

**COMMONWEALTH OF VIRGINIA**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**DIVISION OF WATER PERMITTING**  
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**SUBJECT:** **Guidance Memo No. 16-2003**  
Implementation of the 2016 Reissuance of the VPDES General Permit Regulation for Seafood Processing Facilities - VAG52

**TO:** Regional Directors

**FROM:** Melanie Davenport, Director  
Division of Water Permitting 

**DATE:** May 12, 2016

**COPIES:** Water Permit Managers, Water Compliance Managers, Fred Cunningham, Allan Brockenbrough

**Summary:**

The purpose of this guidance is to provide updated information for implementing the Seafood Processing Facilities General Permit (VAG52) based on amendment of 9VAC25-115 and the 2016 reissuance of the general permit. This guidance replaces Guidance Memo No.GM11-2003.

**Electronic Copy:**

An electronic copy of this guidance in PDF format is available for staff internally on [DEQnet](#) and for the general public on DEQ's website at:

<http://www.deq.virginia.gov/Programs/Water/Laws,Regulations,Guidance/Guidance/WaterPermitGuidance.aspx>

**Contact information:**

Please contact Elleanore Daub, Office of VPDES Permits, (804) 698-4111 or [elleanore.daub@deq.virginia.gov](mailto:elleanore.daub@deq.virginia.gov) if you have any questions about this guidance.

**Disclaimer:**

**This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, it does not mandate or prohibit any particular action not otherwise required or prohibited by law or regulation. If alternative proposals are made, such proposals will be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.**

**Background**

The General VPDES Permit for Seafood Processing Facilities, VAG52, is established by regulation 9VAC25-115. It sets limitations and monitoring requirements for point source discharges of process water from seafood processing facilities. It also provides stormwater permit coverage for SIC code 2091 and 2092 seafood facilities that would otherwise require coverage under the industrial stormwater general permit. This guidance replaces Guidance Memos 11-2003, 06-2001, 01-2018 and 96-005, previous implementation guidance for issuance of VAG52.

**2011 Reissuance Changes**

9VAC25-115 was amended to reissue this general permit for another five-year period. The State Water Control Board adopted final amendments to the regulation on October 1, 2015 and these amendments will be effective upon the effective date of the permit (July 24, 2016). The changes that have been made to the regulation and permit can be summarized as follows:

<b>Current section number</b>	<b>Proposed new section number, if applicable</b>	<b>Current requirement</b>	<b>Proposed change and rationale</b>
Section 10	NA	Definition of stormwater not deleted.	Definition for stormwater was deleted as it is repetitive of the same definition in the VPDES Permit Regulation and the words and terms used in Chapter 115 have the meaning defined in the VPDES Permit Regulation (9VAC25-31). No impact.
NA	Section 15	Applicability of incorporated references based on the dates that they became effective not in the regulation.	Applicability of incorporated references based on the dates that they became effective. This section was added to update all Title 40 Code of Federal Regulations (CFR) within the document to be those published as of July 1, 2015. This is a recommendation from the DEQ Office of Policy so dates do not need to be added for each CFR reference. No impact.
Section 20 and 50	NA	Purpose and Part I - Effective and expiration dates reflect 2011 -2016 term.	Purpose and Part I - Effective and expiration dates were updated to reflect this reissuance. Impact – allows permit to be used for another 5-year term (2016-2021).
Section 30 A, B	NA	Same requirement.	Authorization – Reformatted to match structure of other general permits being issued at this time. The requirement that the discharge must meet the assumptions and requirements of a total maximum daily load (TMDL) was reworded to match other general permits. No impact.
Section 30 C	NA	Same requirement.	Authorization –Clarified that <i>"Compliance with this general permit constitutes compliance for purposes of enforcement with the federal Clean Water Act §§ 301, 302, 306, 307, 318, 403 and 405 (a) through (b), the State Water Control Law, and applicable regulations under either, with the exceptions stated in 9VAC25-31-60 of the VPDES Permit Regulation"</i> which better mirrors the language in the permit regulation at 9VAC25-31-60. No impact as

			this is a clarification.
Section 30 D	NA	Continuation of Permit Coverage – dates are updated to continue to allow coverage under the 2006 expired general permit until the new permit is reissued and coverage is granted or coverage is denied; provided the permittee has submitted a timely registration and is in compliance with the existing permit.	Continuation of Permit Coverage – dates are updated to continue to allow coverage under the 2011 expired general permit until the new permit is reissued and coverage is granted or coverage is denied; provided the permittee has submitted a timely registration and is in compliance with the existing permit. Impact - these dates are updated with each reissued general permit so permittees can discharge legally and safely if the permit reissuance process is delayed.
Section 40	NA	Registration Statement – Clarification does not exist although statement that late registration statements will be accepted but not retroactive is present. Registration deadline for existing individual permit owners that wish to be covered under this general permit is 210 days prior to the expiration date of the individual permit. The allowance to submit registrations by electronic mail is not mentioned.	Registration Statement – clarified that existing owners are allowed to miss the June 23, 2016 deadline for registration submittal, but as long as they submit a complete statement before the expiration date of the permit (July 23, 2016), DEQ will grant a continuance under the old 2011 permit until such time as the board reissues the permit or determines that they are not eligible for continued coverage. This is language that is going into all general permits as they are reissued. Registration deadline for existing individual permit owners that wish to be covered under this general permit was changed from 210 to 240 days prior to the expiration date of the individual permit. This extra 30 days gives DEQ time to review the registration and if coverage is not appropriate, the permittee still has another 30 days to submit an individual permit application and still meeting their "180 day prior to" permit deadline for individual permit application submittal. Several clarifications were also added to the required registration information to ensure DEQ receives the needed information to make a determination about coverage. Finally, the allowance to submit registrations by electronic mail was added. No likely impact.
Section 50 Part I A	NA	General Permit Limits – effective and expiration dates reflect the current 2011-2016 permit term. Clarifications do not exist.	General Permit Limits – effective and expiration dates changed to reflect the upcoming permit term. Annual monitoring clarified to reflect it is based on a calendar year. Hand-shucked oyster processing for existing sources which process more than 1,000 lbs of raw material per day (Limit page I A 18) added a definition of raw material which for hand-shucked oyster processing means the weight of the shucked product. This is different from raw material in the traditional food processing industry which means the product as it comes to the plant (e.g., whole fish or whole clams). This interpretation reflects

