COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
TIDEWATER REGIONAL OFFICE
5636 Southern Boulevard, Virginia Beach, Virginia 23462
(757) 518-2000 Fax (757) 518-2009
www.deq.virginia.gov

Doug Domenech
Secretary of Natural Resources

David K. Paylor
Director

Maria R. Nold
Regional Director

Permit No: VA0003808
Effective Date: September 29, 2011
Expiration Date: September 28, 2016

AUTHORIZATION TO DISCHARGE UNDER THE

VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM

AND

THE VIRGINIA STATE WATER CONTROL LAW

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

Owner: Perdue Farms, Incorporated
Facility Name: Perdue Farms, Incorporated
City: Accomac
County: Accomack
Facility Location: 22520 Lankford Highway, Accomac,VA 23301

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

Stream: See Attachment 1
River Basin:
River Subbasin:
Section:
Class:
Special Standards:

Maria R. Nold

Maria R. Nold

September 29, 2011

Date

Permit No. VA0003808

ATTACHMENT I

Outfall No(s).	Receiving Stream
001,003-006,008	Parker Creek to Metompkin Bay to Atlantic Ocean Basin: Chesapeake Bay, Atlantic Ocean & Small Coastal Subbasin: N/A Section: 1a Class: III Special Standards: None
009	Unnamed Tributary to Folly Creek to Atlantic Ocean Basin: Chesapeake Bay, Atlantic Ocean & Small Coastal Subbasin: N/A Section: Ia Class: III Special Standards: a

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall(s): 001 (processing/rendering plant wastewater, sanitary and storm water runoff).

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

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS [e]					MONITORING REQUIREMENTS	
	Monthly Average		Weekly Average	Minimum	Maximum	Frequency	Sample Type
Flow (MGD)	NL		NA	NA	NL	Continuous	Totalizing, Indicating and Recording
pH (S.U.)	NA		NA	6.0	9.0	1/Day	Grab
BOD_5 (mg/l;lbs/d) [a]	15	293	NA	NA	26 507	3-D/Week	24-Hr. Comp
BOD_5 (mg/l;lbs/d) [b]	16	312	NA	NA	26 507	3-D/Week	24-Hr. Comp
Total Suspended Solids (mg/l;lbs/d)	20	390	NA	NA	30 585	3-D/Week	24-Hr. Comp
Oil & Grease (mg/l;lbs/d)	8	156	NA	NA	14 273	1/Month	Grab
Ammonia-Nitrogen (NH3-N) (mg/l;lbs/d) [a]	0.9	23	NA	NA	2.9 73	3-D/Week	24-Hr. Comp
Ammonia-Nitrogen (NH3-N) (mg/l;lbs/d) [b]	1.2	30	NA	NA	3.9 98	3-D/Week	24-Hr. Comp
Dissolved Oxygen (mg/l)	NA		NA	6.5	NA	1/Day	Grab
Total Residual Chlorine (TRC) (mg/l) [c]	0.011		NA	NA	0.016	1/Day	Grab
Whole Effluent Toxicity (WET) (TU_c) [f]	NA		NA	NA	1.724	1/3 Months	24-Hr. Comp
Total Phosphorus (mg/l; lbs/d) [g]	2.0	50	NA	NA	NA NA	3-D/Week	24-Hr. Comp
Total Phosphorus (mg/l) [d]	0.10		NA	NA	NL	3-D/Week	24-Hr. Comp
Total Nitrogen (mg/l)	103		NA	NA	147	2/Month	24-Hr. Comp
Total Nitrogen (lbs/d)	2010		NA	NA	2869	2/Month	24-Hr. Comp
Cyanide (ug/l) (lbs/d)	7.6	0.20	NA	NA	7.6 0.20	1/6Month	24-Hr. Comp
Fecal Coliform (N/CML) [h]	200		NA	NA	400	3-D/Week	Grab
E.coli (N/CML) [h]	126		NA	NA	NL	3-D/Week	Grab

NA = Not Applicable.
NL = No limitation, however, reporting is required.
1/3 Months = In accordance with the following schedule: 1st quarter (January 1 - March 31); 2nd quarter (April 1 - June 30); 3rd quarter (July 1 - September 30); 4th quarter (October 1 - December 31).

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

[a] BOD5 and Ammonia limitations are effective for the summer months of May 1 through October 31.
[b] BOD5 and Ammonia limitations are effective for the winter months of November 1 through April 30
[c] Total Residual Chlorine shall be monitored and reported, as required, at any time chlorine is used for disinfection (ie. when the ultraviolet radiation(UV) disinfection system is non-operational, undergoing maintenance or otherwise malfunctioning).
[d] See Part I.B. for Schedule of Compliance For Nutrient Limitations. No monitoring or reporting is required until after the completion of the schedule.
[e] See Parts I.E.5. and I.E.6. for quantification levels and reporting requirements.
[f] See Part I.D. for WET limitations and monitoring requirements.
[g] Interim limits expire on August 31, 2015.
[h] Calculated as a Geometric Mean.

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

A. LIMITATIONS AND MONITORING REQUIREMENTS - STORM EVENT MONITORING

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall(s): 003,004 (Storm water runoff from parking lots, and truck storage areas).

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

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS [a]	
	Minimum	Maximum	Frequency	Sample Type
Flow (MG)	NA	NL	1/Year	Estimate [b]
pH (S.U.)	NL	NL	1/Year	Grab
Oil & Grease (mg/l) [c]	NA	NL	1/Year	Grab
BOD5 (mg/l) [c]	NA	NL	1/Year	Grab
Total Suspended Solids (mg/l) [c]	NA	NL	1/Year	Grab
Fecal Coliform (N/CML)	NA	NL	1/Year	Grab
Total Kjeldahl Nitrogen (TKN) (mg/l) [c]	NA	NL	1/Year	Grab
Total Phosphorus (mg/l) [c]	NA	NL	1/Year	Grab

NL = No limit, however, reporting is required
NA = Not Applicable

1/Year = Between January 1 and December 31.

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

[a] See Part I.F. for additional storm water sampling and reporting requirements.
[b] Estimate of the total volume of the discharge during the storm event.
[c] See Parts I.E.5. and I.E.6. for quantification levels and reporting requirements, respectively.

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

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall(s): 005, 006, 008, 009 (storm water runoff from wooded areas and agricultural fields)

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

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

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

A. MONITORING REQUIREMENTS

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to manage pollutants at the permitted site: Ground water wells #1,2,3 and upgradient well #4 are located in the vicinity of the anaerobic lagoon.

