

STATE WATER CONTROL BOARD
Amend and Reissue the General Permit Regulation

9VAC25-110-10. Definitions.

The words and terms used in this chapter shall have the same meanings as given in the State Water Control Law, Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia and the VPDES Permit Regulation (9VAC25-31), unless the context clearly indicates otherwise, except that for the purposes of this chapter:

"7Q10" means the lowest flow averaged over a period of seven consecutive days that can be statistically expected to occur once every 10 climatic years.

"Board" or "State Water Control Board" means the Virginia State Water Control Board.

"Climatic year" means a year beginning on April 1 and ending on March 31.

"Combined application" means the Virginia Department of Health Discharging System Application for Single Family Dwellings Discharging Sewage Less Than or Equal to 1,000 Gallons per Day and State Water Control Board Virginia Pollutant Discharge Elimination System General Permit Registration Statement for Domestic Sewage Discharges Less Than or Equal to 1,000 Gallons per Day. This application combines the VDH Alternative Discharging Sewage Treatment Regulations for Individual Single Family Dwellings (12VAC5-640) requirements with the board's registration statement requirements.

"Department" or "DEQ" means the Virginia Department of Environmental Quality or the department.

"Domestic sewage" means the water-carried human wastes from residences, buildings, industrial establishments or other places.

"Individual single family dwelling" means a residence housing one family or household or one that is designed for one family only.

"Receiving water" means a creek, stream, river, lake, estuary, groundwater formation, or other body of water into which treated waste or untreated waste is discharged.

"Total maximum daily load" or "TMDL" means a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations (WLAs) for point source discharges, and load allocations (LAs) for nonpoint sources or natural background or both, and must include a margin of safety (MOS) and account for seasonal variations.

"VDH" means the Virginia Department of Health.

9VAC25-110-15. Applicability of incorporated references based on the dates that they became effective.

Except as noted, when a regulation of the U.S. Environmental Protection Agency set forth in Title 40 of the Code of Federal Regulations (CFR) is referenced and incorporated herein, that regulation shall be as it exists and has been published as of July 1, [20142015] .

9VAC25-110-20. Purpose; delegation of authority; effective date of permit.

A. This general permit regulation governs domestic sewage discharges to surface waters from treatment works with a design discharge flow of less than or equal to 1,000 gallons per day on a monthly average.

B. The Director of the Department of Environmental Quality, or his designee, may perform any act of the board provided under this chapter, except as limited by § 62.1-44.14 of the Code of Virginia.

46 C. This general VPDES permit will become effective on August 2, ~~2014~~ 2016, and it expires
47 on August 1, ~~2016~~ 2021. With respect to a particular ~~facility~~ dwelling, building, or site served,
48 this general permit shall become effective upon the ~~facility~~ dwelling, building, or site served
49 owner's compliance with the provisions of 9VAC25-110-60.

50 **9VAC25-110-60. Authorization to discharge.**

51 A. Any owner of a treatment works governed by this general permit is hereby authorized to
52 discharge treated domestic sewage to surface waters of the Commonwealth of Virginia provided
53 that:

54 1. The owner submits a registration statement, if required to do so, in accordance with
55 9VAC25-110-70, and that registration statement is accepted by the board. For an
56 individual single family dwelling, the owner may submit a combined application in place
57 of a registration statement;

58 2. The owner complies with the effluent limitations and other requirements of 9VAC25-
59 110-80; and

60 3. The board has not notified the owner, in accordance with subsection B of this section,
61 that the discharge is not eligible for coverage under this permit.

62 B. The board will notify an owner that the discharge is not eligible for coverage under this
63 permit in the event of any of the following:

64 1. The owner is required to obtain an individual VPDES permit in accordance with
65 9VAC25-31-170 B 3 of the VPDES Permit Regulation;

66 2. The owner is proposing to discharge to surface waters specifically named in other
67 board regulations that prohibit such discharges;

68 3. The owner is proposing to discharge to surface waters in an area where there are
69 central sewage facilities reasonably available, as determined by the board;

70 4. The owner of any proposed treatment works or any treatment works that has not
71 previously been issued a VPDES permit has applied to the Virginia Department of
72 Health for an onsite sewage disposal system permit, and the Virginia Department of
73 Health has determined that an onsite system is available to serve that parcel of land;

74 5. The discharge would violate the antidegradation policy stated in 9VAC25-260-30 of
75 the Virginia Water Quality Standards; or

76 6. ~~A TMDL (board adopted, EPA approved, or EPA imposed) contains an individual WLA~~
77 ~~for the facility, unless this general permit specifically addresses the TMDL pollutant of~~
78 ~~concern and the permit limits are at least as stringent as those required by the TMDL~~
79 ~~WLA~~ The discharge is not consistent with the assumptions and requirements of an
80 approved TMDL.

81 C. Compliance with this general permit constitutes compliance, for purposes of enforcement,
82 with the federal Clean Water Act §§ 301, 302, 306, 307, 318, 403, and 405 (a) through (b), and
83 the State Water Control Law, and applicable regulations under either, with the exceptions stated
84 in 9VAC25-31-60 of the VPDES Permit Regulation. Approval for coverage under this general
85 VPDES permit does not relieve any owner of the responsibility to comply with any other
86 applicable federal, state or local statute, ordinance or regulation, including, for owners of
87 sewage treatment works that serve individual single family dwellings, the Alternative
88 Discharging Sewage Treatment Regulations for Individual Single Family Dwellings (12VAC5-
89 640) of the Virginia Department of Health adopted pursuant to §§ 32.1-12, 32.1-163, and 32.1-
90 164 of the Code of Virginia and, for owners of sewage treatment works that serve ~~non~~single
91 buildings or dwellings other than individual single family dwellings, the Sewage Collection and
92 Treatment Regulations (9VAC25-790) adopted by the State Water Control Board pursuant to
93 § ~~62.1-44.18~~ 62.1-44.19 of the Code of Virginia.

94 D. Continuation of permit coverage.

95 1. Any owner that was authorized to discharge under the domestic sewage discharges
96 general permit issued in ~~2006~~, 2011 and who is required to and submits a complete
97 registration statement, or for an individual single family dwelling a combined application,
98 on or before August 1, ~~2014~~ 2016, is authorized to continue to discharge treated
99 domestic sewage under the terms of the ~~2006~~ 2011 general permit until such time as the
100 board either:

101 a. Issues coverage to the owner under this general permit; or

102 b. Notifies the owner that the discharge is not eligible for coverage under this general
103 permit is denied.

