APPENDIX K

Stormwater Pollution Prevention Plans

1. Public Works Department: Solid Waste & Recycling Division Drop Center
2. Public Works Department Facility
3. Salt Storage Facility
4. Electric Department
5. Park Road Incinerator Site
6. Ingle's Mountain Equipment Storage Area

STORMWATER POLLUTION PREVENTION PLAN

City of Radford Salt Storage Facility

699 Seventeenth Street
Radford, VA 24141
General Permit No. VAR040135

Prepared For:

City of Radford
10 Robertson Street
Radford, VA 24141

Prepared By:

Draper Aden Associates
Engineering • Surveying • Environmental Services

December 2017

DAA Project Number: 17010547-010101

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1.0 CERTIFICATION

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

Name: _____

Signature: _____

Date: _____

Title: _____

2.0 INTRODUCTION

2.1 Purpose

The Solid Waste & Recycling Division Drop Center, Public Works Department Facility and Salt Storage Facility are three separate entities that exist within a single general facility and overlap in implementation actions with respect to stormwater pollution prevention. Some of the methods listed are applied to all three locations such as the stormwater pollution prevention team, stormwater management controls, routine facility inspections and training, and plan review. However, in accordance with the City's stormwater management program, individual Stormwater Pollution Prevention Plans have been prepared for each facility.

This Stormwater Pollution Prevention Plan (SWPPP) was prepared for the City of Radford Salt Storage Facility located at 699 Seventeenth St, Radford, VA 24141. This facility, which is located within the greater boundary of the Public Works Department Facility and managed by their staff, falls under the requirements of the City's General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4), General Permit No. VAR040135, with an effective date of July 1, 2013 and an expiration date of June 30, 2018. The permit is designed to reduce the discharge of pollutants from stormwater that leaves the regulated MS4 area within the City and subsequently enters the Commonwealth of Virginia's receiving waters, such as the New River and its tributaries. Specifically, this facility is identified as one of the high priority City of Radford facilities that require preparation and implementation of a SWPPP. A copy of the General Permit for the facility is included in **Appendix D**.

According to the United States Environmental Protection Agency (U.S. EPA), polluted stormwater runoff is a leading cause of impairment to nearly 40 percent of the surveyed U.S. water bodies that do not meet water quality standards. Whether travelling by overland flow or through stormwater conveyance systems, polluted stormwater runoff is discharged into local receiving waterways. Such untreated water pollution can result in the destruction of fish, wildlife, and aquatic life habitats. It can also cause a loss of aesthetic value, and can threaten public health due to its potential to contaminate food, drinking water supplies, and recreational waterways.

The MS4 Permit aims at reducing pollutants in stormwater runoff by focusing on six Minimum Control Measures (MCMs):

1. Public Education and Outreach on Stormwater Impacts,
2. Public Involvement and participation,
3. Illicit Discharge Detection and Elimination,
4. Construction Site Stormwater Runoff Control,
5. Post-Construction Stormwater Management in New Development and Development on Prior Developed Lands,
6. Pollution Prevention and Good Housekeeping for Municipal Operations.

Within each MCM, there are numerous Best Management Practices (BMPs) being implemented by the City of Radford.

This SWPPP has been created to satisfy the conditions of BMP 6-3 of the City's MS4 Program Plan and MCM 6 of the MS4 permit, which requires the City of Radford to identify all of its high-priority facilities that have a high potential to discharge pollutants into stormwater and develop, implement, and maintain a SWPPP for each location.

2.2 Implementation

The practices and procedures outlined in the SWPPP are designed to be implemented on a continuous basis to minimize potential impacts to stormwater runoff at the facility. The plan is designed to be dynamic and should be reviewed and updated in response to changes in operations or stormwater management at the facility.

2.3 Regulatory Requirements

In 1972 the Federal Water Pollution Control Act (known as the Clean Water Act) was amended to effectively prohibit discharge of pollutants to "Waters of the United States" from any point source unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) Permit. The U.S. EPA delegated administration of the NPDES Program within Virginia to the Department of Environmental Quality (DEQ): DEQ administers it as the Virginia Pollutant

Discharge Elimination System (VPDES) Permit Program. The 1987 amendments of the Clean Water Act added Section 402(p) to the federal regulations, which established the framework for regulating discharges of pollutants via stormwater from industrial activities and MS4s. Section 402(p) requires the U.S. EPA to develop permitting regulation for stormwater discharges from MS4s and from industrial facilities, including construction sites.

In Virginia, discharges from MS4s are regulated under several programs: the Virginia Stormwater Management Act, the Virginia Stormwater Program (VSMP) Permit regulation, and the Clean Water Act (through the VPDES Permit Program) as point source discharges. MS4 regulations were developed and implemented in two phases. Implementation of the first phase began in the early 1990s and required that operators of MS4s serving populations of greater than 100,000 people (per the 1990 decennial census) apply for and obtain an individual permit to discharge stormwater from their outfalls. The second phase of MS4 regulations became effective March 23, 2003, and required that operators of small MS4s in "urbanized areas" (as defined by the latest decennial census) obtain coverage under a general permit to discharge stormwater from their outfalls. As of 2013, the City of Radford is classified as a small MS4, and thus operates under the General MS4 Permit.

According to the City's MS4 Permit, the following types of high-priority facilities require SWPPPs:

- Public Works Department: Solid Waste & Recycling Division Drop Center
- Public Works Department Facility
- Salt Storage Facility
- Parks & Recreation Department
- Electric Department Facility
- Water Treatment Plant

In addition, facilities in which any of the following materials or activities occur and are expected to have exposure to stormwater resulting from rain, snow, snowmelt or runoff also require a SWPPP:

- Areas where residuals from using, storing or cleaning machinery or equipment remain and are exposed to stormwater;
- Materials or residuals on the ground or in stormwater inlets from spills or leaks;
- Material handling equipment (except adequately maintained vehicles);
- Materials or products that would be expected to be mobilized in stormwater runoff during loading/unloading or transporting activities (e.g., rock, salt, fill dirt);
- Materials or products stored outdoors (except final products intended for outside use where exposure to stormwater does not result in the discharge of pollutants);
- Materials or products that would be expected to be mobilized in stormwater runoff contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers;
- Waste material except waste in covered, non-leaking containers (e.g., dumpsters);
- Application or disposal of process wastewater (unless otherwise permitted); or
- Particulate matter or visible deposits of residuals from roof stacks, vents or both not otherwise regulated (i.e., under an air quality control permit) and evident in the stormwater runoff.

Based on the above requirements, the following City-owned facilities have been determined to be high-priority facilities that have a high potential to discharge pollutants. The table below shows the schedule by which the individual SWPPPs for each facility will be prepared.

Site	Completion
(1) Public Works Department Solid Waste & Recycling	*December 2017*
(2) Public Works Department Facility	*December 2017*
(3) Salt Storage Facility	*December 2017*

2.4 Review and Revision of the Stormwater Pollution Prevention Plan

This SWPPP will be reviewed by a member of the Stormwater Pollution Prevention Team (Section 3) at least annually to determine if any revision is necessary to reflect changes in the facility or changes in the activities conducted that:

- May significantly increase the quantities of pollutants in stormwater runoff;
- Cause a new area of the facility to be exposed to stormwater or authorized non-stormwater discharges; or

- Start-up of an activity that would introduce a new pollutant source at a facility.

In determining if revision of the SWPPP is necessary, the SWPPP Implementation team, identified in Section 3, will review the Annual Comprehensive Compliance Evaluation, which is described in Section 7.

2.5 Location of the Stormwater Pollution Prevention Plan

The SWPPP shall be kept onsite in the office of the Public Works Superintendent, which is located in the Public Works Facility Department building. A copy of the SWPPP will also be maintained by the City of Radford Engineering Technician, in the City of Radford Government Center in Radford, Virginia.

3.0 STORMWATER POLLUTION PREVENTION TEAM

The City of Radford Public Works Department (who manage the Salt Storage Facility located within its greater Public Works Department Facility) has established a Stormwater Pollution Prevention Team to ensure that the SWPPP is implemented and maintained in accordance with industry-standard engineering controls and best management practices. The Team is comprised of City of Radford personnel listed in Table 1 below. Table 1 outlines the team members, titles, responsibilities, and telephone numbers. As discussed further in Section 7.0, the Stormwater Pollution Prevention Team will meet at least annually to perform a comprehensive review of the SWPPP and facility operations, to discuss the status of stormwater control efforts, and to evaluate any deficiencies or additional requirements in the SWPPP.

Specific issues for the team to address include the following:

- Provide assistance for developing and maintaining the SWPPP.
- Update significant materials list.
- Review potential spill sources.
- Update SWPPP incident reporting, inspection, and record keeping procedures.
- Review environmental incidents.
- Continue and improve SWPPP training for facility personnel.
- Review new construction and changes in processes and procedures.
- Evaluate the overall effectiveness of the SWPPP.

Table 1: Stormwater Pollution Prevention Team Members
City of Radford Salt Storage Facility

Name	Position	Contact Info	Principal Responsibilities
Timmy Lytton Jay Eanes	Public Works Superintendent Engineering Technician	(540)267-3148 (540)267-3176	SWPPP Oversight • Provide the necessary resources to comply with the SWPPP. • Ensure assigned staff implements the SWPPP and all of its components. • Provide management support to staff.
Timmy Lytton Jay Eanes Jenni Wilder	Public Works Superintendent Engineering Technician Public Information Coordinator	(540)267-3148 (540)267-3176 (540)731-3603	SWPPP IMPLEMENTATION • Implement and administer the SWPPP. • Implement the Emergency Response Plan and Procedures • Provide Stormwater Training for facility personnel. • Maintain the necessary records and files.
Timmy Lytton Jay Eanes Greg Osborne	Public Works Superintendent Engineering Technician Sanitation and Recycling Supervisor	(540)267-3148 (540)267-3176 (540)267-3682	CHEMICAL SPILL RESPONSE • Minimize the threat of chemical spills to personnel and to the surrounding environment; and • Protect storm drain inlets and sanitary sewer drains from any spillage or contamination once personnel safety is assured.
Timmy Lytton Jay Eanes Greg Osborne	Public Works Superintendent Engineering Technician Sanitation and Recycling Supervisor	540)267-3148 (540)267-3176 (540)267-3682	CONDUCT ROUTINE FACILITY INSPECTIONS • Implement BMPs for respective area(s) of responsibility. • Conduct routine inspections of respective areas of responsibility to ensure BMPs are in place, operative, and effective at all times in and around the areas where activities that may impact stormwater are conducted. • Submit quarterly inspection reports, to the Stormwater Program Manager.
David Ridpath Jay Eanes Jenni Wilder	City Manager Engineering Technician Public Information Coordinator	(540)731-3603 (540)267-3176 (540)731-3603	MS4 PROGRAM MANAGEMENT • Prepare and revise the SWPPP, as necessary. • Conduct periodic facility inspections to assure compliance. • Collect training records. • Prepare and submit Annual MS4 Report. • Serve as a technical resource to other departments.

4.0 GENERAL DESCRIPTION AND INITIAL FACILITY INSPECTION

The City of Radford Salt Storage Facility is located at 699 Seventeenth Street, Radford, VA 24141 (Figure 1). The facility is an entity within the greater boundary of the City's Public Works Department Facility. Radford is located in Southwest Virginia along the New River between Montgomery and Pulaski Counties. The facility is a section of a property owned by the City of Radford and encompasses approximately 23,409 square feet (Parcel ID 15-1-SEC46).

The Public Works Department Facility is located in the central portion of the property on the northern side of Seventeenth Street. The Salt Storage Facility is located north of the Public Works Department along Sixteenth Street. The Solid Waste & Recycling Drop Center is located on the southeast side of Seventeenth Street across from the Public Works Department. Structures on the property consist of the salt storage building, gravel for road salt mixture and miscellaneous dry storage. The locations and distributions of these structures are present on the color countered topographic map of the property (Figure 2). The property is relatively flat with little change in topography.

Stormwater from the property will generally flow down gradient towards topographic lows, exterior stormwater inlets, and stormwater outfalls distributed through the site. Stormwater flowing towards inlets and outfalls is influenced by the location of the stormwater, local topography, and the existence of permeable (ex. Gravel) and non-permeable (ex. Pavement) surfaces and structures. Stormwater traveling along the surface or through storm inlets and outfalls will eventually lead to the New River.

Stormwater from the Salt Storage site generally flows toward a storm drain located next to the trimming supply building. Refer to Figure 2 for additional information.

An initial inspection of the facility was conducted on August 18, 2017 by Draper Aden Associates, Timmy Lytton, Public Works Superintendent, and Greg Osborne, Sanitation and Recycling Supervisor. Observations of facility activities and required actions noted during this inspection are listed in Section 4.2.

4.1 Site Facilities

As listed above, there are three areas that are the focus of this SWPPP.

- Salt Storage Building
- Gravel Piles
- Miscellaneous Dry Storage

4.1.1 Salt Storage Building

Facility Activities: The Salt Storage building is located on the north side of the property and is a medium sized structure with concrete floors and no drain. The building is used to store road salt for the City of Radford. All material in this building is under cover and is not exposed to rainfall. The closest drain to this structure is located approximately 75 feet away from the opening of the building.

Required Actions: Material must be stored in an enclosed building to prevent the generation of salt contaminated runoff. Storm drains must be located at least 50 feet away from the building to reduce runoff from traveling into drain. The building must be locked when not in use.

4.1.2 Gravel Piles

Facility Activities: The gravel piles are located west of the salt storage building. Salt and gravel mixture is used for road maintenance. The piles are heavily compressed and result in low sediment storm pollution (runoff is low).

Required Actions: Piles must be maintained and monitored for runoff. Berms may be temporarily placed to block off storm outlets in the case of runoff.

4.1.3 Miscellaneous Dry Storage

Facility Activities: There are six miscellaneous dry storage units located east of the salt storage building. Equipment, furniture and few miscellaneous liquids are stored in the open unit.

Required Actions: The storage unit roof must cover the items stored. Ensure liquids are not stored on the ground to reduce potential stormwater contamination. The miscellaneous dry storage has low stormwater pollution.

5.0 SUMMARY OF POTENTIAL POLLUTANT SOURCES

This section describes the industrial/institutional and other activities conducted at the facility and provides an inventory of significant materials potentially exposed to stormwater.