2. The pollutants shall be limited and monitored by the permittee as specified below:

GROUNDWATER MONITORING

PARAMETERS	LIMITATIONS MAXIMUM	UNITS	MONITORING REQUIREMENTS Frequency	Sample Type
Static Water Level	NL	0.1 ft	1/3Months	Measured
Total Dissolved Solids	NL	mg/l	1/3Months	Grab
Total Organic Carbon (TOC)	NL	mg/l	1/3Months	Grab
Specific Conductivity	NL	umhos/cm	1/3Months	Grab
Ammonia-Nitrogen	NL	mg/l	1/3Months	Grab
pH	NL	Std. Units	1/3Months	Grab
Nitrate Nitrogen (NO3)	NL	mg/l	1/3Months	Grab
Total Kjeldahl Nitrogen (TKN)	NL	mg/l	1/3Months	Grab
Total Phosphorus	NL	mg/l	1/3Months	Grab
Chlorides	NL	mg/l	1/3Months	Grab

NA = NOT APPLICABLE; NL = NO LIMIT, MONITORING REQUIREMENT ONLY
1/3 Months = In accordance with the following schedule:
1st quarter (January 1-March 31); 2nd quarter (April 1-June 30); 3rd quarter (July 1-September 30); 4th quarter (October 1-December 31).

PERMITTEE NAME/ADDRESS(INCLUDE FACILITY NAME/LOCATION IF DIFFERENT)

NAME Perdue Farms Incorporated - Accomack
ADDRESS 22520 Lankford Highway
Accomac VA 23301
FACILITY LOCATION 22520 Lankford Hwy, Accomac, VA 23301

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)
DISCHARGE MONITORING REPORT(DMR)

VA0003808	001
PERMIT NUMBER	DISCHARGE NUMBER

MONITORING PERIOD						
	YEAR	MO	DAY		YEAR	MO	DAY
FROM				TO			

Industrial Major 07/12/2011

DEPT. OF ENVIRONMENTAL QUALITY
(REGIONAL OFFICE)
Tidewater Regional Office
5636 Southern Boulevard
Virginia Beach VA 23462

NOTE: READ PERMIT AND GENERAL INSTRUCTIONS BEFORE COMPLETING THIS FORM.

PARAMETER		QUANTITY OR LOADING			QUALITY OR CONCENTRATION				NO. EX.	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM	UNITS			
001 FLOW	REPORTD				*********	*********	*********				
	REQRMNT	NL	NL	MGD	*********	*********	*********			CONT	TIRE
002 PH	REPORTD	*********	*********			*********					
	REQRMNT	*********	*********		6.0	*********	9.0	SU		1/DAY	GRAB
004 TSS	REPORTD				*********						
	REQRMNT	390	585	LBS/D	*********	20	30	MG/L		3D/W	24HC
005 CL2, TOTAL	REPORTD	*********	*********		*********						
	REQRMNT	*********	*********		*********	.011	.016	MG/L		1/DAY	GRAB
006 COLIFORM, FECAL	REPORTD	*********	*********		*********						
	REQRMNT	*********	*********		*********	200	400	N/CML		3D/W	GRAB
007 DO	REPORTD	*********	*********			*********	*********				
	REQRMNT	*********	*********		6.5	*********	*********	MG/L		1/DAY	GRAB
012 PHOSPHORUS, TOTAL (AS P)	REPORTD		*********		*********		*********				
	REQRMNT	50	*********	LBS/D	*********	2.0	*********	MG/L		3D/W	24HC
013 NITROGEN, TOTAL (AS N)	REPORTD				*********						
	REQRMNT	2010	2869	LBS/D	*********	103	147	MG/L		2/M	24HC

ADDITIONAL PERMIT REQUIREMENTS OR COMMENTS

BYPASSES AND OVERFLOWS	TOTAL OCCURRENCES	TOTAL FLOW(M.G.)	TOTAL BOD5(K.G.)

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.

OPERATOR IN RESPONSIBLE CHARGE			DATE		
TYPED OR PRINTED NAME	SIGNATURE	CERTIFICATE NO.	YEAR	MO.	DAY
PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		TELEPHONE			
TYPED OR PRINTED NAME	SIGNATURE		YEAR	MO.	DAY

PERMITTEE NAME/ADDRESS(INCLUDE FACILITY NAME/LOCATION IF DIFFERENT)

NAME Perdue Farms Incorporated - Accomack
ADDRESS 22520 Lankford Highway
Accomac VA 23301
FACILITY LOCATION 22520 Lankford Hwy, Accomac, VA 23301

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)
DISCHARGE MONITORING REPORT(DMR)

VA0003808	001
PERMIT NUMBER	DISCHARGE NUMBER

MONITORING PERIOD						
	YEAR	MO	DAY		YEAR	MO	DAY
FROM				TO			

Industrial Major 09/29/2011

DEPT. OF ENVIRONMENTAL QUALITY
(REGIONAL OFFICE)
Tidewater Regional Office
5636 Southern Boulevard
Virginia Beach VA 23462

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PARAMETER		QUANTITY OR LOADING			QUALITY OR CONCENTRATION				NO. EX.	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM	UNITS			
018 CYANIDE, TOTAL (AS CN)	REPORTD				*********						
	REQRMNT	0.20	0.20	LBS/D	*********	7.6	7.6	UG/L		1/6M	24HC
120 E.COLI	REPORTD	*********	*********		*********		*********				
	REQRMNT	*********	*********		*********	126	*********	N/CML		3D/W	GRAB
374 BOD5, NOV-APR	REPORTD				*********						
	REQRMNT	312	507	LBS/D	*********	16	26	MG/L		3D/W	24HC
375 BOD5, MAY-OCT	REPORTD				*********						
	REQRMNT	293	507	LBS/D	*********	15	26	MG/L		3D/W	24HC
380 TOXICITY, FINAL, CHRONIC	REPORTD	*********	*********		*********	*********					
	REQRMNT	*********	*********		*********	*********	1.724	TU-C		1/3M	24HC
427 AMMONIA, AS N MAY-OCT	REPORTD				*********						
	REQRMNT	23	73	LBS/D	*********	0.9	2.9	MG/L		3D/W	24HC
428 AMMONIA, AS N NOV-APR	REPORTD				*********						
	REQRMNT	30	98	LBS/D	*********	1.2	3.9	MG/L		3D/W	24HC
500 OIL & GREASE	REPORTD				*********						
	REQRMNT	156	273	LBS/D	*********	8	14	MG/L		1/M	GRAB

ADDITIONAL PERMIT REQUIREMENTS OR COMMENTS

BYPASSES AND OVERFLOWS	TOTAL OCCURRENCES	TOTAL FLOW(M.G.)	TOTAL BOD5(K.G.)

