



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

VWP Individual Permit Number 07-1168

Effective Date: July 1, 2009

1st Minor Modification Date: April 2, 2015

Expiration Date: June 30, 2024

VIRGINIA WATER PROTECTION PERMIT ISSUED PURSUANT TO THE STATE WATER CONTROL LAW AND SECTION 401 OF THE CLEAN WATER ACT

Based upon an examination of the information submitted by the owner, and in compliance with § 401 of the Clean Water Act as amended (33 USC 1341 et seq.) and the State Water Control Law and regulations adopted pursuant thereto, the State Water Control Board (board) has determined that there is a reasonable assurance that the activity authorized by this permit, if conducted in accordance with the conditions set forth herein, will protect instream beneficial uses and will not violate applicable water quality standards. The board finds that the effect of the impact, together with other existing or proposed impacts to surface waters, will not cause or contribute to a significant impairment to state waters or fish and wildlife resources.

Permittee: Town of Strasburg
Project: Town of Strasburg Water Improvements
Address: P.O. Box 351, Strasburg, VA 22657
Activity Location: High School parking lot off of Ram Drive, Strasburg, VA

Activity Description: Installation and operation of a water intake structure and associated pipeline resulting in the impacts to State waters specified in Part I.A. of this permit.

The permitted activity shall be in accordance with this Permit Cover Page, Part I - Special Conditions, and Part II - General Conditions.

A handwritten signature in blue ink, appearing to read "Jeffrey A. Steer".

Director, Division of Land Protection and Revitalization

4-3-15

Date

Part I – Special Conditions

A. AUTHORIZED ACTIVITIES

This permit authorizes the following impacts as indicated in the application dated May 14, 2007, received by DEQ on May 18, 2007, and deemed complete by DEQ on March 5, 2009 and the modification request received on January 19, 2015. The permit authorization and conditions are also based on additional submittals approved by DEQ.

1. The permanent impact of 33 linear feet of stream channel of the North Fork Shenandoah River.
2. The temporary impacts of 131 linear feet of stream channel of the North Fork Shenandoah River.
3. The withdrawal of surface water from the North Fork Shenandoah River shall not exceed a maximum daily withdrawal volume of 2.5 million gallons, and shall not exceed a maximum annual withdrawal volume of 912 million gallons.

B. GENERAL REPORTING REQUIREMENTS

1. All required notifications and submittals shall be submitted to the DEQ office stated below, to the attention of the VWP permit manager, unless directed in writing by DEQ subsequent to the issuance of this permit:

DEQ Valley Regional Office, 4411 Early Road, PO Box 3000, Harrisonburg, VA 22801

2. All reports required by this permit and other information requested by DEQ shall be signed by the permittee or a person acting in the permittee's behalf, with the authority to bind the permittee. A person is a duly authorized representative only if both criteria below are met.
 - a. The authorization is made in writing by the permittee.
 - 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, superintendent, or position of equivalent responsibility. A duly authorized representative may thus be either a named individual or any individual occupying a named position.

If a representative authorization is no longer valid because of a change in responsibility for the overall operation of the facility, a new authorization shall be immediately submitted to DEQ.

3. All submittals shall contain the following signed certification statement:

"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."

4. Any fish kills or spills of fuels or oils shall be reported to DEQ immediately upon discovery at (540) 574-7800. If DEQ cannot be reached, the spill shall be reported to the Virginia Department of Emergency Management (DEM) at 1-800-468-8892 or the National Response Center (NRC) at 1-800-424-8802.
5. DEQ shall be notified in writing within 24 hours or as soon as possible on the next business day when potential environmentally threatening conditions are encountered which require debris removal or involve potentially toxic substances. Measures to remove the obstruction, material, or toxic substance or to change the location of any structure are prohibited until approved by DEQ.
6. The permittee shall notify the DEQ, in writing within 5 days, of any additional impacts to surface waters, including wetlands; of any modifications of the intake structure; and of any change to the type of surface water impacts associated with this project. Any additional impacts, modifications, or changes shall be subject to individual permit review and/or modification of this permit. Compensation may be required.

C. STANDARD PROJECT CONDITIONS

1. The activities authorized by this permit shall be executed in such a manner that any impacts to stream beneficial uses are minimized. As defined in § 62.1-10(b) of the Code, "beneficial use" means both instream and offstream uses. Instream beneficial uses include, but are not limited to, the protection of fish and wildlife habitat, maintenance of waste assimilation, recreation, navigation, and cultural and aesthetic values. Offstream beneficial uses include, but are not limited to, domestic (including public water supply), agricultural, electric power generation, commercial, and industrial uses. Public water supply uses for human consumption shall be considered the highest priority.
2. No activity shall substantially disrupt the movement of aquatic life indigenous to the water body, including those species that normally migrate through the area, unless the primary purpose of the activity is to impound water.
3. At crossings of streams, pipes and culverts less than 24 inches in diameter shall be countersunk a minimum of three inches, and pipes and culverts greater than 24 inches in diameter shall be countersunk a minimum of six inches to provide for the re-establishment of a natural stream bottom and to maintain a low flow channel. For multiple-celled culverts,

only the bottoms of those cells situated below the limits of ordinary high water shall be countersunk. To the greatest extent practicable, other cells, pipes, or culverts shall be elevated to provide a natural distribution of flood flows. The requirement to countersink shall not apply to extensions or maintenance of existing culverts that are not countersunk, to floodplain culverts being placed above ordinary high water, to culverts being placed on bedrock, or to culverts required to be placed on slopes 5% or greater.

