**FACT SHEET**

**REISSUANCE OF A GENERAL VPDES PERMIT**

**FOR POTABLE WATER TREATMENT PLANTS**

**October 5, 2022**

The Virginia State Water Control Board has under consideration the reissuance of a VPDES general permit for point source discharges from facilities discharging potable water treatment plant wastewater (SIC Code 4941-Water Supply, or other discharges of potable water treatment plant wastewater as approved by the department) to the surface waters of the Commonwealth of Virginia. This permit is a VPDES general permit covered under the National Pollutant Discharge Elimination System. Owners who wish to discharge under a general permit must register for coverage under the reissued general permit.

Permit Number: VAG64

Name of Permittee: Any owner of a qualifying potable water treatment plant with point source discharges to the surface waters of the Commonwealth of Virginia.

Facility Location: Commonwealth of Virginia

Receiving Waters: Surface waters within the boundaries of the Commonwealth of Virginia, except those specifically named in Board regulations which prohibit such discharges.

On the basis of preliminary review and application of lawful standards and regulations, the State Water Control Board proposes to reissue the general VPDES permit regulation subject to certain conditions. The Board has determined that this category of discharges is appropriately controlled under a general permit regulation. The category of discharges to be included involves facilities with the same or similar types of operations and the facilities discharge the same or similar types of wastes. The draft general permit requires that all covered facilities meet standardized effluent limitations and monitoring requirements.

All pertinent information is on file and may be inspected, and arrangements made for copying by contacting Elleanore Daub at:

Virginia Department of Environmental Quality

P.O. Box 1105

Richmond, Virginia 23218

(804) 659-2655

[elleanore.daub@deq.virginia.gov](mailto:elleanore.daub@deq.virginia.gov)

Activities Covered By This General Permit:

This general permit will cover point source discharges of potable water treatment plant wastewater (SIC Code 4941 – Water Supply, or other discharges of potable water treatment plant wastewater as approved by the department) to surface waters of the Commonwealth of Virginia. The types of water treatment plants to be covered include treatment processes such as pretreatment (coagulation/flocculation/sedimentation); conventional filtration; softening with lime/soda ash, ion exchange, or membrane; and membrane filtration and desalting. Wastewater may be generated from clarifier underflow, sludge blowdown and particulate filter backwash from plain purification and lime-soda softening process, iron filter backwash wastewater from iron and manganese removal processes, reverse osmosis and microfiltration processes.

Ground water is most frequently treated to remove dissolved iron and manganese and typically includes oxidation (i.e., ozonation, chlorination, or addition of potassium permanganate) to precipitate the iron and manganese followed by filtration to remove the iron and manganese oxides.

Surface water is most frequently treated by filtration to remove suspended solids and may incorporate presedimentation and sedimentation basins before filtration. Precipitation, coagulation, and flocculation are frequently used to increase the effectiveness of sedimentation and filtration. Aluminum sulfate (alum) is the most common additive and is used for coagulation. Polymers are another common additive that may be used to enhance coagulation, flocculation, or filtration. Chlorination may be used before filtration as an oxidizing agent for precipitation and to remove taste and odor. Chlorine is often added after filtration for disinfection purposes, producing finished water for distribution to customers.

These wastewater treatment systems produce an acceptable quality effluent and operate well when maintained properly.

Authorization to Discharge

This general permit will have a term of five years. The effective date of this permit is July 1, 2023 and the expiration date of this permit is June 30, 2028.

Any person conducting an activity covered by an individual permit, which could be covered by this general permit, may request that the individual permit be revoked and register for coverage under this general permit. An alternative to this is to wait until the individual permit expires and then ask for coverage at a later date. There are reasons why authorization to discharge cannot be granted. These are described below and should be considered by owners before submitting a registration statement.

A facility is ineligible for coverage under this general permit if DEQ becomes aware of any data indicating the potential for adverse water quality impacts.

Antibacksliding will be considered prior to granting coverage under this general permit. Generally, this means that any effluent limitations or requirements in your individual permit that are more restrictive than those in the general permit cannot be relaxed or removed. If granting coverage under the general permit would result in possible backsliding of effluent limitations or permit requirements, then coverage will not be allowed and you must retain your individual permit.

Antidegradation will be considered prior to granting coverage under this general permit. This means that a determination will be made in accordance with the State Water Control Board's Antidegradation Policy contained in the Virginia Water Quality Standards, 9VAC25-260-30. Generally, the standards require that high quality waters must be maintained and new or increased discharges to exceptional waters (specifically listed in 9VAC25-260-30) are not allowed.

