COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
TIDEWATER REGIONAL OFFICE
5636 Southern Boulevard, Virginia Beach, Virginia 23462
(757) 518-2000 Fax (757) 518-2009
www.deq.virginia.gov

Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

Maria R. Nold
Regional Director

July 18, 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NASA Wallops Flight Facility
c/o Glenn Lilly Head, Facilities Management Branch
Medical and Environmental Management Division
Bldg. F-160
Wallops Island, VA 23337

Re: Modification of VPDES Permit No., VA0024457
US NASA Wallops Flight Facility, Wallops Island, VA

Dear Mr. Lilly:

The modification of the above referenced permit has been approved. Additionally, enclosed is a copy of the fact sheet page that describes public participation in the permitting process. Please replace the page in fact sheet that you received with the draft permit with this page.

Your permit is enclosed. In accordance with the permit, you are required to submit monitoring reports to the following address:

Department of Environmental Quality (DEQ)
Tidewater Regional Office
5636 Southern Boulevard
Virginia Beach, VA 23462

Please continue to use the e-DMR program to submit the effluent data electronically. The first report (DMR) is due for the first semiannual period of 2017 by July 10th 2017 for the new perchlorate monitoring.

Thank you for participating in the Agency's e-DMR program. If you have any questions concerning the e-DMR program, our regional e-DMR administrator Barbara Jones, phone 757-518-2018, barbara.jones@deq.virginia.gov can assist you, or the following website provides details about the program: http://www.deq.virginia.gov/water/edmrfaq.html.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period.

Alternatively, any owner under §§ 62.1 - 44.16, 62.1 - 44.17, and 62.1 - 44.19 of the State Water Control Law aggrieved by any action of the State Water Control Board taken without a formal hearing, or by inaction of the Board, may demand in writing a formal hearing of such owner's grievance, provided a petition requesting such hearing is filed with the Board. Said petition must meet the requirements set forth in 9VAC25-230-130 (Procedural Rule No. 1 – Petition for formal hearing). In cases involving actions of the Board, such petition must be filed within thirty days after notice of such action is mailed to such owner by certified mail.

A Reliability Class I is assigned to this facility and this facility has Class II licensed wastewater operator requirements.

If you have any additional questions, please do not hesitate to contact Deanna Austin at 757-518-2008 or deanna.austin@deq.virginia.gov.

Sincerely,

Janet F. Weyland
Deputy Regional Director

JFW/DDA

cc: DEQ - TRO ECM File

Encl: Permit No. VA0024457
Revised Fact Sheet Page

PUBLIC NOTICE INFORMATION: Comment Period: Start Date 6/15/16
End Date 7/15/16

Persons may comment in writing or by e-mail to the DEQ on the proposed modification of the permit within 30 days from the date of the first notice. Address all comments to the contact person listed below. Written or e-mail comments shall include the name, address, and telephone number of the writer, and shall contain a complete, concise statement of the factual basis for comments. Only those comments received within this period will be considered. The Director of the DEQ may decide to hold a public hearing if public response is significant. Requests for public hearings shall state the reason why a hearing is requested, the nature of the issues proposed to be raised in the public hearing and a brief explanation of how the requestor's interests would be directly and adversely affected by the proposed permit action.

All pertinent information is on file and may be inspected, and arrangements made for copying by contacting Deanna Austin at: Department of Environmental Quality (DEQ), Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, VA 23462. Telephone: 757-518-2008 Fax: 757-518-2009
E-mail: deanna.austin@deq.virginia.gov

Following the comment period, the Board will make a determination regarding the proposed modification. This determination will become effective, unless the Director grants a public hearing. Due notice of any public hearing will be given.

30. **ADDITIONAL FACT SHEET COMMENTS/PERTINENT INFORMATION:**

COMMONWEALTH of VIRGINIA

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Secretary of Natural Resources

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David K. Paylor
Director

Maria R. Nold
Regional Director

Permit No:	VA0024457
Effective Date:	October 1, 2015
Modification Date:	July 18, 2016
Expiration Date:	September 30, 2019

AUTHORIZATION TO DISCHARGE UNDER THE

VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM

AND

THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act as amended and pursuant to the State Water Control Law and regulations adopted pursuant thereto, the following owner is authorized to discharge in accordance with the information submitted with the permit application, and with this permit cover page, and Parts I and II of this permit, as set forth herein.

Owner: U.S. NASA - Wallops Flight Facility
Facility Name: U.S. NASA Wallops Flight Facility
City: Wallops Island
County: Accomack
Facility Location: Wallops Island, VA 23337

The owner is authorized to discharge to the following receiving stream:

Stream: See Attached
River Basin:
River Subbasin:
Section:
Class:
Special Standards:

Maria R. Nold

Maria R. Nold

July 18, 2016

Date

ATTACHMENT I

Outfall No(s).	Receiving Stream

Outfall No(s): 001

Receiving Stream:	UNTRIB to Little Mosquito Creek
River Mile:	2.80
Basin:	Chesapeake Bay, Atlantic and Small Coastal
Subbasin:	NA
Section:	1b
Class:	II (Limited as fresh water receiving stream)
Special Standard(s):	a
Tidal:	No

Outfall No(s): 003

Receiving Stream:	UNTRIB to Little Mosquito Creek
River Mile:	0.80
Basin:	Chesapeake Bay, Atlantic and Small Coastal
Subbasin:	NA
Section:	1b
Class:	II
Special Standard(s):	a
Tidal:	Yes

Outfall No(s): 004

Receiving Stream:	UNTRIB to Little Mosquito Creek
River Mile:	3.1
Basin:	Chesapeake Bay, Atlantic and Small Coastal
Subbasin:	NA
Section:	1b
Class:	II
Special Standard(s):	a
Tidal:	Yes

Outfall No(s): 005

Receiving Stream:	UNTRIB to Little Mosquito Creek
River Mile:	0.5
Basin:	Chesapeake Bay, Atlantic and Small Coastal
Subbasin:	NA
Section:	1b
Class:	II
Special Standard(s):	a
Tidal:	Yes

Outfall No(s): 006

Receiving Stream:	UNTRIB to Little Mosquito Creek
River Mile:	0.32
Basin:	Chesapeake Bay, Atlantic and Small Coastal
Subbasin:	NA
Section:	1b
Class:	II
Special Standard(s):	a
Tidal:	Yes

Outfall No(s): 007

Receiving Stream:	UNTRIB to Little Mosquito Creek
River Mile:	0.33
Basin:	Chesapeake Bay, Atlantic and Small Coastal
Subbasin:	NA
Section:	1b
Class:	II
Special Standard(s):	a
Tidal:	Yes

Outfall No(s): 008

Receiving Stream:	UNTRIB to Mosquito Creek
River Mile:	1.45
Basin:	Chesapeake Bay, Atlantic and Small Coastal
Subbasin:	NA
Section:	1b
Class:	II
Special Standard(s):	a
Tidal:	Yes

Outfall No(s): 009

Receiving Stream:	UNTRIB to Jenney's Gut
River Mile:	0.40
Basin:	Chesapeake Bay, Atlantic and Small Coastal
Subbasin:	NA
Section:	1b
Class:	II
Special Standard(s):	a
Tidal:	Yes

Outfall No(s): 010

Receiving Stream:	UNTRIB to Jenney's Gut
River Mile:	0.47
Basin:	Chesapeake Bay, Atlantic and Small Coastal
Subbasin:	NA
Section:	1b
Class:	II
Special Standard(s):	a
Tidal:	Yes