104 2. When the owner that was covered under the expiring or expired general permit has
105 violated or is violating the conditions of that permit, the board may choose to do any or
106 all of the following:

107 a. Initiate enforcement action based upon the 2011 general permit ~~which has been~~
108 ~~continued~~;

109 b. Issue a notice of intent to deny coverage under the ~~new~~ reissued general permit. If
110 the general permit coverage is denied, the owner would then be required to cease
111 the ~~activities~~ discharges authorized by the administratively continued coverage under
112 the terms of the 2011 general permit or be subject to enforcement action for
113 operating without a permit;

114 c. Issue an individual permit with appropriate conditions; or

115 d. Take other actions authorized by the VPDES Permit Regulation (9VAC25-31).

116 **9VAC25-110-70. Registration statement.**

117 A. Deadlines for submitting registration statement. Any owner seeking coverage under this
118 general permit, and who is required to submit a registration statement, shall submit a complete
119 ~~General general VPDES Permit Registration Statement~~ permit registration statement in
120 accordance with this ~~chapter~~ section, which shall serve as a notice of intent ~~to be covered for~~
121 coverage under the ~~general~~ General VPDES ~~permit~~ Permit for ~~domestic sewage discharges~~
122 Domestic Sewage Discharges of ~~less than~~ Less Than or ~~equal~~ Equal to 1,000 ~~gallons per day~~
123 Gallons per Day. For an individual single family dwelling, the owner may submit a combined
124 application in place of the registration statement.

125 1. ~~New facilities~~ treatment works. Any owner proposing a new discharge shall submit a
126 complete registration statement, or for an individual single family dwelling a combined
127 application, to the department at least 60 days prior to the date planned for commencing
128 operation of the treatment works.

129 2. Existing ~~facilities~~ treatment works.

130 a. Any owner of an existing treatment works covered by an individual VPDES permit
131 who is proposing to be covered by this general permit shall notify the department and
132 submit a complete registration statement, or for an individual single family dwelling a
133 combined application, at least 240 days prior to the expiration date of the individual
134 VPDES permit.

135 b. Any owner of a treatment works that was authorized to discharge under the
136 general permit issued in ~~2006~~ 2011, and who intends to continue coverage under
137 this general permit, is automatically covered by this general permit and is not
138 required to submit a registration statement, or for an individual single family dwelling
139 a combined application, if:

140 (1) The ownership of the treatment works has not changed since the registration
141 statement or combined application for coverage under the ~~2006~~ 2011 general permit
142 was submitted, or, if the ownership has changed, (i) a new registration statement or
143 combined application or (ii) VPDES Change of Ownership form was submitted to the
144 department by the new owner at the time of the title transfer;

145 (2) There has been no change in the design or operation, or both, of the treatment
146 works since the registration statement or combined application for coverage under
147 the ~~2006~~ 2011 general permit was submitted;

148 (3) For treatment works serving individual single family dwellings, ~~the Virginia~~
149 ~~Department of Health~~ VDH has no objection to the automatic permit coverage
150 renewal for this treatment works based on system performance issues, enforcement
151 issues, or other issues sufficient to the board. If ~~the Virginia Department of Health~~
152 VDH objects to the automatic renewal for this treatment works, the owner will be
153 notified by the board in writing; and

154 (4) For treatment works serving ~~non-single buildings or dwellings other than individual~~
155 single family dwellings, the board has no objection to the automatic permit coverage
156 renewal for this treatment works based on system performance issues, ~~or~~
157 enforcement issues, or other issues sufficient to the board. If the board objects to the
158 automatic renewal for this treatment works, the owner will be notified by the board in
159 writing.

160 c. Any owner that of a treatment works that was authorized to discharge under the
161 general permit issued in 2011 that does not qualify for automatic permit coverage
162 renewal shall submit a complete registration statement, or for an individual single
163 family dwelling a combined application, to the department on or before June 2, 2014
164 2016.

165 3. ~~Late notifications registration statements. Late registration~~ Registration statements will
166 be accepted by the board, or for individual single family dwellings combined applications,
167 for existing treatment works covered under subdivision 2 b of this subsection will be
168 accepted after August 1, 2016, but authorization to discharge will not be retroactive.
169 Owners described in subdivision 2 b of this subsection that submit registration
170 statements or combined applications after June 2, 2016, are authorized to discharge
171 under the provisions of 9VAC25-110-60 D if a complete registration statement, or
172 combined application, is submitted before August 2, 2016.

173 B. Registration statement. The registration statement shall contain the following information:

174 1. a. Indicate if the ~~facility~~ building served by the treatment works is a an individual single
175 family dwelling. If the ~~facility~~ building is not a an individual single family dwelling,
176 describe the ~~facility's~~ use of the building or site served.

177 b. Name and street address of the ~~facility~~ building or site served by the treatment
178 works.

179 2. a. Name, mailing address, email address (where available), and ~~work and home~~
180 telephone numbers number of the ~~facility~~ owner of the treatment works. ~~For a dwelling,~~
181 indicate Indicate if the owner is or will be the occupant of the dwelling or building served
182 by the treatment works.

183 b. If the owner is not or will not be the occupant of the dwelling or building, provide
184 an alternate contact name, mailing address, email address (where available), and
185 telephone number of the dwelling or building, if available.

186 3. Name of the water body receiving the discharge. Indicate if the discharge point is on a
187 stream that usually flows during dry weather.

- 188 4. The amount of discharge from the treatment works, in gallons per day, on a monthly
189 average, and the design flow of the treatment works, in gallons per day.
- 190 5. A description of any pollutants, other than domestic sewage, to be discharged.
- 191 6. For a proposed treatment works, indicate if there are central sewage facilities
192 available to serve the facility building or site.
- 193 7. If the facility treatment works currently has a VPDES permit, provide the permit
194 number. Indicate if the facility treatment works has been built and begun discharging.
- 195 8. For the owner of any proposed treatment works or any treatment works that has not
196 previously been issued a VPDES permit:
- 197 a. A 7.5 minute USGS U.S. Geological Survey (USGS) topographic map or
198 equivalent (e.g., a computer generated map) that indicates the discharge point, the
199 location of the property to be served by the treatment works, and the location of any
200 wells, springs, other water bodies, and any residences within 1/2 mile downstream
201 from the discharge point;
- 202 b. A site diagram of the existing or proposed sewage treatment works; to include the
203 property boundaries, the location of the ~~facility or dwelling to be~~ building, or site
204 served, the individual sewage treatment units, the receiving water body, and the
205 discharge line location; and
- 206 c. A copy of the notification from the Virginia Department of Health that an onsite
207 sewage disposal system permit has been applied for and that the Virginia
208 Department of Health has determined that there is no onsite system available to
209 serve that parcel of land.
- 210 9. ~~Maintenance contract~~ Operation and maintenance.
- 211 a. For the owner of a treatment works serving an individual single family dwelling,
212 ~~indicate if a valid operation and maintenance contract has been obtained in~~
213 ~~accordance with the requirements are specified in VDH regulations at 12VAC5-640-~~
214 ~~500, or if an variance to the maintenance contract requirement has been requested~~
215 ~~and granted by the Virginia Department of Health. Provide the name of the individual~~
216 ~~or company contracted to perform the treatment works maintenance and the~~
217 ~~expiration date of the current contract, if applicable. If the treatment works has not~~
218 ~~been constructed yet, provide the name after construction is complete and prior to~~
219 ~~starting the treatment plant operation.~~
- 220 ~~Indicate if a monitoring contract has been obtained in accordance with the~~
221 ~~requirements in 12VAC5-640-490 F, or if the monitoring contract requirement has~~
222 ~~been waived by the Virginia Department of Health, or if the monitoring requirements~~
223 ~~are included as part of the maintenance contract. Provide the name of the individual~~
224 ~~or company contracted to perform the treatment works monitoring and the expiration~~
225 ~~date of the current contract, if applicable. If the treatment works has not been~~
226 ~~constructed yet, provide the name after construction is complete and prior to starting~~
227 ~~the treatment plant operation;~~
- 228 b. For the owner of a treatment works serving a ~~nonsingle~~ building or dwelling other
229 than an individual single family dwelling, indicate if a valid maintenance contract has
230 been obtained, or if an exception to the maintenance contract requirement has been
231 requested and granted in accordance with subdivision 10 of this subsection. Provide
232 the name of the individual or company contracted to perform the treatment works
233 maintenance and the expiration date of the current contract, if applicable. If the
234 treatment works has not been constructed yet, provide the name after the certificate

