

TENTATIVE AGENDA
STATE WATER CONTROL BOARD MEETING
 THURSDAY, SEPTEMBER 27, 2012

House Room D
 General Assembly Building
 9th and Broad Streets
 Richmond, VA 23219

CONVENE - 10:00 A.M.

		TAB
I.	Minutes (June 25, 2012)	A
II.	Final Regulations	
	General VPDES Permit Regulation for Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests (9VAC25-120)	Tuxford B
	General PDES Permit for Non-Contact Cooling Water Discharges Of 50,000 Gallons Per Day or Less (9VAC25-196)	Tuxford C
III.	Proposed Regulations	
	General VPDES Permit for Concrete Products Facilities (9VAC25-193)	Daub D
IV.	Significant Noncompliers Report	O'Connell
V.	Consent Special Orders (VPDES Permit Program/Unpermitted Discharges)	O'Connell E
	Blue Ridge Regional Office Town of Christiansburg (Montgomery Co.)	
	Northern Regional Office King George County Service Authority, Dahlgren District WWTP Presidential Service Company, Tier II, Inc. (King George Co.) Reynolds Inliner, LLC (Fairfax Co.)	
	Piedmont Regional Office City of Emporia, Emporia WWTP GEI Stratford, LLC and Stratford-Bethany, LLC (Richmond) New Kent County Parham Landing WWTP	
	Tidewater Regional Office GSKS Properties, LC (Tidewater Yacht Agency) (Portsmouth)	
	Valley Regional Office Enviro Organic Technologies, Inc. (Frederick Co.) New Market Poultry, LLC (Shenandoah Co.)	
VI.	Consent Special Orders (VWP Permit Program/ Wetlands/Ground Water Permit Program)	O'Connell F
	Blue Ridge Regional Office Campbell Co. David LeSeur (Buckingham Co.)	
	Piedmont Regional Office Carter Oaks, LLC (Henrico Co.) Douglas R. Sowers (Chesterfield Co.)	
VI.	Consent Special Orders (UST/Oil)	O'Connell G
	Blue Ridge Regional Office Empire Petroleum Partners, LLC (Lunenburg, Franklin & Nottaway Counties)	

Jai Jalram Corporation (Roanoke)
Northern Regional Office
Virginia Hospital Center Arlington Health System (Arlington)
Valley Regional Office
Empire Petroleum Holdings, LLC (Waynesboro)
Rio Holdings, LLC (Charlottesville)

VII. Public Forum

VIII. Other Business

Virginia Revolving Loan Fund 2013 Funding List	Kennedy	H
Division Director's Report	Kennedy	
Future Meetings (December 6-7)		

ADJOURN

NOTE: The Board reserves the right to revise this agenda without notice unless prohibited by law. Revisions to the agenda include, but are not limited to, scheduling changes, additions or deletions. Questions arising as to the latest status of the agenda should be directed to the staff contact listed below.

PUBLIC COMMENTS AT STATE WATER CONTROL BOARD MEETINGS: The Board encourages public participation in the performance of its duties and responsibilities. To this end, the Board has adopted public participation procedures for regulatory action and for case decisions. These procedures establish the times for the public to provide appropriate comment to the Board for its consideration.

For **REGULATORY ACTIONS (adoption, amendment or repeal of regulations)**, public participation is governed by the Administrative Process Act and the Board's Public Participation Guidelines. Public comment is accepted during the Notice of Intended Regulatory Action phase (minimum 30-day comment period) and during the Notice of Public Comment Period on Proposed Regulatory Action (minimum 60-day comment period). Notice of these comment periods is announced in the Virginia Register, by posting to the Department of Environmental Quality and Virginia Regulatory Town Hall web sites and by mail to those on the Regulatory Development Mailing List. The comments received during the announced public comment periods are summarized for the Board and considered by the Board when making a decision on the regulatory action.

For **CASE DECISIONS (issuance and amendment of permits)**, the Board adopts public participation procedures in the individual regulations which establish the permit programs. As a general rule, public comment is accepted on a draft permit for a period of 30 days. If a public hearing is held, there is an additional comment period, usually 45 days, during which the public hearing is held.

In light of these established procedures, the Board accepts public comment on regulatory actions and case decisions, as well as general comments, at Board meetings in accordance with the following:

REGULATORY ACTIONS: Comments on regulatory actions are allowed only when the staff initially presents a regulatory action to the Board for final adoption. At that time, those persons who commented during the public comment period on the proposal are allowed up to 3 minutes to respond to the summary of the comments presented to the Board. Adoption of an emergency regulation is a final adoption for the purposes of this policy. Persons are allowed up to 3 minutes to address the Board on the emergency regulation under consideration.

CASE DECISIONS: Comments on pending case decisions at Board meetings are accepted only when the staff initially presents the pending case decision to the Board for final action. At that time the Board will allow up to 5 minutes for the applicant/owner to make his complete presentation on the pending decision, unless the applicant/owner objects to specific conditions of the decision. In that case, the applicant/owner will be allowed up to 15 minutes to make his complete presentation. The Board will then allow others who commented during the public comment period (i.e., those who

commented at the public hearing or during the public comment period) up to 3 minutes to respond to the summary of the prior public comment period presented to the Board. No public comment is allowed on case decisions when a FORMAL HEARING is being held.

POOLING MINUTES: Those persons who commented during the public hearing or public comment period and attend the Board meeting may pool their minutes to allow for a single presentation to the Board that does not exceed the time limitation of 3 minutes times the number of persons pooling minutes, or 15 minutes, whichever is less.

NEW INFORMATION will not be accepted at the meeting. The Board expects comments and information on a regulatory action or pending case decision to be submitted during the established public comment periods. However, the Board recognizes that in rare instances, new information may become available after the close of the public comment period. To provide for consideration of and ensure the appropriate review of this new information, persons who commented during the prior public comment period shall submit the new information to the Department of Environmental Quality (Department) staff contact listed below at least 10 days prior to the Board meeting. The Board's decision will be based on the Department-developed official file and discussions at the Board meeting. In the case of a regulatory action, should the Board or Department decide that the new information was not reasonably available during the prior public comment period, is significant to the Board's decision and should be included in the official file, the Department may announce an additional public comment period in order for all interested persons to have an opportunity to participate.

PUBLIC FORUM: The Board schedules a public forum at each regular meeting to provide an opportunity for citizens to address the Board on matters other than those on the agenda, pending regulatory actions or pending case decisions. Those wishing to address the Board during this time should indicate their desire on the sign-in cards/sheet and limit their presentations to 3 minutes or less.

The Board reserves the right to alter the time limitations set forth in this policy without notice and to ensure comments presented at the meeting conform to this policy.

Department of Environmental Quality Staff Contact: Cindy M. Berndt, Director, Regulatory Affairs, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, Virginia 23218, phone (804) 698-4378; fax (804) 698-4346; e-mail: cindy.berndt@deq.virginia.gov.

General VPDES Permit Regulation for Discharges from Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests, 9VAC25-120 - Amendments to the Regulation and Reissuance of the General Permit (VAG83): The staff is bringing these final regulation amendments before the Board to request adoption of the regulation reissuing the General VPDES Permit for Discharges from Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests, VAG83. The current general permit will expire on February 25, 2013, and the regulation is being amended to reissue the general permit for another five-year term. The amended regulation takes into consideration the recommendations of a technical advisory committee (TAC) formed for this regulatory action.

The most significant changes to the regulation are: (1) the addition of permit coverage for hydrostatic test waters from water storage tanks and pipelines; (2) the automatic coverage under the permit, without the requirement to submit a registration statement, for specified short term project discharges (14 days or less in duration) and for hydrostatic test discharges; and (3) the consolidation of the permit Part I A Effluent Limitations and Monitoring Requirements for "Gasoline Contaminated Discharges" into one limits table, and discharges "Contaminated by Petroleum Products Other Than Gasoline" into one limits table, with the effluent limits in the combined tables recalculated to be at the most protective levels for the discharge type, and to protect all receiving waters based on an analysis of water quality criteria, toxicity data and best professional judgment.

The Board authorized a public hearing for this rulemaking at their meeting on April 5, 2012. The public notice comment period ran from May 7 through July 6, 2012, and a public hearing was held on June 13, 2012. Other than staff, no one attended the public hearing.

One comment letter was received from the Transcontinental Gas Pipe Line Co. (Transco). Transco supports the subsection that was added that grants automatic permit coverage for short term projects (14 days or less in duration) and hydrostatic testing, and also supports the recordkeeping requirement where the owner will maintain the hydrostatic test

monitoring records for a period of at least three years from the date of the test, rather than submitting the DMRs. Transco suggested some specific changes, which are summarized below:

COMMENT: Currently monitoring is required for Total Residual Chlorine for all discharges of hydrostatic test water. Transco frequently utilizes water sources for testing that are not chlorinated. Transco suggests using similar language to that which is used in Part I A 2 pertaining to the monitoring for ethanol (ethanol monitoring is only required for gasoline containing greater than 10% ethanol). Suggested language is "Monitoring for Total Residual Chlorine is only required if the test water has been chlorinated or comes from a chlorinated water supply".

AGENCY RESPONSE: Good suggestion. A footnote has been added to address when the TRC limits apply and when chlorine monitoring is required.