Outfall No(s): 012

Receiving Stream:	UNTRIB to Little Mosquito Creek
River Mile:	1.90
Basin:	Chesapeake Bay, Atlantic and Small Coastal
Subbasin:	NA
Section:	1b
Class:	II
Special Standard(s):	a
Tidal:	YES

Outfall No(s): 013

Receiving Stream:	UNTRIB to Little Mosquito Creek
River Mile:	0.48
Basin:	Chesapeake Bay, Atlantic and Small Coastal
Subbasin:	NA
Section:	1b
Class:	II
Special Standard(s):	a
Tidal:	YES

Outfall No(s): 014

Receiving Stream:	UNTRIB to Simoneaston Bay
River Mile:	0.56
Basin:	Chesapeake Bay, Atlantic and Small Coastal
Subbasin:	NA
Section:	1b
Class:	II
Special Standard(s):	a
Tidal:	Yes

Outfall No(s): 021, 022, 023, 024

Receiving Stream:	UNTRIB to Little Mosquito Creek
River Mile:	2.80
Basin:	Chesapeake Bay, Atlantic and Small Coastal
Subbasin:	NA
Section:	1b
Class:	II
Special Standard(s):	a
Tidal:	YES

Outfall No(s): 031, 032, 033

Receiving Stream:	Cat Creek
River Mile:	
Basin:	Chesapeake Bay, Atlantic and Small Coastal
Subbasin:	NA
Section:	1b
Class:	II
Special Standard(s):	a
Tidal:	Yes

Outfall No(s): 034, 035

Receiving Stream:	Little Cat Creek
River Mile:	
Basin:	Chesapeake Bay, Atlantic and Small Coastal
Subbasin:	NA
Section:	1b
Class:	II
Special Standard(s):	a
Tidal:	Yes

Outfall No(s):036, 037, 038, 039

Receiving Stream:	Hog Creek
River Mile:	
Basin:	Chesapeake Bay, Atlantic and Small Coastal
Subbasin:	NA
Section:	1b
Class:	II
Special Standard(s):	a
Tidal:	Yes

PART I

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall(s): 001.

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

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS						MONITORING REQUIREMENTS	
	Monthly Average		Weekly Average		Minimum	Maximum	Frequency	Sample Type
Flow (MGD) [2]	NL		NA		NA	NL	Continuous	Totalizing, Indicating & Recording Equipment
pH (S.U.)	NA		NA		6.0	9.0	1/Day	Grab
$CBOD_5$ (mg/l; kg/d)[a]	10	11	15	17	NA	NA	3D/Week	24-Hr. Comp
Total Suspended Solids (mg/l; kg/d)[a]	10	11	15	17	NA	NA	3D/Week	24-Hr. Comp
Dissolved Oxygen (mg/l)	NA		NA		5.5	NA	1/Day	Grab
Fecal Coliform (N/CML)	200		NA		NA	NA	3D/Week (Between 10 AM & 4 PM)	Grab
E. coli (N/100ml)	126		NA		NA	NA	3D/Week (At 48 Hr. intervals (between 10am and 4 pm)	Grab
Total Kjeldahl Nitrogen (TKN) (mg/l; kg/d)	3.0	3.4	4.5	5.1	NA	NA	3/D/Week	24-Hr. Comp
Total Copper (ug/l)	19		19		NA	NA	1/Month	24-Hr. Comp

NA = Not Applicable.
NL = No limitation, however, reporting is required.

Upon issuance of the permit, Discharge Monitoring Reports (DMRs) shall be submitted to the regional office at the frequency required by the permit regardless of whether an actual discharge occurs. In the event that there is no discharge for the monitoring period, then "no discharge" shall be reported on the DMR.

[a] See Part I.B.7. for reporting requirements.

2. The design flow of this treatment facility is 0.3 MGD.
3. There shall be no discharge of floating solids or visible foam in other than trace amounts.
4. At least 85% removal for BOD and TSS must be attained for this effluent.

PART I

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall(s): 003 (Stormwater from the airfield areas, fuel tank area, covered satellite accumulation areas, buildings, roadways, parking areas and grassy areas).

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

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS [a]	
	Minimum	Maximum	Frequency	Sample Type
Flow (MG)	NA	NL	1/3 Months	Estimate[b]
pH (S.U.)	6.0	9.0	1/3 Months	Grab
pH, Precipitation event (S.U.)[e]	NL	NL	1/3 Months	Grab
Total Suspended Solids (mg/l)[c]	NA	NL	1/3 Months	Grab
Total Petroleum Hydrocarbons (mg/l) [c][d]	NA	NL	1/3 Months	Grab

NA = Not Applicable.
NL = No limitation, however, reporting is required.
1/3 Months = In accordance with the following schedule: 1st quarter (January 1 - March 31); 2nd quarter (April 1 - June 30); 3rd quarter (July 1 - September 30); 4th quarter (October 1 - December 31).

Upon issuance of the permit, Discharge Monitoring Reports (DMRs) shall be submitted to the regional office at the frequency required by the permit regardless of whether an actual discharge occurs. In the event that there is no discharge for the monitoring period, then "no discharge" shall be reported on the DMR.

[a] See Part I.C. for additional stormwater sampling and reporting requirements.
[b] Estimate of the total volume of the discharge during the storm event.
[c] See Parts I.B.7. for reporting requirements.
[d] TPH is the sum of individual gasoline range organics and diesel range organics (TPH-GRO and TPH-DRO).
[e] Reporting shall only be required if the effluent pH is less than 6.0 S.U. If not reported, "NR" shall be reported on the DMR. The pH value of the precipitation causing a discharge shall be used for comparison to the effluent pH. Samples taken for this purpose shall be representative of the precipitation, and collected prior to contacting any soils, buildings or other impervious surfaces at the facility. The permittee shall sample and report this rainfall pH with the DMR. See Part I.B.11. for additional instructions regarding pH precipitation monitoring requirements.

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

PART I

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall(s): 004-010, 012, 013, 014 (storm water runoff from main base airfield, runways, taxiways, and grassy areas)

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

   THIS OUTFALL SHALL CONTAIN ONLY STORM WATER RUNOFF ASSOCIATED WITH A REGULATED INDUSTRIAL ACTIVITY WHERE NO CHEMICAL MONITORING IS REQUIRED. THERE SHALL BE NO DISCHARGE OF PROCESS WASTEWATER FROM THIS OUTFALL. QUARTERLY VISUAL INSPECTIONS IN ACCORDANCE WITH PART I.C. SHALL BE CONDUSCTED AT THESE OUTFALLS.

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

PART I

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall(s): 021-024, 031-036 (storm water runoff from 021-024: NOAA spacecraft tracking facilities; 031-036: Wallops Island launch facilities, office areas, fuel storage areas, roadways, parking areas and grassy areas; 035: also drains radar and tracking facilities)

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

   THIS OUTFALL SHALL CONTAIN ONLY STORM WATER RUNOFF NOT ASSOCIATED WITH A REGULATED INDUSTRIAL ACTIVITY WHERE NO MONITORING IS REQUIRED. THERE SHALL BE NO DISCHARGE OF PROCESS WASTEWATER FROM THIS OUTFALL.

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

PART I

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall(s): 037 and 038 (Stormwater associated with industrial activities from Wallops Island orbital launch facilities, fuel storage areas, office areas, liquid fueling facility, launch pad wash waters, deluge system; 039: Stormwater from Northern Wallops Island liquid fueling facility, deluge system).

