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Exempt Action: Proposed Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	9 VAC 25 - 151
VAC Chapter title(s)	Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Stormwater Associated with Industrial Activity
Action title	Proposed 2024 Amendment and Reissuance of the VPDES Industrial Stormwater General Permit Regulation
Date this document prepared	February 9, 2023

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

This action addresses the proposed reissuance of the Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Stormwater Associated with Industrial Activity. The existing general permit regulation establishes limitations, monitoring requirements and other special conditions for point source discharges of stormwater associated with industrial activity to surface waters in order to maintain surface water quality. This regulatory action proposes to amend and reissue the existing general permit, which expires on June 30, 2024.

Mandate and Impetus

Identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

This regulation (9VAC25-151) constitutes a VPDES general permit administered by Virginia DEQ, a U.S. EPA authorized permitting authority under CWA § 402(b). Under CWA § 402(b)(1)(B), VPDES permits must be for fixed terms not to exceed five years. The existing general permit expires on June 30, 2024 and must be reissued for another term to remain available to permittees. If this permit is not re-issued in a timely manner, no new coverage is available to any new facility owner or operator and such owners or operators would be required to obtain individual VPDES permits, which require more time to develop and issue, and impose significantly greater burden and costs on permittees and increased administrative burden on DEQ. In addition, internal staff review and TAC meeting input have identified areas where the general permit could be updated and potentially improved.

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.

- Board: State Water Control Board
- EPA (U.S. EPA): United States Environmental Protection Agency
- BMP: Best Management Practice
- DEQ: Department of Environmental Quality
- MSGP: Multi-Sector General Permit
- NOIRA: Notice of Intended Regulatory Action
- NPDES: National Pollutant Discharge Elimination System
- SWPPP: Stormwater Pollution Prevention Plan
- TMDL: Total Maximum Daily Load
- USC: United States Code
- VAC: Virginia Administrative Code
- VPDES: Virginia Pollutant Discharge Elimination System

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity’s overall regulatory authority.

The basis for this regulation is § 62.1-44.2 et seq. of the Code of Virginia. Specifically, § 62.1-44.15(5) authorizes the Board to issue permits for the discharge of treated sewage, industrial wastes or other waste into or adjacent to state waters and § 62.1-44.15(7) authorizes the Board to adopt rules governing the procedures of the Board with respect to the issuance of permits. Further, § 62.1-44.15(10) authorizes the Board to adopt such regulations as it deems necessary to enforce the general water quality management program, §62.1-44.15(14) authorizes the Board to establish requirements for the treatment of sewage, industrial wastes and other wastes, § 62.1-44.16 specifies the Board's authority to regulate

discharges of industrial wastes, § 62.1-44.20 provides that agents of the Board may have the right of entry to public or private property for the purpose of obtaining information or conducting necessary surveys or investigations, and § 62.1-44.21 authorizes the Board to require owners to furnish information necessary to determine the effect of the wastes from a discharge on the quality of state waters.

Section 402 of the Clean Water Act (33 USC 1251 et seq.) authorizes states to administer the National Pollutant Discharge Elimination System (NPDES) permit program under state law. The Commonwealth of Virginia received such authorization in 1975 under the terms of a Memorandum of Understanding with the U.S. EPA. This Memorandum of Understanding was modified on May 20, 1991 to authorize the Commonwealth to administer a General VPDES Permit Program.

Changes to this chapter of the Virginia Administrative Code are exempt from Article 2 of the Administrative Process Act (2.2-4006 A 8).

Purpose

Please explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

This proposed regulatory action is needed in order to establish permitting requirements for discharges of stormwater associated with industrial activity to surface waters in order to maintain surface water quality and thus protect the health, safety and welfare of citizens. The existing general permit expires on June 30, 2024 and must be reissued to continue to authorize stormwater discharges from industrial activities through general permit coverage.

Other issues that needed consideration were updates to sector-specific benchmarks, monitoring requirements, and special conditions.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

The general permit establishes limitations and monitoring requirements for point source discharges of stormwater associated with industrial activity to surface waters. The effluent limits, monitoring requirements and special conditions in the general permit were reviewed to ensure that the permit is protective of water quality. The primary issue that is being addressed is that the existing general permit expires on June 30, 2024 and must be reissued in order to continue making it available after that date. Some general issues that needed consideration were updates to sector-specific benchmarks, monitoring requirements, and special conditions. A significant change was updating the Chesapeake Bay TMDL compliance language and consolidating the requirements into a new section (9VAC25-151-400).

Issues

Please identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

The advantages to the public, permittees and the agency of reissuing this general permit are that a Virginia Pollutant Discharge Elimination System (VPDES) General Permit will continue to be available to facilities with eligible discharges enabling them to discharge to surface waters in a manner that is protective of those waters. In addition, the continued availability of this general permit avoids the increased cost and more complicated application process for permittees associated with issuing an individual permit, and makes permit administration more reasonable for DEQ. There are no known disadvantages the public, agency, or regulated community.

Requirements More Restrictive than Federal

Please identify and describe any requirement of the regulatory change that is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no requirements that exceed applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Please identify any other state agencies, localities, or other entities particularly affected by the regulatory change. "Particularly affected" are those that are likely to bear any identified disproportionate material impact, which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected:

There are no state agencies particularly affected by the proposed regulation.

Localities Particularly Affected:

There are no localities that bear a disproportionate material impact as the general permit is available and applies statewide. The proposed amendments to the regulation apply statewide, except for the Chesapeake Bay TMDL Special Condition. The general permit regulation implements the Commonwealth of Virginia's Chesapeake Bay TMDL Phase I Watershed Implementation Plan dated November 29, 2010. The proposed amendments applicable throughout the Chesapeake Bay watershed are not expected to impose a disproportionate material water quality impact on any locality that would not be experienced by the other localities in the Chesapeake Bay watershed.

Other Entities Particularly Affected:

There are no other entities that bear a disproportionate material impact as the general permit is available and applies statewide.

