

**COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
WATER DIVISION**

**P. O. Box 1105**

**Richmond, Virginia 23218**

**Subject:** Guidance Memo No. **13-2004**, Implementation Guidance for Reissuance of the General VPDES Permit for Concrete Products Facilities VAG11

**To:** Regional Directors

**From:** Melanie D. Davenport, Director 

**Date:** August 12, 2013

**Copies:** Deputy Regional Directors, Regional Water Permit Managers, Regional Water Compliance Managers, Rick Weeks, James Golden, and Fred Cunningham

**Summary:**

This guidance memo replaces Guidance Memo No. 08-2010, Implementation Guidance for Reissuance of the General VPDES Permit for Concrete Products Facilities. On March 14, 2013, the State Water Control Board adopted amendments to the General VPDES Permit Regulation for Concrete Products Facilities, 9VAC25-193, which modified General Permit VAG11. These modifications are effective October 1, 2013. Copies of the amended permit regulation, fact sheet, registration statement, general permit, fee form, and all transmittal letters can be found on [DEQnet](#).

Public information can be found at

<http://www.deq.virginia.gov/Programs/Water/PermittingCompliance/PollutionDischargeElimination/PermitsFees.aspx#concr>

The purpose of this guidance memo is to identify changes that have been made to the General Permit VAG11, to provide DEQ staff with guidance on implementation of these changes, to provide guidance on aspects of the permit that have raised questions and to provide example letters that staff may use for the administration of the regulation.

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**Disclaimer:**

**This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, it does not mandate any particular method nor does it prohibit any particular method for the analysis of data, establishment of a wasteload allocation, or establishment of a permit limit. If alternative proposals are made, such proposals should be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.**

## 1. Background

This guidance memo replaces Guidance Memo No. 08-2010, the implementation guidance for the reissuance of the Concrete Products General Permit, VAG11. On March 14, 2013, the State Water Control Board adopted amendments to the General VPDES Permit Regulation for Concrete Products Facilities, 9VAC25-193, which amended General Permit VAG11. These changes are effective October 1, 2013. The existing general permit expires on September 30, 2013. All facilities currently permitted under VAG11 must submit a registration statement and appropriate fee to be permitted under the amended general permit. The 2013 registration statement was posted online on April 1, 2013. The regions were provided the registration statement, transmittal letter and fee form on May 31, 2013. The industry was provided a waiver of the 180 day registration statement due date, and notified that the new registration date was 90 days before expiration or July 2, 2013.

Facilities under SIC Codes 3271 (concrete block and brick), 3272 (concrete products, except block and brick) and 3273 (ready-mixed concrete plants) are covered under this general permit. Included in this category are facilities that operate in a ‘no discharge’ mode. These facilities normally do not discharge except during a 25 year, 24 hour storm event. This was originally included in the 1998 issued permit to consolidate the discharge and no-discharge modes of operation into one general permit. The no-discharge mode of operation could be the reuse/recycle of process wastewater and/or storm water.

## 2. Changes to the General Permit 2013

The following are changes made to the regulation effective October 1, 2013:

Section 10 – Definitions. Added a definition for department, best management practices, municipal separate storm sewer system (MS4), runoff coefficient, significant spills, total maximum daily load (TMDL) and vehicle or equipment degreasing since these terms are used in the regulation and needed explanation.

Section 15 - Applicability of incorporated references based on the dates that they became effective. Allows for dates of EPA 40 CFR references to be as described in this new section without being updated at each 40 CFR reference throughout the regulation. The date refers to the most recent Federal Register publication at the time this general permit was adopted by the Board, in this case July 2012. Language similar to this is being inserted in all DEQ regulations as they are amended and was provided by DEQ Policy staff.

Section 20 – Purpose. Clarified that the general permit regulation also covers non-contact cooling water in addition to process waste water and storm water associated with industrial activity from concrete products facilities. Non-contact cooling water has always had an effluent limits page in this permit.

Section 40 – Effective and expiration dates changed for reissuance throughout the regulation.

Section 50 A, B– Authorization. – Reformatted to match structure of other general permits being issued at this time. Added two additional reasons authorization to discharge cannot be granted per EPA comments on other general permits issued recently. Therefore, an owner will be denied authorization when the discharge would violate the antidegradation policy, or if additional requirements are needed to meet a TMDL.

Section 50 C – Added the statement "*Compliance with this general permit constitutes compliance with the Clean Water Act, the State Water Control Law, with the exceptions stated in 9VAC25-31-60 of the VPDES Permit Regulation.*" This was added in response to Attorney General Office comments (with minor enforcement staff edits) on other general permits recently to recognize there are some exceptions to compliance with the CWA as stated in the permit regulation.

Section 50 D– Added language to allow for administrative continuances of coverage under the expiring general permit until the new permit is issued and coverage is granted, or coverage is denied; provided the permittee has submitted a timely registration and is in compliance with the expiring permit. This language is being added to all recently reissued general permits so permittees can discharge legally and safely if the permit reissuance process is delayed.

Section 60 A – Registration – Reformatted to match structure of other recent general permits. The deadline for existing facilities currently holding an individual VPDES permit is revised to say they must notify us 210 days prior to their expiration date rather than 180 days. This gives DEQ 30 days to determine whether coverage can be granted and the individual permit holder then still has the required 180 days to submit an individual permit application if their request for coverage under the general permit is denied. Revised the requirement for existing facilities covered under the permit to submit a new registration to read "prior to July 1, 2013" (which is 90 days prior to expiration). Note: actual 90 days prior to expiration is July 2, 2013, so that is the new registration submittal due date.

Section 60 B – For clarification, added the statement "*Late registration statements will be accepted, but authorization to discharge will not be retroactive*". Also, added that existing permittees may get administrative continuance of their existing permit if a complete registration statement is submitted before October 1, 2013. The expiration date is September 30, 2013.