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

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS [a]	
	Monthly Average	Weekly Average	Minimum	Maximum	Frequency	Sample Type
Flow (MGD)	NA	NA	NA	NL	1/6 Months	Estimate[b]
pH (S.U.)	NA	NA	6.0	9.0	1/6 Months	Grab
pH, Precipitation Event (S.U.)[e]	NA	NA	NL	NL	1/6 Months	Grab
Total Suspended Solids (mg/l)[c]	NA	NA	NA	NL	1/6 Months	Grab
Total Petroleum Hydrocarbons (mg/l)[c][d]	NA	NA	NA	NL	1/6 Months	Grab
Perchlorate [mg/l]	NA	NA	NA	1.4	1/6 Months	Grab

NA = Not Applicable.
NL = No limitation, however, reporting is required.
1/6 Months = In accordance with the following schedule: 1st half (January 1 - June 30); 2nd half (July 1 - December 31).

Upon issuance of the permit, Discharge Monitoring Reports (DMRs) shall be submitted to the regional office at the frequency required by the permit regardless of whether an actual discharge occurs. In the event that there is no discharge for the monitoring period, then "no discharge" shall be reported on the DMR.

[a] See Part I.C. for additional stormwater sampling and reporting requirements.
[b] Estimate of the total volume of the discharge during the storm event.
[c] See Parts I.B.7. for reporting requirements.
[d] TPH is the sum of individual gasoline range organics and diesel range organics (TPH-GRO and TPH-DRO).
[e] Reporting shall only be required if the effluent pH is less than 6.0 S.U. If not reported, "NR" shall be reported on the DMR. The pH value of the precipitation causing a discharge shall be used for comparison to the effluent pH. Samples taken for this purpose shall be representative of the precipitation, and collected prior to contacting any soils, buildings or other impervious surfaces at the facility. The permittee shall sample and report this rainfall pH with the DMR. See Part I.B.11. for additional instructions regarding pH precipitation monitoring requirements.

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

B. OTHER REQUIREMENTS OR SPECIAL CONDITIONS

1. Permit Reopeners

a. Sludge Reopener

The State Water Control Board may promptly modify or revoke and reissue this permit if any applicable standard for sewage sludge use or disposal promulgated under Section 405(d) of the Clean Water Act is more stringent than any requirements for sludge use or disposal in this permit, or controls a pollutant or practice not limited in this permit.

b. Total Maximum Daily Load (TMDL) Reopener

This permit shall be modified or, alternatively, revoked and reissued if any approved wasteload allocation procedure, pursuant to Section 303(d) of the Clean Water Act, imposes wasteload allocations, limits or conditions on the facility that are not consistent with the permit requirements.

2. Licensed Operator Requirement

The permittee shall employ or contract at least one Class II licensed wastewater works operator for this facility. The license shall be issued in accordance with Title 54.1 of the Code of Virginia and the regulations of the State Water Control Board for Waterworks and Wastewater Works Operators. The permittee shall notify the Tidewater Regional Office in writing whenever he is not complying, or has grounds for anticipating he will not comply with this requirement. The notification shall include a statement of reasons and a prompt schedule for achieving compliance.

3. Reliability Class

The permitted treatment works shall meet Reliability Class I.

4. CTC and CTO Requirements

The permittee shall, in accordance with the DEQ Sewage Collection and Treatment Regulations (9VAC 25-790), obtain a **Certificate to Construct (CTC), and a Certificate to Operate (CTO)** from the DEQ Tidewater Regional Office **prior to constructing wastewater treatment facilities and operating the facilities,** respectively. Noncompliance with the CTC or CTO shall be deemed a violation of the permit.

5. O & M Manual Requirements

The permittee shall maintain a current Operations and Maintenance (O&M) Manual for the treatment works that is in accordance with Virginia Pollutant Discharge Elimination System Regulations, 9VAC25-31 and (for sewage treatment plants) Sewage Collection and Treatment Regulations, 9VAC25-790.

The O&M Manual and subsequent revisions shall include the manual effective date and meet Part II.K.2. and Part II.K.4. Signatory Requirements of the permit. Any changes in the practices and procedures followed by the permittee shall be documented in the O&M Manual within 90 days of the effective date of the changes. The permittee shall operate the treatment works in accordance with the O&M Manual and shall make the O&M manual available to Department personnel for review during facility inspections. Within 30 days of a request by DEQ, the current O&M Manual shall be submitted to the DEQ Regional Office for review and approval.

The O&M manual shall detail the practices and procedures which will be followed to ensure compliance with the requirements of this permit. This manual shall include, but not necessarily be limited to, the following items, as appropriate:

a. Permitted outfall locations and techniques to be employed in the collection, preservation, and analysis of effluent, storm water and sludge samples;
b. Procedures for measuring and recording the duration and volume of treated wastewater discharged;
c. Discussion of Best Management Practices, if applicable;
d. Procedures for handling, storing, and disposing of all wastes, fluids, and pollutants characterized in Part I.B.8. [corresponding to the Materials Handling Storage special condition] that will prevent these materials from reaching state waters. List type and quantity of wastes, fluids, and pollutants (e.g. chemicals) stored at this facility;
e. Discussion of treatment works design, treatment works operation, routine preventative maintenance of units within the treatment works, critical spare parts inventory and record keeping;
f. Plan for the management and/or disposal of waste solids and residues;
g. Hours of operation and staffing requirements for the plant to ensure effective operation of the treatment works and maintain permit compliance;
h. List of facility, local and state emergency contacts; and,
i. Procedures for reporting and responding to any spills/overflows/treatment works upsets.

6. 95% Design Capacity Notification

A written notice and a **plan of action** for ensuring continued compliance with the terms of this permit shall be submitted to the DEQ Tidewater Regional Office when the monthly average flow influent to the sewage treatment plant reaches 95 percent of the design capacity authorized in this permit for each month of any three consecutive month period. The written notice shall be submitted within 30 days and the plan of action shall be received at the DEQ Tidewater Regional Office **no later than 90 days from the third consecutive month for which the flow reached 95 percent of the design capacity.** The plan shall include the necessary steps and a prompt schedule of implementation for controlling any current or reasonably anticipated problem resulting from high influent flows. Failure to submit an adequate plan in a timely manner shall be deemed a violation of this permit.

7. Compliance Reporting Under Part I.A.

a. The quantification levels (QL) shall be less than or equal to the following concentrations:

Effluent Characteristic	Quantification Level
CBOD5	2 mg/l
TSS	1.0 mg/l
Total Petroleum Hydrocarbons	1.0 mg/l

The permittee may use any approved method which has a QL equal to or lower than the QL listed in Part I.B.7.a. above. The QL is defined as the lowest concentration used to calibrate a measurement system in accordance with the procedures published for the method. It is the responsibility of the permittee to ensure that proper quality assurance/quality control (QA/QC) protocols are followed during the sampling and analytical procedures. QA/QC information shall be documented to confirm that appropriate analytical procedures have been used and the required QLs have been attained. The permittee shall use any method in accordance with Part II.A of this permit.

b. Monthly Average -- Compliance with the monthly average limitations and/or reporting requirements for the parameters listed in Part I.B.7.a. shall be determined as follows: All data below the QL listed in Part I.B.7.a. above shall be treated as zero. All data equal to or above the QL listed in Part I.B.7.a. above shall be treated as it is reported. An arithmetic average

shall be calculated using all reported data, including the defined zeros, for the month. This arithmetic average shall be reported on the DMR as calculated. If all data are below the QL, then the average shall be reported as <QL. If reporting quantity is required on the DMR and the reported monthly average concentration is <QL, then report "<QL" for the quantity. Otherwise use the reported concentration data (including the defined zeroes) and flow data for each sample day to determine the daily quantity and report the monthly average of the calculated daily quantities.