235 to construct (CTC) is issued, and prior to requesting a certificate to operate (CTO). A
236 valid maintenance contract shall provide for the following:

237 ~~(1) Performance of all testing required in accordance with either 9VAC25-110-80~~
238 ~~Part I A or Part I B, as appropriate, and periodic (at least annual) inspections of the~~
239 ~~treatment works. Note: The treatment works should be sampled during normal~~
240 ~~discharging operations or normal discharging conditions (i.e., operations that are~~
241 ~~normal for that facility). The owner or maintenance provider should not force a~~
242 ~~discharge in order to collect a sample;~~

243 ~~(2) A written notification to the owner within 24 hours whenever the contract provider~~
244 ~~becomes aware that maintenance or repair of the owner's treatment works is~~
245 ~~necessary. The owner is responsible for prompt maintenance and repair of the~~
246 ~~treatment works including all costs associated with the maintenance or repair.~~
247 ~~Immediately upon receipt of notice that repair or maintenance is required, the owner~~
248 ~~shall begin emergency pump and haul of all sewage generated from the facility or~~
249 ~~dwelling if full and complete repairs cannot be accomplished within 48 hours.~~

250 ~~(3) A log of the following items shall be maintained by the contract provider for as~~
251 ~~long as the contract is in force:~~

252 ~~(a) Results of all tests and sampling. Note: If sampling is attempted, but no sample~~
253 ~~was taken or possible, the log shall show all sampling attempts, and document and~~
254 ~~explain why no sample was taken or possible;~~

255 ~~(b) Alarm activation incidents;~~

256 ~~(c) Maintenance, corrective, or repair activities performed;~~

257 ~~(d) Recommended repair or replacement items; and~~

258 ~~(e) Copies of all reports prepared by the contract provider.~~

259 ~~(4) An inspection shall be conducted by the contract provider within 48 hours after~~
260 ~~notification by the owner that a problem may be occurring; and~~

261 ~~(5) The maintenance contract shall be kept in force during the entire permit term, and~~
262 ~~shall be valid for a minimum of 24 months of consecutive coverage.~~

263 10. The owner of a treatment works serving a ~~non~~single building or dwelling other than
264 an individual single family dwelling may request an exception to the maintenance
265 contract requirement by submitting an operation and maintenance plan to the board for
266 review and approval. If an operation and maintenance plan has been approved by the
267 board previously and remains current and complete, then it does not need to be
268 resubmitted. In such cases, the owner shall provide the date of approval of the operation
269 and maintenance plan, and identify any changes that have been made to the approved
270 plan. At a minimum, the operation and maintenance plan shall contain the following
271 information:

272 a. ~~An up-to-date operation and maintenance manual for the treatment works;~~

273 b. ~~A log of all maintenance performed on the treatment works including, but not~~
274 ~~limited to, the following:~~

275 ~~(1) The date and amount of disinfection chemicals added to the chlorinator.~~

276 ~~(2) If dechlorination is used, the date and amount of any dechlorination chemicals~~
277 ~~that are added.~~

278 ~~(3) The date and time of equipment failure(s) and the date and time the equipment~~
279 ~~was restored to service.~~

280 ~~(4) The date and approximate volume of sludge removed.~~

281 ~~(5) Results of all tests and sampling. Note: If sampling is attempted, but no sample~~
282 ~~was taken or possible, the log shall show all sampling attempts, and document and~~
283 ~~explain why no sample was taken or possible;~~

284 ~~c. Dated receipts for chemicals purchased, equipment purchased, and maintenance~~
285 ~~performed; and~~

286 ~~d. An effluent monitoring plan to conform with the requirements of 9VAC25-110-80~~
287 ~~Part I A or Part I B, as appropriate, including all sample collection, preservation, and~~
288 ~~analysis procedures. Note: The treatment works should be sampled during normal~~
289 ~~discharging operations or normal discharging conditions (i.e., operations that are~~
290 ~~normal for that facility). The owner or maintenance provider should not force a~~
291 ~~discharge in order to collect a sample.~~

292 11. The following certification: "I hereby grant to duly authorized agents of the
293 Department of Environmental Quality, upon presentation of credentials, permission to
294 enter the property where the treatment works is located for the purpose of determining
295 compliance with or the suitability of coverage under the General Permit. I certify under
296 penalty of law that this document and all attachments were prepared under my direction
297 or supervision in accordance with a system designed to assure that qualified personnel
298 properly gather and evaluate the information submitted. Based on my inquiry of the
299 person or persons who manage the system or those persons directly responsible for
300 gathering the information, the information submitted is to the best of my knowledge and
301 belief true, accurate, and complete. I am aware that there are significant penalties for
302 submitting false information including the possibility of fine and imprisonment for
303 knowing violations."

304 C. The registration statement shall be signed in accordance with the requirements of
305 9VAC25-31-110 A of the VPDES Permit Regulation.

306 D. The registration statement may be delivered to the department by either postal or
307 electronic mail and shall be submitted to the DEQ regional office serving the area where the
308 treatment works is located.

309 **9VAC25-110-80. General permit.**

310 Any owner whose registration statement is accepted by the board, or whose permit
311 coverage is automatically renewed, shall comply with the requirements contained herein and be
312 subject to all requirements of 9VAC25-31-170.

