



**U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION III WATER BRANCH, ENFORCEMENT
AND COMPLIANCE ASSURANCE DIVISION
CLEAN WATER ACT
COMPLIANCE INSPECTION REPORT**

for

Name of Facility: Penny's Auto Parts and Salvage
Facility Address: 13304 Telegraph Road, Woodbridge, Virginia 22192
Mailing Address: 13304 Telegraph Road, Woodbridge, Virginia 22192

Report Prepared on: 4/23/2021
Date

By: ,
Environmental Scientist (PG Environmental)
Signature

Report Final as of: _____ By: _____, EPA
Date *Signature*

General Information

Type of Inspection:	Industrial Stormwater
Owner:	Henry E. Archie
Operator:	Henry E. Archie
Permittee:	N/A
NPDES Permit No:	N/A
NPDES Permit Effective Date:	N/A
NPDES Permit Expiration Date:	N/A
Receiving Water:	Marumsco Creek
Latitude and Longitude:	38.66533, -77.28553

On-Site Facility Inspection Overview

On March 24, 2021, representatives from U.S. Environmental Protection Agency (EPA) Region III and EPA's contract inspectors from PG Environmental and Eastern Research Group (ERG), Inc., (the EPA Inspection Team), conducted a compliance evaluation inspection at the Penny's Auto Parts and Salvage facility in Woodbridge, Virginia (Facility). Mr. Henry Archie owns and operates the Facility. At the time of the inspection, the Facility was not covered under a permit for industrial stormwater discharges, but Mr. Archie was working on an application to cover the Facility under Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Stormwater Associated with Industrial Activity.

Approximate Entry Time: 12:45 PM (EDT) **Approximate Exit Time:** 2:15 PM (EDT)

Unique Project Identifier (UPI): 3E21WN081A

Unique Project Identifier: 3E21WN081A

TABLE OF CONTENTS

	PAGE
I. INTRODUCTION.....	3
II. INSPECTION PROCESS	3
Inspection Opening Conference	3
Weather and Precipitation Conditions.....	4
Records Review	5
Facility Site Walk.....	5
Summary of Observations.....	6
Permit Status	6
Stormwater Pollution Prevention Plan (SWPPP).....	7
Pollution Prevention and Good Housekeeping	7
Closing Conference	8

List of Appendices

Appendix A: Photograph Log

Appendix B: Exhibit Log

- Exhibit 1 – Aerial Facility Image
- Exhibit 2 – Permit Registration Statement and DEQ Correspondence
- Exhibit 3 – DEQ General Inspection
- Exhibit 4 – DEQ Recon Inspection
- Exhibit 5 – DEQ Special Order

I. INTRODUCTION

On March 24, 2021, representatives from U.S. Environmental Protection Agency (EPA) Region III and EPA's contract inspectors from PG Environmental and Eastern Research Group (ERG), Inc., (hereinafter, collectively referred to as the EPA Inspection Team) inspected Penny's Auto Parts and Salvage (hereinafter, Facility), owned and operated by Mr. Henry Archie, Jr., in Woodbridge, Virginia. The EPA Inspection Team was accompanied by Mr. Henry Archie, Jr. (aka, JR) and his General Manager, Mr. Virdell Buffington (a.k.a., "Rev"; hereinafter, Facility representatives). The purpose of the inspection was to assess the Facility's operations and applicability for coverage under the Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Stormwater Associated with Industrial Activity (VAR05, the Permit). At the time of the inspection, the Facility had not completed the application process for coverage under the Permit. Based on observations made during the inspection, it appeared the Facility conducts industrial activities classified under Sector M of the Permit (automobile salvage yards) which may be exposed to stormwater.

The Facility encompasses three acres, all of which are used for industrial activity. The Facility includes an outdoor holding area (pre-processing); an outdoor vehicle processing rack; and post-processing holding area where vehicles are stored (i.e., the lot); a garage equipped with an oil-burning furnace; and a trailer office. Tires and various other vehicle components, such as transmissions, engines, and fuel tank parts were observed piled and littered throughout the lot. The Facility representatives stated that they believed they had one outfall point located at the southern corner of the Facility. However, the EPA Inspection Team observed locations along the southwestern and southeastern perimeter actively discharging stormwater at the time of the inspection (refer to Observation 3). A Facility diagram is included in [Appendix B, Exhibit 1](#).

Facility representatives explained that vehicles arriving onsite are placed in the outdoor holding area located in the southeastern area of the Facility. Facility representatives stated that vehicles are brought to an uncovered processing rack where batteries are stripped, fluids are drained, and major components are removed. Batteries are stored in the processing area until they are hauled away by a contractor approximately once a month. Oils and fuel are drained separately into drums and burned in a furnace located in a garage near the northeastern perimeter of the Facility. The furnace is ventilated outside of the garage. Facility representatives stated that vehicles are hauled away to a metal processor if they can no longer be used for salvage. No vehicle crusher was located onsite. Tires that can be reused are sold to wholesale companies as needed; damaged tires are collected and hauled to county landfills.

II. INSPECTION PROCESS

Inspection Opening Conference

The EPA Inspection Team arrived at the Facility at 12:45 PM (EDT) for the inspection. Mr. Jake Albright of PG Environmental displayed his Clean Water Act inspector credential to the Facility representatives at the outset of the inspection and explained that the purpose of the inspection was to observe compliance with the Permit. The EPA Inspection Team informed the Permittee that any information that the Facility deemed to be confidential business information ("CBI") should be identified to the EPA Inspection Team and it would be handled according to EPA's CBI procedures.