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OPERATOR IN RESPONSIBLE CHARGE			DATE		
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PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		TELEPHONE			
TYPED OR PRINTED NAME	SIGNATURE		YEAR	MO.	DAY

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Accomac VA 23301
FACILITY LOCATION 22520 Lankford Hwy, Accomac, VA 23301

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)
DISCHARGE MONITORING REPORT(DMR)

VA0003808	003
PERMIT NUMBER	DISCHARGE NUMBER

MONITORING PERIOD						
	YEAR	MO	DAY		YEAR	MO	DAY
FROM				TO			

Industrial Major 07/12/2011

DEPT. OF ENVIRONMENTAL QUALITY
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		AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM	UNITS			
001 FLOW	REPORTD				*********	*********	*********				
	REQRMNT	NL	NL	MG	*********	*********	*********			1/YR	EST
002 PH	REPORTD	*********	*********			*********					
	REQRMNT	*********	*********		NL	*********	NL	SU		1/YR	GRAB
003 BOD5	REPORTD	*********	*********		*********	*********					
	REQRMNT	*********	*********		*********	*********	NL	MG/L		1/YR	GRAB
004 TSS	REPORTD	*********	*********		*********	*********					
	REQRMNT	*********	*********		*********	*********	NL	MG/L		1/YR	GRAB
006 COLIFORM, FECAL	REPORTD	*********	*********		*********	*********					
	REQRMNT	*********	*********		*********	*********	NL	N/CML		1/YR	GRAB
012 PHOSPHORUS, TOTAL (AS P)	REPORTD	*********	*********		*********	*********					
	REQRMNT	*********	*********		*********	*********	NL	MG/L		1/YR	GRAB
068 TKN (N-KJEL)	REPORTD	*********	*********		*********	*********					
	REQRMNT	*********	*********		*********	*********	NL	MG/L		1/YR	GRAB
500 OIL & GREASE	REPORTD	*********	*********		*********	*********					
	REQRMNT	*********	*********		*********	*********	NL	MG/L		1/YR	GRAB

ADDITIONAL PERMIT REQUIREMENTS OR COMMENTS
QL's: TSS=1.0 mg/l, BOD=5 mg/l, TKN=0.5 mg/l, O&G=5.0 mg/l, Total Phosphorus=0.10 mg/l

BYPASSES AND OVERFLOWS	TOTAL OCCURRENCES	TOTAL FLOW(M.G.)	TOTAL BOD5(K.G.)

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PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		TELEPHONE			
TYPED OR PRINTED NAME	SIGNATURE		YEAR	MO.	DAY

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM(NPDES)
DISCHARGE MONITORING REPORT(DMR)

Industrial Major 07/12/2011

PERMITTEE NAME/ADDRESS(INCLUDE FACILITY NAME/LOCATION IF DIFFERENT)

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FACILITY LOCATION 22520 Lankford Hwy, Accomac, VA 23301

VA0003808	004
PERMIT NUMBER	DISCHARGE NUMBER

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PARAMETER		QUANTITY OR LOADING			QUALITY OR CONCENTRATION				NO. EX.	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM	UNITS			
001 FLOW	REPORTD	*********			*********	*********	*********				
	REQRMNT	*********	NL	MG	*********	*********	*********			1/YR	EST
002 PH	REPORTD	*********	*********			*********					
	REQRMNT	*********	*********		NL	*********	NL	SU		1/YR	GRAB
003 BOD5	REPORTD	*********	*********		*********	*********					
	REQRMNT	*********	*********		*********	*********	NL	MG/L		1/YR	GRAB
004 TSS	REPORTD	*********	*********		*********	*********					
	REQRMNT	*********	*********		*********	*********	NL	MG/L		1/YR	GRAB
006 COLIFORM, FECAL	REPORTD	*********	*********		*********	*********					
	REQRMNT	*********	*********		*********	*********	NL	N/CML		1/YR	GRAB
012 PHOSPHORUS, TOTAL (AS P)	REPORTD	*********	*********		*********	*********					
	REQRMNT	*********	*********		*********	*********	NL	MG/L		1/YR	GRAB
068 TKN (N-KJEL)	REPORTD	*********	*********		*********	*********					
	REQRMNT	*********	*********		*********	*********	NL	MG/L		1/YR	GRAB
500 OIL & GREASE	REPORTD	*********	*********		*********	*********					
	REQRMNT	*********	*********		*********	*********	NL	MG/L		1/YR	GRAB

ADDITIONAL PERMIT REQUIREMENTS OR COMMENTS
QL's: TSS=1.0 mg/l, BOD=5 mg/l, TKN=0.5 mg/l, O&G=5.0 mg/l, Total Phosphorus=0.10 mg/l

BYPASSES AND OVERFLOWS	TOTAL OCCURRENCES	TOTAL FLOW(M.G.)	TOTAL BOD5(K.G.)

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.

OPERATOR IN RESPONSIBLE CHARGE			DATE		
TYPED OR PRINTED NAME	SIGNATURE	CERTIFICATE NO.	YEAR	MO.	DAY
PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		TELEPHONE			
TYPED OR PRINTED NAME	SIGNATURE		YEAR	MO.	DAY

This report is required by your VPDES permit and by law. (See, e.g., the Code of Virginia of 1950 §62.1-44.5 and 9 VAC 25-31-50.) Failure to report or failure to report truthfully can result in civil penalties of $32,500 per violation, per day and felony prosecutions which can carry a 15 year term.

DISCHARGE MONITORING REPORT (DMR) - GENERAL INSTRUCTIONS

1. Complete this form in permanent ink or indelible pencil. The use of 'correction fluid/tape' is not allowed.
2. Be sure to enter the dates for the first and last day of the period covered by the report on the form in the space marked "Monitoring Period".
3. For those parameters where the "permit requirement" spaces have a requirement or limitation, provide data in the "reported" spaces in accordance with your permit.
4. Enter the average and maximum quantities and units in the "reported" spaces in the columns marked "Quantity or Loading".
   KG/DAY = Concentration (mg/L) x Flow (MGD) x 3.785 G/D (Grams/Day) = Concentration (mg/L) x Flow (MGD) x 3785
5. Enter maximum, minimum, and/or average concentrations and units in the "reported" spaces in the columns marked "Quality or Concentration".
6. For all parameters enter the number of samples which do not comply with the maximum and/or minimum permit requirements in the "reported" space in the column marked "No. Ex." (Number of Exceedances). If none, enter "0". Do NOT include monthly average violations in this field. Include any Maximum 7-Day Average and Maximum Weekly Average violations in this field. Permittees with continuous pH, or temperature monitoring requirements should consult the permit for what constitutes an exceedance and report accordingly.
7. You are required to sample (at a minimum) according to the Sample Frequencies and Sample Types specified in your permit.
8. Enter the actual frequency of analysis for each parameter (number of times per day, week, month, etc.) in the "reported" space in the column marked "Frequency of Analysis".
9. Enter the actual type of sample (Grab, 8HC, 24HC, etc) collected for each parameter in the "reported" space in the column marked "Sample Type".
10. Enter additional required data or comments in the space marked "additional permit requirements or comments". If additional required data or comments are appended to the DMR, reference appended correspondence in this field.
11. Record the number of bypasses during the month, the total flow in million gallons (MG) and BOD5 in kilograms (KG) in the proper columns in the section marked "Bypasses and Overflows".
12. The operator in responsible charge of the facility should review the form and sign in the space provided. If the plant is required to have a licensed operator or if the operator in responsible charge of the facility is a licensed operator, the operator's signature and certificate number must be reported in the spaces provided.
13. The principal executive officer then reviews the form and must sign in the space provided and provide a telephone number where he/she can be reached. Every page of the DMR must have an original signature.
14. Send the completed form(s) with original signatures to your Department of Environmental Quality Regional Office by the 10th of each month unless otherwise specified in the permit.
15. You are required to retain a copy of the report for your records.
16. Where violations of permit requirements are reported, attach a brief explanation in accordance with the permit requirements decribing causes and corrective actions taken. Reference each seperate violation by date.
17. If you have any questions, contact the Department of Environmental Quality Regional Office listed on the DMR.

