

Permit No: VA0004081
Effective Date: March 20, 2012
Modification Date:
Expiration Date: March 19, 2017

AUTHORIZATION TO DISCHARGE UNDER THE
VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM
AND
THE VIRGINIA STATE WATER CONTROL LAW

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

Owner: Dominion Virginia Power-Glen Allen
Facility Name: Dominion-Chesapeake Energy Center
City: Chesapeake
County: NA
Facility Location: 2701 Vepco Street, Chesapeake, VA 23320

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

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

Maria R. Nold

Date

Permit No.
VA0004081

ATTACHMENT I

<u>Outfall No(s).</u>	<u>Receiving Stream</u>
002 (incl. 201 and 207), 013, 015, 018, 021	Deep Creek to Southern Branch of the Elizabeth River Basin: James River (Lower) Subbasin: NA Section: 1d Class: II Special Standards: a, z
003 (incl. 301), 010, 011, 012, 016, 017, 030	Southern Branch of the Elizabeth River Basin: James River (Lower) Subbasin: NA Section: 1d Class: II Special Standards: a, z

PART I

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning with the permit's modification date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall(s): 002 (Stormwater associated with industrial activities; metals treatment basin discharge (internal outfall 201); dewatering activities discharge (internal 207); coal pile runoff; equipment washing; low volume wastes Units 1-4 sumps; structural fill run off/leachate; stormwater from decommissioning activities).

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

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow (MGD)	NL	NA	NA	NL	1/Month	Estimate
pH (S.U.)	NA	NA	6.0	9.0	1/Month	Grab
Total Suspended Solids (mg/l) [a]	30 ^[d]	NA	NA	50 ^[d]	1/Month	Grab
Oil & Grease (mg/l) [a]	15	NA	NA	20 ^[d]	1/Month	Grab
Total Phosphorus (mg/l) [a] [c]	2.0	NA	NA	NL	1/Year	Grab
Nitrite + Nitrate (mg/l)	NA	NA	NA	NL	1/Year	Grab
Total Kjeldahl Nitrogen (mg/l)	NA	NA	NA	NL	1/Year	Grab
Total Nitrogen (mg/l) [a] [b] [c]	NA	NA	NA	NL	1/Year	Calc
Dissolved Aluminum	NA	NA	NA	NL	1/Quarter	Grab
Dissolved Antimony	NA	NA	NA	NL	1/Quarter	Grab
Dissolved Arsenic	NA	NA	NA	NL	1/Quarter	Grab
Dissolved Barium	NA	NA	NA	NL	1/Quarter	Grab
Dissolved Beryllium	NA	NA	NA	NL	1/Quarter	Grab
Dissolved Boron	NA	NA	NA	NL	1/Quarter	Grab
Dissolved Cadmium	NA	NA	NA	NL	1/Quarter	Grab
Dissolved Chromium VI	NA	NA	NA	NL	1/Quarter	Grab
Dissolved Cobalt	NA	NA	NA	NL	1/Quarter	Grab
Dissolved Copper	NA	NA	NA	NL	1/Quarter	Grab
Dissolved Iron	NA	NA	NA	NL	1/Quarter	Grab
Dissolved Lead	NA	NA	NA	NL	1/Quarter	Grab
Dissolved Mercury	NA	NA	NA	NL	1/Quarter	Grab
Dissolved Molybdenum	NA	NA	NA	NL	1/Quarter	Grab
Dissolved Nickel	NA	NA	NA	NL	1/Quarter	Grab
Total Recoverable Selenium	NA	NA	NA	NL	1/Quarter	Grab
Dissolved Silver	NA	NA	NA	NL	1/Quarter	Grab
Dissolved Thallium	NA	NA	NA	NL	1/Quarter	Grab
Dissolved Vanadium	NA	NA	NA	NL	1/Quarter	Grab
Dissolved Zinc (ug/l) [a]	NL	NA	NA	NL	1/Month	Grab

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

PART I

A. LIMITATIONS AND MONITORING REQUIREMENTS, Continued

1/Quarter = one sample taken every calendar quarter, in accordance with the following schedule: 1st Quarter (January 1 - March 31, to be reported on the Discharge Monitoring Report (DMR) due no later than April 10th); 2nd Quarter (April 1 - June 30, to be reported on the DMR due no later than July 10th); 3rd Quarter (July 1 - September 30, to be reported on the DMR due no later than October 10th); 4th Quarter (October 1 - December 31, to be reported on the DMR due no later than January 10th).

1/Year = Between January 1 and December 31.

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

[a] See Parts I.B.4. and I.B.5. for quantification levels and reporting requirements, respectively.

[b] TN, which is the sum of TKN and Nitrite + Nitrate, shall be derived from the results of those tests. TSS and Total Phosphorus monitoring is required for the entire permit term at the frequency listed above.

[c] See Part I.B.9. for additional information, calculations, reporting, and other requirements pertaining to TN, TP and TSS. TSS monitoring is required for the entire permit term at the frequency listed above.

[d] Limitation expressed in two significant figures.

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

PART I

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning with the permit's modification date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall(s): 201 (Metals Treatment Basin).

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

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS [a]</u>	
	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow (MGD)	NL	NA	NA	NL	1/Month	Estimate
Total Suspended Solids (mg/l) [a]	30 ^[b]	NA	NA	100 ^[c]	1/Month	Grab
Oil & Grease (mg/l)	15	NA	NA	20 ^[b]	1/Month	Grab
Total Recoverable Copper (mg/l) [a]	1.0	NA	NA	1.0	1/Month	Grab
Total Recoverable Iron (mg/l) [a]	1.0	NA	NA	1.0	1/Month	Grab

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

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

[a] See Parts I.B.4. and I.B.5. for quantification levels and reporting requirements, respectively.

[b] Limitation expressed in two significant figures.

[c] Limitation expressed in three significant figures.

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

PART I

A. LIMITATIONS AND MONITORING REQUIREMENTS

- During the period beginning with the permit's modification date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall(s): 207 (Interim treatment systems for treatment of dewatering wastewaters). Any process wastewater removed from the Bottom Ash Pond or Industrial Landfill Facility for discharge purposes is considered to be process wastewater from dewatering activities.

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

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow (MGD)	NL	NA	NA	0.094	3/Week	Measurement
pH (S.U.)	NA	NA	6.0	9.0	3/Week	Grab
Total Suspended Solids (mg/l) [a]	30 ^[f]	NA	NA	100 ^[g]	3/Week	4H-C
Oil & Grease (mg/l)	15	NA	NA	20 ^[f]	3/Week	4H-C
Total Recoverable Antimony (ug/l) [c] [d]	3200 ^[f]	NA	NA	3200 ^[f]	3/Week	4H-C
Total Recoverable Arsenic (ug/l) [a] [c] [d]	75	NA	NA	140 ^[f]	3/Week	4H-C
Total Recoverable Cadmium (ug/l) [a] [c] [d]	35	NA	NA	64	3/Week	4H-C
Dissolved Chromium VI (ug/l) [a] [c] [d]	200 ^[f]	NA	NA	360 ^[f]	3/Week	4H-C
Total Recoverable Copper (ug/l) [a] [c] [d]	18	NA	NA	33	3/Week	4H-C
Total Recoverable Nickel (ug/l) [a] [c] [d]	33	NA	NA	60 ^[f]	3/Week	4H-C
Total Recoverable Selenium (ug/l) [a] [c] [d]	280 ^[f]	NA	NA	520 ^[f]	3/Week	4H-C
Total Recoverable Thallium (ug/l) [c] [d]	2.4	NA	NA	2.4	3/Week	4H-C
Total Recoverable Lead (ug/l) [a] [c] [d]	37	NA	NA	68	3/Week	4H-C
Total Recoverable Mercury (ug/l) [a] [c] [d]	2.0	NA	NA	3.6	3/Week	4H-C
Total Recoverable Silver (ug/l) [a] [c] [d]	2.1	NA	NA	3.8	3/Week	4H-C
Total Recoverable Zinc (ug/l) [a] [c] [d]	98	NA	NA	180 ^[f]	3/Week	4H-C
Dissolved Aluminum (ug/l) [e]	NL	NA	NA	NL	1/Month	4H-C
Dissolved Barium (ug/l) [e]	NL	NA	NA	NL	1/Month	4H-C
Dissolved Beryllium (ug/l) [e]	NL	NA	NA	NL	1/Month	4H-C

PART I

A. LIMITATIONS AND MONITORING REQUIREMENTS, Continued

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Frequency</u>	<u>Sample Type</u>
Dissolved Boron (ug/l) [e]	NL	NA	NA	NL	1/Month	4H-C
Dissolved Cobalt (ug/l) [e]	NL	NA	NA	NL	1/Month	4H-C
Dissolved Iron (ug/l) [e]	NL	NA	NA	NL	1/Month	4H-C
Dissolved Molybdenum (ug/l) [e]	NL	NA	NA	NL	1/Month	4H-C
Dissolved Vanadium (ug/l) [e]	NL	NA	NA	NL	1/Month	4H-C
Acute Whole Effluent Toxicity Americamysis bahia (NOAEC) [b] [d]	NA	NA	100	NA	1/Month	24HC
Chronic Whole Effluent Toxicity Americamysis bahia (TU _c) [b] [d]	NA	NA	NA	1.44	1/Month	24HC
Acute Whole Effluent Toxicity Cyprinodon variegates (NOAEC) [b] [d]	NA	NA	100	NA	1/Month	24HC
Chronic Whole Effluent Toxicity Cyprinodon variegates (TU _c) [b] [d]	NA	NA	NA	1.44	1/Month	24HC

Est. = Estimate, reported flow is to be based on the technical evaluation of the sources contributing to the discharge

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

1/Month = Once per month

4H-C = A flow proportional composite sample collected manually or automatically, and discretely or continuously, for the entire discharge of the monitored 4 (four)-hour period. Where discrete sampling is employed, the permittee shall collect a minimum of 4 (four) aliquots for compositing. Discrete sampling may be flow proportioned either by varying the time interval between each aliquot or the volume of each aliquot. Time composite samples consisting of a minimum of 4 (four) grab samples obtained at hourly or smaller intervals may be collected where the permittee demonstrates that the discharge flow rate (gallons per minute) does not vary by $\geq 10\%$ or more during the monitored discharge.

