

DRAFT

4 June 2013

Permit No. **VA0087068**
Effective Date: **TBD 2013**
Expiration Date: **TBD 2018**

AUTHORIZATION TO DISCHARGE UNDER THE
VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM
AND THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act as amended and pursuant to the State Water Control Law and regulations adopted pursuant thereto, the following owner is authorized to discharge in accordance with the information submitted with the permit application, and with this permit cover page, Part I – Effluent Limitations and Monitoring Requirements, and Part II – Conditions Applicable To All VPDES Permits, as set forth herein.

Owner Name: City of Alexandria
Facility Name: Alexandria Combined Sewer System
City: Alexandria
Facility Location: City of Alexandria, VA

The owner is authorized to discharge to the following receiving streams:

Stream Names: Hooffs Run, Hunting Creek and Oronoco Bay
River Basin: Potomac River
River Subbasin: Potomac River
Section: 07, 06, 06 (respectively)
Class: III, II, II (respectively)
Special Standards: b; b,y; b,y (respectively)

Thomas A. Faha
Director, Northern Regional Office
Department of Environmental Quality

Date

A. Effluent Monitoring Requirements

Outfalls 001/002/003/004 – Combined Sewer Overflows (CSOs)

- a. There shall be no discharge of floating solids or visible foam in other than trace amounts.
- b. There shall be no dry weather discharges.
- c. During the period beginning with the permit’s effective date and lasting until the expiration date, the permittee is authorized to discharge from the Combined Sewer System (CSS) at Outfall Number 001, Outfall Number 002, Outfall Number 003 and Outfall Number 004 during wet weather events. Such discharges shall be monitored by the permittee as specified below.

Parameter	Discharge Limitations				Monitoring Requirements	
	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Minimum</u>	<u>Maximum</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow (MGD)	NA	NA	NA	NL	1/Q	Estimate
pH	NA	NA	NL S.U.	NL S.U.	1/Q	Grab
cBOD ₅	NA	NA	NA	NL mg/L	1/Q	Grab
Total Suspended Solids (TSS)	NA	NA	NA	NL mg/L	1/Q	Grab
Dissolved Oxygen (DO)	NA	NA	NL mg/L	NA	1/Q	Grab
Total Kjeldahl Nitrogen (TKN)	NA	NA	NA	NL mg/L	1/Q	Grab
Ammonia, as N	NA	NA	NA	NL mg/L	1/Q	Grab
<i>E. coli</i> ⁽¹⁾⁽²⁾	NA	NA	NA	NL n/100 mL	1/Q	Grab
Oil & Grease	NA	NA	NA	NL mg/L	1/Q	Grab
Nitrate+Nitrite, as N	NA	NA	NA	NL mg/L	1/Q	Grab
Total Nitrogen ⁽³⁾	NA	NA	NA	NL mg/L	1/Q	Calculated
Total Phosphorus	NA	NA	NA	NL mg/L	1/Q	Grab
Chlorides	NA	NA	NA	NL mg/L	1/Q	Grab
Zinc, Total Recoverable	NA	NA	NA	NL µg/L	1/Q	Grab
Copper, Total Recoverable	NA	NA	NA	NL µg/L	1/Q	Grab
Rainfall	NA	NL inches	NA	NA	1/Q	Measured
Rainfall Duration	NA	NL hours	NA	NA	1/Q	Recorded
Duration of Discharge	NA	NL hours	NA	NA	1/Q	Estimate

⁽¹⁾Reported as concentration per monitored discharge event.

MGD = Million gallons per day.

1/Q = Once every calendar quarter.

⁽²⁾In accordance with the Hunting Creek Bacteria TMDL and the Long Term Control Plan Update (Part I.E.4.), the CSS shall comply with the bacteria wasteload allocations assigned at Outfalls 002/003/004.

NA = Not applicable.

NL = No limit; monitor and report.

S.U. = Standard units.

⁽³⁾Total Nitrogen = Sum of TKN plus Nitrate+Nitrite.

Estimate = Reported flow and duration is to be based on the technical evaluation of the sources contributing to the discharge.

Grab = An individual sample collected over a period of time not to exceed 15-minutes.

