Permit No.	**VA0060844**
Effective Date:	June 7, 2009
Expiration Date:	June 6, 2014

AUTHORIZATION TO DISCHARGE UNDER THE

VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM

AND

THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act as amended and pursuant to the State Water Control Law and regulations adopted pursuant thereto, the following owner is authorized to discharge in accordance with the information submitted with the permit application, and with this permit cover page, Part I – Effluent Limitations and Monitoring Requirements, and Part II – Conditions Applicable to All VPDES Permits, as set forth herein.

Owner Name:	Blacksburg-VPI Sanitation Authority
Facility Name:	Lower Stroubles Creek WWTP
City:	NA
County:	Montgomery
Facility Location:	5277 Prices Fork Road

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

Stream Name:	New River
River Basin:	New River
River Subbasin:	NA
Section:	2a
Class:	IV
Special Standards:	PWS, v

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Steven A. Dietrich, P.E., Regional Director

_____

Date

A. Limitations and Monitoring Requirements

1. During the period beginning with permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall number 001. This discharge shall be limited and monitored by the permittee as specified below:

	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
Effluent Characteristic	Monthly Average	Weekly Average	Minimum	Maximum	Frequency[a]	Sample Type
Flow (MGD)[b]	NL	NA	NA	NL	Continuous	Recorded
pH (Standard Units)	NA	NA	6.0	9.0	1/Day	Grab
BOD_5[c]	24 mg/l 810 kg/d	36 mg/l 1200 kg/d	NA	NA	1/Week	24 Hour Composite
Total Suspended Solids[c]	24 mg/l 810 kg/d	36 mg/l 1200 kg/d	NA	NA	1/Week	24 Hour Composite
Total Residual Chlorine[c,d]	0.031 mg/l	0.038 mg/l	NA	NA	1/Day	Grab
Dissolved Oxygen	NA	NA	6.6 mg/l	NA	5 Days/Week	Grab
E. coli	126 N/100mL*	NA	NA	NA	2/Month	Grab

NL = No Limitation with monitoring required NA = Not Applicable
* Geometric Mean

a. See Part I.D.9 for additional instructions regarding monitoring frequencies.
b. The design flow of this treatment facility is 9.0 MGD.
c. See Part I.D.1 for quantification levels and reporting requirements.
d. See Part I.B for additional total residual chlorine monitoring requirements.
e. There shall be no discharge of floating solids or visible foam in other than trace amounts.
f. At least 85% removal for BOD_5 and TSS must be attained for this effluent.

A. Limitations and Monitoring Requirements – Storm Water Event Monitoring

2. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge storm water from outfalls 003, 004, 005, 006 and 007. This discharge shall be limited and monitored by the permittee as specified below:

   a. THERE SHALL BE NO DISCHARGE OF PROCESS WASTEWATER FROM THESE OUTFALLS.

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

   c. See Part I.F for storm water monitoring requirements.

B. Additional Total Residual Chlorine (TRC) Limitations and Monitoring Requirements

1. The permittee shall monitor TRC at the outlet of the chlorine contact tank once every two hours by grab sample.

2. No more than 36 of total monthly samples taken at the outlet of the chlorine contact tank shall be less than 1.5 mg/l for any one calendar month [DMR Code # 157].

3. No TRC sample collected at the outlet of the chlorine contact tank shall be less than 0.6 mg/l [DMR Code # 213].

4. If dechlorination facilities exist the samples above shall be collected prior to dechlorination.

5. If chlorine disinfection is not used, E. coli shall be limited and monitored by the permittee as specified in the table below. The E. coli requirement, if applicable, shall substitute for the E. coli and TRC requirements delineated elsewhere in Parts I.A and I.B.

	DISCHARGE LIMITATION	MONITORING REQUIREMENTS	
Effluent Characteristic	Monthly Average	Frequency	Sample Type
E. coli (N/100 ml)	126 (Geometric Mean)	1/Day	Grab (between 10 AM and 4 PM)

C. Special Conditions

1. **Compliance Reporting under Part I.A and I.B**

a. Quantification Levels -- The quantification levels (QLs) shall be as follows:

Effluent Characteristic	Quantification Level
BOD_5	5.0 mg/l
Total Suspended Solids	1.0 mg/l
Chlorine	0.1 mg/l

b. Reporting

(1) Monthly Average

Compliance with the monthly average limitations and/or reporting requirements for the parameters listed in Part I A and B shall be determined as follows: All concentration data below the QL listed above shall be treated as zero. All concentration data equal to or above the QL listed in a. above shall be treated as it is reported. An arithmetic average shall be calculated using all reported data for the month, including the defined zeros. This arithmetic average shall be reported on the Discharge Monitoring Report (DMR) as calculated. If all data are below the QL, then the average shall be reported as "<QL". If reporting for quantity is required on the DMR and the calculated concentration is <QL, then report "<QL" for the quantity. Otherwise use the concentration data to determine the quantity.

(2) Maximum Weekly Average

Compliance with the weekly average limitations and/or reporting requirements for the parameters listed in Part I A and B shall be determined as follows: All concentration data below the QL listed in a. above shall be treated as zero. All concentration data equal to or above the QL shall be treated as reported. An arithmetic average shall be calculated using all reported data, including the defined zeros, collected within each complete calendar week and entirely contained within the reporting month. The maximum value of the weekly averages thus determined shall be reported on the DMR. If all data are below the QL, then the average shall be reported as "<QL". If reporting for quantity is required on the DMR and the calculated concentration is <QL, then report "<QL" for the quantity. Otherwise use the concentration data to determine the quantity.

(3) Any single datum required shall be reported as "<QL" if it is less than the QL listed in 1.a above. Otherwise the numerical value shall be reported.

(4) Monitoring results shall be reported using the same number of significant digits as listed in the permit.

Significant Digits -- The permittee shall report at least the same number of significant digits as the permit limit for a given parameter. Regardless of the rounding convention used by the permittee (i.e., 5 always rounding up or to the

nearest even number), the permittee shall use the convention consistently, and shall ensure that consulting laboratories employed by the permittee use the same convention.

2. **95% Capacity Reopener**

A written notice and a plan of action for ensuring continued compliance with the terms of this permit shall be submitted to the Blue Ridge Regional Office, 3019 Peters Creek Road, Roanoke, Virginia, 24019, when the monthly average flow influent to the sewage treatment plant reaches 95 percent of the design capacity authorized in this permit for each month of any three consecutive month period. The written notice shall be submitted within 30 days and the plan of action shall be received at the Blue Ridge Regional Office no later than 90 days from the third consecutive month for which the flow reached 95 percent of the design capacity. The plan shall include the necessary steps and a prompt schedule of implementation for controlling any current or reasonably anticipated problem resulting from high influent flows. Failure to submit an adequate plan in a timely manner shall be deemed a violation of this permit.