Section 60 C – Several minor editions were made for clarification. Combined 2 questions about noncontact cooling water into one question. Added questions about representative outfalls and information needed to determine if representative outfalls are appropriate. This moves the review and approval of representative outfalls to the registration process rather than requiring the information with each DMR. Added the question "*Whether the facility will discharge to a Municipal Separate Storm Sewer System (MS4). If so, provide the name of the MS4 owner. The owner of the facility shall notify the MS4 owner in writing of the existence of the discharge within 30 days of coverage under the general permit, and shall copy the DEQ regional office with the notification. The notification shall include the following information: the name of the facility, a contact person and phone number, the location of the discharge, the nature of the discharge, and the facility's VPDES general permit number.*" This notification is a permit special condition requirement (SC #10) and the TAC thought it should be repeated as a reminder in the registration process.

Added the requirement that "*...portable concrete products operations submit a closure plan and include the requirements specified by the operation and maintenance manual...*" The TAC felt that because of their temporary nature, that closure plans for portable plants should be submitted up front during the registration process.

Added email address, and allowance for computer generated maps to be submitted with the registration statement and a few other minor clarifications.

Section 70 Part I A 1 and 2 – General Permit limits pages for process water (which may be commingled with noncontact cooling water and/or storm water) and noncontact cooling water.

Monitoring requirements are reduced from monthly to quarterly based on public and staff comment. The agency agrees with the public comment received that no discharge situations should be awarded a chance at reduced monitoring. The agency also determined that monitoring data associated with the existing general permit showed that monthly reporting from any facility is not necessary. Therefore, all facilities are afforded the previous permit ‘reduced monitoring’ allowance of 1/3 months (quarterly). Also, footnote #2 states that total petroleum hydrocarbon (TPH) monitoring is only necessary when vehicle degreasing occurs on site. Vehicle degreasing or equipment degreasing has been clearly defined to mean the washing or steam cleaning of engines or other drive components of a vehicle or equipment in which the purpose is to degrease and clean petroleum products. It does not mean washing sediment or concrete off trucks. This has always been unclear to both the staff and the permittees. Also the TPH methods in this footnote have been updated. These methods had to be listed in the permit since they are not in 40 CFR 136.

Section 70 Part I A 3 – General Permit limits pages for storm water. Benchmark monitoring concentrations for storm water have been added. Benchmark monitoring are not effluent limitations. Exceedance of a benchmark concentration does not constitute a violation of this permit and does not indicate that violation of a water quality standard has occurred. If benchmark monitoring for total suspended solids (TSS) exceeds 100 mg/l maximum, or the pH falls outside of the range of 6.0-9.0 standard units, then the permittee is required to evaluate the effectiveness of the storm water pollution prevention plan (SWPPP) in controlling the discharge of pollutants to receiving waters. Previously monitoring was required for these parameters but no further action was required. Total iron and total petroleum hydrocarbon analysis has been eliminated from storm water monitoring with TAC consensus. TPHs are not suggested for monitoring in this type of industrial storm water by the EPA. Also, levels consistently have remained undetectable or very low over the years.

Iron monitoring was eliminated in storm water primarily because iron is naturally high in soils in Virginia and expected to be high in storm water. Also, there is no feasible alternative to remove iron in storm water when it is naturally occurring (except to the amount the existing technology removes solids and solids are limited under the permit).

Finally, the storm water sampling instruction present in the footnotes have been moved to the storm water management section, Part II A.

Section 70 Part I B 1– Special Conditions – Added “*or oil sheen from petroleum products*” to special condition #1 (no discharge of solids or foam narrative special condition). This was in response to staff concerns that petroleum products are on the site but and should not appear in the stream. The industry indicated that any accidental spills of petroleum products are cleaned up immediately so as not to enter surface waters. If vehicle degreasing is occurring on the site then those discharges have TPH limits. This addition is just an added measure of protection and something the inspector can look for to ensure proper BMPs, clean up measures or treatment is occurring.

Section 70 Part I B 6 – Added “*Wastewater should be reused or recycled whenever feasible.*” This general requirement appears in other general permits.

Section 70 Part I B 9 – Clarified several of the requirements of the operations and maintenance manual. Most significant change was to itemize what should be included in a temporary or long-term facility closure plan. These items were drafted with TAC consensus. Also, all review and modification dates were eliminated and replaced with one annual requirement.

Section 70 Part I B 14 – § [62.1-44.15:5.2](#) of the Code of Virginia states that settling basins for ready-mix concrete operations constructed after February 2, 1998 must be lined and that settling basins built before February 2, 1998 may be lined. The existing special conditions state that settling basins constructed on or after February 2, 1998 shall be lined with concrete or other impermeable materials. The TAC thought that regardless of the date of construction that all settling basins that are expanded or dewatered for major structural repairs must be lined. So this requirement was added to the existing special condition.

Section 70 Part I B 15 – Wastewater that is used for dust suppression or for preparing the stockpiles for manufacturing of the concrete should either be adsorbed, evaporated or treated but not directly discharged to surface water. This special condition was not clear and the TAC rewrote it to their specifications.

Section 70 Part I B 16 – Quantification levels for TSS and TPH were added.

Section 70 Part I B 17 – Added a new special condition that *“Owners of facilities that are a source of the specified pollutant of concern to waters where an approved TMDL has been established shall implement measures and controls that are consistent with the assumptions and requirements of the TMDL.”* This special condition is being added to all general permits as they are reissued. It reinforces the way general permits are currently handled in TMDLs. The assumption of the TMDL is that general permits are insignificant to the total load until such time that the TMDL program determines that the load is significant and the TMDL needs to be modified to include the load.

Section 70 Part I B 18 – Added a new special condition that allows for adding or deleting outfalls. The permittee must update the Operation & Maintenance (O&M) manual and the SWPPP, and notify the Department within 30 days of the change. This happens occasionally and the industrial storm water general permit has similar language.