Each outfall shall be monitored during the following calendar year:

Year 2014 – Outfall 001; Year 2015 – Outfall 002; Year 2016 – Outfall 003; and Year 2017 – Outfall 004

Beginning in Year 2018, the permittee shall repeat the aforementioned monitoring schedule, or an alternate monitoring plan approved by DEQ, until such time a new permit is reissued.

The quarterly monitoring periods shall be January through March, April through June, July through September, and October through December.

B. Quantification Levels and Compliance Reporting

1. Quantification Levels

- a. The quantification levels (QL) shall be less than or equal to the following concentrations:

<u>Characteristic</u>	<u>Quantification Level</u>
TSS	1.0 mg/L
cBOD ₅	2 mg/L
Ammonia	0.20 mg/L
Copper	8.0 µg/L
Zinc	72 µg/L

- b. The QL is defined as the lowest concentration used to calibrate a measurement system in accordance with the procedures published for the method. The permittee shall use any method in accordance with Part II.A. of this permit.
- c. It is the responsibility of the permittee to ensure that proper quality assurance/quality control (QA/QC) protocols are followed during the sampling and analytical procedures. QA/QC information shall be documented to confirm that appropriate analytical procedures have been used and the required QLs have been attained.

2. Compliance Reporting for parameters in Part I.A.

- a. Single Datum – Any single datum required shall be reported as "< QL" if it is less than the QL used in the analysis (QL must be less than or equal to the QL listed in Part I.B.1.a above). Otherwise the numerical value shall be reported.
- b. Significant Digits – 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.

C. Verification of Predicted Events

The permittee shall continue to monitor for pollutants of concern at all CSS Outfalls and additionally, the response of the CSS system to various wet weather events. The monitoring frequencies and requirements are specified in Part I.A.

The permittee shall continue to utilize modeling to predict the occurrence, duration and volume of each Combined Sewer Overflow (CSO) event for each outfall. Furthermore, outfall monitoring data shall be used to validate and calibrate the model as necessary. The permittee shall summarize the findings with the Annual Report required by Part I.E.12.

D. Long Term Control Plan

The permittee’s Long Term Control Plan (LTCP) was approved by DEQ in February 1999. The developed LTCP consists of the nine minimum technology-based requirements of the CSO Control Policy. This permit requires continued implementation of the LTCP.

1. Conduct Proper Operations and Regular Maintenance Programs

The permittee shall continue to implement the operation and maintenance plan for the Combined Sewer System (CSS) that includes the elements listed below. The permittee shall update the plan to incorporate any changes to the system and shall operate and maintain the system accordingly. The permittee shall maintain records documenting implementation of the plan.

- a. Designation of a Manager for the CSS.

The permittee shall designate a person to be responsible for the wastewater collection system and serve as the contact person regarding the CSS.

- b. Inspection and Maintenance of CSS.

The permittee shall inspect and maintain all CSS structures, regulators and tide gates to ensure proper working condition, adjusted to minimize CSOs and tidal inflow. The permittee shall inspect each CSS outfall at an appropriate frequency to ensure no dry weather overflows are occurring. The inspection may include, but is not limited to, entering the regulator structure if accessible, determining the extent of debris and grit buildup and removing any debris that may constrict flow, cause blockage or result in a dry weather overflow. For CSS outfalls that are inaccessible, the permittee may perform a visual check of the overflow pipe to determine whether or not the CSO is occurring during dry weather flow conditions.

The permittee shall record in a maintenance log book the results of any and all inspections conducted.

- c. Provision for Trained Staff.

The permittee shall continue to ensure the availability of trained staff to complete the operation, maintenance, repair and testing functions required to comply with the terms and conditions of this permit. Each staff member shall receive appropriate training and all training shall be documented and updated annually.

- d. Allocation of funds for O&M.

The permittee shall allocate adequate funds specifically for CSS operation and maintenance activities.

2. Maximize Use of the Collection System for Storage

The permittee shall maximize the in-line storage capacity of the CSS. The permittee shall maintain records to document implementation.

- a. Maintain all dams or diversion structures at their current heights, as of the effective date of this permit, or greater.
- b. Minimize discharges from the CSS outfalls by maximizing the storage capacity provided by the dams and diversion structures; allowing for later treatment at the Publicly Owned Treatment Works (POTW).
- c. Maintain maintenance records for the dams or diversion structures and activities dealing with sewer blockages.