DEPARTMENT OF ENVIRONMENTAL QUALITY
Virginia Pollution Abatement Monitoring Report

Facility Name: Perdue Farms, Incorporated

Address: 22520 Lankford Highway, Accomac, VA 23301

VPDES Permit No.: VA0003808

Report Period: From ___/___/___ To ___/___/___

Monitoring Location: Groundwater Monitoring Well No.: 1

PARAMETERS	UNITS		LIMITATION MAX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
Static Water Level	0.1 feet	Reported			
		Required	NL	1/3Months	Measured
Total Dissolved Solids	mg/l	Reported			
		Required	NL	1/3Months	Grab
Total Organic Carbon (TOC)	mg/l	Reported			
		Required	NL	1/3Months	Grab
Specific Conductivity	umhos/cm	Reported			
		Required	NL	1/3Months	Grab
Ammonia-Nitrogen	mg/l	Reported			
		Required	NL	1/3Months	Grab
pH	S.U.	Reported			
		Required	NL	1/3Months	Grab
Nitrate Nitrogen (NO3)	mg/l	Reported			
		Required	NL	1/3Months	Grab
Total Kjeldahl Nitrogen (TKN)	mg/l	Reported			
		Required	NL	1/3Months	Grab
Total Phosphorus	mg/l	Reported			
		Required	NL	1/3Months	Grab
Chlorides	mg/l	Reported			
		Required	NL	1/3Months	Grab

DEPARTMENT OF ENVIRONMENTAL QUALITY
Virginia Pollution Abatement Monitoring Report

Facility Name: Perdue Farms, Incorporated

Address: 22520 Lankford Highway, Accomac, VA 23301

VPDES Permit No.: VA0003808

Report Period: From ___/___/___ To ___/___/___

Monitoring Location: Groundwater Monitoring Well No.: 2

PARAMETERS	UNITS		LIMITATION MAX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
Static Water Level	0.1 feet	Reported			
		Required	NL	1/3Months	Measured
Total Dissolved Solids	mg/l	Reported			
		Required	NL	1/3Months	Grab
Total Organic Carbon (TOC)	mg/l	Reported			
		Required	NL	1/3Months	Grab
Specific Conductivity	umhos/cm	Reported			
		Required	NL	1/3Months	Grab
Ammonia-Nitrogen	mg/l	Reported			
		Required	NL	1/3Months	Grab
pH	S.U.	Reported			
		Required	NL	1/3Months	Grab
Nitrate Nitrogen (NO3)	mg/l	Reported			
		Required	NL	1/3Months	Grab
Total Kjeldahl Nitrogen (TKN)	mg/l	Reported			
		Required	NL	1/3Months	Grab
Total Phosphorus	mg/l	Reported			
		Required	NL	1/3Months	Grab
Chlorides	mg/l	Reported			
		Required	NL	1/3Months	Grab

DEPARTMENT OF ENVIRONMENTAL QUALITY
Virginia Pollution Abatement Monitoring Report

Facility Name: Perdue Farms, Incorporated

Address: 22520 Lankford Highway, Accomac, VA 23301

VPDES Permit No.: VA0003808

Report Period: From ___/___/___ To ___/___/___

Monitoring Location: Groundwater Monitoring Well No.: 3

PARAMETERS	UNITS		LIMITATION MAX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
Static Water Level	0.1 feet	Reported			
		Required	NL	1/3Months	Measured
Total Dissolved Solids	mg/l	Reported			
		Required	NL	1/3Months	Grab
Total Organic Carbon (TOC)	mg/l	Reported			
		Required	NL	1/3Months	Grab
Specific Conductivity	umhos/cm	Reported			
		Required	NL	1/3Months	Grab
Ammonia-Nitrogen	mg/l	Reported			
		Required	NL	1/3Months	Grab
pH	S.U.	Reported			
		Required	NL	1/3Months	Grab
Nitrate Nitrogen (NO3)	mg/l	Reported			
		Required	NL	1/3Months	Grab
Total Kjeldahl Nitrogen (TKN)	mg/l	Reported			
		Required	NL	1/3Months	Grab
Total Phosphorus	mg/l	Reported			
		Required	NL	1/3Months	Grab
Chlorides	mg/l	Reported			
		Required	NL	1/3Months	Grab

DEPARTMENT OF ENVIRONMENTAL QUALITY
Virginia Pollution Abatement Monitoring Report

Facility Name: Perdue Farms, Incorporated

Address: 22520 Lankford Highway, Accomac, VA 23301

VPDES Permit No.: VA0003808

Report Period: From ___/___/___ To ___/___/___

Monitoring Location: Groundwater Monitoring Well No.: 4

PARAMETERS	UNITS		LIMITATION MAX	FREQUENCY OF ANALYSIS	SAMPLE TYPE
Static Water Level	0.1 feet	Reported			
		Required	NL	1/3Months	Measured
Total Dissolved Solids	mg/l	Reported			
		Required	NL	1/3Months	Grab
Total Organic Carbon (TOC)	mg/l	Reported			
		Required	NL	1/3Months	Grab
Specific Conductivity	umhos/cm	Reported			
		Required	NL	1/3Months	Grab
Ammonia-Nitrogen	mg/l	Reported			
		Required	NL	1/3Months	Grab
pH	S.U.	Reported			
		Required	NL	1/3Months	Grab
Nitrate Nitrogen (NO3)	mg/l	Reported			
		Required	NL	1/3Months	Grab
Total Kjeldahl Nitrogen (TKN)	mg/l	Reported			
		Required	NL	1/3Months	Grab
Total Phosphorus	mg/l	Reported			
		Required	NL	1/3Months	Grab
Chlorides	mg/l	Reported			
		Required	NL	1/3Months	Grab

B. Schedule of Compliance For Nutrient Limitations

The permittee shall comply with the Total Phosphorus limitation included in Part I.A. of this permit in accordance with the following schedule:

1.	Select engineering firm for design of facilities	Within 18 months of the permit effective date
2.	Submit final, approvable plans and specifications	Within 24 months of the permit effective date
3.	Submit progress reports	Begin within 3 months from the plan approval date, and quarterly thereafter until compliance
4.	Comply with Part I.A. effluent limitations	September 1, 2015

No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit to the DEQ Tidewater Regional Office, either a **report of progress** or, in the case of specific actions being required by identified dates, a written **notice of compliance or noncompliance**. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

C. Schedule of Compliance For Construction of New Anaerobic Lagoon

The permittee shall comply with the following schedule for the design and construction of the new anaerobic lagoon.

