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## Exempt Action Proposed Regulation Agency Background Document

<b>Agency name</b>	State Water Control Board
<b>Virginia Administrative Code (VAC) citation</b>	9 VAC 25-151
<b>Regulation title</b>	General Virginia Pollutant Discharge Elimination System (VPDES) Permit For Discharges of Storm Water Associated With Industrial Activity
<b>Action title</b>	Amend and Reissue Existing General Permit Regulation
<b>Document preparation date</b>	June 7, 2013

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 14 (2010) and 58 (99).

### Summary

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

This regulation amendment will reissue the existing VPDES Industrial Activity Storm Water General Permit (VAR05) which expires on June 30, 2013. The existing (2009) general permit was based primarily on EPA's 2006 draft Multi-Sector General Permit (MSGP). This revision is based primarily on EPA's 2008 final MSGP. 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. Additional proposed changes to the regulation were made to make this general permit similar to other VPDES general permits reissued recently, and in response to the Technical Advisory Committee (TAC) suggestions. Changes were also made to address staff requests to clarify and update permit requirements. A list of the significant proposed changes from the 2009 regulation can be found in the Substance Section.

**Legal basis**

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

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 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.

**Purpose**

*Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal, the environmental benefits, and the problems the proposal is intended to solve.*

The proposed regulatory action is needed in order to establish permitting requirements for facilities with storm water discharges associated with industrial activity in order to protect the quality of state waters. The existing permit expires on June 30, 2014, and the regulatory action is necessary in order to reissue the permit for another five-year term. The goal of the regulatory action is to continue the general permit which establishes standard language for control of point source discharges of storm water associated with industrial activity through pollution prevention plan development and implementation requirements, monitoring requirements, and special conditions to ensure protection of the environment.

**Substance**

*Please briefly identify and explain the new substantive provisions (for new regulations), the substantive changes to existing sections, or both where appropriate.*

This general permit establishes pollution prevention plan development and implementation requirements, monitoring requirements, and special conditions for facilities with storm water discharges associated with industrial activity. As with an individual VPDES permit, the permit conditions in the general permit are set to protect the quality of the waters receiving the discharges. The primary issue that needs to be addressed is that the existing general permit expires on June 30, 2014 and must be reissued in order to

continue making general permit coverage available for facilities with industrial activity storm water discharges after that date. Substantive changes proposed are:

- 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 consistent with the assumptions and requirements of an approved TMDL.
- 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. The permittee must submit a timely and complete registration statement prior to the expiration date of the existing permit, and be in compliance with the terms of the expiring permit in order to qualify for continuance.
- Added a question 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. This requirement was added to comply with Virginia's Watershed Implementation Plan (WIP) for EPA's Chesapeake Bay TMDL.
- Increased the Benchmark Monitoring, Effluent Limitation Monitoring and Impaired Waters Monitoring from annual to semi-annual. This was done to allow better tracking of compliance with the monitoring requirements, and to determine more quickly which facilities are having storm water quality issues so that inspections can be targeted to the facilities that need more attention. Associated with this, the follow-up monitoring required by the current permit has been eliminated since we will now have all monitoring twice per year. This permit proposes to require corrective actions and a corrective action report from the permittee when effluent limits or TMDL monitoring concentrations are exceeded.
- Added that a waiver of the quarterly visual assessments, routine facility inspections, and monitoring requirements (including benchmark, effluent limitation, and impaired waters monitoring) may be granted by the Board at a facility that is both inactive and unstaffed, as long as the facility remains inactive and unstaffed and there are no industrial materials or activities exposed to stormwater. The owner of such a facility is only required to conduct an annual comprehensive site inspection. They must notify the Department within 30 days if the facility becomes either active or staffed, and all quarterly visual assessments, routine facility inspections, and monitoring requirements must be resumed immediately.
- Modified permit Special Condition #6 to require 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. This requirement was added to comply with Virginia's Chesapeake Bay TMDL WIP.
- Added Special Condition #7 which requires facilities discharging through a Virginia Stormwater Management Program (VSMP) regulated municipal separate storm sewer system (MS4) to waters subject to the Chesapeake Bay TMDL to incorporate measures and controls into their storm water pollution prevention plan (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.
- Added Special Condition #8 which requires that after November 29, 2010 (the date of Virginia's Phase I Chesapeake Bay TMDL WIP), 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. 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.
- In the Sector Specific Permit Requirements, modified Sector A (Timber Products Facilities) to specify 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 we were not aware that mulch operations were

classified under that SIC code. Added specific requirements for mulch operations and mulch dyeing operations, along with benchmark monitoring for both of these.