Section 70 Part I B 19 – Added a new special condition that describes how terminations of a general permit will be implemented. This is being added to all general permits as they are reissued.

Section 70 Part I B 20 – Added a new special condition that describes how temporary facility closures at inactive and unstaffed sites will be implemented. This was done with the consensus of the TAC

Section 70 Part I B 21 Added *“The discharges authorized by this permit shall be controlled as necessary to meet applicable water quality standards.”* This is a general requirement to meet water quality standards and matches similar language going into other recently reissued general permits.

Section 70 Part I B 22 Added *“Approval for coverage under this general permit does not relieve any owner of the responsibility to comply with any other federal, state or local statute, ordinance or regulation.”* This requirement is part of the regulation at section 50 C and staff thought it should be repeated in the permit to remind the permittee of the responsibility.

Section 70 Part II – Storm Water Management – This entire section was revised to match (for the most part) language in the 2009 Industrial Storm Water General Permit. Some differences can be found but these were done with TAC consensus. However, the requirements for storm water management have not changed significantly.

Part III A– Added "*Samples taken as required by this permit shall be analyzed in accordance with IVAC30-45: Certification for Noncommercial Environmental Laboratories, or IVAC30-46: Accreditation for Commercial Environmental Laboratories.*" This is a new regulatory requirement effective January 1, 2012.

Section 70 Part III Y – Transfer of permits – This subsection discussed transfer of permit requirements through modifications or revocation and reissuances. However, general permit coverage is not modified or revoked and reissued and this allowance has been deleted. General permits may only be automatically transferred; however, the 30 days in advance notice of the transfer of ownership was often not feasible. Language was added so that the board can change the deadline depending on the situation.

### 3. Coverage and Restrictions

The general permit is applicable to discharges of process wastewater, cooling water and storm water associated with industrial activity from SIC Codes 3271 (concrete block and brick), 3272 (concrete products, except block and brick), and 3273 (ready-mixed concrete plants). SIC codes 3271 and 3272 were added in 2006. Process water includes input from vehicle wash water, and vehicle or equipment degreasing activities, and may be commingled with noncontact cooling water and storm water associated with industrial activity. Boiler blowdown is not specifically listed in the permit but may be a small component of the process water at some sites and the facility may be covered under this permit.

Included under this permit are facilities that operate in a ‘no discharge’ mode. No discharge facilities normally do not discharge except during a 25 year, 24 hour storm event. This is approximately 6 inches in eastern Virginia and 5 inches in western Virginia (see [http://hdsc.nws.noaa.gov/hdsc/pfds/orb/va\\_pfds.html](http://hdsc.nws.noaa.gov/hdsc/pfds/orb/va_pfds.html) for site specific rainfall information). For applicants currently holding VPA permits as identified in Item II C of the registration statement, it is desirable to consolidate the discharge and no-discharge modes of operation into one general permit.

Although this general permit provides coverage where the majority of the industrial activity is the production of ready-mixed concrete, it also provides coverage to a facility which produces several products but the only wastewater discharge is from the ready-mixed concrete production area. Both permanent and portable plants are included in the definition of ‘industrial activity’ and both could be covered under this general permit. The definition of portable plants does not include rental of a cement mixer for personal use and this activity is not covered under this general permit. It is recommended that DEQ air staff inform the water staff when a portable plant requests an air permit so the water staff can ensure a general permit has been issued for the operation.

DEQ will notify an owner that the discharge is not eligible for coverage under this general permit in the event of any of the following:

- a. The owner is required to obtain an individual permit in accordance with 9VAC25-31-170 B 3 of the VPDES permit regulation;
- b. The owner is proposing to discharge to any state waters specifically named in other board regulations or policies which prohibit such discharges (e.g. Exceptional Waters in 9VAC25-260-30);
- c. The discharge will violate the antidegradation policy. Staff did not anticipate antidegradation policy problems from existing discharges in the concrete industry, although staff in the regions should be aware of new discharges to Tier 2 waters and consult with central office to see if the new discharge conforms to antidegradation requirements; and

d. The discharge is not consistent with the assumptions and requirements of an approved TMDL. The current assumption in TMDLs is that any loads to impaired waters from discharges covered under general permits are either considered 'insignificant' to the waste load allocation or have been included in the load allocations 'growth factor.' Either way, the loads from general permits are tracked by DEQ staff and when or if the load either becomes significant or exceeds what is allowed by the growth factor, then DEQ staff must revise the TMDL. Normally, that means the permit limit concentrations and the flow from each facility are used to adjust the waste load allocations in the TMDL. This means that a TMDL in the receiving stream will not usually keep permittees from getting coverage.

Other items for authorization of coverage are as follows:

- e. The owner must submit a registration statement in accordance with 9VAC25-193-60 and the registration must be accepted by the Board;
- f. The owner must submit the permit fee (\$600); and
- g. The owner must comply with the applicable effluent limitation and other requirements of the existing permit.

#### 4. Registration Statements and Fees

The permittee is not required to use our registration statement form to apply for coverage under the general permit. However, they must submit all the information required for registration listed in the general permit regulation (including the certification) in section 60. The registration statement form and its instructions are on [DEQnet](#) and on the [DEQ web site](#). The registration statement has changed in 2013 (added information needed to approve representative storm water outfalls, whether the facility discharges to an MS4 and closure plans for portable plants.)

Representative outfalls will be entered into the new comments box under the concrete limits in CEDS so only one DMR will be submitted to DEQ. Note that monitoring data is only evaluated for representative outfalls if it is available. It is not required as part of the demonstration. Permittee email contact information is requested but not required by the regulation.