			the existing federal effluent guidelines for the seafood processing industry and is not a new interpretation. No impact.
Section 50 Part I B		General Permit Special Conditions – clarifications do not exist.	General Permit Special Conditions – In special condition 6 clarified that the permittee shall notify the department if they exceed 100µg/l or 500µg/l <i>of the toxic pollutant</i> not limited in the permit. This is not a new condition, rather a clarification referring back to what is actually being measured (the toxic pollutant). The quantification level for biological oxygen demand (BOD) was corrected to one significant digit and not two significant digits (2 rather than 2.0). This accurately reflects the BOD analytical test methodology. New special condition 10 contains termination procedures that describe what the permittee does if they wish to terminate their coverage under this permit. It is standard language that applies to all general permits. No impact.
Section 50 Part II	NA	Stormwater Pollution Prevention Plans (SWPPP) – deadlines reflect the current 2011 - 2016 permit term. Clarifications do not exist. Preparation or updates and implementation of SWPPP for existing facilities were not later than December 30, 2011 and new facilities were required to prepare and implement the SWPPP prior to submitting the registration statement.	Stormwater Pollution Prevention Plans (SWPPP) – deadlines changed to reflect the upcoming permit term. Preparation (or update) and implementation of SWPPP changed to within 60 days of permit coverage. This made all SWPPP preparation (or update) and implementation deadlines the same for all existing and new permittees. Deleted paragraph at B 5 which required the SWPPP to include a summary of sampling data collected because there is no stormwater sampling associated with this permit. Deleted wording that is difficult to enforce such as a requirement to minimize something <i>to the maximum extent practicable</i> or <i>as soon as practicable</i> or <i>if possible</i> . New paragraph G was added that lists allowable non-stormwater discharges. These allowable discharges are standard language for stormwater permits that was inadvertently left out of these stormwater requirements. No impact – clarifications of existing practices.
Section 50 Part III	NA	Conditions Applicable to All VPDES Permits – Requirement in A 4 that samples must be taken in accordance with <a href="#">1VAC30-45</a> , Certification for Noncommercial Environmental Laboratories, or <a href="#">1VAC30-46</a> , Accreditation for Commercial Environmental Laboratories not in permit but is an existing regulatory requirement. Part III B 2 – Requirement for	Conditions Applicable to All VPDES Permits – Added a requirement in A 4 that samples must be taken in accordance with <a href="#">1VAC30-45</a> , Certification for Noncommercial Environmental Laboratories, or <a href="#">1VAC30-46</a> , Accreditation for Commercial Environmental Laboratories. This is a new regulatory requirement effective January 1, 2012, and is being added to all general permits as they are reissued. Part III B 2 - Removed records retention requirements for sewage sludge use and disposal since sewage discharges are not covered by this permit.

		<p>records retention requirements for sewage sludge use and disposal since sewage discharges was in permit. In Part III I 3, online allowance for immediate (24-hour) noncompliance reporting was not mentioned. In Part III L requirement to meet sewage sludge standards was in the regulation. In Part III Y, waiving the automatic transfer timing (30 days in advance of proposed transfer) was not mentioned. References to modifications and revocations and reissuances were in the regulation.</p>	<p>In Part III I 3, added online allowance for immediate (24-hour) noncompliance reporting. In Part III L deleted requirement to meet sewage sludge standards as sewage discharges are not covered by this permit. In Part III Y, revised so that the board may waive the automatic transfer timing (30 days in advance of proposed transfer). Permittees are rarely able to meet this requirement and the staff thinks they need some flexibility with this. Also references to modifications and revocations and reissuances have been removed as these events are not appropriate for coverage under general permits. No impacts as these are clarifications of existing practices or removal of requirements that do not apply to this permit.</p>
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The amended regulation, permit reissuance fact sheet, registration statement, fee form, general permit, transmittal letters, ownership transfer form, termination form, production calculation spreadsheet and stormwater pollution prevention example and form can be found on [DEQnet](#). The effective date of the reissued general permit is July 24, 2016. The expiration date will be July 23, 2021.

**Registration for the 2016 Reissuance**

Facilities that are currently covered by General Permit VAG52 must resubmit a registration statement in order to continue coverage under the reissued permit. The registration forms now posted on [DEQnet](#) and [online](#) and should be sent out by May 2, 2016 to the existing permit holders so they can reregister and avoid a lapse in coverage. The 2016 registration statement for existing permittees is due on or before June 24, 2016. Late registrations will be accepted. If a complete registration is submitted after June 24, 2016 but before July 24, 2016, the permittee will be administratively continued until such time that DEQ issues coverage or notifies the owner that the discharge is not eligible for coverage. If the registration is received but if the permit is not issued on time due to a late registration on the part of the permittee, the coverage is not retroactive (i.e. if they discharge during the uncovered period, they are discharging without a permit). Registration statements may be sent out electronically from the permit writer or manager. A transmittal letter will also be provided and should be included as an attachment on dated DEQ regional letterhead.

The fee is \$600.00. If sending hard copies via postal mail, the fee form gets sent out along with the registration statement. If sending registration statements electronically, the fee form is hyperlinked in the instructions. The Water Division Permit Application Fee Form and the check are to be submitted to Receipts Control at the DEQ Central Office (we are NOT asking the permittees to copy the region with the check and Fee Form). The registration fee must be paid in full at the time the Registration Statement is submitted for permit coverage. There is no pro-rating of fees for partial term coverage. For CEDS and other purposes (such as ECM), the date the permit application is deemed complete (APCP) should be based on the date a complete signed registration statement package (including fee payment verification) is received.

At times the Regional Office might receive original Fee Forms from the permittees/applicants (sometimes along with payments). Any payments and original Fee Forms submitted by an applicant should be forwarded to DEQ-Finance using the standard procedures. For purposes of ECM, DEQ-Finance is the "owner" of the Fee Forms. Any Fee Forms/payments received are NOT to be scanned into ECM by the Regional Offices. Since Fee Forms and checks contain personal identification information (i.e., SSNs, FINs, bank account numbers, etc.), staff should send DEQ-Finance any original fee forms received, and destroy copies of fee forms/payments once payment verification is established.

Coverage under the reissued general permit will not begin until the July 24, 2016 effective date of the new regulation.

## **Reviewing the Registration Statement**

The basic procedures for implementation have not changed. Permit writers should send out the seafood general permit registration statement instead of standard application forms for facilities that might qualify for coverage. The registration statement, just like any application, should be complete before the discharge is covered. Registration statements should be reviewed as follows:

Item 1 (Applicant Information) - The facility owner is the person or entity that will get coverage under the permit. It means owner of the business, not necessarily owner of the building. It is expected that in most cases with this permit the owner and operator will be the same. The operator section only needs to be filled out if staff should contact someone at the plant other than the owner. Email information is included on the form but we should not deny a registration if the individual has no access to email at their home or business.

Item 2 (Facility Information) - If the receiving stream is into waters where other Board regulations or policies prohibit such discharges or where more stringent requirements exist (e.g., exceptional state waters per the Water Quality Standards regulation [9VAC25-260-30 A 3](#) or the discharge is inconsistent with the assumptions and requirements of an approved TMDL).. At this point, we are not aware of any seafood processing facilities in exceptional waters. These facilities are considered an insignificant source under the Chesapeake Bay TMDL and therefore consistent with the assumptions and requirements of the approved Chesapeake Bay TMDL. However, an evaluation should be made to verify that assumption (see discussion under Item 6 below). Further evaluation will be needed to determine if a local (non-Bay) approved TMDL applies to the facility and if the facility is consistent with the local TMDL. Contact central office if any facilities are determined to be inconsistent with a local approved TMDL.