Regulatory Flexibility Analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, 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) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing

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 regulatory change.

This general permit does not predominantly apply to small businesses, rather, this general permit regulation governs point source discharges of stormwater associated with industrial activity to surface waters. Nevertheless, the reissuance of this VPDES general permit accomplishes the objectives of applicable law and minimizes the application burden and permit implementation costs to affected small business owners. Without the general permit, a small business owner would be required to obtain an individual permit, which would increase the complexity of a permit application, implementation and compliance costs.

Public Comment Received

Please summarize all comments received during the public comment period following the publication of the NOIRA, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. If no comment was received, enter a specific statement to that effect.

Commenter	Comment	Agency response
<p>Chesapeake Bay Foundation (CBF)</p> <p>Joe Wood, Ph. D., Virginia Staff Scientist</p> <p>Margaret L. Sanner, Virginia Assistant Director & Senior Attorney</p>	<p>For facilities with excessive loads, CBF recommends closer investigation and transitioning to an individual permit with enhanced monitoring and reporting. CBF also notes the continuing need for nutrient and sediment monitoring in the renewal of this general permit.</p> <p>CBF recommends DEQ require continued nutrient monitoring for all facilities with enhanced monitoring requirements for facilities with higher documented loads and require individual permits for facilities which demonstrate clear water quality problems (i.e., facilities with loads greater than ten times the WLA basis). CBF also recommends DEQ develop SIC specific guidance on managing nutrient loads for SIC codes with high loading rates and for highly impervious facilities.</p>	<p>DEQ appreciates CBF’s contributions to helping develop the draft regulation during the TAC meetings.</p> <p>These comments were taken into consideration and discussed by the TAC. The general permit contains conditions that are consistent with the Chesapeake Bay TMDL and Virginia’s Watershed Implementation Plans.</p> <p>For facilities with excessive loads, DEQ may require the owner of a facility to obtain an individual permit in accordance with 9VAC25-31-170 B 3 of the VPDES Permit Regulation.</p> <p>Total suspended solids (TSS) and nutrient data collected during the 2014 and 2019 general permit terms was analyzed and presented to the TAC for discussion.</p> <p>TSS reduction requirements have been removed from the Chesapeake Bay TMDL Compliance section of the general permit in accordance with Virginia’s Final Phase III Watershed Implementation Plan (WIP) based on the recommendations of the 2019 Chesapeake Bay Program Principals’ Staff Committee.</p> <p>All facilities are still required to provide a demonstration of compliance with the Chesapeake Bay TMDL nutrient loading rates if they have not already done so. Reductions for existing permitted facilities, if applicable, are to be achieved by December 31, 2025. Reductions for newly permitted facilities, if applicable, are to be achieved two years following the fourth quarterly monitoring period. For facilities that have already demonstrated compliance with the nutrient loading rates, documentation of the demonstration of compliance is to be maintained with SWPPP and permittees are required to continue to implement any BMPs developed as part of the demonstration.</p> <p>Permit eligibility is limited to discharges from facilities in the "sectors" of industrial activity in Table 50-2 of the general permit. The sector descriptions are based on Standard Industrial Classification (SIC) Codes and Industrial Activity Codes. Several sectors in the general permit have SIC code specific nutrient effluent limitations and/or benchmarks, including Sector A (timber products facilities), Sector C (chemical and allied products manufacturing), Sector K (Hazardous waste treatment, storage or disposal), and Sector U (food and kindred products). These requirements are evaluated during the reissuance process and updated, if necessary, based on a review of the current EPA MSGP requirements, updates to the Virginia Water Quality Standards, and the input of the technical advisory committee.</p>

Commenter	Comment	Agency response
<p>Virginia Association of Municipal Wastewater Agencies (VAMWA). George Hayes, President</p>	<p>VAMWA continues to support monitoring exemptions from Chesapeake Bay TMDL monitoring for the upcoming 2024-2029 General Permit term.</p>	<p>DEQ appreciates VAMWA’s contributions to helping develop the draft regulation during the TAC meetings.</p> <p>Facilities that have provided a demonstration of compliance with the Chesapeake Bay TMDL nutrient loading rates are not required to do additional monitoring. Documentation of the demonstration of compliance is to be maintained with SWPPP and permittees are required to continue to implement any BMPs developed as part of the demonstration.</p>
<p>Virginia Manufacturers Association (VMA). Brooks M. Smith and Andrea W. Wortzel, Counsel to VMA Water Subcommittee</p>	<p>VMA looks forward to contributing feedback based on the extensive experience of our members implementing the current ISWGP, and well as our understanding of costs and impacts of other permitting approaches at the federal level (MSGP) and in other states.</p>	<p>DEQ appreciates VMA’s contributions to helping develop the draft regulation during the TAC meetings.</p>
<p>Virginia Transportation Construction Alliance (VTCA). Rob Lanham, Aggregates Program Manager</p>	<p>It is the position of the Aggregate Producer members of VTCA that the ISWGP be retained in its current form. However, if the Department of Environmental Quality, pursuant to this review, determines it necessary to open a formal review of the ISWGP, VTCA and our Aggregate Producer Members request to be included as part of any stakeholder involvement and/or advisory committees.</p>	<p>DEQ appreciates VTCA contributions to helping develop the draft regulation during the TAC meetings.</p> <p>The existing general permit expires on June 30, 2024 and must be reissued to continue to authorize stormwater discharges from industrial activities through general permit coverage. During the amendment and reissuance process the general permit is updated in accordance with staff review of applicable federal and state requirements and the input of the technical advisory committee (TAC).</p>

Public Participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.

In addition to any other comments, the Board is seeking comments on the costs and benefits of the proposal, the potential impacts of this regulatory proposal and any impacts of the regulation on farm and

forest land preservation. The agency/board is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so by mail, email or fax to Joseph B. Bryan, P.O. Box 1105, Richmond, VA 23218-1105, 804.659.2659, fax 804.698.4178 (please ensure recipient [Joseph B. Bryan] is on the fax or cover page of the fax) and joseph.bryan@deg.virginia.gov. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at (<http://www.townhall.virginia.gov>). Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of this stage and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov/>). Both oral and written comments may be submitted at that time.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. If the regulatory change will be a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory change. Please include citations to the specific section(s) of the regulation that are changing.