5.1 Onsite Activities

The onsite activities performed at the facility are related to the very nature of the facility and the use of materials necessary for day-to-day activities for cleaning and maintaining the City of Radford Salt Storage facility. These include the following specific items:

1. Handling and use of chemicals associated with cleaning and maintenance of the city facility.
2. Storage of salt and gravel for city road maintenance.

5.2 Pollutants and Potential Pollutants

This section provides a general list of the Standard Operating Procedures at the facility. The container or packaging for the materials; the means of delivery, shipment, and/or storage; the potential for exposure to stormwater, and the potential risk associated with exposure are also identified.

The probability of a material being exposed to stormwater is a function of how it is handled. Typically, materials stored and used indoors are only exposed to stormwater during transport to or from the workplace. This represents a low potential for the material to be exposed to stormwater. Conversely, materials stored or handled outdoors represent a high to moderate potential for exposure to stormwater. A low potential risk of exposure means that, if the material is exposed, it is unlikely to have a significant impact on stormwater quality. High potential risk of exposure indicates that, if the material is exposed, it may have a significant impact on stormwater quality.

The following is a list of materials used or stored on-site:

<u>Salt Storage Building</u>

- Road salt

Gravel Pile

- Salt and gravel mixture

These materials may have a small probability of exposure to stormwater during transport to and from storage areas. The salt and gravel mixture is not covered but is stored in a tightly packed form, and has low runoff into nearby storm drains.

5.3 Non-Stormwater Discharges

The City of Radford Salt Storage Department has evaluated the drainage from its facility and has determined that there are no non-stormwater discharges connected to the storm drainage system. There are no sources of allowable non-stormwater discharge as defined in Ordinance No. 1681 at this site, which include the following:

- Discharges or flows covered by a separate individual or general VPDES or VSMP permit for non-stormwater discharges;
- Individual non-stormwater discharges or flows that have been identified in writing by the Virginia Department of Environmental Quality as de minimis discharges that are not significant sources of pollutants to state waters and do not require a VPDES permit;
- Water line flushing;
- Landscaping irrigation;
- Diverted stream flows or rising groundwater;
- Uncontaminated groundwater infiltration, as defined by 40 CFR 35.2005(20);
- Uncontaminated pumped groundwater;
- Discharges from potable water sources, foundation drains, irrigation water, springs, water from crawl spaces or footing drains;
- Air conditioning condensation;
- Lawn watering;
- Individual residential car washing;
- Flows from riparian habitats and wetlands;

- De-chlorinated swimming pool discharges with pH between 6.0 to 8.0 standard units, at ambient water temperature, and with less than 0.10 milligrams per liter or parts per million;
- Street wash water;
- Discharge or flows resulting from firefighting and other public safety activities;
- Discharges associated with the maintenance or repair of public water, sanitary, and storm sewer lines, and public drinking water reservoirs and drinking water treatment or distribution systems conducted in accordance with applicable federal and state regulations and standards;
- Discharges associated with any activity by the city, its employees and designees, in the maintenance of any component of a City maintained stormwater management facility conducted in accordance with applicable federal and state regulations and standards, and law;
- Discharges specified in writing by the administrator as being necessary to protect public health and safety;
- Any activity authorized by a valid Virginia Stormwater Management Program (VSMP) permit, a valid Virginia Pollutant Discharge Elimination System (VPDES) permit, a valid Virginia Pollution Abatement (VPA) permit, a National Pollutant Discharge Elimination System (NPDES) permit, or as may be otherwise permitted by law or the regulations.

6.0 STORMWATER MANAGEMENT CONTROLS

The following sections describe best management practices (BMPs) that are currently employed or are recommended for future implementation at the City of Radford Public Works sites including the Salt Storage Facility. BMPs are recommended/implemented to minimize the exposure of chemicals and other pollutants to stormwater runoff.

MCM 1 & 2: Public Education and Outreach and Public Involvement/Participation

Pet Waste Management for Public Parks

The City will continue to raise awareness and enforce current policies requiring pet owners to clean up after their animals while in public parks. The City's Parks & Recreation Department will continue to enforce the current Pet Waste Management Program. The Department will continue to evaluate the effectiveness of the Program during the coming plan year, adding or relocating the pet waste bag dispensers based on observations of their use and according to input received by the public. City staff will continue to produce and make available the "Scoop the Poop" brochure at the locations listed above, at the City's Animal Shelter, and at various City-sponsored events during the coming plan year.

Identifying High Priority Water Quality Issues

The City has identified three water quality issues that are considered high priority and are being addressed by the Plan. These items are:

- Proper Disposal of Pet Waste – This program raises awareness of the need for proper disposal of pet waste to avoid release of bacteria into the stormwater system and, in turn, the New River.

- Collection of Yard Waste – This program educates citizens about proper disposal of yard waste (grass clippings, leaves, etc.) to reduce the amount of such waste discarded into the City's storm sewer drains. In addition, the City collects yard waste as part of a composting program that develops topsoil for City use. These programs help reduce clogging in the

storm sewer network and reduce pollutants (i.e. fertilizers, herbicides, and pesticides) from entering the storm sewer network.

- Nutrient Management Education – The City has produced a "Resident's Guide for a Cleaner Environment" brochure to be distributed to citizens and to educate them about nutrient management for their own properties. This brochure is coordinated with the City's internal efforts to develop Nutrient Management Plans for City-owned property. The brochure contains this statement: "Avoid the use of fertilizers and do not apply before heavy rainfall. Pesticides are toxic to humans, animals, aquatic insects, and plants. Follow label directions carefully or use alternatives whenever possible." The literature on Nutrient Management explains what a Nutrient Management Plan is and why it is important for residents to have a plan for their homes.

Drain Marketing Program

The City will implement a Storm Drain Marking Program. This will involve performing an inventory of the storm drain locations and identifying the drains most easily accessible to the public and that may be vulnerable to illicit dumping. These drains will be considered good candidates for permanent marking. The City's storm sewer network has been completely mapped using GIS technology, based on compiling as-built and record information from City archives and from observations in the field. All 1,339 curb inlets and 60% of the grate inlets in the City have been marked, using the drain marker.

Enhance City Website to Include Stormwater Related Information

The City's website will be enhanced to make stormwater related information available to the General Public. Included will be links to the relevant sections of the Virginia DEQ and EPA websites. Also included will be links to the City's relevant ordinances and the MS4 Program Plan and annual reports.

Annual Stream Clean-Up Events

The City will sponsor, at least once per year, an event that encourages public participation in cleaning up the streams within the City limits. Emphasis is placed on removing foreign debris, litter, etc. The event will be publicized through various media in order to have as much participation as possible.

Develop Public Outreach Plan

The City will develop a plan to identify the target audience and develop strategies to reach a minimum of 20% of the target audience annually through public outreach activities. As part of the plan, the goal will be to have a minimum of four public participation events annually.

MCM 3: Illicit Discharge Detection and Elimination

Implement Stormwater Ordinance

The City will implement a Stormwater Ordinance and an Illicit Discharge Ordinance that will prohibit illegal and illicit dumping of non-stormwater discharges. The ordinance, at a minimum, will address detection, identification of source of discharge, mechanisms to eliminate discharges, and tracking. The ordinance will facilitate public reporting of illicit discharges.

Protect Sensitive Areas by use of City Code

The City has adopted by Ordinance two "overlay districts" (Floodplain District and Riverfront Corridor Overlay District) in the City Code that protect areas within a floodplain and that are adjacent to the New River. (Divisions 15 and 16 of Chapter 120.1: Zoning Ordinance)

Outfall Mapping

The City will create and maintain an accurate storm sewer system map and information table and locate and map all MS4 outfalls. The mapping of the City's storm sewer network and outfalls was completed during the plan year. Connection to the Radford University MS4 was identified.

Connection by way of overland flow may also exist with the MS4's of the City of Radford and the Virginia Department of Transportation (VDOT).

Outfall Screening

The City will develop a procedure for dry weather screening of the MS4 stormwater outfalls. 52 MS4 outfalls were screened according to procedures developed for dry weather screening of the MS4 stormwater outfalls. Procedures include documenting results and follow-up actions on an Outfall Field Screening Report Spreadsheet.

MCM 4: Construction Site Stormwater Runoff Control

Erosion and Sediment Control Ordinance

Adopt and maintain an Ordinance in the City Code that requires compliance with the Virginia Erosion and Sediment Control Regulations.

City Staff Training

The City staff members that enforce the Erosion and Sediment Control Ordinance will maintain the appropriate VA DEQ certifications. City staff are certified accordingly. Inspections and other activities are currently being completed by outside consulting firms with certified personnel.

MCM 5: Post Construction Stormwater Management

Adopt a Stormwater Ordinance to Control Impacts of Runoff

The City will implement a Stormwater Ordinance that will address both post-construction stormwater management and illicit discharges. The ordinance, at a minimum, will comply with the Virginia Stormwater Management Program regulations.

Stormwater Management Facility Database

The City will develop and maintain an electronic database (Excel spreadsheet) of all known publicly- and privately-owned stormwater management facilities. The eight City-owned

stormwater management facilities and four private facilities have been identified on the City of Radford Storm Water Management map and included on the BMP Facilities Tracking Database spreadsheet with relevant information, including one new facility at 818 West Main Street (Family Dollar Store).

MCM 6: Pollution Prevention/Good Housekeeping

Employee Training

The City will implement an Employee Training Program designed to raise awareness within City employees of stormwater management practices as it relates to specific tasks and assignments. The City has developed Standard Operating Procedures.

Controls for Reducing the Discharge of Pollutants from City-owned Facilities and Property

The City will continue to evaluate its operations and facilities for ways to reduce discharge of pollutants. This evaluation will include identifying potential sources of pollution, identifying and prioritizing problem areas, and determining methods to address and correct the problems. Some of these methods might include employee training, implementation of spill prevention plans and SWPPPs, and implementing new procedures, etc.

Reduce the Amount of Solid Waste from City-owned Facilities by Encouraging Employees to Recycle Waste

The City has an active recycling program that encourages City employees to participate. This program will continue and be evaluated for ways to improve and expand the program. The City collected over 10,386 tons of solid waste during this plan year. Of that, 1,920 tons (18%) were recycled.

Nutrient Management Plans

The City will evaluate its turf and landscaping operations and develop and maintain Nutrient Management Plans (NMP) where needed. The City has prepared Nutrient Management Plans for

15 City-owned sites, based on the recommendations of a certified Turf Management Planner. City staff will implement the Nutrient Management Plans, and train relevant staff as needed.

6.1 Structural BMPs

The primary concern with sediment and erosion at the facility is runoff from the salt and gravel storage. To reduce runoff concerns, the material is stored far away from drains. Any erosion or sedimentation problems identified will be addressed by implementing standard control as outlined in the VESCH, including but not limited to the following:

- Stabilization with riprap.
- Stabilization with vegetation.
- Installation of a culvert or lined channel.
- Interceptor dikes and swales.
- Re-grading.

6.2 Maintenance of BMPs

All BMPs identified in the SWPPP will be maintained in effective operating condition. If routine inspections identify BMPs that are not operating effectively, maintenance will be performed before the next anticipated storm event or as necessary to maintain the continued effectiveness of stormwater controls. If maintenance prior to the next anticipated storm event is impractical, maintenance will be scheduled and accomplished as soon as possible. In the case of nonstructural BMPs, the effectiveness of the BMPs will be maintained by appropriate means (e.g., maintaining available spill response supplies, maintaining up-to-date personnel training program, etc.).

7.0 ROUTINE FACILITY INSPECTIONS AND TRIANING

At least once per quarter, the facility will be inspected using the City of Radford Salt Storage Facility Inspection Checklist, found in Appendix B. The inspection shall be conducted by the Pollution Prevention SWPPP Implementation Team, identified in Section 3.0.

The purpose of these inspections will be to identify problems early so that they can be corrected in a timely fashion. All completed forms shall be kept in this SWPPP and a copy shall be sent to the City Staff in charge of MS4 Program Management for inclusion in the Annual MS4 Report, which is submitted to the Virginia Department of Environmental Quality (DEQ) by October 1st of each year.

7.1 Annual Site Compliance Inspection

An annual site compliance inspection of the Salt Storage Facility will be conducted by the Pollution Prevention SWPPP Implementation Team, identified in Section 3.0, to help assure that significant changes in the facilities or activities are identified and can then be reflected in the SWPPP. The Annual Site Compliance Inspection will be performed by June 30th of each year and includes:

- Visual inspection of all potential sources of pollutants that may enter the stormwater drainage system via stormwater or non-stormwater discharges;
- A review and assessment of all BMPs to determine whether the BMPs are adequate, properly implemented and maintained, or whether additional BMPs are needed; and
- Visual inspection of equipment needed to implement the SWPPP.

The Annual Site Compliance Inspection will be documented, as follows:

- Identification of personnel performing the evaluation
- The date(s) of the evaluation
- Findings of the evaluation
- Recommended modifications to the SWPPP

- Schedule for implementing SWPPP revisions

Any incidents of non-compliance and corrective actions taken

7.2 Employee Training

7.2.1 Purpose

Key staff should be aware of pollution prevention goals and be trained to recognize and correct potential sources of pollution.

7.2.2 Requirements

7.2.3 Biannual Training

The City will maintain a record of biannual training of the facility staff. Training shall be provided on the following topics.

1. Identification and reporting of illicit discharges.
2. Good housekeeping and pollution prevention practices.
3. Spill prevention and response.

Identification and reporting of illicit discharges training will be conducted by the Facility Manager or their designee. This training will include good housekeeping and pollution prevention practices and spill prevention and response, as required by the MS4 Permit.

7.2.4 Certifications

The City will maintain a record of certifications for all employees, and require that contractors, who apply pesticides and herbicides are properly trained or certified in accordance with the Virginia Pesticide Control Act.

The City will require and maintain a record of all employees or contractors serving as plan reviewers, inspectors, program administrators, or construction site operators to obtain appropriate certifications, wherever required under the Virginia Erosion and Sediment Control and Stormwater Management Program Laws and their attendant regulations.

7.3 Plan Revision/Correction of Deficiencies

The SWPPP will be reviewed and revised, if needed, on a continuous basis and at a minimum annually during the site compliance evaluation. Revisions to the SWPPP will be completed within 30 days following the annual site compliance inspection. If existing BMPs need to be modified or if additional BMPs are necessary, implementation will be completed before the next anticipated storm event, if practicable, but not more than 60 days after completion of the comprehensive site evaluation.