Item 2 (Current VPDES Permit Number) - Existing general permittees will normally enter their current general permit number although the instructions tell them to list individual permit numbers, if any. Do not reject the registration if they do not enter their current general permit number. This question can probably be deleted during the next reissuance as there are no longer any individual permits that could qualify for the general permit.

Item 2 (Construction Information) – This question is here to address whether existing or new source effluent limits apply to a facility. The permit regulation defines a new source as "... any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced [after promulgation of the effluent guidelines that apply to it]." Most effluent guidelines for seafood processing (40 CFR 408) were promulgated 1974 - 1975.

Adding a brand new process is not a 'new source' unless the building was constructed or had significant upgrades (new treatment, new facilities) after the effluent guidelines or construction occurred. If the construction of the structure is unknown treat a new process as a new source.

Item 3 (Map) - Some additional instructions on the form have been provided for maps since we are now allowing computer generated maps.

Item 4 (SIC Codes) - The general permit regulation is specific about which SIC codes are eligible for coverage. This section also lets the permit writer know if the stormwater pages apply to the discharger. Facilities with SIC codes 2091 and 2092 involve "industrial activity" with respect to the stormwater regulations, and this general permit covers the stormwater discharges as well as the process discharges. An example Stormwater Pollution Prevention Plan (SWPPP) (and a similar plan with blanks) is provided as an attachment, and it should be sent to the permittees falling under the above SIC codes that do not already have a SWPPP in order to assist them in developing a SWPPP. For those facilities that do not fall under these two SIC codes, the letter transmitting the permit indicates that Part II of the permit does not apply to them.

Accept the registration statement SIC code unless it is clearly SIC 2091 (canning and curing) or SIC 2092 (preparing fresh or frozen fish e.g., shucking) and they have indicated SIC 5142 or 5146 (and vice versa). The majority of seafood SIC codes fall under 2092 (about 77%). The approximate breakdown of other SIC codes is 2091 3%, 5146 18% and 5141 <1%.

Items 5 and 6 (Nature of Business and Outfall Information) – This will indicate to the permit writer what kind of seafood processing operations occur at the facility and therefore which effluent limits pages need to be sent to the permittee. The applicable limits page and a DMR (seafood module is in new CEDS, DMRs are still generated in legacy CEDS reports as of the date of this guidance) should be sent for each process. Some complications can arise when there are multiple processes (note applicant's answer to Item 8. of the registration statement), but in most cases the permittee will

be able to pull a sample some time in a quarter that represents only one process. See discussion about multiple outfalls and commingled discharges under *Issuing Coverage under the General Permit* below).

Item 6 (Outfall Information) - Provides information on flow. The regulation establishing this general permit has a provision in it (added in 2006) that says:

*“Nutrient Discharges.*

*Annual mass loadings of total nitrogen in excess of 2300 pounds per year or of total phosphorus in excess of 300 pounds per year are not authorized by this general permit.”*

The Chesapeake Bay watershed general permit for nutrients established in accordance State Water Control Law [§62.1-44.19:12 to :19](#) addresses new or expanding industrial facilities with the potential to discharge annual loads of 2300 pounds of total nitrogen or 300 pounds of total phosphorus. The existing seafood facilities covered by the general permit do not approach this level of nutrient loading. New or expanding facilities with the potential to exceed these load limits must register for coverage under the Watershed General VPDES Permit for Nutrient Discharges to the Chesapeake Bay ([9VAC25-820](#)) in addition to applying for an individual permit.

The clause was added in the regulation to ensure that seafood general permit authorized discharges continue as an insignificant nutrient source and consistent with the assumptions and requirements of the Chesapeake Bay TMDL. The registration statement requires daily flow information and operating days per year. The permit writer can use this information to estimate annual flow and screen the registration statement for facilities that might exceed the nutrient loading specified in the regulation. Based on typical nutrient concentrations, annual flows that may cause excessive nutrient loads are presented for some common seafood processes in the following table:

<b>SEAFOOD PROCESS</b>	<b>ANNUAL DISCHARGE FLOW in MILLIONS OF GALLONS</b>
Hand-shucked Oyster	2.5
Handpicked or mechanized Crab	0.8
Hand-shucked Clam	8.9
Fish Processing	2.3
Seafood packing, re-packing	4.6

If a registration statement is received with information that indicates flows higher than shown in the table, or if there is a question about nutrient loading from a different type of seafood process, contact the Office of VPDES Permits for assistance in determining if coverage should be granted.

Item 7 (Maximum Daily Production) - Production information is provided to determine if facilities fall under the minimum production levels specified for existing sources in the conventional blue crab, shrimp, bottom fish, hand-shucked clam, hand-shucked oyster and catfish processing subcategories. If they fall below the specified level for a process, they should only be sent the A.1. Effluent limits page, "Seafood Processing Not Limited Elsewhere" for that process.

Item 8 (Facility Drawing) - this is information about the water flow through the facility and is useful in addition to the map for general knowledge of the facility for inspections and to look for potential problems. Simultaneous discharges can sometimes be problematic for these facilities in monitoring, so we also ask for this information to better understand the operation and help the permittee.

Item 9 (Treatment Information) - note that many facilities can meet the limits with no treatment. However, this general permit does not authorize discharges of sewage. If sewage is being discharged, then another VPDES permit is required.

Item 10 (Chemicals) - the regions will have to evaluate the response to determine if the chemicals being added to the water need to be limited or controlled in some way. If so, then the facility should not be covered by the general permit. Chemicals that are not identified on an approved registration statement cannot be used. Note that the previous registration statement instructions said they did NOT need to list sanitizers but that instruction was removed with this reissuance so all chemicals (including bleach) will be listed. If they do not list any sanitizers, the permittee should be contacted and ask what sanitizer is used and how is used (e.g., solution percent, how much and how often).

## **Summary of Qualifications for General Permit Coverage**

For the purpose of screening for qualification, facilities need to meet the following conditions:

1. The facility has submitted a complete registration statement (including fee).
2. The facility has the correct SIC code (2091, 2092, 5142 or 5146).
3. The facility is not a mechanized clam processing operation.
4. The facility has a point source discharge.
5. Discharge is not to waters prohibited in other regulations (e.g. Tier 3 waters).
6. There are no sewage discharges.
7. There are no chemicals that require special treatment.
8. The facility has not been required to obtain an individual permit.
9. The facility complies with the limits and special conditions of the permit.
10. The facility does not exceed Chesapeake Bay TMDL nutrient loading as specified in the general permit regulation.
11. The permit does not need to contain a local TMDL WLA.
12. Degradation of high quality waters and backsliding are not occurring (see below).

