, Final Rule, 50 Fed. Reg. 1774, 1778 (Jan.11, 1985).</p> <p>The WIP requires pollution reductions of all sectors and considers industrial stormwater to be a part of the regulated urban sector, which must achieve pollution reductions to "L2" (See WIP, Page 91). The WIP specifically states that aggregate loadings for industrial stormwater VPDES permits will be included as part of the local load allocation for regulated MS4s (See WIP, Page 22). Unfortunately, Virginia has not included industrial loadings within their already issued MS4 General Permit or the Arlington County Phase I MS4 Permit. Accordingly, the pollution reductions must be required within this permit in the form of a WLA.</p> <p>This can be achieved by applying the same methodology for pollution reductions which is contained in Virginia's new MS4 permits. The Special Condition for the Chesapeake Bay TMDL contained within these permits provides a clear path forward for permittees to address 5% of their pollution reductions within this</p>	<p>The industrial storm water loads that were developed for the Phase I WIP were an aggregate. Aggregate loads were appropriate because actual facility data was not used to develop the entire individual facility loading, and these industrial storm water discharges have low nutrient and sediment loadings. Aggregate loadings for VPDES ISWGP facilities were included as part of the local load allocation for regulated MS4s. These loads were included in EPA's TMDL under the "regulated stormwater" category for each sub-watershed. No further breakdown or actual facility WLAs were included in the TMDL.</p> <p>In the Phase I WIP, the aggregate TN and TP wasteload allocations for non-significant industries were considered to be conservative "placeholders". The WIP stated that DEQ would adopt procedures to add nutrient reporting requirements to non-significant industrial permits to establish better estimates of these loads over the coming years. Once better estimates of these loads are generated, the WIP may be adjusted accordingly.</p> <p>Consistent with this commitment, we added nutrient and sediment</p>

	<p>permit term and additionally requires that they develop an action plan detailing these actions and submit a plan to achieve 35% of pollution reductions in the next permit term as a part of their reapplication package.</p> <p>Given that industrial stormwater pollution rates in the Bay TMDL and the WIP are based largely on assumptions, JRA also believes that it is important for this permit to require permittees to accurately capture the levels of TN, TP and TSS pollution coming from their sites so that future permits and the Phase III WIP can accurately account for this. Accordingly, we believe that the twice-yearly monitoring currently proposed for the first two years of the permit should be extended to the entire length of the permit term and should be required at greater intervals. This increase in monitoring will result in more accurate data moving forward. Failure to perform this monitoring should constitute a violation of the permit.</p> <p>JRA believes that this approach of beginning pollution reductions tied with five years of monitoring and the potential for additional future pollution reductions will adequately address the Bay TMDL and Virginia's WIP.</p>	<p>sampling requirements for Chesapeake Bay watershed facilities to the ISWGP to characterize the loadings from these facilities.</p> <p>The GP does not assign a Bay TMDL WLA to any permittee because we do not have any actual facility data to base a WLA on.</p> <p>In response to this comment and other similar comments, we have modified the permit Special Condition 7 b (Facilities in the Chesapeake Bay watershed), and added subsection (3) to address Chesapeake Bay TMDL waste load allocations and Chesapeake Bay TMDL action plans. This new section requires facilities to analyze the nutrient and sediment data collected for the Chesapeake Bay TMDL. The data must be compared to the loading values that were submitted to EPA for the Phase I WIP, and where the data is above the loading values, the permittee must develop a TMDL action plan to reduce the facility loading down to the target value by 2024. The action plan must be submitted to the Department for approval within 90 days following the end of the permit's second monitoring year, and annual reports describing the progress in meeting the required reductions must be submitted by June 30th of each year.</p> <p>We initially proposed CB TMDL sampling for the entire 5 year permit term, but the ISWGP TAC felt that 2 years of data would be adequate to characterize the nutrient and sediment contributions for facilities in the CB watershed.</p> <p>As described above, the permittees will have to analyze their sampling data to determine if they need to develop a TMDL action plan to reduce their nutrient and sediment loadings.</p> <p>We are not proposing additional CB TMDL sampling in this permit term. Facilities may include this sampling in their action plans as the means to demonstrate adequate progress towards meeting required reductions, but we are not proposing this sampling across the board at this time. After the third year of this permit term, we will convene a TAC to assist the Department with the</p>
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		<p>reissuance of this GP. We will analyze the statewide CB data, and with the TAC's input, we will develop appropriate monitoring requirements for the next permit term based on that analysis.</p>
	<p>b. <u>Nutrient Trading</u>. Special Condition #8, Subsection d should be removed given that a WLA for compliance with the Bay TMDL has not been established within this permit. Per §62.1-44.19:21, they may not acquire, use or transfer any credits without a WLA. Should the permit be revised to contain an appropriate WLA, this subsection should be revised to state that credits may only be acquired to meet the assigned WLA, not to meet "no-net increase" requirements, as currently stated.</p>	<p>The intent of the language in the permit is to allow the permittee to use nutrient credits or offsets, if these are allowed by applicable regulations, to satisfy the no net increase permit requirements for newly constructed or expanded facilities in the Chesapeake Bay watershed.</p> <p>The permit has been amended to reword the references to nutrient credits or offsets to those that are allowed for the facility by applicable regulations.</p>
<p>12. Pamela F. Faggert, Vice President and Chief Environmental Officer, Dominion Resources Services, Inc., 5000 Dominion Boulevard, Glen Allen, VA 23060</p>	<p>Our comments pertain to the following two sections of the proposed amendments to the General Permit as they relate to the total phosphorus total maximum daily load (TMDL).</p> <p><u>9VAC25-151-60, Registration Statement and Storm Water Pollution Prevention Plan (SWPPP), Section C.13.</u> A question was added to the Registration Statement for newly constructed facilities in the Chesapeake Bay watershed. To be eligible for permit coverage newly constructed facilities must submit documentation that they have either installed measures and controls to meet the "no net increase" of nutrients and sediment from the site prior to their developing the land for the industrial activity, or that they have purchased nutrient credits.</p> <p><u>9VAC25-151-70, General Permit Special Conditions, Part I.B.8.</u> Requires that after November 29, 2010 (the date of Virginia's Phase I Chesapeake Bay TMDL Watershed Implementation Plan), the waste loads from any expansion of an existing permitted facility discharging storm water in the Chesapeake Bay watershed cannot exceed the nutrient and sediment loadings that were discharged from the expanded portion of the land prior to the land being developed for the industrial activity. The permittee has to document in the SWPPP the information and calculations used to determine the nutrient and sediment loadings discharged from the expanded portion of the land prior to the land being developed, and the measures and controls that are being employed to meet the no net increase of storm water nutrient and sediment load as a result of the expansion of the industrial activity. Alternatively, the facility owner may acquire nutrient credits to meet the no net increase requirement in accordance with applicable regulations.</p> <p>The issue of concern is the language in both of the above citations of the proposed draft regulation that makes "new" or "expanding" facilities subject to the Chesapeake Bay TMDL also subject to meeting the "no net increase" requirement for nutrient and sediment</p>	<p>The registration statement requirement and the special condition both require the permittee to document the information and calculations used to determine the nutrient and sediment loadings discharged from the new/expanded land area prior to the land being developed, and the measures and controls that were employed to meet the no net increase of storm water nutrient and sediment load as a result of the expansion of the industrial activity. The permittee can use site specific information to meet this requirement, or as an alternative, can use the VSMP water quality design criteria. This is not a ISWGP permit limit, per se, but is a way for the permittee to easily meet the SC requirement, especially if the expansion is required to be permitted under a VPDES construction permit.</p> <p>We will be providing implementation guidance as a companion to the reissued permit to describe how permittees can calculate the baseline values, as well as how to determine compliance with the requirements.</p>

	<p>loadings. The permittee must provide documentation demonstrating that the total phosphorus load does not exceed the greater of the total phosphorus load that was discharged from the site prior to the land being developed or from the expanded portion of the land prior to the land being developed or the VSMP water quality design criteria loading limit of 0.41 pound per acre per year.</p> <p>We request that DEQ clarify how to demonstrate the "no net increase" requirement and also how to calculate the VSMP water quality design criteria loading limit of 0.41 pound per acre per year. During the Technical Advisory Committee (TAC), questions were raised regarding how or what method the permittee should use to demonstrate compliance with the phosphorus limit. The regulation should clearly explain how compliance can be demonstrated for each of the proposed methods.</p> <p>It is our understanding that the 0.41 pound per acre limit is an engineered calculation. We respectfully request that DEQ provide the detailed background data for establishing the 0.41 lb/acre limit. The TAC was not able to come to consensus on the basis for a lb/acre limit. In fact, with a few exceptions, most parties on the TAC agreed that it should not be set at <i>this limit</i> or <i>any other limit</i> until an appropriate number could be set that was supported by the science. For all of the reasons stated above, we respectfully request removal of the proposed phosphorus provisions for both new and expanded sources.</p>	
<p>13. Christine H. Porter, Director for Regional Environmental Coordination, Department of the Navy, Navy Region Mid-Atlantic, 1510 Gilbert St., Norfolk, VA 23511</p>	<p>a. <u>9VAC25-151-50. Authorization to Discharge, Part B.4, pg 9.</u> The discharge is not consistent with the assumptions and requirements of an approved TMDL. Note: Virginia's Chesapeake Bay TMDL Watershed Implementation Plan (November 29, 2010) requires that waste loads for new facilities in the Chesapeake Bay watershed with industrial stormwater discharges not exceed the nutrient and sediment loadings that were discharged prior to the land being developed for the industrial activity. For purposes of this permit regulation, facilities constructed after November 29, 2010, must be consistent with this requirement to be eligible for coverage under this general permit.</p> <p>Comment: This permit only references Virginia's Phase I WIP which required federal facilities to meet the L3 scoping reductions. The Phase II WIP revised federal facility nutrient and sediment reductions to L2.</p> <p>Recommendation: Reference both the Phase I and Phase II WIPs.</p>	<p>Reference to the Phase II WIP is not needed here. The reference to the Phase I WIP is relevant to the "no net increase" requirement, and does not relate to the L3 scoping reductions.</p>
	<p>b. <u>General Permit No. VAR05. 9VAC25-151-70 to 9VAC25-151-360</u></p> <p>(1) <u>Part I.A.1(2), pg 24:</u> For the quarterly visual monitoring the permit requires "Where practicable, the same individual shall carry out the collection and examination of discharges for the entire permit term."</p> <p>Comment: It is impractical and highly unlikely for large facilities with multiple outfalls that the same individual would conduct the visual monitoring of all outfalls over the five year permit term. As long as the facility makes</p>	<p>Note that EPA removed this sentence from their 2008 MSGP. As such, we have deleted the sentence from this GP.</p>

	<p>an effort to minimize differences in visual interpretation by different individuals through training the intent of this requirement should be met.</p> <p>Recommendation: Change the requirement from "shall" to "should" and note that training in visual monitoring can result in more consistent interpretation of discharge quality and determination of potential issues.</p>	
	<p>(2) <u>Part I.B.6.b, pg 40</u>: Owners of facilities in the Chesapeake Bay watershed must monitor stormwater discharges for TSS, TN, and TP. Samples must be collected during each of the first four monitoring periods.</p> <p>Comment: If the facility has already conducted monitoring for any of these parameters that data could be substituted for the characterization monitoring required in this section. Rationale would be similar to that in Part I.A.1.b(2)(a) regarding benchmark monitoring.</p> <p>Recommendation: Allow facilities that were covered under the 2009 industrial storm water general permit to use sampling data from the last two monitoring periods of that permit and the first two monitoring periods of this permit to satisfy the four consecutive monitoring period requirement.</p>	<p>We agree and have added this allowance.</p>
	<p>(3) <u>Part I.B.8, pg 41</u>: a. "After November 29, 2010, (the date of Virginia's Phase I Chesapeake Bay TMDL Watershed Implementation Plan), the waste loads from any expansion of an existing permitted facility discharging storm water in the Chesapeake Bay watershed cannot exceed the nutrient and sediment loadings that were discharged from the expanded portion of the land prior to the land being developed for the industrial activity."</p> <p>b. "The permittee shall document in the SWPPP the information and calculations used to determine the nutrient and sediment loadings discharged from the expanded portion of the land prior to the land being developed and the measures and controls that were employed to meet the no net increase of storm water nutrient and sediment load as a result of the expansion of the industrial activity."</p> <p>c. "The permittee may use the VSMP water quality design criteria to meet the requirements of subdivisions a. and b. of this subsection. Under this criteria, the total phosphorus load shall not exceed the greater of: (i) the total phosphorus load that was discharged from the expanded portion of the land prior to the land being developed for the industrial activity or (ii) 0.41 pounds per acre per year. Compliance with the water quality design criteria may be determined utilizing the Virginia Runoff Reduction Method or another equivalent methodology approved by the board."</p> <p>d. "The facility owner may acquire nutrient credits to meet the no net increase requirement in accordance with applicable regulations."</p> <p>Comment: As we read c. above, meeting VSMP water quality design criteria will satisfy the requirement for no net increase of storm water nutrient and sediment load as a result of the expansion of the industrial activity.</p>	<p>You are correct that meeting VSMP water quality design criteria will satisfy the requirement for no net increase of storm water nutrient and sediment load as a result of the expansion of the industrial activity.</p> <p>We have also added that any land disturbance that is exempt from permitting under the VPDES construction stormwater general permit regulation (9VAC25-880) is exempt from this requirement.</p> <p>We have also modified the nutrient credits/offsets section to state: "<i>If nutrient credits or offsets are allowed for the facility by applicable regulations, the permittee may use these to meet the no net increase requirement.</i>"</p>