3. **Indirect Dischargers**

The permittee shall provide adequate notice to the Department of the following:

a. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Section 301 or 306 of Clean Water Act and the State Water Control Law if it were directly discharging those pollutants; and

b. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of this permit.

Adequate notice shall include information on (i) the quality and quantity of effluent introduced into the treatment works, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the treatment works.

4. **O&M Manual Requirement**

The permittee shall review the existing Operations and Maintenance (O & M) Manual and notify the DEQ Regional Office in writing by **September 5, 2009** whether it is still accurate and complete. If the O & M Manual is no longer accurate and complete, a revised O & M Manual shall be submitted for approval to the DEQ Regional Office by **September 5, 2009** or with the above required notification. The permittee will maintain an accurate, approved operation and maintenance manual for the treatment works. This manual shall include, but not necessarily be limited to, the following items, as

appropriate:

a. Techniques to be employed in the collection, preservation, and analysis of effluent samples (and sludge samples if sludge analyses are required);
b. Discussion of Best Management Practices, if applicable;
c. Treatment works design, treatment works operation, routine preventative maintenance of units within the treatment system, critical spare parts inventory and record keeping;
d. Procedures for handling, storing, and disposing of all wastes, fluids, and pollutants that will prevent these materials from reaching state waters.

Any changes in the practices and procedures followed by the permittee shall be documented and submitted for staff approval within 90 days of the effective date of the changes. Upon approval of the submitted manual changes, the revised manual becomes an enforceable part of the permit. Noncompliance with the O & M Manual shall be deemed a violation of the permit.

5. **Licensed Operator Requirement**

The permittee shall employ or contract at least one Class I licensed wastewater works operator for this facility. The license shall be issued in accordance with Title 54.1 of the Code of Virginia and the regulations of the Board for Waterworks and Wastewater Works Operators. The permittee shall notify the Department in writing whenever he is not complying, or has grounds for anticipating he will not comply with this requirement. The notification shall include a statement of reasons and a prompt schedule for achieving compliance.

6. **Reliability Class**

The permitted treatment works shall meet Reliability Class I requirements.

7. **Sludge Reopener**

The Board may promptly modify or revoke and reissue this permit if any applicable standard for sewage sludge use or disposal promulgated under Section 405(d) of the Clean Water Act is more stringent than any requirements for sludge use or disposal in this permit, or controls a pollutant or practice not limited in this permit.

8. **Sludge Use and Disposal**

The permittee shall conduct all sewage sludge use or disposal activities in accordance with the Sludge Management Plan (SMP) approved with the issuance of this permit. Any proposed changes in the sewage sludge use or disposal practices or procedures followed

by the permittee shall be documented and submitted for DEQ and Department of Health approval 90 days prior to the effective date of the changes. Upon approval, the revised SMP becomes an enforceable part of the permit. The permit may be modified or alternatively revoked and reissued to incorporate limitations or conditions necessitated by substantive changes in sewage sludge use or disposal practices.

9. **Effluent Monitoring Frequencies**

If the facility permitted herein is issued a Warning Letter, a Notice of Violation, or is the subject of an active enforcement action, then the following monitoring frequencies shall become effective upon issuance of the letter or notice or initiation of the enforcement action and remain in effect until permit expiration:

Total Suspended Solids	7 Days/Week
BOD_5	7 Days/Week
Dissolved Oxygen	1/Day

No other effluent limitations or monitoring requirements are affected by this special condition.

10. **Bypass Point Source**

The following outfalls are hereby recognized in this permit as bypass points:

Name of Bypass	Location	Outfall Number	Receiving Waters
Primary Screening Building	Wastewater Treatment Facility (at headworks)	002	Name: New River Basin: New River Subbasin: N/A Section: 2a Class: IV Special Standards: PWS, v

This outfall is not authorized to discharge except as provided for in Part II.U of this permit and in accordance with the State Water Control Board's VPDES Permit Regulation.

In addition to the reporting requirements in Part II.U, each month the permittee is required to report the date of each bypass occurrence, the duration of each bypass occurrence, an estimation of the amount of wastewater discharged during each occurrence, and an estimation of kilograms of BOD_5 discharged during each occurrence.

Report this information each month with the Discharge Monitoring Report (DMR).

11. **Total Maximum Daily Load (TMDL) Reopener**

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

12. **CTC, CTO Requirement**

The permittee shall, in accordance with the DEQ Sewage Collection and Treatment Regulation (9VAC 25-790), obtain a Certificate to Construct (CTC), and a Certificate to Operate (CTO) from the DEQ prior to constructing wastewater treatment works and operating the treatment works, respectively. Non-compliance with the CTC or CTO shall be deemed a violation of the permit

13. **PCB Monitoring** – The permittee shall monitor the effluent at Outfalls 001 and 006 for Polychlorinated Biphenyls (PCBs) in accordance with the schedule in 12.f. below. DEQ will use these data for development of a PCB TMDL for the New River. The permittee shall conduct the sampling and analysis in accordance with the requirements specified below. At a minimum:
    a. Monitoring and analysis shall be conducted in accordance with the most current version of EPA Method 1668, congener specific results as specified in the PCB Point Source Monitoring Guidance. It is the responsibility of the permittee to ensure that proper QA/QC protocols are followed during the sample gathering and analytical procedures.
    b. The permittee shall collect a minimum of 2 high-flow samples and 2 low-flow samples at Outfall 001 and 2 wet-weather samples at Outfall 006 according to the PCB Point Source Guidance No. 09-2001, Appendix C (Sample Collection Methods for Effluent and Storm Water) and/or its amendments. Samples previously collected from these outfalls and analyzed with Method 1668, may be used in satisfying the total number of samples required even if the collection occurred prior to the current permit term.
    c. The sampling protocol shall be submitted to DEQ - Blue Ridge Regional Office for review and approval in accordance with the schedule in 12.f. below prior to the first sample collection.
    d. The data shall be submitted to DEQ - Blue Ridge Regional Office by the 10th day of the month following receipt of the results according to the PCB Point Source Guidance No. 09-2001, Appendix E (Reporting Requirements for Analytical (PCB) Data Generated Using EPA Method 1668) and/or its amendments. The submittal shall include the unadjusted and appropriately quantified individual PCB congener analytical results. Additionally, laboratory and field QA/QC

documentation and results should be reported. Total PCBs are to be computed as the summation of the reported, quantified congeners.

e. If the results of this monitoring indicate actual or potential exceedance of the water quality criterion or the Waste Load Allocation specified in the approved TMDL, the permittee shall submit to DEQ - Blue Ridge Regional Office for review and approval a Pollutant Minimization Plan (PMP) designed to locate and reduce sources of PCBs.

f. PCB monitoring shall proceed in accordance with the following schedule:

1. Submit PCB sampling protocol	No later than October 10, 2009
2. Complete and Submit PCB monitoring results to the DEQ - Blue Ridge Regional Office.	No later than July 10, 2011.
3. If required, Submit Pollutant Minimization Plan (PMP)	Within 1 year of notification by DEQ.