Table 1: Inspection Attendee List

Name	Affiliation	Telephone	Email
EPA Region III Inspectors and Contractors			
Jake Albright	PG Environmental	(703) 956-1957	Jake.Albright@pgenv.com
Shane McAleer	EPA Region III	(215) 814-5616	Mcaleer.Shane@epa.gov
Amanda Pruzinsky	EPA Region III	(215) 814-5456	Pruzinsky.Amanda@epa.gov
Kelly Davis	Eastern Research Group (ERG), Inc.	(703) 633-1600	Kelly.Davis@erg.com
Facility Representative			
Mr. Henry Archie, Owner	Penny's Auto Parts and Salvage	(703) 643-2011	-
Mr. Virdell Buffington, General Manager	Penny's Auto Parts and Salvage	-	-

Weather and Precipitation Conditions

During the inspection, weather was overcast and there were periods of moderate rain. National Oceanic and Atmospheric Administration (NOAA) National Weather Service precipitation data for the date of the inspection and 5 days prior are provided in the Table 2 below:

Table 2. Precipitation Data

Station Name	Date	Precipitation Amount (inches) ¹
WOODBIDGE 5.9 NW, VA US US1VAPW0010	03/19/2021	0.23
WOODBIDGE 5.9 NW, VA US US1VAPW0010	03/20/2021	0.00
WOODBIDGE 5.9 NW, VA US US1VAPW0010	03/21/2021	0.00
WOODBIDGE 5.9 NW, VA US US1VAPW0010	03/22/2021	0.00
WOODBIDGE 5.9 NW, VA US US1VAPW0010	03/23/2021	0.00
WOODBIDGE 5.9 NW, VA US US1VAPW0010	03/24/2021	0.10

¹ Source: NOAA National Climatic Data Center (<http://www.ncdc.noaa.gov/>).

Records Review

The Facility had not completed its application for coverage under the Permit at the time of the inspection. Operations onsite appeared consistent with activities classified under Sector M – Automobile Salvage Yards. Since the facility was unpermitted at the time of the inspection, documents and records required by the Permit had not been developed and maintained, and thus, were not reviewed.

Previous Virginia Department of Environmental Quality (DEQ) inspection reports and enforcement correspondence were provided electronically by DEQ and reviewed offsite. The following documents were reviewed:

- DEQ General Inspection Report (March 13, 2014)
- DEQ Recon Inspection Report (August 17, 2018)
- DEQ Special Order (effective September 9, 2019)
- VPDES Registration Statement and Virginia DEQ Correspondence (January 2021 through February 2021)
- DEQ Correspondence Regarding Permit Registration (February 22, 2021)

Facility Site Walk

As part of the inspection process, the EPA Inspection Team visually observed the site conditions in the presence of the Facility representatives. The primary purpose of the inspection was to review industrial processes and operations at the Facility.

Photographs were taken during the inspection by Mr. Jake Albright and Ms. Kelly Davis. Photographs used to support the observations in this report are included in Appendix A, Photograph Log. Photographs not used are kept on file at EPA Region III. Documents used to support the observations in this report are included in Appendix B, Exhibit Log.

The EPA Inspection Team began the Facility walk-through at the entrance located along the southeastern perimeter of the Facility (refer to [Appendix A, DSCN4031](#)). The EPA Inspection Team observed the pre-processing holding area and the exterior of the trailer office (refer to [Appendix A, DSCN2183 and DSCN2184, and DSCN4130](#)). The EPA Inspection Team continued along the northeastern perimeter of the Facility and observed the outdoor vehicle processing rack located adjacent to the trailer office (refer to [Appendix A, DSCN4038 and DSCN4043](#)). To the west of the vehicle processing area was a garage that contained a furnace. Facility representatives stated that the furnace was used to burn oils and fuel drained from the processed vehicles. The furnace was ventilated outside of the garage (refer to [Appendix A, DSCN4054 and DSCN4055](#)). The EPA Inspection Team continued along the northeastern Facility perimeter, observing the northern post-processing vehicle holding area (refer to [Appendix A, DSCN4058 and DSCN4073](#)).

The EPA Inspection Team continued to observe the northwestern Facility perimeter, observing the western post-processing vehicle holding area.

The EPA Inspection Team continued the inspection along the Facility's southwestern perimeter and observed the additional post-processing vehicle holding area. Locations of broken fencing was observed along the Facility's southwestern perimeter and southern corner (refer to [Appendix A, DSCN4081 and DSCN4094](#)).

The EPA Inspection Team observed the described outfall location at the Facility's southern corner (refer to [Appendix A, DSCN4094, DSCN4095, and DSCN4098](#)).

After walking the Facility grounds, the EPA Inspection Team exited the Facility's perimeter and walked along the wooded area on the Facility's southwestern perimeter as well as along the access road bordering the Facility's southeastern perimeter. The EPA Inspection Team observed signs of discharge along the Facility's southwestern perimeter (refer to [Appendix A, DSCN2237, DSCN4081, and DSCN4104](#)). The EPA Inspection Team also observed runoff actively discharging from the southeastern perimeter wall in a different location than the described outfall (refer to [Appendix A, DSCN4113 and DSCN4114](#)).

The EPA Inspection Team concluded the Facility walkthrough outside the Facility's office trailer.

Summary of Observations

The following section summarizes the EPA Inspection Team's observations relative to Permit status and observed site conditions.

Permit Status

The Facility was not covered under a permit for industrial stormwater discharges at the time of the inspection.

Observation 1. On March 24, 2021, The EPA Inspection Team only inspected Penny's Auto Parts and Salvage owned by Mr. Henry Archie, Jr. The EPA Inspection Team observed that there was another adjacent salvage yard operation located in the same vicinity. Facility representatives explained that one person owns the property on which both businesses were located (Mr. Henry Archie, Jr.); however, the businesses are individually owned. Both businesses were using the name, "Penny's" — Penny's Used Auto Parts (owned by Mr. Richard Archie) and Penny's Auto Parts and Salvage (owned by Mr. Henry Archie, Jr.). The businesses were separated by a fence through approximately the middle of the combined properties. Facility representatives stated neither facility was permitted at the time of the inspection. Facility representatives stated that in the past there was only one business at the location; however, the property split into two separate businesses approximately 10 to 15 years prior to the inspection.