24HC = A flow proportional composite sample collected manually or automatically, and discretely or continuously, for the entire discharge of the monitored 24 (twenty-four)-hour period. Where discrete sampling is employed, the permittee shall collect a minimum of 24 (twenty-four) aliquots for compositing. Discrete sampling may be flow proportioned either by varying the time interval between each aliquot or the volume of each aliquot. Time composite samples consisting of a minimum 24 (twenty-four) grab samples obtained at hourly or smaller intervals may be collected where the permittee demonstrates that the discharge flow rate (gallons per minute) does not vary by $> 10\%$ or more during the monitored discharge.

PART I

A. LIMITATIONS AND MONITORING REQUIREMENTS, Continued

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

[a] See Parts I.B.4. and I.B.5. for quantification levels and reporting requirements, respectively.

[b] See Parts I.C.3 for additional WET monitoring requirements.

[c] Sampling for the parameters identified with a monitoring frequency of "3/W" for Outfall 207 shall occur at least three days per week with a minimum of 48 hours between sampling events. A sampling week extends Sunday through Saturday. The permittee shall receive results for parameters identified with a monitoring frequency of "3/W" within four business days of taking the sample. Results of the weekly sampling shall be reported to DEQ no later than the close of business Friday of the week following sample collection. This reporting requirement does not substitute for Part II. C. concerning the monthly reporting of monitoring results with the Discharge Monitoring Report.

[d] The permittee shall immediately cease the discharge upon notification of an exceedance of an established effluent limit and/or WET limits at Internal Outfall 207. See Part I.B.15 for additional requirements.

[e] The composite period for the parameters identified with a monitoring frequency of "1/M" shall occur within the composite period for the Whole Effluent Toxicity monitoring.

[f] Limitation expressed in two significant figures.

[g] Limitation expressed in three significant figures.

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

PART I

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning with the permit's modification date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall(s): 003 (regulated storm water from coal pile runoff; bermed closed bulk storage fuel area runoff (301); dock stormwater; wash water overflow; combustion turbine area runoff).

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

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow (MGD)	NL	NA	NA	NL	1/6 Months	Estimate
pH (S.U.)	NA	NA	6.0	9.0	1/6 Months	Grab
Total Suspended Solids (mg/l) [a][b][e]	NA	NA	NA	50 ^[f]	1/6 Months	Grab
Total Petroleum Hydrocarbons (mg/l) [b][c]	NA	NA	NA	NL	1/6 Months	Grab
Dissolved Copper (ug/l) [b]	NA	NA	NA	NL	1/6 Months	Grab
Dissolved Zinc (ug/l) [b]	NA	NA	NA	NL	1/6 Months	Grab
Dissolved Iron (ug/l)	NA	NA	NA	NL	1/6 Months	Grab
Total Phosphorus (mg/l) [b][e]	NA	NA	NA	NL	1/Year	Grab
Nitrite + Nitrate (mg/l)	NA	NA	NA	NL	1/Year	Grab
Total Kjeldahl Nitrogen (mg/l)	NA	NA	NA	NL	1/Year	Grab
Total Nitrogen (mg/l) [b][d][e]	NA	NA	NA	NL	1/Year	Calc

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

1/6 Months = In accordance with the following schedule: 1st half (January 1 - June 30); 2nd half (July 1 - December 31)

1/Year = Between January 1 and December 31.

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

[a] See Part B.10. for overflow of untreated coal pile runoff from a 10-Yer/24-Hour Storm.

[b] See Parts I.B.4. and I.B.5. for quantification levels and reporting requirements, respectively.

[c] TPH is the sum of individual gasoline range organics and diesel range organics or TPH-GRO and TPH-DRO to be measured by EPA SW 846 Method 8015C (2007) for gasoline and diesel range organics, or by EPA SW 846 Methods 8260B (1996) and 8270D (2007). If the combination of Methods 8260B and 8270D is used, the lab must report the total of gasoline range organics, diesel range organics and polynuclear aromatic hydrocarbons.

[d] TN, which is the sum of TKN and Nitrite + Nitrate, shall be derived from the results of those tests.

[e] See Part I.B.9. for additional information, calculations, reporting, and other requirements pertaining to TN, TP and TSS. TSS monitoring is required for the entire permit term at the frequency listed above.

[f] Limitation expressed in two significant figures.

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

PART I

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning with the permit's modification date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall(s): 301 (bermed closed bulk storage fuel area).

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

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow (MGD)	NA	NA	NA	NL	1/6 Months	Estimate
Total Petroleum Hydrocarbons (mg/l) [a][b]	NA	NA	NA	30 ^[c]	1/6 Months	Grab

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

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

- [a] See Parts I.B.4. and I.B.5. for quantification levels and reporting requirements, respectively.
- [b] TPH is the sum of individual gasoline range organics and diesel range organics or TPH-GRO and TPH-DRO to be measured by EPA SW 846 Method 8015C (2007) for gasoline and diesel range organics, or by EPA SW 846 Methods 8260B (1996) and 8270D (2007). If the combination of Methods 8260B and 8270D is used, the lab must report the total of gasoline range organics, diesel range organics and polynuclear aromatic hydrocarbons.
- [c] Limitation expressed in two significant figures.

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

PART I

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning with the permit's modification date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall(s): 010 (regulated stormwater runoff from industrial activity areas including old ash silo area, minimal truck washes and decommissioning activities).

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

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow (MGD)	NL	NA	NA	NL	1/6 Months	Estimate
pH (S.U.)	NA	NA	6.0	9.0	1/6 Months	Grab
Total Suspended Solids (mg/l) [a] [d]	NA	NA	NA	NL	1/6 Months	Grab
Total Petroleum						
Hydrocarbons (mg/l) [a][b]	NA	NA	NA	NL	1/6 Months	Grab
Dissolved Copper (ug/l) [a]	NA	NA	NA	NL	1/Year	Grab
Dissolved Arsenic (ug/l) [a]	NA	NA	NA	NL	1/Year	Grab
Dissolved Lead (ug/l) [a]	NA	NA	NA	NL	1/Year	Grab
Dissolved Zinc (ug/l) [a]	NA	NA	NA	NL	1/Quarter	Grab
Total Phosphorus (mg/l) [a][d]	NA	NA	NA	NL	1/Year	Grab
Nitrite + Nitrate (mg/l)	NA	NA	NA	NL	1/Year	Grab
Total Kjeldahl Nitrogen (mg/l)	NA	NA	NA	NL	1/Year	Grab
Total Nitrogen (mg/l) [a][c][d]	NA	NA	NA	NL	1/Year	Calc

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

1/Quarter = one sample taken every calendar quarter, in accordance with the following schedule: 1st Quarter (January 1 - March 31, to be reported on the Discharge Monitoring Report (DMR) due no later than April 10th); 2nd Quarter (April 1 - June 30, to be reported on the DMR due no later than July 10th); 3rd Quarter (July 1 - September 30, to be reported on the DMR due no later than October 10th); 4th Quarter (October 1 - December 31, to be reported on the DMR due no later than January 10th).

1/6 Months = In accordance with the following schedule: 1st half (January 1 - June 30); 2nd half (July 1 - December 31)

1/Year = Between January 1 and December 31.

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

PART I

A. LIMITATIONS AND MONITORING REQUIREMENTS, Continued

[a] See Parts I.B.4. and I.B.5. for quantification levels and reporting requirements, respectively.

[b] TPH is the sum of individual gasoline range organics and diesel range organics or TPH-GRO and TPH-DRO to be measured by EPA SW 846 Method 8015C (2007) for gasoline and diesel range organics, or by EPA SW 846 Methods 8260B (1996) and 8270D (2007). If the combination of Methods 8260B and 8270D is used, the lab must report the total of gasoline range organics, diesel range organics and polynuclear aromatic hydrocarbons.

[c] TN, which is the sum of TKN and Nitrite + Nitrate, shall be derived from the results of those tests.

[d] See Part I.B.9. for additional information, calculations, reporting, and other requirements pertaining to TN, TP and TSS. TSS monitoring is required for the entire permit term at the frequency listed above.

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

PART I

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning with the permit's modification date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall(s): 013, 015, 018, 021, 030 (storm water runoff)

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

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

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

PART I

A. LIMITATIONS AND MONITORING REQUIREMENTS - STORM EVENT MONITORING

1. During the period beginning with the permit's modification date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall(s): 011 AND 012 (regulated stormwater runoff from industrial activity areas including the loop track and bermed south tank fuel oil storage area).