313 General Permit No.: VAG40
314 Effective Date: August 2, 2014 2016
315 Expiration Date: August 1, 2016 2021

316 GENERAL PERMIT FOR DOMESTIC SEWAGE DISCHARGES OF LESS THAN OR EQUAL
317 TO 1,000 GALLONS PER DAY

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

320 In compliance with the provisions of the Clean Water Act (33 USC § 1251 et seq.), as
321 amended, and pursuant to the State Water Control Law and regulations adopted pursuant
322 thereto, owners of treatment works with domestic sewage discharges of a design flow of less
323 than or equal to 1,000 gallons per day on a monthly average are authorized to discharge to
324 surface waters within the boundaries of the Commonwealth of Virginia, except those waters
325 specifically named in board regulations that prohibit such discharges.

326 The authorized discharge shall be in accordance with [the information submitted with the
327 registration statement,] this cover page, Part I-Effluent Limitations, Monitoring Requirements

328 and Special Conditions, and Part II-Conditions Applicable to All VPDES Permits, as set forth
 329 herein.

330 Part I
 331 Effluent Limitations, Monitoring Requirements and Special Conditions

332 A. Effluent limitations and monitoring requirements—receiving waters where the 7Q10 flows
 333 are less than 0.2 MGD.

334 1. During the period beginning with the permit's effective date and lasting until the
 335 permit's expiration date, the permittee is authorized to discharge from outfall number 001
 336 to receiving waters where the 7Q10 flows are less than 0.2 MGD.

337 The discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow (MGD) ⁽¹⁾	NA	NL	1/year	Estimate
BOD ₅	NA	30 mg/l	1/year	Grab
Total Suspended Solids	NA	30 mg/l	1/year	Grab
Total Residual Chlorine ⁽²⁾				
After contact tank	1.0 mg/l	NA	1/year	Grab
Final effluent	NA	0.016 mg/l ⁽⁶⁾	1/year	Grab
E. coli ⁽³⁾	NA	235/100 <u>235</u> CFU/100 ml	1/year	Grab
enterococci ⁽⁴⁾	NA	104/100 <u>104</u> CFU/100 ml	1/year	Grab
Fecal Coliform Bacteria ⁽⁵⁾	NA	200/100 <u>200</u> CFU/100 ml	1/year	Grab
pH (standard units)	6.0	9.0	1/year	Grab
Dissolved Oxygen	5.0 mg/l ⁽⁶⁾	NA	1/year	Grab

NL = No Limitation, monitoring required

NA = Not Applicable

⁽¹⁾The design flow of this treatment facility works is less than or equal to 1,000 gallons per day.

⁽²⁾Applies only when chlorine is used for disinfection and the discharge is into freshwater (see 9VAC25-260-140 C for the classes of waters and boundary designations).

⁽³⁾Applies only when methods other than chlorine are used for disinfection and the discharge is into freshwater (see 9VAC25-260-140 C for the classes of waters and boundary designations). When the facility treatment works is discharging, continuous disinfection shall be provided in order to maintain this effluent limit.

⁽⁴⁾Applies only when the discharge is into saltwater or the transition zone (see 9VAC25-260-140 C for the classes of waters and boundary designations). When the facility treatment works is

discharging, continuous disinfection shall be provided in order to maintain this effluent limit.

⁽⁵⁾Applies only when the discharge is into shellfish waters (see 9VAC25-260-160 for the description of what are shellfish waters). When the facility treatment works is discharging, continuous disinfection shall be provided in order to maintain this effluent limit.

⁽⁶⁾Does not apply when the receiving stream is an ephemeral stream. "Ephemeral streams" are drainage ways, ditches, hollows, or swales that contain only (i) flowing water during or immediately following periods of rainfall or (ii) water supplied by the discharger. These waterways would normally have no active aquatic community.

338 2. All monitoring data required by Part I A 1 shall be maintained on site in accordance
 339 with Part II B. ~~Reporting of results to DEQ is not required; however, the monitoring~~
 340 Monitoring results for treatment works serving buildings or dwellings other than individual
 341 single family dwellings shall be made available to DEQ personnel upon request
 342 submitted to the department on a Discharge Monitoring Report (DMR) no later than the
 343 10th of [~~January~~September] following the monitoring period. The monitoring period is
 344 [~~January 1 through December 31~~September 1 through August 31] . A copy of the
 345 maintenance log required by Part I D 2 b (4) shall also be submitted with the DMR.
 346 Monitoring results for treatment works serving individual single family dwellings ~~shall be~~
 347 are submitted to the Virginia Department of Health in accordance with 12VAC5-640.

348 3. The 30-day average percent removal for BOD₅ and total suspended solids shall not be
 349 less than 85%.

350 B. Effluent limitations and monitoring requirements—receiving waters where the 7Q10 flows
 351 are equal to or greater than 0.2 MGD.

352 1. During the period beginning with the permit's effective date and lasting until the
 353 permit's expiration date, the permittee is authorized to discharge from outfall number 001
 354 to receiving waters where the 7Q10 flows are equal to or greater than 0.2 MGD.

355 The discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow (MGD) ⁽¹⁾	NA	NL	1/year	Estimate
BOD ₅	NA	30 mg/l	1/year	Grab
Total Suspended Solids	NA	30 mg/l	1/year	Grab
Total Residual Chlorine ⁽²⁾				
<u>After contact tank</u>	<u>1.0 mg/l</u>	<u>NA</u>	<u>1/year</u>	<u>Grab</u>
Final effluent	1.0 mg/l <u>NA</u>	2.0 mg/l	1/year	Grab
E. coli ⁽³⁾	NA	235/100 <u>235</u> CFU/100 ml	1/year	Grab
enterococci ⁽⁴⁾	NA	104/100 <u>104</u> CFU/100 ml	1/year	Grab
Fecal Coliform Bacteria ⁽⁵⁾	NA	200/100 <u>200</u> CFU/100 ml	1/year	Grab

pH (standard units)	6.0	9.0	1/year	Grab
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NL = No Limitation, monitoring required

NA = Not Applicable

⁽¹⁾The design flow of this treatment facility works is less than or equal to 1,000 gallons per day.

⁽²⁾Applies only when chlorine is used for disinfection and the discharge is into freshwater (see 9VAC25-260-140 C for the classes of waters and boundary designations).

⁽³⁾Applies only when methods other than chlorine are used for disinfection and the discharge is into freshwater (see 9VAC25-260-140 C for the classes of waters and boundary designations). When the facility treatment works is discharging, continuous disinfection shall be provided in order to maintain this effluent limit.

⁽⁴⁾Applies only when the discharge is into saltwater or the transition zone (see 9VAC25-260-140 C for the classes of waters and boundary designations). When the facility treatment works is discharging, continuous disinfection shall be provided in order to maintain this effluent limit.