- Modified Sector C (Chemical and Allied Products) to specify 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. Added benchmark monitoring requirements for these facilities.
- Modified Sector L (Landfills) to specify that landfills that have been properly closed and capped in accordance with Virginia waste permitting requirements, and that have no significant materials exposed to storm water, do not require this permit. This is different than EPA's permit which does not give landfills this option. Also, we removed the benchmark monitoring for iron from this sector. Iron is prevalent in Virginia soils and having these facilities monitor for it was unproductive.
- Modified Sector N (Scrap and Waste Recycling Facilities) to add benchmark monitoring for source-separated facilities. 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.
- Modified Sector Q (Water Transportation) and Sector R (Ship and Boat Building and Repair Yards). These two sectors are very similar in their storm water discharge characteristics. Made the benchmark monitoring requirements the same for both sectors (TSS, copper and zinc). Also for both sectors, defined pressure washing and hull washing activities as process wastewater that need separate VPDES permits (not authorized discharges under this permit).
- Modified Sector S (Air Transportation) based upon EPA's draft 2013 MSGP to add the federal effluent limitation guideline for airport deicing facilities. Effluent limits are included for primary airports. Deleted the benchmark monitoring for deicing at major airports (EPA still has this), but added benchmark monitoring for TSS and TPH at all airports with maintenance activities (i.e., fueling, lubrication, mechanical repairs, vehicle washing).
- Modified Sector AA (Fabricated Metal Products) to add copper to the benchmark monitoring for fabricated metal products facilities (except coating). Data for individual facilities shows this to be a problem at some of these facilities.
- Modified Sector AB (Transportation Equipment, Industrial, or Commercial Machinery) to add benchmark monitoring for TSS, TPH, copper and zinc. Data for individual facilities shows problems with this sector, and the data will help the Department to get a better understanding of the specific facilities with issues.

**Issues**

*Please identify the issues associated with the proposed regulatory action, 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 the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.*

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The primary issue that needs to be addressed is that the existing industrial activity storm water general permit expires on June 30, 2014 and must be reissued in order to continue making it available after that date. The primary advantage to the public and to the agency of implementing the amended provisions are that a VPDES general permit will continue to be available to facilities discharging industrial activity storm water, allowing them an efficient way to be permitted to discharge to surface waters. The regulatory action poses no disadvantages to the public or to the Commonwealth.

**Requirements more restrictive than federal**

*Please identify and describe any requirement of the proposal which are more restrictive than applicable federal requirements. Include 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 statement to that effect.*

There are no requirements more stringent than applicable federal requirements.

**Localities particularly affected**

*Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.*

There are no localities particularly affected by the proposed regulation.

**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, the potential impacts of the regulation on the regulated community and the impacts of the regulation on farm or forest land preservation.*

In addition to any other comments, the State Water Control Board is seeking comments on the costs and benefits of the proposal, the potential impacts on the regulated community and on any impacts of the regulation on farm and forest land preservation. Also, the Board is 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 may do so at the public hearing or by mail, email or fax to Burt Tuxford, DEQ, P.O. Box 1105, Richmond, VA 23218; phone (804) 698-4086; fax (804) 698-4032; or email [burton.tuxford@deq.virginia.gov](mailto:burton.tuxford@deq.virginia.gov). Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at [www.townhall.virginia.gov](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 DEQ by the close of the comment period.

A public hearing will be held and notice of the public hearing will appear on the Virginia Regulatory Town Hall website ([www.townhall.virginia.gov](http://www.townhall.virginia.gov)) and can be found in the Virginia Register of Regulations. Both oral and written comments may be submitted at that time.