	<p>Recommendation: If this interpretation is not correct additional discussion/clarification will be necessary.</p> <p>Comment: For facilities subject to the Chesapeake Bay Preservation Act and Regulation the VSMP water quality design criteria only apply to construction projects greater than 2500 square feet vice any size land disturbance.</p> <p>Recommendation: Clarify that an expansion which would trigger the no net increase requirement under this permit must exceed the minimum land disturbance required by the Virginia General Permit authorizing stormwater discharge from construction activities.</p> <p>Comment: A facility should be allowed to offset an increase in phosphorus load from an expansion on one portion of its property with an equivalent phosphorus load reduction on another portion of its property or a different property under the same ownership if located within the same HUC code (appropriate digit).</p> <p>Recommendation: Allow offsets as well as credits to meet the "no net increase" criteria.</p>	
	<p>(4) <u>Part III.D.2.a, pg 57</u>: "The SWPPP shall include documentation that all outfalls have been evaluated annually for the presence of unauthorized discharges".</p> <p>Comment: Federal facilities may have outfalls that are not industrial even though the facility itself is covered under this permit. The requirement in this section should only apply to industrial outfalls.</p> <p>Recommendation: Clarify that the annual outfall evaluation only applies to the industrial stormwater outfalls rather than all outfalls at the facility.</p>	<p>We have clarified the section to indicate that it applies to storm water outfalls associated with industrial activity.</p>
	<p>(5) <u>Part IV, Sector N, A, pg 92</u>: "The requirements listed under this section apply to storm water discharges associated with industrial activity from facilities that are engaged in the processing, reclaiming and wholesale distribution of scrap and waste materials ... Separate permit requirements have been established for recycling facilities that only receive source separated recyclable materials primarily from nonindustrial and residential sources ..."</p> <p>Comment: It is unclear what is considered "processing" at areas receiving source separated recyclables. A facility may have an area(s) where source separated materials are collected and staged for recycling but any additional separation or processing is not performed on the facility.</p> <p>Recommendation: Clarify what is considered "processing" at areas receiving source separated recyclables.</p>	<p>"Processing" is a facility specific definition, and depends on what the facility is designed to do. We believe it is more appropriate to let the facility owner determine what "processing" is for his particular facility. No change is proposed for this comment.</p>
	<p>(6) <u>Part IV, Sector N, Table 210, footnote 1, pg 99</u>: "Metals monitoring is only required at source-separated facilities if metals are received at the facility."</p> <p>Comment: It is unclear whether monitoring for all metals listed is required if any metal is received. For example, if the only metal collected is aluminum cans, will the facility be allowed to monitor for aluminum only?</p> <p>Recommendation: Only require metals monitoring for metals actually collected.</p>	<p>We have revised the footnote in the Table 210 Benchmark Monitoring to only require metals monitoring for metals actually collected.</p>
	<p>(7) <u>Part IV, Sector Q, C.2.a(1), pg 106</u>: "As defined by</p>	<p>With this change we have defined</p>

	<p>this permit, process wastewater related to hull work at water transportation facilities shall be any water used on a vessel's hull for any purpose, regardless of application pressure, including but not limited to the activities of removing marine salts ..."</p> <p>Comment: Low pressure rinsing of marine salts back into a marine environment has minimal/no impact and does not appear to meet the definition of process wastewater. This section of the permit is not consistent with EPA MSGP.</p> <p>Recommendation: This section should be consistent with the EPA MSGP, or at a minimum, not apply to removal of marine salts only.</p>	<p>pressure washing and hull washing activities as process wastewater that need separate VPDES permits (and are not authorized discharges under this permit). This definition is from individual permits the Board has issued to similar facilities in Virginia, and was included here to be consistent with those permits.</p>
	<p>(8) <u>Part IV, Sector Q, D, Table 240, pg 108</u>: The Cu benchmark of 18ug/1 is set at twice the acute criteria.</p> <p>Comment: Provisions should exist for the benchmark to be adjusted where site specific criteria exist (e.g., Elizabeth River and Hampton Roads Harbor). Since site specific acute criteria there is 16.3 ug/l, the benchmark would be 32 ug/1 rather than 18 ug/l.</p> <p>Recommendation: Allow the benchmark for a metal to be adjusted where site specific criteria exist.</p>	<p>Benchmarks are not effluent limitations, but exist for the permittee to use to determine the overall effectiveness of the SWPPP in controlling the discharge of pollutants to receiving waters. Exceedance of a benchmark concentration does not constitute a violation of this permit and does not indicate that violation of a water quality standard has occurred; however, it does signal that modifications to the SWPPP are necessary, unless justification is provided in the comprehensive site compliance evaluation.</p>
	<p>(9) <u>Part IV, Sector R, C.2.a (1), pg 109</u>: "As defined by this permit, process wastewater related to hull work at ship and boat building or repair yard facilities shall be any water used on a vessel's hull for any purpose, regardless of application pressure, including but not limited to the activities of removing marine salts.</p> <p>Comment: Low pressure rinsing of marine salts back into a marine environment has minimal/no impact and does not appear to meet the definition of process wastewater. This section of the permit is not consistent with EPA MSGP.</p> <p>Recommendation: This section should be consistent with the EPA MSGP, or at a minimum, not apply to removal of marine salts only.</p>	<p>See the response to #13 b (7) above.</p>
	<p>(10) <u>Part IV, Sector R, D, Table 250, pg 110</u>: The Cu benchmark of 18ug/1 is set at twice the acute criteria.</p> <p>Comment: Provisions should exist for the benchmark to be adjusted where site specific criteria exist (e.g., Elizabeth River and Hampton Roads Harbor). Since site specific acute criteria there is 16.3 ug/l, the benchmark would be 32 ug/1 rather than 18 ug/l.</p> <p>Recommendation: Allow the benchmark for a metal to be adjusted where site specific criteria exist.</p>	<p>See the response to #13 b (8) above.</p>
	<p>(11) <u>Part IV, Sector S, D.1.c, pg 112</u>: "The SWPPP shall define the average seasonal timeframe during which deicing activities typically occur at the facility. Implementation of BMPs, facility inspections, and effluent limitation monitoring shall be conducted ..."</p> <p>Comment: Effluent limitations related to deicing</p>	<p>We do not believe the suggested change is necessary. The purpose of this section is to require the permittee to define the average deicing period in the SWPPP. The effluent limitations section clearly defines which facilities are subject to</p>

	<p>operations only apply to primary airports meeting the annual jet departure threshold. Recommendation: Recommend inserting ", if applicable," after effluent limitation monitoring.</p>	<p>the effluent limitations.</p>
	<p>(12) <u>Part IV, Sector S, E.1, pg 115</u>: "Existing and new primary airports with at least 1,000 annual jet departures (non-propeller aircraft) that have discharges associated with airport pavement deicing comingled with storm water shall either use airfield deicing products that do not contain urea or alternatively, airfield pavement discharges at every discharge point shall achieve the numeric limitations for ammonia in Table 260-1, prior to any dilution or commingling with any non-deicing discharge." Comment: It is not clear whether military airfields meet the definition of primary airport in 49 USC § 47102. In addition, it is not clear whether jet departures include "touch and go" practice used to train pilots for carrier landings. Recommendation: Need to clarify whether requirements in this section apply to military airports. In addition, "touch and go" practice used to train pilots for carrier landings should not be considered departures.</p>	<p>From 49 USC § 47102: "Primary airport" means a commercial service airport the Secretary determines to have more than 10,000 passenger boardings each year. "Commercial service airport" means a public airport in a State that the Secretary determines has at least 2,500 passenger boardings each year and is receiving scheduled passenger aircraft service. Based on these definitions, military airfields would not fit under the definition of a primary airport.</p>
<p>14. Denise Mosca, 6977 Ark Road, Gloucester, VA 23061</p>	<p>The draft general permit up for comment only provides for nutrient monitoring in the beginning two years of the permit for existing facilities. This monitoring will provide DEQ staff the information to evaluate the need for nutrient provisions in the permit to be reissued 5 years from now. It is my understanding that this nutrient load is expected to be low, but staff has no data at this time to document this assumption. Because there is no currently proposed provision for nutrient removal for existing facilities, the industrial storm water general permit fails to address this wasteload allocation in the Watershed Implementation Plan (WIP). Without documentation that the contribution is of a de minimus nature, the general permit does not fulfill the requirements of the Chesapeake Bay TMDL, and therefore is not in compliance with State Water Control Law and the Clean Water Act. Localities have been required to put plans in place to address nutrient contributions to storm water on a relatively fast track. Industries should also be addressing their storm water nutrient wasteload allocation at this time through requirements in this general permit to submit nutrient reduction plans to DEQ if necessary based on their nutrient monitoring.</p>	<p>See response #11a.</p>
<p>15. Kate Bennett, Fairfax County Stormwater Planning Division</p>	<p>a. <u>9VAC25-151-60, Registration Statement and Stormwater Pollution Prevention Plan (SWPPP), C.5</u>. Not all permit applicants will know if they will discharge to an MS4, or to which MS4. Prospective applicants should be given some assistance by DEQ in determining if they will discharge to an MS4 along with a list of appropriate local government contacts.</p>	<p>See response #1a.</p>
	<p>b. <u>9VAC25-151-70, General Permit</u> (1) <u>Part I.A.1.c.4, Facilities discharging to an impaired water without an approved TMDL wasteload allocation</u>. It is unreasonable to require monitoring without knowing</p>	<p>We have added an opening paragraph to the section that states: "Owners of facilities that are a source of the specified pollutant of</p>

	<p>what pollutant must be monitored. We recommend changing the heading and text in this section to read: "Facilities discharging to an impaired water without an approved TMDL wasteload allocation for which there is an identified pollutant responsible for the impairment."</p>	<p><i>concern to waters for which a TMDL wasteload allocation has been approved prior to the term of this permit will be notified as such by the Department when they are approved for coverage under the general permit."</i></p>
	<p>(2) <u>Part I.B.7, Discharges through a Virginia Stormwater Management Program (VSMP) regulated MS4 to waters subject to the Chesapeake Bay TMDL.</u> This section inappropriately attempts to shift responsibility for requiring compliance with the Chesapeake Bay TMDL from the state to MS4s. Industrial stormwater permits, like MS4 permits, are a form of regulated stormwater, and as such, they should have to achieve the same reductions that are being required of MS4s. These reductions are clearly defined in Virginia's Phase II WIP: "an average reduction of 9 percent of nitrogen loads, 16 percent of phosphorus loads, and 20 percent of sediment loads from impervious regulated acres and 6 percent of nitrogen loads, 7.25 percent of phosphorus loads and 8.75 percent sediment loads beyond 2009 progress loads for pervious regulated acreage," and are to be achieved over three permit cycles.</p>	<p>See response #10 a (2), and #11 a.</p>
	<p>(3) <u>Part I.B.8, Expansion of facilities that discharge to waters subject to the Chesapeake Bay TMDL.</u> The use of "expansion" is not defined. It is unclear whether it applies to expansion of operations or construction activities at a permitted facility. If expansion is intended to signify expansion of operations, this should be defined in the regulation. If it is intended to signify construction activities, compliance with the VSMP Permit Regulations (4VAC50-60) should constitute compliance with a "no net increase" requirement.</p>	<p>See response #10 a (1).</p>
	<p>c. <u>9VAC25-151-80, Storm Water Pollution Prevention Plans, Part III.B.4.a.</u> A permitted facility should not be held responsible for pollutants running onto their site from an adjacent site. There is, however, value in a facility being aware of runoff to their site and of how their industrial materials or activities may be exposed to it. Pollutants identified in runoff to a site should be reported to DEQ.</p>	<p>See response #9 c.</p>
<p>16. Jason Papacosma, Arlington County</p>	<p>Arlington County's comments come from our perspective as a regulated MS4 with a Chesapeake Bay TMDL wasteload allocation (WLA). Arlington's Phase I permit, as well as the new Small MS4 permits, contain a loading table to determine the specific Bay TMDL load reductions required during this permit cycle. The input into this loading table is the permittee's MS4 service area. A key element of the MS4 service area computation is excluding lands covered under separate VPDES stormwater permits.</p> <p>This is a fundamental aspect of how the Clean Water Act (CWA) regulates point sources governed by a TMDL: each point source is responsible for its own discharges and is assigned a WLA for which it is responsible. VPDES-permitted industrial stormwater facilities are not an exception, yet the draft permit does not include a Bay TMDL WLA. This is inconsistent with the CWA, especially when considering that the Act</p>	<p>See response # 8 a and #8 b (1). Regarding the MS4 being involved in reviewing the permit, it is not clear what is meant by this. Registration statements are posted for public review prior to permit coverage being granted, but there is no "permit review" per se. Facility SWPPPs are also not submitted for review.</p> <p>The permit contains a special condition requiring the permittee to notify the MS4 owner that they are discharging through an MS4, and copy DEQ with the notification. The Department tracks this information in the agency permitting database. We</p>