3. Control of Non-domestic Discharges

The permittee shall continue to implement selected CSO controls to minimize the impact of non-domestic discharges. Control of non-domestic users shall, at minimum, include the following:

- a. Maintain records documenting this evaluation and implementation of the selected CSO controls to minimize CSO impacts resulting from non-domestic discharges;
- b. Educating Significant Industrial Users (SIUs) discharging to the CSS to minimize, to the extent practicable, batch discharges during wet weather conditions; and
- c. Continued control of illicit dischargers and/or improper disposal to the CSS via detection and elimination.

4. Maximize Flow to POTW

The permittee shall convey, to the greatest extent practicable, all wet weather flows to the POTW within the constraints of the CSS and the capacity of the POTW. The POTW is owned, operated and maintained by Alexandria Renew Enterprises and is regulated under a separate VPDES permit (VA0025160). The permittee shall maintain records to document these actions.

5. Prohibit Combined Sewer Overflows during Dry Weather

Dry weather overflows from CSS outfalls are prohibited. Dry weather flow conditions shall mean the flow in a combined sewer that results from sanitary sewage, industrial wastewater and infiltration/inflow; with no contribution from stormwater runoff or stormwater induced infiltration. Wet weather flow condition shall mean the flow in a combined sewer including stormwater runoff and/or stormwater induced infiltration.

Documentation required during dry weather CSO events are as follows:

- a. All dry weather overflows must be reported to DEQ and the local health department within 24 hours of when the permittee becomes aware of any dry weather overflows (Part II.G.);
- b. Upon becoming aware of an overflow, the permittee shall begin corrective action immediately. The permittee shall monitor the dry weather overflow until the overflow has been eliminated; and
- c. The permittee shall record, in the inspection log book, an estimate of the beginning and ending times of the discharge, discharge volume and corrective measures taken.

6. Control Solid and Floatable Materials

The permittee shall continue to implement measures to control solid and floatable materials in the CSS. Such measures shall include, but not limited to:

- a. Regular catch basin and street cleaning within the CSS sewershed;
- b. Cleaning of the trunk lines and structures to prevent accumulation of solids; and
- c. Consideration of entrapment and baffling devices to reduce discharges of solids and floatable materials.

7. Develop and Implement Pollution Prevention Program

The permittee shall continue to implement the pollution prevention (P2) program to reduce the impact of CSOs on receiving waters. The permittee shall maintain records to document the pollution prevention implementation activities. Specific P2 measures include, but not limited to:

- a. Street sweeping and catch basin cleaning at an appropriate frequency to prevent large accumulations of pollutants and debris ;
- b. A public education program that informs the public of the City's household hazard waste recycling program; and
- c. A waste oil and antifreeze recycling/referral service program.

8. Public Notification

The permittee shall continue to implement a public notification plan to inform citizens of when and where CSOs occur. The process shall include, but not limited to:

- a. A notice to alert persons using all affected receiving water bodies. The permittee shall ensure that identification signs at all CSS outfalls are maintained and easily readable by the public.
- b. The permittee shall maintain records documenting public notification.

9. CSO Monitoring

The permittee shall monitor pollutants of concern at each CSS outfall pursuant to Part I.A. to continue characterizing CSO impacts and the efficacy of CSO controls.

E. Other Requirements and Special Conditions

1. Water Quality Criteria Reopener

Should effluent monitoring indicate the need for any water quality-based limitations, this permit may be modified or alternatively revoked and reissued to incorporate appropriate limitations.

2. No New Combined Sewers Requirement

No new combined sewers shall be built outside the existing combined sewer system service areas of the City. This requirement shall not be construed to prevent the connection of new sanitary sewers to combined sewers within the existing combined sewer service area for the purpose of conveying sewage to the POTW. No new connections shall be made to the combined sewers where those connections would cause overflows during dry-weather flow conditions or exacerbate CSO events.

3. Reopener Clause

This permit may be modified or revoked and reissued, as provided pursuant to 40 CFR 122.62 and 124.5, for the following reasons:

- a. To include new or revised conditions developed to comply with any State or Federal law or regulation that addresses CSOs that is adopted or promulgated subsequent to the effective date of this permit;
- b. To include new or revised conditions if new information, not available at the time of permit reissuance, becomes available that would lead to the attainment of Virginia Water Quality Standards; and
- c. To include new or revised conditions based on new information resulting from implementation of the long-term control plan.

