July 1, 2013

Dear Permittee:

Department staff has reviewed your Registration Statement and determined that the referenced Municipal Storm Sewer System (MS4) is hereby covered under the General Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems. The effective date of your coverage under this general permit is July 1, 2013, or the date of this letter, whichever is later. The enclosed copy of the general permit contains the applicable reporting requirements and other conditions of coverage.

During its 2013 Legislative Session, the General Assembly passed Chapters 756 (HB2048) and 793 (SB1279) which moved several programs from the Virginia Department of Conservation and Recreation (DCR) to the Virginia Department of Environmental Quality (DEQ). As a result of this legislative change, the General Assembly transferred the administration and oversight of the General Permit for Discharges from Small Municipal Separate Storm Sewer Systems from DCR to DEQ. Please submit future permit correspondence and your annual MS4 program reports to the DEQ Northern Regional Office at the following address:

DEQ Northern Regional Office
13901 Crown Court
Woodbridge, VA 22193

The general permit will expire on June 30, 2018. The conditions of the permit require that you submit a new registration statement on or before April 1, 2018, if you wish to have continued coverage under the general permit.

If you have any questions about this letter or the general permit, please contact Mr. Bryant Thomas, Water Permits Manager, at (703) 583-3843 or Bryant.thomas@deq.virginia.gov.

Sincerely,

Melanie D. Davenport, Director
Water Division

Enc. General Permit No. VAR040095
Cc Bryant Thomas, DEQ-NRO
COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

General Permit No.: VAR040095
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.
<table>
<thead>
<tr>
<th>Program Update Requirement</th>
<th>Permit Reference</th>
<th>Update Completed By</th>
</tr>
</thead>
<tbody>
<tr>
<td>Updated TMDL Action Plans (TMDLs approved before July of 2008) – (Special Conditions for Approved Total Maximum Daily Loads (TMDL) Other Than Chesapeake Bay)</td>
<td>Section I B</td>
<td>24 months after permit coverage</td>
</tr>
<tr>
<td>Chesapeake Bay TMDL Action Plan – (Special Condition for Chesapeake Bay TMDL)</td>
<td>Section I C</td>
<td></td>
</tr>
<tr>
<td>Stormwater Management Progressive Compliance and Enforcement – (Minimum Control Measure 4 - Construction Site Stormwater Runoff Control)</td>
<td>Section II B 5</td>
<td></td>
</tr>
<tr>
<td>Daily Good Housekeeping Procedures (Minimum Control Measure 6 – Pollution Prevention/Good Housekeeping for Municipal Operations)</td>
<td>Section II B 6 a</td>
<td></td>
</tr>
<tr>
<td>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)</td>
<td>Section I B</td>
<td>36 months after permit coverage</td>
</tr>
<tr>
<td>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</td>
<td>Section II B 3 a (3)</td>
<td>48 months after permit coverage</td>
</tr>
<tr>
<td>SWPPP Implementation - (Minimum Control Measure 6 – Pollution Prevention/Good Housekeeping for Municipal Operations)</td>
<td>Section II B 6 b (3)</td>
<td></td>
</tr>
<tr>
<td>NMP Implementation - (Minimum Control Measure 6 – Pollution Prevention/Good Housekeeping for Municipal Operations)</td>
<td>Section II B 6 c (1) (b)</td>
<td>60 months after permit coverage</td>
</tr>
</tbody>
</table>

*Updates should be submitted with the appropriate annual report.*
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.
### Table 2b: Calculation Sheet for Estimating Existing Source Loads for the Potomac River Basin
*Based on Chesapeake Bay Program Watershed Model Phase 5.3.2*