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
All Sections			<p><i>Minor edits to the language in all sections of the regulation were updated in accordance with the Virginia Register of Regulations’ “Form, Style and Procedure Manual for Publication of Virginia Regulations”.</i></p> <p><i>These edits do not constitute substantive changes to the regulation.</i></p>
All Sections			<p><i>Where applicable, “board” is replaced with “department” in accordance with the updated definition of “Board”.</i></p>
9VAC25-151-10. Definitions.		<p><i>"Measurable storm event" means a storm event that results in a discharge from an outfall.</i></p>	<p><i>Deleted definition. It is no longer referenced in the regulation.</i></p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
9VAC25-151-15. Applicability of incorporated references based on the dates that they became effective.		Except as noted, when a regulation of the U.S. Environmental Protection Agency set forth in Title 40 of the Code of Federal Regulations is referenced or adopted in this chapter and incorporated by reference, that regulation shall be as it exists and has been published as of July 1, 2018.	<i>Revised date to “July 1, 2022” based on the most recent federal update prior to this reissuance.</i>
9VAC25-151-40. Effective date of the permit		This general permit will become effective on July 1, 2019. This general permit will expire on June 30, 2024.	This general permit will become effective on July 1, 2024. This general permit will expire on June 30, 2029. <i>Amended dates to reflect new 5-year term.</i>
9VAC25-151-50. Authorization to discharge. B.4.		B.4. The discharge is not consistent with the assumptions and requirements of an approved TMDL. Virginia’s Phase I Chesapeake Bay TMDL Watershed Implementation Plan (November 29, 2010) states that wasteloads 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 new industrial activity. For purposes of this permit regulation, facilities that commence construction after June 30, 2019, must be consistent with this requirement to be eligible for coverage under this general permit.	<i>Amended date to June 30, 2024.</i>
9VAC25-151-50. Authorization to discharge. C.		C.	<i>Revised header of this section to “C. Additional Conditions”.</i>
9VAC25-151-50.		a. Discharges from emergency firefighting activities	a. Discharges from emergency firefighting activities or firefighting

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
Authorization to Discharge. C.4.a			<p>training activities managed in a manner to avoid an instream impact in accordance with § 9.1-207.1 of the Code of Virginia;</p> <p><i>Added firefighting training activities managed in a manner to avoid an instream impact in accordance with § 9.1-207.1 of the Code of Virginia.</i></p>
9VAC25-151-50. Authorization to Discharge. C.4.h		h. Routine external building washdown that does not use detergents or hazardous cleaning products	<p>h. Routine external building washdown that does not use detergents or hazardous cleaning products and is managed in a manner to avoid an instream impact;</p> <p><i>Clarified that routine external building washdown must be managed in a manner to avoid instream impact.</i></p>
9VAC25-151-50. Authorization to Discharge. C.6		Discharges subject to stormwater effluent limitation guidelines under 40 CFR Subchapter N (Effluent Guidelines and Standards). Only those stormwater discharges subject to stormwater effluent limitation guidelines under 40 CFR Subchapter N that are identified in Table 50-1 of this subsection are eligible for coverage under this permit.	<p>Discharges subject to stormwater effluent limitation guidelines under 40 CFR Subchapter N (Effluent Guidelines and Standards) are only eligible for coverage under this permit if they are identified in Table 50-1 of this subsection.</p> <p><i>Clarified wording and removed repetition.</i></p>
9VAC25-151-50. Authorization to Discharge. C.6 Table 50-1		<p>Table 50-1 Stormwater-Specific Effluent Limitation Guidelines.</p> <p>... Facilities subject to effluent limitation guidelines in 40 CFR Part 449 are not authorized under this permit.</p>	<p>... Facilities subject to the effluent limitation guidelines in 40 CFR Part 449 may be covered under Sector AD.</p> <p><i>Authorization for discharges from deicing operations at primary airports was removed in the 2019 general permit. However, a handful of non-hub primary airports were subsequently covered under Sector AD (Nonclassified Facilities/Stormwater Discharges Designated by the Department as Requiring Permits) in order to avoid the unnecessary costs and</i></p>