⁽⁵⁾Applies only when the discharge is into shellfish waters (see 9VAC25-260-160 for the description of what are shellfish waters). When the facility treatment works is discharging, continuous disinfection shall be provided in order to maintain this effluent limit.

356 2. All monitoring data required by Part I B 1 shall be maintained on site in accordance
357 with Part II B. ~~Reporting of results to DEQ is not required; however, the monitoring~~
358 Monitoring results for treatment works serving buildings or dwellings other than individual
359 single family dwellings shall be made available to DEQ personnel upon request
360 submitted to the department on a Discharge Monitoring Report (DMR) no later than the
361 10th of [~~January~~September] following the monitoring period. The monitoring period is
362 [~~January 1 through December 31~~September 1 through August 31] . A copy of the
363 maintenance log required by Part I D 2 b (4) shall also be submitted with the DMR.
364 Monitoring results for treatment works serving individual single family dwellings shall be
365 are submitted to the Virginia Department of Health in accordance with 12VAC5-640.

366 3. The 30-day average percent removal for BOD₅ and total suspended solids shall not be
367 less than 85%.

368 C. Effluent limitations and monitoring requirements—discharges to receiving waters subject
369 to the Policy for the Potomac River Embayments (9VAC25-415).

370 1. During the period beginning with the permit's effective date and lasting until the
371 permit's expiration date, the permittee is authorized to discharge from outfall number 001
372 to receiving waters subject to the Policy for the Potomac River Embayments (9VAC25-
373 415).

374 The discharge shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
	<u>Instantaneous Minimum</u>	<u>Instantaneous Maximum</u>	<u>Frequency</u>	<u>Sample Type</u>
<u>Flow (MGD)⁽¹⁾</u>	<u>NA</u>	<u>NL</u>	<u>1/3 months</u>	<u>Estimate</u>
<u>pH (standard units)</u>	<u>6.0</u>	<u>9.0</u>	<u>1/3 months</u>	<u>Grab</u>
<u>cBOD₅</u>	<u>NA</u>	<u>5 mg/l</u>	<u>1/3 months</u>	<u>Grab</u>

<u>Total Suspended Solids</u>	<u>NA</u>	<u>6.0 mg/l</u>	<u>1/3 months</u>	<u>Grab</u>
<u>Ammonia as N</u> <u>(Apr 1 – Oct 31)</u>	<u>NA</u>	<u>1.0 mg/l</u>	<u>1/3 months</u>	<u>Grab</u>
<u>Ammonia as N</u> <u>(Nov 1 – Mar 31)</u>	<u>NA</u>	<u>3.1 mg/l</u>	<u>1/3 months</u>	<u>Grab</u>
<u>Dissolved Oxygen</u>	<u>6.0 mg/l</u>	<u>NA</u>	<u>1/3 months</u>	<u>Grab</u>
<u>E. coli⁽³⁾</u>	<u>NA</u>	<u>235 CFU/100 ml</u>	<u>1/3 months</u>	<u>Grab</u>
<u>enterococci⁽⁴⁾</u>	<u>NA</u>	<u>104 CFU/100 ml</u>	<u>1/3 months</u>	<u>Grab</u>
<u>Total Phosphorus</u>	<u>NA</u>	<u>0.18 mg/l</u>	<u>1/3 months</u>	<u>Grab</u>
<u>Total Residual Chlorine⁽²⁾</u>				
<u>After contact tank</u>	<u>1.0 mg/l</u>	<u>NA</u>	<u>1/3 months</u>	<u>Grab</u>
<u>Final effluent</u>	<u>NA</u>	<u>0.016 mg/l</u>	<u>1/3 months</u>	<u>Grab</u>

NL = No Limitation, monitoring required

NA = Not Applicable

(1)The design flow of this treatment works is less than or equal to 1,000 gallons per day.

(2)Applies only when chlorine is used for disinfection and the discharge is into freshwater (see 9VAC25-260-140 C for the classes of waters and boundary designations).

(3)Applies only when methods other than chlorine are used for disinfection and the discharge is into freshwater (see 9VAC25-260-140 C for the classes of waters and boundary designations). When the treatment works is discharging, continuous disinfection shall be provided in order to maintain this effluent limit.

(4)Applies only when the discharge is into saltwater or the transition zone (see 9VAC25-260-140 C for the classes of waters and boundary designations). When the treatment works is discharging, continuous disinfection shall be provided in order to maintain this effluent limit.

375 2. All monitoring data required by Part I C 1 shall be maintained on site in accordance
376 with Part II B. Monitoring results shall be submitted to the department on a Discharge
377 Monitoring Report (DMR) no later than the 10th day of the month following the
378 monitoring period. The quarterly monitoring periods shall be January through March,
379 April through June, July through September, and October through December. A copy of
380 the maintenance log required by Part I D 2 b (4) shall also be submitted with the DMR.
381 Monitoring results for treatment works serving individual single family dwellings shall
382 also be submitted to the Virginia Department of Health in accordance with 12VAC5-640.
383 3. The 30-day average percent removal for BOD₅ and total suspended solids shall not be
384 less than 85%.

385 D. Special conditions.

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

388 2. Maintenance contract Operation and maintenance.

389 a. Treatment works serving individual single family dwellings. The Operation and
390 maintenance requirements for treatment works serving individual single family
391 dwellings are specified in the Virginia Department of Health regulations at 12VAC5-
392 640-500 require maintenance contracts for treatment works serving individual single
393 family dwellings.

394 ~~(1) For existing treatment works, the permittee shall keep a maintenance contract in~~
395 ~~force during the permit term, unless the permittee has been granted a variance from~~
396 ~~the maintenance contract requirement by the Virginia Department of Health. A copy~~
397 ~~of the maintenance contract, if applicable, shall be kept at the site of the treatment~~
398 ~~works and shall be made available to DEQ or to the Virginia Department of Health for~~
399 ~~examination upon request. The permittee is also responsible for ensuring that the~~
400 ~~local health department has a current copy of a valid maintenance agreement in~~
401 ~~accordance with 12VAC5-640-500 B.~~

402 ~~(2) For proposed treatment works, the permittee shall submit a copy of a valid~~
403 ~~maintenance contract to both DEQ and the Virginia Department of Health prior to~~
404 ~~operation of the treatment works unless the permittee has been granted a variance~~
405 ~~from the maintenance contract requirement by the Virginia Department of Health.~~
406 ~~The maintenance contract shall be kept in force during the permit term. A copy of the~~
407 ~~maintenance contract, if applicable, shall be kept at the site of treatment works, and~~
408 ~~made available to DEQ or the Virginia Department of Health for examination upon~~
409 ~~request. The permittee is also responsible for ensuring that the local health~~
410 ~~department has a current copy of a valid maintenance agreement in accordance with~~
411 ~~12VAC5-640-500 B.~~