### **Antibacksliding**

If the applicant previously held an individual permit, antibacksliding must be considered. Also we should use whatever effluent limits pages qualify for the process for existing permits; however, new source limits should always remain new source limits.

### **Antidegradation**

Antidegradation was considered in the issuance of the general permit. It would be a factor in cases where coverage is requested for new or increased discharges that would increase the level of pollutants instream. It should be noted that switching back and forth between operations within the general permit coverage (such as changing from shucking oysters to picking crabs) is not considered as a new or increased discharge. If a case arises where some aspect of antidegradation does appear to be an issue, it is recommended that the Office of VPDES permits be contacted for assistance.

### **Issuing Coverage under the General Permit**

Once it is determined that the registration statement represents a facility that qualifies for coverage, the general permit pages can be prepared. The cover page, applicable Part I effluent limits pages based on the type of seafood processing that is occurring; special conditions, stormwater section and boilerplate should be assembled with the general permit number for the facility entered on the cover page and in the header of the other pages. It is not necessary to change the section numbers under Part I. A. that are currently numbered 1 through 27 on the effluent limits pages but it is allowed to renumber them sequentially. Some minor instruction may be added next to the outfall number. For example, for Part I A 1 limits pages (seafood processing not limited elsewhere) adding the type of seafood process is an acceptable addition. The outfall numbers must also be added at the end of the first sentence on each effluent limitations page. The largest production outfall should be 001. All other processes coming from 001 should be numbered as internal outfalls (101, 102, etc.). If there is a second outfall it is numbered 002 and other processes coming from 002 should be numbered as internal outfalls (201, 202, etc.) and so forth. No other changes to the language of the general permit are authorized.

CEDS will automatically generate permit numbers for new registrations.

The general permit requires quarterly or annual monitoring and reporting. Therefore, DMRs are necessary for reporting and compliance tracking. A separate DMR is required for each process (oyster shucking, crab picking, etc.), to go along with the limits page for that process. All outfalls described in the registration statement for a process should be listed on the effluent limits page and on the DMR, so that there is indication in the permit of what outfalls require sampling. Also note all numerical limits in the general permit are in terms of kg/kg. Special Condition 5 describes the method for calculating this from kg/day. A spreadsheet that calculates kg/day for production and for loading and kg/kg can be found on [DEQnet](#) and on the [external web site](#) for use by permittees.

Multiple outfalls discharging the same process water can be composited, then analyzed and reported on one DMR, or results from individually sampled and analyzed outfalls can be combined mathematically to show total load from the

facility and this figure reported on one DMR. Either way, this should be done separately for each process for which effluent limits apply.

In most cases the permittee will be able to obtain a sample some time in a quarter that represents only one process. Sometimes there may be multiple process waters discharging at the same time from a single outfall that cannot be separated. For these commingled discharges, one option is to take one commingled sample and report quantity and quality on the DMR based on the concentration of the commingled effluent but use production and flow from each process. If a permittee is always operating as a commingled discharge, and can never collect separate samples for each process, the permit may only contain the more stringent limits page and only one DMR is submitted. The permittee has to meet the more stringent limits for all processes operating at the same time. Concentration, flow and weight in kg is combined for both processes in reporting.

Any clarification for sampling (such as outfall numbering, multiple outfall compositing, and commingled process waters) can be explained in the transmittal letter.

Use the appropriate transmittal letter to transmit the permit, DMRs, and if a SWPPP is needed, the example stormwater pollution prevention plan, to the permittee and keep a copy for the regional file (follow ECM procedures). It is not necessary to copy central office or EPA on coverage under a general permit. Note that the transmittal letter for coverage under a general permit does not contain the two paragraphs referencing the owner's right to appeal the decision to cover them under the permit. The transmittal letter should identify the first DMR due date and the monitoring period for the annual and quarterly DMRs. The transmittal should also indicate where DMRs are to be sent. Permits may be transmitted to the owner by postal or electronic mail (email if agreed to by permittee on registration statement). Send the email with a read receipt request to ensure delivery.

### **Compliance Tracking**

DMRs are due on the tenth of January, April, July and October for quarterly monitoring, and on January 10 for yearly monitoring. All calculations related to the DMR data (i.e., parameters with numerical limits in kg/kkg) must be submitted with the DMR. If a complete registration is submitted on or before July 23, 2016, no monitoring gap is expected based on the continuation of the permit coverage provision ([9VAC25-115-30 D](#)).

Tracking of compliance with the limits and other requirements of the general permit should be done according to the Compliance Auditing System already established for individual VPDES permits. Reporting requirements for noncompliance, unusual or extraordinary discharges, etc. are the same as for an individual permit.

### **Stormwater Pollution Prevention Plan**

The Stormwater Pollution Prevention Plan required by Part II of the permit for SIC codes 2091 and 2092 is developed by the permittee and maintained on site. The permittee is also required to inspect the site at least once per year to evaluate the effectiveness of their pollution prevention measures. There is no requirement for submittal to DEQ of the plan or the report on the annual inspections. If DEQ personnel make an inspection of a facility covered by the general permit, they should ask to see the pollution prevention plan and any evaluation reports that have been done. Failure to develop and follow the pollution prevention plan is a violation of the permit.

Section II C says that for maintenance of the BMPs should be observed during active operation but it doesn't state how often. The intent here is that the observations are quarterly like in other general permits and Part II D 1 g of the stormwater annual comprehensive site evaluation states that it must contain evaluation of the quarterly visual examinations. While we have no clear requirement in the permit for quarterly BMP observations, if permittees are not observing the BMPs quarterly, they should be requested to do so during an inspection.

### **Facility Changes and Termination of Coverage**

Any substantial new discharges or changes to a facility that could necessitate different permit pages, could change the nature or increase the quantity of pollutants discharged, or could cause noncompliance require submittal of a new registration statement within 30 days of the changes. Note that as discussed in the antidegradation section, switching processes within the general permit is not considered as water quality impacting as far as changing or increasing quantity of pollutants, but it is necessary to make sure that the permittee has the correct pages from the general permit. If a registration statement is submitted to add a process that was not accounted for in the original registration statement, or delete a process accounted for in the original registration statement, it should be evaluated as any registration statement. The change of coverage procedure would be to send the new pages and DMRs, assuming the discharger

still qualifies for the general permit. CEDS does not track changes in coverage. The procedure is to overwrite the active record and add a MISC event code, date completed and comment.

If an owner requests termination of coverage under the general permit the regional office can terminate coverage under regional letterhead.