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			<p><i>administrative burden of coverage under an Individual VPDES Permit.</i></p> <p><i>As such, Tables 50-1 and 70-2 of the regulation have been updated to clarify that primary airports subject to the referenced federal effluent limitation guidelines may be covered under Sector AD. Further, a new condition has been added to Part III of the general permit to address deicing and anti-icing operations.</i></p>
<p>9VAC25-151-60. Registration Statement and stormwater pollution prevention plan (SWPPP). A.</p>		<p>A. Any owner that was authorized to discharge under the industrial stormwater general permit that became effective on July 1, 2014, and that intends to continue coverage under this general permit shall review and update the stormwater pollution prevention plan (SWPPP) to meet all provisions of the general permit (9VAC25-151-70 et seq.) within 90 days of the board granting coverage under this permit ...</p>	<p><i>Revised date to July 1, 2019.</i></p>
<p>9VAC25-151-60. Registration Statement and stormwater pollution prevention plan (SWPPP). B.1.a</p>		<p>a. Any owner that was authorized to discharge under the industrial stormwater general permit that became effective on July 1, 2014, and that intends to continue coverage under this general permit shall submit a complete registration statement to the board on or before May 2, 2019.</p>	<p><i>Revised dates to July 1, 2019, and May 1, 2024, respectively.</i></p>
<p>9VAC25-151-60. Registration Statement and stormwater pollution prevention plan (SWPPP). B.4</p>		<p>4. Late registration statements. Registration statements for existing facilities covered under subdivision 1 a of this subsection will be accepted after June 30, 2019, but authorization to discharge will not be retroactive. Owners described in subdivision 1 a of this subsection that submit registration statements after</p>	<p><i>Revised dates to June 30, 2024, May 1, 2019, and July 1, 2024, respectively.</i></p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		May 2, 2019 are authorized to discharge under the provisions of 9VAC25-151-50 F (Continuation of permit coverage) if a complete registration statement is submitted before July 1, 2019.	
9VAC25-151-60. Registration Statement and stormwater pollution prevention plan (SWPPP). C.4		4. The nature of the business conducted at the facility to be covered under this general permit;	4. The nature of the business conducted at the facility to be covered under this general permit, including a description of the primary industrial activity and all other industrial activities that take place. <i>Added language to the registration statement in order to clarify a facility's primary industrial activity and any co-located industrial activities.</i>
9VAC25-151-60. Registration Statement and stormwater pollution prevention plan (SWPPP). C.6		6. A determination of whether the facility will discharge to an MS4. If the facility discharges to an MS4, the facility owner must notify the owner of the MS4 of the existence of the discharge information at the time of registration under this permit and include that notification with the registration statement ...	<i>Removed "at the time of registration under this permit" in order to clarify that a new MS4 notification does not need to be made with each re-registration under the general permit.</i>
9VAC25-151-60. Registration Statement and stormwater pollution prevention plan (SWPPP). C.9		9. Whether or not this facility will discharge stormwater runoff from coal storage piles;	<i>Deleted due to duplicative language. Section 11.c (now 10.c) of this section already asks about runoff from coal storage piles. Following sections renumbered.</i>
9VAC25-151-60. Registration Statement and stormwater pollution prevention	C.9	10. Identification of up to four four-digit Standard Industrial Classification (SIC) Codes or 2-letter Industrial Activity Codes that best represent the principal products or services rendered by the facility and	9. For each outfall, identification of up to four four-digit Standard Industrial Classification (SIC) Codes ... <i>Added "For each outfall". Different outfalls at a facility may have vastly</i>

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plan (SWPPP). C.10		major colocated industrial activities ...	<i>different industrial activities in their drainage areas.</i>
9VAC25-151-60. Registration Statement and stormwater pollution prevention plan (SWPPP). C.11.b	C.10.b	b. If the facility is a timber products operation (sector A), indicate which outfalls (if any) receive discharges from wet decking areas;	<p>b. If the facility is a timber products operation (sector A), state which outfalls (if any) receive discharges from wet decking areas, and which outfalls (if any) collect runoff from areas where mulch dyeing operations (including loading, transporting, and storage) occur;</p> <p><i>Added requirement to identify outfalls that collect runoff from mulch dyeing operations. There are additional requirements for mulch dyeing operations under Sector A, so this helps clarify which outfalls at a facility need these additional requirements.</i></p>
9VAC25-151-60. Registration Statement and stormwater pollution prevention plan (SWPPP). C.11.g	C.10.g	g. For primary airports, list the average deicing season and indicate which outfalls (if any) receive discharges from deicing of non-propeller aircraft, and the annual average departures of non-propeller aircraft. It should be noted that airport facilities subject to the effluent limitation guidelines in 40 CFR Part 449 are not authorized under this permit.	<p>g. For primary airports, list the average deicing season and state which outfalls (if any) receive discharges from deicing or anti-icing operations.</p> <p><i>Authorization for discharges from deicing operations at primary airports was removed in the 2019 general permit. However, a handful of non-hub primary airports were subsequently covered under Sector AD in order to avoid the unnecessary costs and administrative burden of coverage under an Individual VPDES Permit.</i></p> <p><i>The registration statement has been updated to identify which outfalls at primary airports receive discharges from deicing or anti-icing operations.</i></p> <p><i>A new condition has been added to Part III of the general permit to address these operations.</i></p>
9VAC25-151-60. Registration	C.13	13. Virginia's Phase I Chesapeake Bay TMDL Watershed Implementation	<i>Revised both dates to June 30, 2024.</i>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
Statement and stormwater pollution prevention plan (SWPPP). C.14		Plan (November 29, 2010) states that wasteloads 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. For purposes of this permit regulation, facilities that commence construction after June 30, 2019, must be consistent with this requirement to be eligible for coverage under this general permit. If this is a new facility that commenced construction after June 30, 2019, in the Chesapeake Bay watershed, and applying for first time general permit coverage ...	
9VAC25-151-60. Registration Statement and stormwater pollution prevention plan (SWPPP). C.14.a	C.13.a	a. ... Design specifications and pollutant removal efficiencies for specific BMPs can be found on the Virginia Stormwater BMP Clearinghouse website at http://www.vwrrc.vt.edu/swc ; or,	<i>Removed "at http://www.vwrrc.vt.edu/swc" to avoid having to update the link every reissuance.</i>
9VAC25-151-60. Registration Statement and stormwater pollution prevention plan (SWPPP). E.		E. Where to submit.	<i>Added the following contingent e-reporting language:</i> Following notification from the department of the start date for the required electronic submission of Notices of Intent to discharge forms (i.e., registration statements) as provided for in 9VAC25-31-1020, such forms submitted after that date shall be electronically submitted to the department in compliance with this section and 9VAC25-31-1020. There shall be at least three months' notice provided between the notification from the department and the date