Maximum Weekly Average -- Compliance with the weekly average limitations and/or reporting requirements for the parameters listed in Part I.B.7.a. shall be determined as follows: All data below the QL listed in Part I.B.7.a. above shall be treated as zero. All data equal to or above the QL shall be treated as reported. An arithmetic average shall be calculated using all reported data, including the defined zeros, collected within each complete calendar week and contained within the reporting month. The maximum value of the weekly averages thus determined shall be reported on the Discharge Monitoring report (DMR). If all data are below the QL, then the average shall be reported as <QL. If reporting quantity is required on the DMR and the reported monthly average concentration is <QL, then report "<QL" for the quantity. Otherwise use the reported concentration data (including the defined zeroes) and flow data for each sample day to determine the daily quantity and report the monthly average of the calculated daily quantities.

Daily Maximum -- Compliance with the daily maximum limitations and/or reporting requirements for the parameters listed in Part I.B.7.a. of this permit condition shall be determined as follows: All concentration data below the QL listed in Part I.B.7.a. used for the analysis (QL must be less than or equal to the QL listed in a. above) shall be treated as zero. All concentration data equal to or above the QL used for the analysis (QL must be less than or equal to the QL listed in a. above) shall be treated as reported. An arithmetic average shall be calculated using all reported data, including the defined zeros, collected within each day during the reporting month. The maximum value of these daily averages thus determined shall be reported on the DMR as the Daily Maximum. If all data are below the QL used for the analysis (QL must be less than or equal to the QL listed in a. above), then the maximum value of the daily averages shall be reported as "<QL". If reporting for quantity is required on the DMR and the reported daily maximum concentration is <QL,

then report "<QL" for the quantity. Otherwise use the reported daily average concentrations (including the defined zeros) and corresponding daily flows to determine daily average quantities and report the maximum of the daily average quantities during the reporting month.

Any single datum required shall be reported as "<QL" if it is less than the QL listed in Part I.B.7.a. above. Otherwise, the numerical value shall be reported.

c. The permittee shall report at least the same number of significant figures as the permit limit for a given parameter. Regardless of the rounding convention used (i.e., 5 always rounding up or to the nearest even number) by the permittee, the permittee shall use the convention consistently, and shall ensure that consulting laboratories employed by the permittee use the same convention.

Where possible, all limit values on the Part I.A. limits page(s) are expressed in two significant figures. As a result, single, trailing zeros occurring after any single digit are significant. Effluent limits of 10 or greater are rounded to two significant whole numbers, with the exception that loading limits are expressed as whole numbers.

8. Materials Handling/Storage

Any and all product, materials, industrial wastes, and/or other wastes resulting from the purchase, sale, mining, extraction, transport, preparation and/or storage of raw or intermediate materials, final product, by-product or wastes, shall be handled, disposed of and/or stored in a manner consistent with Best Management Practices, so as not to permit a discharge of such product, materials, industrial wastes and/or other wastes to State waters, except as expressly authorized.

9. Indirect Dischargers

The permittee shall provide adequate notice to the DEQ Tidewater Regional Office of the following:

a. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Section 301 or 306 of Clean Water Act and the State Water Control Law if it were directly discharging those pollutants; and

b. Any substantial change in the volume or character of pollutants being introduced into the treatment works by

a source introducing pollutants into the treatment works at the time of issuance of this permit.

Adequate notice shall include information on (i) the quality and quantity of effluent introduced into the treatment works, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the treatment works.

10. Sludge Use and Disposal

The permittee shall conduct all sewage sludge use or disposal activities in accordance with the Sludge Management Plan (SMP) approved with the issuance of this permit. Any proposed changes in the sewage sludge use or disposal practices or procedures followed by the permittee shall be documented and submitted for DEQ and Department of Health approval 90 days prior to the effective date of the changes. Upon approval, the revised SMP becomes an enforceable part of the permit. The permit may be modified or alternatively revoked and reissued to incorporate limitations or conditions necessitated by substantive changes in sewage sludge use or disposal practices.

11. Precipitation Event pH Sampling Requirements

For all quarterly stormwater sampling events where the effluent pH is less than 6.0, the facility shall report the precipitation event pH on the DMR. The precipitation event pH shall become the minimum limit against which the effluent pH will be compared to demonstrate episodic acidification at the outfall. The effluent pH shall not be below the precipitation event pH. A pH precipitation event log must be maintained at the facility. The log shall include the following items:

(1) The type of container used for collection

(2) Documentation of a new container or the last cleaning date of the container used

(3) Date and Time the container was placed outside for precipitation collection

(4) The date and time that the precipitation event started

(5) The time that the pH of the precipitation event was recorded

(6) Container location

Containers used to collect precipitation for pH readings shall be new or washed prior to each use. Acids shall not be used in the washing process for containers used to collect precipitation pH. Containers used for pH precipitation collection shall be placed outside no sooner than 24 hours prior to the precipitation event or be uncovered no sooner than 24 hours prior to the precipitation event. This is to avoid the collection of particulates in the container which can alter the precipitation pH. If the pH of the effluent warrants pH precipitation collection, the pH precipitation reading must be performed within 30 minutes of effluent sample collection. Sample locations used for pH precipitation shall remain consistent throughout the permit term unless there is a documented need for a location change.

C. STORMWATER MANAGEMENT CONDITIONS

1. Sampling Methodology for Specific Outfalls 003, 037, 038, 039

Due to the nature of the effluent discharged at these outfalls (contaminated stormwater associated with a regulated industrial activity), the following shall be required when obtaining samples required by **Part I.A.** of this permit:

a. At the time of sampling, the permittee shall ensure that the effects of tidal influences are kept to an absolute minimum. This can be achieved by:

(1) Sampling at low tide and/or

(2) Sampling at a representative point which has been demonstrated to be free of tidal influences

b. In the event that sampling of an outfall is not possible due to the absence of effluent flow during a particular testing period, the permittee shall provide written notification to DEQ Tidewater Regional Office with the DMR for the month following the period in which samples were to be collected.

2. Benchmark Concentration Values

The following parameters have benchmark concentration values for all stormwater outfalls listed in the permit.

PARAMETER	VALUE
pH	6.0-9.0 S.U.
TSS	100 mg/l
TPH	15 mg/l

3. General Stormwater Conditions

a. Sample Type

For all stormwater monitoring required in Part I.A. or other applicable sections of this permit, a minimum of one grab sample shall be taken. Unless otherwise specified, all such samples shall be collected from the discharge resulting from a storm event that occurs at least 72 hours from the previously measurable storm event (a "measurable storm event" is defined as a storm event that results in an actual discharge from the site). The required 72-hour storm event interval is waived where the permittee documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted. The grab sample shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is

impracticable, a grab sample can be taken during the first three hours of the discharge, and the permittee shall submit with the monitoring report a description of why a grab sample during the first 30 minutes was impracticable. If stormwater discharges associated with industrial activity commingle with process or non-process water, then where practicable permittees must attempt to sample the stormwater discharge before it mixes with the non-stormwater discharge.

b. Recording of Results

For each storm event monitored under Part I.A. of this permit, the permittee shall record and retain on site with the SWPPP the following information:

(1) The date and duration (in hours) of the storm event(s) sampled;

(2) The rainfall total (in inches) of the storm event which generated the sampled discharge; and

(3) The duration between the storm event sampled and the end of the previous measurable storm event.