D. Pretreatment

The permittee's pretreatment program has been approved. The program is an enforceable part of this permit. The permittee shall:

1. Implement a pretreatment program that complies with the Clean Water Act, Water Control Law, State Regulations and the approved program.

2. **Submit to the DEQ Regional Office an annual report that describes the permittee's program activities over the previous year. The annual report shall be submitted no later than January 31 of each year and shall include:**

   a. An updated list of Significant Industrial Users* showing the categorical standards and local limits applicable to each;

   b. A summary of the compliance status of each Significant Industrial User with pretreatment standards and permit requirements;

   c. A summary of the numbers and types of Significant Industrial User sampling and inspections performed by the POTW;

   d. All information concerning any interference, upset, VPDES permit or Water Quality Standards violations directly attributable to Significant Industrial Users and the enforcement actions taken to alleviate said events;

   e. A description of all enforcement actions taken against Significant Industrial Users over the previous 12 months;

f. A summary of any changes to the submitted pretreatment program that have not been previously reported to the DEQ Regional Office;

g. A summary of the permits issued to Significant Industrial Users since the last annual report;

h. POTW and self-monitoring results for Significant Industrial Users determined to be in significant non-compliance during the reporting period;

i. Results of the POTW's influent, effluent, and sludge sampling not previously submitted to DEQ;

j. Copies of newspaper publications of all Significant Industrial Users in significant non-compliance during the reporting period **(due no later than March 31 of each year)**;

k. Signature of authorized representative.

3. **Within 180 days of the effective or modification date of this permit, submit to the DEQ Regional Office a survey of all Industrial Users discharging to the POTW.** The information shall be submitted on the DEQ Discharger Survey Form, or an equivalent form that includes the quantity and quality of the wastewater. Survey results shall include the identification of significant industrial users of the POTW.

4. Submit any changes to the approved pretreatment program to the DEQ Regional Office, and obtain approval before implementation of the changes.

5. Ensure all Significant Industrial Users' permits are issued/reissued in a timely manner by the POTW and are effective and enforceable.

6. Inspect and sample all Significant Industrial Users at a minimum of once a year:

   a. Sampling shall include all regulated parameters, and shall be representative of the wastewater discharged;

   b. Inspection of the Significant Industrial Users shall cover all areas which could result in wastewater discharge to the treatment works including manufacturing, chemical storage, pretreatment facilities, spill prevention and control procedures, hazardous waste generation, and Significant Industrial User's self-monitoring and records.

7. Implement the reporting requirements of Part VII of the VPDES Permit Regulation.

8. Review the Enforcement Response Plan (ERP) and ensure it meets State and Federal regulatory requirements. The approved ERP is an enforceable part of this permit and shall be implemented.

9. **Develop local limits or reevaluate local limits using current influent, effluent, and sludge monitoring data and submit the data and results of the evaluation to the DEQ Regional Office within one year of the effective or modification date of the permit.** All Significant Industrial Users shall be sampled at the end of any categorical processes and at the entrance to the treatment works.

10. Ensure that adequate resources are available to implement the approved program.

11. Meet all public participation requirements and annually public notice Significant Industrial Users in significant non-compliance with pretreatment standards and requirements for the previous 12 months.

12. In lieu of the survey, the permittee may elect to develop, submit for approval and implement the plan to continuously survey the industrial community in the permittee's jurisdiction.

13. The DEQ my require the POTW to institute changes to its pretreatment program:

    a. If the approved program is not implement in a way satisfying the requirements of the Clean Water Act, Water Control Law, or State Regulations;

    b. If problems such as pass-through, interference, Water Quality Standards violations, or sludge contamination develop or continue; and

    c. If Federal, State or local requirements change.

* A <u>significant industrial user</u> is one that:

1. Has a process wastewater (**) flow of 25,000 gallons or more per average workday;

2. Contributes a process waste stream that makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW;

3. Is subject to the categorical pretreatment standards; or

4. Has significant impact, either singularly or in combination with other Significant Dischargers, on the treatment works or the quality of its effluent.

** Excludes sanitary, non-contact cooling water, and boiler blowdown.

E. Toxicity Management Program

1. **Biological Monitoring – Outfall 001**

a. In accordance with the schedule in 2. below, the permittee shall conduct annual acute and chronic toxicity tests for the duration of the permit. Sampling shall be representative of the discharge of wastewater. The permittee shall collect 24-hour flow-proportioned composite samples of final effluent from outfall 001. The acute test to use is:

48 Hour Static Acute Test using *Ceriodaphnia dubia*

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

The chronic test to use is:

Chronic 7-Day Static Renewal Survival and Growth Test using *Pimephales promelas*

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

The permittee may provide additional samples to address data variability during the period of initial data generation. These data shall be reported and may be included in the evaluation of effluent toxicity. Test procedures and reporting shall be in accordance with the WET testing methods cited in 40 CFR 136.3.

b. The test dilutions should be able to determine compliance with the following endpoint:

(1) Acute LC_{50} of 100% equivalent to a TU_a of 1.0.

(2) Chronic NOEC of 10% equivalent to a TU_c of 10.

c. The test data may be evaluated for reasonable potential at the conclusion of the test period. The data may be evaluated sooner if requested by the permittee, or if toxicity has been noted. Should evaluation of the data indicate that a limit is needed, a WET limit and compliance schedule will be required and the toxicity tests in 1.a. may be discontinued.

2. **Reporting Schedule:**

The permittee shall report the results on the DMR and supply one copy of the toxicity test reports specified in this Toxics Management Program in accordance with the schedule that follows.