COMMENT: Transco supports the requirement for owners to notify the department within 14 days of the completion of the hydrostatic test discharge, with the owner's name and address, the type of hydrostatic test that occurred, the physical location of the test work, and the receiving stream. Transco offers a comment that small hydrostatic test discharges may not reach a receiving stream if the discharged water infiltrates through the surface of the land prior to reaching a surface water body. Maryland in their hydrostatic test general permit (MDG67) refers to this type of event as a discharge to groundwater. Transco suggests adding language to the notification requirement that in the event that the discharge does not reach a receiving stream, that the discharge is to groundwater.

AGENCY RESPONSE: This general permit is for discharges to surface waters. If the hydrostatic test water is discharged to a dry ditch that eventually leads to a surface water (even if it never makes it to the surface waters), it is considered a discharge to surface waters, and qualifies for coverage under the permit. No change is proposed for this section.

Summary of Significant Changes From the 2008 General Permit

Changes Since the Proposed Stage

Following is a list of the changes that were made to the regulation after the proposed regulation was published in the Virginia Register for the public comment period:

Section 70 D- Late registration statements. Modified this section to clarify the late registration statement provision and to more clearly define when an owner qualifies for "administrative continuance" of the general permit coverage.

Section 80, Part I, Table 2, 3, 4 & 5. Changed the flow reporting units from MGD to GPD to reflect the smaller flows that typically are measured at these facilities.

Section 80, Part I, Table 2, Footnote 1. Added the test method reference date back in for EPA SW 846 Method 8021B, which had been mistakenly removed.

Section 80, Part I, Table 2, Footnote 2. Added test method information for ethylene dibromide (EDB) in discharges to public water supplies, which had been mistakenly omitted.

Section 80, Part I, Table 4, Footnote 3. Based on public comment, clarified that the chlorine monitoring and limit only apply where chlorinated water is used for the hydrostatic test.

Documents Incorporated By Reference. Put the reference back in for EPA Drinking Water Method 504.1, which goes with the Section 80, Part I, Table 2, Footnote 2, EDB public water supply footnote, which had been omitted.

Significant Changes from the 2008 Regulation

Following is a list of the significant changes from the 2008 regulation:

Section 50 - Purpose. Added coverage under the permit for hydrostatic tests of water storage tanks and pipelines. These tests are similar in discharge characteristics to the permit's existing hydrostatic tests, and were requested to be added to the permit coverage.

Section 60 - Authorization to Discharge, Subsection B. Added two reasons why a facility's discharge would not be eligible for coverage under the permit: (1) If the discharge violates or would violate the antidegradation policy in the Water Quality Standards at 9VAC25-260-30, and (2) If the discharge is not consistent with the assumptions and requirements of an approved TMDL. These restrictions on coverage are being added to all general permits as they are reissued.

Section 60 - Authorization to Discharge, Subsection D. Added language to allow for administrative continuance of coverage under the expiring general permit until the new permit is issued by the Board, and coverage is either granted or denied. The permittee must submit a timely and complete registration statement prior to the expiration date of the existing permit, and be in compliance with the terms of the expiring permit in order to qualify for continuance. This language is being added to all general permits as they are reissued so permittees can discharge legally and safely if the permit reissuance process is delayed.

Section 70 - Registration Statement, Subsection B. Added a provision that allows specified short term projects (14 days or less in duration) and hydrostatic test discharges to be automatically covered under the permit without the

requirement to submit a registration statement. Short term projects include: emergency repairs; dewatering projects; utility work and repairs in areas of known contamination; tank placement or removal in areas of known contamination; pilot studies or pilot tests, including aquifer tests; and new well construction discharges of groundwater. The owner is authorized to discharge under the permit immediately upon the permit's effective date, and must notify the department within 14 days of the discharge's completion. These discharges are subject to the same effluent limitations in the permit as other similar discharges. The minimal paperwork involved will allow these projects to proceed quickly, and will free up both owner and DEQ staff resources, while still protecting the environment.

Section 80 - General Permit, Part I A. Consolidated the Part I A Effluent Limitations and Monitoring Requirements for "Gasoline Contaminated Discharges" into one limits table, and for all receiving waters, and the discharges "Contaminated by Petroleum Products Other Than Gasoline" into one limits table, and for all receiving waters. Recalculated the effluent limits in the combined tables to be at the most protective levels for the discharge type and to protect all receiving waters based on an analysis of water quality criteria, toxicity data and best professional judgment. A review of existing permittee effluent monitoring data for the existing single limits tables show that permittees are currently meeting the proposed limitations with the treatment technology that is presently utilized.

Section 80 - General Permit, Part I B - Special Conditions. Added permit special conditions as follows:

Special Condition #6. Added a requirement for the permittee to submit discharge monitoring reports to both the Department and the owner of the municipal storm sewer system (MS4) if they discharge to the MS4. This was added to the existing special condition at the request of the TAC to inform the MS4 owner of exactly what is being discharged to their system since MS4 owners are ultimately responsible for the discharges from the MS4.

Special Condition #7. Requires the permittee to report monitoring results using the same number of significant digits as listed in the permit. This requirement spells out the number of significant digits that the permittee must use when reporting monitoring results to the Department, and is being added as necessary to all general permits as they are reissued.

Special Condition #8. Requires the permittee to control discharges as necessary to meet water quality standards. This requirement was requested to be added by EPA to another recently reissued general permit, and is being added to all general permits as they are reissued.

Special Condition #9. Coverage under this general permit does not relieve the permittee with the responsibility to comply with any other federal, state or local statute, ordinance or regulation. This special condition is already in the regulation "Authorization to Discharge" section, but staff felt it should be repeated in the permit itself to remind the permittee of the responsibility.

Special Condition #10. Requires the permittee to implement measures and controls consistent with a TMDL requirement when the facility is subject to an approved TMDL. This special condition language was developed by DEQ TMDL and VPDES Permits staff, and is being inserted into all general permits as they are reissued. The condition was developed since general permit discharges are considered insignificant to the overall TMDL waste load allocation. This special condition allows staff more flexibility to allow permit coverage for discharges without requiring immediate modification of the TMDL. DEQ will track the general permit discharges and once they become significant, the TMDL will be modified to include the load.

Section 80 - General Permit, Part II A - Monitoring. Added clarification that samples taken as required by the permit must be analyzed in accordance with 1VAC30-45, Certification for Noncommercial Environmental Laboratories, or 1VAC30-46, Accreditation for Commercial Environmental Laboratories.

General VPDES Permit For Non-Contact Cooling Water Discharges of 50,000 Gallons Per Day or Less, 9VAC25-196 - Amendments to the Regulation and Reissuance of the General Permit (VAG25): The staff is bringing these final regulation amendments before the Board to request adoption of the regulation reissuing the VPDES Permit For Non-Contact Cooling Water Discharges of 50,000 Gallons Per Day or Less, VAG25. The current general permit will expire on March 1, 2013, and the regulation is being amended to reissue the general permit for another five-year term. The amended regulation takes into consideration the recommendations of a technical advisory committee (TAC) formed for this regulatory action.

The most significant change to the regulation is the addition of two effluent limit sets for the last year of the permit, one for discharges to freshwater receiving streams and one for discharges to saltwater receiving streams. These additional limit sets are basically the same as the Table 1 limits, but include effluent limitations for copper, silver and zinc. The previous permit did not limit those metals, but had a "monitoring only" requirement. The technical advisory committee (TAC) for this permit reissuance agreed that limits should be included in this reissuance, but favored a phasing in of the

limits until the end of the permit term. This will give facilities time to evaluate their effluent discharge data to determine if there is a problem with these metals, and to make corrections to their system to fix the problem before the limits take effect.

The Board authorized a public hearing for this rulemaking at their meeting on April 5, 2012. The public notice comment period ran from May 7 through July 6, 2012, and a public hearing was held on June 13, 2012. Other than staff, no one attended the public hearing. No comments were received during the public comment period.

Summary of Significant Changes From the 2008 General Permit

Changes Since the Proposed Stage

Following is the change that was made to the regulation after the proposed regulation was published in the Virginia Register for the public comment period:

Section 60 B- Late registration statements. Modified this section to clarify the late registration statement provision and to more clearly define when an owner qualifies for "administrative continuance" of the general permit coverage.

Significant Changes from the 2008 Regulation

Following is a list of the significant changes from the 2008 regulation:

Section 50 - Authorization to Discharge, Subsection B. Added two reasons why a facility's discharge would not be eligible for coverage under the permit: (1) If the discharge violates or would violate the antidegradation policy in the Water Quality Standards at 9VAC25-260-30, and (2) If the discharge is not consistent with the assumptions and requirements of an approved TMDL. These restrictions on coverage are being added to all general permits as they are reissued.

Section 50 - Authorization to Discharge, Subsection G. Added language to allow for administrative continuance of coverage under the expiring general permit until the new permit is issued by the Board, and coverage is either granted or denied. The permittee must submit a timely and complete registration statement prior to the expiration date of the existing permit, and be in compliance with the terms of the expiring permit in order to qualify for continuance. This language is being added to all general permits as they are reissued so permittees can discharge legally and safely if the permit reissuance process is delayed.

Section 70 - General Permit, Part I A.

Effluent Limits Table 1. Set the monitoring period for this limit set to the first four years of the permit. Changed the monitoring for copper, silver and zinc from "Total Dissolved" to "Total Recoverable".