	<p>applies a less stringent regulatory standard to MS4s than to industrial stormwater dischargers. In short, if MS4s have a Bay TMDL WLA, then industrial stormwater discharges must also be assigned a Bay TMDL WLA.</p> <p>EPA's Bay TMDL reinforces this basic legal and regulatory principle by highlighting in numerous places the category of industrial stormwater discharges as distinct from MS4 discharges. The document also specifically states that the TMDL includes a separate category of loads for industrial stormwater facilities: <i>The contribution from industrial stormwater discharges subject to NPDES permits has been estimated on the basis of data submitted by jurisdictions in their Phase I WIPs, including the number of industrial stormwater permits per county and the number of urban acres regulated by industrial stormwater permits. For the Bay TMDL, the permitted industrial stormwater load is subtracted from the MS4 load when applicable.</i></p> <p>"When applicable" clearly applies in Virginia, with MS4s being assigned separate WLAs and having no regulatory authority over permitted industrial stormwater discharges. Part 1.A.1.b of Arlington's MS4 permit states that VPDES permitted industrial stormwater discharges are automatically authorized to our MS4. This highlights two critical points: 1) that MS4s have no regulatory authority over these discharges, and 2) that DEQ must exercise its clear authority over permitted industrial stormwater dischargers to ensure compliance with the Bay TMDL and other TMDLs.</p> <p>The draft permit's definitions section is also very clear that all point source dischargers are assigned a WLA: <i>"Total maximum daily load" or "TMDL" means a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges, load allocations (LAs) for nonpoint sources and/or natural background, and must include a margin of safety (MOS) and account for seasonal variations."</i></p> <p>If industrial stormwater facilities are not assigned a WLA, this load will go unaccounted for and will slow down the progress towards Bay restoration that we are all working hard to achieve.</p> <p>Finally, the draft permit regulation (9VAC25-151-60.C.5) requires that the permittee identify whether the facilities discharge or will discharge to an MS4. The MS4 must be involved in reviewing the permit if their location is within the corporate boundary. For example, several currently permitted industrial stormwater dischargers in Arlington County discharge into VDOT's MS4 and then into Arlington County's MS4. Without the MS4s being included in the permit review process, it is unlikely that both would be identified on the permit.</p>	<p>are happy to share this information with any MS4 owner.</p> <p>DEQ will be developing a table of MS4 localities and program administrator contact information for the registration statement, and will post this information on-line as well.</p>
<p>17. Leslie Mitchell, Executive Director, Friends of the North Fork of the Shenandoah</p>	<p>Localities, states and the Federal government have spent millions of dollars in their efforts to restore the Chesapeake Bay and our local streams and rivers. The renewed general storm water permit for industrial activity must maintain that progress. The permit must</p>	<p>See response # 8 a and #8 b (1).</p>

<p>River, P.O. Box 746, Woodstock, VA 22664</p>	<p>include specific and enforceable limits on nutrient and sediment pollution for progress to continue. If local governments must reduce nutrient and sediment pollution, industrial activities must also be required to reduce their nutrient and sediment pollution by five percent during the five-year term of the permit term. These revisions to the general storm water permit would support Virginia's efforts to restore the Chesapeake Bay and improve water quality in Virginia.</p>	
<p>18. Joseph Valentine, Onancock, VA</p>	<p>The new general permit should address the issue of nutrient and sediment loads associated with the industrial activity. It should require each permittee to initiate an action plan, consistent with the commitments made by permitted municipalities in Virginia's Blueprint, to reduce pollution from their facility during the last three years of the permit. The burden for these pollutants should not be ignored and left to the local municipalities for correction. Each industrial permittee should be required by their permit to reduce their polluted storm water runoff of nutrients and sediments to restore it to a level that ensures effective treatment of the storm water leaving the facility.</p>	<p>See response # 8 a and #8 b (1).</p>
<p>19. Clay Coupland, 6401 Eleanor Ct., Norfolk, VA 23508</p>	<p>Subject permit needs to be more specific and hold industrial facilities accountable for their storm water loads just as other localities, municipalities, etc. are required. Under the current permit industrial facilities have no requirement to monitor their load or address their individual waste load allocations. The new general permit must address the issue of nutrient and sediment loads for industry if it is to be an integral part of Virginia's Chesapeake Bay Clean Water Blueprint.</p>	<p>See response # 8 a and #8 b (1).</p>
<p>20. Judith Warrington, 4211 Springhill Ave, Richmond, VA 23225</p>	<p>As a member of the James River Association I feel that we must do everything possible - - to go above and beyond the requirements of nutrient and sediment limitations if need be - - to protect water quality and wildlife habitat in the James River and other VA tributaries of the Chesapeake Bay. I support Virginia's efforts to restore the Chesapeake Bay and believe my recommended revisions would further the state's efforts to improve water quality.</p>	<p>See response # 8 a and #8 b (1).</p>
<p>21. Sheryl Smith, 14229 Trails End Dr., Montpelier, VA 23192</p>	<p>Please make sure that the general permit includes very specific, enforceable limits on nutrient and sediment pollution. I support clean water for Virginia! We are starting to make progress. Please do not backslide.</p>	<p>See response # 8 a and #8 b (1).</p>
<p>22. Grace Moran, 2225 Roanoke Ave, Unit 1, Virginia Beach, VA 23455</p>	<p>I understand that DEQ is in the process of setting standards for industrial facilities related to discharge and run-off. Or maybe not. Virginia, as well as the other Chesapeake Bay states, has a long way to go in restoring the health of our waters. We need, through your actions, to set limits on how much negative activity we can safely allow. I presume that TMDL measurements would accomplish this, and ought to be included in your permitting process. That goes for industrial activities, as well as local governments. They need to be required to reduce their nutrient and sediment pollution by five percent during the five-year permit term. I thank you for your efforts to restore the Chesapeake Bay and believe my recommended revisions would further the state's efforts to improve</p>	<p>See response # 8 a and #8 b (1).</p>

	water quality.	
23. Susi Cora, 1501 Wake Forest Dr., Alexandria, VA 22307	The updated general permit must maintain progress in restoring the Chesapeake Bay and our local streams and rivers. I recommend that the general permit include specific and enforceable limits on nutrient and sediment pollution. I also recommend that INDUSTRIAL ACTIVITIES, FARMING OPERATIONS, AND LIMITS ON BIOSOLID SPREADING IN WATERSHEDS be required to reduce their nutrient and sediment pollution during the five-year permit term. I support Virginia's efforts to restore the Chesapeake Bay and believe my recommended revisions would further the state's efforts to improve water quality.	See response # 8 a and #8 b (1). Regarding the farming operations, and limits on biosolid spreading in watersheds, that is beyond the scope of this industrial storm water GP regulatory action.
24. Priscilla & Leonard Bashinski, 92 Cardinal Ct., Heathsville, VA 22473	Please do not take two steps back by not allowing the general permit to include specific and enforceable limits on nutrient and sediment pollution. And please continue to require industrial activities to reduce their nutrient and sediment pollution by at least five percent during the five-year permit term. Let's continue to improve the Chesapeake Bay's water quality not add to its demise!	See response # 8 a and #8 b (1).
25. Alan Partin, 10806 Branberry Ct., Henrico, VA 23233	Our stewardship as a society in sustaining world habitation quality must not be diminished in priority for sake of future generation occupants. I call upon you to see that quantitative objective metrics are instated to curtail further slippage in degradation of natural resources that will hopefully lead to revival of atmosphere, land, and water quality. Recognition of loss of quality has occurred. We must continue affirmative action to reverse damage so a reasonably clean world is passed on to promote a higher quality of life free of exposure to unsafe environmental pollutants.	See response # 8 a and #8 b (1).
26. Tom Kennedy, 216 Sparrow Rd., Chesapeake, VA 23325	The five percent nutrient and sediment reduction recommendation being encouraged by CBF and the like are necessary progress. Sensible regulations create a level playing field between the industries that want to do the best, and the scofflaws who will try to get away with anything. The reductions must be enforceable. PLEASE, revise and strengthen the proposed legislation.	See response # 8 a and #8 b (1). However, there is no legislation involved with this permit reissuance.
27. Maynard Hines, 206 Aspen Blvd., Yorktown, VA 23692	"Save the Bay" has become a world renowned phrase and highly responsive "Call to Action" which reflects Virginian's sense of responsibility and stewardship for the Chesapeake Bay and it's many waters. The beautiful bay and rivers have a dazzling impact on travellers as they approach Virginia's shores. The "Bay" and the rivers that flow into the "Bay" are the subject of history and lore, of natural beauty, and Virginian pride. The Potomac, the Rapidan, the Rappahannock, the York, the James, the Elizabeth, the Appomattox are all steeped in cultural and historical lore. "Save the Bay" is also a battle cry to continue the "Good Fight" to save the bay from centuries of unfortunate neglect, from abusive farming, from damaging urban and industrial discharges, and from lack of knowledge of the damages that we as a people have caused. It's a seems a poor reflection on us, but we are charged as Gods good stewards of the earth to correct our wrongs into rights. Now we know, we the	See response # 8 a and #8 b (1).

	<p>people have caused the damage. And now we know what has to be done to correct our centuries of neglect. And now I urge you to continue the "Good Fight" for God, for country, and for Virginians. Support the Chesapeake Bay Foundation in this effort for an enforceable and responsible permitting process with five percent reduction goals. To me that seems a modest request.</p>	
<p>28. Shereen Hughes, 103 Holly Rd., Williamsburg, VA 23185</p>	<p>The industrial stormwater general permit should require industrial facilities to calculate their own individual WLA for nitrogen, phosphorus, and sediment using the same method required of regulated municipalities. That method includes calculating the number of impervious and pervious acres and incorporating required 5-percent reductions for nitrogen, phosphorus, and sediment. The industrial WLA should be incorporated into the general permit. This step will foster transparency and accountability and is a requirement for any of the permitted industries that seek to purchase or sell nutrient credits. Future permit terms should seek further reductions in nutrient and sediment pollution consistent with the procedures and schedule followed by localities.</p>	<p>See response # 8 a and #8 b (1).</p>
<p>29. Cindy Smith, 9901 Alydar Ct., Nokesville, VA 20181</p>	<p>I teach undergraduate students who want to become Elementary School teachers. This week we spent a few hours examining the aquatic life in the picturesque pond on the GMU campus. Most students were surprised to find out this pond is a mandatory stormwater control, and shocked at the amount of toxins & sediment that flows from roads, roof tops & parking lots into this pond. I am spending a great deal of time educating folks, who will teach our next generation to be good stewards of our waterways. I urge you to do even better in maintaining progress in Bay cleanup efforts by including enforceable limits on nutrient and sediment pollution across the Commonwealth.</p> <p>I recommend that the general VPDES General Permit for Discharges of Storm Water Associated with Industrial Activity (ISWGP) 9VAC25-151 permit include specific and enforceable limits on nutrient and sediment pollution such that industry be required to reduce their nutrient and sediment pollution by five percent during the five-year permit term. I am doing my part by training pre-service teachers, my grad students AND 18,000 kids/year with our environmental ed watershed programs. If all stakeholders do their part, we can improve water quality even if it costs more.</p>	<p>See response # 8 a and #8 b (1).</p>
<p>30. Kirby Hutto, 3198 Red Hill Rd., North Garden, VA 22959 Also submitting the same comments: (See the list of 617 individuals at the end of this section)</p>	<p>The updated general permit must maintain progress in restoring the Chesapeake Bay and our local streams and rivers. I recommend that the general permit include specific and enforceable limits on nutrient and sediment pollution. I also recommend that industrial activities, much like local governments, be required to reduce their nutrient and sediment pollution by five percent during the five-year permit term. I support Virginia's efforts to restore the Chesapeake Bay and believe my recommended revisions would further the state's efforts to improve water quality.</p>	<p>See response # 8 a and #8 b (1).</p>
<p>Public Hearing Speakers (Verbal and Written Comments)</p>		