Additional reviews will be conducted under any of the following conditions:

- Construction or a change in design, operation, or maintenance at the facility has a significant effect on the discharge, or potential for the discharge, of pollutants from the facility.
- Routine inspections or compliance evaluations determine that there are deficiencies in the BMPs.
- Inspections by local, state, or federal officials determine that modifications to the SWPPP are necessary.
- There is a spill, leak, or other release at the facility.
- An unauthorized discharge is released from the facility.
- A Total Maximum Daily Load (TMDL) has been developed that applies to the facility.

The SWPPP will be revised upon recommendations in the annual compliance report or under other circumstances listed above. The SWPPP will be updated to incorporate the above activities within 30 days, and any changes in management practices will be implemented before the next storm event and in no later than 60 days. The amount of time taken to modify a BMP or implement additional BMPs will be documented in the SWPPP. If a SWPPP modification is based on a release or unauthorized discharge, the following information will be documented in the SWPPP:

- Description and date of the release.
- Circumstances leading to the release.
- Actions taken in response to the release.
- Measures to prevent the recurrence of such releases.

8.0 PLAN REVIEW

The SWPPP, including revisions to the SWPPP to document any corrective actions shall be signed, dated, and retained on-site. All other changes to the SWPPP, and other permit compliance documentation, shall be signed and dated by the person preparing the documentation.

SWPPP Review Date and Signature: _____

Summarize changes or revisions below.

SWPPP Review Date and Signature: _____

Summarize changes or revisions below.

SWPPP Review Date and Signature: _____

Summarize changes or revisions below.

SWPPP Review Date and Signature: _____

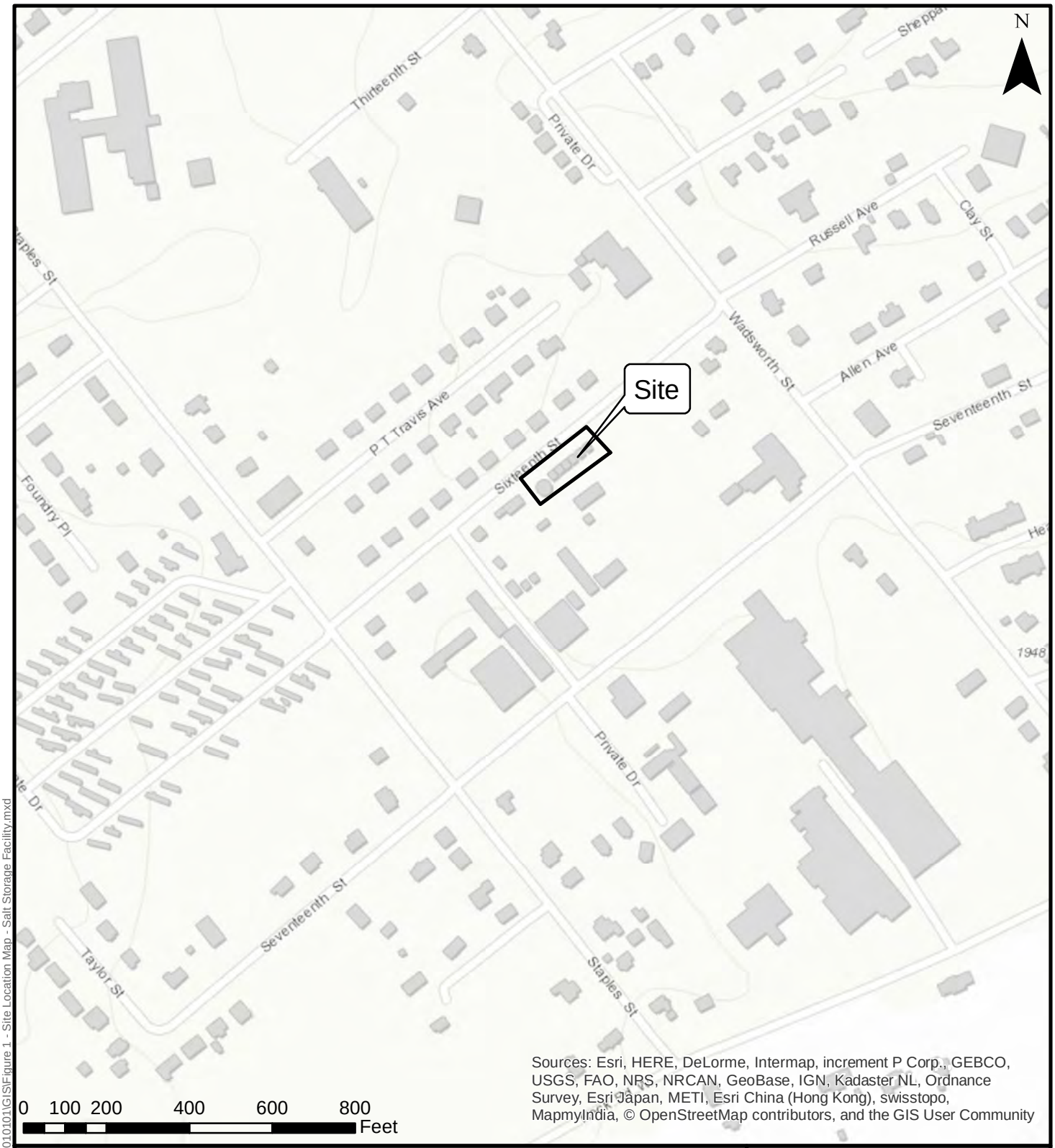
Summarize changes or revisions below.

SWPPP Review Date and Signature: _____

Summarize changes or revisions below.

Appendix A

Figures



Site Location Map

City of Radford Salt Storage Facility
699 Seventeenth Street, Radford, VA 24141

SCALE: 1" = 4000'

PROJECT: 17010547-010101

Draper Aden Associates
Engineering ◆ Surveying ◆ Environmental Services

2206 South Main Street
Blacksburg, VA 24060
540-552-0444 Fax: 540-552-0291

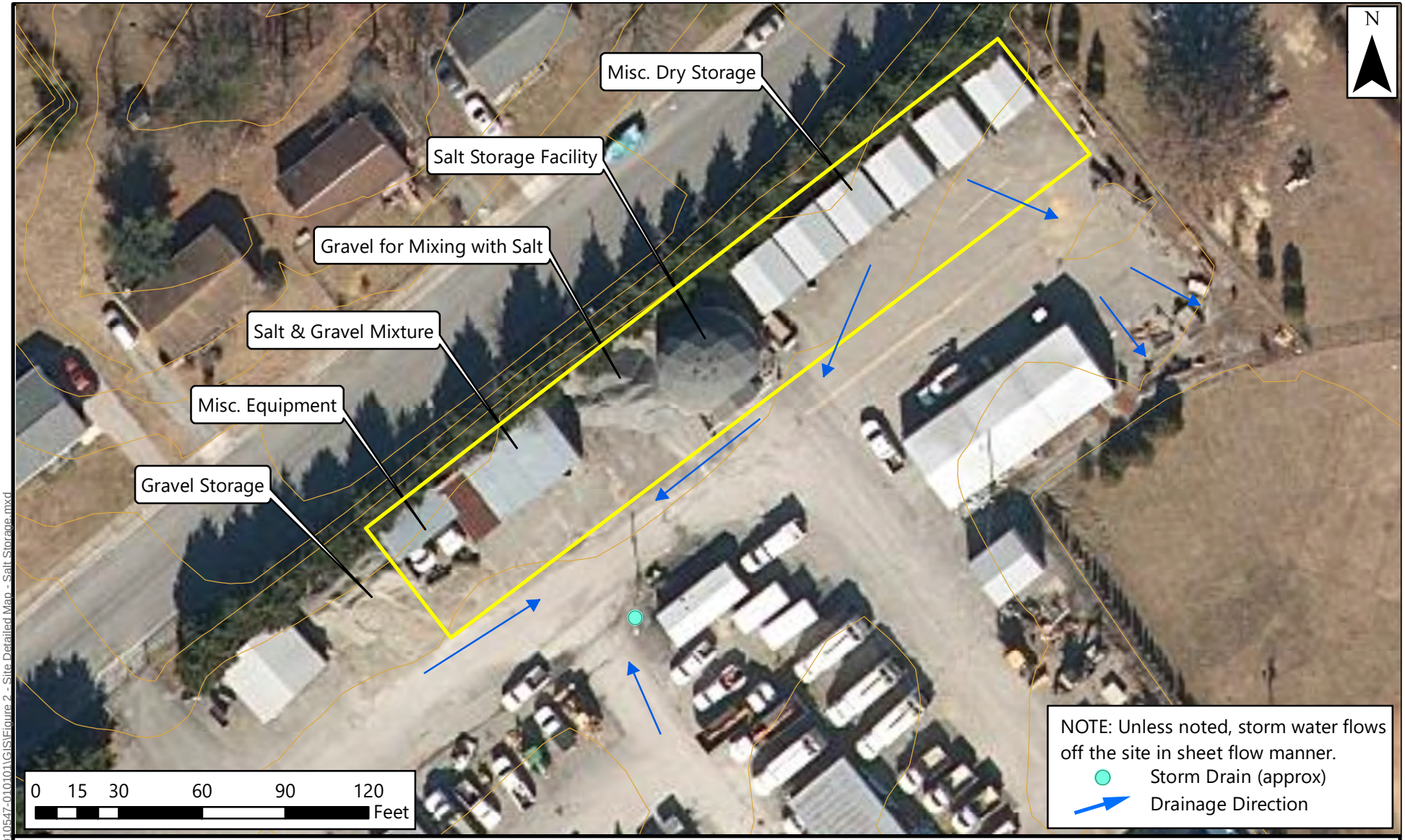
Richmond, VA
Charlottesville, VA
Hampton Roads, VA

Raleigh, NC
Fayetteville, NC
Northern Virginia

DESIGNED: KLV
DRAWN: KLV
CHECKED: SN
DATE: 12-7-17

FIGURE
1

Path: P:\2017\17010500\17010547\17010547-010101\GIS\Figure 1 - Site Location Map - Salt Storage Facility.mxd



Site Detailed Map

City of Radford Salt Storage Facility
699 Seventeenth Street, Radford, VA 24141

Draper Aden Associates
Engineering ◆ Surveying ◆ Environmental Services
2206 South Main Street
Blacksburg, VA 24060
540-552-0444 Fax: 540-552-0291
Richmond, VA
Charlottesville, VA
Hampton Roads, VA
Raleigh, NC
Fayetteville, NC
Northern Virginia

DESIGNED: KLV
DRAWN: KLV
CHECKED: SN
DATE: 11-27-17

SCALE: 1:600

PROJECT: 17010547-010101

FIGURE
2

Path: P:\2017\17010500\17010547\17010547-010101\GIS\Figure 2 - Site Detailed Map - Salt Storage.mxd

Appendix B

Forms

Form 1
The City of Radford Inspection Checklist

Date: _____ **Time:** _____ **Inspector:** _____

Facility Name and Location: _____

Description of Activities: _____ **Receiving Waterway:** _____

Salt Storage		**Comments**
	All hazardous materials stored and properly labeled	
	Storage containers maintained in good condition	
	Recycling of used paints, paint thinner, and solvents	
	Hazardous materials stored properly without evidence of spills	
	Inventory of materials maintained onsite & Material Safety Data sheets	
	Container labels can be easily read; containers are properly labeled	

Facilities Storage		**Comments**
	All hazardous materials stored and properly labeled	
	Storage containers maintained in good condition	
	Chemicals are stored with compatible chemicals	
	Container labels can be easily read; containers are properly labeled	
	Recycling of used paints, paint thinner, and solvents	
	Hazardous materials stored properly without evidence of spills	
	Inventory of materials maintained onsite & Material Safety Data sheets	

General Site		**Comments**
	Emergency Response Plan onsite	
	Employees trained for emergency procedures	
	Material Safety Data sheets maintained in a convenient location for emergency response	
	Stockpiles properly maintained to prevent runoff	
	Proper litter control (container lids are closed, containers are upright)	
	Vegetated areas properly maintained and erosion-free	
	Site is routinely inspected for indication of illicit discharges	

Other Comments and /or Observations:

FORM 2

Post-Spill Discharge Review

City of Radford

Date:	Time:
Reported By:	Reported To:
Substance Spilled:	
Estimated Quantity Spilled:	
Sketch spill location and flow:	
Describe how the spill occurred:	
Describe the response actions taken:	
Spill Supplies Restocked:	Yes ☐ No ☐
Revisions to the response actions required (if yes, describe and identify change in the SWPPP):	Yes ☐ No ☐

Signature: _____ Date: _____

FORM 3

Significant Spills and Leaks

City of Radford

Date	Material Released	Description of Release	Circumstances Leading to the Release

Form 4
Annual Comprehensive Compliance Evaluation
City of Radford

1) Name of Building or Operation: _____

2) Facility Representative: _____

Position: _____ Phone No.: _____

	YES	NO	N/A
a) Facility's SWPPP is easily accessible in each building?	☐	☐	☐
b) Awareness of SWPPP by facility personnel? (Random survey of onsite employees.) # Employees Surveyed _____	☐	☐	☐
c) Assessment Checklist (page 2 of 2) is completed?	☐	☐	☐
d) Was any stormwater pollution prevention training conducted during the year? If yes, provide records in Appendix C.	☐	☐	☐
e) Were non-stormwater discharge visual observations conducted? List Dates: _____	☐	☐	☐
f) Were stormwater discharge visual observations conducted? List Dates: _____	☐	☐	☐

Evaluation Notes: _____

_____

_____

_____

Corrective Measures Recommended: _____

_____

_____

_____

Evaluation Conducted By: _____ Date: _____

This completed evaluation was reviewed with me on: _____ (Date)

Facility Representative (printed name and title): _____

Facility Representative (signature): _____

Stormwater Assessment Checklist

Activities – Check each activity present at the site.	Effectiveness Rating*				
	NO	SO	MO	SC	VE
Salt Storage					
1. Storage building is clean and in good condition.					
2. Spill kits with booms to contained spilled materials are mounted.					
3. All materials are properly stored with no spills.					
4. Storage containers are labeled with material contents.					
5. Material Safety Data Sheets are available and periodically reviewed for products stored onsite.					
Parking Areas					
1. Dumpsters and trash cans are covered.					
2. Drip pans, containers, or absorbent pads are used under items that may drip.					
3. "Parts only" vehicles are drained of all fluids.					
4. Spills or leaks are contained; absorbent materials are used to clean them up.					
5. Parking lots and/or other paved surface areas are vacuum-swept regularly.					
6. Drainage inlets are routinely cleaned.					
Waste Handling and Disposal					
1. Usage and disposal inventory is used to limit waste generation.					
2. Materials are recycled whenever possible.					
3. Wastes are segregated and separated.					
4. Waste materials are stored indoors or in a covered are not exposed to rainwater.					
5. Hazardous materials are stored in storage lockers with spill containment, where appropriate.					
General Building and Grounds					
1. Good housekeeping practices are implemented throughout the facility.					
2. Employees are trained to understand and follow the SOPs, SPCC Plan, and SWPPP.					