Effluent Limits Tables 2 and 3. Added two effluent limit sets for the last year of the permit, one for discharges to freshwater receiving streams and one for discharges to saltwater receiving streams. These limit sets are basically the same as the Table 1 limits, but include actual effluent limitations for copper, silver and zinc. The previous permit did not limit those metals, but had a "monitoring only" requirement. The technical advisory committee (TAC) for this permit reissuance agreed that limits should be included in this reissuance, but favored a phasing in of the limits until the end of the permit term. This will give facilities time to evaluate their effluent discharge data to determine if there is a problem with these metals, and to make corrections to their system to fix the problem before the limits take effect.

Section 70 - General Permit, Part I B - Special Conditions. Added or modified the permit special conditions as follows:

Special Condition #4. Modified the special condition regarding discharges to an MS4 by adding that the permittee must submit discharge monitoring reports to both the Department and the owner of the municipal storm sewer system (MS4) if they discharge to the MS4. This special condition was modified at the request of the TAC to inform the MS4 owner of exactly what is being discharged to their system since MS4 owners are ultimately responsible for the discharges from the MS4.

Special Condition #8. Added a requirement that the permittee report monitoring results using the same number of significant digits as listed in the permit. This requirement spells out the number of significant digits that the permittee must use when reporting monitoring results to the Department, and is being added as necessary to all general permits as they are reissued.

Special Condition #9. Added a requirement that the permittee implement measures and controls consistent with a TMDL requirement when the facility is subject to an approved TMDL. This special condition language was developed by DEQ TMDL and VPDES Permits staff, and is being inserted into all general permits as they are reissued. The condition was developed since general permit discharges are considered insignificant to the overall TMDL waste load allocation. This special condition allows staff more flexibility to allow permit coverage for

discharges without requiring immediate modification of the TMDL. DEQ will track the general permit discharges and once they become significant, the TMDL will be modified to include the load.

Special Condition #10. Added a notice of termination special condition that spells out the procedures the permittee must follow to terminate permit coverage.

Special Condition #11. Added a requirement that the permittee control discharges as necessary to meet water quality standards. This requirement was requested to be added by EPA to another recently reissued general permit, and is being added to all general permits as they are reissued.

Special Condition #12. Added a statement that coverage under this general permit does not relieve the permittee with the responsibility to comply with any other federal, state or local statute, ordinance or regulation. This special condition is already in the regulation "Authorization to Discharge" section, but staff felt it should be repeated in the permit itself to remind the permittee of the responsibility.

Section 70 - General Permit, Part II A - Monitoring. Added clarification that samples taken as required by the permit must be analyzed in accordance with 1VAC30-45, Certification for Noncommercial Environmental Laboratories, or 1VAC30-46, Accreditation for Commercial Environmental Laboratories.

General VPDES Permit Regulation for Concrete Products Facilities, VAG11 Amendments to 9VAC25-193 and Reissuance of General Permit: The current VPDES Concrete Products General Permit will expire on September 30, 2013, and the regulation establishing this general permit is being amended to reissue another five-year permit. The staff is bringing this proposed regulation amendment before the Board to request authorization to hold a public comment period and a public hearing. The draft regulation takes into consideration the recommendations of a technical advisory committee formed for this regulatory action. The technical advisory committee consisted of industry representatives and DEQ staff.

A Notice of Intended Regulatory Action (NOIRA) for the amendment was issued on January 16, 2012. Two comments were received from Chandler Concrete Company of Virginia, Inc. and the Precast Concrete Association of Virginia.

COMMENT CHANDLER CONCRETE OF VIRGINIA, INC. (GEORGE PATTERSON): Guidance for reduced monitoring from monthly to quarterly states that monitoring may be reduced to once per quarter when 12 data points are gathered in the first year. However, a well designed and operated plant may have few or no discharges during any given year. If there are no discharges during the year, there will be no data points to sample and therefore no way fulfill the 12 point requirement in the guidance. If full compliance is the goal of the regulation, it appears that an outfall with no discharges indicates better compliance than one which has regular discharges to test within the guidelines. Facilities with no discharge should be given an opportunity for reduced monitoring.

AGENCY RESPONSE: The staff agrees with the public comment received that no discharge situations should be awarded a chance at reduced monitoring. Staff review of monitoring data associated with the existing general permit showed that monthly reporting from any facility is not necessary.

COMMENT PRECAST ASSOCIATION OF VIRGINIA (DAVID HOLSINGER, III): The agency did not indicate the nature of any new reasons why authorization to discharge shall not be granted, that it intends to require more specifics regarding the listing of chemicals on the General Permit registration statement, that it intends to update and change the existing storm water pollution prevention section, that it may impose new special conditions and additional total petroleum hydrocarbon monitoring or reporting requirements. We request specific information about these intended actions.

AGENCY RESPONSE: The agency invited the precast association to participate on the technical advisory committee to discuss these items. As part of the technical advisory committee these issues were discussed and consensus was reached.

SUMMARY OF 9VAC25-193 PROPOSED REVISIONS FOR 2013 REISSUANCE CONCRETE PRODUCTS FACILITIES GENERAL PERMIT

Section 10 – Definitions. Added a definition for department, best management practices, municipal separate storm sewer system (MS4), runoff coefficient, significant spills, total maximum daily load (TMDL) and vehicle or equipment degreasing since this terminology is used in the regulation and needed explanation.

Section 20 – Purpose. Clarified that the general permit regulation also covers non-contact cooling water in addition to process waste water and storm water associated with industrial activity from concrete products facilities. Non-contact cooling water has always had an effluent limits page in this permit.

Section 40 – Effective dates changed for reissuance throughout regulation.

Section 50 A, B– Authorization – Reformatted to match structure of other general permits being issued at this time. Added two additional reasons authorization to discharge cannot be granted per EPA comments on other general permits issued recently. Therefore, an owner will be denied authorization when the discharge would violate the antidegradation policy and if additional requirements are needed to meet a TMDL.

Section 50 C – Added the statement "*Compliance with this general permit constitutes compliance with the Clean Water Act, the State Water Control Law, and applicable regulations under either, with the exceptions stated in 9VAC25-31-60 of the VPDES Permit Regulation.*" This was added in response to AGO comments on other general permits recently to recognize there are some exceptions to compliance with the CWA as stated in the permit regulation.

Section 50 D– Added language to allow for administrative continuances of coverage under the old expired general permit until the new permit is issued and coverage is granted or coverage is denied; if the permittee has submitted a timely registration and is in compliance. This language is being added to all recently reissued general permits so permittees can discharge legally and safely if the permit reissuance process is delayed.

Section 60 A – Registration – Reformatted to match structure of other recent general permits. The deadline for existing facilities currently holding an individual VPDES permit is revised to say they must notify us 210 days prior to their expiration date rather than 180 days. This gives DEQ 30 days to determine whether coverage can be granted and the individual permit holder then still has the required 180 days to submit an individual permit application if their request for coverage under the general permit is denied. Revised existing facilities covered under to submit registration prior to July 1, 2013 (which is 90 days prior to expiration).

Section 60 B – Added statement "*Late registration statements will be accepted, but authorization to discharge will not be retroactive.*" for clarification. Also, that existing permittees may get administrative continuance of their existing permit if a complete registration statement is submitted before the October 1, 2013 (the expiration date).

Section 60 C – Several minor editions were made for clarification. Combined 2 questions about non contact cooling water into one question. Added questions about representative outfalls and information needed to determine if representative outfalls are appropriate. This moves this approval of representative outfalls part of the registration process rather than requiring the information with each discharge monitoring report. Added the question "*Whether the facility will discharge to a Municipal Separate Storm Sewer System (MS4). If so, provide the name of the MS4 owner. The owner of the facility shall notify the MS4 owner in writing of the existence of the discharge within 30 days of coverage under the general permit, and shall copy the DEQ regional office with the notification. The notification shall include the following information: the name of the facility, a contact person and phone number, the location of the discharge, the nature of the discharge, and the facility's VPDES general permit number*" This notification is a permit requirement and the TAC thought it should be repeated as a reminder in the registration process.

Added the requirement that "*...portable concrete products operations submit a closure plan and include the requirements specified by the operation and maintenance manual...*" The TAC felt that because of their temporary nature, that closure plans for portable plants should be submitted up front during the registration process.

Added email address, allowance for computer maps to registration statement and a few other minor clarifications.

Section 70 Part I A 1 and 2 – General Permit limits pages for process water and non-contact cooling water. Monitoring requirements are reduced from monthly to quarterly based on public and staff comment. The agency agrees with the public comment received that no discharge situations should be awarded a chance at reduced monitoring. The agency also determined that monitoring data associated with the existing general permit showed that

monthly reporting from any facility is not necessary. Therefore, all facilities are afforded the once 'reduced monitoring' allowance of 1/3 months (quarterly). Also, footnote #2 states that total petroleum hydrocarbon monitoring is only necessary when vehicle degreasing occurs on site. Vehicle degreasing or equipment degreasing has been clearly defined to mean the washing or steam cleaning of engines or other drive components of a vehicle or equipment in which the purpose is to degrease and clean petroleum products. It does not mean washing sediment or concrete off trucks. This has always been unclear to the staff. Also the TPH methods in this footnote are updated.