The discharge must also be consistent with the assumptions and requirements of an approved total maximum daily load (TMDL), if applicable. As of this date, most potable water treatment plants are considered insignificant loads in TMDLs, or the limits set forth in the general permit meet the requirements of the TMDL.

Facilities that are subject to the requirements of 9 VAC 25-820-70, Part I.G.1 (*General VPDES Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Watershed in Virginia - Requirement to Register*), will usually also have an individual permit to address tracking of waste load offsets or technology-based annual concentration limits. These facilities are excluded from coverage under this general permit, since the discharge of potable water treatment plant wastewater will be included as part of the individual permit.

Any discharge that has the reasonable potential to cause toxicity instream will not be granted coverage under the general permit. Whole Effluent Toxicity (WET) testing data (from current or previous permit terms) must be submitted with the registration statement if it is available, and must be representative of the current facility discharge. If WET testing is not available, it must be conducted as part of a special condition during the permit term if WET testing has never been conducted or is no longer representative of the discharge. See special conditions below.

Registration

All facilities that the Department believes are eligible for coverage under this general permit will be authorized to discharge under the terms and conditions of the permit after a complete registration statement is submitted, the applicable permit fee is paid and the Department sends a copy of the general permit to the applicant. If this general permit is inappropriate, the applicant will be so notified and the requirement that an individual permit or alternate general permit is needed will remain in effect.

The registration statement contains instructions for filling out the form and the type of data needed.

Owners of new potable water treatment plants must submit the registration statement at least 60 days prior to commencing discharge. Owners of existing facilities covered under the previous general permit must submit a registration statement by May 1, 2023 to reregister for coverage under this permit. Complete registration statements submitted after May 1, 2023 will grant the permittee administrative authorization to discharge under the 2018 permit until such time that DEQ is able to approve or disapprove coverage. Registrations will be accepted after the expiration date of the 2018 permit (June 30, 2023); however, authorization to discharge will not be retroactive. Existing owners covered by individual VPDES permits must submit a complete registration statement 240 days prior to the expiration of the individual VPDES permit. The 240 day deadline allows DEQ time to review the registration and respond to the owner in time for the owner to submit an individual permit application if their general permit registration is not accepted. Registration statements may be submitted to the DEQ regional office by postal or email. Following notification from the department of the start date for the required electronic submission of Notices of Intent to discharge forms (i.e., registration statements) as provided for in 9VAC25-31-1020, such forms submitted after that date shall be electronically submitted to the department in compliance with this section and 9VAC25-31-1020. There shall be at least three months’ notice provided between the notification from the department and the date after which such forms must be submitted electronically.

General Permit

There are two permit limits pages. The first limits page covers 'conventional' (anything that is not a reverse osmosis or nanofiltration plant) water treatment plant discharges. The second limits page covers reverse osmosis and nanofiltration plant discharges that may or may not have conventional type treatment included in the drinking water treatment process.

Proposed Limitations and Monitoring Requirements:

A. Effluent limitations for potable water treatment plant process wastewater that are not reverse osmosis or nanofiltration plants are as follows:

Parameter Limitation Monitoring (1)

Flow Monitoring (NL) Estimate(2)

pH(3)  9.0 max., 6.0 min. Grab

Total Suspended Solids 30 mg/l avg., 60 mg/l max. Composite(4)

Total Residual Chlorine(5)  0.011 mg/L avg. and max. Grab

NL is defined as no limitation, monitoring and reporting are required.

(1) Monitoring frequency shall be once per quarter. Reports of quarterly monitoring shall be submitted to the DEQ regional office no later than the 10th day of April, July, October, and January.

(2) Reported estimated flow is may be based on the technical evaluation of the sources contributing to the discharge.

(3) Where the Water Quality Standards (9VAC25-260) establish alternate standards for pH in waters receiving the discharge, those standards shall be the minimum and maximum effluent limitations.

(4) Composite - For continuous discharges, five grab samples collected at hourly intervals. For batch discharges, five grab samples taken at evenly placed intervals for the duration of the discharge, or until a minimum of five grab samples have been collected. For batch discharges, the first grab shall occur within 15 minutes of commencement of the discharge. Composite sample procedures for batch discharges unable to meet the above requirements may be approved by DEQ on a case by case basis.

(5) Total residual chlorine limit shall only be applicable if chlorine is present in the process wastewater.