c. Sampling Waiver

When a permittee is unable to collect storm water samples required in Part I.A. or other applicable sections of this permit within a specified sampling period due to adverse climatic conditions, the permittee shall collect a substitute sample from a separate qualifying event in the next period and submit these data along with the data for the routine sample in that period. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

d. Representative Outfalls-Substantially Identical Discharges

If the facility has two or more outfalls that discharge substantially identical effluents, based on similarities of the industrial activities, significant materials, size of drainage areas, and stormwater management practices occurring within the drainage areas of the outfalls, the permittee may conduct monitoring on the effluent of just one of the outfalls and report that the observations also apply to the substantially identical outfall(s). **The substantially identical outfall**

monitoring provisions apply to quarterly visual monitoring, benchmark monitoring and impaired waters monitoring. The substantially identical outfall monitoring provisions are not available for numeric effluent limits monitoring.
The permittee shall include the following information in the SWPPP:

(1) The locations of the outfalls;
(2) Why the outfalls are expected to discharge substantially identical effluents, including evaluation of monitoring data, where available;
and,
(3) Estimates of the size of the drainage area (in square feet) for each of the outfalls.

e. Quarterly Visual Examination of Stormwater Quality

Unless another more frequent schedule is established elsewhere within this permit, the permittee shall perform and document a visual examination of a storm water discharge associated with industrial activity from each outfall, except discharges exempted below. The examination(s) must 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. 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 must be signed and certified in accordance with **Part II.K.** of this permit.

(1) Visual Examinations shall be made of samples collected In accordance with Part I.C.1.a. The examination shall document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. The examination must be conducted in a well lit area. No analytical tests are required to be performed on the samples.

(2) Visual examination reports must be maintained onsite 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

storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.

f. Allowable Non-Storm Water Discharges

(1) The following non-storm water discharges are authorized by this permit.

(a) Discharges from fire fighting activities;

(b) Fire hydrant flushings;

(c) Potable water including water line flushings;

(d) Uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids;

(e) Irrigation drainage;

(f) Landscape watering provided all pesticides, herbicides, and fertilizers have been applied in accordance with the approved labeling;

(g) Pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);

(h) Routine external building wash down which does not use detergents;

(i) Uncontaminated ground water or spring water;

(j) Foundation or footing drains where flows are not contaminated with process materials such as solvents;

(k) Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but NOT intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).

(2) Except for flows from fire fighting activities, the Storm Water Pollution Prevention Plan must include:

(a) Identification of each allowable non-stormwater source;

(b) The location where the non-stormwater is likely to be discharged; and

(c) Descriptions of appropriate BMPs for each source.

(3) If mist blown from cooling towers is included as one of the allowable non-stormwater discharges from the facility, the permittee must specifically evaluate the discharge for the presence of chemicals used in the cooling tower. The evaluation shall be included in the SWPPP.

g. Releases of Hazardous Substances or Oil in Excess of Reportable Quantities

The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable SWPPP for the facility. This permit does not authorize the discharge of hazardous substances or oil resulting from an onsite spill. This permit does not relieve the permittee of the reporting requirements of 40 CFR 110, 40 CFR 117 and 40 CFR 302 or § 62.1-44.34:19 of the Code of Virginia. Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR 110, 40 CFR 117 or 40 CFR 302 or §62.1-44.34:19 occurs during a 24-hour period:

(1) The permittee is required to notify the Department in accordance with the requirements of **Part II.G.** as soon as he or she has knowledge of the discharge;

(2) Where a release enters a municipal separate storm sewer system (MS4), the permittee shall also notify the owner or the MS4; and

(3) The SWPPP required by this permit must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

h. Water Quality Protection

The discharges authorized by this permit shall be controlled as necessary to meet applicable water quality standards. DEQ expects that compliance with the conditions in this permit will control discharges as necessary to meet applicable water quality standards

i. Corrective Actions

(1) Data exceeding benchmarks concentration values

(a) If the benchmark monitoring result exceeds the benchmark concentration value **(Part I.C.2.)** for that parameter, the permittee shall review the SWPPP and modify it as necessary to address any deficiencies that caused the exceedance. Revisions to the SWPPP shall be completed within 30 days after an exceedance is discovered. When control measures need to be modified or added (distinct from regular preventive maintenance of existing control measures described in **Part I.C.5.c.**) implementation shall be completed before the next anticipated storm event if possible, but no later than 60 days after the exceedance is discovered, or as otherwise provided or approved by the DEQ Tidewater Regional Office. In cases where construction is necessary to implement control measures, the permittee shall include a schedule in the SWPPP that provides for the completion of the control measures as expeditiously as practicable, but no later than three years after the exceedance is discovered. Where a construction compliance schedule is included in the SWPPP, the plan shall include appropriate nonstructural and temporary controls to be implemented in the affected portion(s) of the facility prior to completion of the permanent control measure. Any control measure modifications shall be documented and dated, and retained with the SWPPP, along with the amount of time taken to modify the applicable control measure or implement additional control measures.

(b) Natural background pollutant levels. If the concentration of a pollutant exceeds a benchmark concentration value, and the permittee determines that exceedance of the benchmark is attributable solely to the presence of that pollutant in the natural background, corrective action is not required provided that:

(i) The concentration of the benchmark monitoring result is less than or equal to the concentration of that pollutant in the natural background;

(ii) The permittee documents and maintains with the SWPPP the supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. The supporting rationale shall include any data previously collected by the facility or others (including literature studies) that describe the levels of natural background

pollutants in the facility's stormwater discharges; and

(iii) The permittee notifies the DEQ Tidewater Regional Office on the DMR that the benchmark exceedances are attributable solely to natural background pollutant levels.

Natural background pollutants include those substances that are naturally occurring in soils or groundwater. Natural background pollutants do not include legacy pollutants from earlier activity on the facility's site, or pollutants in run-on from neighboring sources which are not naturally occurring.

(2) Additional Corrective Actions

The permittee shall take corrective action whenever:

(a) Routine facility inspections, comprehensive site compliance evaluations, inspections by local, state or federal officials, or any other process, observation or event result in a determination that modifications to the stormwater control measures are necessary to meet the permit requirements; or

(b) There is any exceedance of an effluent limitation (including coal pile runoff), or TMDL wasteload allocation; or

(c) The DEQ Tidewater Regional Office determines, or the permittee becomes aware, that the stormwater control measures are not stringent enough for the discharge to meet applicable water quality standards.

The permittee shall review the SWPPP and modify it as necessary to address any deficiencies. Revisions to the SWPPP shall be completed within 30 days following the discovery of the deficiency. When control measures need to be modified or added (distinct from regular preventive maintenance of existing control measures described in **Part I.C.5.c.**, implementation shall be completed before the next anticipated storm event if possible, but no later than 60 days after the deficiency is discovered, or as otherwise provided or approved by the DEQ Tidewater Regional Office. In cases where construction is necessary to implement control measures, the permittee shall include a schedule in the SWPPP that provides for the completion of the control measures as expeditiously as practicable, but no later than three years after the deficiency is discovered. Where a construction compliance schedule is included in the SWPPP, the plan shall include appropriate nonstructural and/or temporary

controls to be implemented in the affected portion(s) of the facility prior to completion of the permanent control measure. The amount of time taken to modify a control measure or implement additional control measures shall be documented in the SWPPP.