412 ~~(3) At a minimum, the maintenance contract shall provide for the following:~~

413 ~~(a) Performance of all testing required in either Part I A or Part I B of this permit, as~~
414 ~~appropriate, and in the Alternative Discharging Sewage Treatment Regulations for~~
415 ~~Individual Single Family Dwellings, 12VAC5-640-490 B, unless the owner maintains~~
416 ~~a separate monitoring contract in accordance with 12VAC5-640-490 F. Note: The~~
417 ~~treatment works should be sampled during normal discharging operations or normal~~
418 ~~discharging conditions (i.e., operations that are normal for that facility). The owner or~~
419 ~~maintenance provider should not force a discharge in order to collect a sample;~~

420 ~~(b) A written notification to the owner within 24 hours whenever the contract provider~~
421 ~~becomes aware that maintenance or repair of the owner's treatment works is~~
422 ~~necessary. The owner is responsible for prompt maintenance and repair of the~~
423 ~~treatment works including all costs associated with the maintenance or repair.~~
424 ~~Immediately upon receipt of notice that repair or maintenance is required, the owner~~
425 ~~shall begin emergency pump and haul of all sewage generated in the dwelling if full~~
426 ~~and complete repairs cannot be accomplished within 48 hours; and~~

427 ~~(c) The maintenance contract shall be valid for a minimum of 24 months of~~
428 ~~consecutive coverage.~~

429 b. Treatment works serving ~~nonsingle~~ buildings or dwellings other than individual
430 single family dwellings.

431 (1) For existing treatment works, the permittee shall keep a maintenance contract in
432 force during the permit term, unless an exception to the maintenance contract
433 requirement has been requested and granted in accordance with Part I ~~C~~ D 3. A
434 copy of the maintenance contract, if applicable, shall be kept at the site of the
435 treatment works and made available to DEQ for examination upon request.

436 (2) For proposed treatment works, the permittee shall submit a ~~copy of~~ certification
437 that the permittee has a valid maintenance contract to DEQ prior to operation of the

438 treatment works, unless an exception to the maintenance contract requirement has
439 been requested and granted in accordance with Part I ~~C~~ D 3. ~~The A~~ maintenance
440 contract shall be kept in force during the permit term. A copy of the maintenance
441 contract shall be kept at the site of the treatment works, and shall be made available
442 to DEQ for examination upon request.

443 (3) At a minimum, the maintenance contract shall provide for the following:

444 (a) Performance of all testing required in accordance with either Part I A, Part I B, or
445 Part I B C, as appropriate, and periodic (at least annual) inspections of the treatment
446 works. Note: ~~The Discharges from the~~ treatment works should be sampled during
447 normal discharging operations or normal discharging conditions (i.e., operations that
448 are normal for that ~~facility~~ treatment works). The owner or maintenance provider
449 should not force a discharge in order to collect a sample;

450 (b) A written notification to the owner within 24 hours whenever the contract provider
451 becomes aware that maintenance or repair of the owner's treatment works is
452 necessary. The owner is responsible for prompt maintenance and repair of the
453 treatment works including all costs associated with the maintenance or repair.
454 Immediately upon receipt of notice that repair or maintenance is required, the owner
455 shall begin emergency pump and haul of all sewage generated from the facility
456 building or dwelling or otherwise ensure that no discharge occurs if full and complete
457 repairs cannot be accomplished within 48 hours;

458 (c) A log of the following items shall be maintained at the treatment works by the
459 contract provider:

460 (i) Results of all tests and sampling. Note: If sampling is attempted, but no sample
461 was taken or possible, the log shall show all sampling attempts, and document and
462 explain why no sample was taken or possible;

463 (ii) Alarm activation incidents;

464 (iii) Maintenance, corrective, or repair activities performed;

465 (iv) Recommended repair or replacement items; and

466 (v) Copies of all reports prepared by the contract provider; and

467 (d) An inspection shall be conducted by the contract provider within 48 hours after
468 notification by the owner that a problem may be occurring; ~~and~~

469 ~~(e) The maintenance contract shall be valid for a minimum of 24 months of~~
470 ~~consecutive coverage.~~

471 (4) The permittee shall keep a log of all maintenance performed on the treatment
472 works including, but not limited to, the following:

473 (a) The date and amount of disinfection chemicals added to the chlorinator.

474 (b) If dechlorination is used, the date and amount of any dechlorination chemicals
475 that are added.

476 (c) The date and time of equipment failure and the date and time the equipment was
477 restored to service.

478 (d) The date and approximate volume of sludge removed.

479 (e) Dated receipts for chemicals purchased, equipment purchased, and maintenance
480 performed.

481 3. Operation and maintenance plan. The owner of any treatment works serving a
482 ~~non~~ single building or dwelling other than an individual single family dwelling may request
483 an exception to the maintenance contract requirement by submitting an operation and

484 maintenance plan to the board for review and approval. At a minimum, the operation and
485 maintenance plan shall contain the following information:

486 a. An up-to-date operation and maintenance manual for the treatment works;
487 b. A log of all maintenance performed on the treatment works including, but not
488 limited to, the following:

489 (1) The date and amount of disinfection chemicals added to the chlorinator (if
490 applicable).

491 (2) If dechlorination is used, the date and amount of any dechlorination chemicals
492 that are added.

493 (3) The date and time of equipment ~~failure(s)~~ failure and the date and time the
494 equipment was restored to service.

495 (4) The date and approximate volume of sludge removed.

496 (5) Results of all tests and sampling. Note: If sampling is attempted, but no sample
497 was taken or possible, the log shall show all sampling attempts, and document and
498 explain why no sample was taken or possible;

499 c. Dated receipts for chemicals purchased, equipment purchased, and maintenance
500 performed; and

501 d. An effluent monitoring plan to conform with the requirements of Part I A, Part I B,
502 or Part I B C, as appropriate, including all sample collection, preservation, and
503 analysis procedures. Note: ~~The Discharges from the~~ Discharges from the treatment works should be
504 sampled during normal discharging operations or normal discharging conditions (i.e.,
505 operations that are normal for that ~~facility~~ treatment works). The owner or
506 maintenance provider should not force a discharge in order to collect a sample.

507 Should the permittee fail to implement the approved operation and maintenance
508 plan, or if there are violations of effluent limitations, the board reserves the right to
509 require the permittee to obtain a maintenance contract.

510 4. Compliance recordkeeping under Part I A, Part I B, and Part I B C.

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

Effluent Parameter	Quantification Level
BOD ₅	2-θ mg/l
<u>cBOD₅</u>	<u>2 mg/l</u>
<u>Ammonia as N</u>	<u>0.20 mg/l</u>
<u>Total Phosphorus</u>	<u>0.10 mg/l</u>
TSS	1.0 mg/l
Chlorine	0.10 mg/l

513 The QL is defined as the lowest concentration used to calibrate a measurement
514 system in accordance with the procedures published for the test method.