B. Effluent limitations for reverse osmosis and nanofiltration potable water treatment plant process wastewater are as follows:

Parameter Limitation Monitoring

Flow Monitoring (NL) Estimate(1)

pH(2)  9.0 max., 6.0 min. Grab

Total Dissolved Solids NL mg/l max Composite(3)

Total Suspended Solids (4) 30 mg/l avg., 60 mg/l max. Composite(3)

Dissolved Oxygen(5) 4.0 mg/l min. Grab

Total Residual Chlorine(6)  0.011 mg/L avg. and max. Grab

NL is defined as no limitation, monitoring and reporting are required.

Monitoring frequency shall be once per month.

(1) Reported estimated flow may be based on the technical evaluation of the sources contributing to the discharge.

(2) Where the Water Quality Standards (9VAC25-260) establish alternate standards for pH in waters receiving the discharge, those standards shall be the maximum and minimum effluent limitations (minimum only for dissolved oxygen).

(3) Composite - For continuous discharges, five grab samples collected at hourly intervals. For batch discharges, five grab samples taken at evenly placed intervals until the discharge ceases, or until a minimum of five grab samples have been collected. For batch discharges, the first grab shall occur within 15 minutes of commencement of the discharge.

(4) Applicable when conventional filtration treatment discharge is part of drinking water treatment and present in the process wastewater.

(5) Where the Water Quality Standards (9VAC25-260) establish alternate standards for dissolved oxygen in waters receiving the discharge, those standards shall be the minimum effluent limitations.

(6) Total residual chlorine limit shall only be applicable if chlorine is present in the process wastewater.

Basis for Proposed Effluent Limitations and Monitoring Requirements

In developing the proposed effluent limitations and special conditions the following information was reviewed. DEQ’s 2014 permit manual currently contains standard effluent limits and special permit conditions to be used for water treatment plant individual permits, and several other states issue general permits for discharges from potable water treatment plant wastewater facilities. As no federal effluent limitation guidelines exist for discharges from water treatments plants, the monitoring requirements and limitations in this permit are based on best professional judgment and the water quality standards in 9VAC25-260.

Depending on the type of discharge the parameters to be limited or monitored in this general VPDES permit for potable water treatment plant discharges are pH, total residual chlorine, total suspended solids, dissolved oxygen and total dissolved solids. The pH limitation is based upon Virginia's stream water quality standards (9VAC25-260-50 and 9VAC25-260-380). The total suspended solids, and total dissolved solids are expected pollutants in conventional filtration treatment and reverse osmosis treatment, respectively. These parameters are based on best professional judgment (9VAC25-31-210) and are established at levels which, based on the Department's experience with individual VPDES permits, are achievable with conventional treatment technology and which will prevent the build-up of solids on the bottom of receiving waters. The dissolved oxygen and total residual chlorine parameter are based on water quality standards for the type of treatment employed by these systems. Complying with these limitations is an indication that the treatment system is being operated and maintained properly and is producing an acceptable quality effluent.

The use of chlorine for drinking water disinfection may not necessitate a chlorine limit in the process wastewater. It is dependent on where in the plant the chlorine is added and whether it is present in the backwash water or other process wastewater. The total suspended solids limit only applies at the reverse osmosis and nanofiltration plants when some type of conventional filtration treatment precedes the reverse osmosis or nanofiltration treatment. Total suspended solids are a typical pollutant in conventional treatment discharges.

Water treatment plants applying for coverage under this permit may use either ground water, surface water or a combination as their source water, and processes can vary depending on the treatment the source water requires.

Proposed Special Conditions and Rationale

1. Inspection of the effluent, and maintenance of the process wastewater treatment facility shall be performed daily. Documentation of the inspection and maintenance shall be recorded in an Operational Log. This operational log shall be made available for review by the Department personnel upon request and its location identified in the O&M Manual.

Rationale: 9VAC25-31-190 E, and 40 CFR 122.41(e) require proper operation and maintenance of the permitted facility.

2. No domestic sewage discharges are permitted under this general permit.

Rationale: The effluent limitations do not address pollutants typical of treated sewage, therefore no sewage discharges to surface or ground waters are permitted under the general permit.

3. No chemicals used for water and process wastewater treatment, other than those listed on the owner's accepted registration statement, are allowed. Prior approval shall be obtained from the department before any changes are made to the chemical(s), in order to assure protection of water quality and beneficial uses of the waters receiving the discharge. The owner shall indicate whether the chemical is likely to enter state waters through the process wastewater discharge.

