

MEMORANDUM

Department of Environmental Quality  
Water Division  
Office of Water Resources Management

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SUBJECT: OWRM Guidance Memo No. 94-014, Implementation of the  
VPA General Permit for Confined Animal Feeding  
Operations (VPG1)

TO: Regional Directors

FROM: Larry G. Lawson   
Director - Office of Water Resources Management

DATE: November 16, 1994

COPIES: Bob Burnley, James Adams, Bob McEachern, Melanie  
Davenport, Regional Office Permit Managers, Martin  
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On September 19, 1994 the State Water Control Board adopted VR 680-14-22, the Virginia Pollution Abatement General Permit Regulation for Confined Animal Feeding Operations and it will become effective on November 16, 1994. This regulation establishes the general permit number VPG1. It also contains the general permit registration statement and certain restrictions on the applicability of the regulation to animal feeding operations. The basic content of the general permit was mandated by the General Assembly when they added Section 62.1-44.17.1 to the State Water Control Law this spring. The general permit is intended to provide permit writers with a tool to quickly cover the large animal feeding operations with a VPA permit. A copy of the regulation is attached. Also included in this guidance package are separate paper and electronic copies of the registration statement and the general permit.

The regulation defines "Confined Animal Feeding Operation" the same way the Permit Regulation (VR 680-14-01) defines "Animal Feeding Operation". The purpose of the general permit is to regulate the management of pollutants at confined animal feeding operations with 300 or more animal units and which utilize a liquid manure collection and storage system. The general permit covers the waste storage and treatment as well as the land application of waste. Operations which do not have the minimum 300 animal units, or which use a dry manure collection and storage system, are not eligible for coverage under the general permit. If such an operation is determined to need a VPA permit to protect state waters, an individual VPA permit should be issued.

The term 300 animal units translates into the following:

300 beef cattle	200 dairy cattle
750 swine	150 horses
3,000 sheep	16,500 turkeys

30,000 hens or broilers

The general permit has a 10 year term. It became effective on November 16, 1994 and it will expire on November 16, 2004. Coverage for all operations under this general permit will end on the expiration date, regardless of when during the permit term the coverage began. If an operation is unable to meet the requirements of the general permit after being issued coverage under it, the regulation provides for the issuance of an individual permit to that operation. The VPA general permit is enforced using the same procedures as for individual VPA permits.

Each applicant for coverage under the general permit should be sent a copy of the registration statement, a blank Local Government Ordinance Form (LGOF) and a copy of the instruction sheet for filing the registration statement (copy attached). The registration statement for this general permit requires the applicant to provide the name and address of the operation, the owner and the operator. It also asks if the operation is currently covered by an individual VPA permit. The owner is then asked to give the type, maximum number and average weight of the animals to be grown. This information should be all that is necessary to determine eligibility for coverage under the permit.

There are two very important attachments which must be submitted with the registration statement. The first one is the Local Government Ordinance Form (LGOF). (See the LGOF form for the alternative certified mail receipt procedure the owner is to follow if the local government fails to respond within 45 days.) This is required for all facilities which have not been permitted in the past under either the VPA or the Industrial Waste No-Discharge Certificate programs. If the owner answers Yes to Question 4 and gives a valid VPA or IW-ND number, then no LGOF is required. The second required attachment is a letter from the Department of Conservation and Recreation, probably from the Soil and Water Conservation Division, that certifies that this operation has an approved Nutrient Management Plan. Under the law and the regulation we cannot issue coverage to an operation that does not file both of these attachments.

These operations are exempt from application fees.

If the registration statement is incomplete, send the applicant a letter listing the deficiencies. An example deficiency letter and a deficiencies checklist are attached.

Once the complete registration statement has been received and if the operation qualifies for coverage, send the applicant a copy of the general permit. The Department's goal is that this decision will be made within 14 days of receipt of the complete registration statement. The general permit does not require reporting of monitoring data, so there is no monitoring report form. There are no other attachments associated with the permit. An example permit transmittal letter is attached to this guidance memo.

Each general permit should be identified by a unique number.

This permit identification number should appear on the cover page of the permit. **The regional office will have to make this addition to the permit text prior to mailing it to the permittee. No other changes to the language of the general permit are authorized.** Each general permit identification number will be nine digits long. The first four are always VPG1. These are followed by a number which indicates the regional office which issued coverage. These are as follows:

SWRO	1
WCRO	2
NRO	3
PRO	4
TRO	5
VRO	6

The next four digits will be the consecutive number of operations covered by that particular region. For example, the first operation covered under the general permit by the Valley region will be VPG160001. The tenth operation covered by Northern will be VPG130010. This system gives each region 9,999 possible permit identification numbers.

Each operation covered under the general permit should be tracked in an electronic database. The specific procedures for this tracking will be distributed in a separate memo once the database has been developed.

The General Assembly also amended the law to mandate that every operation covered by a VPA permit would be inspected by the Department at least once every 5 years. This should not be a problem since our inspection strategy already calls for VPA inspections on that frequency as a minimum. However, the regions should remember this statutory requirement when they establish their inspection schedules each spring. Inspections of the operations covered by this general permit should include an evaluation of the operation and maintenance of the treatment works, the land application sites and the other pollutant management activities covered by the permit. The inspectors should review the records of monitoring (ground water, soils and waste) to make sure that the permittee is doing the required testing and to see if the results indicate any potential problems. The permittee is also required to maintain records on waste application for two years. Other documents that should be inspected include the liner installation certification and the Nutrient Management Plan.

**Deficiency letter for VPA GP registration statements**

Regional Letterhead

Date

Owner Name  
Address

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

RE: Coverage under the Virginia Pollution Abatement General  
Permit for Confined Animal Feeding Operations

Dear Applicant:

Your registration statement for coverage under this general permit was received on (date). We have reviewed it and find that there are deficiencies which must be resolved before the animal feeding operation can be covered. Please see the checklist attached to this letter for a list of the deficiencies that have been identified.

You are hereby requested to make the necessary corrections and/or provide the additional information outlined in the attached checklist. We are unable to continue processing your registration statement until these deficiencies have been resolved.

If you have any questions about this request, or if we can be of assistance, please contact us.