The registration form and transmittal letter were sent to the regions on May 31, 2013 and should have been transmitted to any existing permittees who had not already submitted the 2013 registration statement. The transmittal letter is included with this guidance in [Attachment A](#). For 2013, we waived the 180 day deadline for submittal of registration statements, and requested return of the registrations statement by July 2, 2013. If registration statements are still outstanding, negotiate alternate return dates on a case by case basis as long as they are returned in time to obtain a complete registration statement before the expiration date of the permit. Registration statements will be accepted until October 1, 2013 to be considered for administrative continuance and registration statements will be accepted after October 1, 2013 but coverage will not be retroactive. This means that registration statements will be accepted after the expiration date but the period of time between expiration date and day of the transmittal letter with their new permit could result in enforcement action if they discharge during that time (discharging without a permit).

Qualifying new discharges must submit a registration statement 30 days prior to commencing discharge in order to obtain coverage under the general permit.

Qualified facilities that currently discharge process wastewater and/or storm water under an individual VPDES permit can apply for coverage under the general permit but need not apply immediately. It is

preferable that such application be timed to coincide with the expiration of the individual permit. These facilities may allow their individual VPDES permit to expire and apply for the general permit 210 days prior to expiration of the individual permit or have the individual permit voluntarily terminated and the general permit issued in its place. Because there is no refund for the difference of the annual maintenance fees between the individual and general VPDES permits when the individual VPDES permit is terminated, most permittees will likely choose to terminate the individual permit and then replace it with the general permit. Individual permit coverage should be converted to general permit coverage prior to April 1<sup>st</sup> of the billing year to avoid having to pay the DEQ Annual Maintenance Fee for that billing year. Negotiate alternate registration due dates as needed. The 210 day prior to expiration is a new requirement and permittees are probably not aware of it.

Original signed registration statements must be submitted to the regional office with jurisdiction over the locality in which the discharge takes place. The original fee form and the check must be submitted to Receipts Control at the DEQ Central Office. We do not want a copy of the fee form or a copy of the applicant's check to be sent with the registration statement. The fee must be paid in full at the time the registration statement is submitted for coverage under the general permit.

On-line registration capability does not exist.

For CEDS and other purposes, the date of permit application receipt (APRD) should be based on the date the signed registration statement is received.

The fee for registration under this general permit is \$600. There is no pro-rating of fees.

Please refer to the instructions associated with the registration statement. These should be sufficiently detailed to aid both the registrant and the reviewer.

## **5. Issuance of the General Permit**

Once it is determined that the registration statement represents a facility that qualifies for coverage, the general permit pages can be prepared. The general permit pages are on [DEQnet](#). These include, the cover page (print on regional office agency letterhead), appropriate Part I effluent limits pages, special conditions, Part II storm water management and Part III conditions applicable to all permits. Insert the general permit registration number for the facility on the cover page and in the upper right hand corner of the Part I, II, and III pages. For existing permitted facilities, the registration number will be the same one that was used for the previous issuance. For new facilities, the registration number will be generated by CEDS when the facility is entered into the system. All permit numbers will begin with the same five characters: VAG11. Separate CEDS guidance for the concrete module is available but is undergoing adjustments at the time of this guidance due to new procedures in the permit. The new CEDS guidance will be available after the CEDS module is updated and tested this summer.

Applicable Part I A pages will be determined by the types of discharge identified in the registration statement. For example, if a facility discharges process wastewater and storm water through separate outfalls and there is no discharge of cooling water through another outfall, only Part I A 1 and A 3 will be applicable and included in the general permit issued to the facility. Part I A 2 limits are for cooling water that does not combine with process water or storm water. If a facility only discharges process water (which may be commingled with storm water and/or cooling water) only Part I A 1 pages apply. You may delete the Part I A pages that DO NOT apply to your facility and renumber Part I A 1, 2 and 3 limits pages so they are consecutive. Several different versions of the permit pages (depending on which limits

sets apply) are on [DEQnet](#). Check page numbering in the upper right hand corner of the permit pages and adjust if necessary. The appropriate outfall number must be added at the end of the first sentence on each effluent limits page. No other changes to the language of the general permit are authorized.

Some concrete facilities do not have a separate outfall for their storm water discharges. Instead, some (or all) the storm water draining from the facility discharges through the process water outfall 001, but it does not commingle with the process water until after the treatment system. These facilities should be required to monitor the process water under Part I A 1, and the un-comingled storm water separately under Part I A 3. This storm water should be assigned its own outfall number (e.g. 901) and all storm water requirements (including benchmark and visual monitoring) will apply to the 901 outfall. Physically it is the same outfall, but the data reported is either for 001 (process water commingled with storm water and/or cooling water) or 901 (storm water). The TAC concurred that the Part I A 1 limits were for process water, and the quarterly effluent monitoring controls the discharge. No storm water quarterly visual monitoring is required for 001. All the other storm water management requirements of Part II would still apply to 001 (e.g., SWPPP, routine inspections and comprehensive site evaluations).

The general permit requires quarterly or annual monitoring and reporting. Therefore, DMRs are necessary for reporting and compliance tracking. DMRs should be prepared to reflect the applicable effluent limitations and monitoring requirements for each outfall addressed in Part I A of the permit. All process water discharges have been reduced from monthly to quarterly and no further reductions are allowed.

A letter to transmit the permit and DMRs to the permittee is included in [Attachment B](#). It is not necessary to copy the DEQ Office of Water Permits or EPA on coverage under a general permit. The transmittal letter for coverage under a general permit does not contain the two paragraphs referencing the owner's right to appeal the decision to cover them under a general permit. The transmittal letter indicates when DMRs are due and where the DMRs are to be sent.

## **6. Termination of Coverage and Change of Ownership**

For this reissuance, a Notice of Termination (NOT) special condition (SC #19) has been added that spells out the procedures the permittee must follow to terminate permit coverage. The permittee is not required to use our Notice of Termination form to terminate coverage under the general permit. However, they must submit all the information required for termination listed in the general permit special condition (including the certification). The NOT form is on [DEQnet](#). If an owner requests termination of coverage under the general permit the regional office can terminate coverage under regional letterhead. [Attachment C](#) contains an example termination letter that can be used to terminate coverage under the permit. Note that a NOT does not need to be submitted if the permit is transferred to a new owner and a change of ownership agreement form is submitted.