Section 70 Part I A 3 – General Permit limits pages for storm water. Benchmark monitoring concentrations for storm water has been added. If benchmark monitoring for TSS exceeds 100 mg/l maximum or the pH falls outside of the range of 6.0-9.0 standard units, then the permittee is supposed to evaluate the effectiveness of the storm water pollution prevention plan in controlling the discharge of pollutants to receiving waters. Previously monitoring was required for these parameters but no further action was considered. Total iron and total petroleum hydrocarbon analysis has been eliminated from storm water monitoring with TAC consensus. Total petroleum hydrocarbons are not suggested for monitoring in this type of industrial storm water by the EPA. Also, levels consistently have remained undetectable or very low over the years. Iron was eliminated in storm water primarily because iron is naturally high in soils in Virginia and expected to be high in storm water. Also, there is no feasible alternative to remove iron in storm water when it is naturally occurring (except to the amount the existing technology removes solids and solids are limited under the permit). Also, the monitoring instruction present in the footnotes have been moved to the storm water management Part II A.

Section 70 Part I B 1– Special Conditions – Added "*or oil sheen from petroleum products*" to special condition #1 (no discharge of solids or foam narrative special condition). This was in response to staff concerns that petroleum products are on the site but should not appear in the stream. The industry indicated that any accidental spills of petroleum products are cleaned up immediately so as not to enter surface waters. If vehicle degreasing is occurring on the site then those discharges have total petroleum hydrocarbon limits. This addition is just an added measure of protection and something the inspector can look for to ensure proper BMPs, clean up measures or treatment is occurring.

Section 70 Part I B 6 – Added "*Wastewater should be reused or recycled whenever feasible.*" This general requirement appears in other general permits.

Section 70 Part I B 9 – Clarified several of the requirements of the operations and maintenance manual. Most significant change was to itemize what should be included in a temporary or long-term facility closure plan. These items were drafted with TAC consensus. Also, all review and modification dates were eliminated and replaced with one annual requirement.

Section 70 Part I B 14 – § [62.1-44.15:5.2](#) of the Code of Virginia states that settling basins for ready-mix concrete operations constructed after February 2, 1998 must be lined and that settling basins build before February 2, 1998 may be lined. The existing special conditions states that settling basins constructed on or after February 2, 1998 shall be lined with concrete or other impermeable materials. The TAC thought that regardless of the date of construction that all settling basins that are expanded or dewatered for major structural repairs must be lined. So this requirement was added to the existing special condition.

Section 70 Part I B 15 – Wastewater that is used for dust suppression or for preparing the stockpiles for manufacturing of the concrete should either be adsorbed, evaporated or treated but not directly discharged to surface water. This special condition was not clear and the TAC rewrote it to their specifications.

Section 70 Part I B 16 – Quantification levels for TSS and TPH were added.

Section 70 Part I B 17 – Added a new special condition that "*Owners of facilities that are a source of the specified pollutant of concern to waters where an approved TMDL has been established shall implement measures and controls that are consistent with the assumptions and requirements of the TMDL.*" This is a special condition added to all general permits. It reinforces the way general

permits are currently handled in TMDLs. The assumption of the TMDL is that general permits are insignificant to the total load until such time that the TMDL program determines that the load is significant and the TMDL needs to be modified to include the load.

Section 70 Part I B 18 – Added a new special condition that allows for adding or deleting outfalls. The permittee must update the O&M manual and the SWPPP. This happens occasionally and the industrial storm water general permit has similar language.

Section 70 Part I B 19 – Added a new special condition that describes how terminations of a general permit will be implemented. This is being added to all general permits as they are reissued.

Section 70 Part I B 20 – Added a new special condition that describes how temporary facility closures at inactive and unstaffed sites will be implemented. This was done with the consensus of the TAC.

Section 70 Part I B 21 Added *"The discharges authorized by this permit shall be controlled as necessary to meet applicable water quality standards."* This is a general requirement to meet water quality standards and matches similar language going into other recent general permits.

Section 70 Part I B 22 Added *"Approval for coverage under this general permit does not relieve any owner of the responsibility to comply with any other federal, state or local statute, ordinance or regulation."* This requirement is part of the regulation at section 50 C and staff thought it should be repeated in the permit to remind the permittee of the responsibility.

Section 70 Part II – Storm Water Management – This entire section was revised to match (for the most part) language in the 2009 Industrial Storm Water General Permit. Some differences can be found but these were done with TAC consensus. However, the requirements for storm water management have not changed significantly.

Part III A– Added *"Samples taken as required by this permit shall be analyzed in accordance with IVAC30-45: Certification for Noncommercial Environmental Laboratories, or IVAC30-46: Accreditation for Commercial Environmental Laboratories."* This is a new regulatory requirement effective January 1, 2012.

Section 70 Part II Y – Transfer of permits – Revised to say automatic transfers can occur within 30 days of transfer rather than 30 days in advance of transfer. We have been told by staff that notification of an ownership transfer cannot occur in advance. Our regional office staff has also stated this advance transfer notification is unnecessary and we should be able to accept a transfer notification at any time.

Town of Christiansburg, Town of Christiansburg Wastewater Treatment Facility - Consent Special Order w/ Civil Charges: The Town of Christiansburg (“the Town”) owns and operates the Town of Christiansburg Wastewater Treatment Facility (“the Facility”) for the purpose of treating sewage and other municipal wastewater from the residents and businesses of the Town. On April 10, 2012, a fish kill was reported to the Department. On April 11, 2012, Department staff responded to the reported fish kill on Crab Creek and Department staff observed a fish kill, estimated using American Fisheries Society methods, of 2,550 fish. The fish kill was observed originating from stormwater outfall 002 of the Facility and continuing downstream approximately 990 meters. Department staff spoke with Town staff during the course of the Department’s investigation. Town staff stated that chlorinated water was unintentionally released into Crab Creek coinciding with the time and location of the fish kill. Town staff members were trying to locate a leak within the Facility using chlorinated water and a chlorine monitor in an attempt to locate the leak, which accidentally discharged to Crab Creek. On May 11, 2012, the Department issued Notice of Violation (“NOV”) No. NOV-12-05-BRRO-R-001 to the Town for the unauthorized discharge of chlorinated water to state waters. The Order before the Board assesses a civil charge to the Town for the unauthorized discharge to state waters. The Order also requires the Town to pay the costs associated with DEQ’s investigation and the fish replacement costs (to be paid to DGIF). The cost for corrective action is minimal since in this instance, the Town has purchased non-toxic dye tracer for use in future testing. Civil Charge: \$13,650.

King George County Service Authority, Dahlgren, WWTP - Consent Special Order w/ Civil Charges: In submitting its DMRs, the Authority has indicated that it exceeded discharge limitations contained in Part I, Page 1, Section A, Number 1 of the Permit, for Enterococci in December 2010 and January 2011, for Total Nitrogen for the 2010 and 2011 Calendar Years, Total Phosphorus for the 2010 Calendar Year and for TKN in the January 2011 monitoring period. DEQ issued Warning Letters for the late submittal of the seventh quarter Toxicity Monitoring Report, the permit limit exceedances reported during the December 2010 monitoring period and for the permit limit exceedances reported during the January 2011 monitoring period. DEQ issued a Notice of Violation for the permit exceedance reported during the December 2011 monitoring period. The Authority responded to the NOV in a letter, dated March 22, 2011. The response stated that the Enterococci exceedances were a result of a loss of filter efficiency at the Plant, contributing to higher TSS and the resulting Enterococci exceedances. The response stated that both the monthly TKN and Total Nitrogen exceedances were due to a combination of high nitrogen septic, high MLSS, and low temperatures. The Authority further indicated in correspondence and during conversations held with DEQ staff that its failure to comply with Total Nitrogen and Total Phosphorus limits was related to certain process and design deficiencies at the Facility. The Authority has submitted documentation that verifies that the TKN and Enterococci violations have been corrected. The Authority has further indicated that it intends to address the Total Phosphorus and Total Nitrogen violations described above by enhancing process control through the installation of both effluent and process sensors and by enhancing treatment capabilities through the installation of both a supplemental carbon feed system and an advanced biological denitrification and enhanced phosphorus removal treatment system. The Order requires that the Authority pay a civil charge of \$5320, install sensors to enhance process control, upgrade the wastewater treatment plant (WWTP) to include advanced treatment technology for denitrification and enhanced phosphorus removal and comply with interim effluent limits for Total Nitrogen and Total Phosphorus during the period of upgrade. The estimated cost of corrective action is in excess of \$1,500,000.00. Civil Charge: \$5,320.

Presidential Service Company, Tier II, Inc./ Presidential Lakes, Section 14 - WWTP - Consent Special Order with Civil Charges: Presidential Service Company, Tier II, Inc. (Presidential Service) owns and operates the Presidential Lakes, Section 14 – Wastewater Treatment Plant (WWTP) with a design flow of 45,000 gallons per day (gpd) in King George, Virginia. The VPDES Permit No. VA0086720 (Permit) authorizes Presidential Service to discharge treated sewage from the WWTP, to Popcastle Creek, in strict compliance with the terms and conditions of the Permit. Since October 2010, Presidential Service has reported on its Discharge Monitoring Reports (DMRs) exceedances of the discharge limits of the Permit for Ammonia as N. In addition, on the DMRs for December 2011 and March 2012, Presidential Service reported exceedances of its Total Suspended Solids effluent limitations and for March 2012 an exceedance of an instantaneous residential maximum limit for Chlorine. In addition, Presidential Service submitted the required revised Operations and Maintenance (O&M) manual late. The manual was due by December 20, 2010 and was received on May 6, 2011. In response to the reported violations, DEQ issued Warning Letters (WLs) and Notices of Violation (NOVs) to Presidential Service. On December 7, 2011, representatives of Presidential Service and DEQ met to discuss the violations at the WWTP. There has been increased flow into the WWTP impairing the ability of the WWTP to treat for Ammonia as N. At the meeting, Presidential Service proposed a short-term and long-term solution to the high flows and Ammonia violations. In the short term, Presidential Service proposed to run two separate blowers for the WWTP's aeration basin and install a separate distribution system into the WWTP's bio-reactor and in the long term, Presidential Service proposed to upgrade and expand the capacity of the WWTP. On April 6, 2012, Presidential Service submitted to DEQ a Preliminary Engineering Report (PER) for a proposed upgrade and expansion of the WWTP. The PER detailed the expansion of the Facility to 65,000 or 70,000 gpd, the upgrade of the Facility from an extended aeration to a biological nutrient removal treatment scheme and the implementation of the interim measures to meet Ammonia as N Permit limits, as discussed at the December 7, 2011 meeting with DEQ. The interim measures were installed at the Facility in May 2012. The Consent Order requires Presidential Service to submit a plan and schedule for review and approval for the upgrade and expansion of WWTP to meet effluent limits set forth in the Permit. The estimated cost of the interim measures and WWTP upgrade and expansion is \$520,000. Civil Charge: \$2,520.