4. Long Term Control Plan Update (LTCPU)

The permittee shall develop a Long Term Control Plan Update (LTCPU), consistent with the September 1995 EPA Guidance for LTCP, setting forth an implementation plan by which the permittee will achieve compliance with the approved Hunting Creek Bacteria Total Maximum Daily Load (TMDL). The LTCPU shall also provide for combined sewer overflow controls to comply with all applicable water quality standards for the receiving waters consistent with the Clean Water Act Section 402(q) and the State Water Control Law.

A draft work plan detailing the process and schedule for how the permittee will prepare the LTCPU, including public participation, shall be submitted to DEQ on or before **9 months from effective date** for review and comment. The final LTCPU shall be submitted on or before **3 yrs from effective date** for DEQ review and approval. The LTCPU shall contain clearly defined, measureable milestones that will demonstrate compliance with the aforementioned TMDL and applicable water quality standards as soon as practicable; however, no later than 31 December 2035. Upon DEQ approval, the LTCPU shall be incorporated by reference and becomes enforceable under this permit.

The permittee shall publish the plan on the City's combined sewer system web page for public access no later than fifteen (15) days following DEQ approval. This document shall remain on the City's website for the duration of the LTCPU implementation period. The permittee may modify the LTCPU as warranted and shall submit any modifications to DEQ for review and approval prior to implementation of any changes.

The permittee shall provide progress summaries in the annual reports.

5. Additional Public Notification Requirements

In addition to the public notification requirements stated in Part I.D.8 of this permit, the permittee shall:

- a. Publish all annual reports required by this permit on the City's combined sewer system web page upon DEQ review and comment. Each report shall be retained on the website for a period of no less than two (2) years;

- b. Provide semiannual notifications regarding CSO conditions to interested citizens. This shall commence on or before 31 December 2013; and
- c. In addition to the current signage, install universal pictograms at each outfall location on or before 31 December 2013.

A sample of the proposed pictogram shall be submitted to DEQ for review and approval 90 days prior to procurement and installation.

6. Public Information Meeting

The permittee shall conduct public informational meetings during the development of the LTCPU and prior to submitting the final update for DEQ approval. These meetings shall be conducted on or before **18 and 36 months of the permit effective date**, respectively. These meetings shall, at a minimum, explain combined sewer systems, the impacts on surface waters, progress to date on minimizing the impacts, the proposed LTCPU milestones/schedule to comply with the Hunting Creek TMDL and shall allow for public comments and inquiries.

The permittee shall conduct the meetings at such times as to maximize attendance and shall utilize at least three (3) forms of media to inform the public concerning the place, time and purpose for the these meetings.

7. Funding

The permittee shall outlay a minimum of \$2,500,000 during this permit term for CSO abatement projects. The permittee shall submit annual reports detailing fund expenditures to date and future/proposed expenditures.

8. Stormwater and *E. coli* Loading Management

The permittee shall, at a minimum, implement the five programs below to achieve a reduction of at least 5 million gallons of stormwater entering the CSS, or the *E. coli* loading CSO discharge reduction equivalent, annually by the end of this permit term. The permittee shall estimate and report annually the amount of stormwater not entering the CSS and/or *E. coli* loading reductions during overflow events due to separation, stormwater detention/retention, outfall improvements and green infrastructure projects. The permittee shall, at a minimum, achieve reductions via the following five programs :

a. Combined Sewer Service Area Reduction Plan (ARP)

The ARP, dated December 2005 (updated May 2013), requires the separation of storm and sanitary sewers associated with most development projects within the CSS sewershed. The permittee shall submit reports annually detailing ongoing and proposed projects. If a project did not include separation, the permittee shall submit a thorough explanation within the report.

The ARP and any future amendments are incorporated by reference and become enforceable under this permit.

b. Green Initiative

The permittee shall study, implement and promote green infrastructure projects within the CSS sewershed during this permit term. Projects evaluated shall include, but are not limited to: rainfall harvesting, permeable pavements, rain gardens, green roof installation, bioretention cells, urban forestation/reforestation and public education.

c. Green Public Facilities

The permittee shall evaluate the practicality of incorporating green infrastructure during major maintenance/enhancement projects at all city facilities (offices, schools, libraries etc) located within the CSS sewershed. The permittee shall include with the annual reports, commencing with the report for 2014: (1) a schedule of maintenance/enhancement projects at city facilities within the CSS sewershed for the forthcoming fiscal year; (2) the City's process for evaluating inclusion of green infrastructure; and (3) green infrastructures planned for selected projects. Technologies to be considered shall, at a minimum, include those listed under the aforementioned Green Initiative Special Condition.