4. Flows downstream of the project area shall be maintained to protect all uses.
5. No activity shall cause more than minimal adverse effect on navigation, and no activity shall block more than half of the width of the stream at any given time.
6. The activity shall not impede the passage of normal or expected high flows, and any associated structure shall withstand expected high flows.
7. Continuous flow of perennial springs shall be maintained by the installation of spring boxes, French drains, or other similar structures.
8. All excavation, dredging, or filling in surface waters shall be accomplished in a manner that minimizes bottom disturbance and turbidity. Turbidity levels downstream of the construction site shall not exceed turbidity levels upstream of the construction site at any time.
9. All in-stream activities shall be conducted during low-flow conditions whenever practicable.
10. All construction, construction access, and demolition activities associated with this project shall be accomplished in a manner that minimizes construction materials or waste materials from entering surface waters, unless authorized by this permit. Wet, excess, or waste concrete shall be prohibited from entering surface waters.
11. All fill material placed in surface waters shall be clean and free of contaminants in toxic concentrations or amounts in accordance with all applicable laws and regulations.
12. Stormwater runoff shall be prohibited from directly discharging into any surface waters. Best management practices (BMP) designed, installed, and maintained, as described in the Virginia Erosion and Sediment Control Handbook (Third Edition, 1992, or the most recent version in effect at the time of construction) and the Virginia Stormwater Management Handbook (First Edition, 1999, or the most recent version in effect at the time of construction), shall be deemed suitable treatment prior to discharge into surface waters. Installation of alternative practices not described in these references shall be submitted to DEQ for approval prior to beginning construction.
13. Measures shall be employed at all times to prevent and contain spills of fuels, lubricants, or other pollutants into surface waters.

14. Machinery or heavy equipment in temporarily impacted wetlands shall be placed on mats or geotextile fabric, or other suitable means shall be implemented, to minimize soil disturbance to the maximum extent practical. Mats, fabrics, or other measures shall be removed as soon as the work is complete in the temporarily impacted wetland.
15. Heavy equipment is authorized for use within the stream channel during project construction or stream restoration activities when site conditions prohibit access from the streambank. The equipment shall be stationed on cobble bars and the activities conducted in the dry or during low flow conditions, whenever possible.
16. Temporary disturbances to wetlands, stream channels, and/or stream banks during project construction activities shall be avoided and minimized to the maximum extent practicable.
17. All temporarily disturbed wetland areas shall be restored to preconstruction conditions within 30 calendar days of completing work in the areas, which shall include re-establishing preconstruction contours, and planting or seeding with appropriate wetland vegetation according to cover type (emergent, scrub/shrub, or forested), except for invasive species identified on DCR's Invasive Alien Plant Species of Virginia list. The permittee shall take all appropriate measures to promote and maintain the revegetation of temporarily disturbed surface waters through the second year post-disturbance.
18. All temporarily impacted streams and stream banks shall be restored to their original elevations and contours within 30 calendar days following the construction at that stream segment, and the banks shall be seeded or planted with the same vegetative cover type originally present along the banks, including supplemental erosion control grasses if necessary but not including invasive species identified on DCR's Invasive Alien Plant Species of Virginia list. The permittee shall take all appropriate measures to promote and maintain the revegetation of temporarily disturbed surface waters through the second year post-disturbance.
19. All materials (including fill, construction debris, excavated materials, and woody materials, that are temporarily placed in wetlands, in stream channels, or on stream banks) shall be placed on mats or geotextile fabric, shall be immediately stabilized to prevent the material or leachate from entering surface waters, and shall be entirely removed within 30 calendar days following completion of that construction activity. After removal, disturbed areas shall be returned to original contours, shall be stabilized, and shall be restored to the original vegetated state within 30 calendar days. The permittee shall take all appropriate measures to promote and maintain the revegetation of temporarily disturbed surface waters through the second year post-disturbance.
20. Temporary in-stream construction features such as cofferdams shall be made of non-erodible materials.
21. Virginia Water Quality Standards shall not be violated in any surface waters as a result of the project activities.

22. Seeds used for all project and compensation activities shall conform to the Virginia Seed Law (Sections 3.1-262 Code of Virginia) and Virginia Seed Regulations (2 VAC 5-290-10 et seq).
23. Erosion and sedimentation controls shall be designed in accordance with the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992, or the most recent version in effect at the time of construction. These controls shall be placed prior to clearing and grading activities and shall be maintained in good working order, to minimize impacts to surface waters. These controls shall remain in place only until clearing and grading activities cease and these areas have been stabilized.
24. All non-impacted wetlands, streams, and designated upland buffers that are within the project or right-of-way limits, and that are within fifty feet of any project activities, shall be clearly flagged or demarcated for the life of the construction activity within that area. All non-impacted open water areas within the project or right-of-way limits, and that are within fifty feet of any project activities, shall be clearly flagged or demarcated, as practicable, for the life of the construction activity within that area. The permittee shall notify all contractors and subcontractors that no activities are to occur in these marked areas.
25. The Town will remove the dam should funding become available from the State.
26. All instream construction activities shall be conducted in accordance with the Time-of-Year restriction(s) as recommended by the Department of Game and Inland Fisheries from April 15 - June 15 and August 15 – September 30. The permittee shall retain a copy of the agency correspondence concerning the Time-of-Year restriction(s), or the lack thereof, for the duration of the construction phase of the project.
27. If any karst landscapes are encountered, or any caves or sinkholes are filled or improved, the applicant will contact the Virginia Department of Conservation and Recreation for coordination, in writing within 5 days.

D. PROJECTS INVOLVING STREAM MODIFICATIONS

1. Any exposed slopes or streambanks shall be stabilized immediately upon completion of work in each impact area. Methods and materials for stabilization shall be in accordance with the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992, or the most recent version in effect at the time of construction.
2. Redistribution of existing stream substrate for erosion control purposes is prohibited.
3. Material removed from the stream bottom shall not be deposited into surface waters unless otherwise authorized as fill material in this permit.