Period	Compliance Periods	Report Submission Dates
Annual 1	7/1/09 to 10/31/09	12/10/09
Annual 2	11/1/09 to 10/31/10	12/10/10
Annual 3	11/1/10 to 10/31/11	12/10/11
Annual 4	11/1/11 to 10/31/12	12/10/12
Annual 5	11/1/12 to 10/31/13	12/10/13

F. **General Storm Water Special Conditions**

1. Quarterly visual monitoring.

a. The permittee shall perform and document a quarterly visual examination of a storm water discharge associated with industrial activity from each storm water outfall, except discharges exempted below (Part I.F.1.b and I.F.3). The examination(s) shall be made at least once in each of the following three-month periods: January through March, April through June, July through September, and October through December. The visual examination shall be made during daylight hours (e.g., normal working hours). If no storm event resulted in runoff from the facility during a monitoring quarter, the permittee is excused from visual monitoring for that quarter provided that documentation is included with the monitoring records indicating that no runoff occurred. The documentation shall be signed and certified in accordance with Part II K of this permit.

b. Visual examinations shall be made of samples collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed one hour) of when the runoff or snowmelt begins discharging from the facility. The examination shall document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. The examination shall be conducted in a well-lit area. No analytical tests are required to be performed on the samples. All samples (except snowmelt samples) shall be collected from the discharge resulting from a storm event that results in an actual discharge from the site (defined as a "measurable storm event"), and that occurs at least 72 hours from the previously measurable storm event. The 72-hour storm interval is waived if the permittee is able to document that less than a 72-hour interval is representative for local storm events during the sampling period. Where practicable, the same individual shall carry out the collection and examination of discharges for the entire permit term. If no qualifying storm event resulted in runoff during daylight hours from the facility during a monitoring quarter, the permittee is excused from visual monitoring for that quarter provided that documentation is included with the monitoring records indicating that no qualifying storm event occurred during daylight hours that resulted in storm water runoff during that quarter. The documentation shall be signed and certified in accordance with Part II K.

c. The visual examination reports shall be maintained on-site with the Storm Water Pollution Prevention Plan (SWPPP). The report shall include the outfall location, the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.

d. Representative outfalls - essentially identical discharges. If the facility has two or more outfalls that discharge substantially identical effluents, based on similarities of the industrial activities, significant materials, size of drainage areas, and storm water management practices occurring within the drainage areas of the outfalls, the permittee may conduct visual monitoring on the effluent of just one of the outfalls and report that the observations also apply to the substantially identical outfall(s). The permittee shall include the following information in the SWPPP:

(1) The locations of the outfalls;

(2) Why the outfalls are expected to discharge substantially identical effluents, including evaluation of monitoring data, where available;

(3) Estimates of the size of the drainage area (in square feet) for each of the outfalls; and

(4) An estimate of the runoff coefficient of the drainage areas (low: under 40%; medium: 40% to 65%; high: above 65%).

e. If a facility's permit coverage is effective less than one month from the end of a quarterly monitoring period, the first quarterly period starts with the next respective quarterly monitoring period (e.g., if permit coverage begins March 5, the permittee will not need to start quarterly visual monitoring until the April-June quarter).

2. Monitoring instructions.

a. Collection and analysis of samples. Sampling requirements shall be assessed on an outfall by outfall basis. Samples shall be collected and analyzed in accordance with the requirements of Part II A.

b. When and How to Sample. A minimum of one grab sample shall be taken from the discharge associated with industrial activity resulting from a storm event that results in an actual discharge from the site (defined as a "measurable storm event"), providing the interval from the preceding measurable storm event is at least 72 hours. The 72-hour storm interval is waived if the permittee is able to document that less than a 72-hour interval is representative for local storm events during the sampling period. In the case of snowmelt, the monitoring must be performed at a time when a measurable discharge occurs at the site.

The grab sample shall be taken during the first 30 minutes of the discharge. If it is not practicable to take the sample during the first 30 minutes, the sample may be taken during the first hour of discharge provided that the permittee explains why a grab sample during the first 30 minutes was impracticable. This information shall be maintained with the SWPPP. If the sampled discharge commingles with process or nonprocess water, the permittee shall attempt to sample the storm water discharge before it mixes with the nonstorm water.

c. Storm event data. For each monitoring event (except snowmelt monitoring), along with the monitoring results, the permittee shall identify the date and duration (in hours) of the storm event(s) sampled; rainfall total (in inches) of the storm event that generated the sampled runoff; and the duration between the storm event sampled and the end of the previous measurable storm event . For snowmelt monitoring, the permittee shall identify the date of the sampling event.

d. Documentation explaining a facility's inability to obtain a sample (including dates/times the outfalls were viewed and/or sampling was attempted), of no rain event, or of no "measurable" storm event shall be maintained with the SWPPP. Acceptable documentation includes, but is not limited to, NCDC weather station data, local weather station data, facility rainfall logs, and other appropriate supporting data.

3. Adverse climatic conditions waiver. When adverse weather conditions prevent the collection of samples, a substitute sample may be taken during a qualifying storm event in the next monitoring period. Adverse weather conditions are those that are dangerous or create inaccessibility for personnel, and may include such things as local flooding, high winds, electrical storms, or

situations that otherwise make sampling impracticable, such as drought or extended frozen conditions. Unless specifically stated otherwise, this waiver may be applied to any monitoring required under Parts I.F, I.G, and I.H of this permit.

4. Corrective actions.

   a. Corrective actions. The permittee must take corrective action whenever:

      (1) Routine facility inspections, comprehensive site compliance evaluations, inspections by local, state or federal officials, or any other process, observation or event result in a determination that modifications to the storm water control measures are necessary to meet the permit requirements; or

      (2) There is any exceedance of an effluent limitation (including coal pile runoff), or TMDL wasteload allocation;

      (3) The department determines, or the permittee becomes aware, that the storm water control measures are not stringent enough for the discharge to meet applicable water quality standards.

      The permittee must review the SWPPP and modify it as necessary to address any deficiencies. Revisions to the SWPPP must be completed within 30 days following the discovery of the deficiency. When BMPs need to be modified or added (distinct from regular preventive maintenance of existing BMPs described in Part I.G.3), implementation must be completed before the next anticipated storm event if possible, but no later than 60 days after the deficiency is discovered, or as otherwise provided or approved by the department. In cases where construction is necessary to implement BMPs, the permittee shall include a schedule in the SWPPP that provides for the completion of the BMPs as expeditiously as practicable, but no later than three years after the deficiency is discovered. Where a construction compliance schedule is included in the SWPPP, the plan shall include appropriate nonstructural and/or temporary controls to be implemented in the affected portion(s) of the facility prior to completion of the permanent BMP. The amount of time taken to modify a BMP or implement additional BMPs must be documented in the SWPPP.

      Any corrective actions taken must be documented and retained with the SWPPP. Reports of corrective actions must be signed in accordance with Part II K.

   b. Follow-up monitoring and reporting. If at any time monitoring results indicate that discharges from the facility exceed an effluent limitation or a TMDL wasteload allocation, or the department determines that discharges from the facility are causing or contributing to an exceedance of a water quality standard, immediate steps must be taken to eliminate the exceedances in accordance with the above Part I.F.4.a (Corrective actions). Within 30 calendar days of implementing the relevant corrective action(s) (or during the next qualifying runoff event, should none occur within 30 calendar days) follow-up monitoring must be undertaken to verify that the BMPs that were modified are effectively protecting water quality. Follow-up monitoring need only be conducted for pollutant(s) with prior exceedances unless there are reasons to believe that facility modifications may have reduced pollutant prevention or removal capacity for other pollutants of concern.