**Economic impact**

*Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirement creates the anticipated economic impact.*

There are currently 1353 active facilities with industrial activity storm water discharges in Virginia covered under this general permit. The proposed permit increases the Benchmark Monitoring, Effluent Limitation Monitoring and Impaired Waters Monitoring from annual to semi-annual sampling. This will increase the sampling and analysis costs for facilities subject to those types of monitoring (note that only certain facilities are subject to one or more of these types of monitoring).

Of the 1353 permitted facilities, 867 of these discharge in the Chesapeake Bay watershed. The proposal 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. This requirement was added to comply with Virginia's Chesapeake Bay TMDL WIP, and will add sampling and analysis costs for those facilities that are not already required to sample these parameters.

Additional sampling requirements for Mulch, Wood and Bark Facilities (Sector A), Composting Facilities (Sector C), Source-Separated Scrap and Waste Recycling Facilities (Sector N), Water Transportation Facilities (Sector Q), Ship and Boat Building and Repair Yards (Sector R), Air Transportation Facilities (Sector S), Fabricated Metal Products Facilities (Sector AA), and Transportation Equipment, Industrial, or Commercial Machinery Facilities (Sector AB) will add additional sampling and analysis costs for those facilities.

**Alternatives**

*Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.*

These discharges are point sources of pollutants and thus are subject to regulation under the VPDES permit program. There are two alternatives for compliance with federal and state requirements to permit such discharges. One is to issue individual VPDES permits to each discharger. The other is to reissue the general VPDES permit to cover this category of discharger. A general VPDES is the least burdensome, intrusive and costly to achieve the purpose of the federal and state regulations, and to protect the water quality of the Commonwealth.

**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 minimizes the costs to a small business owner and simplifies the application process. 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 and permit costs.

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

**Public comment**

*Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.*

Commenter	Comment	Agency response
<p>Robert Steidel, President, Virginia Association of Municipal Wastewater Agencies (VAMWA), P.O. Box 51, Richmond, Virginia 23218-0051</p>	<p>Please accept this letter on behalf of the Virginia Association of Municipal Wastewater Agencies (VAMWA), in response to the Notice of Intended Regulatory Action (NOIRA) published September 10, 2012 in Volume 29, Issue 1 of the <i>Virginia Register of Regulations</i> inviting comments to the possible amendment of the above-referenced permit. VAMWA is a statewide association of localities and authorities that own municipal wastewater treatment plants, which the Clean Water Act (CWA) refers to as publicly owned treatment works (POTWs). VAMWA's Members are directly impacted by this regulatory action by virtue of the fact that their plants are Sector T (Treatment Works) covered by this General Permit (GP).</p> <p>VAMWA looks forward to participating in the upcoming regulatory proceeding. VAMWA's goal will be to share the POTW perspective on reasonable and achievable permit requirements. Further, VAMWA respectfully requests the opportunity to participate on the Technical Advisory Committee through the appointment of Lisa M. Ochsenhirt, Attorney. VAMWA also requests the appointment of Christopher D. Pomeroy (<a href="mailto:chris@aqualaw.com">chris@aqualaw.com</a>) as VAMWA's alternate to enable our full participation under the eventual meeting schedule. Both Ms. Ochsenhirt and Mr. Pomeroy may be reached at (804) 716-9021, or at their offices at 6 S. 5th Street, Richmond, Virginia 23219. We also urge DEQ to consider similar requests from individual VAMWA members.</p>	<p>Ms. Ochsenhirt and Mr. Pomeroy were invited to serve on the technical advisory committee.</p>
<p>Andrea Wortzel, Hunton &amp; Williams, LLP, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074</p>	<p>I am writing on behalf of the Virginia Manufacturers Association ("VMA") to request representation on the technical advisory committee ("TAC") being formed to evaluate proposed amendments to the General VPDES Permit for Discharges of Stormwater Associated with Industrial Activity. VMA represents all sizes of industrial operations in Virginia. Many of our members are subject to the general VPDES permit for industrial stormwater discharges.</p> <p>Virginia's industrial stormwater permitting program has worked successfully. The general industrial stormwater permit has been an efficient and effective way to address stormwater discharges. VMA supports the renewal of the permit, and is uniquely suited to offer ideas and suggestions for improving on the existing program. VMA can also provide information about the impact of the program on small businesses.</p> <p>VMA requests that Mark Davis, with Altria, be appointed as its representative on the TAC. Mark's contact information is attached. Please consider me as Mark's alternate on the TAC.</p> <p>Thank you for your consideration of VMA's request to participate on the TAC. We look forward to working with DEQ on the renewal</p>	<p>Mr. Davis was invited to serve on the technical advisory committee.</p>