Maintenance/enhancement projects for historic designated facilities/structures are exempt from this Special Condition.

d. Payne and Fayette Sewer Separation

Within 90 days of the permit effective date, the permittee shall submit a plan and schedule for this project with the eventual goal of removing ninety-two (92) sanitary sewer connections within the CSS and reconnecting them directly to the Potomac Yard Trunk Sewer. The permittee shall have completed a minimum of sixty (60) reconnections by the end of this permit term.

The permittee shall submit progress updates with the annual reports until completion of this separation project.

e. Outfall Improvements

The permittee shall further evaluate alternatives being considered for improvements at Outfall 003 and Outfall 004 and submit a Preliminary Engineering Report to DEQ for review and approval once the final alternative is selected and prior to beginning enhancements. The permittee shall implement its proposed improvements at Outfall 003 and Outfall 004 on or before **30 months of the permit effective date**.

9. Green Maintenance

The permittee shall establish, or alternatively incorporate, a database to manage information on all green infrastructure practices put in place that are owned and/or maintained by the City. The database shall schedule and track maintenance activities to ensure infrastructures are maintained for proper performance. The permittee shall submit to DEQ two updates on the status of the database development. The first update shall be provided on or before **12 months of the permit effective date** and the second on or before **24 months of the permit effective date**. On or before **36 months of the permit effective date**, the permittee shall submit to DEQ a final report detailing the full database development and implementation.

10. Annual Bacteria Load Reporting

The permittee shall report the estimated total annual loading of *E. coli* from each outfall for each calendar year. The permittee shall utilize a combination of monitoring data along with modeling results to calculate the estimated total annual bacteria loadings into the receiving streams. The event mean concentrations (EMCs) established in the Hunting Creek Bacteria MDL shall be utilized to compute the loadings. These EMCs may be re-evaluated if monitoring data supports updating these values. Any revised EMC values shall be documented and submitted to DEQ-NRO staff for review and approval.

This reporting requirement shall be included in the annual reports.

11. Evaluation of Tidal Intrusion at Outfall 002

On or before **12 months of the permit effective date**, the permittee shall submit to DEQ for review and approval a report evaluating tidal intrusion at Outfall 002; identifying warranted corrective actions to minimize or prevent such intrusion. At a minimum, the report shall include (1) estimates of tidal intrusion rates observed at Outfall 002 at disparate tidal conditions, (2) an analysis of the intrusion impacts on limiting the available volume for storage in the collection system and flow maximization to the wastewater treatment plant during wet weather events and (3) operational actions and/or feasible engineering controls needed to minimize tidal intrusion within generally accepted CSS operations based on actual local conditions.

The report shall include a plan and schedule for implementation of recommended alternatives, if identified, as necessary by the report.

Upon DEQ approval, necessitated actions and implementation schedule acknowledged in the report are incorporated by reference and become enforceable under this permit.

12. Annual Reports

The permittee shall submit to DEQ-NRO for review and comment annual reports for the previous calendar year. These reports shall include, but not limited to:

- a. Modeled results of the number of CSO occurrences and duration;
- b. CSS structure inspections and maintenance;
- c. Outfall inspections;
- d. Staff training records;
- e. Street sweeping;
- f. Catch basin cleaning;
- g. CSS trunk sewer flushing;
- h. Dry weather discharge inspections;
- i. Capital expenditures regarding CSO abatements;
- j. Summary of monitoring results for Outfalls 001, 002, 003 and 004 as applicable;
- k. Stormwater and *E. Coli* loading management;
- l. Status of Green Infrastructure projects evaluated and implemented;
- m. Payne and Fayette sewer separation project update;
- n. Outfall 003/004 progress report;
- o. Summary of model updates and calibration data collected during the year, including flow metering data;
- p. Annual bacteria loadings; and
- q. LTCPU updates .

This report shall be due on or before 31st of March of every year commencing for calendar year 2014, due 31 March 2015.