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

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS [a]</u>	
	<u>Minimum</u>	<u>Maximum</u>	<u>Frequency</u>	<u>Sample Type [b]</u>
Flow (MG)	NA	NL	1/6 Months	Estimate [c]
pH (S.U.)	NL	NL	1/6 Months	Grab
Total Suspended Solids (mg/l) [d][g]	NA	NL	1/6 Months	Grab
Total Petroleum				
Hydrocarbons (mg/l) [d][e]	NA	NL	1/Year	Grab
Dissolved Copper (ug/l) [d]	NA	NL	1/Year	Grab
Dissolved Zinc (ug/l) [d]	NA	NL	1/Year	Grab
Total Phosphorus (mg/l) [d][g]	NA	NL	1/6 Months	Grab
Nitrite + Nitrate (mg/l)	NA	NL	1/6 Months	Grab
Total Kjeldahl Nitrogen (mg/l)	NA	NL	1/6 Months	Grab
Total Nitrogen (mg/l) [d][f][g]	NA	NL	1/6 Months	Calc

NL = No limit, however, reporting is required

NA = Not Applicable

1/6 Months = In accordance with the following schedule: 1st half (January 1 - June 30);

2nd half (July 1 - December 31).

1/Year = Between January 1 and December 31.

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

[a] See Part I.D.1. (STORM WATER MANAGEMENT CONDITIONS) for additional storm water sampling and reporting requirements.

[b] The grab sample shall be taken within the first hour but not later than 24 hours of the discharge.

[c] Estimate of the total volume of the discharge during the storm event.

[d] See Parts I.B.4. and I.B.5. for quantification levels and reporting requirements, respectively.

PART I

A. LIMITATIONS AND MONITORING REQUIREMENTS - STORM EVENT MONITORING, continued

[e] TPH is the sum of individual gasoline range organics and diesel range organics or TPH-GRO and TPH-DRO to be measured by EPA SW 846 Method 8015C (2007) for gasoline and diesel range organics, or by EPA SW 846 Methods 8260B (1996) and 8270D (2007). If the combination of Methods 8260B and 8270D is used, the lab must report the total of gasoline range organics, diesel range organics and polynuclear aromatic hydrocarbons.

[f] TN, which is the sum of TKN and Nitrite + Nitrate, shall be derived from the results of those tests.

[g] See Part I.B.9. for additional information, calculations, reporting, and other requirements pertaining to TN, TP and TSS. TSS monitoring is required for the entire permit term at the frequency listed above.

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

PART I

A. LIMITATIONS AND MONITORING REQUIREMENTS - STORM EVENT MONITORING

1. During the period beginning with the permit's modification date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall(s): 016 AND 017 (regulated stormwater runoff from industrial activity areas; these outfalls are considered substantially identical; outfall 016 may be sampled as a representative outfall for 017; sample results shall be reported for both outfalls).

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

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS [a]</u>	
	<u>Minimum</u>	<u>Maximum</u>	<u>Frequency</u>	<u>Sample Type[b]</u>
Flow (MG)	NA	NL	1/3 Months	Estimate [c]
pH (S.U.)	NL	NL	1/3 Months	Grab
Total Suspended Solids (mg/l) [d][g]	NA	NL	1/6 Months	Grab
TPH (mg/l) [d][e]	NA	NL	1/Year	Grab
Dissolved Copper (ug/l) [d]	NA	NL	1/Year	Grab
Dissolved Zinc (ug/l) [d][h]	NA	NL	1/3 Months	Grab
Total Phosphorus (mg/l) [d][g]	NA	NL	1/6 Months	Grab
Nitrite + Nitrate (mg/l)	NA	NL	1/6 Months	Grab
Total Kjeldahl Nitrogen (mg/l)	NA	NL	1/6 Months	Grab
Total Nitrogen (mg/l) [d][f][g]	NA	NL	1/6 Months	Calc

NL = No limit, however, reporting is required

NA = Not Applicable

1/3 Months = In accordance with the following schedule: 1st quarter (January 1 - March 31); 2nd quarter (April 1 - June 30); 3rd quarter (July 1 - September 30); 4th quarter (October 1 - December 31).

1/6 Months = In accordance with the following schedule: 1st half (January 1 - June 30); 2nd half (July 1 - December 31).

1/Year = Between January 1 and December 31.

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

[a] See Part I.D.1. (STORM WATER MANAGEMENT CONDITIONS) for additional storm water sampling and reporting requirements.

[b] The grab sample shall be taken within the first hour but not later than 24 hours of the discharge.

[c] Estimate of the total volume of the discharge during the storm event.

[d] See Parts I.B.4. and I.B.5. for quantification levels and reporting requirements, respectively.

PART I

A. LIMITATIONS AND MONITORING REQUIREMENTS - STORM EVENT MONITORING, continued

[e] TPH is the sum of individual gasoline range organics and diesel range organics or TPH-GRO and TPH-DRO to be measured by EPA SW 846 Method 8015C (2007) for gasoline and diesel range organics, or by EPA SW 846 Methods 8260B (1996) and 8270D (2007). If the combination of Methods 8260B and 8270D is used, the lab must report the total of gasoline range organics, diesel range organics and polynuclear aromatic hydrocarbons.

[f] TN, which is the sum of TKN and Nitrite + Nitrate, shall be derived from the results of those tests.

[g] See Part I.B.9. for additional information, calculations, reporting, and other requirements pertaining to TN, TP and TSS. TSS monitoring is required for the entire permit term at the frequency listed above.

[h] See Part I.D. for Storm Water Evaluation requirements.

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

B. OTHER REQUIREMENTS OR SPECIAL CONDITIONS

1. Permit Reopeners

a. Water Quality Standards Reopener

Should effluent monitoring indicate the need for any water quality based limitation, this permit may be modified or, alternatively, revoked and reissued to incorporate appropriate limitations.

b. Total Maximum Daily Load (TMDL) Reopener

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

2. O & M Manual Requirements

The permittee shall maintain a current Operations and Maintenance (O&M) Manual for the facility that is in accordance with Virginia Pollutant Discharge Elimination System Regulations, 9VAC25-31.

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

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

- a. Permitted outfall locations and techniques to be employed in the collection, preservation, and analysis of effluent, storm water and sludge samples;
- b. Procedures for measuring and recording the duration and volume of treated wastewater discharged;
- c. Discussion of Best Management Practices, if applicable;

- d. Procedures for handling, storing, and disposing of all wastes, fluids, and pollutants characterized in Part I.B.6 [corresponding to the Materials Handling Storage special condition] that will prevent these materials from reaching state waters. List type and quantity of wastes, fluids, and pollutants (e.g. chemicals) stored at this facility;
- e. Plan for the management and/or disposal of waste solids and residues;
- f. List of facility, local and state emergency contacts; and,
- g. Procedures for reporting and responding to any spills/overflows/treatment works upsets.

3. Notification Levels

The permittee shall notify the Department as soon as they know or have reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:
 - (1) One hundred micrograms per liter (100 ug/l);
 - (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
 - (4) The level established by the State Water Control Board.
- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:
 - (1) Five hundred micrograms per liter (500 ug/l);
 - (2) One milligram per liter (1 mg/l) for antimony;
 - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application.
 - (4) The level established by the State Water Control Board.

4. Quantification Levels Under Part I.A.

- a. The maximum quantification levels (QL) shall be as follows:

<u>Effluent Characteristic</u>	<u>Quantification Level</u>
TSS	1.0 mg/l
Arsenic*	55 ug/l
Cadmium*	32 ug/l
Chromium VI*	880 ug/l
Copper*	13 ug/l
Lead*	190 ug/l
Mercury*	1.4 ug/l
Nickel*	59 ug/l
Selenium*	230 ug/l
Silver*	1.5 ug/l
Zinc*	72 ug/l
TPH: DRO/GRO	0.5 mg/l / 0.5 mg/l
Oil and Grease	5.0 mg/l
Nitrogen	1.0 mg/l
Phosphorus	0.1 mg/l

*Outfall 207 the following maximum QLs shall be as follows:

<u>Effluent Characteristic</u>	<u>Quantification Level</u>
Antimony	5.0 ug/l
Arsenic	5.0 ug/l
Cadmium	1.0 ug/l
Chromium VI	5.0 ug/l
Copper	5.0 ug/l
Lead	5.0 ug/l
Mercury	0.1 ug/l
Nickel	5.0 ug/l
Selenium	5.0 ug/l
Silver	0.4 ug/l
Thallium	1.0 ug/l
Zinc	25 ug/l

- b. The permittee may use any approved method which has a QL equal to or lower than the (QL) listed in 4.a above. The QL is defined as the lowest concentration used to calibrate a measurement system in accordance with the procedures published for the method.

5. Compliance Reporting Under Part I.A.

- a. Monthly Average -- Compliance with the monthly average limitations and/or reporting requirements for the parameters listed in Part I.B.4.a shall be determined as follows: All data below the quantification level (QL)

listed in Part I.B.4.a above shall be treated as zero. All data equal to or above the QL listed in Part I.B.4.a above shall be treated as it is reported. An arithmetic average shall be calculated using all reported data, including the defined zeros, for the month. This arithmetic average shall be reported on the DMR as calculated. If all data are below the QL, then the average shall be reported as <QL.

- b. Daily Maximum -- Compliance with the daily maximum limitations and/or reporting requirements for the parameters listed in Part I.B.4.a shall be determined as follows: All data below the quantification level (QL) listed in Part I.B.4.a above shall be treated as zero. All data equal to or above the QL shall be treated as reported. An arithmetic average of the values shall be calculated using all reported data, including the defined zeros, collected for each day during the reporting month. The maximum value of these daily averages thus determined shall be reported on the DMR as the Daily Maximum. If all data are below the QL, then the average shall be reported as <QL.

For Total Phosphorus (TP), all daily concentration data below the quantification level (QL) for the analytical method used should be treated as half the QL. All daily concentration data equal to or above the QL for the analytical method used shall be treated as it is reported.

For Total Nitrogen (TN), if none of the daily concentration data for the respective species (i.e., TKN, Nitrates/Nitrites) are equal to or above the QL for the respective analytical methods used, the daily TN concentration value reported shall equal one half of the largest QL used for the respective species. If one of the data is equal to or above the QL, the daily TN concentration value shall be treated as that data point is reported. If more than one of the data is above the QL, the daily TN concentration value shall equal the sum of the data points as reported.