<p>John M. Fowler, Virginia Senior Scientist, Chesapeake Bay Foundation, 1108 East Main Street, Suite 1600, Richmond, VA 23219</p>	<p>of the general VPDES for industrial stormwater discharges.</p> <p>On behalf of the Chesapeake Bay Foundation (CBF), I offer the following comments regarding the Notice of Intended Regulatory Action for the Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges Associated with Industrial Activity [9 VAC 25 - 1511. We thank the Department of Environmental Quality (DEQ) for the opportunity to provide input on this action.</p> <p>The Commonwealth must ensure that all VPDES permits comply with the State Water Control Law, the Clean Water Act (CWA), and applicable regulations, and that all permitted discharges are fully consistent with water quality standards (WQS) and applicable total maximum daily loads (TMDLs). In particular, permits issued to dischargers to the Chesapeake Bay watershed after December 29, 2010 must be consistent with the <i>Chesapeake Bay Total Maximum Daily Load for Nitrogen, Phosphorus and Sediment</i> (Bay TMDL) and Virginia's commitments in its Phase I Chesapeake Bay TMDL Watershed Implementation Plan (WIP 1). See, e.g., 40 CFR § 122.44(d). The Bay TMDL estimated the nutrient and sediment loadings from industrial stormwater discharges in the watershed based on the number of industrial stormwater permits by county and the number of urban acres regulated by industrial stormwater permits.' Virginia's WIP 1 stated there will be "no net increase" in these waste loads arising from future growth from new or expanding facilities; specifically, Virginia committed to ensuring that industrial stormwater discharges do not exceed the nutrient and sediment loadings being discharged before the industrial activity development.' Virginia has also committed to being accountable for achieving this goal through the two-year milestone process and to making any adjustments determined thereby to be necessary in order to achieve the WIP commitments.</p> <p>CBF is the largest statewide and regional conservation organization dedicated solely to restoration of the Chesapeake Bay. Our offices in Richmond, Norfolk, and Gloucester Point focus on public education, policy development and advocacy, restoration of oysters and underwater grasses, and agriculture stewardship on farms across the Commonwealth. We are supported by more than 202,000 members and e-subscribers, including 74,064 members in Virginia. CBF has been closely involved in many of Virginia's long-term and recent efforts to reduce the nutrient and sediment pollution of the Chesapeake Bay and its tributary streams, from development of the Tributary Strategies and the initial waste load allocations for significant dischargers, to participation in the Watershed Implementation Plan Stakeholder Advisory Group, to contributing to the regulatory processes for the stormwater management regulation and stormwater permitting processes conducted by the Department of Conservation and Recreation.</p> <p>These and other activities have given CBF background that we believe may be helpful in the development of the VPDES General Permit Regulation for Storm Water Discharges Associated with Industrial Activity and would enable CBF to offer meaningful and informed perspectives on the Technical Advisory Committee (TAC). Indeed, when I worked for Henrico County, I served on the last TAC for the General Industrial Storm Water Permit (2008-2009). Pursuant to the NOIRA, I request to represent CBF and participate on the TAC.</p>	<p>Mr. Fowler was invited to serve on the technical advisory committee.</p>
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	<p>We thank you for this opportunity to comment and look forward to assisting with this important regulatory development process. Please do not hesitate to contact me if you wish to discuss these matters further.</p>	
<p>Adrienne F. Kotula, Policy Specialist, James River Association, 9 South 12<sup>th</sup> Street, 4<sup>th</sup> Floor Richmond, Virginia 23219</p>	<p>Thank you for the opportunity to comment on Virginia’s Notice of Intended Regulatory Action for the General VPDES Permit for Discharges of Storm Water Associated with Industrial Activity. The James River Association (JRA) is a conservation organization that has been solely dedicated to restoring and protecting the James River for over thirty years. On behalf of our thousands of members and supporters throughout Virginia, JRA provides these comments on the regulatory amendments proposed by the Department of Conservation and Recreation (DCR).</p> <p>JRA staff uses Virginia water bodies for scientific study, educational programs, and recreational purposes that are vital to our mission. JRA owns land and holds a lease to other property adjacent to the James River giving it valuable economic interests in protecting water quality. JRA’s members enjoy a wide range of recreational activities, including fishing, swimming, and boating, throughout the James River Basin and in other Virginia water bodies. Also, our members have important economic, professional, and aesthetic interests in the health of Virginia water bodies. Thus, JRA and our members have direct, substantial, past, and ongoing interests that will be affected by this regulatory action.</p> <p>We would like to commend the DEQ staff on the effort that has been put forth thus far and fully support continued efforts in the remaining stages of the regulatory process. The ultimate measure of the adequacy of the proposed regulations will be the health of the James River. The impact of not fully addressing this challenge is considerable. The James River, America’s Founding River, has played an integral role in the development of Virginia. Today, that critical role continues, with the river serving as a primary source of drinking water for millions of Virginians, a source for commercial and industrial facilities that utilize the river and as a vital asset to our quality of life that is so important to our future prosperity. If left unaddressed, water quality degradation will undermine the value of this shared resource and diminish the public’s well being.</p> <p><u>Support for Regulatory Revisions</u></p> <p>JRA supports the initiation of the regulatory revision process. We believe that the General VPDES Permit for Discharges of Storm Water Associated with Industrial Activity would be strengthened with the inclusion of measureable and enforceable goals. While flexibility in meeting permit requirements should be provided, JRA believes that measurable goals are necessary to ensure that industrial sites discharging into impaired waters do not contribute to impairments and comply with any applicable TMDLs and the Bay TMDL in particular. Measureable goals are absolutely vital to providing permit enforceability and ensuring that the reductions required of any TMDLs will be met. DEQ should explore and provide a variety of means to ensure that industrial sites achieve water quality goals. DEQ should also evaluate how enforceable, quantitative pollution reduction targets could be written into this permit. It is of the utmost importance that the new permit protects water quality, rather than present new obstacles in achieving fishable and swimmable waterways.</p> <p><u>Technical Advisory Committee</u></p> <p>JRA supports these proposed regulatory revisions as a critical</p>	<p>Ms. Kotula was invited to serve on the technical advisory committee.</p>