Sincerely,

Regional Permit Writer

**ATTACHMENT - Deficiencies Checklist**

Permit #: VPG1 \_\_\_\_\_

This General Permit Registration Statement for Confined Animal Feeding Operations was deemed incomplete for the following reason(s):

- \_\_\_\_\_ Facility name was incomplete.
- \_\_\_\_\_ Facility mailing address was incomplete.
- \_\_\_\_\_ Facility phone number was incomplete.
- \_\_\_\_\_ Owner name was incomplete.
- \_\_\_\_\_ Owner mailing address was incomplete.
- \_\_\_\_\_ Owner phone number was incomplete.
- \_\_\_\_\_ Operator name was incomplete.
- \_\_\_\_\_ Operator mailing address was incomplete.
- \_\_\_\_\_ Operator phone number was incomplete.
- \_\_\_\_\_ Maximum Number and/or Average Weight of the type(s) of animal(s) which will be maintained at the facility was incomplete or missing.
- \_\_\_\_\_ Local Government Ordinance Form (LGOF) was not attached. A blank LGOF is enclosed for your use. Government officials eligible to sign the form are listed on the form itself.
- \_\_\_\_\_ LGOF was not properly signed/completed by an appropriate Local Government official. Government officials eligible to sign are listed on the form itself. A blank LGOF is enclosed for your use.
- \_\_\_\_\_ LGOF was a photocopy. Only originals signed in ink are acceptable.
- \_\_\_\_\_ A copy of the letter from the Department of Conservation and Recreation certifying approval of the Nutrient Management Plan for the facility was not attached to the Registration Statement.
- \_\_\_\_\_ Certification statement was not signed.
- \_\_\_\_\_ Certification statement was incorrectly signed. Please refer to the enclosed instruction sheet for information on who is eligible to sign.
- \_\_\_\_\_ Certification statement signature was a photocopy. Only original ink signatures are acceptable.

**Transmittal Letter  
Confined Animal Feeding Operations General Permit**

**Regional Letterhead**

Owner Name  
Address

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

RE: Coverage under the Virginia Pollution Abatement General  
Permit for Confined Animal Feeding Operations VPG1\_\_\_\_\_

Dear Permittee:

We have reviewed your Registration Statement and attachments received on \_\_\_\_\_, and determined that this animal feeding operation is hereby covered under the referenced VPA general permit. The effective date of your coverage under this general permit is the date of this letter. The enclosed copy of the general permit contains the applicable monitoring requirements and other conditions of coverage, please read them carefully.

If you have any questions, please do not hesitate to contact us.

Sincerely,

Regional Permit Manager

## INSTRUCTIONS

### VPA GENERAL PERMIT REGISTRATION STATEMENT FOR CONFINED ANIMAL FEEDING OPERATIONS

#### General

A VPA General Permit Registration Statement must be submitted when an owner makes application to the Department of Environmental Quality for coverage under the VPA General Permit for Confined Animal Feeding Operations.

#### Section 1 Facility Information

Give the name of the animal feeding operation and enter its complete mailing address.

#### Section 2 Owner Information

Give the legal name of the person, firm, public organization, or any other entity that owns the facility or site described in this registration statement. The address of the owner may or may not be the same as the address of the facility. If they are the same, write "SAME AS ABOVE" in the appropriate spaces. Please include the owner's telephone number.

#### Section 3 Operator Information

Give the operator's name, mailing address and phone number. If these are the same as the owner information, write "SAME AS ABOVE" in the appropriate spaces. The operator is the person who manages daily activities at the site. Please also provide the name of a contact person, their phone number and the best time to make contact with them during regular working hours.

#### Section 4 Existing Permit Numbers

List the number of any expiring or currently effective permits issued to the animal feeding operation under the VPA permit program or the IW-ND certificate program.

#### Section 5 Animal Information

Indicate the maximum number and average weights of animals in each category that the operation will have at any one time.

#### Section 6 Local Government Ordinance Form (LGOF)

Every animal feeding operation seeking coverage under the general permit must provide notification that the operation is not in conflict with the local zoning and planning ordinances. This notification should be made on the LGOF which was provided with the Registration Statement and it must be signed by either the County Administrator, the City/Town Manager, the Mayor, or the Chairman of the Board of Supervisors. The LGOF form you submit must bear an original signature in ink, photocopies are not acceptable. Operations which have previously been issued a VPA permit or IW-ND certificate are not required to submit the LGOF because this issue was resolved during the earlier permit/certificate issuance. All operations which are applying for a permit for the first time must attach the LGOF to the Registration Statement.

#### Section 7 Nutrient Management Plan (NMP)

State law requires that every animal feeding operation seeking coverage under the VPA general permit have a Nutrient Management Plan. A copy of the letter from the Virginia Department of Conservation and Recreation approving the operation's NMP must be attached to the Registration Statement.

#### Section 8 Certification

The Certification must bear an original signature in ink, photocopies are not acceptable. State statutes provide for severe penalties for submitting false information on this Registration Statement. State regulations require this Registration Statement to be signed as follows:

For a corporation: by a responsible corporate officer, which means: (i) 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, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipality, state, Federal, or other public facility: by either a principal executive officer or ranking elected official.

COMMONWEALTH of VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL QUALITY

VIRGINIA POLLUTION ABATEMENT  
GENERAL PERMIT REGISTRATION STATEMENT  
FOR CONFINED ANIMAL FEEDING OPERATIONS

1. Facility Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

2. Owner Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone: \_\_\_\_\_

3. Operator Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Facility Contact: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Best Time to Contact (day time): \_\_\_\_\_

4. Does this facility have an existing VPA permit or IW-ND Certificate?  
Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, list the existing VPA Permit Number or IW-ND Certificate Number:  
\_\_\_\_\_

5. Indicate the maximum number and average weight of the type(s) of animal which will be maintained at your facility:

Animal Type	Maximum Number	Average Weight
Dairy Cattle	_____	_____
Slaughter and Feeder Cattle	_____	_____
Swine	_____	_____
Other _____	_____	_____
_____	_____	_____

6. The owner of any proposed pollutant management activities or those which have not previously been issued a valid VPA permit or IW-ND Certificate must attach to the Registration Statement the notification from the governing body of the county, city or town required by Virginia Code Section 62.1-44.15:3.

7. The owner of the pollutant management activities must attach to the Registration Statement a copy of the letter from the Department of Conservation and Recreation certifying approval of the Nutrient Management Plan.

GENERAL PERMIT REGISTRATION STATEMENT  
FOR CONFINED ANIMAL FEEDING OPERATIONS  
Page 2

8. **Certification:**

"I certify under penalty of law that all the requirements of the Board for the general permit are being met and 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."