1.	Select engineering firm for design of facilities	Within 3 months of the permit effective date
2.	Submit final, approvable plans and specifications	Within 6 months of the permit effective date
3.	Submit progress reports	Begin within 3 months from the plan approval date, and quarterly thereafter until compliance
4.	Complete construction of new anaerobic treatment unit and submit approvable closure plan for old anaerobic treatment unit.	September 1, 2013

No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit to the DEQ Tidewater Regional Office, either a **report of progress** or, in the case of specific actions being required by identified dates, a written **notice of compliance or noncompliance**. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

D. WHOLE EFFLUENT TOXICITY (WET) LIMITATION MONITORING REQUIREMENTS FOR OUTFALL 001

1. The Whole Effluent Toxicity (WET) Limitation in Part I.A. for outfall 001 is a final limit. The limit is:

   Chronic 1.724 TU_c (NOEC $\geq$ 58.0% Effluent)

2. The permittee shall conduct quarterly chronic toxicity tests using 24-hour flow-proportioned composite samples of final effluent from outfall 001. Toxicity samples shall be taken at the same time as the other sampling parameters required in Part I.A. of this permit. The chronic test to use is:

   a. The chronic tests shall be Chronic 3-Brood Static Renewal Survival and Reproduction Test using Ceriodaphnia dubia

      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 reproduction. The test endpoint (limit) must be represented by a dilution, and if other than 100%, should be bracketed by at least one dilution above and one dilution below it. Express the test NOEC as TU_c (Chronic Toxic Units), by dividing 100/NOEC for DMR reporting. The IC_{25} should be included on the submitted test reports.

   b. One complete copy of the toxicity test results shall be submitted with the DMR. A complete report must contain a copy of all laboratory benchsheets, certificates of analysis, and all chains of custody.

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

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

E. OTHER REQUIREMENTS OR SPECIAL CONDITIONS

1. Permit Reopeners

a. Water Quality Standards Reopener

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

b. Nutrient Enriched Waters Reopener

This permit may be modified or, alternatively, revoked and reissued to include new or alternative nutrient limitations and/or monitoring requirements should the State Water Control Board adopt nutrient standards for the waterbody receiving the discharge or if a future water quality regulation or statute requires new or alternative nutrient control.

c. Nutrient Removal Facilities Reopener

Upon issuance of a CTC, DEQ staff shall initiate modification, or alternately, revocation and reissuance, of this permit, to include annual concentration limits based on the nutrient removal technology listed in the CTC. Upon issuance of a CTO, any nutrient removal facilities installed shall be operated to achieve design effluent levels.

d. Total Maximum Daily Load (TMDL) Reopener

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

2. Licensed Operator Requirement

The permittee shall employ or contract at least one Class II 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 State Water Control Board for Waterworks and Wastewater Works Operators. The permittee shall notify the Tidewater Regional Office 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.

3. Operations and Maintenance (O & M) Manual

The permittee shall review the existing O & M Manual and notify the DEQ Tidewater Regional Office, in writing, that it is still current. This O&M Manual shall include descriptions of the treatment works operations and its contributing sources, and practices necessary to achieve compliance with this permit. The revised Manual shall specifically address: treatment system operation; routine and emergency maintenance; wastewater and/or storm water collection, treatment and disposal/discharge; permitted outfall locations; effluent sampling and preservation procedures; laboratory testing, analysis and recording of results; submittal and retention of all records, reporting forms and testing results; and a listing of the personnel responsible for the above activities. Also included in the Manual shall be a list of facility, local and state emergency contacts; procedures for reporting and responding to any spills/overflows/ treatment works upsets; a copy of the VPDES/VPA permit; and copies of all reporting forms. If the O&M Manual is no longer current, a revised O&M Manual shall be submitted for approval. Once approved, this revised manual shall become an enforceable condition of this permit. Future changes to the facility must be addressed by the submittal of a revised O & M Manual. Non-compliance with the O & M Manual shall be deemed a violation of the permit.

Letter/Revised Manual Due: No later than December 1, 2011

4. Notification Levels

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

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:

(1) One hundred micrograms per liter (100 ug/l);
(2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
(3) Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
(4) The level established by the State Water Control Board.

b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:

(1) Five hundred micrograms per liter (500 ug/l);
(2) One milligram per liter (1 mg/l) for antimony;

(3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application.
(4) The level established by the State Water Control Board.

5. Quantification Levels Under Part I.A.

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

Effluent Characteristic	Quantification Level
TSS	1.0 mg/l
BOD	5 mg/l
Chlorine	0.1 mg/l
Ammonia-N	0.2 mg/l
Oil and Grease	5.0 mg/l
Total Phosphorus	0.10 mg/l
Total Nitrogen	1.0 mg/l
TKN	0.5 mg/l
Cyanide	1.0 ug/l

b. The permittee may use any approved method which has a QL equal to or lower than the (QL) listed in 5.a above. The QL is defined as the lowest concentration used to calibrate a measurement system in accordance with the procedures published for the method.

6. Compliance Reporting Under Part I.A.

a. Monthly Average -- Compliance with the monthly average limitations and/or reporting requirements for the parameters listed in Part I.E.5.a shall be determined as follows: All data below the quantification level (QL) listed in Part I.E.5.a. above shall be treated as zero. All data equal to or above the QL listed in Part I.E.5.a. above shall be treated as it is reported. An arithmetic average shall be calculated using all reported data, including the defined zeros, for the month. This arithmetic average shall be reported on the

b.

DMR as calculated. If all data are below the QL, then the average shall be reported as <QL.

b. Daily Maximum - Compliance with the daily maximum limitations and/or reporting requirements for the parameters listed in Part I.E.5.a. shall be determined as follows: All data below the quantification level (QL) listed in Part I.E.5.a. above shall be treated as zero. All data equal to or above the QL shall be treated as reported. An arithmetic average of the values shall be calculated using all reported data, including the defined zeros, collected for each day during the reporting month. The maximum value of these daily averages thus determined shall be reported on the DMR as the Daily Maximum. If all data are below the QL, then the average shall be reported as <QL.

c. Any single datum required shall be reported as "<QL" if it is less than the QL listed in Part I.E.5.a. above. Otherwise, the numerical value shall be reported.

Where possible, all limit values on the Part I.A. limits page(s) are expressed in two significant figures. As a result, single, trailing zeros occurring after any single digit are significant. Effluent limits of 10 or greater are rounded to two significant whole numbers, with the exception that loading limits are expressed as whole numbers.

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

7. Materials Handling and Storage

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

8. Solids Handling and Disposal Plan

Within 60 days of the effective date of the permit, the permittee shall submit for approval to the DEQ Tidewater Regional Office a solids handling and disposal plan or notify in writing of an existing plan, current plan. Upon approval of a new plan or acceptance of an existing plan, this plan shall become an enforceable part of the permit.