4. Riprap apron for all outfalls shall be designed in accordance with Virginia Erosion and Sediment Control Handbook, Third Edition, 1992, or the most recent version in effect at the time of construction.
5. For streambank protection activities, structures and backfill shall be placed as close to the streambank as practical, while still avoiding and minimizing impacts to vegetated wetlands to the maximum extent practical. No material shall be placed in excess of the minimum necessary for erosion protection.
6. Asphalt and materials containing asphalt or other toxic substances shall not be used in the construction of submerged sills, breakwaters, dams, or weirs.
7. If stream channelization or relocation is required, all work in surface waters shall be done in the dry, unless authorized by this permit, and all flows shall be diverted around the channelization or relocation area until the new channel is stabilized. The diversion shall be accomplished by leaving a plug at the inlet and outlet ends of the new channel during excavation. Once the new channel has been stabilized, flow shall be routed into the new channel by first removing the downstream plug and then the upstream plug. The new stream channel shall be constructed following the typical sections submitted with the application and should incorporate natural stream channel design principles to the greatest extent practicable. A low flow channel shall be constructed within the channelized or relocated area. The centerline of the channel shall meander, to the extent possible, to mimic natural stream morphology. The rerouted stream flow shall be fully established before construction activities in the old streambed can begin.

E. PROJECTS INVOLVING UTILITIES

1. All utility line work in surface waters shall be performed in a manner that minimizes disturbance in each area. Temporarily disturbed surface waters shall be restored in accordance with Part I.C.17, C.18, and C.19, unless otherwise authorized by this permit.
2. Material resulting from trench excavation may be temporarily sidecast into wetlands not to exceed a total of 90 calendar days, provided the material is not placed in a manner such that it is dispersed by currents or other forces.
3. The trench for a utility line cannot be constructed in a manner that drains wetlands (e.g., backfilling with extensive gravel layers creating a French drain effect).

F. PROJECTS INVOLVING SURFACE WATER WITHDRAWALS

1. Prior to impacting any surface waters as authorized by this permit the applicant shall submit any existing regional or local water supply conservation plans that apply to the service areas being supplied by the water withdrawn under this permit.

2. The permittee shall monitor withdrawals from the North Fork Shenandoah River on a daily basis to confirm that the withdrawals are in compliance with special conditions of this permit.
3. A 7-day rolling average of stream flow shall be calculated using the USGS 0163400 North Fork Shenandoah River gage near Strasburg. Once the 7-day rolling average stream flow is equal to or less than 175 cubic feet per second, the permittee shall implement Drought Watch Actions as detailed in Attachment A of this permit. If the 7-day rolling average stream flow is equal to or less than 115 cubic feet per second, the permittee shall implement Drought Warning Actions as detailed in Attachment A of this permit; or if the 7-day rolling average stream flow is equal to or less than 90 cubic feet per second, the permittee shall implement Drought Emergency Actions designed to eliminate or reduce non-essential uses of water, as detailed in Attachment A of the this permit.
4. The permittee shall implement the water conservation plan, included in this permit as Attachment A, in accordance with Part I.F.3. Any changes to the water conservation plan shall be submitted to DEQ for review and approval prior to implementing those changes.
5. When a drought emergency is declared by the Commonwealth of Virginia in the Shenandoah Drought Evaluation Region or by the Town of Strasburg in accordance with the Town's Drought Management Ordinance, the permittee shall implement either the provisions directed by the Commonwealth, the Drought Management Ordinance or the water conservation plan included in this permit as Attachment A of this permit, whichever is the most restrictive. The permittee shall be responsible for determining when drought emergencies are declared. The permittee shall retain records documenting that mandatory conservation measures were implemented during declared drought emergencies.
6. To prevent the impingement and entrainment of fish eggs, larvae, and other aquatic life, the intake screens shall be so designed that screen openings are not larger than 1 millimeter in width and the screen face intake velocities are not greater than 0.104 feet per second.
7. All records and information that result from the monitoring and reporting activities required by this permit, including any records of maintenance activities to the withdrawal system, shall be retained for the life of the permit. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or as requested by the State Water Control Board.
8. When the average daily withdrawal during any single month exceeds 10,000 gallons per day, the water withdrawals shall be reported to DEQ by January 31st of the next year, as required under State Water Control Board (SWCB) Water Withdrawal Reporting Regulation (9 VAC 25-200 et seq.). The annual monitoring report shall contain the following information: the permittee's name and address, the sources and locations of water withdrawal, the cumulative volume of water withdrawn each month of the calendar year, the maximum day withdrawal and the month in which it occurred, and the method of withdrawal measurement. For permittees subject to the Virginia Department of Health (VDH) Waterworks Regulations, the

annual reports to DEQ may include, as an alternative, the source and location of water withdrawals, the type of use for the water withdrawn, and reference to the reports filed with VDH that contain the monthly withdrawal data.

G. PROJECT CONSTRUCTION MONITORING AND SUBMITTALS -IMPACT SITE

1. The permittee shall submit monthly progress reports by the 10th of each month, beginning August 10, 2009, until the date construction begins for the authorized activities. These reports shall identify the date by which construction activities and impacts to State waters are expected to begin.

Pre-Construction Monitoring

2. The permittee shall conduct photographic monitoring of pre-construction conditions in permitted permanent and temporary impact areas covered by this permit. Photographic monitoring shall be conducted by the following method:

Enumerated photo stations shall be established at each permitted impact area that shall be used for the duration of construction activities. The directional orientation of each photo station shall remain constant during all monitoring events. Photo stations shall be sufficient to represent permitted activities. Photo stations may be established via water craft or temporary floating structures. Each photograph taken shall be labeled with the permit number, the permitted impact area, the photo station number, the photograph orientation, the date and time of the photograph, the name of the person taking the photograph, and a brief description of the photograph subject. This information shall be provided as a separate attachment to each photograph, if necessary.