Observation 2. The Facility had not filed and been approved for Permit coverage at the time of the inspection. Facility representatives explained they had applied for coverage under the Permit on January 22, 2021; however, the application was not fully completed and has not been approved by DEQ (refer to [Attachment B, Exhibit 2](#)). Operations onsite appeared consistent with activities classified under Sector M – Automobile Salvage Yards.

Additionally, the application used the name and address for Penny's Used Auto Parts (19059 Minnieville Road, Woodbridge, VA 22192). The owner on the application is listed as Mr. Henry Archie, with a mailing address of 13304 Telegraph Road, Woodbridge, VA 22192, which is the address of Penny's Auto Parts and Salvage.

Facility representatives explained that a permit had been issued for Penny's Used Auto Parts (19059 Minnieville Road, Woodbridge, VA 22192) in the past and had expired in 2018. They stated that they assumed the previous permit covered Penny's Used Auto Parts and Penny's Auto Parts and Salvage. Based on observations made during the inspection, it appeared as though there were two separate businesses operating adjacent to one another, separated by a fence line.

Observation 3. Facility representatives stated that the previous permit, which listed Penny's Used Auto Parts as the permittee, included one outfall, Outfall 001, at the southern

corner of the Penny's Auto Parts and Salvage property; however, the EPA Inspection Team observed runoff leaving the Facility in another location at the time of the inspection. Specifically, the EPA Inspection Team observed stormwater actively discharging from the southeastern perimeter of the Facility at the time of the inspection (refer to Appendix A, DSCN4113 and DSCN4114). Additionally, the EPA Inspection Team observed evidence of discharge from a location along the southwestern perimeter of the Facility and at the southern corner of the Facility into the wooded area south of the Facility (refer to Appendix A, DSCN2237, DSCN4081, DSCN4094, DSCN4095, DSCN4098, and DSCN4104). These locations were not designated as outfalls in the previous permit. Runoff was observed from the southeastern perimeter of the Facility over the access road and into a wooded area southeast of the Facility (refer to Appendix A, DSCN4113 and DSCN4114). A drainage ditch was located approximately 50-75 feet southwest from the Facility's southwestern perimeter (refer to Appendix A, DSCN4081, DSCN4095, and DSCN4098).

Stormwater Pollution Prevention Plan (SWPPP)

As stated previously, the Facility was not permitted and had not developed or maintained documents required by the Permit.

Observation 4. A Facility SWPPP, or similar document, had not been developed at the time of the inspection. The DEQ inspection performed on January 24 and February 26, 2014 (i.e., during the period Penny's Used Auto Parts had been covered by a permit), found that the Facility had not developed a SWPPP (refer to Appendix B, Exhibit 3). The DEQ inspection performed on July 25, 2018, found that the Facility had not developed a SWPPP; DEQ subsequently made a request to correct the action and develop a SWPPP by September 7, 2018 (refer to Appendix B, Exhibit 4). The request was not fulfilled.

In the DEQ Special Order, effective on September 9, 2019, the Facility was mandated to submit a SWPPP to DEQ within 90 days (refer to Appendix B, Exhibit 5). The mandate had not been fulfilled at the time of the inspection, and the Facility had not re-applied for permit coverage after the previous permit expired in 2018.

Pollution Prevention and Good Housekeeping

Observation 5. The EPA Inspection made the following observations regarding pollution prevention and good housekeeping at the Facility:

- The EPA Inspection Team observed petroleum sheen on the lot surface in the southeastern area of the Facility (refer to Appendix A, DSCN4087, DSCN4089, and DSCN4132). No odor of petroleum was detected.
- Uncovered and uncontained scrap material, tires, engines, fuel tanks, and transmission components were stacked and littered throughout the Facility, uncovered and uncontained (refer to Appendix A, DSCN4038, DSCN4043, DSCN4058, DSCN4128, and DSCN4130).
- The EPA Inspection Team observed that not all fluids were drained from all vehicles during processing. Windshield wiper fluid was observed in at least two vehicles in the post-processing holding area adjacent to the Facility's southwestern perimeter (refer to Appendix A, DSCN2219 and DSCN4073). Facility representatives stated they were unaware until recently that they needed to drain wiper fluid.
- The EPA Inspection Team observed that not all batteries were removed from all vehicles during processing. Batteries were observed installed in at least four vehicles in

the post-processing vehicle holding area (refer to Appendix A, DSCN4073, DSCN4077, DSCN4120, and DSCN4123).

- The EPA Inspection Team observed a collection of drums, totes, a tank, and various vehicle parts stored uncovered at the southeastern perimeter of the Facility. Facility representatives stated that all containers were empty (refer to Appendix A, DSCN2183, DSCN2184, and DSCN4130).

Closing Conference

At the conclusion of the onsite inspection, the EPA Inspection Team conducted a closing conference with the Owner and General Manager and shared preliminary observations. The EPA Inspection Team reiterated that all preliminary observations discussed were not compliance determinations. Any and all preliminary observations shared were subject to further investigation by the EPA Inspection Team upon the additional review of records and documentation. Additional observations may be contained in this inspection report that were not identified at the time of the closing conference after the additional review of materials following the inspection.

The inspection concluded at approximately 2:15 PM (EDT).

Appendix A

Photograph Log



DSCN2183. View, facing northeast, of a pile of uncovered 55-gallon drums and fuel totes at the Facility's southeastern perimeter. Facility representatives stated that all containers were empty.



DSCN2184. View, facing southeast, of uncovered 55-gallon drums at the Facility's southeastern perimeter. Facility representatives stated that the drums were empty.



DSCN2219. View of a vehicle that contained windshield wiper fluid along the Facility's southwestern perimeter.



DSCN2237. View, facing north, of a location along the Facility's southwestern perimeter where the fence was damaged and there were signs of discharge.