The permittee shall submit in writing an annual report of their solids handling and disposal activities to the DEQ

Tidewater Regional Office. The first report shall be due February 10, 2012 and the 10th of February each year after.

9. Minimum Freeboard

The permittee shall ensure that all basins or lagoons maintain a minimum freeboard of two(2)foot at all times. Should the two-foot freeboard not be maintained, the permittee shall immediately notify the DEQ Tidewater Regional Office, describing the problem and corrective measures taken to correct the problem. Within 5 days of the notification, the permittee shall submit a written statement of explanation and corrective measures taken.

10. Ground Water Monitoring Program

The permittee shall continue sampling and reporting in accordance with the ground water monitoring plan approved on April 13, 2011. The purpose of this plan is to determine if the system integrity is being maintained and to indicate if activities at the site are resulting in violations of the State Water Control Board's Ground Water Standards. The approved plan is an enforceable part of the permit. Any changes to the plan must be submitted for approval to the DEQ Tidewater Regional Office.

If monitoring results indicate that any unit has contaminated the ground water, the permittee shall submit a corrective action plan within 60 days of being notified by the Tidewater Regional Office. The plan shall set forth the steps to be taken by the permittee to ensure that the contamination source is eliminated or that the contaminant plume is contained on the permittee's property. In addition, based on the extent of contamination, a risk analysis may be required. Once approved, this plan and/or analysis shall be incorporated into the permit by reference and become an enforceable part of this permit.

Monitoring Schedule:

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

11. New Anaerobic Lagoon Storage Facilities

New anaerobic lagoon storage facilities shall include a properly designed and installed liner. Such liner shall be either a synthetic liner of at least twenty mils thickness or a compacted soil liner of at least one-foot thickness with a maximum permeability rating of 0.0014 inches per hour. A licensed Professional Engineer, an employee of the Natural Resources Conservation Service of the United States Department of Agriculture with appropriate engineering approval authority, or an employee of a soil and water conservation district with appropriate engineering approval authority shall certify that the siting, design and construction of the waste storage facility comply with the requirements of this permit. This certification shall be maintained on site.

12. Existing Anaerobic Lagoon Closure Plan Requirement

Upon completion and operation of the new anaerobic lagoon, the permittee shall submit to the DEQ Regional Office a closure plan for the existing anaerobic lagoon. The plan shall address the following information as a minimum: Verification of elimination of sources and/or alternate treatment scheme; treatment, removal and final disposition of residual wastewater and solids; removal/demolition/disposal of structures, equipment, piping and appurtenances; site grading, and erosion and sediment control; restoration of site vegetation; access control; fill materials; and proposed land use (post-closure) of the site. The plan shall contain proposed dates for beginning and completion of the work. The approved closure plan shall be an enforceable part of the permit.

The Closure Plan shall be submitted to the Tidewater Regional Office for review and approval prior to implementation of the plan and no later than September 1, 2013.

F. STORM WATER MANAGEMENT CONDITIONS

1. General Storm Water Conditions

a. Sample Type

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

b. Recording of Results

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

(1) The date and duration (in hours) of the storm event(s) sampled;

(2) The rainfall measurements or estimates (in inches) of the storm event which generated the sampled discharge; and

(3) The duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event.

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

c. Sampling Waiver

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

d. Representative Discharge

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

e. Quarterly Visual Examination of Storm Water Quality

Unless another more frequent schedule is established elsewhere within this permit, the permittee shall perform and document a visual examination of a storm water discharge associated with industrial activity from

each outfall. The examination(s) must be made at least once in each of the following three-month periods: January through March, April through June, July through September, and October through December.

(1) Examinations shall be made of samples collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed 1 hour) of when the runoff or snowmelt begins discharging. The examination shall document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution. The examination must be conducted in a well lit area. No analytical tests are required to be performed on the samples. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previous measurable (greater than 0.1 inch rainfall) storm event. The required 72-hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge from the facility. The required 72-hour storm event interval may also be waived where the permittee documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted. Where practicable, the same individual should carry out the collection and examination of discharges for the entire permit term.

(2) Visual examination reports must be maintained onsite with the SWP3. The report shall include the outfall location, the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the storm water discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution), and probable sources of any observed storm water contamination.

(3) When a facility has two or more outfalls that, based on a consideration of industrial activity, significant materials, and management practices and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may collect a sample of effluent

of one of such outfalls and report that the examination data also applies to the substantially identical outfall(s) provided that the permittee includes in the SWP3 a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area (i.e., low (under 40 percent), medium (40 to 65 percent), or high (above 65 percent)) shall be provided in the plan.

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

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

The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable SWP3 for the facility. This permit does not authorize the discharge of hazardous substances or oil resulting from an onsite spill. Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR 110 (1998), 40 CFR 117 (1998) or 40 CFR 302 (1998) occurs during a 24-hour period, the permittee is required to notify the Department in accordance with the requirements of Part II.G. of this permit as soon as he or she has knowledge of the discharge. In addition, the storm water pollution prevention plan required by this permit must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate. This permit does not relieve the permittee of the reporting requirements of 40 CFR 110 (1998), 40

CFR 117 (1998) and 40 CFR 302 (1998) or 62.1-44.34:19 of the Code of Virginia.

g. Allowable Non-Storm Water Discharges

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

(a) Discharges from fire fighting activities;

(b) Fire hydrant flushings;

(c) Potable water including water line flushings;

(d) Uncontaminated air conditioning or compressor condensate;

(e) Irrigation drainage;

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

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

(h) Routine external building wash down which does not use detergents;

(i) Uncontaminated ground water or spring water;

(j) Foundation or footing drains where flows are not contaminated with process materials such as solvents;

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

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

(a) Identification of each allowable non-storm water source;

(b) The location where the non-storm water is likely to be discharged; and

(c) Descriptions of any BMPs that are being used for each source.

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

2. Storm Water Pollution Prevention Plan (SWP3)

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

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

a. Deadlines for SWP3 Preparation and Compliance

Existing Facilities

The SWP3 which was previously prepared and implemented shall be complied with, and continually updated as

needed in accordance with sections b., c., d. and e. below.

(1) Measures That Require Construction

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

b. Signature and SWP3 Review

(1) Signature/Location

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

(2) Availability

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

(3) Required Modifications

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

c. Keeping SWP3s Current

The permittee shall amend the SWP3 whenever there is a change in design, construction, operation, or maintenance which has a significant effect on the potential for the discharge of pollutants to surface waters of the State or if the SWP3 proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under section d. below, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. New owners shall review the existing SWP3 and make appropriate changes. Amendments to the plan may be reviewed by the Department in the same manner as noted in section b. above.

d. Contents of SWP3

The contents of the SWP3 shall comply with the requirements of this permit; these requirements are cumulative. The SWP3 shall include, at a minimum, the following items.