**NO = No BMPs used and stormwater pollution likely.*
SO = Some BMPs used but not effective.
MO = Some BMPs used and moderately effective.
SC= Source-control BMPs used and very effective/structural BMPs needed.
VE = All necessary BMPs used and very effective.

Appendix C

Training Documentation

Annual SWPPP Training

City of Radford – VAR040135

Date: _____

Time: _____

Name	Company	Signature

Topics Discussed:

Appendix D

General Permit

COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

General Permit No.: VAR040135

Effective Date: July 1, 2013

Expiration Date: June 30, 2018

GENERAL PERMIT FOR DISCHARGES OF STORMWATER FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA STORMWATER MANAGEMENT PROGRAM AND THE VIRGINIA STORMWATER MANAGEMENT ACT

In compliance with the provisions of the Clean Water Act, as amended and pursuant to the Virginia Stormwater Management Act and regulations adopted pursuant thereto, this state permit authorizes operators of small municipal separate storm sewer systems to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those waters specifically named in State Water Control Board and Virginia Soil and Water Conservation Board regulations which prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Section I – Discharge Authorization and Special Conditions, Section II – MS4 Program and Section III – Conditions Applicable To All State Permits, as set forth herein. The operator shall utilize all legal authority provided by the laws and regulations of the Commonwealth of Virginia to control discharges to and from the MS4. This legal authority may be a combination of statute, ordinance, permit, specific contract language, order or interjurisdictional agreements.

9VAC25-890-40. General permit.

Any operator whose registration statement is accepted by the department will receive coverage under the following state permit and shall comply with the requirements therein and be subject to all applicable requirements of the Virginia Stormwater Management Act (Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia) and the Virginia Stormwater Management Program (VSMP) Regulations (9VAC25-870).

General Permit No.: VAR04

Effective Date: July 1, 2013

Expiration Date: June 30, 2018

GENERAL VPDES PERMIT FOR DISCHARGES OF STORMWATER FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA STORMWATER MANAGEMENT PROGRAM AND THE VIRGINIA STORMWATER MANAGEMENT ACT

In compliance with the provisions of the Clean Water Act, as amended and pursuant to the Virginia Stormwater Management Act and regulations adopted pursuant thereto, this state permit authorizes operators of small municipal separate storm sewer systems to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those waters specifically named in State Water Control Board regulations which prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Section I—Discharge Authorization and Special Conditions, Section II—MS4 Program and Section III—Conditions Applicable To All State Permits, as set forth herein. The operator shall utilize all legal authority provided by the laws and regulations of the Commonwealth of Virginia to control discharges to and from the MS4. This legal authority may be a combination of statute, ordinance, permit, specific contract language, order or interjurisdictional agreements.

For operators of small MS4s that are applying for initial coverage under this general permit, the schedule to develop and implement the MS4 Program Plan shall be submitted with the completed registration statement.

For operators that have previously held MS4 state permit coverage, the operator shall update the MS4 Program Plan in accordance with the following schedule. Until such time as the required updates are completed and implemented, the operator shall continue to implement the MS4 Program consistent with the MS4 Program Plan submitted with the registration statement.

Table 1: Schedule of MS4 Program Plan Updates Required in this Permit		
Program Update Requirement	Permit Reference	Update Completed By
Public Education Outreach Plan (Minimum Control Measure 1 – Public Education and Outreach on Stormwater Impacts)	Section II B 1	12 months after permit coverage
Illicit Discharge Procedures - (Minimum Control Measure 3 – Illicit Discharge Detection and Elimination)	Section II B 3	
Individual Residential Lot Special Criteria (Minimum Control Measure 5 – Post-Construction Stormwater	Section II B 5 c (1) (d)	

Management in New Development and Development on Prior Developed Lands)		
Operator-Owned Stormwater Management Inspection Procedures (Minimum Control Measure 5 – Post-Construction Stormwater Management in New Development and Development on Prior Developed Lands)	Section II B 5	
Identification of Locations Requiring SWPPPs (Minimum Control Measure 6 – Pollution Prevention/Good Housekeeping for Municipal Operations)	Section II B 6 b	
Nutrient Management Plan (NMP) Locations - (Minimum Control Measure 6 – Pollution Prevention/Good Housekeeping for Municipal Operations)	Section II B 6 c (1) (a)	
Training Schedule and Program - (Minimum Control Measure 6 – Pollution Prevention/Good Housekeeping for Municipal Operations)	Section II B 6	
Updated TMDL Action Plans (TMDLs approved before July of 2008) – (Special Conditions for Approved Total Maximum Daily Loads (TMDL) Other Than Chesapeake Bay)	Section I B	
Chesapeake Bay TMDL Action Plan – (Special Condition for Chesapeake Bay TMDL)	Section I C	24 months after permit coverage
Stormwater Management Progressive Compliance and Enforcement – (Minimum Control Measure 4 - Construction Site Stormwater Runoff Control)	Section II B 5	
Daily Good Housekeeping Procedures (Minimum Control Measure 6 – Pollution Prevention/Good Housekeeping for Municipal Operations)	Section II B 6 a	
Other TMDL Action Plans for applicable TMDLs approved between July 2008 and June 2013 - (Special Conditions for Approved Total Maximum Daily Loads (TMDL) Other Than Chesapeake Bay)	Section I B	36 months after permit coverage
Outfall Map Completed - (Minimum Control Measure 3 – Illicit Discharge Detection and Elimination) – Applicable to new boundaries identified as "urbanized" areas in the 2010 Decennial Census	Section II B 3 a (3)	48 months after permit coverage
SWPPP Implementation - (Minimum Control Measure 6 – Pollution Prevention/Good Housekeeping for Municipal Operations)	Section II B 6 b (3)	
NMP Implementation - (Minimum Control Measure 6 – Pollution Prevention/Good Housekeeping for Municipal Operations)	Section II B 6 c (1) (b)	60 months after permit coverage
*Updates should be submitted with the appropriate annual report.		

SECTION I

DISCHARGE AUTHORIZATION AND SPECIAL CONDITIONS

A. Coverage under this state permit. During the period beginning with the date of coverage under this general permit and lasting until the expiration and reissuance of this state permit, the operator is authorized to discharge in accordance with this state permit from the small municipal separate storm sewer system identified in the registration statement into surface waters within the boundaries of the Commonwealth of Virginia and consistent with 9VAC25-890-30.

B. Special conditions for approved total maximum daily loads (TMDL) other than the Chesapeake Bay TMDL. An approved TMDL may allocate an applicable wasteload to a small MS4 that identifies a pollutant or pollutants for which additional stormwater controls are necessary for the surface waters to meet water quality standards. The MS4 operator shall address the pollutants in accordance with this special condition where the MS4 has been allocated a wasteload in an approved TMDL.

1. The operator shall maintain an updated MS4 Program Plan that includes a specific TMDL Action Plan for pollutants allocated to the MS4 in approved TMDLs. TMDL Action Plans may be implemented in multiple phases over more than one state permit cycle using the adaptive iterative approach provided adequate progress to reduce the pollutant discharge in a manner consistent with the assumptions and requirements of the specific TMDL wasteload is demonstrated in accordance with subdivision 2 e of this subsection. These TMDL Actions Plans shall identify the best management practices and other interim milestone activities to be implemented during the remaining terms of this state permit.

a. In accordance with Table 1, the operator shall update the MS4 Program Plans to address any new or modified requirements established under this special condition for pollutants identified in TMDL wasteload allocations approved prior to July 9, 2008.

b. In accordance with Table 1, the operator shall update the MS4 Program Plan to incorporate approvable TMDL Action Plans that identify the best management practices and other interim milestone activities that will be implemented during the remaining term of this permit for pollutants identified in TMDL wasteload allocations approved either on or after July 9, 2008, and prior to issuance of this permit.

c. Unless specifically denied in writing by the department, TMDL Action Plans and updates developed in accordance with this section become effective and enforceable 90 days after the date received by the department.

2. The operator shall:

a. Develop and maintain a list of its legal authorities such as ordinances, state and other permits, orders, specific contract language, and interjurisdictional agreements applicable to reducing the pollutant identified in each applicable WLA;

b. Identify and maintain an updated list of all additional management practices, control techniques and system design and engineering methods, beyond those identified in Section II B, that have been implemented as part of the MS4 Program Plan that are applicable to reducing the pollutant identified in the WLA;

c. Enhance its public education and outreach and employee training programs to also promote methods to eliminate and reduce discharges of the pollutants identified in the WLA;

d. Assess all significant sources of pollutant(s) from facilities of concern owned or operated by the MS4 operator that are not covered under a separate VPDES permit and identify all municipal facilities that may be a significant source of the identified pollutant. For the purposes of this assessment, a significant source of pollutant(s) from a facility of concern means a discharge where the expected pollutant loading is greater than the average pollutant loading for the land use identified in the TMDL. (For example, a significant source of pollutant from a facility of concern for a bacteria TMDL would be expected to be greater at a dog park than at other recreational facilities where dogs are prohibited);

e. Develop and implement a method to assess TMDL Action Plans for their effectiveness in reducing the pollutants identified in the WLAs. The evaluation shall use any newly available information, representative and adequate water quality monitoring results, or modeling tools to estimate pollutant reductions for the pollutant or pollutants of concern from implementation of the MS4 Program Plan. Monitoring may include BMP, outfall, or in-stream monitoring, as appropriate, to estimate pollutant reductions. The operator may conduct monitoring, utilize existing data, establish partnerships, or collaborate with other MS4 operators or other third parties, as appropriate. This evaluation shall include assessment of the facilities identified in subdivision 2 d of this subsection. The methodology used for assessment shall be described in the TMDL Action Plan.

3. Analytical methods for any monitoring shall be conducted according to procedures approved under 40 CFR Part 136 or alternative methods approved by the Environmental Protection Agency (EPA). Where an approved method does not exist, the operator must use a method consistent with the TMDL.

4. The operator is encouraged to participate as a stakeholder in the development of any TMDL implementation plans applicable to their discharge. The operator may incorporate applicable best management practices identified in the TMDL implementation plan in the MS4 Program Plan or may choose to implement BMPs of equivalent design and efficiency provided that the rationale for any substituted BMP is provided and the substituted BMP is consistent with the assumptions and requirements of the TMDL WLA.

5. Annual reporting requirements.

a. The operator shall submit the required TMDL Action Plans with the appropriate annual report and in accordance with the associated schedule identified in this state permit.

b. On an annual basis, the operator shall report on the implementation of the TMDL Action Plans and associated evaluation including the results of any monitoring conducted as part of the evaluation.

6. The operator shall identify the best management practices and other steps that will be implemented during the next state permit term as part of the operator's reapplication for coverage as required under Section III M.

7. For planning purposes, the operator shall include an estimated end date for achieving the applicable wasteload allocations as part of its reapplication package due in accordance with Section III M.

C. Special condition for the Chesapeake Bay TMDL. The Commonwealth in its Phase I and Phase II Chesapeake Bay TMDL Watershed Implementation Plans (WIP) committed to a phased approach for MS4s, affording MS4 operators up to

three full five-year permit cycles to implement necessary reductions. This permit is consistent with the Chesapeake Bay TMDL and the Virginia Phase I and II WIPs to meet the Level 2 (L2) scoping run for existing developed lands as it represents an implementation of 5.0% of L2 as specified in the 2010 Phase I WIP. Conditions of future permits will be consistent with the TMDL or WIP conditions in place at the time of permit issuance.

1. Definitions. The following definitions apply to this state permit for the purpose of the special condition for discharges in the Chesapeake Bay Watershed:

"Existing sources" means pervious and impervious urban land uses served by the MS4 as of June 30, 2009.

"New sources" means pervious and impervious urban land uses served by the MS4 developed or redeveloped on or after July 1, 2009.

"Pollutants of concern" or "POC" means total nitrogen, total phosphorus, and total suspended solids.

"Transitional sources" means regulated land disturbing activities that are temporary in nature and discharge through the MS4.