- c. Any single datum required shall be reported as "<QL" if it is less than the QL listed in Part I.B.4.a above. Otherwise, the numerical value shall be reported.
- d. Where possible, all limit values on the Part I.A. limits page(s) are expressed in two significant figures. As a result, single, trailing zeros occurring after any single digit are significant. Effluent limits of 10 or greater are rounded to two significant whole numbers, with the exception that loading limits are expressed as whole numbers.

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

6. Materials Handling and Storage

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

7. Minimum Freeboard

The permittee shall ensure that all basins or lagoons maintain a minimum freeboard of one (1) foot at all times. Should the one-foot freeboard not be maintained, the permittee shall immediately notify the DEQ Tidewater Regional Office, describing the problem and corrective measures taken to correct the problem. Within 5 days of the notification, the permittee shall submit a written statement of explanation and corrective measures taken.

8. Surface Water Monitoring

All groundwater and surface water monitoring and reporting requirements, subsequent action requirements and conditions required per the Virginia Solid Waste Management Regulations (9VAC 20-81-10 *et seq.*) specific to this permitted facility shall be enforceable as part of this VPDES permit.

9. Nutrient Monitoring Requirements - Discharges to Waters in the Chesapeake Bay Watershed

a. Owners of facilities in the Chesapeake Bay watershed shall monitor their industrial storm water discharges for total suspended solids (TSS), total nitrogen (TN), and total phosphorus (TP) to characterize the contributions from their facility's specific industrial sector for these parameters. Samples shall be collected in accordance with Part I.A. Monitoring periods are specified in Part I.A. of this permit for outfalls 002, 003, 010, 011, 012, 016, and 017. Samples shall be

collected and analyzed in accordance with Part I.A. Monitoring results shall be reported in accordance with **Part I.B.4., Part I.B.5., and Part II.C.** and retained in accordance with **Part II.B.**

b. Chesapeake Bay TMDL Wasteload Allocations and Chesapeake Bay TMDL Action Plans

- (1) EPA's Chesapeake Bay TMDL (December 29, 2010) includes wasteload allocations for VPDES permitted industrial storm water facilities as part of the regulated storm water aggregate load. EPA used data submitted by Virginia with the Phase I Chesapeake Bay TMDL Watershed Implementation Plan (WIP), including the number of industrial storm water permits per county and the number of urban acres regulated by industrial storm water permits, as part of their development of the aggregate load. Aggregate loads for industrial storm water facilities were appropriate because actual facility loading data were not available at that time to develop individual facility wasteload allocations.

Virginia estimated the loadings from industrial storm water facilities using actual and estimated facility acreage information, and TP, TN, and TSS loading values from the Northern Virginia Planning District Commission (NVPDC) Guidebook for Screening Urban Nonpoint Pollution Management Strategies, prepared for the Metropolitan Washington Council of Governments (Annandale, Virginia. November, 1979).

The loading values used were as follows:

- TP - High (80%) imperviousness industrial; 1.5 lb/ac/yr
- TN - High (80%) imperviousness industrial; 12.3 lb/ac/yr
- TSS - High (80%) imperviousness industrial; 440 lb/ac/yr

The actual facility area information, and the TP, TN and TSS data collected for this permit will be used by DEQ to quantify the nutrient and sediment loads from VPDES permitted industrial storm water facilities, and will be submitted to EPA to aid them in further refinements to their Chesapeake Bay TMDL model. The loading information will also be used by DEQ to determine any additional load reductions needed for industrial storm water facilities for the next reissuance of this permit.

(2) Data Analysis and Chesapeake Bay TMDL Action Plans

The permittee shall analyze the nutrient and sediment data collected in accordance with **Part I.B.9.a.** to determine if additional action is needed for this permit term. The permittee shall average the data collected at the facility for each of the pollutants of concern (POC) (e.g., TP, TN and TSS) and compare the results to the loading values for TP, TN and TSS presented in **Part I.B.9.b. (1)**. To calculate the facility's loadings, the permittee shall use either the actual annual average rainfall data for the facility location (in inches/year) or the Virginia annual average rainfall of 44.3 inches/year.

The following formula or a site specific, DEQ - approved calculation shall be used to determine the loading value:

Equation (1)

$$L = 0.226 \times R \times C$$

where:

L = the Pollutant of Concern (POC) loading value (lb/acre/year)

C = the POC average concentration of all facility samples (mg/L)

0.226 = unit conversion factor

R = annual runoff (in/yr), calculated as:

$$R = P \times P_j \times R_v$$

where:

P = annual rainfall (in/yr) [use the Virginia annual average of 44.3 in/yr, or site specific annual rainfall for your area of the State]

P_j = the fraction of annual events that produce runoff (usually 0.9)

R_v = the runoff coefficient, which can be expressed as: $R_v = 0.05 + (0.9 \times I_a)$

I_a = the impervious fraction [the ratio of facility impervious area to the total facility area] or,

$$I_a = \text{AREA IMPERVIOUS} / \text{AREA TOTAL}$$

Substituting in Equation (1):

Equation (2)

$$L = 0.226 \times P \times P_j \times (0.05 + [0.9 \times I_a]) \times C$$

(3) Calculations and Necessary Actions

- (a) If the calculated facility loading value for TP, TN or TSS is less than the corresponding loading value presented in **Part I.B.9.b.(1)** of this permit, then the calculations demonstrating that no reduction is necessary **shall be submitted no later than 90 days from the end of the permit term.** The calculations shall include a site map with the total site area, the areas associated with industrial activity and the total impervious area.
- (b) If the calculated facility loading value for TP, TN or TSS exceeds the corresponding loading value presented in **Part I.B.9.b.(1)** of this permit, then the permittee shall develop and submit a Chesapeake Bay TMDL Action Plan to DEQ for review and approval. The plan shall include a site map with the total site area, the areas associated with industrial activity and the total impervious area. The permittee shall implement the applicable elements of the approved plan over the remaining term of this permit and achieve all the necessary reductions by June 30, 2024. **The plan shall be submitted no later than 90 days from the end of the permit term.** The action plan shall include:
- (i) A determination of the total pollutant load reductions for TP, TN and TSS (as appropriate) necessary to reduce the annual loads from industrial activities. This shall be determined by calculating the difference between the loading values listed in **Part I.B.9.b.(1)** and the average of the sampling data for TP, TN or TSS (as appropriate) for the entire facility. The reduction applies to the total difference calculated for each pollutant of concern;
- (ii) The means and methods, such as management practices and retrofit programs, that will be utilized to meet the required reductions determined in subdivision **Part I.B.9.b.(3)(b)(i)**, and a schedule to achieve those reductions by June 30, 2024. The schedule should include annual benchmarks to demonstrate the ongoing progress in meeting those reductions;

(iii) The permittee may consider utilization of any pollutant trading or offset program in accordance with §§ 62.1-44.19:20 through 62.1-44.19:23 of the Code of Virginia, governing trading and offsetting, to meet the required reductions.

(4) Permittees required to develop and implement a Chesapeake Bay TMDL Action Plan shall submit an annual report to the department by June 30th of each year describing the progress in meeting the required reductions.

10. Overflow of Untreated Coal Pile Runoff from a 10-Year/24-Hour Storm - Outfall 003

Any untreated overflow from facilities designed, constructed and operated to treat the volume of coal pile runoff which results from a 10-year/24-hour rainfall event shall not be subject to the total suspended solids limitation of 50 mg/l maximum concentration for outfall 003, at any time.

11. Closure of the Bottom Ash Pond

The Bottom Ash Pond Closure plan submitted as part of the application for major modification of this permit shall be incorporated by reference into the permit, and is an enforceable part of this state permit. The closure plan shall be modified or updated as necessary to be consistent with the requirements of the Virginia Solid Waste Management Regulations (VSWMR) and approved by the Department. Groundwater monitoring and surface water monitoring shall be conducted in accordance with Department approved plans. Upon completion of closure, the permittee shall conduct post-closure care as required by the Department in accordance with the VSWMR.

12. Polychlorinated Biphenyl (PCB) Compounds

There shall be no discharge of polychlorinated biphenyl compounds such as those commonly used for transformer fluid. Compliance with this requirement will be determined using EPA test method 608 (as referenced in 40 CFR Part 136).

13. Notification of Ash Pond Dewatering

The permittee shall notify the DEQ Tidewater Regional Office at least 72 hours prior to the planned commencement of the discharge to draw down the water elevation in the Bottom Ash Pond and or lower the water table in preparation of pond closure. A second notification to the DEQ Tidewater Regional

Office shall be provided within 24 hours of initiating the discharge to draw down the water elevation and or lowering the water table in the Bottom Ash Pond.

14. Ash Pond Closure Stormwater Management

Best Management Practices (BMPs), structural and/or non-structural, shall be utilized by the permittee to minimize the impact of ash pond closure activities on industrial stormwater quality. Ash pond closure activities may include, but are not limited to the process of ash movement for off-site disposal, ash loading and unloading areas, any area(s) associated with the storage of ash prior to transport off-site, and vehicle tracking associated with the movement of ash.

The facility's Stormwater Pollution Prevention Plan (SWPPP) shall include a description of the BMP's being implemented and a regular schedule for preventive maintenance of all BMPs where appropriate. All structural BMPs identified in the SWPPP shall be maintained in effective operation condition and shall be inspected for structural integrity and operational efficiency once per week during ash pond closure activities. Results of the weekly inspection and actions needed and performed in response to the weekly inspections shall be documented per the SWPPP.