Reynolds Inliner, LLC - Consent Special Order with Civil Charges: Fairfax County Public Works and Environmental Services (Fairfax County) operates the Noman M. Cole, Jr. Pollution Control Plant located in Lorton, Virginia and the associated sanitary sewer collection system (collection system). On December 7, 2011, Fairfax County reported a sanitary sewer overflow (SSO) event at manhole #18 (site) on Poe Road, in Fort Belvoir. The event had occurred while Reynolds Inliner, LLC (Reynolds) was rehabilitating a nearby section of the collection system through the process of installing cured in place pipe (CIPP). The repair included bypassing a section of pipe and placing a sewer plug before the repair

section in order to stop and redirect the flow. On December 14, 2011, Reynolds submitted a letter to Fairfax County and an attached report detailing the events resulting in the SSO. The letter stated that once a CIPP installation has commenced, it must be completed. The letter then stated that it appeared that the forecasted rain, which occurred between December 5, 2011 and December 7, 2011, caused an increase in flows in the collection system that exceeded the capacity of a bypass system which Reynolds had installed to allow for rehabilitation of the collection system. Reynolds also indicated that it believed that the flows exerted a maximum head pressure higher than Reynolds' bypass plug could withstand. Reynolds asserted that this exceedance caused the plug to move downstream in the collection system, resulting in disconnection of the air hose connected to the plug. The disconnection of the hose led to the deflation of the plug which in turn allowed sewage to discharge from the collection system, at the point where the CIPP work was being performed, from approximately 9:00 a.m. to 12:57 P.M. on December 7, 2011. Reynolds' letter indicated that it estimated the quantity of the SSO to be 775,000 gallons. The plug was later recovered and after inspection it was found to have no damage. The plug was subsequently reinstalled. On February 29, 2012, DEQ issued a Notice of Violation (NOV) to Reynolds, for the SSO. The NOV was issued to Reynolds and not Fairfax County because the SSO was caused solely by the actions of Reynolds. The Order requires the payment of a civil charge. The SSO was an isolated incident and stopped once the plug was replaced and the work was completed, therefore no additional corrective action is required under the Order and the cost of corrective action is not applicable in this case. Civil Charge: \$19,500.

City of Emporia, Emporia WWTP - Consent Special Order w/ Civil Charges: The City of Emporia owns and operates the Emporia Wastewater Treatment Plant (WWTP). DEQ issued VPDES Permit No. VA0020346 (Permit) to the City of Emporia on May 14, 2007, for the discharge from the City's WWTP to the Meherrin River. The Permit requires that the City's discharge from outfall 001 comply with the effluent limits as described in the Permit. In September and October 2011, the City's wastewater discharge failed to consistently comply with the effluent limits for total suspended solids (TSS) and E. Coli. A Notice of Violation (NOV) was issued to the City on December 8 2011, for failure to comply with the effluent limits for TSS and E. Coli. The City reported that the WWTP had received an unusual discharge that affected the plant. The City took immediate steps to trace the source of the discharge, addressed the discharge, purchased additional polymer to precipitate the solids to clarify the effluent in order to comply with the TSS limits, and purchased additional UV light bulbs to disinfect the impaired effluent. The City has maintained compliance with the TSS and E. Coli effluent limits in the Permit since November 2011. The City of Emporia agreed to the Consent Special Order with DEQ to address the above described violations. Since all of the corrective actions have been completed, the Order requires the payment of a civil charge. DEQ staff estimated the cost of injunctive relief to be approximately \$14,000.00. Civil Charge: \$5,208.

GEI Stratford, LLC and Stratford-Bethany, LLC d/b/a Stratford Hills Apartments - Consent Special Order w/ Civil Charges: Stratford Hills Apartments (Stratford Apartments) is an apartment building located at 2517 W. Tremont Court that is operated and maintained by Landmark Property Services, Inc. (Landmark). GEI Stratford, LLC and Stratford-Bethany, LLC (Stratford LLC) co-own the property. The officers and directors of Landmark are managing members of Stratford-Bethany, LLC. A sewage pump station is located on the property that pumps untreated sewage from the apartment building to Richmond's Wastewater Treatment Plant. On September 5, 2010, the Department received a citizen complaint that sewage was discharging to Powhite Creek behind Crestwood Elementary School. A Department investigation traced the source of the sewage discharge to the Stratford Apartments pump station located approximately 2 miles upstream. Upon arrival Department staff observed the station's pumps were not running and the alarms were not activated. The sewage pumps were reset and the area limed. On November 22, 2011, the Department received a citizen complaint that the Stratford Hill pump station was discharging sewage to Powhite Creek. Department personnel responding to the complaint traced the source of the sewage discharge to the Stratford Apartments pump station. Stratford Hill Staff did not report the discharge. On May 15, 2012, the Department received a citizen complaint that the Stratford Hill pump station was discharging sewage to Powhite Creek behind Crestwood Elementary School. Department personnel responding to the complaint, observed an unauthorized discharge of untreated sewage from the Stratford Hill pump station to Powhite Creek. On May 25, 2012, the Department issued a Notice of Violation (NOV) to Landmark for the unauthorized discharges that occurred on September 5, 2010, November 22, 2011, and May 15, 2012. On June 8, 2012, the Department met with representatives of Landmark and Stratford-Bethany, LLC to discuss the NOV and the unauthorized discharges. A corrective action plan was presented to assure that future discharges will not reoccur. The Appendix requires that Stratford LLC develop, and submit for Department approval, an Operation and Maintenance (O&M) manual for the pump station. In addition Stratford LLC will install an automatic dialer to contact staff during

pump station alarm events and provide the Department with copies of a third party maintenance contract. The estimated cost of injunctive relief is \$4000. Civil Charge: \$21,000.

New Kent County Parham Landing WWTP - Consent Special Order : New Kent owns and operates the Parham Landing Wastewater Treatment Plant (Facility) in West Point, Virginia. On March 31, 2011, New Kent reported to DEQ that there was an upset at the Facility that resulted in the Facility's inability to nitrify. New Kent responded quickly and after 2 days, the Facility began to nitrify. New Kent contacted Henrico County Jail and SDI Disposal, large dischargers to the Facility, to see if they were conducting any cleaning or maintenance work that may have allowed chemicals into the influent wastewater flow to the system. New Kent reported TKN violations for the April 2011 monitoring period. New Kent indicated that it believed the exceedances were related to toxins introduced into the Facility's collection system which caused an inhibition of biological nitrification. On July 31, 2011, New Kent reported an upset similar to the March 31, 2011 event. SCADA system trends at the Facility indicated that within three hours the plant stopped nitrifying. New Kent and its consultant, who is also connected to the Facility SCADA system, determined that the Facility was operating correctly and determined that the only possible cause was the introduction of a toxin that inhibited biological nitrification. New Kent reported TKN violations on the DMR for the August 2011 monitoring period and indicated that it believed the exceedances were related to toxins introduced into the Facility's collection system. After the July 31, 2011 upset, New Kent began making contact with all commercial businesses to check for chemical use that may be detrimental to the Facility. New Kent stated it would attempt to educate the business owners of the deleterious effect that chemicals and grease have on the Facility's ability to treat wastewater. On November 3, 2011, PRO issued Notice of Violation No. W2011-11-P-0001 to New Kent for the TKN violations in April and August of 2011. New Kent reiterated what was reported to the Department on March 31 and July 31 of 2011, that it believed the exceedances were related to toxins introduced into the Facility's collection system which caused an inhibition of biological nitrification. On February 10, 2012, New Kent reported a Total Nitrogen (Calendar Year) average concentration violation on the DMR for the January through December 2011 monitoring period. Total nitrogen is a calculated parameter consisting of the sum of TKN, nitrite, and nitrate. New Kent stated, and the Department confirmed, that this annual Total Nitrogen average concentration violation is due solely to the high TKN concentrations reported for the April and August 2011 monitoring periods. On April 19, 2012, PRO issued Notice of Violation No. W2012-03-P-0001 to New Kent for the annual Total Nitrogen average concentration violation. On February 22, 2012, Department staff conducted a Facility site visit to conduct an enforcement conference and to determine if additional corrective action was required to address permit effluent limit violations. Violations cited in the November 3, 2011 NOV were discussed and the Department determined that additional injunctive relief was required even though the Facility had stabilized and was meeting Permit limits since August 31, 2011. The Order requires that New Kent review its sewer use ordinance for potential changes to strengthen the County's ability to regulate and control the introduction of materials into the system which could pass through or interfere with the treatment processes. New Kent will also develop and distribute to non residential customers, educational materials on the effects of illicit discharges to the treatment plant. In addition, New Kent will develop an Upset Response Plan to address future illicit discharges to the collection system. The estimated cost of injunctive relief is \$12,000.