2. Chesapeake Bay TMDL planning.

a. In accordance with Table 1, the operator shall develop and submit to the department for its review and acceptance an approvable Chesapeake Bay TMDL Action Plan. Unless specifically denied in writing by the department, this plan becomes effective and enforceable 90 days after the date received by the department. The plan shall include:

(1) A review of the current MS4 program implemented as a requirement of this state permit including a review of the existing legal authorities and the operator's ability to ensure compliance with this special condition;

(2) The identification of any new or modified legal authorities such as ordinances, state and other permits, orders, specific contract language, and interjurisdictional agreements implemented or needing to be implemented to meet the requirements of this special condition;

(3) The means and methods that will be utilized to address discharges into the MS4 from new sources;

(4) An estimate of the annual POC loads discharged from the existing sources as of June 30, 2009, based on the 2009 progress run. The operator shall utilize the applicable versions of Tables 2 a-d in this section based on the river basin to which the MS4 discharges by multiplying the total existing acres served by the MS4 on June 30, 2009, and the 2009 Edge of Stream (EOS) loading rate:

Table 2 a: Calculation Sheet for Estimating Existing Source Loads for the James River Basin
***Based on Chesapeake Bay Program Watershed Model Phase 5.3.2**

Subsource	Pollutant	Total Existing Acres Served by MS4 (6/30/09)	2009 EOS Loading Rate (lbs/acre)	Estimated Total POC Load Based on 2009 Progress Run
Regulated Urban Impervious	Nitrogen		9.39	
			6.99	

Regulated Urban Pervious				
Regulated Urban Impervious	Phosphorus		1.76	
Regulated Urban Pervious			0.5	
Regulated Urban Impervious	Total Suspended Solids		676.94	
Regulated Urban Pervious			101.08	

Table 2 b: Calculation Sheet for Estimating Existing Source Loads for the Potomac River Basin *Based on Chesapeake Bay Program Watershed Model Phase 5.3.2				
Subsource	**Pollutant**	**Total Existing Acres Served by MS4 (6/30/09)**	**2009 EOS Loading Rate (lbs/acre)**	**Estimated Total POC Load Based on 2009 Progress Run**
Regulated Urban Impervious	Nitrogen		16.86	
Regulated Urban Pervious			10.07	
Regulated Urban Impervious	Phosphorus		1.62	
Regulated Urban Pervious			0.41	
Regulated Urban Impervious	Total Suspended Solids		1,171.32	
Regulated Urban Pervious			175.8	

Table 2 c: Calculation Sheet for Estimating Existing Source Loads for the Rappahannock River Basin *Based on Chesapeake Bay Program Watershed Model Phase 5.3.2				
Subsource	**Pollutant**	**Total Existing Acres Served by MS4 (6/30/09)**	**2009 EOS Loading Rate (lbs/acre)**	**Estimated Total POC Load Based on 2009 Progress Run**
	Nitrogen		9.38	

Regulated Urban Impervious				
Regulated Urban Pervious			5.34	
Regulated Urban Impervious	Phosphorus		1.41	
Regulated Urban Pervious			0.38	
Regulated Urban Impervious	Total Suspended Solids		423.97	
Regulated Urban Pervious			56.01	

Table 2 d: Calculation Sheet for Estimating Existing Source Loads for the York River Basin *Based on Chesapeake Bay Program Watershed Model Phase 5.3.2				
Subsource	**Pollutant**	**Total Existing Acres Served by MS4 (6/30/09)**	**2009 EOS Loading Rate (lbs/acre)**	**Estimated Total POC Load Based on 2009 Progress Run**
Regulated Urban Impervious	Nitrogen		7.31	
Regulated Urban Pervious			7.65	
Regulated Urban Impervious	Phosphorus		1.51	
Regulated Urban Pervious			0.51	
Regulated Urban Impervious	Total Suspended Solids		456.68	
Regulated Urban Pervious			72.78	

(5) A determination of the total pollutant load reductions necessary to reduce the annual POC loads from existing sources utilizing the applicable versions of Tables 3 a-d in this section based on the river basin to which the MS4 discharges. This shall be calculated by multiplying the total existing acres served by the MS4 by the first permit cycle required reduction in loading rate. For the purposes of this determination, the operator shall utilize those existing acres identified by the 2000 U.S. Census Bureau urbanized area and served by the MS4.

Table 3 a: Calculation Sheet for Determining Total POC Reductions Required During this Permit Cycle for the James River Basin *Based on Chesapeake Bay Program Watershed Model Phase 5.3.2				

Subsource	Pollutant	Total Existing Acres Served by MS4 (6/30/09)	First Permit Cycle Required Reduction in Loading Rate (lbs/acre)	Total Reduction Required First Permit Cycle (lbs)
Regulated Urban Impervious	Nitrogen		0.04	
Regulated Urban Pervious			0.02	
Regulated Urban Impervious	Phosphorus		0.01	
Regulated Urban Pervious			0.002	
Regulated Urban Impervious	Total Suspended Solids		6.67	
Regulated Urban Pervious			0.44	

Table 3 b: Calculation Sheet for Determining Total POC Reductions Required During this Permit Cycle for the Potomac River Basin

***Based on Chesapeake Bay Program Watershed Model Phase 5.3.2**

Subsource	Pollutant	Total Existing Acres Served by MS4 (6/30/09)	First Permit Cycle Required Reduction in Loading Rate (lbs/acre)	Total Reduction Required First Permit Cycle (lbs)
Regulated Urban Impervious	Nitrogen		0.08	
Regulated Urban Pervious			0.03	
Regulated Urban Impervious	Phosphorus		0.01	
Regulated Urban Pervious			0.001	
Regulated Urban Impervious	Total Suspended Solids		11.71	
Regulated Urban Pervious			0.77	

Table 3 c: Calculation Sheet for Determining Total POC Reductions Required During this Permit Cycle for the Rappahannock River Basin

***Based on Chesapeake Bay Program Watershed Model Phase 5.3.2**

Subsource	Pollutant	Total Existing Acres Served by MS4 (6/30/09)	First Permit Cycle Required Reduction in Loading Rate (lbs/acre)	Total Reduction Required First Permit Cycle (lbs)
Regulated Urban Impervious	Nitrogen		0.04	
Regulated Urban Pervious			0.02	
Regulated Urban Impervious	Phosphorus		0.01	
Regulated Urban Pervious			0.002	
Regulated Urban Impervious	Total Suspended Solids		4.24	
Regulated Urban Pervious			0.25	

Table 3 d: Calculation Sheet for Determining Total POC Reductions Required During this Permit Cycle for the York River Basin *Based on Chesapeake Bay Program Watershed Model Phase 5.3.2				
Subsource	**Pollutant**	**Total Existing Acres Served by MS4 (6/30/09)**	**First Permit Cycle Required Reduction in Loading Rate (lbs/acre)**	**Total Reduction Required First Permit Cycle (lbs)**
Regulated Urban Impervious	Nitrogen		0.03	
Regulated Urban Pervious			0.02	
Regulated Urban Impervious	Phosphorus		0.01	
Regulated Urban Pervious			0.002	
Regulated Urban Impervious	Total Suspended Solids		4.60	
Regulated Urban Pervious			0.32	

(6) The means and methods, such as management practices and retrofit programs that will be utilized to meet the required reductions included in subdivision 2 a (5) of this subsection, and a schedule to achieve those reductions. The schedule should include annual benchmarks to demonstrate the ongoing progress in meeting those reductions;

(7) The means and methods to offset the increased loads from new sources initiating construction between July 1, 2009, and June 30, 2014, that disturb one acre or greater as a result of the utilization of an average land cover condition greater than 16% impervious cover for the design of post-development stormwater management facilities. The operator shall utilize Table 4 to develop the equivalent pollutant load for nitrogen and total suspended solids. The operator shall offset 5.0% of the calculated increased load from these new sources during the permit cycle.

(8) The means and methods to offset the increased loads from projects as grandfathered in accordance with 9VAC25-870-48, that disturb one acre or greater that begin construction after July 1, 2014, where the project utilizes an average land cover condition greater than 16% impervious cover in the design of post-development stormwater management facilities. The operator shall utilize Table 4 to develop the equivalent pollutant load for nitrogen and total suspended solids.

(9) The operator shall address any modification to the TMDL or watershed implementation plan that occurs during the term of this state permit as part of its permit reapplication and not during the term of this state permit.

Table 4: Ratio of Phosphorus Loading Rate to Nitrogen and Total Suspended Solids Loading Rates for Chesapeake Bay Basins

Ratio of Phosphorus to Other POCs (Based on All Land Uses 2009 Progress Run)	Phosphorus Loading Rate (lbs/acre)	Nitrogen Loading Rate (lbs/acre)	Total Suspended Solids Loading Rate (lbs/acre)
James River Basin	1.0	5.2	420.9
Potomac River Basin	1.0	6.9	469.2
Rappahannock River Basin	1.0	6.7	320.9
York River Basin	1.0	9.5	531.6

(10) A list of future projects and associated acreage that qualify as grandfathered in accordance with 9VAC25-870-48;

(11) An estimate of the expected costs to implement the requirements of this special condition during the state permit cycle; and

(12) An opportunity for receipt and consideration of public comment regarding the draft Chesapeake Bay TMDL Action Plan.

b. As part of development of the Chesapeake Bay TMDL Action Plan, the operator may consider:

(1) Implementation of BMPs on unregulated lands provided any necessary baseline reduction is not included toward meeting the required reduction in this permit;

(2) Utilization of stream restoration projects, provided that the credit applied to the required POC load reduction is prorated based on the ratio of regulated urban acres to total drainage acres upstream of the restored area;

(3) Establishment of a memorandum of understanding (MOU) with other MS4 operators that discharge to the same or adjacent eight digit hydrologic unit within the same basin to implement BMPs collectively. The MOU shall include a mechanism for dividing the POC reductions created by BMP implementation between the cooperative MS4s;

(4) Utilization of any pollutant trading or offset program in accordance with §§ 62.1-44.19:20 through 62.1-44.19:23 of the Code of Virginia, governing trading and offsetting;

(5) A more stringent average land cover condition based on less than 16% impervious cover for new sources initiating construction between July 1, 2009, and June 30, 2014, and all grandfathered projects where allowed by law; and

(6) Any BMPs installed after June 30, 2009, as part of a retrofit program may be applied towards meeting the required load reductions provided any necessary baseline reductions are not included.

3. Chesapeake Bay TMDL Action Plan implementation. The operator shall implement the TMDL Action Plan according to the schedule therein. Compliance with this requirement represents adequate progress for this state permit term towards achieving TMDL wasteload allocations consistent with the assumptions and requirements of the TMDL. For the purposes of this permit, the implementation of the following represents implementation to the maximum extent practicable and demonstrates adequate progress:

a. Implementation of nutrient management plans in accordance with the schedule identified in the minimum control measure in Section II related to pollution prevention/good housekeeping for municipal operations;

b. Implementation of the minimum control measure in Section II related to construction site stormwater runoff control in accordance with this state permit shall address discharges from transitional sources;

c. Implementation of the means and methods to address discharges from new sources in accordance with the minimum control measure in Section II related to post-construction stormwater management in new development and development of prior developed lands and in order to offset 5.0% of the total increase in POC loads between July 1, 2009, and June 30, 2014. Increases in the POC load from grandfathered projects initiating construction after July 1, 2014, must be offset prior to completion of the project; and

d. Implementation of means and methods sufficient to meet the required reductions of POC loads from existing sources in accordance with the Chesapeake Bay TMDL Action Plan.

4. Annual reporting requirements.

a. In accordance with Table 1, the operator shall submit the Chesapeake Bay Action Plan with the appropriate annual report.

b. Each subsequent annual report shall include a list of control measures implemented during the reporting period and the cumulative progress toward meeting the compliance targets for nitrogen, phosphorus, and total suspended solids.

c. Each subsequent annual report shall include a list of control measures, in an electronic format provided by the department, that were implemented during the reporting cycle and the estimated reduction achieved by the control. For stormwater management controls, the report shall include the information required in Section II B 5 e

and shall include whether an existing stormwater management control was retrofitted, and if so, the existing stormwater management control type retrofit used.

d. Each annual report shall include a list of control measures that are expected to be implemented during the next reporting period and the expected progress toward meeting the compliance targets for nitrogen, phosphorus, and total suspended solids.

5. The operator shall include the following as part of its reapplication package due in accordance with Section III M:

a. Documentation that sufficient control measures have been implemented to meet the compliance target identified in this special condition. If temporary credits or offsets have been purchased in order to meet the compliance target, the list of temporary reductions utilized to meet the required reduction in this state permit and a schedule of implementation to ensure the permanent reduction must be provided; and

b. A draft second phase Chesapeake Bay TMDL Action Plan designed to reduce the existing pollutant load as follows:

(1) The existing pollutant of concern loads by an additional seven times the required reductions in loading rates using the applicable Table 3 for sources included in the 2000 U.S. Census Bureau urbanized areas;

(2) The existing pollutant of concerns loads by an additional eight times the required reductions in loading rates using the applicable Table 3 for expanded sources identified in the U.S. Census Bureau 2010 urbanized areas;

(3) An additional 35% reduction in new sources developed between 2009 and 2014 and for which the land use cover condition was greater than 16%; and

(4) Accounts for any modifications to the applicable loading rate provided to the operator as a result of TMDL modification.

SECTION II

MUNICIPAL SEPARATE STORM SEWER SYSTEM MANAGEMENT PROGRAM

A. The operator of a small MS4 must develop, implement, and enforce a MS4 Program designed to reduce the discharge of pollutants from the small MS4 to the maximum extent practicable (MEP), to protect water quality, to ensure compliance by the operator with water quality standards, and to satisfy the appropriate water quality requirements of the Clean Water Act and its attendant regulations. The MS4 Program must include the minimum control measures described in paragraph B of this section. Implementation of best management practices consistent with the provisions of an iterative MS4 Program required pursuant to this section constitutes compliance with the standard of reducing pollutants to the "maximum extent practicable," protects water quality in the absence of a TMDL wasteload allocation, ensures compliance by the operator with water quality standards, and satisfies the appropriate water quality requirements of the Clean Water Act and regulations in the absence of a TMDL WLA. The requirements of this section and those special conditions set out in Section I B also apply where a WLA is applicable.

B. Minimum control measures.

NOTE regarding minimum control measures for public education and outreach on stormwater impacts and public involvement/participation: "Public" is not defined in this permit. However, the department concurs with the following EPA statement, which was published in the Federal Register, Volume 64, No. 235, page 68,750 on December 8, 1999, regarding

"public" and its applicability to MS4 programs: "EPA acknowledges that federal and state facilities are different from municipalities. EPA believes, however, that the minimum measures are flexible enough that they can be implemented by these facilities. As an example, DOD commentators asked about how to interpret the term "public" for military installations when implementing the public education measure. EPA agrees with the suggested interpretation of "public" for DOD facilities as "the resident and employee population within the fence line of the facility." The department recommends that nontraditional MS4 operators, such as state and federal entities and local school districts, utilize this statement as guidance when determining their applicable "public" for compliance with this permit.