Nothing in this condition shall relieve the permittee from the responsibility for obtaining applicable permits for land disturbing activities, or permit coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities.

15. Cease Discharge Requirement for Internal Outfall 207

The permittee shall maintain agreement(s) with its contracted lab(s) requiring that results be reported within 48 hours of the result determination and/or within 48 hours of a Whole Effluent Toxicity test termination. The permittee shall immediately cease the discharge of the outfall upon receipt of results in exceedance of permit limitations and shall promptly notify DEQ, in no case later than 24 hours, after being informed of the exceedance. The DEQ notification shall include the documentation of laboratory notification to the permittee indicating the parameter exceedance, and date and time of notification to the permittee. Should an exceedance occur, the permittee shall initiate a review of the treatment operations and data to identify the cause(s) of the exceedance and initiate appropriate corrective action(s). Resumption of the discharge shall not occur until such time as an evaluation report is provided to DEQ and written authorization to resume the discharge is granted by DEQ.

16. Drawdown Rate Requirement

The drawdown rate of any pond or basin shall not exceed 6 inches/day to maintain the integrity of the dams, unless approved in writing by the Department of Conservation and Recreation Dam Safety Program.

17. Conceptual Engineering Report (CER) Requirement (Internal Outfall 207)

Prior to constructing any wastewater treatment system (WTS), the permittee shall submit a final CER to the DEQ Tidewater Regional Office. The CER shall describe each module in the treatment and enhanced treatment process. DEQ approval shall be secured prior to constructing any WTS. The permittee shall construct the WTS in accordance with the approved CER. No later than 14 days following completion of construction of any project for which a CER has been approved, written notification shall be submitted to the DEQ Tidewater Regional Office certifying that, based on an inspection of the project, construction was completed in accordance with the approved CER. The written notification shall be certified by a professional engineer licensed in the Commonwealth of Virginia or signed in accordance with Part II.K of this permit. The installed WTS shall be operated to achieve design treatment and effluent concentrations. Approval by DEQ does not relieve the owner of the responsibility for the correction of design and/or operational deficiencies. Noncompliance with the CER shall be deemed a violation of this permit. This condition does not apply to wastewaters that are directed offsite for treatment and discharge by a Publicly Owned Treatment Works (POTW) or other permitted private treatment facility.

18. Ash Pond Decanting/Dewatering Enhanced Treatment and Reporting

Commencing with the use of mechanical methods to drawdown surface water from the Ash Pond and the Landfill for the purposes of closure, all contact stormwater and ash or landfill dewatering shall be treated prior to discharge. Treated wastewater that exceeds one or more of the following trigger concentrations, as determined by inline process sampling, shall be routed through enhanced treatment prior to discharge:

Parameter:	Enhanced Treatment Trigger (ug/l):
Arsenic	75
Selenium	280
Lead	37
Copper	18
Antimony	640
Thallium	2.4

Advanced treatment of the wastewater shall be maintained until inline process sampling indicates that all pollutant concentrations are below the enhanced treatment triggers.

Inline process sampling shall be collected at a minimum every 4 hours at an in-process point immediately prior to the enhanced treatment module(s), and analytical results shall be returned within approximately one hour after collection. This sampling is in addition to the effluent compliance monitoring required by this permit. The permittee shall maintain a log with the inline process sampling results and the times that enhanced treatment begins and ends. The log shall be available to DEQ upon request.

In addition to the DMR the permittee shall submit a monthly summary report. The summary report shall contain the dates, times and duration that enhanced treatment was employed.

DRAFT

C. Whole Effluent Toxicity Program (WET)

1. Biological Monitoring for Outfall 002 and 003

- a. In accordance with the schedule in C.2.below, the permittee shall conduct quarterly toxicity tests for outfall 002 and annual toxicity tests for outfall 003 for the duration of the permit.

The permittee shall collect 24 hour flow proportional composite samples for WET testing of final effluent from outfall 002. The samples for toxicity testing shall be taken at the same time as monitoring of outfall 002 is performed in accordance with Part 1.A. of this permit. Quarterly acute and chronic tests shall be conducted for outfall 002. The tests to use are:

48 Hour Static Acute test using Americamysis bahia

Chronic Static Renewal 7-day Survival, Growth and Fecundity Test with Americamysis bahia

The permittee shall collect a grab sample for WET testing of final effluent from outfall 003.

The grab sample for toxicity testing shall be taken at the same time as the monitoring for the outfall in Part 1.A. of this permit. Annual acute tests shall be conducted for outfall 003. The acute test to use is:

48 Hour Static Acute test using Americamysis bahia

- b. The acute tests shall be performed with a minimum of 5 dilutions, derived geometrically, for the calculation of a valid LC_{50} . Express the results as TU_a (Acute Toxic Units) by dividing $100/LC_{50}$ for reporting.

The chronic tests shall be conducted in such a manner and at sufficient dilutions (minimum of five dilutions, derived geometrically) to determine the "No Observed Effect Concentration" (NOEC) for survival, growth and fecundity. Results which cannot be quantified (i.e., a "less than" NOEC value) are not acceptable, and a retest will have to be performed. Express the test NOEC as TU_c (Chronic Toxic Units), by dividing $100/NOEC$ for reporting. Report the LC_{50} at 48 hours and the IC_{25} with the NOEC's in the test report.

Test procedures and reporting shall be in accordance with the WET testing methods cited in 40 CFR 136.3.

- c. In the event that sampling of any of the outfalls is not possible due to the absence of effluent flow during a

particular testing period, the permittee shall perform a make-up sample during the next testing period.

- d. The permittee may provide additional samples to address data variability during the period of initial data generation. These data shall be reported and may be included in the evaluation of the effluent toxicity. Test procedures and reporting shall be in accordance with the WET testing methods cited in 40 CFR 136.3.
- e. The test dilutions shall be able to determine compliance with the following endpoints:
 - (1) Acute $LC_{50} \geq 100\%$ equivalent to a $TU_a \leq 1.0$
 - (2) Chronic NOEC of 100% equivalent to a TU_c of 1.0
- f. The test data will be evaluated by STATS.EXE for reasonable potential at the conclusion of the test period. The data may be evaluated sooner if requested by the permittee, or if toxicity has been noted. Should evaluation of the data indicate that a limit is needed, a WET limit and compliance schedule will be required and the toxicity tests of 1.a. may be discontinued.
- g. The permit may be modified or revoked and reissued to include pollutant specific limits in lieu of a WET limit should it be demonstrated that toxicity is due to specific parameters. The pollutant specific limits must control the toxicity of the effluent.

2. Reporting Schedule for Outfall 002 and 003

The permittee shall report the results and supply **one** complete copy of the toxicity test reports to the Tidewater Regional Office in accordance with the schedule below. A complete report must contain a copy of all laboratory benchsheets, certificates of analysis, and all chains of custody.

Attachment A must be submitted with each complete report. All data shall be submitted within 60 days of the sample date.

(a)	Conduct annual WET test for outfall 003 using <u>Americamysis bahia</u>	By December 31, 2016
(b)	Submit results of all biological tests	Within 60 days of the sample date and no later than January 10, 2017
(c)	Conduct quarterly WET test for outfall 002 using <u>Americamysis bahia</u>	By December 31, 2016
(d)	Submit results of quarterly test	By January 10, 2017

3. WET Limit for Interim Internal Outfall 207

a. The Whole Effluent Toxicity (WET) limitations as set forth in Part I.A and within this section shall be effective immediately upon initiation of the discharge at Interim Internal Outfall 207.

b. The WET limits shall be as follows:

Acute WET limit: NOAEC = 100%

Chronic WET limit: NOEC \geq 69%; equivalent to TUC \leq 1.44

c. In accordance with the schedule in Part I.C.3.e., the permittee shall conduct monthly acute and chronic toxicity tests using 24-hour flow-proportioned composite samples of final effluent from Interim Internal Outfall 207.

The Acute tests to use are:

48 Hour Static Acute test using Americamysis bahia

48 Hour Static Acute test using Cyprinodon variegatus

These single dilution acute tests are to be conducted using a minimum of 4 replicates, with 5 organisms each, for the control and 100% effluent. The NOAEC (No Observed Adverse Effect Concentration) shall be reported as either = 100% or < 100% (less than 100%). The effluent will be in compliance if the survival of the test organisms in both the control and 100% effluent exposures equals or exceeds 90%. If the survival in the effluent is less than 90% and this value is significantly different from the control survival, as determined by hypothesis testing, the NOAEC is less than 100%

and the effluent is not in compliance. Tests in which control survival is less than 90% are not acceptable. A retest of a non-acceptable test shall be performed during the same compliance period as the test it is replacing. Test procedures and reporting shall be in accordance with the WET testing methods cited in 40 CFR 136.3

The Chronic tests to use are:

Chronic Static Renewal 7-Day Survival, Growth and Fecundity Test with Americamysis bahia

Chronic Static Renewal 7-Day Survival and Growth Test with Cyprinodon variegatus

These chronic tests shall be conducted in such a manner and at sufficient dilutions (minimum of five dilutions) to determine the "No Observed Effect Concentration" (NOEC) for survival, growth, and fecundity. Results which cannot be quantified (i.e., a "less than" NOEC value) are not acceptable and a retest shall be performed. The NOEC, as determined by hypothesis testing, shall be converted to TUC (Chronic Toxic Units) for DMR reporting where $TUC = 100/NOEC$. Report the LC50 at 48 hours and the IC₂₅ with the NOEC's in the test report.

d. The permit may be modified or revoked and reissued to include pollutant specific limits in lieu of a WET limit should it be demonstrated that toxicity is due to specific parameters. The pollutant specific limitation shall control the toxicity of the effluent.

e. The permittee shall report the results on the DMR and shall supply one complete copy of the toxicity test report with the DMR each month. The permittee shall immediately cease the discharge upon becoming aware of an established WET limit exceedance. See Part I.B.15 for additional requirements.