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**COMMONWEALTH OF VIRGINIA  
STATE WATER CONTROL BOARD**

**VR 680-14-22 VIRGINIA POLLUTION ABATEMENT (VPA) GENERAL PERMIT REGULATION  
FOR CONFINED ANIMAL FEEDING OPERATIONS**

[Adopted: September 19, 1994 - Effective: November 16, 1994]

**Section 1. Definitions**

The words and terms used in this regulation shall have the meanings defined in the State Water Control Law §62.1-44.2 et seq. and the Permit Regulation (VR 680-14-01) unless the context clearly indicates otherwise, except that for the purposes of this regulation:

"Confined Animal Feeding Operation" means a lot or facility, together with any associated treatment works, where both of the following conditions are met: 1. Animals have been, are, or will be stabled or confined and fed or maintained for a total of forty-five days or more in any twelve-month period; and 2. Crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility.

"Department" means the Virginia Department of Environmental Quality.

"Director" means the Director of the Virginia Department of Environmental Quality or his designee.

"Permittee" means the owner whose confined animal feeding operation is covered under this general permit.

"Waste Storage Facility" means a waste holding pond or tank used to store manure prior to land application, or a lagoon or treatment facility used to digest or reduce the solids or nutrients.

**Section 2. Purpose**

This General Permit regulation governs the pollutant management activities of animal wastes at confined animal feeding operations having 300 or more animal units utilizing a liquid manure collection and storage system. These confined animal feeding operations may operate and maintain treatment works for waste storage, treatment or recycle and may perform land application of wastewater or sludges.

**Section 3. Authority for Regulation**

The authority for this regulation is pursuant to the State Water Control Law Sections 62.1-44.15(5a), (7), (10), (14), -44.17, -44.20, and -44.21 of the Code of Virginia and the Permit Regulation.

**Section 4. Delegation of Authority**

The Director, or his designee, may perform any act of the Board provided under this regulation, except as limited by Section 62.1-44.14 of the Code of Virginia.

**Section 5. Effective Date of the Permit**

This General Permit will become effective on November 16, 1994. This General Permit will expire 10 years from the effective date. Any covered owner is authorized to manage pollutants, that are not point source discharges to State waters, under this General Permit upon compliance with all the provisions of Sections 6 and 7 and the receipt of this General Permit.

## **Section 6. Authorization to Manage Pollutants**

Any owner governed by this General Permit is hereby authorized to manage pollutants at confined animal feeding operations provided that the owner files the Registration Statement of Section 7, complies with the requirements of Section 8, and provided that:

### **A. Individual Permit**

The owner shall not have been required to obtain an individual permit as may be required in the Permit Regulation. Currently permitted operations may submit a Registration Statement for operation under the General Permit and be authorized under this General Permit provided that the criteria of the General Permit are met.

### **B. Prohibited Discharges**

The operation of the facilities of the owner shall not contravene the Water Quality Standards, as amended and adopted by the Board, or any provision of the State Water Control Law. There shall be no point source discharge of wastewater except in the case of a storm event greater than the 25-year, 24-hour storm. Domestic sewage or industrial waste shall not be managed under this General Permit.

### **C. Local Government Notification**

The owner of any proposed pollutant management activities or those which have not previously been issued a valid Virginia Pollution Abatement (VPA) permit or Industrial Waste-No Discharge (IW-ND) Certificate must attach to the Registration Statement the notification from the governing body of the county, city or town required by Virginia Code Section 62.1-44.15:3.

### **D. Nutrient Management Plan (NMP)**

A Nutrient Management Plan for the facility must be approved by the Department of Conservation and Recreation (DCR) prior to the submittal of the Registration Statement. The owner of the pollutant management activities shall attach to the Registration Statement a copy of the letter from the Department of Conservation and Recreation certifying approval of the Nutrient Management Plan.

Receipt of this General Permit does not relieve any owner of the responsibility to comply with any other applicable federal, state or local statute, ordinance or regulation.

## **Section 7. Registration Statement**

The owner shall file a complete VPA General Permit Registration Statement for the management of pollutants at confined animal feeding operations in accordance with this regulation.

Any owner proposing a new pollutant management activity shall file a complete Registration Statement. Any owner with an existing pollutant management activity covered by an individual VPA permit who is proposing to be covered by this General Permit shall file a complete Registration Statement.

The required Registration Statement shall be in the following form:

COMMONWEALTH of VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL QUALITY

VIRGINIA POLLUTION ABATEMENT  
GENERAL PERMIT REGISTRATION STATEMENT  
FOR CONFINED ANIMAL FEEDING OPERATIONS

1. Facility Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_
  2. Owner Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone: \_\_\_\_\_
  3. Operator Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Facility Contact: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Best Time to Contact (day time): \_\_\_\_\_
  4. Does this facility have an existing VPA permit or IW-ND Certificate?  
Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, list the existing VPA Permit Number or IW-ND Certificate Number:  
\_\_\_\_\_
  5. Indicate the maximum number and average weight of the type(s) of animal which will be maintained at your facility:

Animal Type	Maximum Number	Average Weight
Dairy Cattle	_____	_____
Slaughter and Feeder Cattle	_____	_____
Swine	_____	_____
Other	_____	_____
  6. The owner of any proposed pollutant management activities or those which have not previously been issued a valid VPA permit or IW-ND Certificate must attach to the Registration Statement the notification from the governing body of the county, city or town required by Virginia Code Section 62.1-44.15:3.
  7. The owner of the pollutant management activities must attach to the Registration Statement a copy of the letter from the Department of Conservation and Recreation certifying approval of the Nutrient Management Plan.
  8. **Certification:**  
"I certify under penalty of law that all the requirements of the Board for the general permit are being met and 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."
- Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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**Section 8. General Permit**

Any owner who submits a complete Registration Statement will receive the following General Permit and shall comply with the requirements therein and be subject to the Permit Regulation.

General Permit No.: VPG1  
Effective Date:  
Expiration Date:

**GENERAL PERMIT FOR POLLUTANT MANAGEMENT ACTIVITIES  
FOR CONFINED ANIMAL FEEDING OPERATIONS**

**AUTHORIZATION TO MANAGE POLLUTANTS UNDER THE  
VIRGINIA POLLUTION ABATEMENT PROGRAM  
AND  
THE VIRGINIA STATE WATER CONTROL LAW**

In compliance with the provisions of the State Water Control Law and State Water Control Board regulations adopted pursuant thereto, owners of confined animal feeding operations having 300 or more animal units utilizing a liquid manure collection and storage system are authorized to manage pollutants within the boundaries of the Commonwealth of Virginia, except where Board regulations or policies prohibit such activities.