If there is a request for change of ownership, then the new owner assumes the coverage under the general permit and the permit number does not change. The new owner may submit a new registration statement, but it is not required. Part III Y of the permit provides for automatic transfer of ownership if the 30-day prior notice and the required written agreement between the new and the old owners are provided. Since the 30 day prior notice is often difficult to meet, the regulation now provides permission for a later date to be granted by the board. The [VPDES Change of Ownership Agreement Form](#) should be used, and the form is also on the "Miscellaneous Forms / Information / Regulations" section on [DEQ's web page](#). CEDS must be updated for any change of ownership, and a MISC comment entered in the events screen stating *ownership change* and the date of the change.

Where the owner of an existing facility that is covered by this permit changes, the new owner of the facility has to update and implement any revisions to the SWPPP within 60 days of the ownership changes. However, upon a showing of good cause, the director may establish a later date in writing for completing the update, and compliance with the SWPPP.

## 7. Compliance Reporting

DMRs are due by the tenth of January, April, July and October for quarterly reporting and the tenth of January of each year for annual reporting. We will accept and enter the annual DMR submitted for 2013 but points will not be assessed and no warning letters issued because the data is from an incomplete year (January 1, 2013 – September 20, 2013).

Any reporting does not need to be submitted the 10<sup>th</sup> day of the month after monitoring takes place because the reporting schedule is specified on the limits page and this prevails over the condition in Part III C 1. Tracking of compliance with the effluent limits and other requirements of the permit should be done according to the Compliance Auditing System already established. Reporting requirements for noncompliance, unusual or extraordinary discharges, etc. are the same as for individual permits.

## 8. Inspection of Facility Covered

Facilities covered under this general permit are subject to the requirements for the industrial minor/small category of facilities as set forth in DEQ's inspection strategy. As such, they should be inspected at least once every five years. More frequent inspections can help prevent compliance problems and each regional office should consider more frequent inspections as time and resources allow. The inspections should verify proper operation and maintenance of each unit process that includes, but is not limited to, freeboard maintenance (see guidance under #11 below) and pH adjustment; waste concrete handling; and implementation of the SWPPP. Inspectors should also:

- Find the discharge points, either to MS4s or directly to surface waters.
- Verify that no solids (including concrete product), visible foam or oil sheen are present in surface waters.
- If applicable, verify type and location of facility vehicle or equipment degreasing activities and presence of materials, equipment or procedures to clean spills from petroleum products.
- Note that reuse of wastewater for dust suppression is not entering surface waters.
- Note presence and chemical usage of geothermal unit.
- Note if truck washout and washdown is occurring in a designated location for treatment before discharge.
- Take pictures whenever possible if concerns are noted.

The daily inspection log for freeboard maintenance, the O&M Manual, the SWPPP, records of routine facility inspections, and the annual comprehensive site compliance inspection report as required by the SWPPP are subject to DEQ staff inspection. The quarterly visual examination reports must contain notes on the visual quality of the receiving stream (including observations of solids deposition and oil sheen from the industrial activity) in the vicinity of the outfall (including ditches and conveyances). Solids in the receiving stream are a violation of special condition B.1.

Note that the observation of BMPs in Part II G 7 can be part of the routine facility inspection or comprehensive site evaluation. It does not need to be a separate piece of documentation.

When practical, the routine facility inspection required in Part II G 6 (e) (5) should be conducted once each calendar year during a period when a storm water discharge is occurring. This is not required but we will revisit next reissuance to see if some routine facility inspections have been conducted during discharge events and make a determination if it needs to be a requirement or not. Whether the permittee did the routine facility inspection once during a storm water discharge is a piece of information that should be noted

See additional clarifications of requirements in No. 11 below.

## **9. Record Keeping and Audit**

Tracking of coverage under this general permit will be in CEDS. It is important that CEDS is kept updated with relevant information pertaining to the general permit, and this information is subject to audit. Database information must include, but is not limited to, facilities registered under the permit, permittees, contact information and permit numbers.

The file of record must be maintained in ECM. Electronic files that must be retained and are subject to audit include, but are not limited to, the following

- a. The registration statement and information required by the registration statement;
- b. The general permit and DMR(s) sent to the permittee;
- c. Correspondence documents;
- d. DMRs submitted by the permittee; and
- e. Inspection reports related to the facility.

## **10. Monitoring Data Review at Reissuance**

Evaluation of collected data will be performed prior to the next round of general permit reissuance. The regional office should ensure that all relevant monitoring records are maintained and data entered into CEDS. The DMR data and any proposed limitations as a result of such evaluation should be brought to the Technical Advisory Committee for its consideration.

## **11. General Permit Limits, Special Conditions and Storm Water Requirements**

This section provides additional guidance in selected parts of the permit where questions have come up or where the staff or TAC asked for clarification.

Part I A 1- 3 Effluent Limits Pages - In the 2013 reissuance, the monitoring frequency for process water (which may be commingled with storm water and/or cooling water) was reduced to quarterly for all covered permittees based on a review of the compliance history. The methods for total petroleum hydrocarbons were updated. The 846 methods are listed in Part I A 1 because they are not in 40 CFR 136.

Part I A 2 limits page are for discharges consisting solely of noncontact cooling water. It is not a commingled discharge.

During the 2013 reissuance, total petroleum hydrocarbons and total recoverable iron monitoring were deleted from storm water, and benchmark concentrations for TSS and pH were added. If TSS concentration exceeds 100 mg/l or pH is outside 6.0 - 9.0 SU, then the permittee must evaluate the effectiveness of the SWPPP. Benchmark concentrations are not effluent limitations.