Pre-Construction Submittals

3. Final plans for the project construction activities authorized by this permit shall be submitted 30 calendar days prior to initiating any land disturbance or construction in permitted impact areas. Construction activities shall not be initiated until DEQ has both reviewed and commented on the plans, or until 30 calendar days have passed, during which time no DEQ comments were received regarding the plan. In the event DEQ submits comments on the final plans, construction shall not proceed until comments are resolved to DEQ's satisfaction.
4. Construction shall be performed in accordance with the final construction plans submitted to DEQ. Final construction plans shall include the location and orientation of all photo monitoring stations. Any changes to the final plans for permitted areas shall be submitted to DEQ immediately upon determination that changes are necessary. DEQ approval shall be required prior to implementing the changes.

5. The permittee shall submit written notification at least ten calendar days prior to the initiation of land disturbance or construction activities in permitted areas. The notification shall include a projected schedule for initiating and completing work at each permitted impact area.

Monitoring During Construction

6. The permittee shall conduct photographic monitoring of construction activities to document that the permitted activities are in compliance with permit conditions, and to document any events that are not in compliance with the construction-related permit conditions. The permittee shall use the same photo method and location that was used for pre-construction monitoring.
7. Photographic monitoring during activities in each permitted impact area shall be required during each month.
8. For temporary disturbances to surface waters, the permittee shall conduct photographic monitoring after the temporary disturbance activity is complete in order to document that the area has been restored in compliance with these permit conditions.
9. Construction photographic data, except for temporarily disturbed surface waters, shall be submitted with construction monitoring reports as detailed in Part I.G.2.
10. Monitoring of water quality parameters shall be conducted as described below during relocation of any flowing stream through a new channel. Corrective measures and additional monitoring may be required if water quality standards are not met. The permittee shall report violations of water quality standards to DEQ within 24 hours of monitoring. All monitoring data shall be submitted to DEQ within seven calendar days of the monitoring event.
 - a. One sampling station shall be located upstream of the relocated channel, and one sampling station shall be located immediately downstream of the relocated channel.
 - b. At the *upstream* sampling station, temperature, pH, and dissolved oxygen (D.O.) measurements shall be taken immediately *before* opening a new channel, and every 30 minutes thereafter for at least *two* hours.
 - c. At the *downstream* sampling station, temperature, pH, and dissolved oxygen (D.O.) measurements shall be taken immediately *after* opening a new channel, and every 30 minutes thereafter until the measurements indicate that the site has stabilized (minimum of *three* hours).

Construction Monitoring Reports

11. Construction Monitoring Reports shall be submitted to DEQ monthly. The reports shall be submitted by the 10th calendar day of the month after the month in which monitoring takes place. The reports shall include the following, as appropriate:
 - a. A written narrative stating whether or not work was performed during the monitoring period in each permitted impact area. If work was performed, the narrative shall include a description of the work performed, when the work was initiated, and the expected date of completion.
 - b. A summary of activities conducted to comply with the permit conditions, including items associated with meeting specific permit conditions and a description of erosion and sediment controls used to protect water quality and any maintenance performed on the controls.
 - c. A written summary, including photographs, of non-compliance events or problems encountered, any corrective actions taken, and any subsequent notifications to DEQ.
 - d. A summary of anticipated work to be completed during the next reporting period, and an estimated date of construction completion at all permitted impact areas.
 - e. A labeled site map depicting all permitted impact areas and photo stations.
 - f. Properly labeled photographs, including those documenting the completed restoration of temporarily disturbed surface waters. The first construction monitoring report shall also include the photographs taken at each permitted impact area prior to initiation of land disturbance or construction activities in that area.

Post-Construction Monitoring

12. The permittee shall conduct photographic monitoring of all permitted impact areas upon completion of construction and stabilization of the area. The permittee shall use the same photo method and location that was used for pre-construction monitoring.

Post-Construction Submittals

13. Post-construction photographs of permitted impact areas shall be submitted within 30 calendar days of completing the entire construction project.
14. The permittee shall submit an annual photograph, through the second year post-disturbance, documenting the conditions at each temporarily disturbed surface water area.

Part II – General Conditions

A. Duty to Comply

The permittee shall comply with all conditions of the VWP permit. Nothing in the VWP permit regulations shall be construed to relieve the permittee of the duty to comply with all applicable federal and state statutes, regulations and prohibitions. Any VWP permit violation is a violation of the law, and is grounds for enforcement action, VWP permit termination, revocation, modification, or denial of an application for a VWP permit extension or reissuance.

B. Duty to Cease or Confine Activity

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

C. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any impacts in violation of the permit which may have a reasonable likelihood of adversely affecting human health or the environment.

D. VWP Permit Action

1. A VWP permit may be modified, revoked and reissued, or terminated as set forth in 9 VAC 25-210 et seq.
2. If a permittee files a request for VWP permit modification, revocation, or termination, or files a notification of planned changes, or anticipated noncompliance, the VWP permit terms and conditions shall remain effective until the request is acted upon by the board. This provision shall not be used to extend the expiration date of the effective VWP permit. If the permittee wishes to continue an activity regulated by the VWP permit after the expiration date of the VWP permit, the permittee must apply for and obtain a new VWP permit or comply with the provisions of 9 VAC 25-210-185 (VWP Permit Extension).
3. VWP permits may be modified, revoked and reissued or terminated upon the request of the permittee or other person at the board's discretion, or upon board initiative to reflect the requirements of any changes in the statutes or regulations, or as a result of VWP permit noncompliance as indicated in the Duty to Comply subsection above, or for other reasons listed in 9 VAC 25-210-180 (Rules for Modification, Revocation and Reissuance, and Termination of VWP permits).

E. Inspection and Entry

Upon presentation of credentials, any duly authorized agent of the board may, at reasonable times and under reasonable circumstances:

1. Enter upon any permittee's property, public or private, and have access to, inspect and copy any records that must be kept as part of the VWP permit conditions;
2. Inspect any facilities, operations or practices (including monitoring and control equipment) regulated or required under the VWP permit; and
3. Sample or monitor any substance, parameter or activity for the purpose of ensuring compliance with the conditions of the VWP permit or as otherwise authorized by law.