If there is a request for a change of ownership, then the new owner assumes the coverage under the general permit and the permit number does not change. A new registration statement is not necessary. Part III of the permit allows for automatic transfer of ownership if the current permittee notifies us and provides the VPDES Change of Ownership Agreement Form within 30 days of the transfer of the title to the facility or property. Note that this is a change to Part III made in 2011 (previously a 30-day prior notice was required). The other change of ownership requirements and procedures from the Permit Regulation and VPDES Permit Manual that are common to all VPDES permits apply here as well. Any change of status should be noted in CEDS.

### **Miscellaneous Implementation Issues**

#### **Small Aquaculture/Shellstock Rinsing Facilities**

During the 2011-2016 term of the permit, a number of small oyster aquaculture farms began operations. Questions were raised among the Health Department, the operators and DEQ staff about whether or not they needed coverage under this general permit for their shellstock rinsing and grading operations. DEQ has recommended where pre-washed oysters were sorted and rinsed, usually outdoors on a covered dock or other rough enclosure with tumblers or by hand and the smaller oysters were returned to the river for grow out, that they need not apply for a VPDES permit. We recommended this due to the following conditions:

- 1) Oysters and oyster cages are initially washed over the oyster grounds;
- 2) The prewashed oysters are then graded in tumblers on a dock while water is sprayed over the oysters. Usually this water is pumped from and returned to the adjacent water body. There are negligible solids rinsed off the product because the shellfish are initially washed over the oyster grounds;
- 3) There is no processing (shucking) of the product. The oysters are sold whole;
- 4) The operation is small in volume (around 100 GPD) and product (around 10 bushels per day);

DEQ considers these operations as primarily aquaculture facilities (SIC 0273) and will not require these molluscan aquaculture facilities to get VPDES permits. The small amount of water sprayed over the tumbler while grading the oysters is the same as the water it came from with de minimus pollution added. Even though DEQ does not require coverage, the facility is still discharging to state waters and any fish kills or water quality problems caused by the discharge is still the responsibility of the owner and subject to possible enforcement by DEQ.

This policy was also discussed at length during the January 23, 2014 TAC meeting. The TAC consensus was to continue to not require coverage for these types of operations.

#### **Handwashing**

The VDH requires hand washing stations for shucking processes. The wastewater from the handwashing is not covered under this general permit. The National Shellfish Sanitation Program Model Ordinance states that, "Handwashing facilities shall be provided which are: "(c) directly plumber to an approved sewage disposal system."

### **Attachments**

1. Example Stormwater Pollution Prevention Plan
2. Stormwater Pollution Prevention Plan format with blank spaces
3. Example Registration Statement Transmittal Letter
4. Example Transmittal Letter for sending general permit pages, including stormwater coverage
5. Example Transmittal Letter for sending general permit pages without stormwater coverage
6. Change of Ownership Agreement Form
7. Notice of Termination Form
8. Example Termination of Coverage Letter

The amended regulation, general permit pages, fact sheet, registration statement with instructions and fee form are also on [DEQnet](#).

**Attachment 1**  
**Example Stormwater Pollution Prevention Plan**

General Permit No. VAG520001  
ABC Seafood, Inc.  
123 Main Street  
Town, Virginia 23000

STORMWATER POLLUTION PREVENTION PLAN

This seafood processing facility is a small operation consisting of about twenty-six personnel during peak production times. It is located on a relatively small five-acre gravel and crushed shell tract of land near the end of Main Street in a generally undeveloped area. Areas adjacent to the facility are flat with only a gradual slope from east to west. The facility area is a rectangle with the length running east to west. Stormwater drains from the property in sheet form in a westerly direction entering XYZ Creek which in turn flows into the Rappahannock River.

1. Pollution Prevention Control Team:
  - a. Responsible Party: John Nemo, Owner
  - b. Facility Manager: Richard Moby
  - c. Foreman: Edward Teach

Please refer to Appendix A for duties and responsibilities of team members.

2. Description of possible pollution sources:

Sources at this site which could potentially add pollutants to stormwater runoff discharges are vehicle parking and the industrial activities listed below and indicated on the site map.

- a. Drainage:
  - (1) Site map showing buildings and drainage is attached as Appendix B.
  - (2) Industrial activities at this site that have a reasonable potential for adding significant amounts of pollutants to stormwater are storage of oil in storage tanks, temporary storage of waste shells and crab picking wastes, and loading and unloading raw materials and finished product. Potential pollutants that might result from contamination of stormwater from these sources or vehicle parking are petroleum products, solids, BOD and oil and grease. Contaminated runoff would flow in a westerly direction off the site. It would not be expected to be toxic.
- b. Inventory of Exposed Hazardous or Toxic Materials:

There are no exposed toxic or hazardous materials at this site.
- c. Spills and Leaks:

There is no known history of any spills or leaks of toxic or hazardous materials at this site.
- d. Sampling:

Currently, no stormwater sampling data is available. Future sampling results will be attached to Appendix D.

e. Risk Identification, Potential Pollution Sources:

There are no manufacturing or dust generating practices performed at this site. Only raw and final product (oysters in shells, packed oyster meat) are loaded, unloaded, or stored. Potential pollutants would be BOD, Solids, Oil and Grease.

3. Measures and Controls:

Several measures for controlling possible pollution problems are contained under the list of duties and responsibilities for Pollution Prevention Team Members. Other measures are outlined below.

a. Housekeeping:

Good housekeeping will be practiced which will require the maintenance, in a clean and orderly manner, of the entire facility area. All employees at the site will be alert to detect and correct or report possible pollution hazards.

b. Preventive Maintenance:

Maintenance of equipment at the site is scheduled and performed on a regular basis. Employees in contact with equipment which might cause a discharge of pollutants or process wastewater will, in the normal course of their duties, use, inspect, and maintain those items in a safe operating condition.

c. Spill Prevention and Response Procedures:

Before implementation of this plan, all Pollution Prevention Team Members will be given a "walk through" of the site identifying all areas of possible pollution, drainage areas, and will be shown methods of mitigating possible problems. The site has on hand sufficient quantities of materials to initiate a clean up effort by responsible personnel.

d. Inspections:

A record of inspections is attached as Appendix C. The inspection plan includes procedures to ensure follow up inspections are conducted to address problems uncovered and reported in previous inspections.

e. Employee Training:

Each employee at the site is familiar with good housekeeping, maintenance, and inspection procedures. Each Pollution Prevention Team Member will receive additional training in their individual assigned function. A refresher meeting and walk through exercise will be conducted each year.

f. Record Keeping and Internal Reporting Procedures:

Written descriptions of incidents such as leaks, spills, or other discharges of pollutants, and other pertinent data are included in Appendix D. Records of other activities relating to this plan are also incorporated into Appendix D.

g. Sediment and Erosion Control:

The surface of the property is covered with a mixture of gravel and crushed sea shells. This mixture is subject to little or no erosion.

h. Management of Runoff:

Employees check the site daily for potential stormwater pollutants. Our goal is to ensure that no pollutants are exposed to stormwater runoff on the facility's property.