The authorized pollutant management activities shall be in accordance with the Registration Statement, supporting data submitted to the Department of Environmental Quality, Water Division, this cover page, Part I, Part II, and Part III as set forth herein.

PART I

A. Management 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 manage pollutants at the permitted site.
2. Groundwater monitoring wells shall be installed at new earthen waste storage facilities constructed to an elevation below the seasonal high water table or within one foot thereof. Existing wells may be utilized to meet this requirement if properly located and constructed.
3. All facilities previously covered under a VPA permit that required groundwater monitoring shall continue monitoring consistent with the requirements listed below regardless of where they are located relative to the seasonal high water table.
4. In accordance with A.2. and A.3. above, the ground water shall be monitored by the permittee at the monitoring wells as specified below:

GROUNDWATER MONITORING

PARAMETERS	LIMITATIONS	UNITS	MONITORING REQUIREMENTS	
			<u>Frequency</u>	<u>Sample Type</u>
Static Water Level	NL	ft	1/3 years	Measured
Ammonia Nitrogen	NL	mg/l	1/3 years	Grab
Nitrate Nitrogen	NL	mg/l	1/3 years	Grab
pH	NL	SU	1/3 years	Grab
Conductivity	NL	umhos/cm	1/3 years	Grab

NL = No limit, this is a monitoring requirement only.

5. Soil monitoring shall be performed as specified below along with any additional parameters specified in the approved Nutrient Management Plan.
6. The soils at the facility shall be monitored by the permittee as specified below:

SOILS MONITORING

PARAMETERS	LIMITATIONS	UNITS	MONITORING REQUIREMENTS	
			<u>Frequency</u>	<u>Sample Type</u>
pH	NL	SU	1/3 years	Composite
Phosphorus	NL	ppm	1/3 years	Composite
Potash	NL	ppm	1/3 years	Composite
Calcium	NL	ppm	1/3 years	Composite
Magnesium	NL	ppm	1/3 years	Composite
Nitrate	NL	ppm	1/3 years	Composite

NL = No limit, this is a monitoring requirement only.

7. Waste monitoring shall be performed as specified below along with any additional parameters specified in the approved Nutrient Management Plan.
8. The waste at the facility shall be monitored by the permittee as specified below:

WASTE MONITORING

PARAMETERS	LIMITATIONS	UNITS	MONITORING REQUIREMENTS	
			<u>Frequency</u>	<u>Sample Type</u>
Total Kjeldahl Nitrogen	NL	ppm	1/year	Composite
Ammonia Nitrogen	NL	ppm	1/year	Composite
Total Phosphorus	NL	ppm	1/year	Composite
Total Potassium	NL	ppm	1/year	Composite
Calcium	NL	ppm	1/year	Composite
Magnesium	NL	ppm	1/year	Composite
Moisture Content	NL	%	1/year	Composite

NL = No limit, this is a monitoring requirement only.

9. All monitoring data collected as required by Part I.A. shall be maintained on site in accordance with Part II.C.
10. The following recommendations will assist the permittee in performing proper monitoring. The Department of Environmental Quality may be contacted for additional guidance on monitoring procedures.
  - a. A minimum of one up gradient and one down gradient well should be installed at each new earthen waste storage facility.
  - b. One data set should be collected from each well prior to any waste being placed in the storage facility.
  - c. The static water level should be measured prior to bailing well water for sampling.
  - d. At least 3 well volumes of groundwater should be withdrawn immediately prior to sampling each monitoring well.
  - e. Soil monitoring should be conducted at a depth of between 0-6".
  - f. The nitrate test should be conducted at a soil depth of 0-12" on those sites planted in corn or small grains.
11. The Department encourages the permittee to conduct additional monitoring. All additional monitoring, if any, should be conducted under the oversight of the Department. If the permittee conducts additional monitoring in response to a written request from another person, the permittee may request that the person making the request bear the cost of the additional monitoring.

B. Other Requirements or Special Conditions

1. The liquid manure collection and storage facility shall be designed and operated to (i) prevent point source discharges of pollutants to state waters except in the case of a storm event greater than the 25-year, 24-hour storm and (ii) provide adequate waste storage capacity to accommodate periods when the ground is frozen or saturated, periods when land application of nutrients should not occur due to limited or non-existent crop nutrient uptake, and periods when physical limitations prohibit the land application of waste.
2. New waste storage facilities shall not be located on a 100-year floodplain unless protected from inundation by a 100-year frequency flood event.
3. New earthen waste storage facilities shall include a properly designed and installed liner. Such liner shall be either a synthetic liner of at least twenty mils thickness or a compacted soil liner of at least one foot thickness with a maximum permeability rating of 0.0014 inches per hour. Proper installation shall be certified by a liner manufacturer, a Professional Engineer, an employee of the Soil Conservation Service of the United States Department of Agriculture with appropriate engineering approval authority, an employee of a soil and water conservation district with appropriate engineering approval authority, or other qualified individual and shall be maintained on site.
4. At earthen waste storage facilities constructed below the seasonal high water table, the top surface of the waste must be maintained at a level of at least two feet above the water table.
5. All waste storage facilities shall maintain one foot of freeboard at all times, up to and including a 25-year, 24-hour storm.
6. All equipment needed for the proper operation of the permitted facilities shall be maintained in good working order. The manufacturer's operating and maintenance manuals shall be retained for references to allow for timely maintenance and prompt repair of equipment as appropriate.
7. The "Nutrient Management Plan" (NMP) approved by the Department of Conservation and Recreation (DCR) shall be implemented, maintained on site and made available to Department personnel upon request. The NMP shall be enforceable through this permit. The NMP shall contain at a minimum the following information:
  - a) Site map indicating the location of the waste storage facilities and the fields where waste will be applied;
  - b) Site evaluation and assessment of soil types and potential productivities;
  - c) Nutrient management sampling including soil and waste monitoring;
  - d) Storage and land area requirements;
  - e) Calculation of waste application rates; and
  - f) Waste application schedules.
8. Buffer zones shall be maintained as follows:
  - a. Distance from occupied dwellings..... 200 feet (unless the occupant of the dwelling signs a waiver of the buffer zone)

- b. Distance from water supply wells or springs..... 100 feet
  - c. Distance from surface water courses  
     (by surface application)..... 50 feet  
     (by subsurface injection)..... 25 feet
  - d. Distance from rock outcropping  
     (except limestone)..... 25 feet
  - e. Distance from limestone outcroppings..... 50 feet
  - f. Waste shall not be applied in such a manner that it would discharge to sinkholes that may exist in the area.
9. Records shall be maintained to demonstrate where and at what rate waste has been applied, that the application schedule has been followed, and what crops have been planted. These records shall be maintained on site for a period of two years after recorded application is made and shall be made available to Department personnel upon request.