<p>31. (PH1) John Fowler, Chesapeake Bay Foundation (CBF) (Written Comments)</p>	<p>We applaud the hard work and many achievements of the DEQ staff and other stakeholders in connection with the preparation of this draft permit, but we must oppose the draft in its current form as inconsistent with the commitments of Virginia's Watershed Implementation Plan (WIP) and applicable law.</p> <p>The industrial stormwater general permit authorizes covered industrial facilities to discharge polluted stormwater to local streams and rivers. A waste load allocation (WLA) for this industrial stormwater sector is included in the Bay TMDL, and the Virginia Watershed Implementation Plan (WIP) committed to meet the industrial stormwater WLA. However, the draft permit falls regrettably short of important requirements, the most important of which are these:</p> <p>First, the proposed permit fails to assign to the covered facilities a specific WLA for nutrients and sediment or otherwise require these facilities to address the aggregate WLA assigned to the industrial sector by the Bay TMDL. If this permit is approved in its current form, therefore, no entity would be responsible for Virginia's industrial stormwater WLA, contrary to the Clean Water Act and to the State Water Control Law. (While the WIP said the industrial stormwater WLA is assigned to regulated MS4s, as I'll discuss further in a moment, the Phase II general MS4 permit and the Arlington County Phase I permit are silent on the issue).</p>	<p>See response # 8 a and #8 b (1).</p>
	<p>The second striking problem with the draft permit is that it improperly states that permittees may use nutrient credits to meet VSMP water quality design criteria when expanding. This provision contradicts Virginia law which specifies that nonpoint sources of runoff pollution may meet water quality design criteria through use of nutrient credits. This is a possibility that is not available for runoff pollution from regulated point sources. Industrial stormwater facilities are regulated point sources, and under Virginia's trading law, they are allowed to engage in nutrient trading only for compliance with a WLA assigned in a VPDES permit. As drafted, this draft NPDES permit assigns no WLA to permittees, so the permit would preclude permittees from engaging in nutrient trading.</p>	<p>See response #8 c.</p>
	<p>CBF urges the Board to require changes to this permit consistent with the WIP and underlying law: The permit should be revised to require each permittee within the first two years of the permit period to calculate its own WLA and to develop and submit to DEQ for approval an action plan for reducing its load by the end of the permit period in the manner currently applicable to MS4s.</p> <p>The WLA should be developed using the formula prescribed by the WIP for MS4s (based on a facility's impervious and pervious acreage) and the action plan should require reductions of 5% of the total WLA, as is required for MS4s. Requiring permittees to follow the methodology applicable to MS4s is appropriate for several reasons: (1) The WIP stated it assigned the industrial stormwater load to MS4s; and (2) many industrial stormwater permittees discharge into MS4s service areas, such that the accounting and reduction methodology should be consistent.</p>	<p>See response #8 b (1) and #8 c.</p>

	This suggested change would also correct the current permit's misapplication of Virginia's trading law. Thus, once DEQ approves an industrial stormwater permittee's developed WLA, a permittee otherwise in compliance with law should be a candidate for participation in nutrient trading. The draft industrial stormwater permit should be modified as outlined here today and as further indicated in our written comments consistent with law and with the commitments made in Virginia's WIP.	
32. (PH2) John Roland, Asphalt Industry (Verbal Comments)	Only issue that the Asphalt Industry has is with the nutrient sampling. There is no reason to believe there are any nutrients in storm water associated with asphalt facilities. They would like DEQ to look at the requirement for specific SIC classifications/permit sectors and exempt them from nutrient sampling.	See response #3.
33. (PH3) Faye Bailey, Private Citizen (Verbal Comments)	Citizen concerned about the Bay. Would like the regulation to address the Bay TMDL WLAs for industrial facilities.	See response # 8 a and #8 b (1).
34. (PH4) Jacob Powell, Virginia Conservation Network (Verbal Comments)	Concern is that WLAs are not addressed in the permit. Recommends that WLAs be included for industries in the Chesapeake Bay.	See response # 8 a and #8 b (1).
35. (PH5) Robin Broder, Potomac Riverkeeper (Verbal Comments)	Localities should not have to be the only ones to reduce nutrients. WLAs should be included for industries in the general permit.	See response # 8 a and #8 b (1).

Also submitting the same comments as Comment #30:

Kirby Hutto, North Garden; Rebecca Bryant, Alexandria; Constance Birch, Staunton; Jeffrey Fasceski, Burke; Therese Dyer-Caplan, McLean; Blair Hansford, Seaford; Neal Furgurson, New Kent; Sarah Behan Crespo, Alexandria; Burton Bostwick, Arlington; Judith Runion, Charlottesville; Lou Ferraro, Virginia Beach; Jennifer Haney, Cascade; Larry Wingo, Virginia Beach; Ray Legge, Boyce; Marisa Reilly, Woodbridge; William Greer, Roanoke; Daniel Sude, Falls Church; Russell Hutchison, Virginia Beach; Mark Zimmerman, Winchester; Nicholas Neagle, Fredericksburg; Matthew McMurtry, Arlington; Joe King, Radford; Martha Taylor, Burkeville; Daniel Gibson, Virginia Beach; Catherine Rothman, Norfolk; Katie O'Neill, Arlington; Enrique Sanchez-Armass, Arlington; John Ragosta, Rixeyville; Elizabeth Barnes, Norfolk; Greg Battaglia, Virginia Beach, Amy Gould, Annandale; David Wood, Charlottesville; Ellen Shelton, Chesterfield; Courtney James, Quinby; Hazle W Edens, The Plains; Philip Maisel, Reston; Ronald Fox, Hopewell; Sarah Lanzman, Dyke; William Tuck, Midlothian; Lorelee Clark, Williamsburg; Carla Witt, Falls Church; Catherine Winsor, McLean; Derek Meyer, Alexandria; Mandy DeVine, Alexandria; Elise Cleva, Arlington; John Mayeux, Luray; Douglas Beckmann, Norfolk; Lauren Tabor, Verona; Beverly Pettway, Chesterfield; William Martin, Springfield; Steven Carter-Lovejoy, Chesterfield; Casey Pehrson, Burke; Kirsten Grish, Reston; Laurie Roberts, Tazewell; Robert Whaley, Charlottesville; Greg Singleton, Springfield; Alan Sheeler, Poquoson; Charles Comer, Mount Jackson; Errol Plata, Chesapeake; Michael Britt, Alexandria; Ronald Shamaskin, Midlothian; Calvin Fowler, Henrico; Margaret Ballard, Alexandria; Liesl Stark, Wachapreague; William Corlett, Williamsburg; Robert Starkweather, Stafford; Brenda Wesley, Leesburg; Leonardo Varela, Alexandria; Barbara Muir, Fredericksburg; Elizabeth Essenmacher, Norfolk; Frederick Rosebrook, Harrisonburg; Brandy Bergenstock, Newport News; Betty Stewart, Newport News; Frederick Fisher, Charles City; Mark Alexander, Fredericksburg; Phillip Latham, Alexandria; Tom Obenschain, Richmond; Dean Amel, Arlington; Burton Avery, Barboursville; Glen Thomson, Montross; Lee Waggoner, Fairfax; Linda Jennings, Midlothian; Ayesha Babar, Fairfax; Timothy Ferring, Norfolk; John Reiter, Exmore; Robert Leggett, Great Falls; Leslie Low, Warrenton; Judith A Goodwin, Virginia Beach; Marta Layseca, Arlington; Nanette Myers, Alexandria; Arielle Wildman, Leesburg; Jo Chamberlain, Lancaster; John Andersen, Norfolk; Edward Monroe, Chesterfield; Cheryl Scher, Atlantic; Mark Owens, Virginia Beach; Lindsay Robinson, Mechanicsville; Eugenia Kroplin, Stuart; Todd Sumser, Midlothian; Lisa Walthers, Arlington; George Carneal, McLean; Jeanette Stewart, Falls Church; Joseph Reid, Falls Church; Terry Medhurst, Stafford; John Tolleris, Alexandria; Betty H. Weatherley, Alexandria; Kristin Irani, King George; Dave Parsons, Oakton; Lynn Mace, Floyd;

Sarah S, Alexandria; Pat Murphy, Norfolk; Jeff Deem, Lorton; Judith Kator, Williamsburg; Carol Cox, Fredericksburg; Pam McMillie, Mine Run; Lehner Craig, Richmond; Jan Van Deventer, Falls Church; Jacob Hostetter, Williamsburg; David Peyton, Falls Church; Marilyn Sue Rainey, Charlottesville; Brian Parr, Annandale; Lee Neese, Virginia Beach; Gene Moser, Hampton; Caryl Sawyer, Sandston; Richard Lovell, Falls Church; David Coker, Alexandria; C. Robert Clauer, Newport News; Theresa McFadden, Alexandria; Amy Biggs, Virginia Beach; James Barber, Chesapeake; Jody Turner, Yorktown; Sarah Munroe, Oakton; Ronald Blade, Hampton; Charles Tyus Jr, Dunnsville; Elise Balcom, Virginia Beach; Blaine Blackthorne, Galax; James Miller, Earlysville; C Lemon, Eagle Rock; Helen Moulis, Virginia Beach; Cecelia Soccia, Virginia Beach; Karen Cifranick, Norfolk; Richard Carpenter, Virginia Beach; Carol Summerlyn, Portsmouth; Becky Dais, Arlington; Pete Hangen, Virginia Beach; Virginia Paul, Harrisonburg; Harold Diggs, Topping; Carson Rector Jr., Glen Allen; Richard Pope, Heathsville; Lindsay Keiter, Williamsburg; Jenny Nowlen, Charlottesville; Susan Matheson, Leesburg; Jane B Dickson, Yorktown; Marianne Arnold, Union Hall; Janet McEvoy Price, Falls Church; Thomas Armstrong, Reedville; Mark Winslow, Springfield; Joshua Stone, Hayes; Horace McNeal, Virginia Beach; Pamela deRoy, Suffolk; Carla Earnest, Norfolk; Derek Young, Charlottesville; Sally Faulkner, Kents Store; John Cannon, Front Royal; James Strawn II, Williamsburg; Marjorie Runge, Springfield; William Stewart, Arlington; Sara Noren, Virginia Beach; Natalie Zuckerman, Stanley; Beverly Battelle, Richmond; Robert Samuelson, McLean; Kristin Brown, Springfield; Rita Marlier, Norfolk; Sam Proctor, Richmond; Maria Gimenez, McLean; Irwiin Sacks, Virginia Beach; Frank DeBolt, Charles City; John Tippet, Fredericksburg; Mark Ross, Fairfax; Nicholas Ferriter, Mollusk; Joshua Evans, Virginia Beach; Kimberly Elkins, Weyers Cave; John Walker, Chesapeake; Michael Jackson, Deltaville; Shannon Welch, Madison; Wyndham Price, Richmond; Fred Hean, Charlottesville; Adrienne Hall-Bodie, Lexington; Donald J Dixon, Virginia Beach; Robert Agee, Alexandria; Robert McDermott, Montross; Martha Cusick, Richmond; Isabelle D'Achille, Reston; James Tapp, Great Falls; Ellen Shuler, Richmond; Mary Blackwell, Vienna; Paul Nancarrow, Staunton; Christie Lum, Lorton; Kristin Carter, Keswick; Leslie Calambro, Henrico; David Lewis, Annandale; Steve Tuttle, Alexandria; Sherry Eborn-Fovel, Charlottesville; Cynthia Bowen, Salem; Catherine Volz, Arlington; Janet Rash, Newport News; Patricia Wharry, Hampton; Lawrence Jacksina, Charlottesville; Charles J Whittle Jr, Dugspur; Beth Konopnicki, Yorktown; Charles Jos Biviano, Richmond; Paul Malcolm, Gloucester; Adam D'Onofrio, Petersburg; Raymond Smith, Fairfax; Theodore Hansion, Williamsburg; Alexander Krupp, Fairfax; Laura Blackburn, Mechanicsville; Otto Gutenson, Lovettsville; Bruce Roberts, Alexandria; Kimberly Abe, Heathsville; P. Becker, Arlington; Megan Krout, Arlington; Martha Buhler, Falls Church; David Vespa, Arlington; Emelia Beltran, Arlington; Brenda Yu, McLean; Keir Sterling, Richmond; Jordan Westenhaber, Williamsburg; Sandi Wurtz, Alexandria; Philip Coulling, Lexington; Louis Reginato Jr, Chesapeake; Dale Schutt, Christiansburg; Sara Upchurch, Norfolk; Caroline Kemper, Alexandria; Bruce Ladino, Fairfax; William Whiteside, Williamsburg; Denise Moclair, Hampton; Elizabeth Danforth, Richmond; Robert and Ginny Bonometti, Winchester; Stanley Rodia, Centreville; Shannon Cowett, Chantilly; Carol Warren, Chesapeake; Meghan Mannarino, Charlottesville; Dian Tublin, Herndon; David Rabadan, Annandale; Laura Berry, Blacksburg; Dianne Jordan, Gloucester; Margy Ohring, Round Hill; Kathy Batkin, Portsmouth; Jay Henderson, Midlothian; Fung Chen, Fairfax; Alex Landry, Alexandria; Ellen Kent, Winchester; Cheryl Reed, Alexandria; Richard Tororella, Centreville; Jacqueline Dussia, Chesapeake; Lucile Miller, Henrico; Nadia Burns, Williamsburg; Nicholas Kellas, Norfolk; Lisa McWhorter, Suffolk; Monica Schultz, Winchester; Benita Crow, Chesapeake; Dona Malvin, Williamsburg; John Decker, Christiansburg; Lisa Becouvarakis, Gum Spring; Michael Duffy, Arlington; Jackie Davis, Christiansburg; Sebastian Kuhn, Norfolk; Ann Williams, Richmond; Warren Mountcastle, Providence Forge; Robert Forster, Fairfax; Sue Gier, Singers Glen; Patricia Remacle, Reston; James Mosey, Midlothian; David Buchanan, Charlottesville; Linda Even, Newport News; Ronald Goldstein, Williamsburg; Douglas Throp, Norfolk; Diana Parker, Chesterfield; Kenneth Henson, Warrenton; Angier Brock, Yorktown; Robin Whitmore, Arlington; John Evans, Alexandria; David Woodson, Henrico; Gregory Osteen, Virginia Beach; Robert Hawkins, Mechanicsville; Roy Hock, Williamsburg; Kathleen Taimi, Arlington; JoEllen Daniel, Glen Allen; Debbie Belote, Machipongo; Brian Moores, Doswell; Abner Hassell, Suffolk; Gina Paige, Glen Allen; Shirley Millican, Springfield; Stephanie Hundemer, Virginia Beach; Alan Chadwick, Dulles; John Light, Arlington; George Anderson, Alexandria; Ken Russell, Midlothian; Eric King, Vienna; Lareta Finger, Harrisonburg; Diane Clark, Woolwine; Jean Tunstall, Clifton; Kirkland Clarkson, Norfolk; Beverly Mann, Norfolk; Sharon Burtner, Oakton; Benjamin Tuck, Oakton; William Toms, Herndon; John Dronzek, Virginia Beach; Adolph Strobel, Glen Allen; Gail Hermosilla, Cross Junction; Peggy Gilges, Charlottesville; Eliza Berkley, Norfolk; John Berkley, Norfolk; Sylvia Bocskor, Vienna; Courtney Siegenthaler, Burke; Mary Picardi, Virginia Beach; Kannan Sundaramoorthy, Fairfax; Nicole Pierce, Newport News; Kristen Firestone, Norfolk; Mary Barhydt, Norfolk; Patti Rucker, Stephens City; Doug Small, Onancock; Walter Nicklin, Alexandria; Patricia Edson, Richmond; Cary Gibson, Eastville; Jo Ann Hersh, Alexandria; Claire Gorman, Norfolk; William Young, Lynchburg; Judith Dabney, Yorktown; Paul Burke, Virginia Beach; Polly Ransone, Onancock; Ellen Radday, Arlington; Michael Broder, Arlington; Virginia Barber, Crozet; Frank Kearney III, Hampton; Thomas Kopko, Haymarket; John L. Knight, Henrico; Robert Veltkamp, Alexandria; Wesley Jargowsky, Troutville; Marya Fitzgerald, Alexandria; John Overton, Arlington; Darrell Schwalm, Staunton; Mimi Hodsoll, Falls Church; Jo Wampler, Bridgewater; Lucas Pickett, Blacksburg; Philip Case, Staunton; Cary Adams, Richmond; Drew Landman, Norfolk; William Napolitano, Williamsburg; Rob Jennings, Shipman; Meghan Cooke, Tappahannock; Victoria Humphreys, Virginia Beach; Katherine Landman, Norfolk; Thomas Major, Williamsburg; Megan Fink, Virginia Beach; Donna Robson, Alexandria; Gerry Fuller, Arlington; Bryan Trumble, Fredericksburg; Mark Heinicke, Ruckersville; Chris Koeritz, Scottsville; Paul Kava, Bohannon; Donna Hapner,