      The follow-up monitoring data must be submitted to the department no later than 30 days after the results are received. If the follow-up monitoring value does not exceed the effluent

limitation or other relevant standard, no additional follow-up monitoring is required for this corrective action.

Should the follow-up monitoring indicate that the effluent limitation, TMDL wasteload allocation, water quality standard or other relevant standard is still being exceeded, an exceedance report must be submitted to the department no later than 30 days after the follow-up monitoring results are received. The following information must be included in the report: permit number; facility name, address and location; receiving water; monitoring data from this and the preceding monitoring event(s); an explanation of the situation; description of what has been done and the intended actions (should the corrective actions not yet be complete) to further reduce pollutants in the discharge; and an appropriate contact name and phone number. Additional follow-up monitoring must be continued at an appropriate frequency, but no less often than quarterly, until the discharge no longer exceeds the standard.

5. Allowable nonstorm water discharges. Except as provided in this section, all discharges from Outfalls 003, 004, 005, 006, and 007 shall be composed entirely of storm water. The following nonstorm water discharges are authorized by this permit:

   a. Discharges from fire fighting activities;

   b. Fire hydrant flushings;

   c. Potable water including water line flushings;

   d. Uncontaminated air conditioning or compressor condensate (excluding air compressors);

   e. Irrigation drainage;

   f. Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with manufacturer's instructions;

   g. Routine external building wash down that does not use detergents;

   h. Pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);

   i. Uncontaminated ground water or spring water;

   j. Foundation or footing drains where flows are not contaminated with process materials ; and

   k. Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).

6. Releases of hazardous substances or oil in excess of reportable quantities. The discharge of hazardous substances or oil in the storm water discharge(s) from the facility shall be prevented or minimized in accordance with the storm water pollution prevention plan for the facility. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill. This permit does not relieve the permittee of the reporting requirements of 40 CFR Part 110 (2007), 40 CFR Part 117 (2007) and 40 CFR Part 302 (2007) or § 62.1-44.34:19 of the Code of Virginia.

Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110 (2007), 40 CFR Part 117 (2007) or 40 CFR Part 302 (2007) occurs during a 24-hour period:

a. The permittee is required to notify the department in accordance with the requirements of Part II G as soon as he has knowledge of the discharge;

b. Where a release enters a municipal separate storm sewer system (MS4), the permittee shall also notify the owner of the MS4; and

c. The storm water pollution prevention plan required under Part I.G shall be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan shall be modified where appropriate.

7. Water quality protection. The discharges authorized by this permit shall be controlled as necessary to meet applicable water quality standards. The permittee shall employ an iterative, BMP-based program to select, install, implement and maintain best management practices (BMPs) at the facility designed to minimize pollutants in the storm water discharges, and to address any exceedance of any applicable water quality standard, effluent limitation, or TMDL waste load allocation. The board expects that compliance with the conditions in this permit will control discharges as necessary to meet applicable water quality standards. If there is evidence indicating that the storm water discharges authorized by this permit are causing, have the reasonable potential to cause, or are contributing to an excursion above an applicable water quality standard, an excursion above a TMDL wasteload allocation, or are causing downstream pollution (as defined in § 62.1-44.3 of the Code of Virginia), the board may require the permittee to take corrective action in accordance with Part I.F.4.a and b, and include and implement appropriate controls in the SWPPP to correct the problem.

G. Storm Water Pollution Prevention Plan

A Storm Water Pollution Prevention Plan (SWPPP) shall be developed and implemented for the facility covered by this permit. The SWPPP shall include Best Management Practices (BMPs) that are reasonable, economically practicable, and appropriate in light of current industry practices. The BMPs shall be selected, designed, installed, implemented and maintained in accordance with good engineering practices to eliminate or reduce the pollutants in all storm water discharges from the facility. The SWPPP shall also include any control measures necessary for the storm water discharges to meet applicable water quality standards.

The SWPPP requirements of this general permit may be fulfilled, in part, by incorporating by reference other plans or documents such as a spill prevention control and countermeasure (SPCC) plan developed for the facility under § 311 of the Clean Water Act, or best management practices (BMP) programs otherwise required for the facility, provided that the incorporated plan meets or exceeds the plan requirements of Part I.G.2 (Contents of the Plan). All plans incorporated by reference into the SWPPP become enforceable under this permit. If a plan incorporated by reference does not contain all of the required elements of the SWPPP of Part I.G.2, the permittee shall develop the missing SWPPP elements and include them in the required plan.

1. Deadlines for plan preparation and compliance. The SWPPP shall be updated and implemented no later than October 1, 2009.
2. Contents of the plan. The contents of the SWPPP shall comply with the requirements listed below and those in Part I.H. These requirements are cumulative. The following requirements are applicable to all SWPPPs developed under this general permit. The plan shall include, at a minimum, the following items:
   a. Pollution prevention team. The plan shall identify the staff individuals by name or title that comprise the facility's storm water pollution prevention team. The pollution prevention team is responsible for assisting the facility or plant manager in developing, implementing, maintaining, revising and ensuring compliance with the facility's SWPPP. Specific responsibilities of each staff individual on the team shall be identified and listed.
   b. Site description. The SWPPP shall include the following:
      (1). Activities at the facility. A description of the nature of the industrial activities at the facility.
      (2). General location map. A general location map (e.g., USGS quadrangle or other map) with enough detail to identify the location of the facility and the receiving waters within one mile of the facility.
      (3). Site map. A site Map identifying the following:
         (a) The size of the property (in acres);
         (b) The location and extent of significant structures and impervious surfaces (roofs, paved areas and other impervious areas);
         (c) Locations of all storm water conveyances including ditches, pipes, swales, and inlets, and the directions of storm water flow (use arrows to show which ways storm water will flow);

(d) Locations of all existing structural and source control BMPs;

(e) Locations of all surface water bodies, including wetlands;

(f) Locations of potential pollutant sources identified under Part I.G.2.c ;

(g) Locations where significant spills or leaks identified under Part I.G.2.d have occurred;

(h) Locations of the following activities where such activities are exposed to precipitation: fueling stations; vehicle and equipment maintenance and/or cleaning areas; loading/unloading areas; locations used for the treatment, storage or disposal of wastes; liquid storage tanks; processing and storage areas; access roads, rail cars and tracks; transfer areas for substances in bulk; and machinery;

(i) Locations of storm water outfalls and an approximate outline of the area draining to each outfall, and location of municipal storm sewer systems, if the storm water from the facility discharges to them;

(j) Location and description of all nonstorm water discharges;

(k) Location of any storage piles containing salt used for deicing or other commercial or industrial purposes; and

(l) Locations and sources of runon to the site from adjacent property, where the runon contains significant quantities of pollutants. The permittee shall include an evaluation with the SWPPP of how the quality of the storm water running onto the facility impacts the facility's storm water discharges.