515 b. Recording results. Any concentration data below the QL used in the analysis shall
516 be recorded as "<QL" if it is less than the QL in subdivision 4 a of this subsection.
517 Otherwise the numerical value shall be recorded.

518 c. Monitoring results shall be recorded using the same number of significant digits as
519 listed in the permit. Regardless of the rounding convention used by the permittee

520 (e.g., 5 always rounding up or to the nearest even number), the permittee shall use
521 the convention consistently, and shall ensure that consulting laboratories employed
522 by the permittee use the same convention.
523 5. The discharges authorized by this permit shall be controlled as necessary to meet
524 water quality standards.

525 Part II
526 Conditions Applicable to all All VPDES Permits

527 A. Monitoring.

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

530 2. Monitoring shall be conducted according to procedures approved under 40 CFR Part
531 136 or alternative methods approved by the U.S. Environmental Protection Agency,
532 unless other procedures have been specified in this permit.

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

536 4. Samples taken as required by this permit shall be analyzed in accordance with
537 1VAC30-45 (Certification for Noncommercial Environmental Laboratories) or 1VAC30-46
538 (Accreditation for Commercial Environmental Laboratories).

539 B. Records.

540 1. Records of monitoring information shall include:

- 541 a. The date, exact place, and time of sampling or measurements;
- 542 b. The individual(s) who performed the sampling or measurements;
- 543 c. The date(s) and time(s) analyses were performed;
- 544 d. The individual(s) who performed the analyses;
- 545 e. The analytical techniques or methods used; and
- 546 f. The results of such analyses.

547 2. Except for records of monitoring information required by this permit related to the
548 permittee's sewage sludge use and disposal activities, which shall be retained for a
549 period of at least five years, the permittee shall retain records of all monitoring
550 information, including all calibration and maintenance records and all original strip chart
551 recordings for continuous monitoring instrumentation, copies of all reports required by
552 this permit, and records of all data used to complete the registration statement for this
553 permit, for a period of at least three years from the date of the sample, measurement,
554 report or request for coverage. This period of retention shall be extended automatically
555 during the course of any unresolved litigation regarding the regulated activity or
556 regarding control standards applicable to the permittee, or as requested by the board.

557 C. Reporting monitoring results. Monitoring results under this permit are not required to be
558 submitted to the department. However, should the board request that the permittee submit
559 monitoring results, the following subsections would apply.

560 1. The permittee shall submit the results of the monitoring required by this permit not
561 later than the 10th day of the month after monitoring takes place, unless another
562 reporting schedule is specified elsewhere in this permit. Monitoring results shall be
563 submitted to the department's regional office.

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

566 3. If the permittee monitors any pollutant specifically addressed by this permit more
567 frequently than required by this permit using test procedures approved under 40 CFR
568 Part 136 or using other test procedures approved by the U.S. Environmental Protection
569 Agency or using procedures specified in this permit, the results of this monitoring shall
570 be included in the calculation and reporting of the data submitted on the DMR or
571 reporting form specified by the department.

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

574 D. Duty to provide information. The permittee shall furnish to the department, within a
575 reasonable time, any information that the board may request to determine whether cause exists
576 for modifying, revoking and reissuing, or terminating coverage under this permit or to determine
577 compliance with this permit. The board may require the permittee to furnish, upon request, such
578 plans, specifications, and other pertinent information as may be necessary to determine the
579 effect of the wastes from ~~his~~ the discharge on the quality of state waters, or such other
580 information as may be necessary to accomplish the purposes of the State Water Control Law.
581 The permittee shall also furnish to the department, upon request, copies of records required to
582 be kept by this permit.

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

586 F. Unauthorized discharges. Except in compliance with this permit, or another permit issued
587 by the board, it shall be unlawful for any person to:

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

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

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

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

602 2. The cause of the discharge;

603 3. The date on which the discharge occurred;

604 4. The length of time that the discharge continued;

605 5. The volume of the discharge;

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

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

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

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

613 H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge
614 including a bypass or upset should occur from a treatment works and the discharge enters or
615 could be expected to enter state waters, the permittee shall promptly notify, in no case later than
616 24 hours, the department by telephone after the discovery of the discharge. This notification
617 shall provide all available details of the incident, including any adverse ~~affects~~ effects on aquatic
618 life and the known number of fish killed. The permittee shall reduce the report to writing and
619 shall submit it to the department within five days of discovery of the discharge in accordance
620 with Part II I 2. Unusual and extraordinary discharges include, but are not limited to, any
621 discharge resulting from:

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

627 I. Reports of noncompliance. The permittee shall report any noncompliance that may
628 adversely affect state waters or may endanger public health.

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

- 632 a. Any unanticipated bypass; and
- 633 b. Any upset that causes a discharge to surface waters.

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

- 635 a. A description of the noncompliance and its cause;
- 636 b. The period of noncompliance, including exact dates and times, and if the
637 noncompliance has not been corrected, the anticipated time it is expected to
638 continue; and
- 639 c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the
640 noncompliance.

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

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

647 NOTE: The immediate (within 24 hours) reports required in Parts II G, H, and I may be made
648 to the department's regional office. Reports may be made by telephone ~~or by fax~~, FAX, or online
649 at <http://www.deq.virginia.gov/Programs/PollutionResponsePreparedness/MakingaReport.aspx>.
650 For reports outside normal working hours, ~~leave~~ a message may be left and this shall fulfill the
651 immediate reporting requirement. For emergencies, the Virginia Department of Emergency
652 Management maintains a 24-hour telephone service at 1-800-468-8892.

653 J. Notice of planned changes.

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

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

659 (1) After promulgation of standards of performance under ~~Section~~ § 306 of the Clean
660 Water Act (33 USC § 1251 et seq.) that are applicable to such source; or

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

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

668 c. The alteration or addition results in a significant change in the permittee's sludge
669 use or disposal practices, and such alteration, addition, or change may justify the
670 application of permit conditions that are different from or absent in the existing
671 permit, including notification of additional use or of disposal sites not reported during
672 the permit application process or not reported pursuant to an approved land
673 application plan.

674 2. The permittee shall give advance notice to the department of any planned changes in
675 the permitted facility or activity that may result in noncompliance with permit
676 requirements.