Stafford; Robert Bracken, Heathsville; Peter Friend, Williamsburg; Ronald W. Tuttle, Winchester; Nancy Gercke, Charlottesville; H. Talmage Day, Alexandria; Thomas Banko, Virginia Beach; Gwendolyn Kennedy, Annandale; Mark Miller, Alexandria; Elaine Becker, Roanoke; Martha Kent, Richmond; Teena MacKellar, Hampton; George Edmonds, Chesterfield; Leslie Fellows, Aylett; Dana Horton, Poquoson; Linda Cox, Midlothian; Wayland Marks, Fredericksburg; Marcus Walther, Virginia Beach; Greg Gentry, Ruckersville; Murphy Thibodeau, Barboursville; Ralph Eaton, Roanoke; Elizabeth Outka, Midlothian; Rodney Carlson, Virginia Beach; Jack Middour, Middleburg; Christopher Wynkoop, Madison; Marisa Schmidt, Fairfax Station; William Dent, Harrisonburg; Hale Thomas, Deltaville; Christopher Spiel, Norfolk; Sherry Harris, Chesterfield; Elizabeth Scott, Harrisonburg; Martin Kilmer, Vienna; John Skeele, McLean; Chris Maggio, Arlington; Tom Miller, Harrisonburg; Lynn Chapman, Richmond; Betsy Blair, Richmond; Raymond Maloney, Stafford; Chris Eliades, Hampton; Bruce Wiljanen, Arlington; Art Daniels Sr, Falls Church; Ronald Rocheleau, Gloucester; Jane Smith, Linville; John Jacobs, Fairfax; Ted Hochstadt, Falls Church; Allen Witherington, Palmyra; William VonOhlen, Newport News; Bruce Waldrop, Henrico; Hylah Boyd, Richmond; Andrew Cohen, Virginia Beach; Fay Stewart, Zuni; Blane Chocklett, Troutville; John Underwood, Arlington; Kathleen Hoeck, Heathsville; Alexander Schiffelbian, Virginia Beach; Judy Bryan, Alexandria; Theo Giesy, Norfolk; Kathleen Lambiasi, Haymarket; Christopher E Robin, Burke; Mary Lynne Lacy, Richmond; Mariana Lawrence, Lorton; Joan Chapman, Charlottesville; Christine Woods, Hampton; Joseph Smith, Richmond; Cindy Dalton, Henrico; Lucius Kellam, Cape Charles; Eric Gilchrist, Charlottesville; Dorothy Johnson, Centreville; Doris Siewert, Chesterfield; Kitty Cox, King William; Kenneth Robertson, Chester; Sherri Irving, Fairfax; Julia Balsley, Falls Church; Thomas Ellis, Hampton; Joseph Coxe, Newport News; Dan Driscoll, Newport News; Gray Puryear, Norfolk; Lynn Krem, Stephenson; Jewel Thomas, Hallieford; Ron Gilliland, Herndon; David Partington, Charlottesville; Deborah Meadows, Virginia Beach; Ann Violi, Harborton; Virginia Britton, Alexandria; Ari Daniels, Keswick; Jay Green, Richmond; Nydra Jones, Virginia Beach; Leslee Eldard, Burke; David Bernard, Richmond; Thane Harpole, Hayes; Stephen Walker, Manassas; Elizabeth Yeapanis, Fairfax; Delores Eddins, Newport News; Kelly Place, Williamsburg; Dennis Woodruff, Charlottesville; George E. Goode, Mathews; Terry Moody, Kents Store; Bruce Oliver, Christiansburg; Sabrina Powell, Yorktown; Molly Chapman, Winchester; John Hobart, Hampton; Anne Walters, Springfield; Bob Sipe, Richmond; Mary Ann Parr, Charlottesville; Oliver Guichard, Partlow; Johanna Osborn, Waynesboro; George Beeler, Hampton; Sara Bebout, Blacksburg; Janet Boland, Burke; Meredith Kearns, Lanexa; Jason Walker, Charlottesville; Jason Halbert, Charlottesville; Bryan Hofmann, Fredericksburg; Randall Houff, Stuarts Draft; Anita Gomez, Portsmouth; David Laux, Annandale; Glenda Kohlhafer-Regan, Chesapeake; Paul Henderson, Alexandria; Jordan Sears, Rockville; Jerry Green, Charles City; Gale Bryant, Chesapeake; John Woodruff, Charlottesville; Bob Meyers, Vienna; Michelle-Marie Scott, Newport News; Dave Hoffman, Orange; Teri Owen, Richmond; Anika Williams, Portsmouth; David Guillaudeu, Vienna; Robert Gardiner, Sterling; Margaret deButts, Arlington; Rick Cerza, Chesapeake; Charles Weigand, Virginia Beach; Ernest Rotramel Jr, Falls Church; Andrea King, Spotsylvania; Mary Krantz, Norfolk; Margaret Lung, Reston; Carol Comstock, Leesburg; Georgia Terwilliger, Mechanicsville; Jean Flynn, Machipongo; George Freeman, Jr, Richmond; Betty Milligan, Chesapeake; Brent Hepner, Norfolk; Dorothy Edwards, Chesterfield; Charlene Qualk, Harrisonburg; MK Floor Plantation, Callao; Donna Feirtag, Arlington; Mary Wingard, Gainesville; Amy St Clair, Alexandria; Joseph Mullee, Ashburn; Annette Perez, Henrico; Kevin Williams, Reston; Michael Niebling, Falls Church; Salvatore Luiso, Williamsburg; Victoria Moore, North Garden; Joshua Van Deventer, Goodview; Jan Ward, Virginia Beach; Ann Miller, Roanoke; Kristy Halterman, Verona; Darryl Dawson, Boyce; Joyce Mendel, Belle Haven; David Page, Alexandria; Sue Madeyski, Virginia Beach; Chris Monahan, Springfield; Patricia E. Dolan, Virginia Beach; Nanette Smith, Reedville; Ruth Carlone, Stafford; Sara Hall, Ashburn; Mallory Horton, Ashburn; Patricia O'Neill, Falls Church; Polk Kellam, Belle Haven; Abbie Tomba, Spotsylvania; Bryan Pinckney, Norfolk; Nancy C. Stone, Bealeton; Rick Small, Waynesboro; Sandra Moore, Williamsburg; Walter Moore, Williamsburg; Mallory Spencer, Williamsburg; Frank Yodie, Leesburg; Roseann Xytakis, Richmond; Larry Olson, Montpelier; Christina Hwang, Charlottesville; William Sprinkel, Port Republic; Hugh McElwain, Chesterfield; Annemarie Collat, Falls Church; Don Faulkner, Lexington; Franklin Lundy, Virginia Beach; P Sherron Marquina, Richmond; Carlyle Gravely, Newport News; Nils Bahringer, Virginia Beach; Sarah Wolters, Staunton; Elisabeth Pethybridge, Virginia Beach; Lynn Wilson, Sandston; Mary Villa, Newport News; Rayanne Pirozzi, Springfield; Tim Lank, Springfield; Cortez Cooper, Vienna; Stanley Woodruff, Charlottesville; Molly Woodruff, Charlottesville; Susan Tate, Alexandria; Diane Bostic, Virginia Beach; James Gleason, Clifton; Steven Kranowski, Blacksburg; Jess Winstanley, Fairfax; Elaine Fischer, Roanoke; Megan Longfellow, Manassas; Cristina Lewandowski, Herndon; Stacy Schnetzka, Richmond; Robin Puryear, Chesterfield; Lori Smith, Newport News; Stewart Powell, Richmond; Jessica Pretty, Norfolk; Sara Smith, Onancock; Jen Natyzak, Charlottesville; Erin Eberstein, North Garden; Ragen Buttis, Richmond; Kyra Hadjinlian, Virginia Beach; Patricia Meyerson, Yorktown; Sabine Jacobson, Poquoson; Morgan Snyder, Virginia Beach; Beverley Dorton, Newport News; Michelle Morawski, Alexandria; Kristin Harding, Fredericksburg; Irwin Flashman, Reston; Mike Blackburn, Vienna; Phyllis Mollen, Richmond; Brooke Edwards, Chesapeake; Mike Shushan, Williamsburg; Karen Hitchcock-Mort, Virginia Beach; John Short, Yorktown; Elizabeth Dunlap, King William; Brian Siff, Hanover; Michael East, Danville; Lee Orchard, Weems; Kenneth Hopson, Richmond; Sandra Hood, Yorktown; Benjamin Oxley, Arlington; David Roscher, Norfolk; Kimberly Fordyce, Virginia Beach; Michael Jacobson, Poquoson; Betty Ford, Midlothian; Ken Gigliello, Centreville; Kathryn Brown, Lorton; Patricia Brashears, Midlothian; Marilyn Martucci, Roanoke; Thomas Shull, Newport News; George Wigfall, Virginia Beach; John Reeves, Harrisonburg; Carol Litchfield, Manassas; Janet Rochester, Onancock; Kimberly Marsho, Reedville; Bud Watson, Ashland; Amy Ayers,

Clifton Forge; Marshall Waring, Henrico; Helen Sanders, Fredericksburg; Rogard Ross, Chesapeake; Heather Hollowell, Portsmouth