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			<p>after which such forms must be submitted electronically.</p> <p><i>E-reporting is required by federal regulation (see 80 FR 64064; 10/22/2015 and 85 FR 69189; 11/2/2020) and state regulation (9VAC25-31-1020).</i></p>
9VAC25-151-70. General permit.		<p>General Permit No.: VAR05 Effective Date: July 1, 2019 Expiration Date: June 30, 2024</p>	<p><i>Updated effective date to July 1, 2024, and the expiration date to June 30, 2029.</i></p>
9VAC25-151-70. General permit.		<p>The authorized discharge shall be in accordance with this cover page, the registration statement, Part I-Effluent Limitations, Monitoring Requirements and Special Conditions, Part II-Conditions Applicable to All VPDES Permits, Part III-Stormwater Pollution Prevention Plan, and Part IV-Sector-Specific Permit Requirements as set forth in this general permit.</p>	<p>The authorized discharge shall be in accordance with this cover page, the registration statement, Part I-Effluent Limitations, Monitoring Requirements and Special Conditions, Part II-Conditions Applicable to All VPDES Permits, Part III-Stormwater Pollution Prevention Plan, Part IV-Sector-Specific Permit Requirements, and Part V-Chesapeake Bay Total Maximum Daily Load Compliance as set forth in this general permit.</p> <p><i>Added reference to the new Part V of the general permit which consolidates all the Chesapeake Bay TMDL Compliance requirements into one section.</i></p>
9VAC25-151-70. General Permit. Part I.A.1.a.(1)		<p>(1) The permittee shall perform and document a quarterly visual examination of a stormwater discharge associated with industrial activity from each outfall, except discharges exempted in Part I A 3 or Part I A 4. The examinations shall be made at least once in each of the following three-month periods: January through March, April through June, July through September, and October through December. The visual examination shall be made during normal working hours, where practicable, and when</p>	<p><i>Deleted last sentence requiring that documentation be signed in accordance with Part II K. Visual monitoring documentation is not submitted to the Department and therefore does not require this form of signature.</i></p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		<p>considerations for safety and feasibility allow. If no storm event resulted in runoff from the facility during a monitoring quarter, the permittee is excused from visual monitoring for that quarter provided that documentation is included with the monitoring records indicating that no runoff occurred. The documentation shall be signed and certified in accordance with Part II K of this permit.</p>	
<p>9VAC25-151-70. General Permit. Part I.A.1.a.(3)</p>		<p>(3) The visual examination reports shall be maintained on-site with the SWPPP. The report shall include the outfall location, the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the stormwater discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution), and probable sources of any observed stormwater contamination.</p>	<p><i>Revised “reports” and “report” to “documentation” to clarify that visual examinations are not reported to the department. Documentation of these examinations are to be maintained with the SWPPP.</i></p>
<p>9VAC25-151-70. General Permit. Part I.A.1.b. Table 70-1</p>		<p>Table 70-1 Industrial Sectors Subject to Benchmark Monitoring</p>	<p><i>Table 70-1 lists the benchmark monitoring parameters for each Industry Sector and their associated SIC or Activity codes. Benchmarks were updated in accordance with EPA’s 2021 MSGP, the Virginia Water Quality Standards (WQS), and the recommendations of the TAC. As part of these updates, iron and magnesium were removed as benchmarks and have been deleted from Table 70-1 where present.</i></p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<i>Sector O (Steam Electric Generating Facilities) previously only had a benchmark for iron; thus, this sector is no longer subject to benchmark requirements.</i>
9VAC25-151-70. General Permit. Part I.A.1.b.(1)		(1) ... Depending on the results of four consecutive monitoring periods, benchmark monitoring may not be required to be conducted in subsequent monitoring periods (see Part I A 1 b (2)).	<i>This final sentence references the very next section. Deleted due to unnecessary duplication.</i>
9VAC25-151-70. General Permit. Part I.A.1.b.(1)(a)		(a) Samples were collected in four consecutive monitoring periods, and the average of the four samples for all parameters at the outfall is below the applicable benchmark concentration value in Part IV. Facilities that were covered under the 2014 industrial stormwater general permit may 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 periods requirement;	<i>Revised date to 2019.</i>
9VAC25-151-70. General Permit. Part I.A.1.b.(1)(c)		(c) ... The waiver request shall be sent to the appropriate DEQ regional office, along with the supporting monitoring data for four consecutive monitoring periods, and a certification that, based on current potential pollutant sources and control measures used, discharges from the facility are reasonably expected to be essentially the same (or cleaner) compared to when the benchmark monitoring for the four consecutive monitoring periods was done.	(c) ... and a certification that, based on current potential pollutant sources and control measures used, discharges from the facility are reasonably expected to be substantially similar or cleaner compared to when the benchmark monitoring for the four consecutive monitoring periods was done. <i>Revised “essentially the same (or cleaner)” to “substantially similar or cleaner” to match the language used throughout the regulation.</i>
9VAC25-151-70. General Permit. Part		Table 70-2 Stormwater-Specific Effluent Limitation Guidelines.	... Facilities subject to the effluent limitation guidelines in 40 CFR Part

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I.A.1.c.(1). Table 70-2		... Facilities subject to effluent limitation guidelines in 40 CFR Part 449 are not authorized under this permit.	<p>449 may be covered under Sector AD.</p> <p><i>Authorization for discharges from deicing operations at primary airports was removed in the 2019 general permit. However, a handful of non-hub primary airports were subsequently covered under Sector AD (Nonclassified Facilities/Stormwater Discharges Designated by the Department as Requiring Permits) in order to avoid the unnecessary costs and administrative burden of coverage under an Individual VPDES Permit.</i></p> <p><i>As such, Tables 50-1 and 70-2 of the regulation have been updated with to clarify that primary airports subject to the referenced federal effluent limitation guidelines may be covered under Sector AD. Further, a new condition has been added to Part III of the general permit to address deicing and anti-icing operations.</i></p>
9VAC25-151-70. General Permit. Part I.A.1.c.(3)		(3) ...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.	<p>(3) ... Owners of facilities that are a source of the specified pollutant of concern to waters for which a TMDL wasteload allocation has been approved by the U.S. Environmental Protection Agency (EPA) before the term of this permit will be notified by the department when they are approved for coverage under the general permit.</p> <p><i>Clarified that TMDLs must be approved by EPA prior to the term of the permit.</i></p>
9VAC25-151-70. General Permit. Part I.A.1.c.(3)(a)		(a) Upon written notification from the department, facilities subject to TMDL wasteload allocations shall be required to monitor such the discharges to evaluate compliance with the TMDL requirements.	(a) Upon written notification from the department, facilities permittees shall monitor the discharges for the pollutant subject to TMDL wasteload allocations once every six months after coverage under