Part II

A. Sampling and Analysis Methods

- 1. Samples and measurements taken as required by this permit shall be representative of the volume and nature of the monitored activity.
- 2. Unless otherwise specified in this permit all sample preservation methods, maximum holding times and analysis methods for pollutants shall comply with requirements set forth in Guidelines Establishing Test Procedures for the Analysis of Pollutants (40 CFR Part 136 (1994)).
- 3. The sampling and analysis program to demonstrate compliance with the permit shall at a minimum, conform to Part I of this permit.
- 4. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.

B. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- 1. The date, exact place and time of sampling or measurements;
- 2. The person(s) who performed the sampling or measurements;
- 3. The dates analyses were performed;
- 4. The person(s) who performed each analysis;
- 5. The analytical techniques or methods used;
- 6. The results of such analyses and measurements;

C. Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from

continuous monitoring instrumentation shall be retained on site for two (2) years from the date of the sample, measurement or report. 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 Director.

D. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the project report. Such increased frequency shall also be reported.

E. Reporting Requirements

1. If, for any reason, the permittee does not comply with one or more limitations, standards, monitoring or management requirements specified in this permit, the permittee shall submit to the Department at least the following information:
  - a. A description and cause of noncompliance;
  - b. The period of noncompliance, including exact dates and times and/or the anticipated time when the noncompliance will cease; and
  - c. Actions taken or to be taken to reduce, eliminate, and prevent recurrence of the noncompliance.

Whenever such noncompliance may adversely affect state waters or may endanger public health, the permittee shall submit the above required information by oral report within 24 hours from the time the permittee becomes aware of the circumstances and by written report within five days. The Director may waive the written report requirement on a case by case basis if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

2. The permittee shall report any unpermitted, unusual or extraordinary discharge which enters or could be expected to enter state waters. The permittee shall provide information specified in Part II.F.1.a.-c. regarding each such discharge immediately, that is as quickly as possible upon discovery, however, in no case later than 24 hours. A written submission covering these points shall be provided within five days of the time the permittee becomes aware of the circumstances covered by this paragraph. If the Department's Regional Office cannot be reached, the Department maintains a 24-hour telephone service in Richmond (804-527-5200) to which the report required above is to be made.

F. Signatory Requirements

Any Registration Statement or certification required by this permit shall be signed as follows:

1. For a corporation: by a responsible corporate official. For purposes of this section, a responsible corporate official 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 employing more

than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. For a municipality, state, federal or other public agency by either a principal executive officer or ranking elected official. (A principal executive officer of a federal, municipal, or state agency includes the chief executive officer of the agency or head executive officer having responsibility for the overall operation of a principal geographic unit of the agency).
3. For a partnership or sole proprietorship, by a general partner or proprietor respectively.

### Part III

#### A. Change in Management of Pollutants

1. All pollutant management activities authorized by this permit shall be made in accordance with the terms and conditions of the permit. The permittee shall submit a new Registration Statement 30 days prior to all expansions, production increases, or process modifications, that will result in the management of new or increased pollutants. The management of any pollutant at a level greater than that identified and authorized by this permit, shall constitute a violation of the terms and conditions of this permit.
2. The permittee shall promptly provide written notice of the following:
  - a. Any new introduction of pollutant(s), into treatment works or pollutant management activities which represents a significant increase in the management of pollutant(s) which may interfere with, pass through, or otherwise be incompatible with such works or activities, from an establishment or treatment works, if such establishment, treatment works has the potential to discharge pollutants to state waters; and,
  - b. Any substantial change, whether permanent or temporary, in the volume or character of pollutants being introduced into such treatment works by an establishment, treatment works, or pollutant management activity that was introducing pollutants into such treatment works at the time of issuance of the permit.  
Such notice shall include information on: (1) the characteristics and quantity of pollutants to be introduced into or from such treatment works or pollutant management activities; (2) any anticipated impact of such change in the quantity and characteristics of the pollutants to be managed at a pollutant management activity; and (3) any additional information that may be required by the Director.

#### B. Treatment Works Operation and Quality Control

1. Design and operation of facilities and/or treatment works and disposal of all wastes shall be in accordance with the Registration Statement filed with the Department. The permittee has the responsibility of designing and operating the facility in a reliable and consistent manner to meet the facility performance requirements in the permit. If facility deficiencies, design

and/or operational, are identified in the future which could affect the facility performance or reliability, it is the responsibility of the permittee to correct such deficiencies.

2. All waste collection, control, treatment, management of pollutant activities and disposal facilities shall be operated in a manner consistent with the following:
  - a. At all times, all facilities and pollutant management activities shall be operated in a prudent and workmanlike manner.
  - b. The permittee shall provide an adequate operating staff to carry out the operation, maintenance and testing functions required to ensure compliance with the conditions of this permit.
  - c. Maintenance of treatment facilities or pollutant management activities shall be carried out in such a manner that the monitoring and limitation requirements are not violated.
  - d. Collected solids shall be stored and utilized as specified in the approved Nutrient Management Plan in such a manner as to prevent entry of those wastes (or runoff from the wastes) into state waters.

C. Adverse Impact

The permittee shall take all feasible steps to minimize any adverse impact to state waters resulting from noncompliance with any limitation(s) or conditions specified in this permit, and shall perform and report such accelerated or additional monitoring as is necessary to determine the nature and impact of the noncomplying limitation(s) or conditions.

D. Duty to Halt, Reduce Activity or to Mitigate

1. 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.
2. The permittee shall take all reasonable steps to minimize, correct or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Structural Stability

The structural stability of any of the units or parts of the facilities herein permitted is the sole responsibility of the permittee and the failure of such structural units or parts shall not relieve the permittee of the responsibility of complying with all terms and conditions of this permit.

F. Compliance With State Law

Compliance with this permit during its term constitutes compliance with the State Water Control 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.

G. Property Rights

The issuance of 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 any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

H. Severability

The provisions of this permit are severable.

I. Duty to Reregister

If the permittee wishes to continue to operate under a General Permit after the expiration date of this permit, the permittee must submit a new Registration Statement at least 30 days prior to the expiration date of this permit.