GSKS Properties, LC (Tidewater Yacht Agency) - Consent Special Order with a civil charge: GSKS Properties, LC, ("GSKS") owns and operates Tidewater Yacht Agency ("Facility") a full-service marina in Portsmouth, Virginia, where it provides transient and long-term dockage in floating slips for as many as 300 vessels of up to 130 feet in length. GSKS also provides fueling, maintenance, and repair services for vessels at the Facility. Storm water discharges from the Facility are subject to the Permit through Registration No. VAR050336, which was effective July 1, 2009, and expires June 30, 2014. The Permit authorizes GSKS to discharge to surface waters storm water associated with industrial activity under conditions outlined in the Permit. As part of the Permit, GSKS is required to develop and implement a Storm Water Pollution Prevention Plan ("SWP3") for the Facility. On January 5, 2012, DEQ compliance staff conducted an inspection of the Facility that revealed the following: failures to perform benchmark monitoring of storm water discharges for two annual monitoring periods (2009 and 2010) and quarterly visual examinations of storm water quality for nine quarters; failures to record quarterly Facility inspections for nine quarters, annual comprehensive site compliance evaluations for three years, and the training of Facility personnel in storm-water pollution prevention for three years; and failure to record the concentration of aluminum in storm water on the Discharge Monitoring Report of the results of benchmark monitoring for calendar year 2011. On February 13, 2012, DEQ issued a Notice of Violation ("NOV") advising GSKS of the deficiencies revealed during the Facility inspection conducted on January 5, 2012. In response to the report of the January 5, 2012, compliance inspection, a representative of GSKS forwarded to DEQ copies of an updated SWP3 and reports of a Facility inspection, a quarterly visual examination of storm water quality, and employee training conducted during the 1st

Quarter 2012. A GSKS representative met with DEQ compliance and enforcement staff (“staff”) on February 24, 2012, to discuss the NOV, review the requirements of the Permit and the Facility’s compliance history, and provide substantive comments on the revised SWP3. The representative acknowledged his failures to comply with the administrative requirements of the Permit, but noted that he maintains a clean Facility and performs inspections daily. DEQ staff affirmed that, during recent compliance inspections, only minor housekeeping deficiencies had been observed. DEQ staff visited the Facility on April 11, 2012, and observed that the regulated industrial activity at the Facility takes place on a small concrete pad and consists of the routine maintenance of vessels, including the cleaning, hand-sanding and painting of hulls and superstructures. The GSKS representative advised DEQ staff that engines are removed from the vessels and sent off-site for maintenance. The representative showed staff copies of recent monthly inspection reports and stated that he would be performing benchmark monitoring twice during calendar year 2012. The Consent Special Order (“Order”) requires GSKS to pay a civil charge within 30 days of the effective date of the Order. To ensure continued compliance with the Permit and the SWP3 the Order requires GSKS to submit by October 10, 2012, an updated SWP3 that includes all elements required by the Permit; to submit documentation of routine inspections and visual examinations of storm water quality for four calendar quarters, with the first submittal also due by October 10, 2012; and to perform additional benchmark monitoring of storm water discharges at the permitted storm water outfall during calendar years 2012 and 2013. Civil Charge: \$7,272.

Enviro Organic Technologies, Inc. (“EOT”) - Consent Special Order w/Civil Charges: EOT owns and operates a professional service corporation based in Maryland, which offers services for organic residual management, including transportation of liquid and dewatered bio-solids/residuals, beneficial use management of non-hazardous residuals including water treatment residuals, lagoon cleaning, and land application. EOT holds a permit issued by the Maryland Department of Agriculture which authorizes the company to receive and land dispose of residuals on any farm in the State of Maryland. EOT was contracted by the City of Winchester to remove, transport and dispose of the lagoon sludges from the Percy D. Miller Water Treatment Plant (“WTP”). The Percy D. Miller WTP supplies drinking water for the City and is the subject of VPDES Permit VA0002631. On December 12, 2011, EOT, by way of a subcontractor, removed and transported a tanker load (approximately 6,000 gallons) of lagoon sludge from the WTP site. In the process of leaving the Site, the tanker truck ran off the side of the access road and overturned, spilling sludge from the tanker. On December 12, 2011, DEQ received a pollution report from the City of Winchester regarding the spill of sludge, following a truck accident at the Site, which entered an unnamed tributary to the North Fork Shenandoah River. The City indicated that it requested EOT to initiate the clean-up of the spill. In the interim, the City proceeded to conduct some initial clean-up activities. DEQ subsequently contacted EOT to inquire about its plan for the clean-up of the sludge spill; however, EOT refused to take responsibility and deferred to its subcontractor for the sludge removal project. On December 13, 2011, DEQ staff investigated the sludge spill at the Site. During the investigation, staff was informed that the tanker truck held 6,000 gallons of sludge and that approximately 3,000 gallons spilled from the tanker as a result of the accident on the access road to the Percy D. Miller WTP. Staff observed sludge solids in the stream for a distance of approximately 1,300 feet downstream. On December 14, 2011, based on DEQ staff’s observations during the December 13th site investigation, DEQ requested that the City of Winchester (the VPDES permit holder) provide a plan to further remove sludge from the stream and the petroleum in the ditch and diesel fuel in the gravel along the road side (later information indicated that a minimal unquantifiable amount of petroleum/diesel was spilled). The City indicated it would contact its contractor, EOT, to provide DEQ with a clean-up plan. On December 15, 2011, DEQ staff conducted a benthic survey in the stream reach impacted by the sludge spill. Staff observed a thick coating of fine sludge sediment from two to six inches deep in a stream reach of about 150 feet downstream from where the sludge spill entered the stream. No living or dead benthic organisms were observed in this reach of the stream. Further downstream, only a thin coat of sludge sediment was observed. The benthic survey showed a good benthic community in this reach of the stream. DEQ staff did not observe any dead fish. On January 9, 2012, EOT’s subcontractor, in conjunction with the City of Winchester’s consultant, removed the sludge solids in the reach of stream that was most impacted by the spill. On April 16, 2012, DEQ issued a NOV to EOT for an unauthorized discharge of approximately 3,000 gallons of sludge to an unnamed tributary to the North Fork Shenandoah River without authorization of a permit in violation of VA Code § 62.1-44.5 and 9 VAC 25-31-50 of the Regulation. On May 9, 2012, DEQ met with representatives of EOT via telephone conference call to discuss the NOV and the actions that EOT took to respond to the spill. During the May 9, 2012 discussions, EOT indicated that it had initially refused to conduct the clean-up because of confusion over responsibility and not having experienced any previous spills or compliance issues. EOT also indicated that as a result of the incident, it was developing a Standard Operating Procedure for dealing with similar situations in the future. The proposed Order contains a civil charge only. The Costs of corrective action were approximately \$145,000. Civil Charge: \$6,500.

New Market Poultry, LLC (“NMP”) - Consent Special Order w/Civil Charges: NMP owns and operates the Facility, which serves NMP’s poultry processing plant in Shenandoah County, Virginia. The Permit authorizes NMP to discharge treated wastewater from the Facility to Smith Creek from Outfall 001 and to discharge storm water to an unnamed tributary to Smith Creek from Outfall 002, in strict compliance with the terms and conditions of the Permit. The Permit prohibits the discharge of process wastewater from Outfall 002. On February 20, 2012 (a State Holiday), DEQ received a pollution complaint via a voicemail reporting an overflow of bloody water from the Facility into the unnamed tributary to Smith Creek in the Town of New Market. On February 21, 2012, DEQ contacted NMP to inquire if the Company had experienced any unusual events on February 20, 2012. NMP indicated that there had been an overflow of approximately 8,000 – 72,000 gallons of wastewater from a plugged manhole on the Facility’s premises which entered the unnamed tributary to Smith Creek. On February 21, 2012, NMP submitted a written report on the wastewater overflow which occurred on February 20, 2012. On February 22, 2012, DEQ staff investigated the pollution complaint and observed that two manholes on NMP’s influent wastewater transmission line to the Facility had overflowed into the unnamed tributary to Smith Creek. Staff observed thick masses of coagulated oil and grease coating/filling the interiors of those two manholes. Staff concluded that the second, upstream manhole had overflowed as a result of backup from the lower, plugged manhole. DEQ staff followed the path of the wastewater overflows from where they entered the unnamed tributary to Smith Creek downstream to its confluence with Smith Creek. Staff observed chironomids (blood worms) and flat worms, but few other benthic organisms, apparent *Sphaerotilus* (a bacterial growth) and grease coated rock substrate through this entire stream reach. The *Sphaerotilus* growth and the few observed benthic organisms are indicative of high organic loading, low D.O. and high BOD. During the February 22, 2012 investigation, DEQ staff also observed an abundance of *Sphaerotilus* growth in the form of beige slime, and white foam, and an egg odor at NMP’s Outfall 002 which is also a storm water outfall in the Town of New Market. DEQ staff observed that the Facility’s receiving dock area, which apparently leaks/drains to the outfall, is frequently hosed and cleaned to remove, feathers, poultry wastes and eggs following the cleaning of live delivery trucks at the receiving dock. Staff also observed that bloody, greasy packing ice melt process wastewater in the trailer parking lot is not collected for treatment. Staff observed wastewater entering roadway drainage ditches from both areas. NMP’s Permit prohibits the discharge of process wastewater from Outfall 002. The storm water outfall discharges at the headwaters of the same unnamed tributary to Smith Creek as noted above. On February 24, 2012, NMP submitted to DEQ a 5 day letter in response to the wastewater spill as required by the Permit. NMP indicated that it believed the spill was caused by grease clogging the effluent pipe of the manhole. On February 28, 2012, DEQ VRO issued a Notice of Violation to NMP for unpermitted discharges to State waters in February 2012. In order for NMP to provide for compliance with the Permit, Regulation and Va. Code § 62.1-44.5, DEQ and representatives of NMP have agreed to the schedule of compliance, which is incorporated as Appendix A of the proposed Order. The proposed Order contains a schedule of compliance to address the unauthorized discharges and a civil charge. The cost of the compliance activities is expected to be approximately \$140,000. Civil Charge: \$9,100.