1. Public education and outreach on stormwater impacts.

a. The operator shall continue to implement the public education and outreach program as included in the registration statement until the program is updated to meet the conditions of this state permit. Operators who have not previously held MS4 permit coverage shall implement this program in accordance with the schedule provided with the completed registration statement.

b. The public education and outreach program should be designed with consideration of the following goals:

(1) Increasing target audience knowledge about the steps that can be taken to reduce stormwater pollution, placing priority on reducing impacts to impaired waters and other local water pollution concerns;

(2) Increasing target audience knowledge of hazards associated with illegal discharges and improper disposal of waste, including pertinent legal implications; and

(3) Implementing a diverse program with strategies that are targeted towards audiences most likely to have significant stormwater impacts.

c. The updated program shall be designed to:

(1) Identify, at a minimum, three high-priority water quality issues, that contribute to the discharge of stormwater (e.g., Chesapeake Bay nutrients, pet wastes and local bacteria TMDLs, high-quality receiving waters, and illicit discharges from commercial sites) and a rationale for the selection of the three high-priority water quality issues;

(2) Identify and estimate the population size of the target audience or audiences who is most likely to have significant impacts for each high-priority water quality issue;

(3) Develop relevant message or messages and associated educational and outreach materials (e.g., various media such as printed materials, billboard and mass transit advertisements, signage at select locations, radio advertisements, television advertisements, websites, and social media) for message distribution to the selected target audiences while considering the viewpoints and concerns of the target audiences including minorities, disadvantaged audiences, and minors;

(4) Provide for public participation during public education and outreach program development;

(5) Annually conduct sufficient education and outreach activities designed to reach an equivalent 20% of each high-priority issue target audience. It shall not be considered noncompliance for failure to reach 20% of the target audience. However, it shall be a compliance issue if insufficient effort is made to annually reach a minimum of 20% of the target audience; and

(6) Provide for the adjustment of target audiences and messages including educational materials and delivery mechanisms to reach target audiences in order to address any observed weaknesses or shortcomings.

d. The operator may coordinate their public education and outreach efforts with other MS4 operators; however, each operator shall be individually responsible for meeting all of its state permit requirements.

e. Prior to application for continued state permit coverage required in Section III M, the operator shall evaluate the education and outreach program for:

(1) Appropriateness of the high-priority stormwater issues;

(2) Appropriateness of the selected target audiences for each high-priority stormwater issue;

(3) Effectiveness of the message or messages being delivered; and

(4) Effectiveness of the mechanism or mechanisms of delivery employed in reaching the target audiences.

f. The MS4 Program Plan shall describe how the conditions of this permit shall be updated in accordance with Table 1.

g. The operator shall include the following information in each annual report submitted to the department during this permit term:

(1) A list of the education and outreach activities conducted during the reporting period for each high-priority water quality issue, the estimated number of people reached, and an estimated percentage of the target audience or audiences that will be reached; and

(2) A list of the education and outreach activities that will be conducted during the next reporting period for each high-priority water quality issue, the estimated number of people that will be reached, and an estimated percentage of the target audience or audiences that will be reached.

2. Public involvement/participation.

a. Public involvement.

(1) The operator shall comply with any applicable federal, state, and local public notice requirements.

(2) The operator shall:

(a) Maintain an updated MS4 Program Plan. Any required updates to the MS4 Program Plan shall be completed at a minimum of once a year and shall be updated in conjunction with the annual report. The operator shall post copies of each MS4 program plan on its webpage at a minimum of once a year and within 30 days of submittal of the annual report to the department.

(b) Post copies of each annual report on the operator's web page within 30 days of submittal to the department and retain copies of annual reports online for the duration of this state permit; and

(c) Prior to applying for coverage as required by Section III M, notify the public and provide for receipt of comment of the proposed MS4 Program Plan that will be submitted with the registration statement. As part of the reapplication, the operator shall address how it considered the comments received in the development of its MS4 Program Plan. The operator shall give public notice by a method reasonably calculated to give actual notice of the

action in question to the persons potentially affected by it, including press releases or any other forum or medium to solicit public participation.

b. Public participation. The operator shall participate, through promotion, sponsorship, or other involvement, in a minimum of four local activities annually (e.g., stream cleanups; hazardous waste cleanup days; and meetings with watershed associations, environmental advisory committees, and other environmental organizations that operate within proximity to the operator's small MS4). The activities shall be aimed at increasing public participation to reduce stormwater pollutant loads; improve water quality; and support local restoration and clean-up projects, programs, groups, meetings, or other opportunities for public involvement.

c. The MS4 Program Plan shall include written procedures for implementing this program.

d. Each annual report shall include:

(1) A web link to the MS4 Program Plan and annual report; and

(2) Documentation of compliance with the public participation requirements of this section.

3. Illicit discharge detection and elimination.

a. The operator shall maintain an accurate storm sewer system map and information table and shall update it in accordance with the schedule set out in Table 1.

(1) The storm sewer system map must show the following, at a minimum:

(a) The location of all MS4 outfalls. In cases where the outfall is located outside of the MS4 operator's legal responsibility, the operator may elect to map the known point of discharge location closest to the actual outfall. Each mapped outfall must be given a unique identifier, which must be noted on the map; and

(b) The name and location of all waters receiving discharges from the MS4 outfalls and the associated HUC.

(2) The associated information table shall include for each outfall the following:

(a) The unique identifier;

(b) The estimated MS4 acreage served;

(c) The name of the receiving surface water and indication as to whether the receiving water is listed as impaired in the Virginia 2010 303(d)/305(b) Water Quality Assessment Integrated Report; and

(d) The name of any applicable TMDL or TMDLs.

(3) Within 48 months of coverage under this state permit, the operator shall have a complete and updated storm sewer system map and information table that includes all MS4 outfalls located within the boundaries identified as "urbanized" areas in the 2010 Decennial Census and shall submit the updated information table as an appendix to the annual report.

(4) The operator shall maintain a copy of the current storm sewer system map and outfall information table for review upon request by the public or by the department.

(5) The operator shall continue to identify other points of discharge. The operator shall notify in writing the downstream MS4 of any known physical interconnection.

b. The operator shall effectively prohibit, through ordinance or other legal mechanism, nonstormwater discharges into the storm sewer system to the extent allowable under federal, state, or local law, regulation, or ordinance. Categories of nonstormwater discharges or flows (i.e., illicit discharges) identified in 9VAC25-870-400 D 2 c (3) must be addressed only if they are identified by the operator as significant contributors of pollutants to the small MS4. Flows that have been identified in writing by the department as de minimis discharges are not significant sources of pollutants to surface water and do not require a VPDES permit.

c. The operator shall develop, implement, and update, when appropriate, written procedures to detect, identify, and address unauthorized nonstormwater discharges, including illegal dumping, to the small MS4. These procedures shall include:

(1) Written dry weather field screening methodologies to detect and eliminate illicit discharges to the MS4 that include field observations and field screening monitoring and that provide:

(a) A prioritized schedule of field screening activities determined by the operator based on such criteria as age of the infrastructure, land use, historical illegal discharges, dumping or cross connections.

(b) The minimum number of field screening activities the operator shall complete annually to be determined as follows: (i) if the total number of outfalls in the small MS4 is less than 50, all outfalls shall be screened annually or (ii) if the small MS4 has 50 or more total outfalls, a minimum of 50 outfalls shall be screened annually.

(c) Methodologies to collect the general information such as time since the last rain, the quantity of the last rain, site descriptions (e.g., conveyance type and dominant watershed land uses), estimated discharge rate (e.g., width of water surface, approximate depth of water, approximate flow velocity, and flow rate), and visual observations (e.g., order, color, clarity, floatables, deposits or stains, vegetation condition, structural condition, and biology).

(d) A time frame upon which to conduct an investigation or investigations to identify and locate the source of any observed continuous or intermittent nonstormwater discharge prioritized as follows: (i) illicit discharges suspected of being sanitary sewage or significantly contaminated must be investigated first and (ii) investigations of illicit discharges suspected of being less hazardous to human health and safety such as noncontact cooling water or wash water may be delayed until after all suspected sanitary sewage or significantly contaminated discharges have been investigated, eliminated, or identified. Discharges authorized under a separate VPDES or state permit require no further action under this permit.

(e) Methodologies to determine the source of all illicit discharges shall be conducted. If an illicit discharge is found, but within six months of the beginning of the investigation neither the source nor the same nonstormwater discharge has been identified, then the operator shall document such in accordance with Section II B 3 f. If the observed discharge is intermittent, the operator must document that a minimum of three separate investigations were made in an attempt to observe the discharge when it was flowing. If these attempts are unsuccessful, the operator shall document such in accordance with Section II B 3 f.

(f) Mechanisms to eliminate identified sources of illicit discharges including a description of the policies and procedures for when and how to use legal authorities.

(g) Methods for conducting a follow-up investigation in order to verify that the discharge has been eliminated.

(h) A mechanism to track all investigations to document: (i) the date or dates that the illicit discharge was observed and reported; (ii) the results of the investigation; (iii) any follow-up to the investigation; (iv) resolution of the investigation; and (v) the date that the investigation was closed.

d. The operator shall promote, publicize, and facilitate public reporting of illicit discharges into or from MS4s. The operator shall conduct inspections in response to complaints and follow-up inspections as needed to ensure that corrective measures have been implemented by the responsible party.

e. The MS4 Program Plan shall include all procedures developed by the operator to detect, identify, and address nonstormwater discharges to the MS4 in accordance with the schedule in Table 1. In the interim, the operator shall continue to implement the program as included as part of the registration statement until the program is updated to meet the conditions of this permit. Operators, who have not previously held MS4 permit coverage, shall implement this program in accordance with the schedule provided with the completed registration statement.

f. Annual reporting requirements. Each annual report shall include:

(1) A list of any written notifications of physical interconnection given by the operator to other MS4s;

(2) The total number of outfalls screened during the reporting period, the screening results, and detail of any follow-up actions necessitated by the screening results; and

(3) A summary of each investigation conducted by the operator of any suspected illicit discharge. The summary must include: (i) the date that the suspected discharge was observed, reported, or both; (ii) how the investigation was resolved, including any follow-up, and (iii) resolution of the investigation and the date the investigation was closed.

4. Construction site stormwater runoff control.

a. Applicable oversight requirements. The operator shall utilize its legal authority, such as ordinances, permits, orders, specific contract language, and interjurisdictional agreements, to address discharges entering the MS4 from the following land-disturbing activities:

(1) Land-disturbing activities as defined in § 62.1-44.15:51 of the Code of Virginia that result in the disturbance of 10,000 square feet or greater;

(2) Land-disturbing activities in jurisdictions in Tidewater Virginia, as defined in § 62.1-44.15:68 of the Code of Virginia, that disturb 2,500 square feet or greater and are located in areas designated as Resource Protection Areas (RPA), Resource Management Areas (RMA) or Intensely Developed Acres (IDA), pursuant to the Chesapeake Bay Preservation Area Designation and Management Regulations adopted pursuant to the Chesapeake Bay Preservation Act;

(3) Land-disturbing activities disturbing less than the minimum land disturbance identified in subdivision (1) or (2) above for which a local ordinance requires that an erosion and sediment control plan be developed; and

(4) Land-disturbing activities on individual residential lots or sections of residential developments being developed by different property owners and where the total land disturbance of the residential development is 10,000 square feet or greater. The operator may utilize an agreement in lieu of a plan as provided in § 62.1-44.15:55 of the Code of Virginia for this category of land disturbances.

b. Required plan approval prior to commencement of the land disturbing activity. The operator shall require that land disturbance not begin until an erosion and sediment control plan or an agreement in lieu of a plan as provided in § 62.1-44.15:55 is approved by a VESCP authority in accordance with the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq. of the Code of Virginia). The plan shall be:

(1) Compliant with the minimum standards identified in 9VAC25-840-40 of the Erosion and Sediment Control Regulations; or

(2) Compliant with department-approved annual standards and specifications. Where applicable, the plan shall be consistent with any additional or more stringent, or both, erosion and sediment control requirements established by state regulation or local ordinance.

c. Compliance and enforcement.

(1) The operator shall inspect land-disturbing activities for compliance with an approved erosion and sediment control plan or agreement in lieu of a plan in accordance with the minimum standards identified in 9VAC25-840-40 or with department-approved annual standards and specifications.

(2) The operator shall implement an inspection schedule for land-disturbing activities identified in Section II B 4 a as follows:

(a) Upon initial installation of erosion and sediment controls;

(b) At least once during every two-week period;

(c) Within 48 hours of any runoff-producing storm event; and

(d) Upon completion of the project and prior to the release of any applicable performance bonds.

Where an operator establishes an alternative inspection program as provided for in 9VAC25-840-60 B 2, the written schedule shall be implemented in lieu of Section II B 4 c (2) and the written plan shall be included in the MS4 Program Plan.

(3) Operator inspections shall be conducted by personnel who hold a certificate of competence in accordance with 9VAC25-850-40. Documentation of certification shall be made available upon request by the VESCP authority or other regulatory agency.

(4) The operator shall promote to the public a mechanism for receipt of complaints regarding regulated land-disturbing activities and shall follow up on any complaints regarding potential water quality and compliance issues.

(5) The operator shall utilize its legal authority to require compliance with the approved plan where an inspection finds that the approved plan is not being properly implemented.

(6) The operator shall utilize, as appropriate, its legal authority to require changes to an approved plan when an inspection finds that the approved plan is inadequate to effectively control soil erosion, sediment deposition, and runoff to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources.

(7) The operator shall require implementation of appropriate controls to prevent nonstormwater discharges to the MS4, such as wastewater, concrete washout, fuels and oils, and other illicit discharges identified during land-disturbing activity inspections of the MS4. The discharge of nonstormwater discharges other than those identified in 9VAC25-890-20 through the MS4 is not authorized by this state permit.

(8) The operator may develop and implement a progressive compliance and enforcement strategy provided that such strategy is included in the MS4 Program Plan and is consistent with 9VAC25-840.

d. Regulatory coordination. The operator shall implement enforceable procedures to require that large construction activities as defined in 9VAC25-870-10 and small construction activities as defined in 9VAC25-870-10, including municipal construction activities, secure necessary state permit authorizations from the department to discharge stormwater.

e. MS4 Program requirements. The operator's MS4 Program Plan shall include:

(1) A description of the legal authorities utilized to ensure compliance with the minimum control measure in Section II related to construction site stormwater runoff control such as ordinances, permits, orders, specific contract language, and interjurisdictional agreements;

(2) Written plan review procedures and all associated documents utilized in plan review;

(3) For the MS4 operators who obtain department-approved standards and specifications, a copy of the current standards and specifications;

(4) Written inspection procedures and all associated documents utilized during inspection including the inspection schedule;

(5) Written procedures for compliance and enforcement, including a progressive compliance and enforcement strategy, where appropriate; and

(6) The roles and responsibilities of each of the operator's departments, divisions, or subdivisions in implementing the minimum control measure in Section II related to construction site stormwater runoff control. If the operator utilizes another entity to implement portions of the MS4 Program Plan, a copy of the written agreement must be retained in the MS4 Program Plan. The description of each party's roles and responsibilities, including any written agreements with third parties, shall be updated as necessary.

Reference may be made to any listed requirements in this subdivision provided the location of where the reference material can be found is included and the reference material is made available to the public upon request.

f. Reporting requirements. The operator shall track regulated land-disturbing activities and submit the following information in all annual reports:

(1) Total number of regulated land-disturbing activities;

(2) Total number of acres disturbed;

(3) Total number of inspections conducted; and

(4) A summary of the enforcement actions taken, including the total number and type of enforcement actions taken during the reporting period.