J. Right of Entry

The permittee shall allow, or secure necessary authority to allow, authorized state representatives, upon the presentation of credentials:

1. To enter upon the permittee's premises on which the establishment, treatment works, pollutant management activities, or discharge(s) is located or in which any records are required to be kept under the terms and conditions of this permit;
2. To have access to inspect and copy at reasonable times any records required to be kept under the terms and conditions of this permit;
3. To inspect at reasonable times any monitoring equipment or monitoring method required in this permit;
4. To sample at reasonable times any waste stream, process stream, raw material or by-product; and
5. To inspect at reasonable times any collection, treatment, or pollutant management activities required under this permit. For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging or involved in managing pollutants. Nothing contained herein shall make an inspection time unreasonable during an emergency.

K. Transferability of Permits

This permit may be transferred to a new owner by a permittee if:

1. The current permittee notifies the Department 30 days in advance of the proposed transfer of the title to the facility or property;
2. The notice to the Department includes a written agreement between the existing and proposed new permittee containing a specific date of transfer of permit responsibility, coverage and liability between them; and
3. The Department does not within the 30-day time period notify the existing permittee and the proposed permittee of the Board's intent to modify or revoke and reissue the permit.

Such a transferred permit shall, as of the date of the transfer, be as fully effective as if it had been issued directly to the new permittee.

L. Permit Modification

The permit may be modified when any of the following developments occur:

1. When a change is made in the promulgated standards or regulations on which the permit was based;
2. When the level of management of a pollutant, not limited in the permit, exceeds applicable Water Quality Standards or the level which can be achieved by technology-based treatment requirements appropriate to the permittee.

M. Permit Termination

After public notice and opportunity for a hearing, the General Permit may be terminated for cause.

N. When an Individual Permit May Be Required

The Director may require any permittee authorized to manage pollutants under this permit to apply for and obtain an individual permit. Cases where an individual permit may be required include, but are not limited to, the following:

1. The pollutant management activities violate the terms or conditions of this permit;
2. When additions or alterations have been made to the affected facility which require the application of permit conditions that differ from those of the existing permit or are absent from it; and
3. When new information becomes available about the operation or pollutant management activities covered by this permit which were not available at permit issuance and would have justified the application of different permit conditions at the time of permit issuance.

This permit may be terminated as to an individual permittee for any of the reasons set forth above after appropriate notice and an opportunity for a hearing.

O. When an Individual Permit May be Requested

Any permittee operating under this permit may request to be excluded from the coverage of this permit by applying for an individual permit. When an individual permit is issued to a permittee the applicability of this General Permit to the individual permittee is automatically terminated on the effective date of the individual permit.

P. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance with the terms of this permit.

Q. 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 Section 311 of the Clean Water Act or Sections 62.1-44.34:14 through 62.1-44.34:23 of the Law.

R. Unauthorized Discharge of Pollutants

Except in compliance with this permit, it shall be unlawful for any permittee 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 uses of such waters for domestic or industrial consumption, or for recreation, or for other uses.

General Permit No.: VPG1  
Effective Date: November 16, 1994  
Expiration Date: November 16, 2004

GENERAL PERMIT FOR POLLUTANT MANAGEMENT ACTIVITIES  
FOR CONFINED ANIMAL FEEDING OPERATIONS

AUTHORIZATION TO MANAGE POLLUTANTS UNDER THE  
VIRGINIA POLLUTION ABATEMENT PROGRAM  
AND  
THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the State Water Control Law and State Water Control Board regulations adopted pursuant thereto, owners of confined animal feeding operations having 300 or more animal units utilizing a liquid manure collection and storage system are authorized to manage pollutants within the boundaries of the Commonwealth of Virginia, except where Board regulations or policies prohibit such activities.

The authorized pollutant management activities shall be in accordance with the Registration Statement, supporting data submitted to the Department of Environmental Quality, Water Division, this cover page, Part I, Part II, and Part III as set forth herein.

A. Management 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 manage pollutants at the permitted site.
2. Groundwater monitoring wells shall be installed at new earthen waste storage facilities constructed to an elevation below the seasonal high water table or within one foot thereof. Existing wells may be utilized to meet this requirement if properly located and constructed.
3. All facilities previously covered under a VPA permit that required ground water monitoring shall continue monitoring consistent with the requirements listed below regardless of where they are located relative to the seasonal high water table.
4. In accordance with A.2. and A.3. above, the ground water shall be monitored by the permittee at the monitoring wells as specified below:

GROUND WATER MONITORING

PARAMETERS	LIMITATIONS	UNITS	MONITORING REQUIREMENTS	
			<u>Frequency</u>	<u>Sample Type</u>
Static Water Level	NL	ft	1/3 years	Measured
Ammonia Nitrogen	NL	mg/l	1/3 years	Grab
Nitrate Nitrogen	NL	mg/l	1/3 years	Grab
pH	NL	SU	1/3 years	Grab
Conductivity	NL	umhos/cm	1/3 years	Grab

NL = No limit, this is a monitoring requirement only.

5. Soil monitoring shall be performed as specified below along with any additional parameters specified in the approved Nutrient Management Plan.
6. The soils at the facility shall be monitored by the permittee as specified below:

SOILS MONITORING

PARAMETERS	LIMITATIONS	UNITS	MONITORING REQUIREMENTS	
			<u>Frequency</u>	<u>Sample Type</u>
pH	NL	SU	1/3 years	Composite
Phosphorus	NL	ppm	1/3 years	Composite
Potash	NL	ppm	1/3 years	Composite
Calcium	NL	ppm	1/3 years	Composite
Magnesium	NL	ppm	1/3 years	Composite
Nitrate	NL	ppm	1/3 years	Composite

NL = No limit, this is a monitoring requirement only.

7. Waste monitoring shall be performed as specified below along with any additional parameters specified in the approved Nutrient Management Plan.
8. The waste at the facility shall be monitored by the permittee as specified below:

WASTE MONITORING

PARAMETERS	LIMITATIONS	UNITS	MONITORING REQUIREMENTS	
			<u>Frequency</u>	<u>Sample Type</u>
Total Kjeldahl Nitrogen	NL	ppm	1/year	Composite
Ammonia Nitrogen	NL	ppm	1/year	Composite
Total Phosphorus	NL	ppm	1/year	Composite
Total Potassium	NL	ppm	1/year	Composite
Calcium	NL	ppm	1/year	Composite
Magnesium	NL	ppm	1/year	Composite
Moisture Content	NL	%	1/year	Composite

NL = No limit, this is a monitoring requirement only.