4. Comprehensive Site Compliance Evaluation:

The owner of the seafood processing facility will designate an employee of the company to perform a comprehensive site evaluation once a year to evaluate stormwater pollution sources, compliance with the Stormwater

Pollution Prevention Plan, the effectiveness of the plan and any necessary revisions to the plan. A written report will describe the inspection, summarize the results of the inspection and describe any revisions to the plan that were found to be necessary. It will identify any observed noncompliance with the plan, or if none are identified, will include certification of compliance with the plan, signed in accordance with Part III.K. of the permit. The inspection report, a record of corrections of reported problems, and the certification are entered in Appendix C of this plan.

5. 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 persons or person 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 fines or imprisonment for knowing violations.

Signed: \_\_\_\_\_

Owner  
ABC Seafood, Inc.

Date: \_\_\_\_\_

Appendices:

- A Pollution Prevention Team Duties
- B Site Plan
- C Record of Inspections
- D Training and Reports

## Appendix A

### Duties and Responsibilities of the Site Pollution Prevention Team.

1. Responsible Party:

Ensure that plan is developed and implemented.

Ensures team members are trained and aware of their responsibilities.

Ensures team members are aware of and trained if the plan is revised.

Conduct employee training and ensure that all employees are aware of measures to prevent pollution of stormwater including good housekeeping practices and equipment maintenance and are aware of the necessity to report actual or potential pollution of stormwater.

Maintains records and files inspection and other reports.

2. Facility Manager:

Carries out instructions from responsible party.

Coordinates activities of other team members.

Performs periodic inspections of the site, takes action to correct defects, schedules team member training.

Conducts yearly Comprehensive Site Compliance Evaluation.

Writes reports on inspections, remedial actions and comprehensive site evaluation for submittal to responsible party.

3. Foreman:

Inspects and maintains equipment which poses a possibility of a pollutant discharge.

Directs and performs housekeeping in and around the processing building(s).

Insert hardcopy of map here as Appendix B...

## Appendix C

### RECORD OF ROUTINE FACILITY INSPECTIONS:

The facility manager and foreman will inspect facilities quarterly (March, June, September and December) each year per Part II B 5 b (5). A record of the results of inspections will be placed in this appendix. Best management practices observations per Part III C can be part of routine quarterly inspections when a stormwater runoff event is occurring (raining or snowmelt). Items to be corrected will be reported immediately to the responsible party for further action and corrected before the next storm event or within 30 days, whichever is sooner.

The foreman will maintain and inspect all equipment. Only those items needing repair need be entered into the file after repairs are completed. Enter results, corrective actions and BMP observations in the table below:

September 2016	December 2016
March 2017	June 2017
September 2017	December 2017
March 2018	June 2018
September 2018	December 2018
March 2019	June 2019
September 2019	December 2019
March 2020	June 2020
September 2020	December 2020
March 2021	June 2021 (Sept 2021 quarter part of next permit cycle- check requirements)

Comprehensive Site Evaluation:

Once annually the manager of this seafood processing facility will be scheduled to perform a comprehensive site evaluation and render a written report, to be filed in this appendix.

Date: \_\_\_\_\_ 2016                      \_\_\_\_\_ 2019

Date: \_\_\_\_\_ 2017                      \_\_\_\_\_ 2020

Date: \_\_\_\_\_ 2018                      \_\_\_\_\_ 2021

Attachments to Appendix C:

Comprehensive Site Evaluation Reports (2016, 2017, 2018, 2019, 2020 and 2021)

Annual certification of compliance with Stormwater Pollution Prevention Plan

**Example Certification of Compliance with Stormwater  
Pollution Prevention Plan**

(When Comprehensive Site Evaluation shows facility is in compliance with plan, sign and attach to Appendix C with inspection reports)

General Permit No. VAG52  
ABC Seafood, Inc.  
123 Main Street  
Town, Virginia 23000

CERTIFICATION

I certify that during 2016 (or 2017, 2018, 2019, 2020 or 2021) I conducted inspections and a comprehensive site evaluation of the seafood processing facility. I thoroughly inspected the property and observed conditions during a rainfall. I observed where stormwater entered the site and where it crossed and discharged from the site. My conclusions are that the site is in compliance with the stormwater pollution prevention plan developed for this facility.

I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or person 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 fines or imprisonment for knowingly violating these provisions.

Signed: \_\_\_\_\_

ABC Seafood, Inc.  
Owner

Date: \_\_\_\_\_

## Appendix D

### RECORDS OF TRAINING AND REPORTS:

Each Team member currently has received training in recognition of hazards or potential hazards for contamination of stormwater, spill response, good housekeeping, material management practices and best management practices operations and maintenance.

Any new team members will receive similar training and a record of such training entered into the record.

Each current team member has been given a "walk-through" tour of the site at which time possible pollutant sources were described and pointed out. Proper maintenance for all equipment was discussed.

Records of future training will be entered into this appendix.

Maintenance records pertaining to possible pollution sources will be entered into this record, as well as records of leaks, spills or other pollutant discharges, and any results of stormwater sampling.

**Attachment 2**  
**Stormwater Pollution Prevention Plan format with blank spaces**

General Permit No. VAG52\_\_\_\_\_

Facility Name and Address:

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STORMWATER POLLUTION PREVENTION PLAN

DESCRIPTION OF SEAFOOD PROCESSING FACILITY:

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DESCRIPTION OF PROPERTY AND STORMWATER DRAINAGE:

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1. Pollution Prevention Control Team:

a. Responsible Party:\_\_\_\_\_

b. Title and names of other team members:

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Please refer to Appendix A for duties and responsibilities of team members.

2. Description of possible pollution sources:

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a. Drainage:

(1) Site map showing buildings and drainage is attached as Appendix B.

(2) Description of any industrial activities at site that could potentially add pollutants to stormwater:

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b. Inventory of Exposed Hazardous or Toxic Materials:

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c. History of any Spills and Leaks at site:

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d. Stormwater sampling data results if any:

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e. Risk Identification, Potential Pollution Sources:

Indicate any manufacturing, dust generating practices, loading and unloading or storage at the site and what potential pollutants they could add to stormwater:

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3. Measures and Controls:

a. Housekeeping practices at site:

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b. Preventive Maintenance at site:

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c. Spill Prevention and Response Procedures:

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d. Inspections:

A record of inspections is attached as Appendix C.

e. Employee Training Description:

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f. Record Keeping and Internal Reporting Procedures:

Written descriptions of incidents such as leaks, spills, or other discharges of pollutants, and other pertinent data are included in Appendix D. Records of other activities relating to this plan are also incorporated into Appendix D.

g. Sediment and Erosion Control Measures:

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h. Runoff Management Procedures:

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4. Comprehensive Site Compliance Evaluation Description:

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The inspection report, a record of reported problems and corrections, and certification of compliance with the plan (if in compliance) are attached to Appendix C.