(4). Receiving waters and wetlands. The name of all surface waters receiving discharges from the site, including intermittent streams, dry sloughs, and arroyos. Provide a description of wetland sites that may receive discharges from the facility. If the facility discharges through a municipal separate storm sewer system (MS4), identify the MS4 operator, and the receiving water to which the MS4 discharges.

c. Summary of potential pollutant sources. The plan shall identify each separate area at the facility where industrial materials or activities are exposed to storm water. Industrial materials or activities include, but are not limited to: material handling equipment or activities, industrial machinery, raw materials, industrial production and processes, intermediate products, byproducts, final products, and waste products. Material handling activities include, but are not limited to: the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For each separate area identified, the description shall include:

(1). Activities in area. A list of the activities (e.g., material storage, equipment fueling and cleaning, cutting steel beams); and

(2). Pollutants. A list of the associated pollutant(s) or pollutant constituents (e.g., crankcase oil, zinc, sulfuric acid, cleaning solvents, etc.) for each activity. The pollutant list shall include all significant materials handled, treated, stored or disposed that have been exposed to storm water in the three years prior to the date this SWPPP was prepared or amended. The list shall include any hazardous substances or oil at the facility.

d. Spills and leaks. The SWPPP shall clearly identify areas where potential spills and leaks that can contribute pollutants to storm water discharges can occur and their corresponding outfalls. The plan shall include a list of significant spills and leaks of toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a storm water conveyance during the three-year period prior to the date this SWPPP was prepared or amended. The list shall be updated if significant spills or leaks occur in exposed areas of the facility during the term of the permit. Significant spills and leaks include releases of oil or hazardous substances in excess of reportable quantities, and may also include releases of oil or hazardous substances that are not in excess of reporting requirements.

e. Sampling data. The plan shall include a summary of existing storm water discharge sampling data taken at the facility. The summary shall include, at a minimum, any data collected during the previous permit term.

f. Storm water controls.

(1). BMPs shall be implemented for all the areas identified in Part I.G.2.c (summary of potential pollutant sources) to prevent or control pollutants in storm water discharges from the facility. All reasonable steps shall be taken to control or address the quality of discharges from the site that may not originate at the facility. The SWPPP shall describe the type, location and implementation of all BMPs for each area where industrial materials or activities are exposed to storm water.

Selection of BMPs shall take into consideration:

(a) That preventing storm water from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from storm water;

(b) BMPs generally shall be used in combination with each other for most effective water quality protection;

(c) Assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures ;

(d) That minimizing impervious areas at the facility can reduce runoff and improve groundwater recharge and stream base flows in local streams (however, care must be taken to avoid ground water contamination);

(e) Flow attenuation by use of open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;

(f) Conservation or restoration of riparian buffers will help protect streams from storm water runoff and improve water quality; and

(g) Treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.

(2). Control measures (Non-numeric technology-based effluent limits).

The permittee shall implement the following types of BMPs to prevent and control pollutants in the storm water discharges from the facility, unless it can be demonstrated and

documented that such controls are not relevant to the discharges (e.g., there are no storage piles containing salt).

(a) Good housekeeping. The permittee shall keep clean all exposed areas of the facility that are potential sources of pollutants to storm water discharges. Typical problem areas include areas around trash containers, storage areas, loading docks, and vehicle fueling and maintenance areas. The plan shall include a schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks and containers. The introduction of raw, final or waste materials to exposed areas of the facility shall be minimized to the maximum extent practicable. The generation of dust, along with off-site vehicle tracking of raw, final or waste materials, or sediments, shall be minimized to the maximum extent practicable.

(b) Eliminating and minimizing exposure. To the extent practicable, industrial materials and activities shall be located inside, or protected by a storm-resistant covering to prevent exposure to rain, snow, snowmelt, and runoff.

(c) Preventive maintenance. The permittee shall have a preventive maintenance program that includes regular inspection, testing, maintenance and repairing of all industrial equipment and systems to avoid breakdowns or failures that could result in leaks, spill and other releases. This program is in addition to the specific BMP maintenance required under Part I.G.3 (Maintenance of BMPs).

(d) Spill prevention and response procedures. The plan shall describe the procedures that will be followed for preventing and responding to spills and leaks.

   i. Preventive measures include barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling.

   ii. Response procedures shall include notification of appropriate facility personnel, emergency agencies, and regulatory agencies, and procedures for stopping, containing and cleaning up spills. Measures for cleaning up hazardous material spills or leaks shall be consistent with applicable RCRA regulations at 40 CFR Part 264 (2007) and 40 CFR Part 265 (2007). Employees who may cause, detect or respond to a spill or leak shall be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals shall be a member of the Pollution Prevention Team.

   iii. Contact information for individuals and agencies that must be notified in the event of a spill shall be included in the SWPPP, and in other locations where it will be readily available.

(e) Routine facility inspections. Facility personnel who possess the knowledge and skills to assess conditions and activities that could impact storm water quality at the facility, and who can also evaluate the effectiveness of BMPs shall regularly inspect all areas of the facility where industrial materials or activities are exposed to storm water. These inspections are in addition to, or as part of, the comprehensive site evaluation required under Part I.G.5. At least one member of the Pollution Prevention Team shall participate in the routine facility inspections.

The inspection frequency shall be specified in the plan based upon a consideration of the level of industrial activity at the facility, but shall be a minimum of quarterly unless more frequent intervals are specified elsewhere in the permit or written approval is received from the department for less frequent intervals. The requirement for routine facility inspections is waived for facilities that have maintained an active E3/E4 status. At least once each calendar year, the routine facility inspection must be conducted during a period when a storm water discharge is occurring.

Any deficiencies in the implementation of the SWPPP that are found shall be corrected as soon as practicable, but not later than within 30 days of the inspection, unless permission for a later date is granted in writing by the director. The results of the inspections shall be documented in the SWPPP, along with the date(s) and description(s) of any corrective actions that were taken in response to any deficiencies or opportunities for improvement that were identified.

(f) Employee training. The permittee shall implement a storm water employee training program for the facility. The SWPPP shall include a schedule for all types of necessary training, and shall document all training sessions and the employees who received the training. Training shall be provided for all employees who work in areas where industrial materials or activities are exposed to storm water, and for employees who are responsible for implementing activities identified in the SWPPP (e.g., inspectors, maintenance personnel, etc.),. The training shall cover the components and goals of the SWPPP, and include such topics as spill response, good housekeeping, material management practices, BMP operation and maintenance, etc. The SWPPP shall include a summary of any training performed.