9. All monitoring data collected as required by Part I.A. shall be maintained on site in accordance with Part II.C.
10. The following recommendations will assist the permittee in performing proper monitoring. The Department of Environmental Quality may be contacted for additional guidance on monitoring procedures.
  - a. A minimum of one up gradient and one down gradient well should be installed at each new earthen waste storage facility.
  - b. One data set should be collected from each well prior to any waste being placed in the storage facility.
  - c. The static water level should be measured prior to bailing well water for sampling.
  - d. At least 3 well volumes of groundwater should be withdrawn immediately prior to sampling each monitoring well.
  - e. Soil monitoring should be conducted at a depth of between 0-6".
  - f. The nitrate test should be conducted at a soil depth of 0-12" on those sites planted in corn or small grains.
11. The Department encourages the permittee to conduct additional monitoring. All additional monitoring, if any, should be conducted under the oversight of the Department. If the permittee conducts additional monitoring in response to a written request from another person, the permittee may request that the person making the request bear the cost of the additional monitoring.

B. Other Requirements or Special Conditions

1. The liquid manure collection and storage facility shall be designed and operated to (i) prevent point source discharges of pollutants to state waters except in the case of a storm event greater than the 25-year, 24-hour storm and (ii) provide adequate waste storage capacity to accommodate periods when the ground is frozen or saturated, periods when land application of nutrients should not occur due to limited or non-existent crop nutrient uptake, and periods when physical limitations prohibit the land application of waste.
2. New waste storage facilities shall not be located on a 100-year floodplain unless protected from inundation by a 100-year frequency flood event.
3. New earthen waste storage facilities shall include a properly designed and installed liner. Such liner shall be either a synthetic liner of at least twenty mils thickness or a compacted soil liner of at least one foot thickness with a maximum permeability rating of 0.0014 inches per hour. Proper installation shall be certified by a liner manufacturer, a Professional Engineer, an employee of the Soil Conservation Service of the United States Department of Agriculture with appropriate engineering approval authority, an employee of a soil and water conservation district with appropriate engineering approval authority, or other qualified individual and shall be maintained on site.
4. At earthen waste storage facilities constructed below the seasonal high water table, the top surface of the waste must be maintained at a level of at least two feet above the water table.
5. All waste storage facilities shall maintain one foot of freeboard at all times, up to and including a 25-year, 24-hour storm.
6. All equipment needed for the proper operation of the permitted facilities shall be maintained in good working order. The manufacturer's operating and maintenance manuals shall be retained for references to allow for timely maintenance and prompt repair of equipment as appropriate.
7. The "Nutrient Management Plan" (NMP) approved by the Department of Conservation and Recreation (DCR) shall be implemented, maintained on site and made available to Department personnel upon request. The NMP shall be enforceable through this permit. The NMP shall contain at a minimum the following information:
  - a) Site map indicating the location of the waste storage facilities and the fields where waste will be applied;
  - b) Site evaluation and assessment of soil types and potential productivities;
  - c) Nutrient management sampling including soil and waste monitoring;
  - d) Storage and land area requirements;
  - e) Calculation of waste application rates; and
  - f) Waste application schedules.

8. Buffer zones shall be maintained as follows:
  - a. Distance from occupied dwellings  
..... 200 feet  
(unless the occupant of the dwelling signs a waiver of the buffer zone)
  - b. Distance from water supply wells or springs..... 100 feet
  - c. Distance from surface water courses  
(by surface application) ..... 50 feet  
(by subsurface injection) ..... 25 feet
  - d. Distance from rock outcropping  
(except limestone) ..... 25 feet
  - e. Distance from limestone outcroppings... 50 feet
  - f. Waste shall not be applied in such a manner that it would discharge to sinkholes that may exist in the area.
  
9. Records shall be maintained to demonstrate where and at what rate waste has been applied, that the application schedule has been followed, and what crops have been planted. These records shall be maintained on site for a period of two years after recorded application is made and shall be made available to Department personnel upon request.

A. Sampling and Analysis Methods

1. Samples and measurements taken as required by this permit shall be representative of the volume and nature of the monitored activity.
2. Unless otherwise specified in this permit all sample preservation methods, maximum holding times and analysis methods for pollutants shall comply with requirements set forth in Guidelines Establishing Test Procedures for the Analysis of Pollutants (40 CFR Part 136 (1994)).
3. The sampling and analysis program to demonstrate compliance with the permit shall at a minimum, conform to Part I of this permit.
4. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.

B. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

1. The date, exact place and time of sampling or measurements;
2. The person(s) who performed the sampling or measurements;
3. The dates analyses were performed;
4. The person(s) who performed each analysis;
5. The analytical techniques or methods used;
6. The results of such analyses and measurements;

C. Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation shall be retained on site for two (2) years from the date of the sample, measurement or report. 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 Director.

D. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the project report. Such increased frequency shall also be reported.

E. Reporting Requirements

1. If, for any reason, the permittee does not comply with one or more limitations, standards, monitoring or management requirements specified in this permit, the permittee shall submit to the Department at least the following information:
  - a. A description and cause of noncompliance;
  - b. The period of noncompliance, including exact dates and times and/or the anticipated time when the noncompliance will cease; and
  - c. Actions taken or to be taken to reduce, eliminate, and prevent recurrence of the noncompliance.

Whenever such noncompliance may adversely affect state waters or may endanger public health, the permittee shall submit the above required information by oral report within 24 hours from the time the permittee becomes aware of the circumstances and by written report within five days. The Director may waive the written report requirement on a case by case basis if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

2. The permittee shall report any unpermitted, unusual or extraordinary discharge which enters or could be expected to enter state waters. The permittee shall provide information specified in Part II.F.1.a.-c. regarding each such discharge immediately, that is as quickly as possible upon discovery, however, in no case later than 24 hours. A written submission covering these points shall be provided within five days of the time the permittee becomes aware of the circumstances covered by this paragraph. If the Department's Regional Office cannot be reached, the Department maintains a 24-hour telephone service in Richmond (804-527-5200) to which the report required above is to be made.

F. Signatory Requirements

Any Registration Statement or certification required by this permit shall be signed as follows:

1. For a corporation: by a responsible corporate official. For purposes of this section, a responsible corporate official 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 employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. For a municipality, state, federal or other public agency by either a principal executive officer or ranking elected official. (A principal executive officer of a federal, municipal, or state agency includes the chief executive officer of the agency or head executive officer having responsibility for the overall operation of a principal geographic unit of the agency).
3. For a partnership or sole proprietorship, by a general partner or proprietor respectively.