5. 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 persons or person 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 fines or imprisonment for knowing violations.

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Appendices:

- A Pollution Prevention Time Duties
- B Site Plan
- C Record of Inspections
- D Training and Reports

Appendix A

Duties and Responsibilities of the Site Pollution Prevention Team.

1. Responsible Party:

Duties:

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2.

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3.

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Appendix B  
Attach Site Map

## Appendix C

### RECORD OF ROUTINE FACILITY INSPECTIONS:

The facility manager and foreman will inspect facilities quarterly (March, June, September and December) each year per Part II B 5 b (5). A record of the results of inspections will be placed in this appendix. Best management practices observations per Part III C can be part of routine quarterly inspections when a stormwater runoff event is occurring (raining or snowmelt). Items to be corrected will be reported immediately to the responsible party for further action and corrected before the next storm event or within 30 days, whichever is sooner.

The foreman will maintain and inspect all equipment. Only those items needing repair need be entered into the file after repairs are completed. Enter results, corrective actions and BMP observations in the table below:

September 2016	December 2016
March 2017	June 2017
September 2017	December 2017
March 2018	June 2018
September 2018	December 2018
March 2019	June 2019
September 2019	December 2019
March 2020	June 2020
September 2020	December 2020
March 2021	June 2021 (Sept 2021 quarter part of next permit cycle- check requirements)

Comprehensive Site Evaluations:

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Date: \_\_\_\_\_ 2016                      \_\_\_\_\_ 2019

Date: \_\_\_\_\_ 2017                      \_\_\_\_\_ 2020

Date: \_\_\_\_\_ 2018                      \_\_\_\_\_ 2021

Other inspections:

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Attachments to Appendix C:

Comprehensive Site Evaluation Reports (2016, 2017, 2018, 2019, 2020 and 2021)

Annual certification of compliance with Stormwater Pollution Prevention Plan

(When Comprehensive Site Evaluation shows facility is in compliance with plan, sign and attach to Appendix C with inspection reports)

Name and Address of Facility:

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CERTIFICATION

I certify that during the year \_\_\_\_\_ I conducted inspections and a comprehensive site evaluation of the seafood processing facility. I thoroughly inspected the property and observed conditions during a rainfall. I observed where stormwater entered the site and where it crossed and discharged from the site. My conclusions are that the site is in compliance with the stormwater pollution prevention plan developed for this facility.

I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or person 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 fines or imprisonment for knowingly violating these provisions.

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



**Attachment 3**  
**Example Transmittal Letter - Seafood Processing Facility General Permit Registration Statement**

**Regional Letterhead**

Date

Facility Name  
Address

ATTN: John Contact

RE: Registration for the General VPDES Permit for Seafood Processing Facilities

Dear Mr. Contact:

General VPDES permit VAG52 for Seafood Processing Facilities will expire on July 23, 2016. A new permit has been reissued and will be effective July 24, 2016 for a period of five years. This general permit provides VPDES permit coverage to discharges from all qualified seafood processing facilities that submit a registration statement and are approved for coverage. Note that for those facilities that require permitting of their stormwater discharges (SIC codes 2091 and 2092), this general permit will cover those discharges as well.

Current general permit holders must re-register in order to continue coverage under the reissued general permit. The registration must be submitted by *June 24, 2016*. Please return the completed registration statement and the required attachments to the DEQ **[RO name]** at the following address **[insert RO address or email]**:

Instructions for completing the registration form and an application fee form are included in this package. The application fee for this general permit is \$600.00. The fee form and your check (made out to "Treasurer of Virginia") should be mailed to:

DEQ Receipts Control  
P.O. Box 1104  
Richmond, VA 23218

If you have any questions, please contact me (provide contact information).

Sincerely,

Permit Writer or Permit Manager

**Attachment 4**  
**Example Transmittal Letter - Seafood Processing Facility General Permit**  
**SIC CODES 2091 and 2092 (Stormwater pages apply)**

**Regional Letterhead**

Date

Facility Name  
Address

ATTN: John Contact

RE: Coverage under the General VPDES Permit for Seafood Processing Facilities VAG52\_\_\_\_\_

Dear Permittee:

We have reviewed your Registration Statement received on \_\_\_\_\_, and determined that this seafood processing activity is covered under the referenced general VPDES permit. The effective date of your coverage under this general permit is July 24, 2016 or the date of this letter, whichever is later. The enclosed copy of the general permit contains the applicable effluent limitations, monitoring requirements and other conditions of coverage.

In accordance with the permit you are required to submit discharge monitoring reports (DMR) to:

**Regional Office Address**

The reporting form[s] (Discharge Monitoring Reports (DMRs)) is [are] included with the permit. You will be responsible for obtaining additional copies of the reporting form. A separate DMR is to be completed for each seafood processing activity at your plant. The sampling and reporting are on a quarterly **[or yearly]** basis with the DMRs due on the tenth of January, April, July and October **[January 10 for yearly]** of each year. A spreadsheet has been developed to assist you with permit limit calculations and can be found at the link below. Look for Seafood Processing Facilities GP (VAG52).

<http://www.deq.virginia.gov/programs/water/permittingcompliance/pollutiondischargeelimination/permitsfees.aspx>

*(Add here any clarification of sampling procedures multiple outfall compositing, commingled process discharges or outfall numbering, if needed.)*

Also note that this general permit constitutes coverage of your stormwater discharges as required by the stormwater regulations for your industry. Part II of the general permit pertains to these stormwater discharges. This part of the permit requires that you develop a Stormwater Pollution Prevention Plan (SWPPP). Please see this section for details. If you need an example plan and format for the SWPPP, please let me know.

If you plan to add any processing activities not reported on the original registration statement, add discharges, construct new facilities or add to the present facilities, please submit to this office a new registration statement within 30 days of the planned changes. The registration statement form may be found online at the same link shown above. If the plant ownership changes or you wish to terminate coverage under this general permit, please notify this office.

The general permit will expire on July 23, 2021. The conditions of the permit require that you submit a new registration statement before June 23, 2021 if you wish continued coverage under the general permit at that time.

If you have any questions, please contact ***[insert contact information]***.

Sincerely,

Enclosures: DMR, General Permit

**Attachment 5**  
**Example Transmittal Letter - Seafood Processing Facility General Permit**  
**SIC CODES 5142 and 5146 (Stormwater pages do not apply)**

**Regional Letterhead**

Date

Facility Name  
Address  
ATTN: John Contact

RE: Coverage under the General VPDES Permit for Seafood Processing Facilities VAG52\_\_\_\_\_

Dear Permittee:

We have reviewed your Registration Statement received on \_\_\_\_\_, and determined that this seafood processing activity is covered under the referenced general VPDES permit. The effective date of your coverage under this general permit is the date of this letter. The enclosed copy of the general permit contains the effluent limitations, monitoring requirements and other conditions of coverage.