(1) Pollution Prevention Team

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

(2) Description of Potential Pollutant Sources

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

(a) Drainage

i. A site map indicating an outline of the portions of the drainage area of each storm water outfall within the facility boundaries, each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks identified under section (2)(c) below have occurred, and the locations of the following activities where such activities are exposed to precipitation: fueling stations; vehicle and equipment maintenance and/or cleaning areas; loading/unloading areas; locations used for the treatment, storage or disposal of wastes and wastewaters; locations used for the treatment, filtration or storage of water supplies; liquid storage tanks; processing areas; and, storage areas. The map must indicate the outfall locations and the types of discharges contained in the drainage areas of these outfalls.

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

(b) Inventory of Exposed Materials

An inventory of the types of materials handled at the site that potentially may be

exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of three years prior to the effective date of this permit and the present; method and location of on-site storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff between the time of three years prior to the effective date of this permit and the present; the location and a description of existing structural and non-structural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.

(c) Spills and Leaks

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

(d) Sampling Data

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

(e) Risk Identification and Summary of Potential Pollutant Sources

A narrative description of the potential pollutant sources from the following activities: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and, on-site waste disposal practices and wastewater treatment activities

to include sludge drying, storage, application or disposal activities. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g., biochemical oxygen demand, total suspended solids, etc.) of concern shall be identified.

(3) Measures and Controls

The permittee shall develop a description of storm water management controls appropriate for the facility and implement these controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls.

(a) Good Housekeeping

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

(b) Preventive Maintenance

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

(c) Spill Prevention and Response Procedures

Areas where potential spills may occur which can contribute pollutants to storm water

discharges, and their accompanying drainage points shall be identified clearly in the SWP3. Where appropriate, specifying material handling procedures, storage requirements, and use of equipment such as diversion valves in the plan should be considered. Procedures for cleaning up spills shall be identified in the SWP3 and made available to the appropriate personnel. The necessary equipment to implement a clean up should be available to the appropriate personnel.

(d) Inspections

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

(e) Employee Training

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

(f) Recordkeeping and Internal Reporting Procedures

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

(g) Sediment and Erosion Control

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

(h) Management of Runoff

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

(4) Comprehensive Site Compliance Evaluation

Qualified facility personnel who are familiar with the industrial activity, the BMPs and the SWP3 shall conduct site compliance evaluations at

appropriate intervals specified in the SWP3, but, in no case less than once a year during the permit term. Such evaluations shall include the following.

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

(b) Based on the results of the evaluation, the description of potential pollutant sources identified in the SWP3 in accordance with section d.(2) above and pollution prevention measures and controls identified in the SWP3 in accordance with section d.(3) above shall be revised as appropriate within 2 weeks of such evaluation and shall provide for implementation of any changes to the SWP3 in a timely manner, but in no case more than 12 weeks after the evaluation.

(c) A report summarizing the scope of the evaluation, personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the SWP3, and actions taken in accordance with section (4)(b) above shall be made and retained as part of the SWP3 for at least three years from the date of the evaluation. The report shall identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report shall contain a certification that the facility is in compliance with the SWP3 and this permit. The report shall be signed in accordance with Part II.K. of this permit.

(d) Where compliance evaluation schedules overlap with inspections required under section d.(3)(d), the compliance evaluation may be conducted in place of one such inspection.

e. Special Pollution Prevention Plan Requirements

In addition to the minimum standards listed in section d. above of this permit, the SWP3 shall include a complete discussion of measures taken to conform with the following applicable guidelines.

(1) Additional Requirements for Storm Water Discharges Associated with Industrial Activity from Facilities Subject to Emergency Planning and Community Right-to Know Act (EPCRA) Section 313 Requirements

In addition to the requirements of this permit, and other applicable conditions of this permit, SWP3s for facilities subject to reporting requirements under EPCRA Section 313 prior to May 1, 1997, for chemicals which are classified as Section 313 water priority chemicals in accordance with the definition at the end of this section, except as provided in section e.(1)(b)ii. below, and where there is the potential for these chemicals to mix with storm water discharges, shall describe and ensure the implementation of practices which are necessary to provide for conformance with the following guidelines.

(a) In areas where Section 313 water priority chemicals are stored, processed or otherwise handled, appropriate containment, drainage control and/or diversionary structures shall be provided unless otherwise exempted under section e.(1)(c) below. At a minimum, one of the following preventive systems or its equivalent shall be used:

i. Curbing, culverting, gutters, sewers or other forms of drainage control to prevent or minimize the potential for storm water runon to come into contact with significant sources of pollutants; or

ii. Roofs, covers or other forms of appropriate protection to prevent

storage piles from exposure to storm water and wind.

(b) In addition to the minimum standards listed under section e.(1) above and except as otherwise exempted under section e.(1)(c) below, the SWP3 shall include a complete discussion of measures taken to conform with other effective storm water pollution prevention procedures, and applicable state rules, regulations, and guidelines.

i. Liquid Storage Areas Where Storm Water Comes Into Contact with Any Equipment, Tank, Container, or Other Vessel Used for Section 313 Water Priority Chemicals

- No tank or container shall be used for the storage of a Section 313 water priority chemical unless its material and construction are compatible with the material stored and conditions of storage such as pressure, temperature, etc.

- Liquid storage areas for Section 313 water priority chemicals shall be operated to minimize discharges of these chemicals. Appropriate measures to minimize discharges of Section 313 water priority chemicals may include secondary containment provided for at least the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation, a strong spill contingency and integrity testing plan, and/or other equivalent measures.

ii. Material Storage Areas for Section 313 Water Priority Chemicals Other Than Liquids

Material storage areas for Section 313 water priority chemicals other than liquids which are subject to storm water runoff, leaching, or wind effects shall incorporate drainage or other control

features which will minimize the discharge of Section 313 water priority chemicals by reducing storm water.

iii. Truck and Rail Car Loading and Unloading Areas for Liquid Section 313 Water Priority Chemicals

Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals shall be operated to minimize discharges of those chemicals. Protection such as overhangs or door skirts to enclose trailer ends at truck loading/unloading docks shall be provided as appropriate. Appropriate measures to minimize discharges of Section 313 chemicals may include: the placement and maintenance of drip pans (including the proper disposal of materials collected in the drip pans) where spillage may occur (such as hose connections, hose reels and filler nozzles) when making and breaking hose connections; a strong spill contingency and integrity testing plan; and/or other equivalent measures.

iv. Areas Where Section 313 Water Priority Chemicals are Transferred, Processed or Otherwise Handled

Processing equipment and materials handling equipment shall be operated so as to minimize discharges of Section 313 water priority chemicals. Materials used in piping and equipment shall be compatible with the substances handled. Drainage from process and materials handling areas shall minimize storm water contact with Section 313 water priority chemicals. Additional protection such as covers or guards to prevent exposure to wind effects, spraying or releases from pressure relief vents from causing a discharge of Section 313 water priority chemicals to the drainage system shall be provided as appropriate. Visual inspections or leak

tests shall be provided for overhead piping conveying Section 313 water priority chemicals without secondary containment.

v. Discharges from Areas Covered by Paragraphs i., ii., iii. or iv.