(g) Sediment and erosion control. The plan shall identify areas at the facility that, due to topography, land disturbance (e.g., construction, landscaping, site grading), or other factors, have a potential for soil erosion. The permittee shall identify and implement structural, vegetative, and/or stabilization BMPs to prevent or control on-site and off-site erosion and sedimentation. Flow velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel if the flows would otherwise create erosive conditions.

(h) Management of runoff. The plan shall describe the storm water runoff management practices (i.e., permanent structural BMPs) for the facility. These types of BMPs are typically used to divert, infiltrate, reuse, or otherwise reduce pollutants in storm water discharges from the site.

Structural BMPs may require a separate permit under § 404 of the CWA and the Virginia Water Protection Permit Program Regulation (9VAC25-210) before installation begins.

3. Maintenance. All BMPs identified in the SWPPP shall be maintained in effective operating condition. Storm water BMPs identified in the SWPPP shall be observed during active operation (i.e., during a storm water runoff event) to ensure that they are functioning correctly. Where discharge locations are inaccessible, nearby downstream locations shall be observed. The observations shall be documented in the SWPPP.

The SWPPP shall include a description of procedures and a regular schedule for preventive maintenance of all BMPs, and shall include a description of the back-up practices that are in place should a runoff event occur while a BMP is off-line. The effectiveness of nonstructural BMPs shall also be maintained by appropriate means (e.g., spill response supplies available and personnel trained, etc.).

If site inspections required by Part I.G.2.f(2)(e) (Routine facility inspections) or Part I.G.5 (Comprehensive site compliance evaluation) identify BMPs that are not operating effectively, repairs or maintenance shall be performed before the next anticipated storm event. If maintenance prior to the next anticipated storm event is not possible, maintenance shall be scheduled and accomplished as soon as practicable. In the interim, back-up measures shall be employed and documented in the SWPPP until repairs or maintenance is complete. Documentation shall be kept with the SWPPP of maintenance and repairs of BMPs, including the date(s) of regular maintenance, date(s) of discovery of areas in need of repair or replacement, and for repairs, date(s) that the BMP(s) returned to full function, and the justification for any extended maintenance or repair schedules.

4. Allowable nonstorm water discharges.

   a. Discharges of certain sources of nonstorm water are allowable discharges under this permit (see Part I.F.5 - Allowable nonstorm water discharges) provided the permittee includes the following information in the SWPPP:

      (1). Identification of each allowable nonstorm water source, except for flows from fire fighting activities;

      (2). The location where the nonstorm water is likely to be discharged; and

      (3). Descriptions of appropriate BMPs for each source.

   b. If mist blown from cooling towers is included as one of the allowable nonstorm water discharges from the facility, the permittee shall specifically evaluate the discharge for the presence of chemicals used in the cooling tower . The evaluation shall be included in the SWPPP.

5. Comprehensive site compliance evaluation. The permittee shall conduct comprehensive site compliance evaluations at least once a year. The evaluations shall be done by qualified personnel who possess the knowledge and skills to assess conditions and activities that could impact storm water quality at the facility, and who can also evaluate the effectiveness of BMPs. The personnel conducting the evaluations may be either facility employees or outside constituents hired by the facility.

   a. Scope of the compliance evaluation. Evaluations shall include all areas where industrial materials or activities are exposed to storm water, as identified in Part I.G.2.c. The personnel shall evaluate:

      (1). Industrial materials, residue or trash that may have or could come into contact with storm water;

      (2). Leaks or spills from industrial equipment, drums, barrels, tanks or other containers that have occurred within the past three years;

(3). Off-site tracking of industrial or waste materials or sediment where vehicles enter or exit the site;

(4). Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas;

(5). Evidence of, or the potential for, pollutants entering the drainage system;

(6). Evidence of pollutants discharging to surface waters at all facility outfalls, and the condition of and around the outfall, including flow dissipation measures to prevent scouring;

(7). Review of training performed, inspections completed, maintenance performed, quarterly visual examinations, and effective operation of BMPs;

(8). Annual outfall evaluation for unauthorized discharges.

(a). The SWPPP shall include documentation that all outfalls have been evaluated annually for the presence of unauthorized discharges (i.e., discharges other than: storm water; the authorized nonstorm water discharges described in I.F.5; or discharges covered under a separate VPDES permit, other than this permit.) The documentation shall include:

i. The date of the evaluation;

ii. A description of the evaluation criteria used;

iii. A list of the outfalls or on-site drainage points that were directly observed during the evaluation;

iv. A description of the results of the evaluation for the presence of unauthorized discharges; and

v. The actions taken to eliminate unauthorized discharges, if any were identified (i.e., a floor drain was sealed, a sink drain was rerouted to sanitary, or an VPDES permit application was submitted for a cooling water discharge.)

(b) The permittee may request in writing to the department that the facility be allowed to conduct annual outfall evaluations at 20% of the outfalls. If approved, the permittee shall evaluate at least 20% of the facility outfalls each year on a rotating basis such that all facility outfalls will be evaluated during the period of coverage under this permit.

(9). Results of both visual and any analytical monitoring done during the past year shall be taken into consideration during the evaluation.

b. Based on the results of the evaluation, the SWPPP shall be modified as necessary (e.g., show additional controls on the map required by Part I.G.2.b.3; revise the description of controls required by Part I.G.2.f to include additional or modified BMPs designed to correct problems identified). Revisions to the SWPPP shall be completed within 30 days following the evaluation, unless permission for a later date is granted in writing by the director. If existing BMPs need to be modified or if additional BMPs are necessary, implementation shall be completed before the next anticipated storm event, if practicable, but not more than 60 days after completion of the comprehensive site evaluation, unless permission for a later date is granted in writing by the department;

c. Compliance evaluation report. A report shall be written summarizing the scope of the evaluation, name(s) of personnel making the evaluation, the date of the evaluation, and all observations relating to the implementation of the SWPPP, including elements stipulated in Part I.G.5.a(1) through (6) above. Observations shall include such things as: the location(s) of discharges of pollutants from the site; location(s) of previously unidentified sources of pollutants; location(s) of BMPs that need to be maintained or repaired; location(s) of failed BMPs that need replacement; and location(s) where additional BMPs are needed . The report shall identify any incidents of noncompliance that were observed. Where a report does not identify any incidents of noncompliance, the report shall contain a certification that the facility is in compliance with the SWPPP and this permit. The report shall be signed in accordance with Part II K and maintained with the SWPPP.

d. Where compliance evaluation schedules overlap with routine inspections required under Part I.G.2.f(2)(e), the annual compliance evaluation may be used as one of the routine inspections.