## Part I B Special Conditions

**No Solids, Foam or Oil Sheen Requirement Part I B 1** – This requirement states that there shall be no discharge of floating solids or visible foam in other than trace amounts. There shall be no solids deposition, and for this reissuance, no oil sheen from petroleum products in surface water in the vicinity of the outfall as a result of the industrial activity. If this is observed during a DEQ inspection, it could result in an enforcement action and/or require a subsequent clean-up.

**Wash out and Wash down Requirement Part I B 4** - This requirement states that washdown and washout of trucks, mixers, transport buckets, forms, etc... shall be conducted within designated areas. That washdown and washout water shall be collected for recycle or treated to meet the Part I A page limits prior to discharge (normally this is settling and pH adjustment) to the receiving stream. Note that in I B 15 wastewater used for dust suppression or spraying stockpiles need only be ‘settled’, but no discharge to surface water is allowed as a result of dust suppression or stockpile spraying.

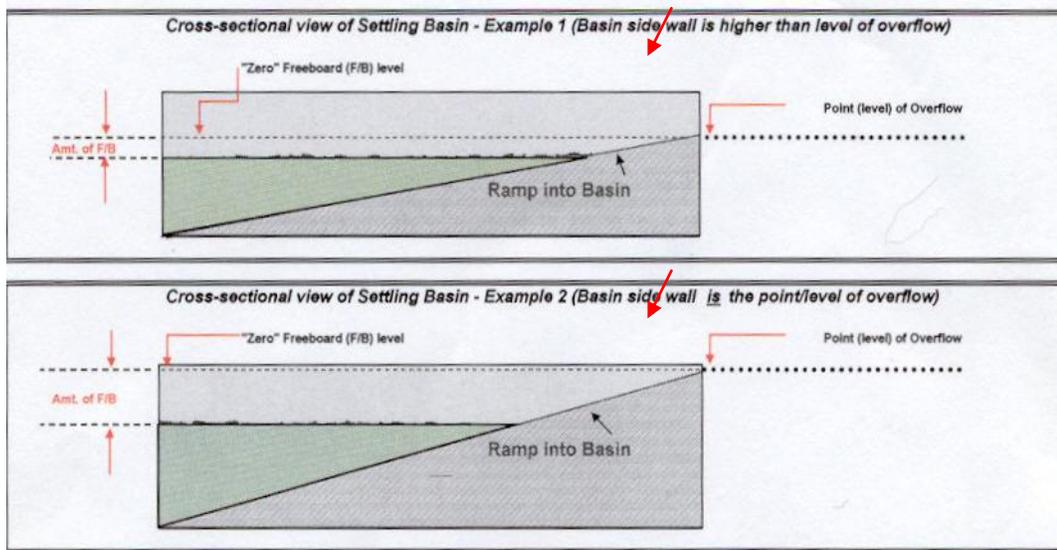
**Operations and Maintenance Part I B 9** – Within 180 days after the date of coverage, the O&M manual should be developed (for new permittees) or reviewed and updated for existing permittees. This is not a compliance schedule event item that must be submitted to DEQ. It is only submitted upon request by DEQ. O&M requirements are verified during inspection.

**Freeboard Requirement Part I B 11** - The purpose of freeboard requirements is to prevent overflow. This special condition was amended in 2008 such that where basins are operated in series, the one foot freeboard requirement for the upper basins may be waived provided the final basin will maintain the freeboard requirements. This was added to reflect existing practice and design of these basins and to ensure the lower basin will not overflow in high flow rain events. It is deemed reasonable and protective since the additional treatment provided by series basins is preferred.

The waiver in the special condition is optional because there may be instances where freeboard is best measured and maintained elsewhere in the system. It is up to the inspector to determine if the waiver is appropriate at each facility. Some treatment systems may be set up to back flow to ‘upper’ basins and freeboard should be measured and maintained overall or in an ‘upper’ basin. A daily inspection log is required when the facility is in operation.

The following illustration shows how to correctly measure available freeboard. Both examples illustrate the measurement for freeboard start with the point of overflow at the edge of the ramp down to the water surface. Some permittees measure incorrectly from the top of the basin wall to the water surface which is

only correct in example 2 when the basin wall matches the point of overflow.



Liner Requirement Part I B 14 - This special condition was modified in 2008 to clarify liner requirements for settling basins built after February 1998 set forth in the Code of Virginia § [62.1-44.15:5.2](#). The existing permit contains liner requirements for process wastewater commingled with storm water and this was clarified to include process water or process water commingled with storm water. The liner requirement is not intended to apply to basins used as storm water management best management practices. In 2013 a new requirement was added to this special condition requiring that these settling basins, if expanded or dewatered for major structural repairs, must be lined with concrete or other impermeable materials, regardless of the date of construction of the basin.

Dust Suppression Part I B 15 - Wastewater used for dust suppression or spraying stockpiles need only be 'settled', but no discharge to surface water is allowed as a result of dust suppression or stockpile spraying.

Adding or Deleting Outfalls Requirement Part I B 18 – To add or delete outfalls, the permittee shall update the O&M manual and SWPPP and notify the department within 30 days of the change. The updated O&M manual and SWPPP do not need to be submitted to the department. For new outfalls, the permittee must submit a new or updated registration statement with an updated SWPPP site map. Follow CEDS guidance for the concrete products general permit module for procedures to add or delete outfalls in CEDS. Send a revised or new limits page which includes the new outfall number and DMR, as appropriate, to the permittee and copy the compliance auditor. A suggested transmittal letter is provided in [Attachment F](#).

Temporary Closure at Inactive and Unstaffed Sites Part I B 20 - All monitoring and storm water management requirements are waived when temporary closure at inactive and unstaffed sites is approved by the board. Note that to approve the inactive site waiver there must be no industrial material exposed to storm water on the site and the closure plan must be implemented. Some discretion must be exercised in the review of this waiver request because usually the plant is not completely dismantled or permanently closed (structures will likely remain), but aggregate must be removed or not be exposed, and the settling basins must be closed so there is no process water discharge. After approval, a letter should be sent to the permittee verifying approval and that all monitoring is suspended. The compliance auditor should be copied on the letter. Suggested transmittal letters (site closure approval and site reactivation) are provided in [Attachments D and E](#).