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>the permit begins, unless another sampling frequency is determined by the department for polychlorinated biphenyls (PCBs). Monitoring begins with the first full monitoring period after the owner is granted coverage under the permit. Monitoring periods are specified in Part I A 2.</p> <p><i>Sections (a) and (b) had duplicative language and have been combined. Subsequent sections of Part I.A.1.c.(3) renumbered.</i></p>
<p>9VAC25-151-70. General Permit. Part I.A.1.c.(3)(d)</p>	<p>I.A.1.c(3)(c)</p>	<p>(d) If the pollutant subject to the TMDL wasteload allocation is below the quantitation level in all of the samples from the first four monitoring periods (i.e., the first two years of coverage under the permit) ...If the pollutant subject to the TMDL wasteload allocation is above the quantitation level in any of the samples from the first four monitoring periods, the permittee shall continue the scheduled TMDL monitoring throughout the term of the permit.</p>	<p>(c) If the pollutant subject to the TMDL wasteload allocation is below the quantitation level in all of the samples from the first four monitoring periods ...If the pollutant subject to the TMDL wasteload allocation is above the quantitation level in any of the samples from the first four monitoring periods, the permittee shall continue the scheduled TMDL monitoring. Applicable sampling data collected during the 2019 industrial stormwater general permit term may be used to satisfy all or part of the four monitoring periods requirement.</p> <p><i>Deleted "(i.e., the first two years of coverage under the permit)" given that PCB monitoring likely has a different sampling frequency.</i></p> <p><i>Added final sentence to allow previous sampling, if available, to be used to satisfy new TMDL monitoring requirements.</i></p>
<p>9VAC25-151-70. General Permit.</p>	<p>I.A.1.c(3)(d)</p>		<p>(d) Upon written notification from the department, facilities exceeding the TMDL wasteload allocation shall prepare and submit a pollutant minimization plan (PMP) designed to investigate the location and potential reduction of</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>sources in the facility's stormwater discharges. The PMP shall be developed and submitted to the department for approval within 180 days of the receipt of notification from the department. The PMP shall include the following items, as appropriate ...</p> <p><i>Added language requiring facilities exceeding a TMDL wasteload allocation to prepare and submit a pollutant minimization plan (PMP) upon notification from the department. The contents of a PMP are included in the new language.</i></p>
<p>9VAC25-151-70. General Permit. Part I.A.1.c.(4)</p>		<p>(4) Facilities discharging to an impaired water without an approved TMDL wasteload allocation. Owners of facilities that discharge to waters listed as impaired in the 2016 Final 305(b)/303(d) Water Quality Assessment Integrated Report ...</p>	<p><i>Updated date of the Water Quality Assessment Integrated Report to 2022.</i></p>
<p>9VAC25-151-70. General Permit. Part I.A.1.c.(4)(a)</p>		<p>(a) Upon written notification from the department, facilities discharging to an impaired water without an approved TMDL wasteload allocation shall be required to monitoring such discharges for the pollutants that caused the impairment.</p>	<p>(a) Upon written notification from the department, permittees shall monitor the discharges for all pollutants for which the waterbody is impaired, and for which a standard analytical method exists, at least once every six months after coverage under the permit begins, unless otherwise determined by the department for polychlorinated biphenyls (PCBs). Monitoring begins with the first full monitoring period after the owner is granted coverage under the permit. Monitoring period are specified in Part I A 2.</p> <p><i>Sections (a) and (b) had duplicative language and have been combined. Following sections renumbered.</i></p> <p><i>Added that monitoring is to be done once every six months unless</i></p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<i>another frequency is determined by the department for PCBs.</i>
9VAC25-151-70. General Permit. Part I.A.2.b		b. When and how to sample. A minimum of one grab sample shall be taken from the discharge associated with industrial activity resulting from a storm event that results in a discharge from the site (defined as a "measurable storm event"), providing the interval from the preceding measurable storm event is at least 72 hours ...	b. When and how to sample. A minimum of one grab sample shall be taken from the discharge associated with industrial activity resulting from a storm event that results in a discharge from the site, providing the interval from the preceding storm event discharge is at least 72 hours ... <i>Deleted parenthetical "measurable storm event" definition and replaced associated references with "storm event discharge". Samples are required when a storm event results in a discharge.</i>
9VAC25-151-70. General Permit. Part I.A.2.c		c. Storm event data. For each monitoring event (except snowmelt monitoring), along with the monitoring results, the permittee shall identify the date and duration (in hours) of the storm events sampled; rainfall total (in inches) of the storm event that generated the sampled runoff; and the duration between the storm event sampled and the end of the previous measurable storm event. For snowmelt monitoring, the permittee shall identify the date of the sampling event.	c. Storm event data. For each monitoring event (except snowmelt monitoring), along with the monitoring results, the permittee shall identify the date of the storm event sampled; rainfall total (in inches) of the storm event that generated the sampled runoff; and the interval between the storm event sampled and the end of the previous storm event discharge. For snowmelt monitoring, the permittee shall identify the date of the sampling event. <i>Removed requirement to report the duration (in hours) of the storm event. Replaced "measurable storm event" with "storm event discharge".</i>
9VAC25-151-70. General Permit. Part I.A.2.e		e. Documentation explaining a facility's inability to obtain a sample (including dates and times the outfalls were viewed or sampling was attempted), of no rain event, or of deviation from the "measurable" storm event requirements shall be maintained with the SWPPP ...	e. Documentation explaining a facility's inability to obtain a sample (including dates and times the outfalls were viewed or sampling was attempted), of no rain event, or of deviation from the 72-hour storm interval shall be submitted with the e-DMR and maintained with the SWPPP.