F. Duty to Provide Information

1. The permittee shall furnish to the board any information which the board may request to determine whether cause exists for modifying, revoking, reissuing or terminating the VWP permit, or to determine compliance with the VWP permit. The permittee shall also furnish to the board, upon request, copies of records required to be kept by the permittee.
2. Plans, specifications, maps, conceptual reports and other relevant information shall be submitted as required by the board prior to commencing construction.

G. Monitoring and Records Requirements

1. Monitoring of parameters, other than pollutants, shall be conducted according to approved analytical methods as specified in the VWP permit. Analysis of pollutants will be conducted according to 40 CFR Part 136 (2000), Guidelines Establishing Test Procedures for the Analysis of Pollutants.
2. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
3. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart or electronic recordings for continuous monitoring instrumentation, copies of all reports required by the VWP permit, and records of all data used to complete the application for the VWP permit, for a period of at least three years from the date of the expiration of a granted VWP permit. This period may be extended by request of the board at any time.
4. Records of monitoring information shall include:
 - a. The date, exact place and time of sampling or measurements;
 - b. The name of the individuals who performed the sampling or measurements;
 - c. The date and time the analyses were performed;
 - d. The name of the individuals who performed the analyses;

- e. The analytical techniques or methods supporting the information such as observations, readings, calculations and bench data used;
- f. The results of such analyses; and
- g. Chain of custody documentation.

H. Transferability

This VWP permit may be transferred to a new permittee only by modification to reflect the transfer, by revoking and reissuing the permit, or by automatic transfer. Automatic transfer to a new permittee shall occur if:

1. The current permittee notifies the board within 30 days of the proposed transfer of the title to the facility or property;
2. The notice to the board includes a written agreement between the existing and proposed permittee containing a specific date of transfer of VWP permit responsibility, coverage and liability to the new permittee, or that the existing permittee will retain such responsibility, coverage, or liability, including liability for compliance with the requirements of any enforcement activities related to the permitted activity; and
3. The board does not within the 30-day time period notify the existing permittee and the new permittee of its intent to modify or revoke and reissue the VWP permit.

I. Property rights

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

J. Reopener

Each VWP permit shall have a condition allowing the reopening of the VWP permit for the purpose of modifying the conditions of the VWP permit to meet new regulatory standards duly adopted by the board. Cause for reopening VWP permits includes, but is not limited to when the circumstances on which the previous VWP permit was based have materially and substantially changed, or special studies conducted by the board or the permittee show material and substantial change, since the time the VWP permit was issued and thereby constitute cause for VWP permit modification or revocation and reissuance.

K. Compliance with State and Federal Law

Compliance with this VWP permit constitutes compliance with the VWP permit requirements of the State Water Control Law. Nothing in this VWP permit shall be construed to preclude the institution of any legal action under or relieve the permittee from any responsibilities, liabilities, or other penalties established

pursuant to any other state law or regulation or under the authority preserved by § 510 of the Clean Water Act.

L. Severability

The provisions of this VWP permit are severable.

M. Permit Modification

A VWP permit may be modified, but not revoked and reissued except when the permittee agrees or requests, when any of the following developments occur:

1. When additions or alterations have been made to the affected facility or activity which require the application of VWP permit conditions that differ from those of the existing VWP permit or are absent from it;
2. When new information becomes available about the operation or activity covered by the VWP permit which was not available at VWP permit issuance and would have justified the application of different VWP permit conditions at the time of VWP permit issuance;
3. When a change is made in the promulgated standards or regulations on which the VWP permit was based;
4. When it becomes necessary to change final dates in schedules due to circumstances over which the permittee has little or no control such as acts of God, materials shortages, etc. However, in no case may a compliance schedule be modified to extend beyond any applicable statutory deadline of the Act;
5. When changes occur which are subject to "reopener clauses" in the VWP permit; or
6. When the board determines that minimum instream flow levels resulting from the permittee's withdrawal of water are detrimental to the instream beneficial use and the withdrawal of water should be subject to further net limitations or when an area is declared a Surface Water Management Area pursuant to §§ 62.1-242 through 62.1-253 of the Code of Virginia, during the term of the VWP permit.

N. Permit Termination

After notice and opportunity for a formal hearing pursuant to Procedural Rule No. 1 (9 VAC 25-230-100) a VWP permit can be terminated for cause. Causes for termination are as follows:

1. Noncompliance by the permittee with any condition of the VWP permit;
2. The permittee's failure in the application or during the VWP permit issuance process to disclose fully all relevant facts or the permittee's misrepresentation of any relevant facts at any time;

3. The permittee's violation of a special or judicial order;
4. A determination by the board that the permitted activity endangers human health or the environment and can be regulated to acceptable levels by VWP permit modification or termination;
5. A change in any condition that requires either a temporary or permanent reduction or elimination of any activity controlled by the VWP permit; and
6. A determination that the permitted activity has ceased and that the compensatory mitigation for unavoidable adverse impacts has been successfully completed.

O. Civil and Criminal Liability

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

P. Oil and Hazardous Substance Liability

Nothing in this VWP permit shall be construed to preclude the institution of legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under § 311 of the Clean Water Act or §§ 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Unauthorized Discharge of Pollutants

Except in compliance with this VWP permit, it shall be unlawful for the permittee to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances;
2. Excavate in a wetland;
3. Otherwise alter the physical, chemical, or biological properties of state waters and make them detrimental to the public health, to animal or aquatic life, to the uses of such waters for domestic or industrial consumption, for recreation, or for other uses;
4. On or after October 1, 2001 conduct the following activities in a wetland:
 - a. New activities to cause draining that significantly alters or degrades existing wetland acreage or functions;
 - b. Filling or dumping;
 - c. Permanent flooding or impounding;
 - d. New activities that cause significant alteration or degradation of existing wetland acreage or functions.