A. Change in Management of Pollutants

1. All pollutant management activities authorized by this permit shall be made in accordance with the terms and conditions of the permit. The permittee shall submit a new Registration Statement 30 days prior to all expansions, production increases, or process modifications, that will result in the management of new or increased pollutants. The management of any pollutant at a level greater than that identified and authorized by this permit, shall constitute a violation of the terms and conditions of this permit.
2. The permittee shall promptly provide written notice of the following:
  - a. Any new introduction of pollutant(s), into treatment works or pollutant management activities which represents a significant increase in the management of pollutant(s) which may interfere with, pass through, or otherwise be incompatible with such works or activities, from an establishment or treatment works, if such establishment, treatment works has the potential to discharge pollutants to state waters; and,
  - b. Any substantial change, whether permanent or temporary, in the volume or character of pollutants being introduced into such treatment works by an establishment, treatment works, or pollutant management activity that was introducing pollutants into such treatment works at the time of issuance of the permit.  
Such notice shall include information on: (1) the characteristics and quantity of pollutants to be introduced into or from such treatment works or pollutant management activities; (2) any anticipated impact of such change in the quantity and characteristics of the pollutants to be managed at a pollutant management activity; and (3) any additional information that may be required by the Director.

B. Treatment Works Operation and Quality Control

1. Design and operation of facilities and/or treatment works and disposal of all wastes shall be in accordance with the Registration Statement filed with the Department. The permittee has the responsibility of designing and operating the facility in a reliable and consistent manner to meet the facility performance requirements in the permit. If facility deficiencies, design and/or operational, are identified in the future which could affect the facility performance or reliability, it is the responsibility of the permittee to correct such deficiencies.
2. All waste collection, control, treatment, management of pollutant activities and disposal facilities shall be operated in a manner consistent with the following:
  - a. At all times, all facilities and pollutant management activities shall be operated in a prudent and workmanlike manner.
  - b. The permittee shall provide an adequate operating staff to carry out the operation, maintenance and testing functions required to ensure compliance with the conditions of this permit.
  - c. Maintenance of treatment facilities or pollutant management activities shall be carried out in such a manner that the monitoring and limitation requirements are not violated.
  - d. Collected solids shall be stored and utilized as specified in the approved Nutrient Management Plan in such a manner as to prevent entry of those wastes (or runoff from the wastes)

into state waters.

C. Adverse Impact

The permittee shall take all feasible steps to minimize any adverse impact to state waters resulting from noncompliance with any limitation(s) or conditions specified in this permit, and shall perform and report such accelerated or additional monitoring as is necessary to determine the nature and impact of the noncomplying limitation(s) or conditions.

D. Duty to Halt, Reduce Activity or to Mitigate

1. 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.
2. The permittee shall take all reasonable steps to minimize, correct or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Structural Stability

The structural stability of any of the units or parts of the facilities herein permitted is the sole responsibility of the permittee and the failure of such structural units or parts shall not relieve the permittee of the responsibility of complying with all terms and conditions of this permit.

F. Compliance With State Law

Compliance with this permit during its term constitutes compliance with the State Water Control 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.

G. Property Rights

The issuance of 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 any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

H. Severability

The provisions of this permit are severable.

I. Duty to Reregister

If the permittee wishes to continue to operate under a General Permit after the expiration date of this permit, the permittee must submit a new Registration Statement at least 30 days prior to the expiration date of this permit.

J. Right of Entry

The permittee shall allow, or secure necessary authority to allow, authorized state representatives, upon the presentation of credentials:

1. To enter upon the permittee's premises on which the establishment, treatment works, pollutant management activities, or discharge(s) is located or in which any records are required to be kept under the terms and conditions of this permit;
2. To have access to inspect and copy at reasonable times any records required to be kept under the terms and conditions of this permit;
3. To inspect at reasonable times any monitoring equipment or monitoring method required in this permit;
4. To sample at reasonable times any waste stream, process stream, raw material or by-product; and
5. To inspect at reasonable times any collection, treatment, or pollutant management activities required under this permit. For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging or involved in managing pollutants. Nothing contained herein shall make an inspection time unreasonable during an emergency.

K. Transferability of Permits

This permit may be transferred to a new owner by a permittee if:

1. The current permittee notifies the Department 30 days in advance of the proposed transfer of the title to the facility or property;
2. The notice to the Department includes a written agreement between the existing and proposed new permittee containing a specific date of transfer of permit responsibility, coverage and liability between them; and
3. The Department does not within the 30-day time period notify the existing permittee and the proposed permittee of the Board's intent to modify or revoke and reissue the permit. Such a transferred permit shall, as of the date of the transfer, be as fully effective as if it had been issued directly to the new permittee.

L. Permit Modification

The permit may be modified when any of the following developments occur:

1. When a change is made in the promulgated standards or regulations on which the permit was based;
2. When the level of management of a pollutant, not limited in the permit, exceeds applicable Water Quality Standards or the level which can be achieved by technology-based treatment requirements appropriate to the permittee.

M. Permit Termination

After public notice and opportunity for a hearing, the General Permit may be terminated for cause.

N. When an Individual Permit May Be Required

The Director may require any permittee authorized to manage pollutants under this permit to apply for and obtain an individual permit. Cases where an individual permit may be required include, but are not limited

to, the following:

1. The pollutant management activities violate the terms or conditions of this permit;
2. When additions or alterations have been made to the affected facility which require the application of permit conditions that differ from those of the existing permit or are absent from it; and
3. When new information becomes available about the operation or pollutant management activities covered by this permit which were not available at permit issuance and would have justified the application of different permit conditions at the time of permit issuance.

This permit may be terminated as to an individual permittee for any of the reasons set forth above after appropriate notice and an opportunity for a hearing.

O. When an Individual Permit May be Requested

Any permittee operating under this permit may request to be excluded from the coverage of this permit by applying for an individual permit. When an individual permit is issued to a permittee the applicability of this General Permit to the individual permittee is automatically terminated on the effective date of the individual permit.

P. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance with the terms of this permit.

Q. 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 Section 311 of the Clean Water Act or Sections 62.1-44.34:14 through 62.1-44.34:23 of the Law.

R. Unauthorized Discharge of Pollutants

Except in compliance with this permit, it shall be unlawful for any permittee 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 uses of such waters for domestic or industrial consumption, or for recreation, or for other uses.