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p><i>Replaced “measurable storm event requirements” with “72-hour storm interval”. Added that the documentation must be submitted with the e-DMR in addition to being maintained with the SWPPP.</i></p>
<p>9VAC25-151-70. General Permit. Part I.A.6.a</p>		<p>a. Data exceeding benchmark concentration values ...</p>	<p>a. The permittee shall take corrective action whenever: ...</p> <p><i>Part I.A.6 Corrective actions sections a. and b. were reorganized and duplicative language was removed for clarification purposes.</i></p> <p><i>There are no substantive changes to the regulatory requirements of this section.</i></p>
<p>9VAC25-151-70. General Permit. Part I.A.6.c</p>		<p>c. Follow-up reporting ...Within 30 calendar days of implementing the relevant corrective action, an exceedance report shall be submitted to the department.</p>	<p>c. Follow-up reporting ...Within 30 calendar days of implementing the relevant corrective action, an exceedance report shall be submitted to the department and shall be signed in accordance with Part II K.</p> <p><i>Added language requiring that exceedance reports submitted to the department must be signed in accordance with Part II K.</i></p>
<p>9VAC25-151-70. General Permit. Part I.B.1.a</p>		<p>a. Discharges from emergency firefighting activities;</p>	<p>a. Discharges from emergency firefighting activities or firefighting training activities managed in a manner to avoid an instream impact in accordance with § 9.1-207.1 of the Code of Virginia;</p> <p><i>Added firefighting training activities managed in a manner to avoid an instream impact in accordance with § 9.1-207.1 of the Code of Virginia.</i></p>
<p>9VAC25-151-70. General Permit. Part I.B.1.g</p>		<p>g. Routine external building washdown that does not use detergents or hazardous cleaning products;</p>	<p>g. Routine external building washdown that does not use detergents or hazardous cleaning products and is managed in a manner to avoid an instream impact;</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p><i>Clarified that routine external building washdown must be managed in a manner to avoid instream impact.</i></p>
<p>9VAC25-151-70. General Permit. Part I.B.7</p>		<p>7. Discharges to waters subject to TMDL wasteload allocations. 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 shall incorporate measures and controls into the SWPPP ...</p>	<p>7. Discharges to waters subject to TMDL wasteload allocations. Owners of facilities that are a source of the specified pollutant of concern to waters for which a TMDL wasteload allocation has been approved by EPA prior to the term of this permit shall incorporate measures and controls into the SWPPP ...</p> <p><i>Clarified that TMDLs must be approved <u>by EPA</u> prior to the term of the permit.</i></p>
<p>9VAC25-151-70. General Permit. Part I.B.8</p>		<p>8. Discharges to waters subject to the Chesapeake Bay TMDL.</p>	<p><i>The entirety of the Chesapeake Bay TMDL conditions are moved to a new Part V (9VAC25-151-400) in order to simplify the general permit. Substantive changes to the requirements are described later in this document.</i></p> <p><i>Subsequent sections of Part I.B renumbered.</i></p>
<p>9VAC25-151-70. General Permit. Part I.B.10.a</p>	<p>Part I.B.9.a</p>	<p>a. For any industrial activity area expansions (i.e., construction activities, including clearing, grading, and excavation activities) that commence on or after July 1, 2019, (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 land area prior to the land being developed, and the measures and controls that were employed to meet the no net increase of stormwater nutrient and sediment load as</p>	<p>a. For any industrial activity area expansions (i.e., construction activities, including clearing, grading, and excavation activities) that begin on or after July 1, 2024, the permittee shall document in the SWPPP the information and calculations used to determine the nutrient and sediment loadings discharged from the expanded land area before the land was developed, and the measures and controls that were employed to meet the no net increase of stormwater nutrient and sediment load as a result of the expansion of the industrial activity.</p>

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		a result of the expansion of the industrial activity.	<i>Updated date to July 1, 2024 and deleted parenthetical reference to the effective date of the permit.</i>
9VAC25-151-70. General Permit. Part II.H		H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the department by telephone after the discovery of the discharge ...	<i>Deleted "by telephone". Part II.1.3 handles the various options for reports of noncompliance, which includes phone, fax, and the online Pollution Response Preparedness (PReP) portal.</i>
9VAC25-151-70. General Permit. Part II.1.1.a		a. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances ...	<i>Deleted "oral". Part II.1.3 handles the various options for reports of noncompliance, which includes phone, fax, and the online Pollution Response Preparedness (PReP) portal.</i>
9VAC25-151-70. General Permit. Part II.1.3		3. The immediate (with 24 hours) reports required in Part II G, H and I may be made to the department's regional office. Reports may be made by telephone, FAX, or online at [old weblink here]. For reports outside normal working hours, a message may be left and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Management maintains a 24-hour telephone service at 1-800-468-8892.	3. The immediate (with 24 hours) reports required in Part II G, H and I shall be made to the department's regional office. Reports may be made by telephone, FAX, or online at https://www.deq.virginia.gov/get-involved/pollution-response . For reports outside normal working hours, the online portal shall be used. For emergencies, call the Virginia Department of Emergency Management's Emergency Operations Center (24-hours) at 1-800-468-8892. <i>Clarified that the referenced immediate reports shall be made to the department's regional office. Updated link to the online Pollution Response Preparedness (PReP) portal. Clarified that the online portal shall be used for reports outside of normal working hours.</i>
9VAC25-151-80.		1. Facilities that were covered under the 2014 Industrial	<i>Updated dates to reference the 2019 general permit.</i>