D. STORMWATER MANAGEMENT CONDITIONS

1. Sampling Methodology for Specific Outfalls 011, 012, 016, and 017

The following shall be required when obtaining samples required by Part I.A. of this permit:

- a. At the time of sampling, the permittee shall ensure that the effects of tidal influences are kept to an absolute minimum. This can be achieved by:
 - (1) Sampling at low tide and/or
 - (2) Sampling at a representative point which has been demonstrated to be free of tidal influences
- b. In the event that sampling of an outfall is not possible due to the absence of effluent flow during a particular testing period, the permittee shall provide written notification to DEQ Tidewater Regional Office with the DMR for the month following the period in which samples were to be collected.

2. Storm Water Management Evaluation

The Storm Water Pollution Prevention Plan (SWP3), which is to be developed and maintained in accordance with Part I.F.4 of this permit, shall have a goal of reducing pollutants discharged at all the regulated storm water outfalls.

a. Pollutant Specific Screening

The goal shall place emphasis on reducing, to the maximum extent practicable, the following screening criteria parameters in the outfalls noted below.

OUTFALL NO.	POLLUTANTS
016, 017	Dissolved Zinc

b. Toxicity Screening

The permittee shall conduct **annual acute toxicity tests** on outfalls 011, 012, and 016 using grab samples of final effluent. These acute screening tests shall be 48-hour static tests using Americamysis bahia and Cyprinodon variagatus, conducted in such a manner and at sufficient dilutions for calculation of a valid LC50.

The tests shall be conducted on a calendar year basis with one copy of all **results and all supporting information including Attachment A, submitted within 60 days from the date which the sample was taken and no later than January 10th of each year.**

Test procedures and reporting shall be in accordance with the WET testing methods cited in 40 CFR 136.3

If any of the biological screening tests are invalidated, an additional test shall be conducted within thirty (30) days of notification. If there is no discharge during this 30-day period, a sample must be taken during the first qualifying discharge.

c. Sampling methodology for the noted outfalls shall be in accordance with Part I.A. and Part I.F. of this permit. The permittee shall submit the following information **with the results of the toxicity tests.**

- (1) The actual or estimated effluent flow at the time of the sampling.
- (2) An estimate of the total volume of storm water discharged through each outfall during the discharge event.
- (3) The time at which the discharge event began, the time at which the effluent was sampled, and the duration of the discharge event.

d. The effectiveness of the SWP3 will be evaluated via the required monitoring for all parameters listed in Part I.A. of this permit for the regulated storm water outfalls, including the screening criteria parameters and toxicity screening. Monitoring results which are either above the screening criteria values or, in the case of toxicity, result in an LC₅₀ of less than 100% effluent, will not indicate unacceptable values. However, those results will justify the need to reexamine the effectiveness of the SWP3 and any best management practices (BMPs) being utilized for the affected outfalls. In addition, the permittee shall amend the SWP3 whenever there is a change in the facility or its operation which materially increases the potential for activities to result in a discharge of significant amounts of pollutants.

By February 10th of each year, the permittee shall submit to the DEQ Tidewater Regional Office an annual report which includes the pollutant-specific and biological monitoring data from the outfalls included in this condition along with **a summary** of any steps taken

to modify either the Plan or any BMPs based on the monitoring data.

The first Stormwater Management Evaluation report is due on February 10, 2017.

3. General Storm Water Conditions

a. Sample Type

For all storm water monitoring required in Part I.A. or other applicable sections of this permit, a minimum of one grab sample shall be taken. Unless otherwise specified, all such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The required 72-hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge from the facility. The required 72-hour storm event interval may also be waived where the permittee documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted. The grab sample shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the permittee shall document with the SWP3 a description of why a grab sample during the first 30 minutes was impracticable. If storm water discharges associated with industrial activity commingle with process or nonprocess water, then where practicable permittees must attempt to sample the storm water discharge before it mixes with the nonstorm water discharge.

b. Recording of Results

For each storm event monitored under Part I.A. of this permit, the permittee shall record and retain on site with the SWP3 the following information:

- (1) The date and duration (in hours) of the storm event(s) sampled;
- (2) The rainfall measurements or estimates (in inches) of the storm event which generated the sampled discharge; and
- (3) The duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event.

In addition, the permittee shall maintain a monthly log documenting the amount of rainfall received at this facility on a daily basis. This information shall be retained on site with the SWP3.

c. Sampling Waiver

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

d. Representative Discharge

When a facility has two or more outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes substantially identical effluents are discharged, and the DEQ Tidewater Regional Office has approved them as such, the permittee may test the effluent of one of such outfalls and report that the quantitative data also apply to the substantially identical outfall(s) provided that the permittee includes in the SWP3 a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area [(i.e., low (under 40 percent), medium (40 to 65 percent), or high (above 65 percent)] shall be provided in the plan.

e. Quarterly Visual Examination of Storm Water Quality

Unless another more frequent schedule is established elsewhere within this permit, the permittee shall perform and document a visual examination of a storm water discharge associated with industrial activity from each outfall. The examination(s) must be made at least once in each of the following three-month periods:

January through March, April through June, July through September, and October through December.

- (1) Examinations shall be made of samples collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed 1 hour) of when the runoff or snowmelt begins discharging. The examination shall document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. The examination must be conducted in a well lit area. No analytical tests are required to be performed on the samples. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previous measurable (greater than 0.1 inch rainfall) storm event. The required 72-hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge from the facility. The required 72-hour storm event interval may also be waived where the permittee documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted. Where practicable, the same individual should carry out the collection and examination of discharges for the entire permit term.
- (2) Visual examination reports must be maintained onsite with the SWP3. The report shall include the outfall location, the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.
- (3) When a facility has two or more outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may collect a sample of effluent of one of such outfalls and report that the examination data also applies to the substantially identical outfall(s) provided that the permittee includes in the SWP3 a description of the location of the outfalls and

explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area (i.e., low (under 40 percent), medium (40 to 65 percent), or high (above 65 percent)) shall be provided in the plan.

- (4) When the permittee is unable to conduct the visual examination due to adverse climatic conditions, the permittee must document the reason for not performing the visual examination and retain this documentation onsite with the records of the visual examinations. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

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

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

- (1) The permittee is required to notify the Department in accordance with the requirements of **Part II G** as soon as he or she has knowledge of the discharge;
- (2) Where a release enters a municipal separate storm sewer system (MS4), the permittee shall also notify the owner or the MS4; and
- (3) The storm water pollution prevention plan required by this permit must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

g. Allowable Non-Storm Water Discharges

(1). The following non-storm water discharges are authorized by this permit provided the non-storm water component of the discharge is in compliance with Part g.(2), below.

- (a) Discharges from fire fighting activities;
- (b) Fire hydrant flushings;
- (c) Potable water including water line flushings;
- (d) Uncontaminated air conditioning or compressor condensate;
- (e) Irrigation drainage;
- (f) Landscape watering provided all pesticides, herbicides, and fertilizers have been applied in accordance with manufacturer's instructions;
- (g) Pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);
- (h) Routine external building wash down which does not use detergents;
- (i) Uncontaminated ground water or spring water;
- (j) Foundation or footing drains where flows are not contaminated with process materials such as solvents;
- (k) Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but NOT intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).

(2). For all regularly-occurring discharges listed in g.(1) above that occur in industrial areas, the Storm Water Pollution Prevention Plan must include:

- (a) Identification of each allowable non-storm water source;
- (b) The location where the non-storm water is likely to be discharged; and
- (c) Descriptions of any BMPs that are being used for each source.

- (3). If mist blown from cooling towers is included as one of the allowable non-storm water discharges from the facility, the permittee must specifically evaluate the potential for the discharges to be contaminated by chemicals used in the cooling tower, and must select and implement BMPs to control such discharges so that the levels of cooling tower chemicals in the discharges would not cause or contribute to a violation of an applicable water quality standard.

4. Storm Water Pollution Prevention Plan (SWP3)

A storm water pollution prevention plan (SWP3) shall be maintained for the facility. The SWP3 shall be prepared in accordance with good engineering practices. The SWP3 shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the SWP3 shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. The permittee must implement the provisions of the SWP3 as a condition of this permit.

The SWP3 requirements of this permit may be fulfilled by incorporating by reference other plans or documents such as an erosion and sediment control plan, a spill prevention control and countermeasure (SPCC) plan developed for the facility under Section 311 of the Clean Water Act or best management practices (BMP) programs otherwise required for the facility provided that the incorporated plan meets or exceeds the SWP3 requirements of this section. If an erosion and sediment control plan is being incorporated by reference, it shall have been approved by the locality in which the activity is to occur or by another appropriate plan approving authority authorized under the Virginia Erosion and Sediment Control Regulation 4 VAC 50-30-10 et seq. All plans incorporated by reference into the SWP3 become enforceable under this permit.

a. Deadlines for SWP3 Preparation and Compliance Existing Facilities

The SWP3 which was previously prepared and implemented shall be complied with, and continually updated as needed in accordance with sections b., c., d. and e. below.

(1) Measures That Require Construction

In cases where construction is necessary to implement measures required by the SWP3, the SWP3 shall contain a schedule that provides compliance with the plan as expeditiously as practicable, but no later than 3 years after the effective date of the permit. Where a construction compliance schedule is included in the SWP3, the schedule shall include appropriate nonstructural and/or temporary controls to be implemented in the affected portion(s) of the facility prior to completion of the permanent control measure.

b. Signature and SWP3 Review

(1) Signature/Location

The SWP3 shall be signed in accordance with Part II.K. of this permit and be retained onsite at the facility which generates the storm water discharge in accordance with Part II.B. of this permit. For inactive facilities, the SWP3 may be kept at the nearest office of the permittee.