DSCN4031. (original cropped to show sign) Facility entry sign.



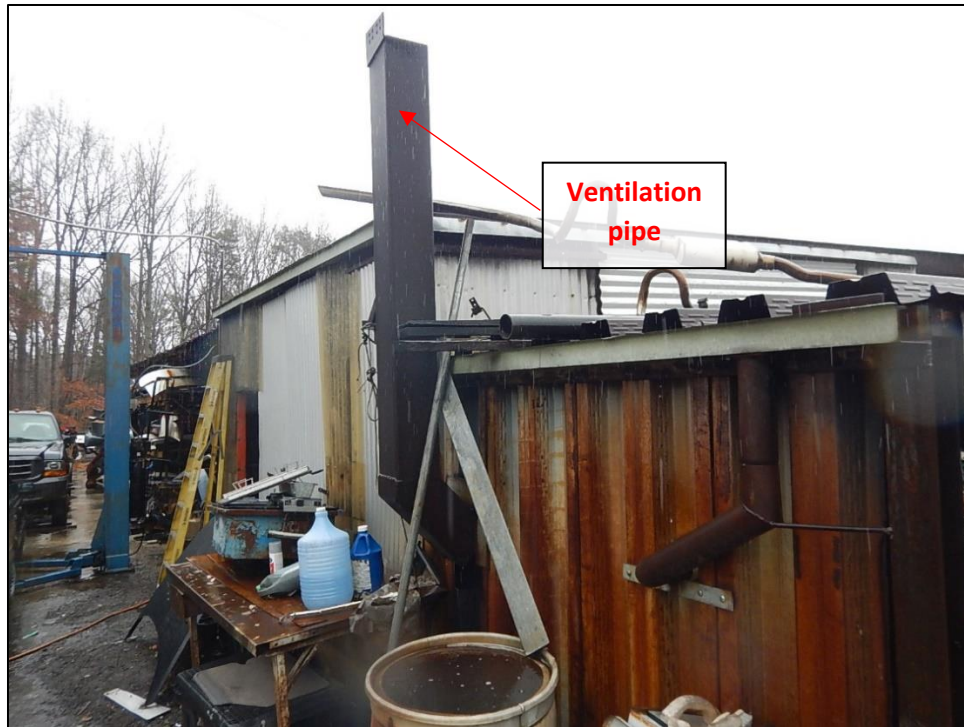
DSCN4038. View, facing west, of an uncovered pile of tires located at the Facility's northeastern area, outside of the trailer office.



DSCN4043. Another view, facing west, of an uncovered pile of tires located at the Facility's northeastern area, outside of the trailer office. Note the vehicle processing rack.



DSCN4054. View of the oil and fuel burning furnace inside a garage in the northeast area of the Facility.



DSCN4055. View, facing northwest, of the ventilation pipe outside of the garage that housed the furnace shown in [DSCN4054](#).



DSCN4058. View, facing southwest, of a pile of suspension members, a fuel tank, and other vehicle components piled in the central area of the Facility.



DSCN4073. View of a battery inside a vehicle stored at the northeast fence line. A fluid reservoir with wiper fluid remaining was also observed.



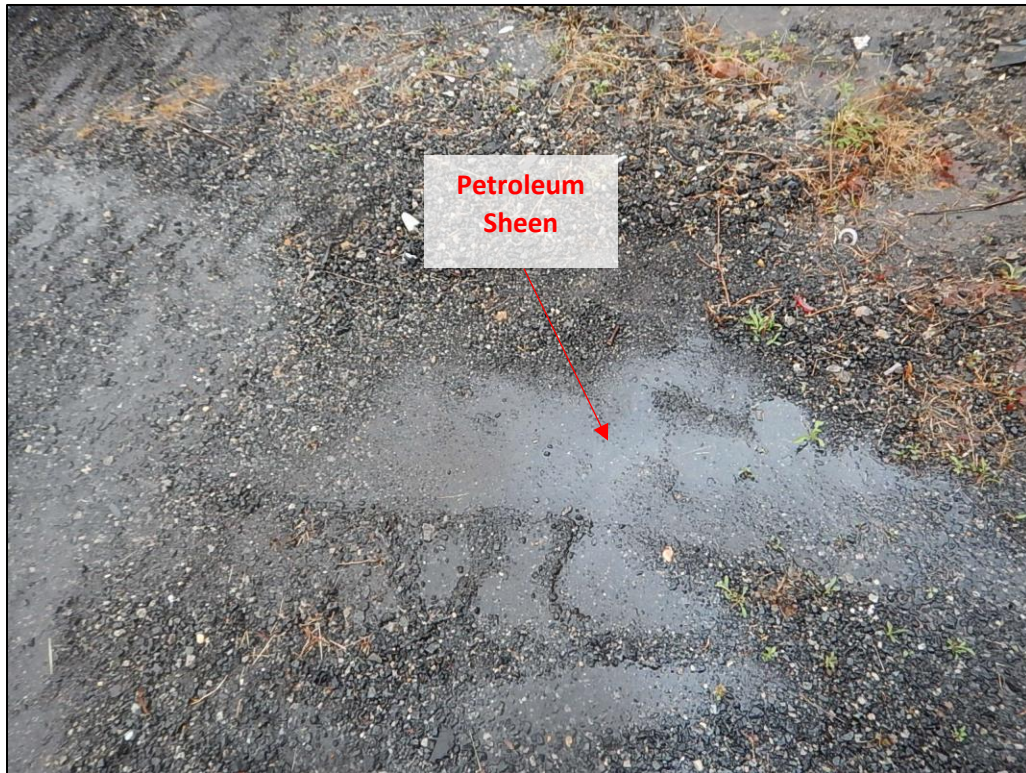
DSCN4077. View of a battery inside a vehicle stored near the southwestern perimeter of the Facility.



DSCN4081. View, facing south, of a damaged location at the southwestern fence. Evidence of discharge from the Facility was observed at the location.