Rationale: 9VAC25-31-50 A prohibits the discharge of any wastes into State waters unless authorized by this permit. Code of Virginia §62.1-44.16 and §62.1-44.17 authorizes the Board to regulate the discharge of industrial waste or other waste.

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

Rationale: This is a standard requirement for all permits per the VPDES Permit Manual (2014) and conforms to the general water quality criteria at 9VAC25-260-20. This condition serves as a measure of protection that the treatment works are operating correctly.

5. Owners of facilities that are a source of the specified pollutant of concern to waters where an approved TMDL has been established shall implement measures and controls that are consistent with the assumptions and requirements of the TMDL.

Rationale: Section 303(d) of the Clean Water Act requires that TMDLs be developed for streams listed as impaired, and 9VAC25-31-220 D. EPA does not want DEQ to authorize general permits that are not in conformance with any applicable TMDL. This requirement is also in section 50 'Authorization to Discharge.' Staff thought it important to repeat this as a special condition in the permit itself. Generally, TMDL wasteload allocations (WLAs) are calculated based on existing permit limits and flows (either calculated for the industry or actual flows). Situations may exist where the permittee may have to show they meet the assumptions made in TMDL development.

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

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

(1) 100 micrograms per liter µg/l;

(2) Two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms per liter for 2,4‑dinitrophenol and for 2‑methyl‑4,6‑dinitrophenol; and one milligram per liter for antimony;

(3) Five times the maximum concentration value reported for that pollutant in the permit application; or

(4) The level established by the department.

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

(1) Five hundred micrograms per liter;

(2) One milligram per liter for antimony;

(3) Ten times the maximum concentration value reported for that pollutant in the permit application; or

(4) The level established by the department.

Required by VPDES Permit Regulation, 9VAC25-31-200 A, for all manufacturing, commercial, mining and silvicultural dischargers.

7. If a department approved groundwater monitoring plan was submitted with the registration statement, the permittee shall continue to sample and report in accordance with the plan. The approved plan shall be an enforceable part of this permit. The department or the owner, with department approval, may evaluate the groundwater monitoring data and demonstrate that revisions to, or the cessation of the groundwater monitoring are appropriate. If the department determines that monitoring indicates that groundwater is contaminated, the permittee shall submit a corrective action plan within 60 days of being notified by the regional office. The plan shall set forth the steps to ensure the contamination source is eliminated or that the contaminant plume is contained on the permittee’s property. In addition, based on the extent of contamination, a risk analysis may be required. Once approved, this plan or analysis shall become an enforceable part of this permit.

Rationale: The purpose of the ground water monitoring plan is to determine if the system integrity is being maintained and to indicate if activities at the site are resulting in violations of the Board’s Ground Water Standards (9VAC25-280).

8. Compliance reporting under Part I A

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

Effluent Characteristic Quantification Level

Chlorine 0.10 mg/l

TSS 1.0 mg/l

b. Reporting

Monthly Average -- Compliance with the monthly average limitations and/or reporting requirements for the parameters listed in a. above shall be determined as follows: All concentration data below the QL listed above shall be treated as zero. All concentration data equal to or above the QL listed in a. above shall be treated as it is reported. An arithmetic average shall be calculated using all reported data for the month, including the defined zeros. This arithmetic average shall be reported on the Discharge Monitoring Report (DMR) as “calculated”. If all data are below the QL, then the average shall be reported as "<QL". For quarterly monitoring frequencies, the monthly average value to be reported on the DMR shall be the maximum of the arithmetic monthly averages calculated for each calendar month during the monitoring period.

Daily Maximum -- Compliance with the daily maximum limitations and/or reporting requirements for the parameters listed in a., above shall be determined as follows: All concentration data below the QL listed in a. above shall be treated as zero. All concentration data equal to or above the QL shall be treated as reported. An arithmetic average shall be calculated using all reported data, including the defined zeros, collected within each day during the reporting month. The maximum value of these daily averages thus determined shall be reported on the DMR as the Daily Maximum. If all data are below the QL, then the average shall be reported as “<QL. For quarterly monitoring frequencies, the daily maximum value to be reported on the DMR shall be the maximum of the daily values for each calendar day during the monitoring period.

c. Any single datum required shall be reported as “<QL” if it is less than the QL in a. above. Otherwise the numerical value shall be reported.

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

Rationale: Authorized by VPDES Permit Regulation, 9VAC25-31-190 J 4 and 220 I. This condition is necessary when toxic pollutants are monitored by the permittee and a maximum level of quantification and /or a specific analytical method is required in order to assess compliance with a permit limit or to compare effluent quality with a numeric criterion. The condition also establishes protocols for calculation of reported values.