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
10		Definitions	<p>Added definitions for "Board", "closed landfill", "Department", "Director", "measurable storm event", "minimize", "MS4", "primary industrial activity", "site", and "Virginia Environmental Excellence Program (VEEP)" to clarify these terms in the regulation.</p> <p>Deleted the definitions of "inactive landfill", "large and medium municipal storm sewer system", "section 313 water priority chemicals", and "small municipal separate storm sewer system" because these terms are not used in the regulation.</p> <p>Modified the definitions of "best management practices", "co-located industrial activity", "industrial storm water", and "storm water discharge associated with industrial activity" for consistency with EPA definitions.</p> <p>Modified the definition of "industrial activity", subsection 5 (landfills) to replace the reference to DCR VSMP with VPDES, since the referenced permits are now VPDES permits.</p>
	15	None	<p>Added a section on "Applicability of incorporated references based on the dates that they became effective" to define the applicable date of EPA 40 CFR references used in the regulation.</p>
20		Purpose	<p>Clarified that the regulation governs storm water discharges from facilities in any of the defined industrial activity categories, and storm water discharges designated by the Board under the provisions of 9VAC25-31-120 A 1 c, or 9VAC25-31-120 A 7 a (1) or (2) of the VPDES Permit Regulation.</p>
40		Effective date of the permit	<p>Changed the effective date to July 1, 2014 and the expiration date to June 30, 2019 to correspond to the new general permit dates.</p>
50 A, B	50 A, B, C	Authorization to discharge	<p>Reformatted this section to match the structure of other general permits being issued by the Board at this time. Added an opening paragraph to clarify which facilities are eligible to discharge under the permit.</p> <p>Added two reasons why a facility's discharge would not be eligible for coverage under the permit: (1) if the discharge violates or would violate the antidegradation policy in the Water Quality Standards at 9VAC25-260-30, and (2) if the discharge is not</p>

			<p>consistent with the assumptions and requirements of an approved TMDL. These restrictions on coverage are being added to all general permits as they are reissued.</p> <p>Noted in this section that Virginia's Phase I Chesapeake Bay TMDL WIP states that waste loads for future growth for new facilities in the Chesapeake Bay watershed with industrial storm water discharges cannot exceed the nutrient and sediment loadings that were discharged prior to the land being developed for the new industrial activity. For purposes of this permit regulation, facilities that commence construction after June 30, 2014, must be consistent with this requirement to be eligible for coverage under this general permit.</p> <p>Modified the C. 4. Authorized Nonstorm Water Discharges to match EPA's 2008 MSGP.</p>
50 C	50 D	Conditional exclusion for no exposure	<p>Reworded this section to clarify when the "no exposure certification" may be submitted, that permit requirements no longer apply, and that the certification must be resubmitted every 5 years.</p>
50 D	50 E	Compliance with this general permit	<p>Added that <i>"Compliance 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."</i> This was added in response to comments from the Office of the Attorney General on other general permits recently reissued to recognize there are some exceptions to compliance with the Clean Water Act as stated in the permit regulation.</p>
	50 F	None	<p>Continuation of permit coverage. Added language to allow for administrative continuance of coverage under the expiring general permit until the new permit is issued by the Board, and facility coverage is either granted or denied. To be eligible, the permittee must submit a timely registration statement and be in compliance with the terms of the expiring permit. This language is being added to all general permits as they are reissued so permittees can discharge legally if the permit reissuance process is delayed.</p>
60 A, B		Registration statement	<p>Reformatted this section to match the structure of other recently reissued general permits.</p> <p>The registration deadline for owners of existing facilities was revised to May 2, 2014, which is 60 days prior to expiration. New facilities must also submit a registration statement at least 60 days prior to commencement of industrial activity. Previously it was 30 days prior. These new deadlines meet both agency and permittee needs.</p> <p>Revised the deadline for existing individually permitted facilities to notify DEQ and submit a registration for general permit coverage to 240 days prior to expiration of the individual permit. This time period allows DEQ time to determine if the owner is eligible for general permit coverage, and if they are not eligible, the permittee still has sufficient time to submit an individual permit application within the required 180 day period before the individual permit</p>

			<p>expires.</p> <p>Revised the Late Registration subsection, which allows existing permittees to register after June 30, 2014, but states that authorization to discharge will not be retroactive. Existing permittees may be provided administrative continuance of permit coverage if a complete registration statement is submitted before July 1, 2014.</p> <p>Moved the notification for facilities discharging through an MS4 to the registration statement contents subsection (section 60 C).</p>
60 C		Registration statement contents	<p>Removed C 1 c, the "responsible party" question (which was confusing), and now only ask for the Facility Owner name, and the Operator Name (if different than the owner).</p> <p>Modified the RS to ask for a FAX number for the facility; the nature of the business; for new facilities, whether the SWPPP has been prepared; facility area information on total facility area, area of industrial activity, the impervious area of the industrial activity, and the area draining to each industrial activity outfall. Added three questions from the 2009 RS form regarding a facility's discharges, and added new questions for scrap recycling/waste recycling facilities and primary airports. These questions help the Department to determine the monitoring requirements and appropriate DMRs to send to the owner with the permit. Changed the map requirement to require just a general location map and a site map showing property boundaries, industrial activity areas, outfalls and all receiving waters.</p> <p>Added a question for newly constructed facilities in the Chesapeake Bay watershed. Consistent with Virginia's Phase I WIP, to be eligible for permit coverage, new facilities that commence construction after June 30, 2014, must submit documentation that they have either installed measures and controls to meet the "no net increase" of nutrients and sediment from the site prior to their developing the land for the industrial activity, or that they are using a pollutant trading or offset program in accordance with §§ 62.1-44.19:20 through 62.1-44.19:23 of the Code of Virginia, governing trading and offsetting, to meet the requirement.</p>
60 E, F		Registration statement submittal and web posting	<p>In Section 60 E, specified that the RS may be delivered to the Department by postal mail or electronically.</p> <p>In Section 60 F, deleted the provision that a facility's RS be posted to the Department's public website for 30 days prior to the Board granting the facility general permit coverage. It was decided to remove the provision from the regulation itself and develop a web-based method to make the RS's available for public review.</p>
65		Termination of permit coverage	<p>Repealed this section and moved the "Termination of Permit Coverage" into to the permit itself in Section 70, Part I B, Special Condition #14.</p>
70		General Permit	<p>Updated the permit effective date to July 1, 2014 and</p>

			the expiration date to June 30, 2019.
70, Part I A 1		Types of monitoring requirements and limitations	Changed the Benchmark Monitoring, Effluent Limitation Monitoring and Impaired Waters Monitoring from annual to semi-annual. This will allow the permittee to see more quickly when they have benchmark or effluent limitation exceedances, and will improve water quality by having SWPPP modifications, control measure adjustments and corrective actions taken sooner in the process. This will also allow the Department to better track compliance with the monitoring requirements, and to see more quickly which facilities are having storm water quality issues so that inspections can be targeted to the facilities that need more attention. Having all the monitoring on the same semi-annual basis will also take the confusion out of the reporting requirements for the permittee.
70, Part I A 1 a		Quarterly visual monitoring	Removed the requirement that visual examinations be made during daylight hours to allow facilities more flexibility in their operations. Consolidated all the sampling requirements and the representative outfalls allowance into Part I A 2, and the inactive/unstaffed sites provision into Part I A 4.
70, Part I A 1 b		Benchmark monitoring	Noted that monitoring commences with the first full monitoring period after the owner is granted coverage under the permit. Changed the benchmark waivers to four consecutive monitoring periods, and now allow the four samples to be averaged to qualify for the waiver. Allow facilities to use the last two monitoring periods from the previous permit to satisfy part of the waiver sampling requirement. Moved the monitoring periods information and the representative outfalls allowance into Part I A 2, and the inactive/unstaffed sites provision into Part I A 4.
70, Part I A 1 b (2) (c) (and throughout sections 70 to 370, as appropriate)		BMPs	Changed "BMPs" to "control measures" throughout the general permit (Sections 70 to 370, as appropriate) to be consistent with EPA's 2008 MSGP.
70, Part I A 1 c (1) & (2)		Compliance monitoring – Effluent Limitations	Noted that monitoring commences with the first full monitoring period after the owner is granted coverage under the permit, and moved the monitoring periods information into Part I A 2.
70, Part I A 1 c (3) & (4)		Compliance monitoring – TMDL monitoring and Impaired Waters monitoring	Added an opening paragraph to c (3) specifying that facilities that are a source of the specified pollutant of concern to waters for which a TMDL wasteload allocation has been approved prior to the term of this permit will be notified as such by the Department when they are approved for coverage under the general permit. Also added an opening paragraph to c (4) specifying that facilities that discharge to waters listed as impaired in the 2012 Final 305(b)/303(d) Water Quality Assessment Integrated Report, and for which a TMDL wasteload allocation has not been approved prior to the term of this permit, will be

			<p>notified as such by the Department when they are approved for coverage under the general permit.</p> <p>Noted that monitoring commences with the first full monitoring period after the owner is granted coverage under the permit, and moved the monitoring periods information into Part I A 2.</p> <p>Specified that the permittee may apply for a waiver from either the TMDL monitoring or the Impaired Waters monitoring if the DMR data shows that their discharges are below the "quantitation level". The laboratory certificate of analysis has to be submitted with their waiver request. This was done to eliminate the confusion as to what "not present" and "not detected" meant in the previous permit.</p> <p>Specified that representative outfall sampling is allowed for these monitoring types, consistent with EPA's 2008 MSGP.</p>
70, Part I A 2 a, b, c, d	70, Part I A 2 d (old "d" became "e")	Monitoring instructions	<p>Specified in 2(b) that for discharges from a storm water management structure, the monitoring shall be performed at a time when a measurable discharge occurs from the structure.</p> <p>Specified all the permit monitoring periods in subsection 2d.</p>
70, Part I A 1 a (5) and Part I A 1 b (5)	70, Part I A 2 f	Representative outfalls	<p>Moved this provision from the quarterly visual monitoring and benchmark monitoring sections. Deleted the requirement that the permittee include an estimate of the runoff coefficient of the drainage areas because the data are not needed.</p>
70, Part I A 1 a (4) and Part I A 1 b (4)	70, Part I A 4	Inactive and unstaffed sites	<p>Moved this allowance from the quarterly visual monitoring and benchmark monitoring sections. Added a waiver of the quarterly visual assessments, routine facility inspections, and monitoring requirements (including benchmark, effluent limitation, and impaired waters monitoring) provision for inactive and unstaffed sites. Annual comprehensive site inspections are still required. The waiver must be submitted for approval, and if the facility becomes either active or staffed, the permittee has to notify the Department, and all quarterly visual assessments, routine facility inspections, and monitoring requirements have to be resumed immediately.</p>
70, Part I A 4	70, Part I A 5	Reporting monitoring results	<p>Changed this section to require all semi-annual monitoring to be submitted by January 10 and by July 10. Also specified that for representative outfalls, the sampled outfall will be reported on the DMR, and the outfalls that are representative of the sampled outfall will be listed in the comment section of the DMR. Signed DMRs are not required for each of the outfalls that are representative of the sampled outfall.</p>
70, Part I A 5	70, Part I A 6	Corrective actions	<p>Removed the follow-up monitoring required by the current permit (in A 6 c) for an exceedance of an effluent limit or a TMDL waste load allocation. The follow-up monitoring in the existing permit was very difficult for the Department to track, and confusing for the permittees to implement. Often, the follow-up monitoring had to be conducted during the next monitoring period (because many permittees only do</p>

			<p>their sampling at the end of the monitoring period), which led to confusion as to whether the follow-up sampling qualified as the permittee's normal sampling for that monitoring period as well. The revised permit now requires the permittee to take corrective action and submit a corrective action report to the Department whenever effluent limits or TMDL waste load allocations are exceeded. This change will allow the Department to see quickly when a facility is having a storm water quality issue, and what measures the permittee is taking to correct the problem. With the sampling periods now changed to semi-annual for all monitoring types, the permittee will know exactly when sampling is required, and the Department will be able to track compliance with the monitoring requirement as well.</p>
70, Part I B 1		Special Conditions - Allowable nonstorm water discharges	Modified this special condition (SC) to make the list of these discharges consistent with EPA's 2008 MSGP.
70, Part I B 5		Special Conditions – Discharge of floating solids	Modified this SC to make the list of these discharges consistent with EPA's 2008 MSGP.
70, Part I B 6		Special Conditions – Salt storage plies	Replaced the existing "Salt Storage Piles" SC with: <i>"Approval for coverage under this general permit does not relieve the permittee of the responsibility to comply with any other applicable federal, state, or local statute, ordinance, or regulation."</i> This condition comes from the regulation Section 50 E, and is being added to the SC section of general permits as they are reissued. It was felt that it needed to be in the permit itself, and not just in the regulation section. The "salt storage pile" section was moved to the SWPPP section of the permit (Part III B 4 b (5)).
70, Part I B 7	70, Part I B 7 a, b	Special Conditions – Discharges to TMDL waters	<p>Made the existing TMDL SC subsection "a"; added new subsection "b" for facilities in the Chesapeake Bay watershed.</p> <p>Subsection "b" requires facilities in the Chesapeake Bay watershed to monitor their discharges for sediment and nutrients semi-annually for the first two years of permit coverage (four samples) to characterize the contributions from their facility's specific industrial sector for these parameters.</p> <p>Virginia estimated the loadings from industrial storm water facilities in Virginia's Phase I Chesapeake Bay TMDL WIP. Actual facility area information, and the TP, TN and TSS data collected for this permit reissuance will be used by the Board to quantify the nutrient and sediment loads from VPDES permitted industrial storm water facilities, and will be submitted to EPA to aid them in further refinements to their Chesapeake Bay TMDL model. The loading information will also be used by the Board to determine any additional load reductions needed for industrial storm water facilities for the next reissuance of this permit in 2019.</p> <p>Added an allowance for facilities that were covered under the 2009 general permit, and that sampled for TSS, TN or TP, to use applicable sampling data from the last two monitoring periods of that permit and the</p>