R. Permit Extension

Any permittee with an effective VWP permit for an activity that is expected to continue after the expiration date of the VWP permit, without any change in the activity authorized by the VWP permit, shall submit written notification requesting an extension. The permittee must file the request prior to the expiration date of the VWP permit. Under no circumstances will the extension be granted for more than 15 years beyond the original effective date of the VWP permit. If the request for extension is denied, the VWP permit will still expire on its original date and, therefore, care should be taken to allow for sufficient time for the board to evaluate the extension request and to process a full VWP permit modification, if required.

Attachment A

Water Conservation Plan

Drought Watch Actions:

1. A Drought Watch shall be declared by the Town Manager (local Water Purveyor) when flows within the North Fork of the Shenandoah River are equal to or less than the 7 day average flow of 175 cubic feet per second, or, when the daily consumption of water has equaled or exceeded ninety percent (90%) of the capacity of the components of the Town's water system to deliver water, as determined by the Town Staff.
2. During the declarations of a Drought Watch, the following water conservation actions listed below will be encouraged. It is possible that the increased public awareness on water conservation activities during this period may reduce water use up to 5%.
 - A Drought Watch notification will be publicized through the general news media or any other appropriate method for making such notification public. These may include general newspaper circulation, website postings, radio, television or through the use of social media sources.
 - The locality will include water conservation information on their website.
 - The locality will contact the Northern Shenandoah Valley Regional Commission (NSVRC) office when the Drought Watch stage is implemented. The NSVRC will update the locality's drought status on the regional drought website and nsvenvironment webpage.
 - All citizens will be encouraged to begin voluntary water conservation actions (see below).
 - Local staff will continue to monitor drought trigger indicators on a daily basis and report significant changes to local officials.
 - The locality will increase water use efficiency and/or promote reclaim water for public facility landscaping.
 - Leak detection consults by locality will be conducted upon request, as staff can support.
 - Continue conservation until water storage (source & distribution) is replenished.
 - All citizens, including private well users, will be encouraged to voluntarily reduce or eliminate non-essential water uses (see under Drought Emergency Actions) and follow the water conservation actions.
3. In declaring a Drought Watch, the voluntary restrictions pursuant to this section the town manager shall make the public aware of the need for conservation measures through general news media or other appropriate methods for making such notifications public. Water conservation information may be available on social media and the Town's website.

The locality will notify the Northern Shenandoah Regional Commission to assist with additional public awareness.

3. The following voluntary actions are encouraged to customers supplied water by the Town of Strasburg.
 1. Mow lawns to 2 inches or more and leave clippings (higher cut encourages grass roots to grow deeper to hold soil moisture better than closely clipped lawn.).
 2. Use mulch around plants to reduce evaporation.
 3. Aerate lawn to reduce evaporation.
 4. Avoid over fertilizing your lawn. Fertilizer applications increase the need for water. Apply fertilizers that contain slow-release, water-insoluble forms of nitrogen.
 5. Place rain barrels under gutter downspouts to collect water for plants, car washing, or general cleaning projects.
 6. Plant native or dry-loving (xeric) plants in landscaping.
 7. Do not use the garbage disposal.
 8. Use automatic dishwasher only when load is full.
 9. Limit showers to 5 to 10 mins / day / person.
 10. Avoid running water to get cold temp, keep a pitcher of cold water in fridge.
 11. Wrap hot water heater and pipes with insulating material.
 12. Install faucet aerators.

Drought Warning Actions:

1. A Drought Warning shall be declared by the Town Manager (local water purveyor) when stream flows within the North Fork of the Shenandoah River are equal to or less than the 7 day average flow of 115 cubic feet per second, or, when the daily consumption of water has equaled or exceeded ninety percent (90%) of the capacity of the components of the Town's water system to deliver water, as determined by the Town Staff.
2. During the declarations of Drought Warning, the following water conservation actions and a reduction or elimination of non-essential water use will be encouraged. It is possible that the increased public awareness on water conservation activities during this period may reduce water use up to 5-10 %.
 - A Drought Warning notification shall be publicized through the general news media or any other appropriate method for making such notification public in newspapers of general circulation and radio and television.
 - The locality will include water conservation information on their website.
 - The locality will contact the Northern Shenandoah Valley Regional Commission (NSVRC) office when the Drought Warning stage is implemented. The NSVRC will update the locality's drought status on the regional drought website and

nsvenvironment webpage.

- Public waterworks and Self-Supplied water users who withdraw more than 10,000 gallons per day will initiate water conservation measures.
- All local government offices and institutions should consider the reduction or elimination of non-essential water uses with the goal of reducing water usage by 5 to 10%.
- Locality staff will continue to monitor drought triggers daily to indicate levels and report significant changes to local officials.
- Leak detection consults by the locality will be conducted upon request, as staff can support.
- Continue conservation until water storage (source & distribution) is replenished.
- All citizens, including private well users, will be encouraged to voluntarily reduce or eliminate non-essential water uses (see under Drought Emergency Actions) and follow the water conservation actions.

3. In addition to the actions listed in the Drought Watch Actions section, the following actions are strongly encouraged to customers supplied water by the Town of Strasburg.
 1. Use a broom instead of a hose to clean driveways, walks and patios.
 2. Do not wash hard surfaces or buildings.
 3. Turn off ornamental fountains or other such structures, unless the water is recycled.
 4. Reduce lawn watering to no more than 2 times a week, between the hours of 9:00 p.m. and 10:00 a.m.
 5. Reduce vegetable garden watering by watering only when needed, between the hours of 9:00 p.m. and 10:00 a.m.
 6. Apply water directly to plants by using soil-soakers or drip irrigation. Avoid use of sprinklers.
 7. Do not plant new landscaping or grass.