As your facility is not subject to stormwater regulation, please note that Section II of the general permit enclosed does not apply to your facility.

In accordance with the permit you are required to submit discharge monitoring reports (DMR) to:

**Regional Office Address**

The reporting form[s] (Discharge Monitoring Reports (DMRs)) is [are] included with the permit. You will be responsible for obtaining additional copies of the reporting form. A separate DMR is to be completed for each seafood processing activity at your plant. The sampling and reporting are on a quarterly **[or yearly]** basis with the DMRs due on the tenth of January, April, July and October **[January 10 for yearly]** of each year. A spreadsheet has been developed to assist you with permit limit calculations and can be found at the link below. Look for Seafood Processing Facilities GP (VAG52).

<http://www.deq.virginia.gov/programs/water/permittingcompliance/pollutiondischargeelimination/permitsfees.aspx>

*(Add here any clarification of sampling procedures multiple outfall compositing, commingled process discharges or outfall numbering, if needed.)*

If you plan to add any processing activities not reported on the original registration statement, add discharges, construct new facilities or add on to present facilities, please submit to this office a new registration statement within 30 days of the planned changes. The registration statement form may be found online at the same link shown above. If the plant ownership changes or you wish to terminate coverage under this general permit, please notify this office.

The general permit will expire on July 23, 2016. The conditions of the permit require that you submit a new registration statement before June 23, 2021 if you wish continued coverage under the general permit at that time.

If you have any questions, please contact ***[insert contact information]***.

Sincerely,

Enclosures: DMR, General Permit

**Attachment 6**  
**Change of Ownership Agreement Form – General Permits**

RE: Change of Ownership - VPDES Permit No. \_\_\_\_\_

Name of permitted facility: \_\_\_\_\_

\_\_\_\_\_ County

TO: Virginia Department of Environmental Quality  
**Regional Office Address**

We, the undersigned, hereby request a transfer of ownership for the referenced permit. Coverage may be automatically transferred to the new owner if the current owner notifies the department within 30 days of the transfer of the title unless permission for a later date has been granted by the board.

Anticipated date of transfer of title: \_\_\_\_\_

**CURRENT OWNER SHOWN ON PERMIT:** I (We) hereby agree to the transfer of ownership to the referenced VPDES Permit.

Current Owner name: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

-----  
**NEW OWNER TO ASSUME PERMIT:** I (We) hereby agree to the change of ownership to the referenced VPDES Permit, and agree to accept all conditions and responsibilities of the permit.

Transferred permit to be issued to: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_

**Attachment 7**  
**VPDES General Permit for Seafood Processing Facilities (VAG52)**  
**Notice of Termination**

(Please Type or Print All Information)

**1. Owner Information**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

Email Address (where available): \_\_\_\_\_

**2. Facility Information**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**3. VPDES General Seafood Processing Facility Registration Number:** \_\_\_\_\_

**4. Check the appropriate box indicating the reason for terminating coverage under the general permit.**

**A new owner has assumed responsibility for the facility. NOTE: This termination notice does not have to be submitted if a VPDES Change of Ownership Agreement Form has been submitted.**

**Operations have ceased at the facility and there are no longer discharges of process wastewater or stormwater associated with industrial activity from the facility.**

**All process wastewater or stormwater discharges associated with industrial activity have been covered by an individual VPDES permit.**

**Other (specify)** \_\_\_\_\_

**5. Certification:** "I certify under penalty of law that all wastewater and stormwater discharges from the identified facility that are authorized by this VPDES general permit have been eliminated, or covered under a VPDES individual or alternative permit, or that I am no longer the owner of the facility, or permit coverage should be terminated for another reason listed above. I understand that by submitting this Notice of Termination, that I am no longer authorized to discharge seafood processing wastewater or stormwater in accordance with the general permit, and that discharging pollutants to surface waters is unlawful where the discharge is not authorized by a VPDES permit. I also understand that the submittal of this notice of termination does not release an owner from liability for any violations of this permit or the Clean Water Act."

Print Name \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

**For Department of Environmental Quality Use Only**

Accepted/Not Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTICE OF TERMINATION INSTRUCTIONS 8**  
**VPDES General Permit for Seafood Processing Facilities (VAG52)**

**WHEN SHOULD A NOTICE OF TERMINATION BE FILED?**

A VPDES General Permit Notice of Termination may be submitted when an owner no longer wishes to be covered under the VPDES General Permit for Seafood Processing Facilities (VAG52).

**Section 1 Facility Owner Information**

Give the legal name of the person, firm, public organization, or other entity that owns the facility or site described in this Notice of Termination and was issued the general permit for the facility. The name of the owner may or may not be the same as the name of the facility. Do not use a colloquial name. Enter the complete address, phone number and email address (where available) of the owner.

**Section 2 Facility Location Information**

Enter the facility's or site's official name and complete street address, including city, state and ZIP code.

**Section 3 Permit Information**

Enter the existing VPDES Seafood Processing General Permit number assigned to the facility or site identified in Section 2.

**Section 4 Reason for Termination**

Check the appropriate statement indicating the reason for submitting this Notice of Termination.

**Section 5 Certification**

State statutes provide for severe penalties for submitting false information on this Termination Notice. State regulations require this Notice of Termination to be signed as follows:

For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (1) 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 (2) 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;

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipality, state, Federal, or other public facility: by either a principal executive officer or ranking elected official.

**The Department of Environmental Quality reserves the right to request additional information not directly addressed by the Notice of Termination if, in its discretion, a facility or operation poses a potential impact on water quality.**

**Attachment 8**  
**Example Termination Letter - Seafood Processing Facility General Permit**

**Regional Letterhead**  
**Date**

Permittee Name  
Facility Name  
Facility Address

RE: Termination of VPDES General Permit VAR051435

Dear:

DEQ agrees to terminate your coverage under the General VPDES Permit Seafood Processing, permit registration number VAG52\_\_\_\_\_ in response to your submittal received **[DATE]**. Termination will become effective 30 days from the date of this notification unless you provide an objection in accordance with one of the two paragraphs below.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Virginia Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period.

Alternatively, any owner under §§ 62.1-44.16, 62.1-44.17 and 62.1-44.19 of the State Water Control Law aggrieved by any action of the State Water Control Board taken without a formal hearing, or by inaction of the Board, may demand in writing a formal hearing of such owner's grievance, provided a petition requesting such hearing is filed with the Board. Said request agreement must meet the requirements set forth in 9VAC25-230-130 (Procedural Rule No. 1 – Petition for formal hearing). In cases involving actions of the Board, such petition must be filed within 30 days after notice of such action is mailed to such owner by certified mail.

If you have any questions, please feel contact **[insert contact information]**.

Sincerely,

Water Permit Manager

cc: **[compliance auditor]**