	<p>step towards fulfilling the Commonwealth’s obligation under its constitution to provide clean water to all Virginians and its commitment to meet Bay Cleanup goals. Continued collaborative efforts to address pollution are necessary to achieve water quality goals in the watershed in a cost-effective, reliable manner. Accordingly, I respectfully request to serve on the Technical Advisory Committee as the representative for the James River Association.</p> <p><u>Conclusion</u></p> <p>Thank you for providing the James River Association the opportunity to play such an active role in the development of these regulations, as well as with the opportunity to provide comments. Please feel free to contact me at (804) 788-8811 if you have any questions or concerns regarding these comments.</p>	
<p>Sam Hollins, VA Transportation Construction Alliance</p>	<p>Our organization would be interested in serving on the Technical Advisory Committee (TAC) when it is formed to consider changes/revisions to the Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Storm Water Discharges Associated with Industrial Activity (9 VAC 25-151). My phone number is (804)330-3312 if needed.</p>	<p>Mr. Hollins was invited to serve on the technical advisory committee.</p>

**Family impact**

*Assess the impact of this regulatory action on the institution of the family and family stability, including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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

**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.*

- CBF - Chesapeake Bay Foundation
- CFR - Code of Federal Regulations
- CWA - Clean Water Act
- DCR - Department of Conservation and Recreation
- DEQ - Department of Environmental Quality
- EPA - U.S. Environmental Protection Agency
- GP - general permit
- JRA - James River Association
- MS4 - municipal separate storm sewer system
- MSGP - multi-sector general permit
- NOIRA - notice of intended regulatory action
- POTW - publicly owned treatment works
- 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  
USC - means United States Congress  
VAMWA - Virginia Association of Municipal Wastewater Agencies  
VPDES - Virginia Pollutant Discharge Elimination System  
VMA - Virginia Manufacturers Association  
VSMP - Virginia Stormwater Management Program  
WIP - watershed implementation plan