9. Operation and Maintenance Manual Requirement.

a. Within 90 days after the date of coverage under this general permit, the permittee shall develop or update an O&M manual for the process wastewater treatment works. The manual shall also be reviewed within 90 days of changes to the treatment system. The manual shall be certified in accordance with Part II K of this permit. The manual shall be made available for review by department personnel upon request.

b. This manual shall detail the practices and procedures which will be followed to ensure compliance with the requirements of this permit.Within 30 days of a request by DEQ, the current O&M Manual shall be submitted to the DEQ Regional Office for review and department approval. The permittee shall operate the process wastewater treatment works in accordance with the approved O&M Manual. Noncompliance with the O&M Manual shall be deemed a violation of the permit.

c. This manual shall include, but not necessarily be limited to, the following items, as appropriate:

(1) Techniques to be employed in the collection, preservation, and analysis of effluent samples;

(2) Discussion of Best Management Practices;

(3) Process wastewater treatment system design, operation, routine preventive maintenance of process wastewater units within the treatment system, critical spare parts inventory and recordkeeping;

(4) A plan for the management and/or disposal of waste solids and residues which includes a requirement to clean settling basins and lagoons (if present at the facility) in order to achieve effective treatment, and a requirement that all solids shall be handled, stored and disposed of so as to prevent a discharge to state waters; and

(5) Procedures for measuring and recording the duration and volume of treated wastewater discharged.

(6) Location of the operational log for performing the daily inspections of the effluent. The log shall note any solids or sheens and if there is no discharge at time of inspection.

Rationale: Required by Code of Virginia § 62.1-44.16; VPDES Permit Regulation, 9VAC25-31-190 E, and 40 CFR 122.41(e). These require proper operation and maintenance of the permitted facility. Compliance with an approval O&M manual ensures this.

10. Owners of a facility with a daily maximum flow rate greater than or equal to 50,000 gallons per day (GPD) over three consecutive monitoring periods that have not conducted whole effluent toxicity (WET) testing to demonstrate there is no reasonable potential for toxicity from their discharge shall conduct WET testing as described below. Daily maximum flow will be determined from the maximum flow submitted on the DMRs over the last permit coverage term. Owners with changes in treatment technology or chemical usage that change the characteristics of the discharge and with a daily maximum flow rate greater than or equal to 50,000 GPD over three consecutive monitoring periods shall conduct WET testing as described below. An example of a significant change is changing polymers in the flocculation process, adding chlorine, and upgrading the plant. An insignificant change would be switching fluoride suppliers. Any questions about significant changes will be dealt with at the time of registration. This is also when the owner will be told whether or not WET testing is required during the next permit term.

a. The WET testing shall consist of a minimum of four sets (a set included both vertebrate and invertebrate tests) of acute or chronic tests that reflect the current characteristics of the process wastewater treatment plant effluent using the following tests and organisms:

|  |  |  |  |
| --- | --- | --- | --- |
|  | For intermittent or batch dischargers, these are hourly grab samples for the duration of the discharge. The first grab should be within 15 minutes of commencement of the discharge. | | 48 hour static acute toxicity tests |
|  | Freshwater organisms | *Pimephales promelas* or *Oncorhynchus mykiss* (for cold water) (vertebrates)  *Ceriodaphnia dubia* (invertebrate) |
|  | Saltwater organisms | *Cyprinodon variegatus* (vertebrate)  *Americamysis bahia* (invertebrate) |
|  | For continuous dischargers, generally, this is a minimum of 5 consecutive day discharges. Samples should be 24 hour flow proportional composites. | | |
|  | Freshwater | 7-Day Chronic Static Renewal Larval Survival and Growth Test with *Pimephales promelas* (vertebrate) |
| 3-Brood Chronic Static Renewal Survival and Reproduction Test with *Ceriodaphnia dubia* (invertebrate) |
|  | Saltwater | 7-Day Chronic Static Renewal Larval Survival and Growth Test with *Cyprinodon variegatus* (vertebrate) |
| 7-Day Chronic Static Renewal Survival, Growth and Fecundity Test with *Americamysis bahia* (invertebrate) |