13. Water Quality Standards Compliance

The permittee may not discharge in excess of any effluent limitation necessary to meet applicable water quality standards imposed under the State Water Control Law or the Clean Water Act.

14. Total Maximum Daily Load (TMDL) Reopener

This permit shall be modified or alternatively revoked and reissued if any approved wasteload allocation procedure, pursuant to Section 303(d) of the Clean Water Act, imposes wasteload allocations, limits or conditions on the facility that are not consistent with the permit requirements.

CONDITIONS APPLICABLE TO ALL VPDES PERMITS

A. Monitoring.

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures approved under Title 40 Code of Federal Regulations Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will insure accuracy of measurements.
4. Samples taken as required by this permit shall be analyzed in accordance with 1VAC30-45, Certification for Noncommercial Environmental Laboratories, or 1VAC30-46, Accreditation for Commercial Environmental Laboratories.

B. Records.

1. Records of monitoring information 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. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee 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 permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. 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 permittee, or as requested by the Board.

C. Reporting Monitoring Results.

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to:

Department of Environmental Quality - Northern Regional Office (DEQ-NRO)
13901 Crown Court
Woodbridge, VA 22193

Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the Department.

2. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under Title 40 of the Code of Federal Regulations Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this 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.

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

D. Duty to Provide Information.

The permittee shall furnish to the Department, within a reasonable time, any information which the Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from this discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee 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 permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized Discharges.

Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.

G. Reports of Unauthorized Discharges.

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II.F.; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II.F., shall notify the Department of the discharge immediately upon discovery of the discharge, but in no case later than 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 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 should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 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 permittee shall reduce the report to writing and shall submit it to the Department within five days of discovery of the discharge in accordance with Part II.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 treatment works; and
4. Flooding or other acts of nature.

I. Reports of Noncompliance.

The permittee shall report any noncompliance which may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee 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 5 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 may waive the written report on a case-by-case basis for reports of noncompliance under Part II.I. if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts II, I.1. or I.2., in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II.I.2.

NOTE: The immediate (within 24 hours) reports required in Parts II, G., H. and I. may be made to the Department's Northern Regional Office at (703) 583-3800 (voice) or (703) 583-3821 (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.

J. Notice of Planned Changes.

1. The permittee 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 permittee plans 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 Section 306 of Clean Water Act which are applicable to such source; or

- 2) After proposal of standards of performance in accordance with Section 306 of Clean Water Act which are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal;
 - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or
 - c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
2. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

K. Signatory Requirements.

1. All permit applications shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - 1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
 - 2) The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if 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 section, 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. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part II.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 Part II.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 company. (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 Part II.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 Part II.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 Parts II, K.1. or K.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 permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to Reapply.

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. All permittees with a currently effective permit shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

N. Effect of a Permit.

This 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 permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II.U.), and "upset" (Part II.V.) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and Hazardous Substance Liability.

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper Operation and Maintenance.

The permittee 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 permittee to achieve compliance with the conditions of this 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 permittee only when the operation is necessary to achieve compliance with the conditions of this 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 state waters.

S. Duty to Mitigate.

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which 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 a permittee 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 permit.

U. Bypass.

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which 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 Parts II, U.2. and U.3.
2. Notice
 - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass.
 - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II.I.
3. Prohibition of bypass.
 - a. Bypass is prohibited, and the Board may take enforcement action against a permittee 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 which occurred during normal periods of equipment downtime or preventive maintenance; and
 - 3) The permittee submitted notices as required under Part II.U.2.
 - b. The Board may approve an anticipated bypass, after considering its adverse effects, if the Board determines that it will meet the three conditions listed above in Part II.U.3.a.

V. Upset.

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part II.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. A permittee 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 permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required in Part II.I.; and
 - d. The permittee complied with any remedial measures required under Part II.S.
3. In any enforcement preceding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and Entry.

The permittee shall allow the Director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, 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. Permit Actions.

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

Y. Transfer of permits.

1. Permits are not transferable to any person except after notice to the Department. Except as provided in Part II.Y.2., a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.
2. As an alternative to transfers under Part II.Y.1., this permit may be automatically transferred to a new permittee if:
 - a. The current permittee notifies the Department at least 30 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 permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
- c. The Board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II.Y.2.b.

Z. Severability.

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