<table>
<thead>
<tr>
<th>Subsource</th>
<th>Pollutant</th>
<th>Total Existing Acres Served by MS4 (6/30/09)</th>
<th>2009 EOS Loading Rate (lbs/ acre)</th>
<th>Estimated Total POC Load Based on 2009 Progress Run</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulated Urban Impervious</td>
<td>Nitrogen</td>
<td></td>
<td>16.86</td>
<td></td>
</tr>
<tr>
<td>Regulated Urban Pervious</td>
<td></td>
<td></td>
<td>10.07</td>
<td></td>
</tr>
<tr>
<td>Regulated Urban Impervious</td>
<td>Phosphorus</td>
<td></td>
<td>1.62</td>
<td></td>
</tr>
<tr>
<td>Regulated Urban Pervious</td>
<td></td>
<td></td>
<td>0.41</td>
<td></td>
</tr>
<tr>
<td>Regulated Urban Impervious</td>
<td>Total Suspended Solids</td>
<td></td>
<td>1,171.32</td>
<td></td>
</tr>
<tr>
<td>Regulated Urban Pervious</td>
<td></td>
<td></td>
<td>175.8</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Subsource</th>
<th>Pollutant</th>
<th>Total Existing Acres Served by MS4 (6/30/09)</th>
<th>2009 EOS Loading Rate (lbs/ acre)</th>
<th>Estimated Total POC Load Based on 2009 Progress Run</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulated Urban Impervious</td>
<td>Nitrogen</td>
<td></td>
<td>9.38</td>
<td></td>
</tr>
<tr>
<td>Regulated Urban Pervious</td>
<td></td>
<td></td>
<td>5.34</td>
<td></td>
</tr>
<tr>
<td>Regulated Urban Impervious</td>
<td>Phosphorus</td>
<td></td>
<td>1.41</td>
<td></td>
</tr>
<tr>
<td>Regulated Urban Pervious</td>
<td></td>
<td></td>
<td>0.38</td>
<td></td>
</tr>
<tr>
<td>Regulated Urban Impervious</td>
<td>Total Suspended Solids</td>
<td></td>
<td>423.97</td>
<td></td>
</tr>
<tr>
<td>Regulated Urban Pervious</td>
<td></td>
<td></td>
<td>56.01</td>
<td></td>
</tr>
</tbody>
</table>
### Table 3a: 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*

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

### Table 3b: 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*

<table>
<thead>
<tr>
<th>Subsource</th>
<th>Pollutant</th>
<th>Total Existing Acres Served by MS4 (6/30/09)</th>
<th>First Permit Cycle Required Reduction in Loading Rate (lbs/acre)</th>
<th>Total Reduction Required First Permit Cycle (lbs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulated Urban Impervious</td>
<td>Nitrogen</td>
<td></td>
<td>0.08</td>
<td></td>
</tr>
<tr>
<td>Regulated Urban Pervious</td>
<td></td>
<td></td>
<td>0.03</td>
<td></td>
</tr>
<tr>
<td>Regulated Urban Impervious</td>
<td>Phosphorus</td>
<td></td>
<td>0.01</td>
<td></td>
</tr>
<tr>
<td>Regulated Urban Pervious</td>
<td></td>
<td></td>
<td>0.001</td>
<td></td>
</tr>
<tr>
<td>Regulated Urban Impervious</td>
<td>Total Suspended Solids</td>
<td></td>
<td>11.71</td>
<td></td>
</tr>
<tr>
<td>Regulated Urban Pervious</td>
<td></td>
<td></td>
<td>0.77</td>
<td></td>
</tr>
</tbody>
</table>
(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 in this section 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 4VAC50-60-48, 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 in this section 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>
<thead>
<tr>
<th>Ratio of Phosphorus to Other POCs (Based on All Land Uses 2009 Progress Run)</th>
<th>Phosphorus Loading Rate (lbs/acre)</th>
<th>Nitrogen Loading Rate (lbs/acre)</th>
<th>Total Suspended Solids Loading Rate (lbs/acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>James River Basin</td>
<td>1.0</td>
<td>5.2</td>
<td>420.9</td>
</tr>
<tr>
<td>Potomac River Basin</td>
<td>1.0</td>
<td>6.9</td>
<td>469.2</td>
</tr>
<tr>
<td>Rappahannock River Basin</td>
<td>1.0</td>
<td>6.7</td>
<td>320.9</td>
</tr>
<tr>
<td>York River Basin</td>
<td>1.0</td>
<td>9.5</td>
<td>531.6</td>
</tr>
</tbody>
</table>

(10) A list of future projects and associated acreage that qualify as grandfathered in accordance with 4VAC50-60-48;

(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 § 10.1 603.15:1 et seq. of the Code of Virginia, governing trading and offsetting;
(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
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 of this section.
(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:
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 this section. 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 § 10.1-560 of the Code of Virginia that result in the disturbance of 10,000 square feet or greater;
(2) Land-disturbing activities in Tidewater jurisdictions, as defined in § 10.1-2101 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 § 10.1-563 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 § 10.1-563 is approved by a VESCP authority in accordance with the Erosion and Sediment Control Act (§ 10.1-560 et seq.). The plan shall be:
(1) Compliant with the minimum standards identified in 4VAC-50-30-40 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.
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 4VAC50-60-10;
(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 § 10.1-2101 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
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 (4VAC50-60-40 et seq.) of 4VAC50-60;
(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 § 10.1-603.2 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 § 10.1-603.3 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;
(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 in this section, 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.
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.
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 4VAC50-60-630 or 4VAC50-60-650. 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
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 (2001) 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 § 10.1-603.2:2 A 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 (2002), 40 CFR Part 117 (2002) or 40 CFR Part 302 (2002) 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 Environmental Quality 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 of Environmental Quality and the Department of Conservation and Recreation, 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;
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- 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.
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 4VAC50-60-10, 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 4VAC50-60-10, 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;