Freshwater organisms are used where the salinity of the receiving water is less than 1.0‰ (parts per thousand). Where the salinity of the receiving water is greater than or equal to 1.0‰ but less than 5.0‰ either freshwater or saltwater organisms may be used. Saltwater organisms are used where the salinity is greater than or equal to 5.0‰. There shall be a minimum of 30 days between sets of tests, and test procedures shall follow Title 40 of the Code of Federal Regulations (CFR) Part 136, which references the EPA guidance manuals for WET testing.

b. This testing shall be completed, at a minimum, during the first year of coverage under the general permit or within one year of commencing discharge. If discharge commences late in the five year coverage term, the owner should ensure the next registration statement is submitted on time and, with that submittal, consider asking for an administrative continuance of the 2018 permit coverage in order to complete the WET testing.

c. The department will evaluate all representative data statistically to see if there is reasonable potential for toxicity in the facility discharge. If such reasonable potential exists and cannot be eliminated, the owner will be notified that they must apply for an individual VPDES permit at next reissuance and a WET limit will be included in that individual permit. If the potential cause of the toxicity is eliminated during the five year term of this general permit, the owner may conduct additional WET testing to demonstrate that there is no longer reasonable potential for toxicity and an individual permit will not be required at the next reissuance. It will benefit the owner to find and eliminate the cause of toxicity so that you may retain coverage under the general permit.

d. If the department determines that no reasonable potential for toxicity exists in the facility discharge, no further WET testing is required unless changes in treatment technology or chemical usage are made at the plant that change the characteristics of the discharge. If there have been changes to the effluent characteristics, then four sets of WET testing, either acute or chronic tests as applicable to the current characteristics of the process wastewater treatment plant effluent, must be performed to re-characterize the discharge.

e. The completed series of WET testing data must be submitted with the next required discharge monitoring report.

Rationale: Required by VPDES Permit Regulation, 9VAC25-31-210 and 220 I. Requires monitoring in the permit to provide for and assure compliance with all applicable requirements of the State Water Control Law and the Clean Water Act.

11. The discharges authorized by this permit shall be controlled as necessary to meet applicable water quality standards (9VAC25-260).

Rationale: This condition is in most general permits and are a general narrative condition requested by EPA.

12. Notice of termination.

a. The owner may terminate coverage under this general permit by filing a complete notice of termination with the department. The notice of termination may be filed after one or more of the following conditions have been met:

(1) Operations have ceased at the facility and there are no longer discharges of process wastewater from the potable water treatment plant;

(2) A new owner has assumed responsibility for the facility. A notice of termination does not have to be submitted if a VPDES Change of Ownership Agreement form has been submitted;

(3) All discharges associated with this facility have been covered by an individual VPDES permit or a VPDES general permit; or

(4) Termination of coverage is being requested for another reason, provided the department agrees that coverage under this general permit is no longer needed.

b. The notice of termination shall contain the following information:

(1) Owner's name, mailing address, telephone number, and email address (if available);

(2) Facility name and location;

(3) VPDES general permit registration number for the facility; and

(4) The basis for submitting the notice of termination, including:

(a) A statement indicating that a new owner has assumed responsibility for the facility;

(b) A statement indicating that operations have ceased at the facility and there are no longer discharges from the facility;

(c) A statement indicating that all discharges have been covered by an individual VPDES permit; or

(d) A statement indicating that termination of coverage is being requested for another reason and a description of the reason.

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

d. The notice of termination shall be submitted to the department and signed in accordance with Part II K.

Rationale: These termination procedures are necessary to provide the requirements for termination to the permittee and so the department has the necessary documentation needed to process the termination and that the activities covered under the general permit have been concluded and coverage is no longer needed.

13. Approval for coverage under this general permit does not relieve any owner of the responsibility to comply with any other federal, state, or local statute, ordinance, or regulation.

Rationale: This requirement is part of the regulation at section 50 C and is repeated in the permit to remind the permittee of the responsibility.

Part III Conditions Applicable to All Permits

This section contains language from the permit regulation at 9VAC25-31-190 for conditions applicable to all permits. Several items are different from the permit regulation. For example, Part III A recognizes the new Virginia Accredited Laboratory Program requirement. Part III B and L do not contain references to sewage sludge use because sewage sludge use is not part of this general permit. Part III M is 60 days (instead of 180 days) before expiration to match the registration statement requirements in 9VAC25-860-60. Part III X does not reference modification or revoke and reissue because these permit actions do not apply to general permits. Part III Y allows for automatic transfer of coverage to a new permit if the current permittee notifies the department within 30 days of the transfer of the title to the facility or property instead of at least 30 days in advance of the proposed transfer.