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Stormwater Pollution Prevention Plans. Part III.A.1		Stormwater General Permit. Owners of facilities that were covered under the 2014 Industrial Stormwater General Permit who are continuing coverage under this general permit shall update and implement any revisions to the SWPPP within 90 days of the board granting coverage under this permit.	
9VAC25-151-80. Stormwater Pollution Prevention Plans. Part III.B	Part III.B.10		<p>(10) Airport deicing operations. The permittee shall minimize, and where practicable eliminate, the use of deicing or anti-icing chemicals in order to reduce the aggregate amount of deicing or anti-icing chemicals used and lessen the environmental impact.</p> <p>...</p> <p><i>“Airport deicing operations” are included in the list of “industrial activity” in the Definitions section (9VAC25-151-10). However, permittees typically only receive the “general permit” section of the regulation and may not be aware that it is a covered industrial activity.</i></p> <p><i>This condition has been added to the general SWPPP section in order to make it clear that deicing operations are covered by the general permit (non-primary airports are covered under Sector AE, primary airports may covered under Sector AD) and to provide some control measure options for consideration.</i></p> <p><i>This condition is based on language in the 2021 EPA MSGP and language used for “Sector S” in previous iterations of the general permit.</i></p>
9VAC25-151-80.		2. Availability. The permittee shall retain a copy of the	2. Availability. The permittee shall retain a copy of the current

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
Stormwater Pollution Prevention Plans. Part III.E.2		current SWPPP required by this permit at the facility ...	<p>SWPPP (hard copy or electronic) required by this permit at the facility ...</p> <p><i>Clarified that copies of the SWPPP retained onsite may be either in hard copy or in electronic format.</i></p>
9VAC25-151-90 through 9VAC25-390. Sector-Specific Permit Requirements. Part IV			<p><i>Sector-specific benchmark monitoring parameters were updated in accordance with EPA's 2021 MSGP, the Virginia Water Quality Standards (WQS), and the recommendations of the TAC.</i></p> <p><i>Benchmark concentrations are not effluent limitations and should not be interpreted as such. These values are merely levels to determine if a stormwater discharge merits further monitoring to ensure that the facility has been successful in implementing a SWPPP.</i></p> <p><i>The following benchmarks were changed, where applicable:</i></p> <p><i>Aluminum: Updated to match the 2021 MSGP benchmark (1.10 mg/L). There is no Virginia WQS for aluminum.</i></p> <p><i>Arsenic: Updated to match the 2021 MSGP benchmark, which matches the chronic criteria in the current Virginia WQS (0.150 mg/L).</i></p> <p><i>Cadmium: Updated to match the 2021 MSGP benchmark, which matches the acute criteria in the current Virginia WQS (0.0018 mg/L).</i></p> <p><i>Copper: EPA's copper benchmark (0.00519 mg/L) in the 2021 MSGP is based on the biotic ligand model. This model was not adopted by Virginia for copper in the 2022 rulemaking (Triennial Review) of the WQS. Thus, the copper</i></p>

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			<p><i>benchmark was updated to match the current acute criteria in the Virginia WQS (0.013 mg/L).</i></p> <p><i>Iron: Removed. EPA removed iron as a benchmark in the 2021 MSGP due to lack of acute toxicity. There is no acute criteria for iron in the Virginia WQS.</i></p> <p><i>Lead: Updated to match the 2021 MSGP benchmark (0.082 mg/L), which is slightly lower than the acute criteria in the current Virginia WQS (0.094 mg/L).</i></p> <p><i>Magnesium: Removed. EPA removed magnesium as a benchmark in the 2021 MSGP due to lack of acute toxicity. There is no Virginia WQS for magnesium.</i></p> <p><i>Silver: Updated to match the 2021 MSGP benchmark (0.0032 mg/L), which is slightly lower than the acute criteria in the current Virginia WQS (0.0034 mg/L).</i></p>
9VAC25-151-220. Sector O. Steam electric generating facilities.		D. Benchmark monitoring and reporting requirements.	<i>Removed. Sector O previously only had a benchmark for iron; thus, this sector is no longer subject to benchmark requirements.</i>
	9VAC25-151-400. Chesapeake Bay Total Maximum Daily Load Compliance. Part V.		<p><i>The entirety of the Chesapeake Bay TMDL conditions are moved to this new Part V of the general permit. Changes to the conditions are as follows:</i></p> <p><i>The monitoring frequency has been changed to quarterly in order to meet the December 31, 2025 deadline of the Chesapeake Bay TMDL.</i></p> <p><i>TSS reduction requirements have been removed in accordance with Virginia's Final Phase III Watershed Implementation Plan (WIP) based on the recommendations of the 2019</i></p>

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			<p><i>Chesapeake Bay Program Principals' Staff Committee.</i></p> <p><i>Requirements are now separated into three distinct categories depending on the status of a facility's demonstration of compliance with the Chesapeake Bay TMDL nutrient loading rates:</i></p> <p><i>(1) Existing facilities under the 2019 permit that have already demonstrated compliance,</i></p> <p><i>(2) Existing facilities under the 2019 permit that have <u>not</u> demonstrated compliance, and</i></p> <p><i>(3) Existing facilities that obtain initial coverage under the 2024 permit.</i></p> <p><i>Existing facilities registered under the 2019 permit after June 30, 2022, are subject to the same requirements as facilities obtaining initial coverage under the 2024 permit.</i></p> <p><i>Facilities that have already demonstrated compliance with the nutrient loading rates are to maintain documentation of the demonstration with SWPPP and continue to implement any BMPs developed as part of the demonstration.</i></p> <p><i>Reductions for existing facilities under the 2019 permit, if applicable, are to be achieved by December 31, 2025.</i></p> <p><i>Reductions for existing facilities that obtain initial coverage under the 2024 permit, if applicable, are to be achieved two years following the fourth quarterly monitoring period.</i></p> <p><i>Facilities may use applicable sampling data collected during the 2019 permit term to satisfy all or</i></p>

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			<p><i>part of their monitoring requirements.</i></p> <p><i>Alternative calculations may be proposed on a case-by-case basis to address facilities with outfalls that rarely discharge.</i></p>

Family Impact

In accordance with § 2.2-606 of the Code of Virginia, please assess the potential 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 general permit applies to point source discharges of stormwater associated with industrial activity to surface waters and has been designed to minimize burden while achieving a level of water quality protection consistent with state and federal requirements. This regulatory action does not address and will have no direct impact on 1) the authority and rights of parents, 2) economic self-sufficiency, self-pride, or assumption of familial responsibilities, 3) marital commitments, or 4) disposable family income.