			<p>first two monitoring periods of this permit to satisfy the four consecutive monitoring periods requirement.</p> <p>Permittees must analyze the collected nutrient and sediment data, and develop TMDL action plans where necessary. The data collected at the facility for each of the pollutants of concern (e.g., TP, TN and TSS) has to be averaged, and the results compared to the loading values for TP, TN and TSS that Virginia used for the Phase I WIP.</p> <p>If the calculated facility loading value for TP or TN or TSS is above the loading values for TP or TN or TSS, then the permittee has to develop and submit to the Board for review and approval a Chesapeake Bay TMDL Action Plan. The plan must be submitted within 90 days from the end of the second year's monitoring period (by September 28, 2016). The permittee must implement the approved plan over the remaining term of the permit to achieve all the necessary reductions by June 30, 2024.</p> <p>The permittee may consider utilization of any pollutant trading or offset program in accordance with §§ 62.1-44.19:20 through 62.1-44.19:23 of the Code of Virginia, governing trading and offsetting, to meet the required reductions.</p> <p>Permittees required to develop and implement a Chesapeake Bay TMDL Action Plan must submit an annual report to the Department by June 30th of each year describing the progress in meeting the required reductions.</p>
	70, Part I B 8	Special Conditions	<p>Discharges through a regulated MS4 to Chesapeake Bay TMDL waters. Added this SC which requires facilities discharging through a regulated MS4 to waters subject to the Chesapeake Bay TMDL to incorporate measures and controls into their SWPPP to comply with the local ordinances if the facility is notified by the MS4 operator that the locality has adopted ordinances to meet the Chesapeake Bay TMDL. Permittees are already required to comply with any other applicable federal, state, or local statute, ordinance, or regulation (see regulation Section 50 E, and permit SC #6), so this SC just notifies them that their locality may adopt special Chesapeake Bay TMDL ordinances that would apply to them as well.</p>
	70, Part I B 9	Special Conditions	<p>Expansion of facilities that discharge to Chesapeake Bay TMDL waters. Virginia's Phase I Chesapeake Bay TMDL WIP states that the waste loads from any expansion of an existing permitted facility discharging storm water in the Chesapeake Bay watershed can't exceed the nutrient and sediment loadings that were discharged from the expanded portion of the land prior to the land being developed for the industrial activity.</p> <p>Added this SC to require the permittee to document in the SWPPP, for any industrial activity area expansions (i.e., construction activities, including clearing, grading and excavation activities) that commence on or after July 1, 2014, the information and calculations used to determine the nutrient and sediment loadings discharged from the expanded</p>

			land area prior to the land being developed, and the measures and controls that were employed to meet the "no net increase" of storm water nutrient and sediment load as a result of the expansion of the industrial activity. Any land disturbance that is exempt from permitting under the VPDES construction stormwater general permit regulation (9VAC25-880) is exempt from this requirement. The permittee may consider utilization of any pollutant trading or offset program in accordance with §§ 62.1-44.19:20 through 62.1-44.19:23 of the Code of Virginia, governing trading and offsetting, to meet the "no net increase" requirement.
70, Part I B 8	70, Part I B 10	Special Conditions – Water quality protection	Modified this SC extensively. The language that was retained is consistent with EPA's final 2008 MSGP. The language that was removed was not from EPA's MSGP, but was added per a suggestion by the 2009 general permit TAC. For this reissuance, it was decided to remove this language because the 2014 TAC felt it was not necessary for the SC. The Corrective Action section of the permit tells the permittee what to do if they exceed an effluent limit, TMDLWLA concentration or a water quality standard, and the SWPPP describes what the permittee must do to document the selection, design, and installation of control measures, including BMPs, to eliminate or reduce the pollutants in all storm water discharges from the facility.
	70, Part I B 13	Special Conditions	Discharges through an MS4. Added this SC that requires permittees that discharge to surface waters through an MS4 to notify the owner of the MS4 in writing of the existence of the discharge within 30 days of coverage under this general permit. The permittee has to copy the Department with the notification. This special condition is being added to all general permits as they are reissued.
	70, Part I B 14	Special Conditions	Termination of permit coverage. Moved the termination of permit coverage from the regulation itself to this SC so that the permittee will have the requirements in the permit itself, and not just in the regulation. This was done because the permittee usually will not have a copy of the full regulation, only the permit.
	70, Part II A 4	Monitoring	Added this subsection to clarify that samples taken as required by the permit must be analyzed in accordance with 1VAC30-45, Certification for Noncommercial Environmental Laboratories, or 1VAC30-46, Accreditation for Commercial Environmental Laboratories. This is being added to all general permits as they are reissued.
70, Part II I		Reports of noncompliance	Added the provision for online reporting at: http://www.deq.virginia.gov/Programs/PollutionResponsePreparedness/MakingaReport.aspx .
70, Part II Y		Transfer of permits	Ownership transfers via permit modification has been deleted because this activity isn't appropriate for general permits. Automatic transfer of ownership may occur when the Board is notified within 30 days of the proposed transfer, unless permission for a later date has been

			granted by the Board. This change makes this condition consistent with Section 60 B 3 ("new owners" section of the Registration Statement).
80, Part III A 1		SWPPP - Deadlines for plan preparation and compliance	For permittees that are continuing coverage for this reissuance, changed the deadline for updating and implementing revisions to the Storm Water Pollution Prevention Plan (SWPPP) to <i>"within 90 days of the Board granting coverage under this permit"</i> .
80, Part III B 2 c		Contents of the plan - Site map	Modified the site map requirements to be consistent with EPA's 2008 MSGP.
80, Part III B 4		Storm water controls	Edited the storm water controls section to conform to edits EPA made to these requirements in their 2008 MSGP.
80, Part III B 4 a		Control measures	Consistent with EPA's 2008 MSGP, added <i>"Regulated storm water discharges from the facility include storm water runoff that commingles with storm water discharges associated with industrial activity at the facility."</i>
70, Part I B 6	80, Part III B 4 b (5)	Salt storage piles	Moved this section from permit Special Conditions (was SC #6) to this section of the SWPPP, consistent with EPA's 2008 MSGP.
80, Part III B 4 b (5)	80, Part III B 5	Routine facility inspections	Moved this section under the "Contents of the Plan" subsection, and added the inspection documentation list from EPA's 2008 MSGP.
	80, Part III B 4 b (9)	None	Dust suppression. Added this subsection to specify the requirements for dust suppression/control on site. The permittee may use collected storm water, well water or uncontaminated reuse water for dust suppression, but there can be no direct discharge to surface waters from dust suppression activities.
80, Part III		Maintenance	Rearranged this section slightly, and added that the control measures (BMPs) must be observed annually to ensure that they are functioning correctly.
80, Part III D 1		Non-Storm Water Discharges	For consistency with EPA's 2008 MSGP, removed the additional nonstorm water information that needed to be included in the SWPPP. Specified that all other nonstorm water discharges are not authorized and must either be eliminated or covered under a separate VPDES permit.
80, Part III D 2		Mist from cooling towers	Deleted the "Mist from cooling towers" requirement, consistent with EPA's 2008 MSGP. Moved the "Annual outfall evaluation" from Section 80, Part III E 1 h (the Comprehensive Site Compliance Evaluation section). The annual outfall evaluation did not really fit under the Comprehensive Site Compliance Evaluation, so it was moved back to the Non-storm Water Discharges section, where it was in the 2004 general permit. The requirements did not change.
80, Part III E 1 h		Annual outfall evaluation	Moved the annual outfall evaluation to Section 80, Part III D 2, and changed this section to require the permittee to include a summary of the evaluation.
80, Part III F 2, 3		Signature and plan review – 2. Availability; 3. Required modifications	Modified F2 to require that the SWPPP be retained at the facility, and be immediately available to the department, EPA, or the operator of an MS4 receiving discharges from the site at the time of an on-site inspection or upon request.

			Added to F3 that the permittee has to modify the SWPPP whenever necessary to address all corrective actions required by Part I A 6 a (Data exceeding benchmark concentration values) or Part I A 6 b (Corrective actions). Changes to the SWPPP have to be made in accordance with the corrective action deadlines in Part I A 6 a and Part I A 6 b, and signed and dated in accordance with Part III F 1.
90, Part IV, Sector A	90, Part IV, Sector A, A 2	Timber products facilities	<p>Added subsection A 2 to specify that that SIC 2499-1303 (Mulch, Wood and Bark Facilities) is covered under the permit in this sector. This SIC has been covered all along, but until recently the Department was not aware that mulch operations were classified under that SIC code.</p> <p>Specified in B 1 that the discharge of wet dye drippings from mulch dyeing operations is prohibited.</p> <p>In C 2, added a requirement that facilities that dye mulch must address specific control measures to prevent the discharge of wet dye drippings and to prevent seepage of pollutants to groundwater.</p> <p>Deleted D 2, which required the permittee to provide an estimate of the total volume (in gallons) of the discharge sampled. EPA deleted this requirement in their 2000 MSGP. This should have been removed from this permit for the 2004 reissuance.</p> <p>Added benchmark monitoring for mulch operations and mulch dyeing operations; included a waiver provision for mulch dyeing operations that can demonstrate that the benchmark parameters are not contained in the facility's storm water discharges.</p>
110, Part IV, Sector C		Chemical and allied products manufacturing	<p>Specified in A 7 that SIC 2875 (Composting Facilities) are covered under the permit in this sector. This SIC has been covered all along, but there was still some confusion over where exactly they belonged in the permit. Also added benchmark monitoring requirements for composting facilities.</p> <p>Deleted subsection C (Storm water pollution prevention plan requirements) to be consistent with EPA's 2008 MSGP.</p>
120, Part IV, Sector D		Asphalt paving and roofing materials and lubricant manufacturers	<p>In B 1, clarified that storm water discharges from petroleum refining facilities, including those that manufacture asphalt or asphalt products, that are subject to effluent limitation guidelines for the Petroleum Refining Point Source Category (40 CFR 419) are not authorized by this section of the permit.</p> <p>Deleted subsection C (Storm water pollution prevention plan requirements) to be consistent with EPA's 2008 MSGP.</p>
130, Part IV, Sector E		Glass, clay, cement, concrete, and gypsum products	Deleted subsections B 2 b (routine facility inspections) and B 2 c (certification of outfall evaluation for unauthorized discharges) to be consistent with EPA's 2008 MSGP.
140, Part IV, Sector F		Primary metals	Modified the language in subsection B 2 a to require implementation of control measures, not just the consideration of these measures.
150, Part IV, Sector G	150, Part IV, Sector G, subsection H	Metal mining (ore mining and dressing)	<p>Modified subsection D (Special definitions) to conform to EPA's definitions.</p> <p>Modified subsections E, F and G extensively to be</p>