Any corrective actions taken shall be documented and retained with the SWPPP. Reports of corrective actions shall be signed in accordance with **Part II.K.**

(3) Follow-up reporting

If at any time monitoring results indicate that discharges from the facility exceed an effluent limitation or a TMDL wasteload allocation, or the DEQ Tidewater Regional Office determines that discharges from the facility are causing or contributing to an exceedance of a water quality standard, immediate steps shall be taken to eliminate the exceedances in accordance with the above **Part I.C.4.i.(2)**. Within 30 calendar days of implementing the relevant corrective action(s) an exceedance report shall be submitted to the DEQ Tidewater Regional Office. The following information shall be included in the report: permit number; facility name, address and location; receiving water; monitoring data from this event; an explanation of the situation; description of what has been done and the intended actions (should the corrective actions not yet be complete) to further reduce pollutants in the discharge; and an appropriate contact name and phone number.

j. Additional Requirements for Salt Storage

Storage piles of salt or piles containing salt used for deicing or other commercial or industrial purposes shall be enclosed or covered to prevent exposure to precipitation. The permittee shall implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile. All salt storage piles shall be located on an impervious surface. All runoff from the pile, and/or runoff that comes in contact with salt, including under drain systems, shall be collected and contained within a bermed basin lined with concrete or other impermeable materials., or within an underground storage tank(s), or within an above ground storage tank(s), or disposed of through a sanitary sewer (with the permission of the treatment facility). A combination of any or all of these methods may be used. **In no case shall salt contaminated stormwater be allowed to discharge directly to the ground or to state waters.**

5. Stormwater Pollution Prevention Plan (SWPPP)

A stormwater pollution prevention plan (SWPPP) for the facility was required to be developed and implemented under the previous permit. The existing stormwater pollution prevention plan shall be reviewed and modified, as appropriate, to conform to the requirements of this section.

Permittees shall implement the provisions of the stormwater pollution prevention plan as a condition of this permit.

The stormwater pollution prevention plan requirements of this permit may be fulfilled, in part, by incorporating by reference other plans or documents such as a spill prevention control and countermeasure (SPCC) plan developed for the facility under Section 311 of the Clean Water Act, or best management practices (BMP) programs otherwise required for the facility, provided that the incorporated plan meets or exceeds the plan requirements of **Part I.C.5.b.** All plans incorporated by reference into the stormwater pollution prevention plan become enforceable under this permit. If a plan incorporated by reference does not contain all of the required elements of the SWPPP of **Part I.C.5.b.** the permittee shall develop the missing SWPPP elements and include them in the required plan.

a. Deadlines for SWPPP Preparation and Compliance

(1) The facility shall update and implement any revisions to the SWPPP as expeditiously as practicable, but not later than 90 days from the effective date of the permit.

(2) Measures That Require Construction. In cases where construction is necessary to implement measures required by the plan, the plan shall contain a schedule that provides compliance with the plan as expeditiously as practicable, but no later than 3 years after the effective date of this permit. Where a construction compliance schedule is included in the plan, the schedule shall include appropriate nonstructural and/or temporary controls to be implemented in the affected portion(s) of the facility prior to completion of the permanent control measure.

b. Contents of the SWPPP

The contents of the SWPPP shall comply with the requirements listed below. The SWPPP shall include, at a minimum, the following items.

(1) Pollution Prevention Team

The plan shall identify the staff individuals by name or title who comprise the facility's stormwater pollution prevention team. The pollution prevention team is responsible for assisting the facility or plant manager in developing, implementing, maintaining, revising, and ensuring compliance with the facility's SWPPP. Specific responsibilities of each staff individual on the team shall be identified and listed.

(2) Site Description

The SWPPP shall include the following:

(a) Activities at the Facility
A description of the nature of industrial activities at the facility.

(b) General Location Map

A general location map (e.g., USGS quadrangle or other map) with enough detail to identify the location of the facility and the receiving waters within one mile of the facility.

(c) Site Map

A site map identifying the following:

(i) The boundaries of the property and the size of the property (in acres);

(ii) The location and extent of significant structures and impervious surfaces (roofs, paved areas and other impervious areas);

(iii) Locations of all stormwater conveyances including ditches, pipes, swales, and inlets, and the directions of stormwater flow (use arrows to show which ways stormwater will flow);

(iv) Locations of all existing structural and source control measures, including BMPs;

(v) Locations of all surface water bodies, including wetlands;

(vi) Locations of potential pollutant sources identified under **Part I.C.5.b (3)**;

(vii) Locations where significant spills or leaks identified under **Part I.B.5.b(4)** have occurred;

(viii) Locations of the following activities where such activities are exposed to precipitation: fueling stations; vehicle and equipment maintenance and cleaning areas; loading and unloading areas; locations used for the treatment, storage or disposal of wastes; liquid storage tanks; processing and storage areas; access roads, rail cars and tracks; transfer areas for substances in bulk; and machinery;

(ix) Locations of stormwater outfalls and an approximate outline of the area draining to each outfall, and location of municipal storm sewer systems, if the stormwater from the facility discharges to them;

(x) Location and description of all non-stormwater discharges;

(xi) Location of any storage piles containing salt used for deicing or other commercial or industrial purposes;

(xii) Locations and sources of run-on to the site from adjacent property where the run-on contains significant quantities of pollutants; and

(xiii) Locations of all stormwater monitoring points.

(d) Receiving Waters and Wetlands

The name of all surface waters receiving discharges from the site, including intermittent streams, dry sloughs, and arroyos. Provide a description of wetland sites that may receive discharges from the facility. If the facility discharges through a municipal separate storm sewer system (MS4), identify the MS4 operator, and the receiving water to which the MS4 discharges.

(3) Summary of Potential Pollutant Sources

The plan shall identify each separate area at the facility where industrial materials or activities are exposed to stormwater. Industrial materials or activities include, but are not limited to: material handling equipment or activities, industrial machinery, raw materials, industrial production and processes, intermediate products, byproducts, final products, and waste products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw

material, intermediate product, final product or waste product. For each separate area identified, the description shall include:

(a) Activities in the Area

A list of the industrial activities exposed to stormwater (e.g., material storage, equipment fueling and cleaning, cutting steel beams);

(b) Pollutants

A list of the pollutant(s) or pollutant constituents (e.g., crankcase oil, zinc, sulfuric acid, cleaning solvents, etc.) associated with each industrial activity. The pollutant list shall include all significant materials handled, treated, stored or disposed that have been exposed to stormwater in the three years prior to the date this SWPPP was prepared or amended. The list shall include any hazardous substances or oil at the facility.

(4) Spills and Leaks

The SWPPP shall clearly identify areas where potential spills and leaks that can contribute pollutants to stormwater discharges can occur and their corresponding outfalls. The plan shall include a list of significant spills and leaks of toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a stormwater conveyance during the three-year period prior to the date this SWPPP was prepared or amended. The list shall be updated if significant spills or leaks occur in exposed areas of the facility during the term of the permit. Significant spills and leaks include, but are not limited to, releases of oil or hazardous substances in excess of reportable quantities.

(5) Sampling Data

The plan shall include a summary of existing stormwater discharge sampling data taken at the facility. The summary shall include, at a minimum, any data collected during the previous permit term.

(6) Stormwater Controls

(a) Control measures shall be implemented for all the areas identified in **Part I.C.5.b(3)** to prevent

or control pollutants in stormwater discharges from the facility. Regulated stormwater discharges from the facility include stormwater run-on that commingles with stormwater discharges associated with industrial activity at the facility. The SWPPP shall describe the type, location and implementation of all control measures for each area where industrial materials or activities are exposed to stormwater. Selection of control measures shall take into consideration:

(i) That preventing stormwater from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from stormwater;

(ii) Control measures generally shall be used in combination with each other for most effective water quality protection;

(iii) Assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures;

(iv) That minimizing impervious areas at the facility can reduce runoff and improve groundwater recharge and stream base flows in local streams (however, care must be taken to avoid ground water contamination);

(v) Flow attenuation by use of open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;

(vi) Conservation or restoration of riparian buffers will help protect streams from stormwater runoff and improve water quality; and

(vii) Treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.