677 K. Signatory requirements.

678 1. Registration statement. All registration statements shall be signed as follows:

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

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

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

700 2. Reports, etc. All reports required by permits, and other information requested by the
701 board shall be signed by a person described in Part II K 1 or by a duly authorized
702 representative of that person. A person is a duly authorized representative only if:

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

704 b. The authorization specifies either an individual or a position having responsibility
705 for the overall operation of the regulated facility or activity such as the position of
706 plant manager, operator of a well or a well field, superintendent, position of

707 equivalent responsibility, or an individual or position having overall responsibility for
708 environmental matters for the company. A duly authorized representative may thus
709 be either a named individual or any individual occupying a named position; and
710 c. The written authorization is submitted to the department.

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

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

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

726 L. Duty to comply. The permittee shall comply with all conditions of this permit. Any permit
727 noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act,
728 except that noncompliance with certain provisions of this permit may constitute a violation of the
729 State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for
730 enforcement action; for permit termination, revocation and reissuance, or modification; or denial
731 of a permit coverage renewal application.

732 The permittee shall comply with effluent standards or prohibitions established under ~~Section~~
733 § 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or
734 disposal established under ~~Section~~ § 405(d) of the Clean Water Act within the time provided in
735 the regulations that establish these standards or prohibitions or standards for sewage sludge
736 use or disposal, even if this permit has not yet been modified to incorporate the requirement.

737 M. Duty to reapply.

738 1. If the permittee wishes to continue an activity regulated by this permit after the
739 expiration date of this permit, and the permittee does not qualify for automatic permit
740 coverage renewal, the permittee shall submit a new registration statement, or for an
741 individual single family dwelling a combined application, at least 60 days before the
742 expiration date of the existing permit, unless permission for a later date has been
743 granted by the board. The board shall not grant permission for registration statements or
744 combined applications to be submitted later than the expiration date of the existing
745 permit.

746 2. A permittee qualifies for automatic permit coverage renewal and is not required to
747 submit a registration statement, or for an individual single family dwelling a combined
748 application, if:

749 a. The ownership of the treatment works has not changed since this general permit
750 went into effect on August 2, 2014 2016, or, if the ownership has changed, (i) a new
751 registration statement or for an individual single family dwelling a combined
752 application or (ii) a VPDES Change of Ownership form was submitted to the
753 department by the new owner at the time of the title transfer;

754 b. There has been no change in the design or operation, or both, of the treatment
755 works since this general permit went into effect on August 2, ~~2014~~ 2016;

756 c. For treatment works serving individual single family dwellings, the Virginia
757 Department of Health does not object to the automatic permit coverage renewal for
758 this treatment works based on system performance issues, enforcement issues, or
759 other issues sufficient to the board. If the Virginia Department of Health objects to the
760 automatic renewal for this treatment works, the permittee will be notified by the board
761 in writing; and

762 d. For treatment works serving ~~non-single~~ buildings or dwellings other than single
763 family dwellings, the board has no objection to the automatic permit coverage
764 renewal for this treatment works based on system performance issues, ~~or~~
765 enforcement issues, or other issues sufficient to the board. If the board objects to the
766 automatic renewal for this treatment works, the permittee will be notified by the board
767 in writing.

768 3. Any permittee that does not qualify for automatic permit coverage renewal shall
769 submit a new registration statement, or for an individual single family dwelling a
770 combined application, in accordance with Part II M 1.

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

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

780 P. Oil and hazardous substance liability. Nothing in this permit shall be construed to
781 preclude the institution of any legal action or relieve the permittee from any responsibilities,
782 liabilities, or penalties to which the permittee is or may be subject under §§ 62.1-44.34:14
783 through 62.1-44.34:23 of the State Water Control Law.

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

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

795 S. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any
796 discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of
797 adversely affecting human health or the environment.

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

801 U. Bypass.

802 1. "Bypass" means the intentional diversion of waste streams from any portion of a
803 treatment facility. The permittee may allow any bypass to occur that does not cause
804 effluent limitations to be exceeded, but only if it also is for essential maintenance to
805 ensure efficient operation. These bypasses are not subject to the provisions of Parts II U
806 2 and 3.

807 2. Notice.

808 a. Anticipated bypass. If the permittee knows in advance of the need for a bypass,
809 prior notice shall be submitted, if possible, at least 10 days before the date of the
810 bypass.

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

813 3. Prohibition of bypass.

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

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

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

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

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

828 V. Upset.

829 1. An upset, defined in 9VAC25-31-10, constitutes an affirmative defense to an action
830 brought for noncompliance with technology-based permit effluent limitations if the
831 requirements of Part II V 2 are met. A determination made during administrative review
832 of claims that noncompliance was caused by upset, and before an action for
833 noncompliance, is not a final administrative action subject to judicial review.

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

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

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

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

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

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

843 W. Inspection and entry. The permittee shall allow the director, or an authorized
844 representative, upon presentation of credentials and other documents as may be required by
845 law, to:

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

- 848 2. Have access to and copy, at reasonable times, any records that must be kept under
849 the conditions of this permit;
- 850 3. Inspect at reasonable times any facilities, equipment (including monitoring and control
851 equipment), practices, or operations regulated or required under this permit; and
- 852 4. Sample or monitor at reasonable times, for the purposes of assuring permit
853 compliance or as otherwise authorized by the Clean Water Act and the State Water
854 Control Law, any substances or parameters at any location.

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

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

862 Y. Transfer of permits. ~~4. Permits are not transferable to any person except after notice to
863 the department. Except as provided in Part II Y 2, a permit may be transferred by the permittee
864 to a new owner or operator only if the permit has been modified or revoked and reissued, or a
865 minor modification made, to identify the new permittee and incorporate such other requirements
866 as may be necessary under the State Water Control Law and the Clean Water Act. 2. As an
867 alternative to transfers under Part II Y 4, Coverage under this permit may be automatically
868 transferred to a new permittee if:~~

869 ~~a. 1. The current permittee notifies the department within 30 days of the transfer of
870 the title to the facility or property, unless permission for a later date has been granted
871 by the board;~~

872 ~~b. 2. The notice includes a written agreement between the existing and new
873 permittees containing a specific date for transfer of permit responsibility, coverage,
874 and liability between them; and~~

875 ~~c. 3. The board does not notify the existing permittee and the proposed new
876 permittee of its intent to modify or revoke and reissue deny the new permittee
877 coverage under the permit. If this notice is not received, the transfer is effective on
878 the date specified in the agreement mentioned in Part II Y 2 b.~~

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

883 FORMS (9VAC25-110)

884 [VPDES Change of Ownership Agreement Form \(eff. 7/10\);](#)

885 [Combined Application - Virginia Department of Health Discharging System Application for](#)
886 [Single Family Dwellings Discharging Sewage Less Than or Equal to 1,000 Gallons per Day and](#)
887 [State Water Control Board Virginia Pollutant Discharge Elimination System General Permit](#)
888 [Registration Statement for Domestic Sewage Discharges Less Than or Equal to 1,000 Gallons](#)
889 [per Day \(eff. 9/11\)](#)