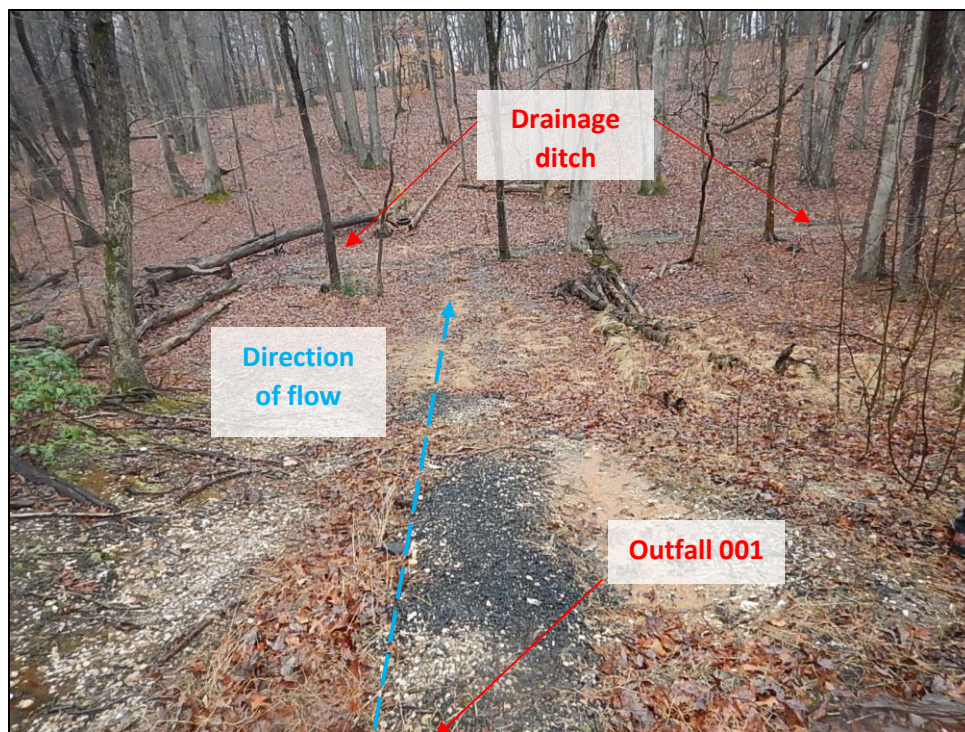
DSCN4087. View of oil sheen located at the eastern area of the Facility.



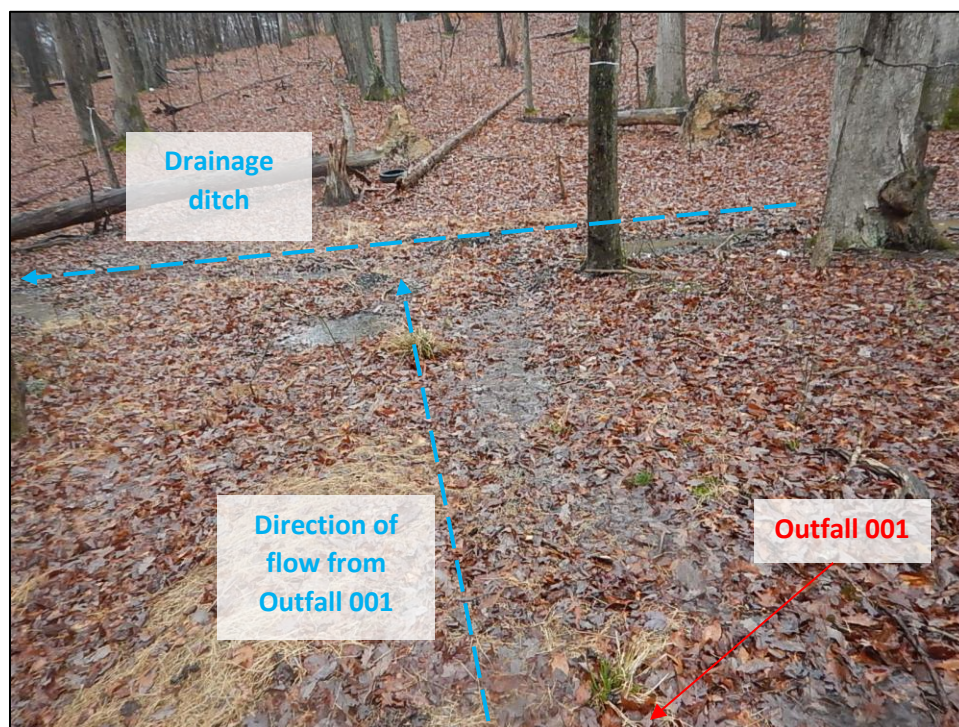
DSCN4089. View of oil sheen on the ground of the southeastern area of the Facility.