(b) Nonnumeric technology-based effluent limits. The permittee shall implement the following types of control measures to prevent and control pollutants in the stormwater discharges from the facility, unless it can be demonstrated and documented that such controls are not relevant to the discharges (e.g., there are no storage piles containing salt).

(i) Good Housekeeping. The permittee shall keep clean all exposed areas of the facility that are potential sources of pollutants to stormwater discharges. Typical problem areas include areas around trash containers, storage areas, loading

docks, and vehicle fueling and maintenance areas. The plan shall include a schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks and containers.

(ii) Eliminating and Minimizing Exposure. To the extent practicable, manufacturing, processing and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) shall be located inside, or protected by a storm-resistant covering to prevent exposure to rain, snow, snowmelt, and runoff. Note: Eliminating exposure at all industrial areas may make the facility eligible for the "Conditional Exclusion for No Exposure" provision of 9VAC25-31-120 E, thereby eliminating the need to have a permit.

(iii) Preventive Maintenance. The permittee shall have a preventive maintenance program that includes regular inspection, testing, maintenance and repairing of all industrial equipment and systems to avoid situations that could result in leaks, spills and other releases of pollutants in stormwater discharge from the facility. This program is in addition to the specific control measure maintenance required under **Part I.C.5.c**.

(iv) Spill Prevention and Response Procedures. The plan shall describe the procedures that will be followed for preventing and responding to spills and leaks, including:

(A) Preventive measures, such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;

(B) Response procedures, including notification of appropriate facility personnel, emergency agencies, and regulatory agencies, and procedures for stopping, containing and cleaning up spills. Measures for cleaning up hazardous material spills or leaks shall be consistent with applicable RCRA regulations at 40 CFR Part 264 and 40 CFR Part 265. Employees who may cause, detect or respond to a spill or leak shall be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals shall be a member of the Pollution Prevention Team;

(C) Procedures for plainly labeling containers (e.g., "used Oil," " Spent

Solvents," "Fertilizers and Pesticides," etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur; and

(D) Contact information for individuals and agencies that must be notified in the event of a spill shall be included in the SWPPP, and in other locations where it will be readily available.

(v) Routine Facility Inspections. Facility personnel who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and who can also evaluate the effectiveness of control measures shall regularly inspect all areas of the facility where industrial materials or activities are exposed to stormwater. These inspections are in addition to, or as part of, the comprehensive site evaluation required under **Part I.C.5.d.** At least one member of the Pollution Prevention Team shall participate in the routine facility inspections.

The inspection frequency shall be specified in the plan based upon a consideration of the level of industrial activity at the facility, but shall be a minimum of quarterly unless more frequent intervals are specified elsewhere in the permit or written approval is received from the Department for less frequent intervals. At least once each calendar year, the routine facility inspection must be conducted during a period when a stormwater discharge is occurring.

Any deficiencies in the implementation of the SWPPP that are found shall be corrected as soon as practicable, but not later than within 30 days of the inspection, unless permission for a later date is granted in writing by the Director. The results of the inspections shall be documented in the SWPPP, and shall included at a minimum:

(A) The inspection date and time;

(B) The name and signature of the inspector(s);

(C) Weather information and a description of any discharges occurring at the time of the inspection;

(D) Any previously unidentified discharges of pollutants from the site;

(E) Any control measures needing maintenance or repairs;

(F) Any failed control measures that need replacement;

(G) Any incidents of noncompliance observed; and

(H) Any additional control measures needed to comply with the permit requirements..

(vi) Employee Training. The permittee shall implement a stormwater employee training program for the facility. The SWPPP shall include a schedule for all types of necessary training, and shall document all training sessions and the employees who received the training. Training shall be provided for all employees who work in areas where industrial materials or activities are exposed to stormwater, and for employees who are responsible for implementing activities identified in the SWPPP (e.g., inspectors, maintenance personnel, etc.). The training shall cover the components and goals of the SWPPP, and include such topics as spill response, good housekeeping, material management practices, control measure operation and maintenance, etc. The SWPPP shall include a summary of any training performed.

(vii) Sediment and Erosion Control. The plan shall identify areas at the facility that, due to topography, land disturbance (e.g., construction, landscaping, site grading), or other factors, have a potential for soil erosion. The permittee shall identify and implement structural, vegetative, and stabilization control measures to prevent or control on-site and off-site erosion and sedimentation. Flow velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel if the flows would otherwise create erosive conditions.

(viii) Management of Runoff. The plan shall describe the stormwater runoff management practices (i.e., permanent structural control measures) for the facility. These types of control measures are typically used to divert, infiltrate, reuse, or otherwise reduce pollutants in stormwater discharges from the site.

Structural control measures may require a separate permit under § 404 of the CWA and the Virginia Water Protection Permit Program

Regulation (9 VAC 25-210) before installation begins.

(ix) Dust suppression and vehicle tracking of industrial materials. The permittee shall implement control measures to minimize the generation of dust and off-site tracking of raw, final, or waste materials. Stormwater collected on site may be used for the purposes of dust suppression or for spraying stockpiles. Potable water, well water and uncontaminated reuse water may also be used for this purpose. There shall be no direct discharge to surface waters from dust suppression activities or as a result of spraying stockpiles.

c. Maintenance

The SWPPP shall include a description of procedures and a regular schedule for preventive maintenance of all control measures, and shall include a description of the back-up practices that are in place should a runoff event occur while a control measure is off-line. The effectiveness of nonstructural control measure shall also be maintained by appropriate means (e.g., spill response supplies available and personnel trained, etc.).

All control measures identified in the SWPPP shall be maintained in effective operating condition and shall be observed at least annually during active operation (i.e., during a stormwater runoff event) to ensure that they are functioning correctly. Where discharge locations are inaccessible, nearby downstream locations shall be observed. The observations shall be documented in the SWPPP.

If site inspections required by **Part I.C.5.b.(6)(b)(v)** or **Part I.C.5.d.** identify control measures that are not operating effectively, repairs or maintenance shall be performed before the next anticipated storm event. If maintenance prior to the next anticipated storm event is not possible, maintenance shall be scheduled and accomplished as soon as practicable. In the interim, back-up measures shall be employed and documented in the SWPPP until repairs or maintenance is complete. Documentation shall be kept with the SWPPP of maintenance and repairs of control measures, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair or replacement, date(s) for repairs, date(s) that the control measure(s) returned to full function, and the justification for any extended maintenance or repair schedules.

d. Comprehensive Site Compliance Evaluation

The permittee shall conduct comprehensive site compliance evaluations at least once each calendar year. The evaluations shall be done by qualified personnel who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and who can also evaluate the effectiveness of control measures. The personnel conducting the evaluations may be either facility employees or outside personnel hired by the facility.

(1) Scope of the Compliance Evaluation. Evaluations shall include all areas where industrial materials or activities are exposed to stormwater, as identified in **Part I.C.5.b.(3)** The personnel shall evaluate:

(a) Industrial materials, residue or trash that may have or could come into contact with stormwater;

(b) Leaks or spills from industrial equipment, drums, barrels, tanks or other containers that have occurred within the past three years;

(c) Off-site tracking of industrial or waste materials or sediment where vehicles enter or exit the site;

(d) Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas;

(e) Evidence of, or the potential for, pollutants entering the drainage system~~.~~;

(f) Evidence of pollutants discharging to surface waters at all facility outfalls, and the condition of and around the outfall, including flow dissipation measures to prevent scouring;

(g) Review of stormwater related training performed, inspections completed, maintenance performed, quarterly visual examinations, and effective operation of control measures, including BMPs;

(h) Results of both visual and any analytical monitoring done during the past year shall be taken into consideration during the evaluation.