(2) Availability

The permittee shall make the SWP3, annual site compliance inspection report, or other information available to the DEQ upon request.

(3) Required Modifications

The Tidewater Regional Office may notify the permittee at any time that the SWP3 does not meet one or more of the minimum requirements of the permit. Such notification shall identify those provisions of the permit which are not being met by the SWP3, and identify which provisions of the plan require modifications in order to meet the minimum requirements of this permit. Within 60 days of such notification, the permittee shall make the required changes to the SWP3 and shall submit to the DEQ Tidewater Regional Office a written certification that the requested changes have been made.

c. Keeping SWP3s Current

The permittee shall amend the SWP3 whenever there is a change in design, construction, operation, or maintenance which has a significant effect on the potential for the discharge of pollutants to surface

waters of the State or if the SWP3 proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under section d. below, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. New owners shall review the existing SWP3 and make appropriate changes. Amendments to the plan may be reviewed by the Department in the same manner as noted in section b. above.

d. Contents of SWP3

The contents of the SWP3 shall comply with the requirements listed below and those in Part I.F.5. (Facility-specific Storm Water Conditions) of this permit; these requirements are cumulative. The SWP3 shall include, at a minimum, the following items.

(1) Pollution Prevention Team

The SWP3 shall identify a specific individual or individuals within the facility organization as members of a storm water pollution prevention team that are responsible for developing the SWP3 and assisting the facility or plant manager in its implementation, maintenance, and revision. The SWP3 shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's SWP3.

(2) Description of Potential Pollutant Sources

The SWP3 shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to storm water discharges or that may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. The SWP3 shall identify all activities and significant materials which may potentially be significant pollutant sources. The SWP3 shall include, at a minimum:

(a) Drainage

- i. A site map indicating an outline of the portions of the drainage area of each storm water outfall within the facility boundaries, each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, locations where significant materials are exposed to precipitation,

locations where major spills or leaks identified under section (2)(c) below have occurred, and the locations of the following activities where such activities are exposed to precipitation: fueling stations; vehicle and equipment maintenance and/or cleaning areas; loading/unloading areas; locations used for the treatment, storage or disposal of wastes and wastewaters; locations used for the treatment, filtration or storage of water supplies; liquid storage tanks; processing areas; and, storage areas. The map must indicate the outfall locations and the types of discharges contained in the drainage areas of these outfalls.

- ii. For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants which are likely to be present in the storm water discharges. Factors to consider include: the toxicity of chemicals; quantity of chemicals used, produced or discharged; the likelihood of contact with storm water; and, history of significant leaks or spills of toxic or hazardous pollutants. Flows with a significant potential for causing erosion shall be identified.

(b) Inventory of Exposed Materials

An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of three years prior to the effective date of this permit and the present; method and location of on-site storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff between the time of three years prior to the effective date of this permit

and the present; the location and a description of existing structural and non-structural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.

(c) Spills and Leaks

A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility after the date of three years prior to the effective date of this permit. Such list shall be updated as appropriate during the term of the permit.

(d) Sampling Data

A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the term of this permit.

(e) Risk Identification and Summary of Potential Pollutant Sources

A narrative description of the potential pollutant sources from the following activities: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and, on-site waste disposal practices and wastewater treatment activities to include sludge drying, storage, application or disposal activities. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g., biochemical oxygen demand, total suspended solids, etc.) of concern shall be identified.

(3) Measures and Controls

The permittee shall develop a description of storm water management controls appropriate for the facility and implement these controls. The appropriateness and priorities of controls in a

plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls.

(a) Good Housekeeping

Good housekeeping requires the clean and orderly maintenance of areas which may contribute pollutants to storm water discharges. The SWP3 shall describe procedures performed to minimize contact of materials with storm water runoff. Particular attention should be paid to areas where raw materials are stockpiled, material handling areas, storage areas, liquid storage tanks, material handling areas, and loading/unloading areas.

(b) Preventive Maintenance

A preventive maintenance program shall involve: timely inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, catch basins); inspection and testing of facility equipment and systems to uncover conditions that could cause breakdowns or failures which could result in discharges of pollutants to surface waters; and, appropriate maintenance of such equipment and systems.

(c) Spill Prevention and Response Procedures

Areas where potential spills may occur which can contribute pollutants to storm water discharges, and their accompanying drainage points shall be identified clearly in the SWP3. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall be identified in the SWP3 and made available to the appropriate personnel. The necessary equipment to implement a cleanup should be available to the appropriate personnel.

(d) Inspections

In addition to or as part of the comprehensive site compliance evaluation

required under section d.(4) below, qualified facility personnel who are familiar with the industrial activity, the Best Management Practices (BMPs) and the SWP3 shall be identified to inspect designated equipment and areas of the facility at appropriate intervals. The inspection frequency shall be specified in the plan based upon a consideration of the level of industrial activity at the facility, but shall be a minimum of quarterly unless more frequent intervals are specified elsewhere in the permit. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained with the pollution prevention plan.

(e) Employee Training

Employee training programs shall inform personnel responsible for implementing activities identified in the SWP3 or otherwise responsible for storm water management at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. The SWP3 shall identify periodic dates for such training.

(f) Recordkeeping and Internal Reporting Procedures

A description of incidents such as spills, or other discharges, along with other information describing the quality and quantity of storm water discharges shall be included in the SWP3. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan.

(g) Sediment and Erosion Control

The SWP3 shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion.

(h) Management of Runoff

The SWP3 shall contain a narrative consideration of the appropriateness of traditional storm water management practices [practices other than those which control the generation or source(s) of pollutants] used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The SWP3 shall provide for the implementation and maintenance of measures that the permittee determines to be reasonable and appropriate. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: vegetative swales and practices; reuse of collected storm water (such as for a process or as an irrigation source); inlet controls (such as oil/water separators); snow management activities; infiltration devices; wet detention/retention devices; or, other equivalent measures.

(4) Comprehensive Site Compliance Evaluation

Qualified facility personnel who are familiar with the industrial activity, the BMPs and the SWP3 shall conduct site compliance evaluations at appropriate intervals specified in the SWP3, but, in no case less than once a year during the permit term. Such evaluations shall include the following.

- (a) Areas contributing to a storm water discharge associated with industrial activity, such as material storage, handling and disposal activities, shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the SWP3 shall be observed to ensure that they are operating correctly. A

visual inspection of equipment needed to implement the SWP3, such as spill response equipment, shall be made.

- (b) Based on the results of the evaluation, the description of potential pollutant sources identified in the SWP3 in accordance with section d.(2) above and pollution prevention measures and controls identified in the SWP3 in accordance with section d.(3) above shall be revised as appropriate within 2 weeks of such evaluation and shall provide for implementation of any changes to the SWP3 in a timely manner, but in no case more than 12 weeks after the evaluation.
- (c) A report summarizing the scope of the evaluation, personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the SWP3, and actions taken in accordance with section (4)(b) above shall be made and retained as part of the SWP3 for at least three years from the date of the evaluation. The report shall identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report shall contain a certification that the facility is in compliance with the SWP3 and this permit. The report shall be signed in accordance with Part II.K. of this permit.
- (d) Where compliance evaluation schedules overlap with inspections required under section d.(3)(d), the compliance evaluation may be conducted in place of one such inspection.

e. Requirements for Salt Storage

Storage piles of salt used for deicing or other commercial or industrial purposes and which generate a storm water discharge associated with industrial activity which is discharged to surface waters of the State shall be enclosed or covered to prevent exposure to precipitation, except for exposure resulting from adding or removing materials from the pile. Piles do not need to be enclosed or covered where storm water from the pile is not discharged to surface waters of the State.

5. Facility-Specific Storm Water Conditions

A. Discharges covered under this section. The requirements listed under this section apply to stormwater discharges associated with industrial activity from steam electric power generating facilities using coal, natural gas, oil, nuclear energy, etc. to produce a steam source, including coal handling areas (Industrial Activity Code "SE"). Stormwater discharges from coal pile runoff subject to numeric effluent limitations are eligible for coverage under this permit, but are subject to the limitations established by Part I.A.1.

Stormwater discharges from ancillary facilities (e.g., fleet centers, gas turbine stations, and substations) that are not contiguous to a steam electric power generating facility are not covered by this permit. Heat capture and heat recovery combined cycle generation facilities are also not covered by this permit; however, dual fuel co-generation facilities that generate electric power are included.

B. Special conditions. Prohibition of non-stormwater discharges. In addition to the general non-stormwater prohibition in Part I B 1, non-stormwater discharges subject to effluent limitation guidelines are also not covered by this permit.

C. Stormwater pollution prevention plan requirements. In addition to the requirements of Part III, the plan shall include, at a minimum, the following items.

1. Site description. Site map. The site map shall identify the locations of any of the following activities or sources that may be exposed to precipitation or surface runoff: storage tanks, scrap yards, general refuse areas; short and long term storage of general materials (including, but not limited to: supplies, construction materials, paint equipment, oils, fuels, used and unused solvents, cleaning materials, paint, water treatment chemicals, fertilizer, and pesticides); landfills; construction sites; and stock pile areas (such as coal or limestone piles).

2. Stormwater controls.

a. Good housekeeping measures.

(1) Fugitive dust emissions. The permittee shall describe and implement measures that prevent or minimize fugitive dust emissions from coal and ash handling areas. The permittee shall minimize off-site tracking of coal dust and ash. Control measures to consider include installing specially

designed tires, or washing vehicles in a designated area before they leave the site, and controlling the wash water.