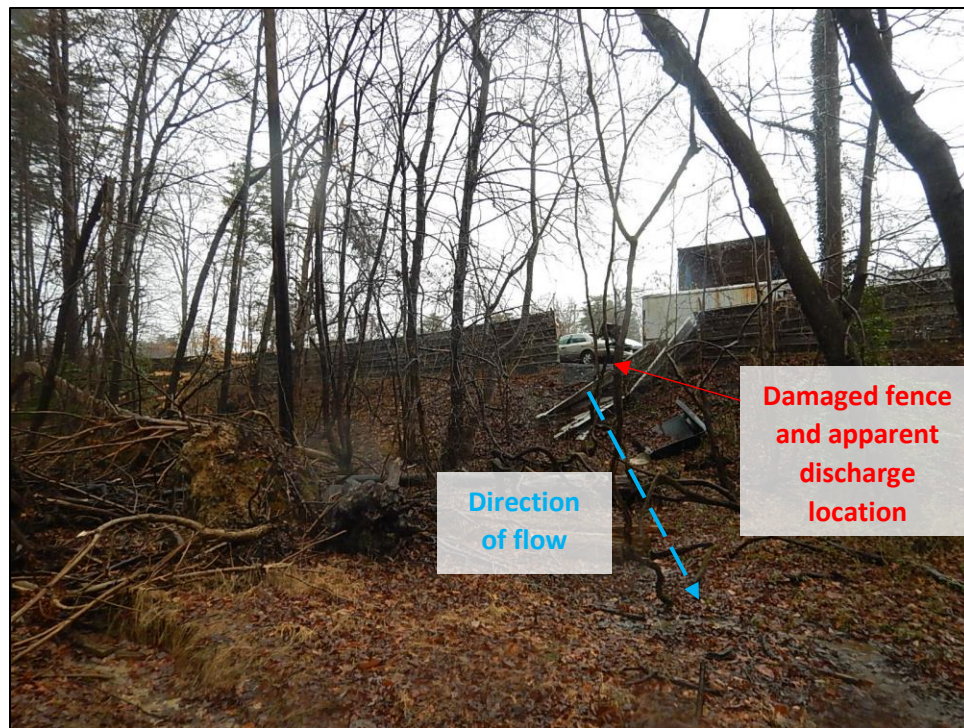
DSCN4094. View, facing northeast, of Outfall 001 (as designated in the previous permit) at the Facility's southern corner. Note the collapsed fence.



DSCN4095. View, facing south, downgradient of Outfall 001 of the wooded area south of the Facility.



DSCN4098. View, facing south, of Outfall 001. Evidence of discharge from the Facility was observed at the location. Note the drainage ditch in the wooded south of the Facility.



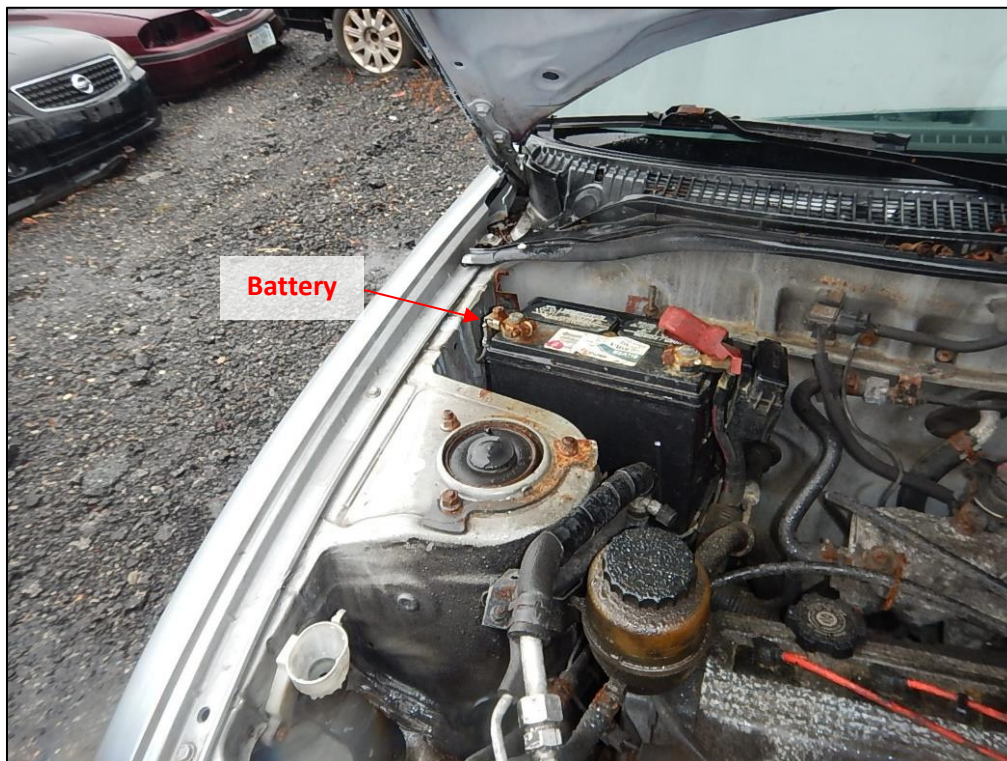
DSCN4104. View, facing north, of a damaged location at the southwestern fence shown in [DSCN4081](#). Evidence of discharge from the Facility was observed at the location. Photograph was taken offsite.



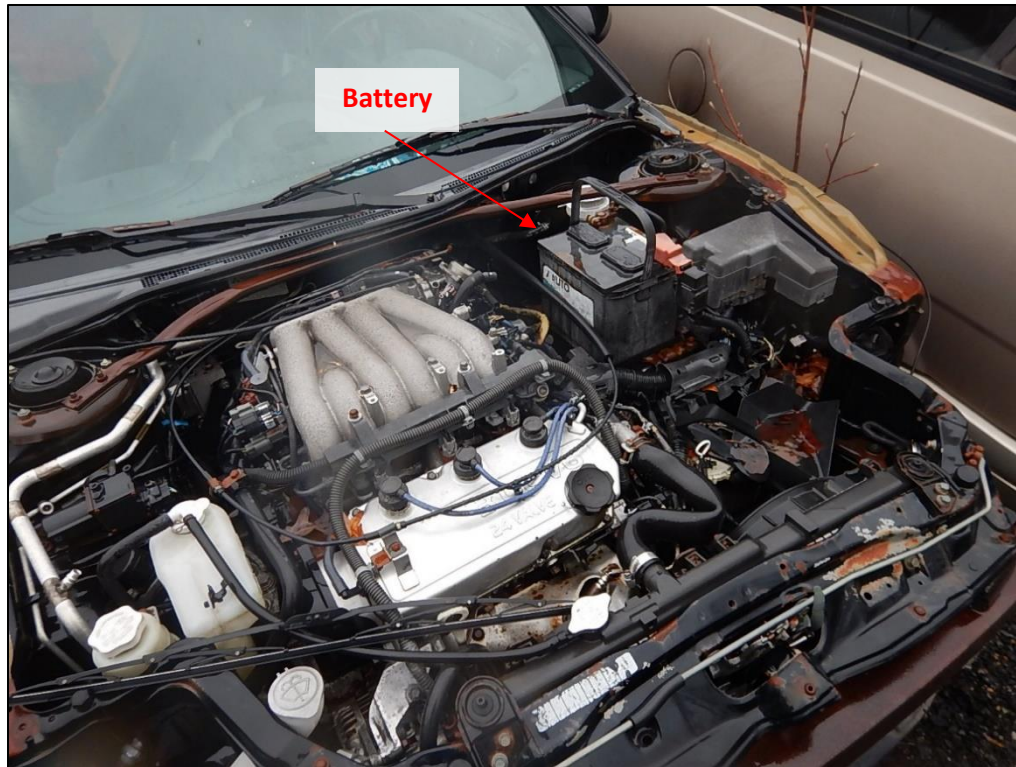
DSCN4113. View, facing northeast, of stormwater pooled outside of the Facility's southeastern perimeter. Note the apparent discharge location. Photograph was taken offsite.