(2) Based on the results of the evaluation, the SWPPP shall be modified as necessary (e.g., show additional controls on the map required by **Part I.C.5.b.(2)(c)**; revise the description of controls required by **Part I.C.5.b (6)** to include additional or modified control measures designed to correct problems identified). Revisions to the SWPPP shall be completed within 30 days following the evaluation, unless permission for a later date is granted in writing by the Director. If existing control measures need to be modified or if additional control measures are necessary, implementation shall be

completed before the next anticipated storm event, if practicable, but not more than 60 days after completion of the comprehensive site evaluation, unless permission for a later date is granted in writing by the Department;

(3) Compliance Evaluation Report

A report shall be written summarizing the scope of the evaluation, name(s) of personnel making the evaluation, the date of the evaluation, and all observations relating to the implementation of the SWPPP, including elements stipulated in **Part I.C.5.d(1)(a) through (h)** above. Observations shall include such things as: the location(s) of discharges of pollutants from the site; location(s) of previously unidentified sources of pollutants; location(s) of control measures that need to be maintained or repaired; location(s) of failed control measures that need replacement; and location(s) where additional control measures are needed. The report shall identify any incidents of noncompliance that were observed. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the SWPPP and this permit. The report shall be signed in accordance with **Part II.K.** and maintained with the SWPPP.

(4) Where compliance evaluation schedules overlap with routine inspections required under **Part I.C.5.b(6)(b)(v)**, the annual compliance evaluation may be used as one of the routine inspections.

e. Signature and Plan Review

(1) Signature and location

The SWPPP, including revisions to the SWPPP to document any corrective actions taken as required by **Part 1.C.2(i)** (Corrective Actions), shall be signed in accordance with **Part II.K.** *(Signatory Requirements in Conditions Applicable to All VPDES Permits)*, dated, and retained on-site at the facility covered by this permit in accordance with **Part II.B.2.** *(Records in Conditions Applicable to All VPDES Permits)*. All other changes to the SWPPP, and other permit compliance documentation, shall be signed and dated by the person preparing the change or documentation.

(2) Availability

The permittee shall retain a copy of the current SWPPP required by this permit at the facility, and it shall be immediately available to the Department, EPA or the operator of an MS4 receiving discharges from the site at the time of an onsite inspection or upon request.

(3) Required Modifications

The permittee shall modify the SWPPP whenever necessary to address any corrective actions required **by Part I.C.4.(i)**. Changes to the SWPPP shall be made in accordance with the corrective action deadlines in **Part I.C.4.(i)**, and shall be signed and dated in accordance with **Part II.K.**

The Director may notify the permittee at any time that the SWPPP, control measures, or other components of the facility's stormwater program do not meet one or more of the requirements of this permit. The notification shall identify specific provisions of the permit that are not being met, and may include required modifications to the stormwater program, additional monitoring requirements, and special reporting requirements. The permittee shall make any required changes to the SWPPP within 60 days of receipt of such notification, unless permission for a later date is granted in writing by the Director, and shall submit a written certification to the Director that the requested changes have been made.

f. Maintaining an Updated SWPPP.

(1) The permittee shall review and amend the SWPPP as appropriate whenever:

(a) There is construction or a change in design, operation, or maintenance at the facility that has a significant effect on the discharge, or the potential for the discharge, of pollutants from the facility;

(b) Routine inspections or compliance evaluations determine that there are deficiencies in the control measures, including BMPs;

(c) Inspections by local, state, or federal officials determine that modifications to the SWPPP are necessary;

(d) There is a spill, leak or other release at the facility; or

(e) There is an unauthorized discharge from the facility.

(2) SWPPP modifications shall be made within 30 calendar days after discovery, observation or event requiring a SWPPP modification. Implementation of new or modified control measures (distinct from regular preventive maintenance of existing control measures described in **Part I.C.5.b.(6)(b)(iii)** shall be initiated before the next storm event if possible, but no later than 60 days after discovery, or as otherwise provided or approved by the Director. The amount of time taken to modify a control measure or implement additional control measures shall be documented in the SWPPP.

(3) If the SWPPP modification is based on a release or unauthorized discharge, include a description and date of the release, the circumstances leading to the release, actions taken in response to the release, and measures to prevent the recurrence of such releases. Unauthorized releases and discharges are subject to the reporting requirements of **Part II.G.** of this permit.

CONDITIONS APPLICABLE TO ALL VPDES PERMITS

A. Monitoring.

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

2. Monitoring shall be conducted according to procedures approved under Title 40 Code of Federal Regulations Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.

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

4. Samples taken as required by this permit shall be analyzed in accordance with 1VAC30-45, Certification for Noncommercial Environmental Laboratories, or 1VAC30-46, Accreditation for Commercial Environmental Laboratories.

B. Records.

1. Records of monitoring information shall include:

   a. The date, exact place, and time of sampling or measurements;

   b. The individual(s) who performed the sampling or measurements;

   c. The date(s) and time(s) analyses were performed;

   d. The individual(s) who performed the analyses;

   e. The analytical techniques or methods used; and

   f. The results of such analyses.

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

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

C. Reporting Monitoring Results.

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

Department of Environmental Quality
Tidewater Regional Office
5636 Southern Boulevard
Virginia Beach, VA 23462

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

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

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

D. Duty to Provide Information.

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

E. Compliance Schedule Reports.

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

F. Unauthorized Discharges.

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

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

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

G. Reports of Unauthorized Discharges.

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

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

2. The cause of the discharge;

3. The date on which the discharge occurred;

4. The length of time that the discharge continued;

5. The volume of the discharge;

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

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

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

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

H. Reports of Unusual or Extraordinary Discharges.

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part II I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

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

2. Breakdown of processing or accessory equipment;

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

4. Flooding or other acts of nature.

I. Reports of Noncompliance

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

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

   a. Any unanticipated bypass; and

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

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

   a. A description of the noncompliance and its cause;

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

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

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

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

NOTE: The immediate (within 24 hours) reports required in Parts II G, H and I may be made to the Department's Regional Office at (757) 518-2000 (voice), and online http://www.deq.virginia.gov/Programs/PollutionResponsePreparedness/PollutionReportingForm.aspx.
For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.

J. Notice of Planned Changes.

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

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

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

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

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

c. The alteration or addition results in a significant change in the permittee's sludge use or disposal

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

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

K. Signatory Requirements.

1. Applications. All permit applications shall be signed as follows:

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

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

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

2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person

described in Part II K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

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

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

c. The written authorization is submitted to the Department.

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

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

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

L. Duty to Comply.

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit

noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

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

M. Duty to Reapply.

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. All permittees with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

N. Effect of a Permit.

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State Law.

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

P. Oil and Hazardous Substance Liability.

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

Q. Proper Operation and Maintenance.

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

R. Disposal of Solids or Sludges.

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to Mitigate.

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

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

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

U. Bypass.

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

2. Notice

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

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

3. Prohibition of bypass.

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

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

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

(3) The permittee submitted notices as required under Part II U 2.

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

V. Upset.

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

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

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

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

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

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

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

W. Inspection and Entry.

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

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

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

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

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

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

X. Permit Actions.

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

Y. Transfer of permits.

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

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

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

   b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

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

Z. Severability.

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