Drought Emergency Action:

1. In the event the Town of Strasburg ratifies a declaration of a local emergency within the Town, as required by Section 44-146.21 (a) of the Code of Virginia, 1950, as amended, and such declaration is caused by a water supply shortage within the Town or when flows within the North Fork of the Shenandoah River are equal to or less than the 7 day average flow of 90 cubic feet per second, the following mandatory actions will be implemented for the duration of the declared emergency. The non-essential uses listed below are prohibited during the drought emergency.
 - A Drought Emergency notification shall be publicized through the general news media or any other appropriate method for making such notification public.
 - The locality will include water conservation information on their website.
 - The locality will contact the Northern Shenandoah Valley Regional Commission (NSVRC) office when the Drought Emergency stage is implemented. The NSVRC

will update the locality's drought status on the regional drought website.

- All water customers will initiate the mandatory non-essential water use restrictions listed below and follow the water conservation actions listed under the Drought Watch and Warning sections above.
- Public waterworks and Self-Supplied water users who withdraw more than 10,000 gallons per day will initiate the mandatory non-essential water use restrictions listed below and follow the water conservation actions listed under the Drought Watch and Warning sections above.
- All local government offices and institutions will initiate the mandatory non-essential water use restrictions listed below with the goal of reducing water usage by 10 to 15%.
- The locality will be authorized to adopt local ordinances to enforce the mandatory non-essential water use restrictions listed below and to establish, collect, and retain fees for violations of these restrictions.
- Locality staff will continue to monitor drought indicators on a monthly basis and report significant changes to local officials.
- The locality may consider developing increased conservation rate charges or surcharges to respond to drought conditions.
- All users continue conservation until water storage (source & distribution) is replenished.
- Commercial customers are to follow the mandatory non-essential water use restrictions listed below, where appropriate.
- All other residential, business and industrial water users; whether supplied by public water supplies, Self-Supplied sources, or private water wells; who do not normally utilize water for any of the non-essential uses listed below are requested to voluntarily reduce water consumption by at least 10%. This reduction may be the result of elimination of other non-essential water uses, application of water conservation practices, or reduction in essential water uses.

Non-Essential Water Uses:

2. The following non-essential water uses will be prohibited during periods of declared drought emergencies. Below each non-essential use is a list of exceptions. These prohibitions and exceptions will apply to uses from all sources of water. The conservation actions listed in the Drought Watch and Warning section of the Northern Shenandoah Valley Drought Plan become mandatory during the Drought Emergency Action.

Water use restrictions shall not apply to the agricultural production of food or fiber, the maintenance of livestock including poultry, nor the commercial production of plant materials so long as best management practices are applied to assure the minimum amount of water is utilized.

3. *Unrestricted non-commercial watering (public or private) Lawn Irrigation*

Exceptions-

- Newly sodded and seeded areas may be irrigated to establish cover on bare ground at the minimum rate necessary for no more than a period of 60 days. Irrigation rates may not exceed one inch of applied water in any 7 day period. Consider delaying seeding or sodding of new lawns.
- Gardens, bedding plants, trees, shrubs and other landscape materials may be watered with hand held containers not exceeding three (3) gallons in capacity. Watering may be done between the hours of 9:00 p.m. and 10:00 a.m. to avoid the heat of the day. Do not use sprinklers.

4. *Golf Course Irrigation*

Exceptions-

- Tees and greens may be irrigated between the hours of 9:00 p.m. and 10:00 a.m. at the minimum rate necessary.
- Fairways may be irrigated between the hours of 9:00 p.m. and 10:00 a.m. at the minimum rate necessary not to exceed one inch of applied water in any ten-day period.
- All allowed golf course irrigation must be applied in a manner to assure that no runoff, puddling or excessive watering occurs.

5. *Athletic Field Irrigation*

Exceptions-

- Athletic fields may be irrigated between the hours of 9:00 p.m. and 10:00 a.m. at a rate not to exceed one inch per application or more than a total of one inch in multiple applications during any ten-day period. All irrigation water must fall on playing surfaces with no outlying areas receiving irrigation water directly from irrigation heads.
- Athletic fields may be irrigated between the hours of 9:00 p.m. and 10:00 a.m. during necessary overseeding, sprigging or resodding operations at the minimum rate necessary for a period that does not exceed 60 days. Irrigation rates during this restoration period may not exceed one inch of applied water in any seven-day period.
- All allowed athletic field irrigation must be applied in a manner to assure that no runoff, puddling or excessive watering occurs.
- Irrigation is prohibited on athletic fields that are not scheduled for use within the next 120-day period.

6. *Use of Fire Hydrants*

Exceptions-

- Except for necessary governmental operations such as firefighting, health protection purposes, or certain testing and drills by the fire department as approved by the local government or waterworks operator

7. *Washing of paved surfaces such as streets, roads, sidewalks, driveways, garages, parking areas, tennis courts, and patios; flushing of sewers and hydrants*

Exceptions-

- Surfaces may be washed with hand held containers not exceeding three (3) gallons in capacity. Washing should not occur during the heat of the day.
- As needed to ensure public health and safety, and approved by the local government or waterworks operator

8. *Washing or cleaning of mobile equipment including automobiles, trucks, trailers and boats.*

Exceptions-

- Mobile equipment may be washed at car washes that utilize reclaimed water as part of the wash process or reduce water consumption by at least 10% when compared to a similar period when water use restrictions were not in effect. Any facility operating a reclaimed water system must prominently display, in public view, a sign stating that such a recycling system is in operation.
- Mobile equipment may be washed using hand held containers not exceeding three (3) gallons in capacity or hand held hoses equipped with automatic shutoff devices provided that no mobile equipment is washed more than once per calendar month and the minimum amount of water is utilized.
- Automobile dealers and rental agencies may wash cars that are in inventory no more than once per week utilizing hand held containers not exceeding three (3) gallons in capacity, hoses equipped with automatic shutoff devices, automated equipment that utilizes reclaimed water as part of the wash process, or automated equipment where water consumption is reduced by at least 10% when compared to a similar period when water use restrictions were not in effect.