DSCN4114. View, facing east, of stormwater discharged to the east of the Facility from the location shown in DSCN4113. Photograph was taken offsite.



DSCN4120. View of a battery installed in a vehicle stored in the Facility's eastern perimeter.



DSCN4123. View of a battery installed in a vehicle stored at the Facility's eastern perimeter.



DSCN4128. View, facing southeast, of a pile of uncovered vehicle components located at the center of the Facility.



DSCN4130. View, facing north, of uncovered 55-gallon drums, containers, an approximately 275-gallon tank, tires, and various vehicle parts at the southeastern perimeter of the Facility. Note a lack of secondary containment. Facility representatives stated that the drums, containers, and tanks were empty.



DSCN4132. View of a petroleum sheen located in the Facility's southeastern area.

Appendix B

Exhibit Log

Exhibit 1 – Aerial Facility Image

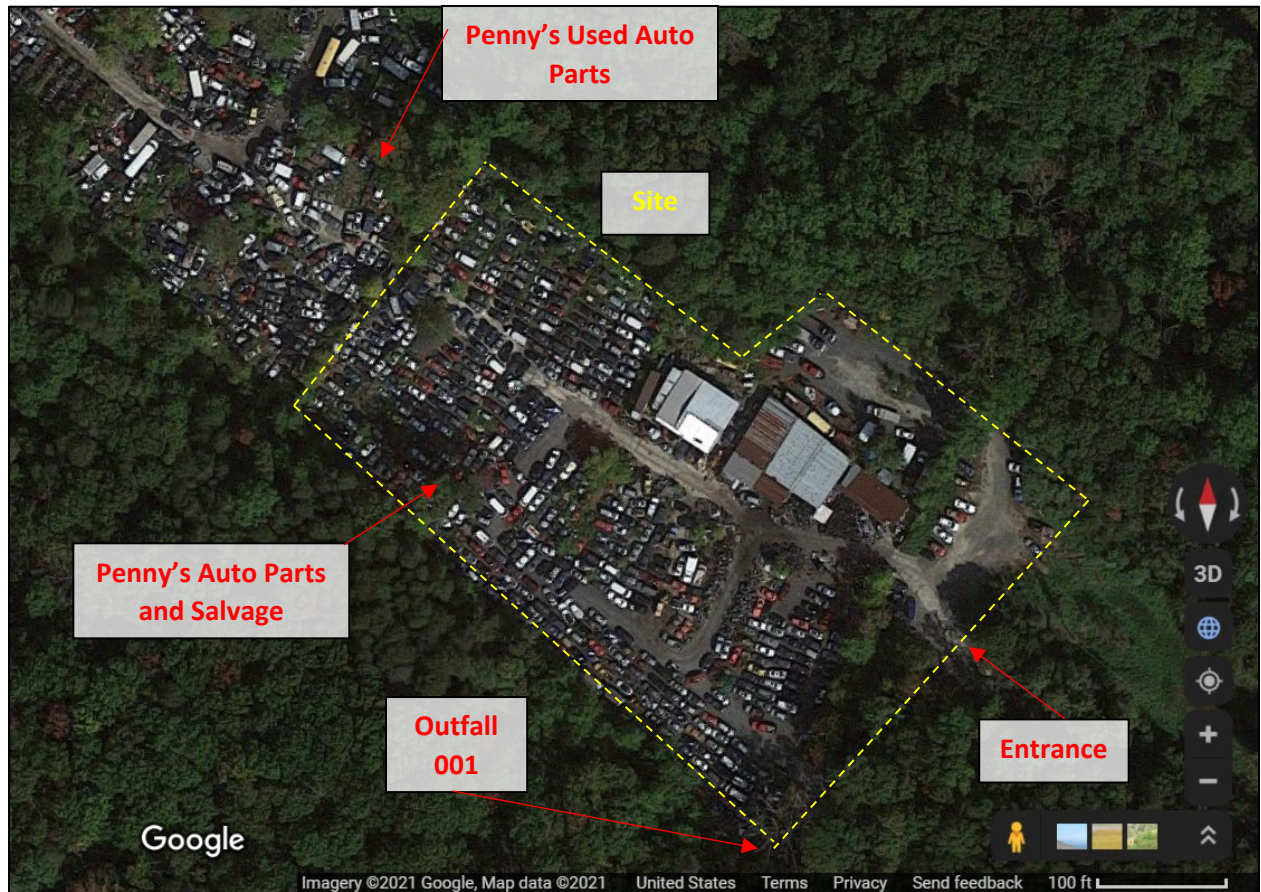


Exhibit 2 – Permit Registration Statement and DEQ Correspondence



Mackert, Susan <susan.mackert@deq.virginia.gov>

Outgoing Mail - 2 of 2 (Penny's Used Auto Parts)

1 message

Mackert, Susan <susan.mackert@deq.virginia.gov>

Mon, Feb 22, 2021 at 11:23 AM

To: "Moreno, Andrea" <andrea.moreno@deq.virginia.gov>

Cc: jhess@oag.state.va.us, Benjamin Holland <benjamin.holland@deq.virginia.gov>, Carla Pool <carla.pool@deq.virginia.gov>, "Selby, Stephen" <stephen.selby@dmv.virginia.gov>, "Shelton, Thomas" <thomas.shelton@dmv.virginia.gov>

Good Morning Andrea,

Here is the second of the two sets of correspondence that needs to be sent through the US Postal Service. And if you could, please send it certified.