			<p>consistent with the changes EPA made to their 2008 MSGP. There were no new requirements for these facilities, but EPA cleaned up the language and deleted a lot of requirements that were not necessary for this sector.</p> <p>Added subsection H, which is the "inactive and unstaffed sites" waiver condition from EPA's 2008 MSGP. This provision tells facilities how they can qualify for a waiver from the quarterly visual assessments and routine facility inspections for inactive and unstaffed sites.</p>
160, Part IV, Sector H	160, Part IV, Sector H, subsection D	Coal mines and coal mining-related facilities	<p>Modified subsection C (SWPPP requirements) to be consistent with the changes EPA made to their 2008 MSGP.</p> <p>Added subsection D, which is the "inactive and unstaffed sites" waiver condition from EPA's 2008 MSGP. This provision tells facilities how they can qualify for a waiver from the quarterly visual assessments and routine facility inspections for inactive and unstaffed sites.</p>
170, Part IV, Sector I		Oil and gas extraction and refining	<p>Modified subsection C 2 (Storm water controls) to bring it in line with the changes EPA made to their 2008 MSGP.</p>
180, Part IV, Sector K		Hazardous waste treatment, storage, or disposal facilities	<p>Deleted definitions of "land treatment facility", "pile", and "surface impoundment" in subsection C (Definitions) to be consistent with the changes EPA made to their 2008 MSGP</p> <p>Added "Total recoverable magnesium" to the Table 180-2 benchmark monitoring to be consistent with EPA's 2008 MSGP.</p>
190, Part IV, Sector L		Landfills, land application sites and open dumps	<p>Added this change in subsection A: <i>"This permit does not cover discharges from landfills that receive only municipal wastes. Landfills (including landfills in "post-closure care") that have been properly closed and capped in accordance with 9VAC20-81-160 and 9VAC20-81-170 and have no significant materials exposed to storm water do not require this permit. Landfills closed in accordance with regulations or permits in effect prior to December 21, 1988, do not require this permit, unless significant materials are exposed to storm water."</i></p> <p>The "landfills that receive only municipal waste" provision has been part of the storm water regulations all along, but it was added here to make it clear in the permit, and for consistency with EPA's 2008 MSGP.</p> <p>The exclusion of landfills that have been properly closed and capped in accordance with the Waste permitting regulations is new for this reissuance. These facilities pose little (or no) environmental risk, and continuing to permit them under this permit was determined to be unnecessary.</p> <p>In subsection C, added the definition for "open dumps" from the Waste permitting regulations.</p> <p>Deleted subsection D 2 b (Good housekeeping measures) to be consistent with EPA's 2008 MSGP.</p> <p>Deleted the "Total Recoverable Iron" benchmark monitoring from Table 190-2. This was a</p>

			recommendation from the 2014 ISWGP TAC. High iron concentrations are prevalent in the soils throughout Virginia, and having these facilities continue to monitor for it is no longer useful or necessary for this industrial sector.
200, Part IV, Sector M		Automobile salvage yards	Modified subsection B 2 d to require the permittee to implement control measures, rather than just "consider" them.
210, Part IV, Sector N		Scrap recycling and waste recycling facilities	In subsection C, deleted the sentence: " <i>Selection or deselection of a particular BMP or approach is up to the best professional judgment of the permittee, as long as the objective of the requirement is met.</i> " This was removed based on a comment received that there is no way to evaluate a permittee's best professional judgment. Added benchmark monitoring for source-separated facilities to Table 210. These facilities are very similar to the non-source separated facilities, and those already had benchmark monitoring requirements. Made the monitoring parameters the same for both. Specified in the table footnote that metals monitoring is only required at source-separated facilities for the specific metals listed in the table that are received at the facility.
220, Part IV, Sector O		Steam electric generating facilities	Deleted subsections C 2 a (14) (Vehicle maintenance activities) and C 2 a (15) (Material storage areas) to be consistent with EPA's 2008 MSGP.
230, Part IV, Sector P		Land transportation and warehousing	Corrected the TPH footnote for Table 230 to state that: " <i>(TPH) is the sum of individual gasoline range organics and diesel range organics (TPH-GRO and TPH-DRO) to be measured by EPA SW 846 Method 8015 for gasoline and diesel range organics, or by EPA SW 846 Methods 8260 Extended and 8270 Extended.</i> "
240, Part IV, Sector Q		Water transportation	In subsection C 2 a (1), replaced the pressure washing area requirement with the following: " <i>As defined by this permit, process wastewater related to hull work at water transportation facilities shall be any water used on a vessel's hull for any purpose, regardless of application pressure, including but not limited to the activities of removing marine salts, sediments, marine growth and paint, or other hull, weather deck, or superstructure cleaning activities using water, such as preparing those areas for inspection or work (cutting, welding, grinding, coating, etc.). The discharge water shall be permitted as a process wastewater by a separate VPDES permit.</i> " This basically defines pressure washing and hull washing activities as process wastewater that need separate VPDES permits (and are not authorized discharges under this permit). This definition is from individual permits the Board has issued to similar facilities in Virginia, and was included here to be consistent with those permits. Deleted subsection C 2 e (Comprehensive site compliance evaluation) to be consistent with EPA's 2008 MSGP. Modified the benchmark monitoring parameters in Table 240 to make them the same as those for

			<p>Sector R (Ship and boat building or repair yards). These two sectors are very similar in their storm water discharge characteristics. Based on DEQ individual permitting experience with these kinds of facilities, made the required parameters: TSS, Cu and Zn, deleted Al and Fe.</p>
250, Part IV, Sector R		Ship and boat building or repair yards	<p>In subsection C 2 a (1), replaced the pressure washing area requirement with the following: "<i>As defined by this permit, process wastewater related to hull work at water transportation facilities shall be any water used on a vessel's hull for any purpose, regardless of application pressure, including but not limited to the activities of removing marine salts, sediments, marine growth and paint, or other hull, weather deck, or superstructure cleaning activities using water, such as preparing those areas for inspection or work (cutting, welding, grinding, coating, etc.). The discharge water shall be permitted as a process wastewater by a separate VPDES permit.</i>" This basically defines pressure washing and hull washing activities as process wastewater that need separate VPDES permits (and are not authorized discharges under this permit). This definition is from individual permits the Board has issued to similar facilities in Virginia, and was included here to be consistent with those permits.</p> <p>Deleted subsection C 2 e (Comprehensive site compliance evaluation) to be consistent with EPA's 2008 MSGP.</p> <p>Modified the benchmark monitoring parameters in Table 250 to make them the same as those for Sector Q (Water transportation). These two sectors are very similar in their storm water discharge characteristics. Based on DEQ individual permitting experience with these kinds of facilities, made the required parameters: TSS, Cu and Zn.</p>
260, Part IV, Sector S		Air transportation	<p>In subsection B, added special definitions from EPA's Airport Deicing ELG for the following: "Aircraft deicing fluid" or "ADF", "Airfield pavement", "Airsides", "Annual non-propeller aircraft departures", "Available ADF", "Collection requirement", "Defrosting", "Deicing", "Normalized Type I or Type IV aircraft deicing fluid", and "Primary airport".</p> <p>Deleted subsection C 2 (Releases of reportable quantities of hazardous substances and oil) to be consistent with EPA's 2008 MSGP. (This was subsection B 2 in the old permit).</p> <p>Edited subsection D 2 (old C 2) (Storm water controls) to reflect the revised wording EPA used for this part of Sector S in the 2008 MSGP.</p> <p>In subsection D 2 e (old C 2 e) (Routine facility inspections), deleted the last part of the paragraph (beginning with: "Also, if significantly or deleteriously large quantities of deicing chemicals ...") to be consistent with EPA's MSGP.</p> <p>Deleted old subsection D (Benchmark monitoring and reporting requirements). This benchmark monitoring applied to airports that use more than 100,000 gallons of glycol-based deicing/anti-icing</p>

			chemicals and/or 100 tons or more of urea on an average annual basis. Due to the relatively mild climate in Virginia, deicing is not performed often enough to trigger the monitoring requirement for the airports covered under the general permit. The airports that do most of the deicing in Virginia are covered under individual permits. Therefore, it was decided to replace the deicing benchmark requirements with new benchmark requirements for storm water discharges from those portions of air transportation facilities where vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), and equipment cleaning is performed. See subsection F.
	260, Part IV, Sector S, subsection E	Air transportation	Added numeric effluent limitations and requirements from EPA's Airport Deicing ELG (2012) for airfield pavement deicing and aircraft deicing. The airfield pavement deicing applies to existing primary airports and primary airports meeting the definition of a new source (new primary airports) with at least 1,000 annual jet departures (non-propeller aircraft) that discharge wastewater associated with airport pavement deicing comingled with storm water. The aircraft deicing applies to airports meeting the definition of a new source (new airports) with 10,000 annual departures, and located in cold climate zones. Airports subject to the ELG also have separate monitoring, reporting, and recordkeeping requirements, which are detailed in subsection E 3.
	260, Part IV, Sector S, subsection F	Air transportation	Added benchmark monitoring requirements for storm water discharges from those portions of air transportation facilities where vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), and equipment cleaning is performed. These activities are common to all airports, and pose much more of an environmental risk at these facilities than do deicing activities. The Department believes that the pollutants of concern should be similar to those from Sector P (Land transportation and warehousing). Therefore, the benchmark monitoring parameters were made identical to those in Sector P (i.e., TSS and TPH).
290, Part IV, Sector V		Textile mills, apparel, and other fabric products	Deleted subsection C 2 d (Comprehensive site compliance evaluation) to be consistent with EPA's 2008 MSGP.
310, Part IV, Sector X		Printing and publishing	Deleted subsection B 1 a (Site map) to be consistent with EPA's 2008 MSGP.
320, Part IV, Sector Y		Rubber, miscellaneous plastic products, and miscellaneous manufacturing industries	Edited subsection B 2 a (Storm water controls), subparts (1) through (5), to reflect the revised wording EPA used for this part of Sector Y in the 2008 MSGP.
330, Part IV, Sector Z		Leather tanning and finishing	Edited subsection B 1 a (Site map) and B 1 b (Summary of potential pollutant sources) to reflect the revised wording EPA used for this part of Sector Z in the 2008 MSGP.
340, Part IV, Sector		Fabricated metal products	Deleted subsection B 2 a (3) and (4) to be consistent with EPA's 2008 MSGP.

AA			Edited subsection B 2 a (5) (old B 2 a (7)) to reflect the revised wording EPA used for this part of Sector AA in the 2008 MSGP.
350, Part IV, Sector AB		Transportation equipment, industrial, or commercial machinery	Deleted subsection B 2 (Storm water controls) to be consistent with EPA's 2008 MSGP. Added subsection C (Benchmark monitoring and reporting requirements). This section will require benchmark monitoring for TSS, TPH, Cu and Zn. The Department has data that shows problems with this sector, and the data will help to get a better understanding of the specific facilities with issues.
370, Part IV, Sector AD		Nonclassified facilities/storm water discharges designated by the Board as requiring permits	Modified subsection A (Discharges covered under this section) to clarify the VPDES Permit Regulation citations under which a facility can be designated by the Board for storm water permitting.

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 reissuance of this general VPDES permit accomplishes the objectives of applicable law and, compared to an individual permit, simplifies the application process and minimizes the costs to a small business owner. Without the general permit, a small business owner would be required to obtain an individual VPDES permit which would increase the cost and complexity of the permit application, and the cost to maintain the permit itself.

The amended regulation includes an allowance for continuation of permit coverage in instances where an permittee has submitted a timely registration and is in compliance with their existing storm water general permit. This will allow the permittee to legally discharge if permit coverage is not granted prior to the existing permit's expiration date, or the permit is not reissued on time by the Board.

The corrective action follow-up monitoring for an exceedance of an effluent limitation or a TMDL waste load allocation concentration number has been eliminated for this reissuance. This monitoring was confusing for the permittee and difficult for the Agency to track. The revised permit now requires the permittee to take corrective action and submit a corrective action report to the Department whenever effluent limits or TMDL waste load allocations are exceeded. Also, the existing permit had both semi-annual monitoring (for TMDLs) and annual monitoring (for benchmark, effluent limitation and impaired waters). All monitoring has been changed to semi-annual for this reissuance. This will allow the permittee to see more quickly when they have benchmark or effluent limitation exceedances, and will improve water quality by having SWPPP modifications, control measure adjustments and corrective actions taken sooner in the process. This will also allow the Department to better track compliance with the monitoring requirements, and to see more quickly which facilities are having storm water quality issues so that inspections can be targeted to the facilities that need more attention. Having all the monitoring on the same semi-annual basis will also take the confusion out of the reporting requirements for the permittee.

Family impact

Please assess the impact of the proposed 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.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

ADF – aircraft icing fluid
 Al – aluminum
 APA – Administrative Process Act
 BMP – best management practice
 CB – Chesapeake Bay
 CFR – Code of Federal Regulations
 COD – chemical oxygen demand
 Cu – copper
 CWA – Clean Water Act
 DCR – Department of Conservation and Recreation
 DEQ – Department of Environmental Quality
 DMR – discharge monitoring report
 DRO – diesel range organics
 ELG – effluent limitation guideline
 EPA – Environmental Protection Agency
 FAA – Federal Aviation Administration
 FAX – facsimile
 Fe – iron
 GMU – George Mason University
 GRO – gasoline range organics
 HRPDC – Hampton Roads Planning District Commission
 ISGP and ISWGP – Industrial Storm Water General Permit
 JRA – James River Association
 lb/acre/yr – pounds per acre per year
 LA – load allocation
 mg/L – milligrams per liter
 MS4 – municipal separate storm sewer system
 MSGP – Multi Sector General Permit
 NRCS - Natural Resources Conservation Service
 NVPDC – Northern Virginia Planning District Commission
 PCB - polychlorinated biphenyl
 PMP – pollutant minimization plan

POC – pollutant of concern
POTW – publically owned treatment works
ppm – parts per million
RAP – regulatory advisory panel
RS – registration statement
SC – special condition
SIC – Standard Industrial Classification
SW – solid waste
SWCL – State Water Control Law
SWPPP – storm water pollution prevention plan
TAC – technical advisory committee
TMDL – total maximum daily load
TN – total nitrogen
TP – total phosphorus
TPH – total petroleum hydrocarbons
TSS – total suspended solids
ug/L – micrograms per liter
USC – United States Code
USDA – United States Department of Agriculture
VA – Virginia
VAMWA - Association of Municipal Wastewater Agencies
VMA – Virginia Manufacturers Association
VPDES – Virginia Pollutant Discharge Elimination System
VSMP – Virginia Stormwater Management Program
WIP – watershed implementation plan
WLA – waste load allocation
Zn – zinc