## PART II Storm Water Management

Representative Outfalls Part II B - Representative outfalls will be entered into the new comments box under the concrete limits in CEDS so only one DMR will be submitted to DEQ. There is no requirement to rotate the representative outfalls.

Sampling waivers Part II C - This section allows for waivers of benchmark and visual examinations within each quarter if there is no measureable storm event (i.e., no storm event resulted in a discharge from the site) or if there is adverse weather making it dangerous to collect a sample. Note that there is no approval process required for DEQ to ‘grant’ the waiver. When the permittee submits their DMR, they are to provide documentation that supports the reason they could not take a sample and how many times they attempted sampling during the monitoring period. This documentation should be shared with the permit writer. If documentation is consistently lacking, this becomes an enforcement/compliance issue. If waiver documentation is submitted, a substitute sample is required during the next qualifying event in addition to and before the regular sample during that next quarter.

Note that waiver documentation submitted with the DMR is only required for benchmark monitoring. Visual monitoring data or waiver documentation is not required to be submitted with the DMR. Visual monitoring information and waiver documentation is kept with the SWPPP.

Monitoring Instructions Part II A 2 and Quarterly Visual Examination Part II D - The regulation does not specify that the process or storm water sampling be done during ‘normal working hours’ but the visual monitoring must be done during ‘normal working hours.’ The agency does not expect the permittees to attempt storm water monitoring after normal hours of operation.

It is unlikely that waivers will be needed for benchmark monitoring since it only requires an annual sample and numerous measurable storm events occur during the year.

Part II G 7 Maintenance of BMPs. - This requirement to observe the BMPs is part of a routine facility inspection or a comprehensive site evaluation. It does not need to be separate piece of documentation.

### **Attachments:**

- A. Example Registration Statement Transmittal Letter
- B. Example General Permit Coverage Transmittal Letter
- C. Example Termination Letter
- D. Example Temporary Closure Approval Letter
- E. Reactivate Site after Temporary Closure Letter
- F. Add or Delete Outfall Letter

**ATTACHMENT A**  
**Registration Statement Transmittal Letter**

## Regional Letterhead

Facility Name  
Address

ATTN: John Contact

RE: Registration for the General Virginia Pollutant Discharge Elimination System (VPDES) Permit (VAG11) for Concrete Products Facilities

Dear Mr. Contact:

The General VPDES permit regulation for Concrete Products Facilities was adopted by the State Water Control Board on March 14, 2013 and will be effective on October 1, 2013. This general permit provides VPDES permit coverage to discharges from all qualified concrete products facilities that submit a registration statement and are approved for coverage. For those facilities that require permitting of their storm water discharges, this general permit will cover those discharges as well.

Owners of facilities with discharges covered under the existing general permit VAG11, which expires on September 30, 2013, must submit a registration statement if they wish to continue to be covered under the new general permit. The registration statement and applicable fee must be received by the Department of Environmental Quality (DEQ) by July 2, 2013 *[Note: For 2013, we have waived the 180 day requirement to 90 days prior to expiration (July 2). If 90 days is not a reasonable time period, then negotiate a time period with the permittee but before expiration (October 1)].*

Individual VPDES permit holders who wish to be covered under this general permit instead of an individual permit must complete and submit the enclosed registration statement at least 210 days prior to the expiration date of an existing individual permit. New facilities applying for permit coverage must complete and submit the enclosed registration statement at least 30 days prior to commencing operation of the new facility. *[Note: For non-permitted existing facilities, inform them of the requirement to obtain a permit, the consequences of discharging without permit coverage and set a time for submittal.]*

Instructions for completing the registration form are included in this package. Please submit the completed and signed Registration Statement to this office.

The application fee for this general permit is \$600.00 and your check should be made out to "Treasurer of Virginia". Please submit the fee form and check to DEQ Receipts Control, P.O. Box 1104, Richmond, VA 23218.

If you have any questions, please do contact me at **[provide contact information]**.

Sincerely,  
Permit Writer

Attachments: Registration Statement and Instructions and Fee Form

**ATTACHMENT B**  
**General Permit Coverage Transmittal Letter**

## Regional Letterhead

Facility Name  
Address

ATTN: John Contact

RE: Coverage under the General VPDES Permit for Concrete Products Facilities VAG11\_\_\_\_\_

Dear Permittee:

We have reviewed your Registration Statement received on \_\_\_\_\_, and have determined that activities of the concrete products facility identified in the Registration Statement are hereby covered under the referenced general VPDES permit. Your coverage under this general permit becomes effective on October 1, 2013 or the date of this letter, whichever is later. The enclosed copy of the general permit contains the effluent limitations, monitoring requirements and other conditions of coverage.

A Discharge Monitoring Report (DMR) for your [**Choose all that apply:** process wastewater / noncontact cooling water / storm water associated with an industrial activity] [is / are] included with the permit. [The / Each] DMR specifies the applicable effluent limitations, monitoring requirements and monitoring frequency (i.e., quarterly or yearly) contained in the permit. A DMR is to be completed for each permitted outfall and you will be responsible for obtaining additional copies of the DMR[s]. For quarterly monitoring, the DMR[s] should be submitted by the tenth of January, April, July and October. For yearly monitoring, the DMR[s] should be submitted by the tenth of January. In accordance with the general permit, you are required to submit the DMR[s] to:

**[Name of Regional Office and address]**

Part I B 9 of the general permit requires that you develop and maintain an Operation and Maintenance (O&M) Manual for the permitted facility. This part of the permit requires that you develop (or review and update) an O&M Manual within 180 days of permit coverage and at least annually after that. If there is an existing manual, that manual shall continue to be implemented until the manual is reviewed and updated. Please see part I B 9 of your permit for O&M manual minimum requirements.