(2) Delivery vehicles. The plan shall describe measures that prevent or minimize contamination of stormwater runoff from delivery vehicles arriving on the plant site. At a minimum the permittee shall consider the following:

(3) Fuel oil unloading areas. The plan shall describe measures that prevent or minimize contamination of precipitation or surface runoff from fuel oil unloading areas. At a minimum the permittee shall consider using the following measures, or an equivalent:

(a) Use of containment curbs in unloading areas;

(b) During deliveries, having station personnel familiar with spill prevention and response procedures present to ensure that any leaks and spills are immediately contained and cleaned up; and

(c) Use of spill and overflow protection (e.g., drip pans, drip diapers, or other containment devices placed beneath fuel oil connectors to contain potential spillage during deliveries or from leaks at the connectors).

(4) Chemical loading and unloading areas. The permittee shall describe and implement measures that prevent or minimize the contamination of precipitation or surface runoff from chemical loading and unloading areas. At a minimum the permittee shall consider using the following measures (or their equivalents):

(a) Use of containment curbs at chemical loading and unloading areas to contain spills;

(b) During deliveries, having station personnel familiar with spill prevention and response procedures present to ensure that any leaks or spills are immediately contained and cleaned up; and

(c) Covering chemical loading and unloading areas, and storing chemicals indoors.

(d) Develop procedures for the inspection of delivery vehicles arriving on the plant site, and ensure overall integrity of the body or container; and

(e) Develop procedures to deal with leakage and spillage from vehicles or containers.

(5) Miscellaneous loading and unloading areas. The permittee shall describe and implement measures that prevent or minimize the contamination of stormwater runoff from loading and unloading areas. The permittee shall consider the following, at a minimum (or their equivalents):

(a) covering the loading area;

(b) grading, berming, or curbing around the loading area to divert runoff; or

(c) locating the loading and unloading equipment and vehicles so that leaks are contained in existing containment and flow diversion systems.

(6) Liquid storage tanks. The permittee shall describe and implement measures that prevent or minimize contamination of stormwater runoff from aboveground liquid storage tanks. At a minimum the permittee shall consider employing the following measures (or their equivalents):

(a) Use of protective guards around tanks;

(b) Use of containment curbs;

(c) Use of spill and overflow protection; and

(d) Use of dry cleanup methods.

(7) Large bulk fuel storage tanks. The permittee shall describe and implement measures that prevent or minimize contamination of stormwater runoff from large bulk fuel storage tanks. At a minimum the permittee shall consider employing containment berms (or its equivalent). The permittee shall also comply with applicable state and federal laws, including Spill Prevention Control and Countermeasures (SPCC).

(8) Spill reduction measures. The permittee shall describe and implement measures to reduce the potential for an oil or chemical spill, or reference the appropriate section of their SPCC plan. The structural integrity of all aboveground tanks, pipelines, pumps and other related equipment shall be visually inspected as part of the routine facility inspection . All repairs deemed necessary based on the findings of the inspections shall be completed immediately to reduce the incidence of spills and leaks occurring from such faulty equipment.

(9) Oil bearing equipment in switchyards. The permittee shall describe and implement measures to prevent or minimize contamination of surface runoff from oil bearing equipment in switchyard areas. The permittee shall consider the use of level grades and gravel surfaces to retard flows and limit the spread of spills, and the collection of stormwater runoff in perimeter ditches.

(10) Residue hauling vehicles. All residue hauling vehicles shall be inspected for proper covering over the load, adequate gate sealing and overall integrity of the container body. Vehicles without load coverings or adequate gate sealing, or with leaking containers or beds shall be repaired as soon as practicable.

(11) Ash loading areas. The permittee shall describe and implement procedures to reduce or control the tracking of ash and residue from ash loading areas. Where practicable, clear the ash building floor and immediately adjacent roadways of spillage, debris and excess water before departure of each loaded vehicle.

(12) Areas adjacent to disposal ponds or landfills. The permittee shall describe and implement measures that prevent or minimize contamination of stormwater runoff from areas adjacent to disposal ponds or landfills. The permittee shall develop procedures to:

(a) Reduce ash residue which may be tracked on to access roads traveled by

residue trucks or residue handling vehicles; and

(b) Reduce ash residue on exit roads leading into and out of residue handling areas.

(13) Landfills, scrapyards, surface impoundments, open dumps, general refuse sites. The plan shall address and include appropriate control measures to minimize the potential for contamination of runoff from landfills, scrapyards, surface impoundments, open dumps and general refuse sites.

b. Comprehensive site compliance evaluation. As part of the evaluation, qualified facility personnel shall inspect the following areas on a monthly basis: coal handling areas, loading and unloading areas, switchyards, fueling areas, bulk storage areas, ash handling areas, areas adjacent to disposal ponds and landfills, maintenance areas, liquid storage tanks, and long term and short term material storage areas.

CONDITIONS APPLICABLE TO ALL VPDES PERMITS

A. Monitoring.

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures approved under Title 40 Code of Federal Regulations Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.
4. Samples taken as required by this permit shall be analyzed in accordance with 1VAC30-45, Certification for Noncommercial Environmental Laboratories, or 1VAC30-46, Accreditation for Commercial Environmental Laboratories.

B. Records.

1. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) and time(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period of retention shall be extended automatically during the course of any unresolved

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

C. Reporting Monitoring Results.

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

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

2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the Department.
3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under Title 40 of the Code of Federal Regulations Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Department.
4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to Provide Information.

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

E. Compliance Schedule Reports.

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

F. Unauthorized Discharges.

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

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of Unauthorized Discharges.

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

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

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

H. Reports of Unusual or Extraordinary Discharges.

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

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of Noncompliance

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

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under this paragraph:
 - a. Any unanticipated bypass; and
 - b. Any upset which causes a discharge to surface waters.
2. A written report shall be submitted within 5 days and shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and

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

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

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

NOTE: The immediate (within 24 hours) reports required in Parts II G, H and I may be made to the Department's Regional Office at (757) 518-2000 (voice), and online <http://www.deq.virginia.gov/prep/h2rpt.html> . For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.

J. Notice of Planned Changes.

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:
 - (1) After promulgation of standards of performance under Section 306 of Clean Water Act which are applicable to such source; or
 - (2) After proposal of standards of performance in accordance with Section 306 of Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal;
 - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or
 - c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may

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

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

K. Signatory Requirements.

1. Applications. All permit applications shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part II K 1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described in Part II K 1;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
 - c. The written authorization is submitted to the Department.
3. Changes to Authorization. If an authorization under Part II K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II K 2 shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.
4. Certification. Any person signing a document under Parts II K 1 or 2 shall make the following certification:

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

L. Duty to Comply.

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

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

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

M. Duty to Reapply.

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

N. Effect of a Permit.

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

O. State Law.

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

P. Oil and Hazardous Substance Liability.

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

Q. Proper Operation and Maintenance.

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

R. Disposal of Solids or Sludges.

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

S. Duty to Mitigate.

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

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

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

U. Bypass.

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

2. Notice

- a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass.
- b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II I.

3. Prohibition of bypass.

- a. Bypass is prohibited, and the Board may take enforcement action against a permittee for bypass, unless:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices as required under Part II U 2.
- b. The Board may approve an anticipated bypass, after considering its adverse effects, if the Board determines that it will meet the three conditions listed above in Part II U 3 a.

V. Upset.

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part II V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.
2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required in Part II I; and
 - d. The permittee complied with any remedial measures required under Part II S.
3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and Entry.

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

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

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

X. Permit Actions.

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

Y. Transfer of permits.

1. Permits are not transferable to any person except after notice to the Department. Except as provided in Part II Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.
2. As an alternative to transfers under Part II Y 1, this permit may be automatically transferred to a new permittee if:
 - a. The current permittee notifies the Department at least 30 days in advance of the proposed transfer of the title to the facility or property;
 - b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 - c. The Board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II Y 2 b.

Z. Severability.

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

ATTACHMENT A
VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY
TMP SUBMITTAL COVER SHEET

This form shall be completed for, and submitted with, each report of toxicity testing.

VPDES PERMIT NUMBER: VA0004081

FACILITY NAME: Virginia Power-Chesapeake Energy Center

THIS REPORT SHALL CONTAIN THE FOLLOWING ITEMS	
	COMPLETED CHAIN OF SAMPLE CUSTODY
	CERTIFICATE OF ANALYSIS (ES)
	COMPLETE REPORT OF TOXICITY TESTING

FACILITY LOCATION: Vepco Street, Chesapeake, VA 23320

OUTFALL NUMBER (circle one): 002 207 003 011 012 016

REPORTING PERIOD (ex: 2013 Annual): _____

SAMPLE TYPE (circle one): Stormwater Wastewater

WASTEWATER SOURCE(S) (if process wastewater, provide a brief source description):

SAMPLE EVENT INFORMATION (as applicable):

Sample Date and Time of Collection: _____

Time discharge began: _____

Storm event measurement (inches): _____

Time between sampling and last measurable storm event (hours): _____

ADDITIONAL INFORMATION:

If this sample is a **make-up** sample or a **retest**, indicate which category of test and the reporting period this submittal applies to:

Report Type: (i.e., makeup, retest, etc.) _____

Reporting Period: _____

If the required TMP sample(s) were not collected provide a reason/rationale:

CERTIFICATION:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations. See 18 U.S.C. §1001 and 33 U.S.C. §1319. (Penalties under these statutes may include fines up to \$10,000 and or maximum imprisonment of between 6 months and 5 years.)

Signature, printed name and title of Principal Officer or Authorized Agent / Date