5. Post-construction stormwater management in new development and development on prior developed lands.

a. Applicable oversight requirements. The operator shall address post-construction stormwater runoff that enters the MS4 from the following land-disturbing activities:

(1) New development and development on prior developed lands that are defined as large construction activities or small construction activities in 9VAC25-870-10;

(2) New development and development on prior developed lands that disturb greater than or equal to 2,500 square feet, but less than one acre, located in a Chesapeake Bay Preservation Area designated by a local government located in Tidewater, Virginia, as defined in § 62.1-44.15:68 of the Code of Virginia; and

(3) New development and development on prior developed lands where an applicable state regulation or local ordinance has designated a more stringent regulatory size threshold than that identified in subdivision (1) or (2) above.

b. Required design criteria for stormwater runoff controls. The operator shall utilize legal authority, such as ordinances, permits, orders, specific contract language, and interjurisdictional agreements, to require that activities identified in Section II B 5 a address stormwater runoff in such a manner that stormwater runoff controls are designed and installed:

(1) In accordance with the appropriate water quality and water quantity design criteria as required in Part II (9VAC25-870-40 et seq.) of 9VAC25-870;

(2) In accordance with any additional applicable state or local design criteria required at project initiation; and

(3) Where applicable, in accordance with any department-approved annual standards and specifications.

Upon board approval of a Virginia Stormwater Management Program authority (VSMP Authority) as defined in § 62.1-44.15:24 of the Code of Virginia and reissuance of the Virginia Stormwater Management Program (VSMP) General Permit for Discharges of Stormwater from Construction Activities, the operator shall require that stormwater management plans are approved by the appropriate VSMP Authority prior to land disturbance. In accordance with § 62.1-44.15:27 M of the Code of Virginia, VSMPs shall become effective July 1, 2014, unless otherwise specified by state law or by the board.

c. Inspection, operation, and maintenance verification of stormwater management facilities.

(1) For stormwater management facilities not owned by the MS4 operator, the following conditions apply:

(a) The operator shall require adequate long-term operation and maintenance by the owner of the stormwater management facility by requiring the owner to develop a recorded inspection schedule and maintenance agreement to the extent allowable under state or local law or other legal mechanism;

(b) The operator or his designee shall implement a schedule designed to inspect all privately owned stormwater management facilities that discharge into the MS4 at least once every five years to document that maintenance is being conducted in such a manner to ensure long-term operation in accordance with the approved designs.

(c) The operator shall utilize its legal authority for enforcement of maintenance responsibilities if maintenance is neglected by the owner. The operator may develop and implement a progressive compliance and enforcement strategy provided that the strategy is included in the MS4 Program Plan.

(d) Beginning with the issuance of this state permit, the operator may utilize strategies other than maintenance agreements such as periodic inspections, homeowner outreach and education, and other methods targeted at promoting the long-term maintenance of stormwater control measures that are designed to treat stormwater runoff solely from the individual residential lot. Within 12 months of coverage under this permit, the operator shall develop and implement these alternative strategies and include them in the MS4 Program Plan.

(2) For stormwater management facilities owned by the MS4 operator, the following conditions apply:

(a) The operator shall provide for adequate long-term operation and maintenance of its stormwater management facilities in accordance with written inspection and maintenance procedures included in the MS4 Program Plan.

(b) The operator shall inspect these stormwater management facilities annually. The operator may choose to implement an alternative schedule to inspect these stormwater management facilities based on facility type and expected maintenance needs provided that the alternative schedule is included in the MS4 Program Plan.

(c) The operator shall conduct maintenance on its stormwater management facilities as necessary.

d. MS4 Program Plan requirements. The operator's MS4 Program Plan shall be updated in accordance with Table 1 to include:

(1) A list of the applicable legal authorities such as ordinance, state and other permits, orders, specific contract language, and interjurisdictional agreements to ensure compliance with the minimum control measure in Section II related to post-construction stormwater management in new development and development on prior developed lands;

(2) Written policies and procedures utilized to ensure that stormwater management facilities are designed and installed in accordance with Section II B 5 b;

(3) Written inspection policies and procedures utilized in conducting inspections;

(4) Written procedures for inspection, compliance and enforcement to ensure maintenance is conducted on private stormwater facilities to ensure long-term operation in accordance with approved design;

(5) Written procedures for inspection and maintenance of operator-owned stormwater management facilities;

(6) The roles and responsibilities of each of the operator's departments, divisions, or subdivisions in implementing the minimum control measure in Section II related to post-construction stormwater management in new development and development on prior developed lands. If the operator utilizes another entity to implement portions of the MS4 Program Plan, a copy of the written agreement must be retained in the MS4 Program Plan. Roles and responsibilities shall be updated as necessary.

e. Stormwater management facility tracking and reporting requirements. The operator shall maintain an updated electronic database of all known operator-owned and privately-owned stormwater management facilities that discharge into the MS4. The database shall include the following:

(1) The stormwater management facility type;

(2) A general description of the facility's location, including the address or latitude and longitude;

(3) The acres treated by the facility, including total acres, as well as the breakdown of pervious and impervious acres;

(4) The date the facility was brought online (MM/YYYY). If the date is not known, the operator shall use June 30, 2005, as the date brought online for all previously existing stormwater management facilities;

(5) The sixth order hydrologic unit code (HUC) in which the stormwater management facility is located;

(6) The name of any impaired water segments within each HUC listed in the 2010 § 305(b)/303(d) Water Quality Assessment Integrated Report to which the stormwater management facility discharges;

(7) Whether the stormwater management facility is operator-owned or privately-owned;

(8) Whether a maintenance agreement exists if the stormwater management facility is privately owned; and

(9) The date of the operator's most recent inspection of the stormwater management facility.

In addition, the operator shall annually track and report the total number of inspections completed and, when applicable, the number of enforcement actions taken to ensure long-term maintenance.

The operator shall submit an electronic database or spreadsheet of all stormwater management facilities brought online during each reporting year with the appropriate annual report. Upon such time as the department provides the operators access to a statewide web-based reporting electronic database or spreadsheet, the operator shall utilize such database to complete the pertinent reporting requirements of this state permit.

6. Pollution prevention/good housekeeping for municipal operations.

a. Operations and maintenance activities. The MS4 Program Plan submitted with the registration statement shall be implemented by the operator until updated in accordance with this state permit. In accordance with Table 1, the operator shall develop and implement written procedures designed to minimize or prevent pollutant discharge from: (i) daily operations such as road, street, and parking lot maintenance; (ii) equipment maintenance; and (iii) the application, storage, transport, and disposal of pesticides, herbicides, and fertilizers. The written procedures shall be utilized as part of the employee training. At a minimum, the written procedures shall be designed to:

(1) Prevent illicit discharges;

(2) Ensure the proper disposal of waste materials, including landscape wastes;

(3) Prevent the discharge of municipal vehicle wash water into the MS4 without authorization under a separate VPDES permit;

(4) Prevent the discharge of wastewater into the MS4 without authorization under a separate VPDES permit;

(5) Require implementation of best management practices when discharging water pumped from utility construction and maintenance activities;

(6) Minimize the pollutants in stormwater runoff from bulk storage areas (e.g., salt storage, topsoil stockpiles) through the use of best management practices;

(7) Prevent pollutant discharge into the MS4 from leaking municipal automobiles and equipment; and

(8) Ensure that the application of materials, including fertilizers and pesticides, is conducted in accordance with the manufacturer's recommendations.

b. Municipal facility pollution prevention and good housekeeping.

(1) Within 12 months of state permit coverage, the operator shall identify all municipal high-priority facilities. These high-priority facilities shall include: (i) composting facilities, (ii) equipment storage and maintenance facilities, (iii) materials storage yards, (iv) pesticide storage facilities, (v) public works yards, (vi) recycling facilities, (vii) salt storage facilities, (viii) solid waste handling and transfer facilities, and (ix) vehicle storage and maintenance yards.

(2) Within 12 months of state permit coverage, the operator shall identify which of the municipal high-priority facilities have a high potential of discharging pollutants. Municipal high-priority facilities that have a high potential for discharging pollutants are those facilities identified in subsection (1) above that are not covered under a separate VPDES permit and which any of the following materials or activities occur and are expected to have exposure to stormwater resulting from rain, snow, snowmelt or runoff:

(a) Areas where residuals from using, storing or cleaning machinery or equipment remain and are exposed to stormwater;

(b) Materials or residuals on the ground or in stormwater inlets from spills or leaks;

(c) Material handling equipment (except adequately maintained vehicles);

(d) Materials or products that would be expected to be mobilized in stormwater runoff during loading/unloading or transporting activities (e.g., rock, salt, fill dirt);

(e) Materials or products stored outdoors (except final products intended for outside use where exposure to stormwater does not result in the discharge of pollutants);

(f) Materials or products that would be expected to be mobilized in stormwater runoff contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers;

(g) Waste material except waste in covered, non-leaking containers (e.g., dumpsters);

(h) Application or disposal of process wastewater (unless otherwise permitted); or

(i) Particulate matter or visible deposits of residuals from roof stacks, vents or both not otherwise regulated (i.e., under an air quality control permit) and evident in the stormwater runoff.

(3) The operator shall develop and implement specific stormwater pollution prevention plans for all high-priority facilities identified in subdivision 2 of this subsection. The operator shall complete SWPPP development and implementation shall be completed within 48 months of coverage under this state permit. Facilities covered under a separate VPDES permit shall adhere to the conditions established in that permit and are excluded from this requirement.

(4) Each SWPPP shall include:

(a) A site description that includes a site map identifying all outfalls, direction of flows, existing source controls, and receiving water bodies;

(b) A discussion and checklist of potential pollutants and pollutant sources;

(c) A discussion of all potential nonstormwater discharges;

(d) Written procedures designed to reduce and prevent pollutant discharge;

(e) A description of the applicable training as required in Section II B 6 d;

(f) Procedures to conduct an annual comprehensive site compliance evaluation;

(g) An inspection and maintenance schedule for site specific source controls. The date of each inspection and associated findings and follow-up shall be logged in each SWPPP;

(h) The contents of each SWPPP shall be evaluated and modified as necessary to accurately reflect any discharge, release, or spill from the high priority facility reported in accordance with Section III G. For each such discharge, release, or spill, the SWPPP must include the following information: date of incident; material discharged, released, or spilled; and quantity discharged, released or spilled; and

(i) A copy of each SWPPP shall be kept at each facility and shall be kept updated and utilized as part of staff training required in Section II B 6 d.

c. Turf and landscape management.

(1) The operator shall implement turf and landscape nutrient management plans that have been developed by a certified turf and landscape nutrient management planner in accordance with § 10.1-104.2 of the Code of Virginia on all lands owned or operated by the MS4 operator where nutrients are applied to a contiguous area greater than one acre. Implementation shall be in accordance with the following schedule:

(a) Within 12 months of state permit coverage, the operator shall identify all applicable lands where nutrients are applied to a contiguous area of more than one acre. A latitude and longitude shall be provided for each such piece of land and reported in the annual report.

(b) Within 60 months of state permit coverage, the operator shall implement turf and landscape nutrient management plans on all lands where nutrients are applied to a contiguous area of more than one acre. The following measurable outcomes are established for the implementation of turf and landscape nutrient management plans: (i) within 24 months of permit coverage, not less than 15% of all identified acres will be covered by turf and landscape nutrient management plans; (ii) within 36 months of permit coverage, not less than 40% of all identified acres will be covered by turf and landscape nutrient management plans; and (iii) within 48 months of permit coverage, not less than 75% of all identified acres will be covered by turf and landscape nutrient management plans. The operator shall not fail to meet the measurable goals for two consecutive years.

(c) MS4 operators with lands regulated under § 10.1-104.4 of the Code of Virginia shall continue to implement turf and landscape nutrient management plans in accordance with this statutory requirement.

(2) Operators shall annually track the following:

(a) The total acreage of lands where turf and landscape nutrient management plans are required; and

(b) The acreage of lands upon which turf and landscape nutrient management plans have been implemented.

(3) The operator shall not apply any deicing agent containing urea or other forms of nitrogen or phosphorus to parking lots, roadways, and sidewalks, or other paved surfaces.

d. Training. The operator shall conduct training for employees. The training requirements may be fulfilled, in total or in part, through regional training programs involving two or more MS4 localities provided; however, that each operator shall remain individually liable for its failure to comply with the training requirements in this permit.

Training is not required if the topic is not applicable to the operator's operations and therefore does not have applicable personnel provided the lack of applicability is documented in the MS4 Program Plan. The operator shall determine and document the applicable employees or positions to receive each type of training. The operator shall develop an annual written training plan including a schedule of training events that ensures implementation of the training requirements as follows:

(1) The operator shall provide biennial training to applicable field personnel in the recognition and reporting of illicit discharges.

(2) The operator shall provide biennial training to applicable employees in good housekeeping and pollution prevention practices that are to be employed during road, street, and parking lot maintenance.

(3) The operator shall provide biennial training to applicable employees in good housekeeping and pollution prevention practices that are to be employed in and around maintenance and public works facilities.

(4) The operator shall ensure that employees, and require that contractors, who apply pesticides and herbicides are properly trained or certified in accordance with the Virginia Pesticide Control Act (§ 3.2-3900 et seq. of the Code of Virginia).

(5) The operator shall ensure that employees and contractors serving as plan reviewers, inspectors, program administrators, and construction site operators obtain the appropriate certifications as required under the Virginia Erosion and Sediment Control Law and its attendant regulations.

(6) The operator shall ensure that applicable employees obtain the appropriate certifications as required under the Virginia Erosion and Sediment Control Law and its attendant regulations.

(7) The operators shall provide biennial training to applicable employees in good housekeeping and pollution prevention practices that are to be employed in and around recreational facilities.

(8) The appropriate emergency response employees shall have training in spill responses. A summary of the training or certification program provided to emergency response employees shall be included in the first annual report.

(9) The operator shall keep documentation on each training event including the training date, the number of employees attending the training, and the objective of the training event for a period of three years after each training event.

e. The operator shall require that municipal contractors use appropriate control measures and procedures for stormwater discharges to the MS4 system. Oversight procedures shall be described in the MS4 Program Plan.

f. At a minimum, the MS4 Program Plan shall contain:

(1) The written protocols being used to satisfy the daily operations and maintenance requirements;

(2) A list of all municipal high-priority facilities that identifies those facilities that have a high potential for chemicals or other materials to be discharged in stormwater and a schedule that identifies the year in which an individual SWPPP will be developed for those facilities required to have a SWPPP. Upon completion of a SWPPP, the SWPPP shall be part of the MS4 Program Plan. The MS4 Program Plan shall include the location in which the individual SWPPP is located;

(3) A list of lands where nutrients are applied to a contiguous area of more than one acre. Upon completion of a turf and landscape nutrient management plan, the turf and landscape nutrient management plan shall be part of the MS4 Program Plan. The MS4 Program Plan shall include the location in which the individual turf and landscape nutrient management plan is located; and

(4) The annual written training plan for the next reporting cycle.

g. Annual reporting requirements.