This general permit constitutes coverage of your storm water discharges as required by the storm water regulations for your industry. Part II of the general permit pertains to these storm water discharges. [**For a new facility or facility previously covered under an individual permit:** This part of the permit requires that you develop and implement a Storm Water Pollution Prevention Plan prior to commencing operations.] **OR** [**For a facility previously covered under this general permit only:** This part of permit requires that you review and modify, as appropriate, the existing Storm Water Pollution Prevention Plan by January 1, 2014. The existing plan shall continue to be implemented until a new plan, if required, is updated and

implemented.] *NOTE to permit writers: The permit states that upon a showing of good cause, the director may establish a later date in writing for the preparation and compliance with the SWPPP.*

The general permit will expire on September 30, 2018. The conditions of the permit require that you submit a new registration statement at least 90 days prior to that date if you wish continued coverage under the general permit, unless permission is granted to submit a new registration statement on a later date. *[NOTE: Permission cannot be granted to submit the registration statement after the expiration date of the permit. Registration statements may be submitted after the expiration date, but coverage cannot be retroactive.]*

If you have any questions, please contact me at **[insert contact information]**.

Sincerely,

Permit Writer

**ATTACHMENT C**  
**Termination Letter**

**Regional Letterhead**

**Date**

Facility Name

Address

ATTN: John Contact

RE: Termination of Coverage under the General VPDES Permit for Concrete Products Facilities

Dear Permittee:

DEQ agrees to terminate your coverage under the General VPDES Permit for concrete products facilities, permit registration number VAG11\_\_\_\_. Termination will become effective 30 days from the date of this notification unless you provide an objection in accordance with one of the two paragraphs below.

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 of the Virginia 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 request 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 30 days after notice of such action is mailed to such owner by certified mail.

If you have any questions, please contact **[insert permit writer name]** at **[insert contact information]**.

Sincerely,

Regional WPM Name  
Water Permit Manager

C: **[insert name of compliance auditor]**

**ATTACHMENT D**  
**Temporary Closure Approval Letter**

**Regional Letterhead**

**Date**

Facility Name

Address

ATTN: John Contact

RE: Temporary Closure at the **[put name and permit no of facility here]**

Dear Permittee:

The board has reviewed your request to temporarily close the **[put name of facility here]** site and approves the temporary closure. As of the date of this letter, you are no longer required to conduct effluent or benchmark monitoring or implement your storm water requirements (quarterly visuals, routine inspections, comprehensive evaluations). We recommend you inspect the property at least annually to ensure no changes have occurred at the site that would result in the potential for pollutants from the industrial site to enter surface waters. DEQ retains the right per Part III W of your permit to enter and inspect the site as needed. You must retain this approval with your request to temporarily close the site for at least three years from the date of coverage under this permit expires or is terminated.

To reactive the site you must notify us 30 days prior to reopening and commencing any point source discharges of either treated process wastewater or storm water runoff associated with the industrial activities. This notification must be signed as per Part III K (Signatory requirements) of your permit. You must still retain your records (permit, discharge monitoring reports, operations and maintenance manual and all storm water related documentation) in accordance with part III B of your permit.

If you have any questions, please contact **[insert permit writer name]** at **[insert contact information]**.

Sincerely,

Regional WPM Name  
Water Permit Manager

C: **[insert name of compliance auditor]**

**ATTACHMENT E**  
**Reactivate Site after Temporary Closure Letter**

**Regional Letterhead**

**Date**

Facility Name

Address

ATTN: John Contact

RE:    Reactivation of **[put name and permit no of facility here]**

Dear Permittee:

The board has reviewed your request to reactivate **[put name of facility here]** site that was temporarily closed on **[insert date of closure approval letter]**. As of the date of this letter, all effluent or benchmark monitoring must be conducted and all storm water requirements (quarterly visuals, routine inspections, comprehensive evaluations) must be implemented. Your next discharge monitoring report(s) are due **[insert date here which gives them a full quarter to monitor for process discharges, Example: this letter dated March 31, their next DMR is due July 10 for process water. Example: this letter dated August 3, next DMR due January 10 for process water. For annual storm water monitoring, insert a date here which gives them a full year to monitor for storm water discharges. Example: this letter dated March 31, 2014 their next DMR is due January 10, 2016. ]**

If you have any questions, please contact **[insert permit writer name]** at **[insert contact information]**.

Sincerely,

Regional WPM Name  
Water Permit Manager

C: **[insert name of compliance auditor]**

**ATTACHMENT F**  
**Add or Delete Outfall Letter**

**Regional Letterhead**

**Date**

Facility Name

Address

ATTN: John Contact

RE: Outfall [**Addition or Deletion**] at the [**put name and permit no of facility here**]

Dear Permittee:

The board has received your request to [**add or delete**] outfall [**outfall number**] at the [**name of facility here**] site. [**For new outfalls**] Enclosed you will find you revised permit limits pages and discharge monitoring report. You must make additional copies of this discharge monitoring report. Your next DMR is due [**Insert date here which gives them a full quarter to monitor for process discharges, Example: this letter dated March 31, their next DMR is due July 10 for process water. Example: this letter dated August 3, next DMR due January 10 for process water. For annual storm water monitoring, insert a date here which gives them a full year to monitor for storm water discharges. Example: this letter dated March 31, 2014 their next DMR is due January 10, 2016.**] [**For deleted outfalls**] You are no longer required to submit a DMR for outfall [**insert deleted outfall number**]. Your operations and maintenance manual and storm water pollution prevention plan must be updated to reflect this change.

If you have any questions, please contact [**insert permit writer name**] at [**insert contact information**].

Sincerely,

Regional WPM Name  
Water Permit Manager

C: [**insert name of compliance auditor**]