Campbell County - Consent Special Order w/ Civil Charges: At all relevant dates Campbell County (“County”) was the owner and operator of the Campbell County Landfill (“Landfill”). On June 21, 2011, DEQ and U.S. Army Corps of Engineers staff inspected the Landfill and observed that approximately 0.0138 acres of wetlands had been filled without a permit during recent clearing and grubbing activities. This area is located adjacent to Cells 6 and 7 of Phase 3 of the Landfill. This impact would have required an individual permit because of past cumulative impacts. Subsequent information indicates that the total impact area was approximately 0.03 acres of successional forested wetlands. DEQ issued a Notice of Violation to the County on October 4, 2011 for the unpermitted impacts observed during the June 2011 inspection. On November 7, 2011, Campbell County staff and County consultants met with DEQ staff and explained that the impacts cited in the October NOV were caused by an error of the bulldozer operator and that the County never intended to have that area bulldozed. They also stated that they plan to restore the area promptly. In a letter dated December 7, 2011, DEQ approved a Corrective Action Plan (“CAP”) for restoration of the impacted area. DEQ staff inspected the Landfill on July 12, 2012 and observed that restoration work has been done and first-year monitoring of the plantings has been completed. Monitoring will continue for ten years to verify success of the restoration. The consent order requires the County to comply with the approved CAP and pay a civil charge. At this point, compliance with the CAP will consist of ongoing monitoring and maintenance as required. The County has estimated that the total cost of complying with the approved CAP is \$11,233.00. Civil Charge: \$2,730.

David LeSeur - Consent Special Order w/ Civil Charges: Mr. David LeSeur (“Mr. LeSeur”) is the owner and operator of LeSeur Farm (“Site”). On February 29, 2012, DEQ and U.S. Army Corps of Engineers staff inspected the Site to

determine whether wetlands impacts had occurred during the construction of two chicken houses. Inspection results indicated that 0.229 acres of emergent wetlands had been filled without a permit during recent clearing and grubbing activities. Soil, trees and stumps had been placed in wetlands and a stream head had been covered. Mr. LeSeur does not have a VWPP permit for these impacts. DEQ issued Notice of Violation No. 12-03-BRRO-L-004 to Mr. LeSeur on March 13, 2012 for the unpermitted impacts observed during the February 29, 2012 inspection. On March 22, 2012, Mr. LeSeur met with DEQ staff and explained that before he did the clearing and grubbing he thought that he had obtained all necessary permits and he did not know that the construction area included wetlands. He agreed to restore part of the impacted area and provide a written compensation plan for the remaining impacts. In June 2012, Mr. LeSeur removed most of the fill material from the Site. In an inspection on June 13, 2012, DEQ staff verified that: 1) all temporary wetland impacts at the Site have had the fill material removed, have been seeded, and are stabilized, and 2) 0.05 acres of final permanent impacts remain. The consent order requires Mr. LeSeur to submit a Corrective Action Plan (“CAP”) for restoration of the remaining permanent impacts and comply with the approved CAP. The most cost-effective method of complying with the CAP requirement is purchase of restoration credits from an approved wetland mitigation bank. The cost of credits for the remaining 0.05 acre of permanent impacts is approximately \$2,760.00. Civil Charge: \$2,730.

Carter Oaks, LLC - Consent Special Order with Civil Charges: Carter Oaks, LLC (“Carter Oaks”) owns and developed Carter Oaks Subdivision, Section C (“Property”) in Henrico County, Virginia. On August 8, 2006 DEQ issued permit WP4-06-1557 to Carter Oaks, LLC for wetland impacts associated with the construction of Carter Oaks Subdivision, Section C, Henrico County, Virginia. The Permit authorized permanent impacts to 0.41 acres of palustrine forested wetlands and no more than 0.02 acres of temporary impacts to palustrine forested wetlands. The Permit required Carter Oaks to create 0.60 acres of forested wetlands onsite and purchase of 0.22 acres of wetland credits. The Permit expired on August 7, 2011. Prior to April of 2007, construction monitoring reports submitted to DEQ indicated construction impacts had commenced to permitted wetland areas. By January of 2008, four construction monitoring reports were submitted by Carter Oaks, which showed that wetland impacts were completed on 4 of the 8 lots in Section C. DEQ staff viewed online aerial photography, and conducted a site inspection of the Property, which revealed that a portion of the authorized impacts were completed and that compensation by onsite creation of wetlands had not occurred. DEQ staff subsequently reviewed the file for Permit WP4-06-1557 and found no record of documentation that mitigation bank credits were purchased and no record that a final wetland compensation plan had been submitted prior to initiating construction in permitted impact areas. DEQ issued a NOV to Carter Oaks for violation of the permit and Virginia Code and regulations. Carter Oaks’ consultant confirmed, by email, that 0.239 acres of wetland impacts had been taken under the Permit, and stated that Carter Oaks would be purchasing 0.48 credits for the impacts already taken. DEQ received confirmation that Carter Oaks had purchased 0.068 acres of wetland credits at the Virginia Habitats II Environmental Bank from Virginia Habitats II, LLC and that Carter Oaks had purchased 0.412 acres of wetland credits from Ragland Farm, LLC. DEQ issued Permit WP4-12-0114 to Carter Oaks for the Property on March 20, 2012, as the original permit had expired in 2011. Carter Oaks agreed to the Consent Special Order with DEQ to address the above described violations. The Order requires the payment of a civil charge and performance of one appendix item. The appendix item requires Carter Oaks to purchase 0.23 acre wetland credits to compensate for the permitted impacts to 0.115 acres of Palustrine forested wetlands under the new Permit WP4-12-0114 by August 15, 2012. Wetland credits shall be purchased from an approved wetland mitigation bank in the same or adjacent hydrologic unit code as the impacted wetlands and DEQ shall be provided verification of the purchase of the wetland credits by August 15, 2012. Civil Charge: \$26,049.

Douglas R. Sowers - Consent Special Order with Civil Charges: Sowers owns and developed the Property in Chesterfield County, Virginia. On August 21, 2008, DEQ issued Permit WP4-08-0411 to Sowers for wetland and stream impacts associated with the development of Rountrey Phase II and IV subdivision. The Permit authorized permanent impacts to no more than 0.73 acres of forested wetlands, permanent conversion of no more than 0.02 acres of forested to emergent wetlands and permanent impacts to no more than 390 linear feet of stream bed of an unnamed tributary to Tomahawk Creek, and an unnamed tributary to Swift Creek Reservoir. The Permit required the purchase of 1.48 acres of wetland credits from the James River Mitigation Landbank located in Goochland County, Virginia. The Permit also required the purchase of 445 stream mitigation credits from the Byrd Creek Wetlands Mitigation Bank located in Goochland County, Virginia. DEQ staff conducted a file review and conducted an inspection at the Property which revealed the following: 1) construction in the permitted impact areas appeared to be nearing completion, however, there was no documentation that the 1.48 acres of wetland or 445 stream mitigation bank credits were purchased; 2) no record of a notification of construction submitted prior to commencement of activities in permitted impact areas; 3) only one

construction monitoring report was submitted in association with the permitted activities; 4) disturbed areas were not stabilized properly, silt fence needed to be set and reset, and sediment had migrated from multiple permitted impact areas into avoided wetlands and streams, resulting in secondary impacts to the wetlands and streams; and 5) an avoided wetland area was disturbed, resulting in 216 square feet (0.005 acre) of unpermitted impacts to forested wetlands on the Property. DEQ issued a NOV to Sowers for violation of the permit and Virginia Code and regulations. Sowers, worked with DEQ to correct the erosion and sedimentation issues, including restoration of wetland areas and streams and restored the avoided wetland. Subsequent inspections by DEQ staff ensured the corrections were maintained. Sowers purchased 1.48 wetland credits and 445 stream credits from Ragland Farm, LLC. Sowers agreed to the Consent Special Order with DEQ to address the above described violations. The Order requires the payment of a civil charge and performance of three appendix items. The appendix items require Sowers to submit to DEQ and the USACE for approval a design for the stormwater management pond outfall structure. Once the structure is approved it must be installed within four months. After installation Sowers is required to monitor the receiving stream for sediment deposits and submit monitoring reports to DEQ. If the monitoring reports indicate the outfall structure is not functioning as designed, Sowers shall submit for approval and implement an alternate plan. Civil Charge: \$47,522.