9. *Use of water for the operation of ornamental fountains, artificial waterfalls, misting machines, and reflecting pools*

Exceptions-

- Fountains and other means of aeration necessary to support aquatic life are permitted.

10. *Filling and topping off outdoor swimming pools*

Exceptions-

- Newly built or repaired pools may be filled to protect their structural integrity.
- Outdoor pools operated by commercial ventures, community associations, recreation associations, and similar institutions open to the public may be refilled as long as:
 - Levels are maintained at mid-skimmer depth or lower,
 - Any visible leaks are immediately repaired,
 - Backwashing occurs only when necessary to assure proper filter operation,
 - Deck areas are washed no more than once per calendar month (except where chemical spills or other health hazards occur),
 - All water features (other than slides) that increase losses due to evaporation are eliminated, and
 - Slides are turned off when the pool is not in operation.
- Swimming pools operated by health care facilities used in relation to patient care and rehabilitation may be filled or topped off.

11. Serving of water in restaurants, clubs, or eating-places

Exceptions-

- May only be allowed at the specific request of the customer

April 2, 2015

FACT SHEET

Minor Modification of Virginia Water Protection Individual Permit No. 07-1168
Town of Strasburg Water Improvements, Strasburg, Virginia

DEQ has reviewed the application for the Virginia Water Protection (VWP) Individual Permit Number 07-1168 and determined that the proposed changes qualify for a minor modification of the VWP permit in accordance with VWP Permit Program Regulation 9 VAC 25-210-180.F.5. Based on the information provided in the application and in compliance with § 401 of the Clean Water Act as amended (33 USC 1341 et seq.) and the State Water Control Law and regulations, DEQ has determined that there is a reasonable assurance that the activity authorized by this permit will not adversely affect existing beneficial uses.

The following details the minor modification application review process.

1. Processing Dates:

Modification Request Received:	January 19, 2015
Request Reviewed:	March 2, 2015
Letter(s) sent to Local Government(s):	N/A (additional impact not proposed)
Letters sent to Commissioner of Revenue	N/A (additional impact not proposed)
Letters sent to Riparian/Adjacent Land Owners:	N/A (additional impact not proposed)
Minor Modification Permit Approved:	April 2, 2015

2. Project Description:

The permittee proposes the installation and operation of a surface water withdrawal on the North Fork of the Shenandoah River. The authorized project included the installation of associated water lines.

3. Minor Modification Description:

This action is a minor modification to the permit issued on July 1, 2009, which addressed the proposed construction and operation of the intake structure on the North Fork of the Shenandoah River and installation of associated waterlines. The modification is warranted to revise the permit to accurately reflect the water conservation measures that the Town of Strasburg implements when the drought triggers in Part I.F.3 of the permit are required to be implemented. During a meeting with the Town on October 23, 2014, it was identified that Attachment A referred to an outdated drought ordinance, which creates confusion as to the conservation measures to be implemented during a drought event. The revised Attachment A is the current water conservation plan that includes references to drought trigger flows required by Part I.F.3 of the permit. Additionally, staff revised a portion of the text in Part I.F.3 to provide clarity as to when the drought triggers and the corresponding conservation measures are to be implemented. Permitting staff coordinated with Water Supply Planning (WSP) staff regarding the proposed revisions.

4. Project History:

During the October 23, 2014 meeting with the Town, staff learned the drought triggers in the Northern Shenandoah Regional Water Supply plan dated September 18, 2011 (WSP) are less stringent than those in the VWP permit. WSP staff recommended the Town submit the proposed revision to the WSP to DEQ, and it would be attached to the current plan as a reminder to revise the WSP when all are updated in 2018. The Town understood the VWP permit established the enforceable requirement and therefore, they must comply with the drought triggers in their permit. Further information regarding this meeting can be found in the meeting notes dated October 24, 2014 and located in the VWP Permit No. 07-1168 file.

9. Revisions to Part I - Special Conditions:

Staff revised the following conditions of the permit:

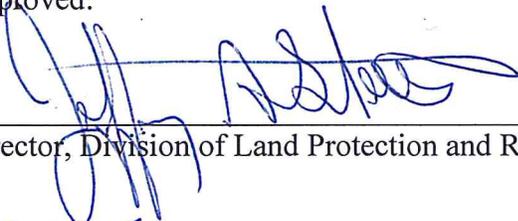
- Part A revised to identify minor modification request.
- Part I.F.3 revised to clarify implementation of conservation measures.
- A new condition added as Part I.F.4 that requires the permittee to implement the water conservation plan included in the permit as Attachment A in accordance with Part I.F.3. It also requires any revisions to the plan be reviewed and approved by DEQ prior to implementation.
- A new condition added as Part I.F.5 that directs the permitted to implement the most stringent water conservation measures when a drought emergency is declared.
- Renumbered older Part I.F.4 through 6 to account for the addition of two new permit conditions.
- Attachment A revise to reflect the water conservation plan instead of an outdated ordinance.

10. Staff Findings and Recommendations:

- The proposed activity is consistent with the provisions of the Clean Water Act and State Water Control Law, and will protect instream beneficial uses.
- The proposed permit addresses avoidance and minimization of wetland impacts to the maximum extent practicable.
- The effect of the impact, together with other existing or proposed impacts to wetlands, will not cause or contribute to significant impairment of state waters or fish and wildlife resources.

Staff recommends VWP Individual Permit Number 07-1168 be modified as proposed.

Approved:



Director, Division of Land Protection and Revitalization

4-3-2015

Date