6. Signature and plan review.

a. Signature/location. The SWPPP, including revisions to the SWPPP to document any corrective actions taken as required by Part I.F.4, shall be signed in accordance with Part II K, dated, and retained on-site at the facility covered by this permit in accordance with Part II B 2. All other changes to the SWPPP, and other permit compliance documentation, must be signed and dated by the person preparing the change or documentation. For inactive facilities, the plan may be kept at the nearest office of the permittee.

b. Availability. The permittee shall make the SWPPP, annual site compliance evaluation report, and other information available to the department upon request.

c. Required modifications. The director may notify the permittee at any time that the SWPPP, BMPs, or other components of the facility's storm water program do not meet one or more of the requirements of this permit. The notification shall identify specific provisions of the permit that are not being met, and may include required modifications to the storm water program, additional monitoring requirements, and special reporting requirements. The permittee shall make any required changes to the SWPPP within 60 days of receipt of such notification, unless permission for a later date is granted in writing by the director, and shall submit a written certification to the director that the requested changes have been made.

7. Maintaining an updated SWPPP.

a. The permittee shall review and amend the SWPPP as appropriate whenever:

(1). There is construction or a change in design, operation, or maintenance at the facility that has a significant effect on the discharge, or the potential for the discharge, of pollutants from the facility;

(2). Routine inspections or compliance evaluations determine that there are deficiencies in the BMPs;

(3). Inspections by local, state, or federal officials determine that modifications to the SWPPP are necessary;

(4). There is a spill, leak or other release at the facility;

(5). There is an unauthorized discharge from the facility; or

(6). The department notifies the permittee that a TMDL has been developed and applies to the permitted facility.

b. SWPPP modifications shall be made within 30 calendar days after discovery, observation or event requiring a SWPPP modification. Implementation of new or modified BMPs (distinct from regular preventive maintenance of existing BMPs described in Part I.G.3) shall be initiated before the next storm event if possible, but no later than 60 days after discovery, or as otherwise provided or approved by the director. The amount of time taken to modify a BMP or implement additional BMPs shall be documented in the SWPPP.

c. If the SWPPP modification is based on a release or unauthorized discharge, include a description and date of the release, the circumstances leading to the release, actions taken in response to the release, and measures to prevent the recurrence of such releases. Unauthorized releases and discharges are subject to the reporting requirements of Part II G of this permit.

H. Sector Specific Permit Requirements

1. Prohibition of nonstorm water discharges. The following discharges are not authorized at the storm water outfalls: sanitary and industrial wastewater; and equipment/vehicle washwaters.

2. In addition to the requirements of Parts I.F and I.G, the SWPPP shall include, at a minimum, the following items.

   a. Site description.

      (1). Site map. The site map shall identify where any of the following may be exposed to precipitation/surface runoff: grit, screenings and other solids handling, storage or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station; and storage areas for process chemicals, petroleum products, solvents, fertilizers, herbicides and pesticides.

      (2). Summary of potential pollutant sources. The plan shall include a description of the potential pollutant sources from the following activities, as applicable: grit, screenings and other solids handling, storage or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station; and access roads/rail lines.

   b. Storm water controls.

      (1). Best Management Practices (BMPs). In addition to the other BMPs considered, the following BMPs shall be considered: routing storm water to the treatment works; or covering exposed materials (i.e., from the following areas: grit, screenings and other solids handling, storage or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station).

      (2). Inspections. The following areas shall be included in all inspections: access roads/rail lines, grit, screenings and other solids handling, storage or disposal areas; sludge drying beds; dried sludge piles; compost piles; septage or hauled waste receiving station areas.

      (3). Employee training. Employee training shall, at a minimum, address the following areas when applicable to a facility: petroleum product management; process chemical management; spill prevention and control; fueling procedures; general good housekeeping practices; proper procedures for using fertilizers, herbicides and pesticides.

PART II - CONDITIONS APPLICABLE TO ALL VPDES PERMITS

A. Monitoring

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

2. Monitoring shall be conducted according to procedures approved under Title 40 Code of Federal Regulations Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.

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

B. Records

1. Records of monitoring information shall include:

   a. The date, exact place, and time of sampling or measurements;

   b. The individual(s) who performed the sampling or measurements;

   c. The date(s) and time(s) analyses were performed;

   d. The individual(s) who performed the analyses;

   e. The analytical techniques or methods used; and

   f. The results of such analyses.

2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Board.

C. Reporting Monitoring Results

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

   Virginia Department of Environmental Quality
   Blue Ridge Regional Office
   3019 Peters Creek Road
   Roanoke VA 24019-2738

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

C. Reporting Monitoring Results (Continued)

3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under Title 40 of the Code of Federal Regulations Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Department.

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

D. Duty to Provide Information

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

E. Compliance Schedule Reports

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

F. Unauthorized Discharges

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

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

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

G. Reports of Unauthorized Discharges

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

G. Reports of Unauthorized Discharges (Continued)

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

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

H. Reports of Unusual or Extraordinary Discharges

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

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

I. Reports of Noncompliance

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

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

   a. Any unanticipated bypass; and
   b. Any upset which causes a discharge to surface waters.

2. A written report shall be submitted within 5 days and shall contain:

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

I. Reports of Noncompliance (Continued)

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

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

NOTE: The immediate (within 24 hours) reports required in Parts II G, H and I may be made to the Department's Regional Office at (540) 562-6700 (voice) or (540) 562-6725 (fax). For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.

J. Notice of Planned Changes

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

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

      (1) After promulgation of standards of performance under Section 306 of Clean Water Act which are applicable to such source; or

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

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

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

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

K. Signatory Requirements

1. Applications. All permit applications shall be signed as follows:

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

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

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

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

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

   b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

   c. The written authorization is submitted to the Department.

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

K. Signatory Requirements (Continued)

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

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

L. Duty to Comply

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

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

M. Duty to Reapply

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

N. Effect of a Permit

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

O. State Law

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

P. Oil and Hazardous Substance Liability

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

Q. Proper Operation and Maintenance

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

R. Disposal of Solids or Sludges

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

S. Duty to Mitigate

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

T. Need to Halt or Reduce Activity not a Defense

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

U. Bypass

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

2. Notice

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

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

3. Prohibition of bypass.

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

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

U. Bypass (Continued)

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

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

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

V. Upset

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

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

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

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

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

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

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

W. Inspection and Entry

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

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

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

W. Inspection and Entry (Continued)

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

X. Permit Actions

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

Y. Transfer of permits

1. Permits are not transferable to any person except after notice to the Department. Except as provided in Part II Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.

2. As an alternative to transfers under Part II Y 1, this permit may be automatically transferred to a new permittee if:

   a. The current permittee notifies the Department at least 30 days in advance of the proposed transfer of the title to the facility or property;

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

   c. The Board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II Y 2 b.

Z. Severability

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