(1) A summary report on the development and implementation of the daily operational procedures;

(2) A summary report on the development and implementation of the required SWPPPs;

(3) A summary report on the development and implementation of the turf and landscape nutrient management plans that includes:

(a) The total acreage of lands where turf and landscape nutrient management plans are required; and

(b) The acreage of lands upon which turf and landscape nutrient management plans have been implemented; and

(4) A summary report on the required training, including a list of training events, the training date, the number of employees attending training and the objective of the training.

C. If an existing program requires the implementation of one or more of the minimum control measures of Section II B, the operator, with the approval of the board, may follow that program's requirements rather than the requirements of Section II B. A program that may be considered includes, but is not limited to, a local, state or tribal program that imposes, at a minimum, the relevant requirements of Section II B.

The operator's MS4 Program Plan shall identify and fully describe any program that will be used to satisfy one or more of the minimum control measures of Section II B.

If the program the operator is using requires the approval of a third party, the program must be fully approved by the third party, or the operator must be working towards getting full approval. Documentation of the program's approval status, or the progress towards achieving full approval, must be included in the annual report required by Section II E 3. The operator remains responsible for compliance with the permit requirements if the other entity fails to implement the control measures (or component thereof).

D. The operator may rely on another entity to satisfy the state permit requirements to implement a minimum control measure if: (i) the other entity, in fact, implements the control measure; (ii) the particular control measure, or component thereof, is at least as stringent as the corresponding state permit requirement; and (iii) the other entity agrees to implement the control measure on behalf of the operator. The agreement between the parties must be documented in writing and retained by the operator with the MS4 Program Plan for the duration of this state permit.

In the annual reports that must be submitted under Section II E 3, the operator must specify that another entity is being relied on to satisfy some of the state permit requirements.

If the operator is relying on another governmental entity regulated under 9VAC25-870-380 to satisfy all of the state permit obligations, including the obligation to file periodic reports required by Section II E 3, the operator must note that fact in the registration statement, but is not required to file the periodic reports.

The operator remains responsible for compliance with the state permit requirements if the other entity fails to implement the control measure (or component thereof).

E. Evaluation and assessment.

1. MS4 Program Evaluation. The operator must annually evaluate:

a. Program compliance;

b. The appropriateness of the identified BMPs (as part of this evaluation, the operator shall evaluate the effectiveness of BMPs in addressing discharges into waters that are identified as impaired in the 2010 § 305 (b)/303(d) Water Quality Assessment Integrated Report); and

c. Progress towards achieving the identified measurable goals.

2. Recordkeeping. The operator must keep records required by the state permit for at least three years. These records must be submitted to the department only upon specific request. The operator must make the records, including a description of the stormwater management program, available to the public at reasonable times during regular business hours.

3. Annual reports. The operator must submit an annual report for the reporting period of July 1 through June 30 to the department by the following October 1 of that year. The reports shall include:

a. Background Information.

(1) The name and state permit number of the program submitting the annual report;

(2) The annual report permit year;

(3) Modifications to any operator's department's roles and responsibilities;

(4) Number of new MS4 outfalls and associated acreage by HUC added during the permit year; and

(5) Signed certification;

b. The status of compliance with state permit conditions, an assessment of the appropriateness of the identified best management practices and progress towards achieving the identified measurable goals for each of the minimum control measures;

c. Results of information collected and analyzed, including monitoring data, if any, during the reporting period;

d. A summary of the stormwater activities the operator plans to undertake during the next reporting cycle;

e. A change in any identified best management practices or measurable goals for any of the minimum control measures including steps to be taken to address any deficiencies;

f. Notice that the operator is relying on another government entity to satisfy some of the state permit obligations (if applicable);

g. The approval status of any programs pursuant to Section II C (if appropriate), or the progress towards achieving full approval of these programs; and

h. Information required for any applicable TMDL special condition contained in Section I.

F. Program Plan modifications.

1. Program modifications requested by the operator. Modifications to the MS4 Program are expected throughout the life of this state permit as part of the iterative process to reduce the pollutant loadings and to protect water quality. As such, modifications made in accordance with this state permit as a result of the iterative process do not require modification of this permit unless the department determines that the changes meet the criteria referenced in 9VAC25-870-630 or 9VAC25-870-650. Updates and modifications to the MS4 Program may be made during the life of this state permit in accordance with the following procedures:

a. Adding (but not eliminating or replacing) components, controls, or requirements to the MS4 Program may be made by the operator at any time. Additions shall be reported as part of the annual report.

b. Updates and modifications to specific standards and specifications, schedules, operating procedures, ordinances, manuals, checklists, and other documents routinely evaluated and modified are permitted under this state permit provided that the updates and modifications are done in a manner that (i) is consistent with the conditions of this state permit, (ii) follow any public notice and participation requirements established in this state permit, and (iii) are documented in the annual report.

c. Replacing, or eliminating without replacement, any ineffective or infeasible strategies, policies, and BMPs specifically identified in this permit with alternate strategies, policies, and BMPs may be requested at any time. Such requests must be made in writing to the department and signed in accordance with 9VAC25-870-370, and include the following:

(1) An analysis of how or why the BMPs, strategies, or policies are ineffective or infeasible, including information on whether the BMPs, strategies, or policies are cost prohibitive;

(2) Expectations regarding the effectiveness of the replacement BMPs, strategies, or policies;

(3) An analysis of how the replacement BMPs are expected to achieve the goals of the BMPs to be replaced;

(4) A schedule for implementing the replacement BMPs, strategies, and policies; and

(5) An analysis of how the replacement strategies and policies are expected to improve the operator's ability to meet the goals of the strategies and policies being replaced.

d. The operator follows the public involvement requirements identified in Section II B 2 (a).

2. MS4 Program updates requested by the department. In a manner and following procedures in accordance with the Virginia Administrative Process Act, the Virginia Stormwater Management regulations, and other applicable state law and regulations, the department may request changes to the MS4 Program to assure compliance with the statutory requirements of the Virginia Stormwater Management Act and its attendant regulations to:

a. Address impacts on receiving water quality caused by discharges from the MS4;

b. Include more stringent requirements necessary to comply with new state or federal laws or regulations; or

c. Include such other conditions necessary to comply with state or federal law or regulation.

Proposed changes requested by the department shall be made in writing and set forth the basis for and objective of the modification as well as the proposed time schedule for the operator to develop and implement the modification. The operator may propose alternative program modifications or time schedules to meet the objective of the requested modification, but any such modifications are at the discretion of the department.

SECTION III

CONDITIONS APPLICABLE TO ALL STATE PERMITS

A. Monitoring.

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

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

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

B. Records.

1. Monitoring records/reports shall include:

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

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

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

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

e. The analytical techniques or methods used; and

f. The results of such analyses.

2. The operator shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this state permit, and records of all data used to complete the registration statement for this state permit, for a period of at least three years from the date of the sample, measurement, report or request for coverage. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the operator, or as requested by the board.

C. Reporting monitoring results.

1. The operator shall submit the results of the monitoring required by this state permit with the annual report unless another reporting schedule is specified elsewhere in this state permit.

2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR); on forms provided, approved or specified by the department; or in any format provided the date, location, parameter, method, and result of the monitoring activity are included.

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

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

D. Duty to provide information. The operator shall furnish to the department, within a reasonable time, any information that the board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this state permit or to determine compliance with this state permit. The board may require the operator to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of surface waters, or such other information as may be necessary to accomplish the purposes of the CWA and Virginia Stormwater Management Act. The operator shall also furnish to the department upon request, copies of records required to be kept by this permit.

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

F. Unauthorized stormwater discharges. Pursuant to § 62.1-44.15:26 of the Code of Virginia, except in compliance with a state permit issued by the board, it shall be unlawful to cause a stormwater discharge from a MS4.

G. Reports of unauthorized discharges. Any operator of a small MS4 who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance or a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117 or 40 CFR Part 302 that occurs during a 24-hour period into or upon surface waters; or who discharges or causes or allows a discharge that may reasonably be expected to enter surface waters, shall notify the department of the discharge immediately upon discovery of the discharge, but in no case later than within 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the department within five days of discovery of the discharge. The written report shall contain:

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

2. The cause of the discharge;

3. The date on which the discharge occurred;

4. The length of time that the discharge continued;

5. The volume of the discharge;

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

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

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

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

H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge including a "bypass" or "upset," as defined herein, should occur from a facility and the discharge enters or could be expected to enter surface waters, the operator shall promptly notify, in no case later than within 24 hours, the department by telephone after the

discovery of the discharge. This notification shall provide all available details of the incident, including any adverse effects on aquatic life and the known number of fish killed. The operator shall reduce the report to writing and shall submit it to the department within five days of discovery of the discharge in accordance with Section III I 2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

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

2. Breakdown of processing or accessory equipment;

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

4. Flooding or other acts of nature.

I. Reports of noncompliance. The operator shall report any noncompliance which may adversely affect surface waters or may endanger public health.

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

a. Any unanticipated bypass; and

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

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

a. A description of the noncompliance and its cause;

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

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

The board or its designee may waive the written report on a case-by-case basis for reports of noncompliance under Section III I if the oral report has been received within 24 hours and no adverse impact on surface waters has been reported.

3. The operator shall report all instances of noncompliance not reported under Sections III I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Section III I 2.

NOTE: The immediate (within 24 hours) reports required to be provided to the department in Sections III G, H and I may be made to the appropriate Regional Office Pollution Response Program as found at http://deq.virginia.gov/Programs/PollutionResponsePreparedness.aspx. Reports may be made by telephone or by fax. For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24-hour telephone service at 1-800-468-8892.

4. Where the operator becomes aware of a failure to submit any relevant facts, or submittal of incorrect information in any report to the department, it shall promptly submit such facts or correct information.

J. Notice of planned changes.

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

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

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

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

b. The operator plans alteration or addition that would significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this state permit; or

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

K. Signatory requirements.

1. Registration statement. All registration statements shall be signed as follows:

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

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

c. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a public agency includes:

(1) The chief executive officer of the agency, or

(2) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

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

a. The authorization is made in writing by a person described in Section III K 1;

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

c. The written authorization is submitted to the department.

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

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

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

L. Duty to comply. The operator shall comply with all conditions of this state permit. Any state permit noncompliance constitutes a violation of the Virginia Stormwater Management Act and the Clean Water Act, except that noncompliance with certain provisions of this state permit may constitute a violation of the Virginia Stormwater Management Act but not the Clean Water Act. State permit noncompliance is grounds for enforcement action; for state permit termination, revocation and reissuance, or modification; or denial of a state permit renewal application.

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

M. Duty to reapply. If the operator wishes to continue an activity regulated by this state permit after the expiration date of this state permit, the operator shall submit a new registration statement at least 90 days before the expiration date of the existing state permit, unless permission for a later date has been granted by the board. The board shall not grant permission for registration statements to be submitted later than the expiration date of the existing state permit.

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

O. State law. Nothing in this state permit shall be construed to preclude the institution of any legal action under, or relieve the operator from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by § 510 of the Clean Water Act. Except as provided in state permit conditions on "bypassing"

(Section III U), and "upset" (Section III V) nothing in this state permit shall be construed to relieve the operator from civil and criminal penalties for noncompliance.

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

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

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

S. Duty to mitigate. The operator shall take all reasonable steps to minimize or prevent any discharge in violation of this state permit that has a reasonable likelihood of adversely affecting human health or the environment.

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

U. Bypass.

1. "Bypass," as defined in 9VAC25-870-10, means the intentional diversion of waste streams from any portion of a treatment facility. The operator may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Sections III U 2 and U 3.

2. Notice.

a. Anticipated bypass. If the operator knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least 10 days before the date of the bypass.

b. Unanticipated bypass. The operator shall submit notice of an unanticipated bypass as required in Section III I.

3. Prohibition of bypass.

a. Bypass is prohibited, and the board or its designee may take enforcement action against an operator for bypass, unless:

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

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if

adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The operator submitted notices as required under Section III U 2.

b. The board or its designee may approve an anticipated bypass, after considering its adverse effects, if the board or its designee determines that it will meet the three conditions listed above in Section III U 3 a.

V. Upset.

1. An "upset", as defined in 9VAC25-870-10, constitutes an affirmative defense to an action brought for noncompliance with technology based state permit effluent limitations if the requirements of Section III V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.

2. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

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

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

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

c. The operator submitted notice of the upset as required in Section III I; and

d. The operator complied with any remedial measures required under Section III S.

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

W. Inspection and entry. The operator shall allow the department as the board's designee, or an authorized representative (including an authorized contractor acting as a representative of the administrator), upon presentation of credentials and other documents as may be required by law, to:

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

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

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

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

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

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

Y. Transfer of state permits.

1. State permits are not transferable to any person except after notice to the department. Except as provided in Section III Y 2, a state permit may be transferred by the operator to a new operator only if the state permit has been modified or revoked and reissued, or a minor modification made, to identify the new operator and incorporate such other requirements as may be necessary under the Virginia Stormwater Management Act and the Clean Water Act.

2. As an alternative to transfers under Section III Y 1, this state permit may be automatically transferred to a new operator if:

a. The current operator notifies the department at least two days in advance of the proposed transfer of the title to the facility or property;

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

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

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

Statutory Authority

§ 62.1-44.15:28 of the Code of Virginia.

Historical Notes

Former 4VAC50-60-1240, derived from Virginia Register Volume 21, Issue 3, eff. January 29, 2005; amended, Virginia Register Volume 24, Issue 20, eff. July 9, 2008; Volume 29, Issue 4, eff. November 21, 2012; Volume 29, Issue 17, eff. July 1, 2013; amended and renumbered, Virginia Register Volume 30, Issue 2, eff. October 23, 2013.

Appendix E

Site Photographs

Storm Sewer next to trimming supply building

Salt and Gravel Mixture Storage

Gravel Storage located next to Salt Storage Facility

Salt Storage Facility – No drains located inside building

Miscellaneous Dry Storage