- Drainage from areas covered by paragraphs i., ii., iii. or iv. of this section should be restrained by valves or other positive means to prevent the discharge of a spill or other excessive leakage of Section 313 water priority chemicals. Where containment units are employed, such units may be emptied by pumps or ejectors; however, these shall be manually activated.

- Flapper-type drain valves shall not be used to drain containment areas. Valves used for the drainage of containment areas should, as far as is practical, be of manual, open-and-closed design.

- If facility drainage is not engineered as above, the final discharge of all in-facility storm sewers shall be equipped to be equivalent with a diversion system that could, in the event of an uncontrolled spill of Section 313 water priority chemicals, return the spilled material to the facility.

  - Records shall be kept of the frequency and estimated volume (in gallons) of discharges from containment areas.

vi. Facility Site Runoff Other Than From Areas Covered by i., ii., iii. or iv.

Other areas of the facility [those not addressed in paragraphs i., ii., iii. or iv.], from which runoff which may contain Section 313 water priority

chemicals or where spills of Section 313 water priority chemicals could cause a discharge, shall incorporate the necessary drainage or other control features to prevent discharge of spilled or improperly disposed material and ensure the mitigation of pollutants in storm water runoff or leachate.

vii. Preventive Maintenance and Housekeeping

All areas of the facility shall be inspected at specific intervals identified in the SWP3 for leaks or conditions that could lead to discharges of Section 313 water priority chemicals or for direct contact of storm water with raw materials, intermediate materials, waste materials or products. In particular, facility piping, pumps, storage tanks and bins, pressure vessels, process and material handling equipment, and material bulk storage areas shall be examined for any conditions or failures which could cause a discharge. Inspection shall include examination for leaks, corrosion, support or foundation failure, effects of wind blowing, or other forms of deterioration or noncontainment. Inspection intervals shall be specified in the plan and shall be based on design and operational experience. Different areas may require different inspection intervals. Where a leak or other condition is discovered which may result in significant releases of Section 313 water priority chemicals to waters of the State, action to stop the leak or otherwise prevent the significant release of Section 313 water priority chemicals to waters of the State shall be immediately taken or the unit or process shut down until such action can be taken. When a leak or noncontainment of a Section 313 water priority chemical has occurred, contaminated soil, debris, or other material must be promptly removed and disposed in accordance with Federal, State, and local requirements and as described in the plan.

viii. Facilities shall have the necessary security systems to prevent accidental discharge.

Security systems described in the plan shall address fencing, lighting, vehicular traffic control, and securing of equipment and buildings.

ix. Training

Facility employees and contractor personnel that work in areas where Section 313 water priority chemicals are used or stored shall be trained in and informed of preventive measures at the facility. Employee training shall be conducted at intervals specified in the plan, but not less than once per year. Training shall address pollution control laws and regulations, the SWP3 and the particular features of the facility and its operation which are designed to minimize discharges of Section 313 water priority chemicals. The SWP3 shall designate a person who is accountable for spill prevention at the facility and who will set up the necessary spill emergency procedures and reporting requirements so that spills and emergency releases of Section 313 water priority chemicals can be isolated and contained before a discharge of those chemicals can occur. Contractor or temporary personnel shall be informed of facility operation and design features in order to prevent discharges or spills from occurring.

(c) Facilities subject to reporting requirements under EPCRA Section 313 for chemicals that are classified as Section 313 water priority chemicals, in accordance with the definition at the end of this section, that are handled and stored onsite only in gaseous or nonsoluble liquid or solid (at atmospheric pressure and temperature) forms may provide a certification as such in the SWP3 in lieu of the additional requirements in section e.(1) above. Such certification shall include a narrative description of all water priority

chemicals and the form in which they are handled and stored, and shall be signed in accordance with Part II.K. of this permit.

d) The SWP3 shall be certified in accordance with Part II.K. of this permit.

(2) Requirements for Salt Storage

Storage piles of salt used for deicing or other commercial or industrial purposes and which generate a storm water discharge associated with industrial activity which is discharged to surface waters of the State shall be enclosed or covered to prevent exposure to precipitation, except for exposure resulting from adding or removing materials from the pile. Permittees shall demonstrate compliance with this provision as expeditiously as practicable, but in no event later than 3 years from the effective date of this permit. Annual reports of progress towards compliance shall be compiled and added to the Pollution Prevention Plan. Piles do not need to be enclosed or covered where storm water from the pile is not discharged to surface waters of the State.

(2) Requirements for Salt Storage

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

"Section 313 Water Priority Chemicals" means a chemical or chemical categories which: 1) are listed at 40 CFR Part 372.65 (1998) pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (also known as Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986) (42 USC 11001 et seq.); 2) are present at or above threshold levels at a facility subject to EPCRA Section 313 reporting requirements; and 3) that meet at least one of the following criteria: (i) are listed in Appendix D of 40 CFR Part 122 (1998) on either Table II (organic priority pollutants), Table III (certain metals, cyanides and phenols) or Table V (certain toxic pollutants and hazardous substances); (ii) are listed as a hazardous

substance pursuant to section 311(b)(2)(A) of the Clean Water Act at 40 CFR Part 116.4 (1998); or (iii) are pollutants for which EPA has published acute or chronic water quality criteria.

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:

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

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

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

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

D. Duty to Provide Information.

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

E. Compliance Schedule Reports.

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

F. Unauthorized Discharges.

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

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

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

G. Reports of Unauthorized Discharges.

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

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

2. The cause of the discharge;

3. The date on which the discharge occurred;

4. The length of time that the discharge continued;

5. The volume of the discharge;

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

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

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

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

H. Reports of Unusual or Extraordinary Discharges.

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

1. Unusual spillage of materials resulting directly or indirectly from processing operations;

2. Breakdown of processing or accessory equipment;

3. Failure or taking out of service some or all of the treatment works; and

4. Flooding or other acts of nature.

I. Reports of Noncompliance

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

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

   a. Any unanticipated bypass; and

   b. Any upset which causes a discharge to surface waters.

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

   a. A description of the noncompliance and its cause;

   b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and

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

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

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

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

J. Notice of Planned Changes.

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

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

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

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

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

   c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit,

including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

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

K. Signatory Requirements.

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

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

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

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

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

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

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

   c. The written authorization is submitted to the Department.

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

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

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

L. Duty to Comply.

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with

certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

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

M. Duty to Reapply.

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

N. Effect of a Permit.

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

O. State Law.

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

P. Oil and Hazardous Substance Liability.

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

Q. Proper Operation and Maintenance.

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

R. Disposal of Solids or Sludges.

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

S. Duty to Mitigate.

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

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

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

U. Bypass.

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

2. Notice

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

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

3. Prohibition of bypass.

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

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

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

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

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

V. Upset.

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

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

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

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

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

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

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

W. Inspection and Entry.

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

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

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

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

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

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

X. Permit Actions.

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

Y. Transfer of permits.

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

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

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

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

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

Z. Severability.

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