Empire Petroleum Partners, LLC - Consent Special Order w/ Civil Charges: Empire Petroleum Partners, LLC (“Empire”) is the owner of underground storage tanks (“USTs”) at sites in Victoria, Rocky Mount, and Crewe, Virginia. DEQ staff inspected these sites on June 27, 2011 (Crewe and Victoria) and March 26, 2012 (Rocky Mount). DEQ inspectors observed violations in release detection recordkeeping and financial responsibility at each site. On June 6, 2012, DEQ issued a Notice of Violation (“NOV”) to Empire for each site for these violations. On June 18, 2012, Empire submitted a written response to the NOVs. This response included information documenting a return to compliance for financial responsibility at all three sites and a return to compliance for the release detection requirements at the Victoria site. The consent order requires Empire to submit three months of release detection records for the Rocky Mount and Crewe sites and pay a civil charge. The cost of performing release detection data for three months for the Rocky Mount and Crewe sites is approximately \$260.00. Civil Charge: \$4,052.

Jai Jalram Corporation - Consent Special Order w/ Civil Charge: Jai Jalram Corporation (“Jai”) is the owner and operator of the D&G Mart (“Facility”). Jai stores regulated substances in the form of gasoline, diesel, and kerosene in USTs at the Facility. On September 15, 2009, Department staff inspected the Facility and conducted a file review of Facility records to evaluate Jai’s compliance with the requirements of the State Water Control Law and the Regulations. Department staff issued a Request for Corrective Action (“RCA”) at the time of the inspection for the areas of non-compliance observed during the inspection (failure to have compliance records available and failure to demonstrate financial assurance). The RCA requested that Jai correct the areas of non-compliance no later than October 15, 2009. On August 22, 2011, Department staff conducted a follow up site visit of the Facility and noted the same areas of non-compliance first identified during the September 2009 inspection. A representative of Jai was verbally notified of these areas of non-compliance. On September 8, 2011, the Department received a report from City of Roanoke environmental staff that a release of regulated substance was occurring at the Facility. Department staff conducted an inspection of the Facility on September 9, 2011 and noted that the Automatic Tank Gauge (“ATG”) reports indicated the ATG had been in a “warning/alarm” status. Jai did not investigate the nature of the warning/alarm and notify the Department of a suspected release. On September 27, 2011, the Department issued Notice of Violation (“NOV”) No. NOV-11-09-BRRO-R-003 to Jai for the unresolved non-compliance issues identified in September 2009 and August 2011 as well as failure to report the release of the regulated substance on September 8, 2011. The Order before the Board assesses a civil charge to the Jai for the failure to have compliance records available, failure to demonstrate financial assurance, and failure to report a release or suspected release to the Department. Civil Charge: \$10,159.

Virginia Hospital Center Arlington Health System - Consent Special Order- Issuance : Virginia Hospital Center is a Hospital facility (Facility) in Arlington, VA. The hospital stores a regulated substance in the form of diesel, in underground storage tanks (USTs) at the facility (Facility). Virginia Hospital Center was referred to enforcement for failing to update ownership on its registration form, having a damaged spill catchment basin on one of the USTs, failing to have documentation that the impressed current cathodic protection system on its emergency generator UST had been tested every three years, and that it had been inspected every 60 days to ensure it was functioning properly, and failing to demonstrate financial responsibility. Because Virginia Hospital Center addressed all outstanding compliance issues

except for demonstrating financial assurance prior to signing the Consent Order, the Consent Order required Virginia Hospital Center to submit all required Financial Assurance documentation to the DEQ Office of Financial Assurance by June 8, 2012. Civil Charge: \$8,914.

Empire Petroleum Holdings, L.L.C. - Consent Special Order w/ Civil Charges: Empire Petroleum Holdings, LLC (Empire) owns the Fast Fuels 0406 9266 gas station located at 420 N. Poplar Avenue in Waynesboro, VA. There are three underground storage tanks (USTs) at the facility; one 10,000 gallon regular gasoline, one 8,000 gallon plus gasoline, and one 6,000 gallon premium gasoline. On April 28, 2011, DEQ Valley Regional Office staff conducted an inspection of the USTs at Empire's facility and observed that the three USTs contained more than one inch of product and the owner was not performing release detection on the USTs every 30 days. Also, release detection records for the three USTs have not been maintained for at least one year. Civil Charge: \$3,510.

Rio Holdings L.L.C. - Consent Special Order w/ Civil Charges: Rio Holdings, LLC (Rio) owns the BP Gas Station & C Store located at 1061 Rio Road in Charlottesville, VA. There are five underground storage tanks (USTs) at the facility; two 12,000 gallon gasoline, two 6,000 gallon diesel, and one 1,000 gallon kerosene UST. On April 28, 2011, DEQ Valley Regional Office staff conducted an inspection of the USTs at Rio's facility and observed that the five USTs contained more than one inch of product and the owner was not performing release detection on the USTs every 30 days. Also, release detection records for the five USTs have not been maintained for at least one year. The proposed Order requires payment of a civil penalty and the submittal of release detection records for six months to demonstrate compliance with reporting requirements. Civil Charge: \$4,410.

Development of Virginia's FY 2013 Clean Water Revolving Loan Funding List: Title VI of the Clean Water Act requires the yearly submission of a Project Priority List and an Intended Use Plan in conjunction with Virginia's Clean Water Revolving Loan Fund (VCWRLF) Federal Capitalization Grant application. Section 62.1-229 of Chapter 22, Code of Virginia, authorizes the Board to establish to whom loans are made, loan amounts, and repayment terms. In order to begin the process, the Board needs to consider its FY 2013 loan requests, tentatively adopt a FY 2013 Project Priority List based on anticipated funding, and authorize the staff to receive public comments.

Applications Received: On May 31, 2012 the staff solicited applications from the Commonwealth's localities and wastewater authorities as well as potential land conservation applicants and Brownfield remediation clientele. July 13, 2012 was established as the deadline for receiving applications. Based on this solicitation, DEQ received thirteen (13) wastewater improvement applications requesting \$53,083,546 and one (1) stormwater management application for an additional \$1,060,650.

Funding Availability for FY 2013: The federal appropriation for the nation's Clean Water State Revolving Funds for FY 2013 has not been approved yet, but it is anticipated that there will be a reduction in federal funding this year. Even with that potential reduction, federal appropriations and associated state matching funds, along with the accumulation of monies that has and will occur in the Fund through loan repayments, interest earnings, and de-allocations from leverage accounts should result in at least \$60 million being available during the FY 2013 funding cycle. The staff believes it is prudent to move forward with the initial targeting of Virginia's proposed FY 2013 clean water revolving loan funding list for public review based on this projected availability. Final Board approval of the list will not be requested until the December meeting.

Application Evaluation: All 13 wastewater applications were evaluated in accordance with the program's Funding Distribution Criteria. In keeping with the program objectives and funding prioritization criteria, the staff reviewed project type and impact on state waters, the locality's compliance history and fiscal stress, and the project's readiness-to-proceed. The one stormwater application was reviewed in accordance with the Board's Priority Ranking Criteria for Stormwater projects, in consultation with the Department of Conservation and Recreation. All applications are considered to be of good quality and should provide significant water quality and environmental improvement.

The recommended project funding list shown below provides funding for all the applications received. It is based on the best information and assumptions currently available to staff from the applications received, federal budget projections, and discussions between DEQ and the Virginia Resources Authority. Several activities will be occurring over the next few months to help clarify these factors and provide additional input to the process including the following: (1) DEQ will hold

individual meetings with targeted recipients to verify the information in the applications, especially schedules; (2) finalization of the federal budget for 2013 should determine the federal appropriation for the Clean Water SRF, and (3) staff will provide public notification of the proposed project list and hold a public meeting. The staff is recommending that the list be tentatively adopted, subject to the verification of information in the loan applications (especially schedules), the availability of funds from the federal appropriation, and public review and comment. The final list will be brought back to the Board in December.

Conclusion: The VCWRLF program solicited applications for FY 2013 funding assistance and evaluated the 14 requests received totaling \$54,144,196. After an evaluation of funding availability, priority consideration, and review of anticipated construction schedules, Virginia’s FY 2013 Project Priority List includes all 14 projects totaling \$54,144,196. Based on current and projected cash resources, the Board should have sufficient funds available to honor these requests at the amounts shown.

Staff Recommendations: The staff will recommend that the Board target the following localities for loan assistance, subject to the verification of the information in the loan applications (especially schedules) and the availability of funds, and authorize the staff to present the Board’s proposed FY 2013 loan funding list for public comment.

1	City of Lynchburg	\$2,000,000	
2	Town of Rural Retreat	\$107,000	
3	City of Salem	\$3,138,087	
4	Scott County Public Service Authority	\$1,400,000	
5	Town of Grottoes	\$2,083,000	
6	Augusta County Service Authority	\$10,021,50	
7	Town of Clifton Forge	\$1,187,000	
8	King George County Service Authority	\$967,999	
9	City of Norfolk	\$10,000,00	
10	Tazewell County Public Service Authority	\$9,255,550	
11	Town of Coeburn	\$1,509,240	
12	C-N-W Waste Water Treatment Authority	\$4,654,170	
13	Loudoun Water	\$6,760,000	
14	City of Richmond	\$1,060,650	
		Total	\$54,144,196