There are three separate documents:

- My review letter;
- A copy of the registration statement they submitted to DEQ with my comments added; and
- A blank registration statement.

All three of the above need to be sent.

Thanks much,
Susan

--

Susan Mackert
Water Permit Writer, Senior II
Virginia Department of Environmental Quality
Northern Regional Office
13901 Crown Court
Woodbridge, VA 22193
Phone: (703) 583-3853
susan.mackert@deq.virginia.gov

3 attachments**VAR052115 Registration Statement Review February 2021.pdf**

100K

**VAR052115 DEQ Comments - Registration Statement January 2021.pdf**

544K

**VAR05 - 2019 RegistrationStatement.pdf**

307K



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE

13901 Crown Court, Woodbridge, Virginia 22193

(703) 583-3800

www.deq.virginia.gov

Matthew J. Strickler
Secretary of Natural Resources

David K. Paylor
Director

Thomas A. Faha
Regional Director

February 22, 2021

Mr. Virdell Buffington Jr.
P.O. Box 484
Triangle, VA 22172

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: Coverage under the Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Stormwater Associated with Industrial Activity – Registration # **VAR052115 (Penny's Used Auto Parts, Inc.)**

Dear Mr. Buffington:

This correspondence is being sent in response to a registration statement received on January 22, 2021, for the above referenced registration number. An initial review of the registration statement has been completed. There are a number of items that need attention before the registration statement can be deemed complete and processing of the general permit registration statement can continue.

➤ **Question 2:**

The response to question 2 (owner name) indicates that Henry Archie is the entity responsible for permit coverage. If a company or corporation is not identified here, the response of Henry Archie means that the permit will be issued to the individual rather than to a business. Please review and provide clarification as to whether the permit should be issued to Henry Archie as an individual or to a business.

If the permit is to be issued to a business, a State Corporation Commission (SCC) entity identification number must be provided in question 12 and the status of the business must be "active" with the SCC. DEQ cannot issue the permit to an inactive entity, or to an entity that is otherwise not in good standing with the SCC.

➤ **Question 2:**

Owner contact information was not provided as required by the registration statement. Please provide this information.

➤ **Question 5:**

The facility is required to have a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the general permit. Current enforcement proceedings have required that a SWPPP be prepared. However, the response to question five indicates that a SWPPP has not been prepared. Please provide a copy of the SWPPP with your response to this letter (via email or another delivery service such as the U.S. Postal Service) or provide the status for development if not yet completed.

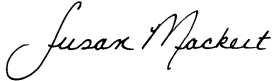
➤ **Question 9:**

A site map was not provided as required by the registration statement. Please provide this information.

- **Question 10a:**
This question was not answered as required by the registration statement. Please provide all required information.
- **Question 10b:**
This question was not answered as required by the registration statement. Please provide all required information.
- **Question 12:**
A State Corporation Commission (SCC) entity identification number was provided as required by the registration statement. However, the status of the business is listed as inactive. If the permit is to be issued to the business associated with the entity identification number provided, the business must be “active” with the SCC.

Please provide a revised registration statement addressing the above items, and a copy of the facility’s SWPPP, if available, no later April 1, 2021. A blank registration statement is included for your use. If a SWPPP has not been prepared, please contact me regarding a revised schedule for submittal of that item. Should you have any questions, please do not hesitate to contact me at (703) 583-3853 or susan.mackert@deq.virginia.gov.

Respectfully,



Susan Mackert
Environmental Specialist II, Senior II

Ec: J. Hess (JHess@oag.state.va.us)
Ben Holland (benjamin.holland@deq.virginia.gov)
Carla Pool (carla.pool@deq.virginia.gov)
Stephen Selby (stephen.selby@dmv.virginia.gov)
Thomas Shelton (thomas.shelton@dmv.virginia.gov)

Enc: 2019 – 2024 VPDES General Permit for Stormwater Discharges Associated with Industrial Activity Registration Statement (Blank)

2019 – 2024 VPDES General Permit for Stormwater Discharges Associated with Industrial Activity Registration Statement (Submitted to DEQ by Penny’s Used Auto Parts with DEQ Review Notes)



Mackert, Susan <susan.mackert@deq.virginia.gov>

Fwd: Message from WDBRG_C554E_ADMIN_04680

1 message

Faha, Thomas <thomas.faha@deq.virginia.gov>
To: Mackert Susan ujw77950 <susan.mackert@deq.virginia.gov>
Cc: Thomas Bryant der90307 <bryant.thomas@deq.virginia.gov>

Fri, Jan 22, 2021 at 2:40 PM

S,
Mr. Buffington stopped by with his application. I scanned and it is attached. He enclosed the check; unless you instruct me otherwise, I will forward it to Central.

t

----- Forwarded message -----

From: <nroscan@deq.virginia.gov>
Date: Fri, Jan 22, 2021 at 2:37 PM
Subject: Message from WDBRG_C554E_ADMIN_04680
To: <Thomas.Faha@deq.virginia.gov>

--

Thomas A. Faha
Director, Northern Regional Office
Virginia Department of Environmental Quality
[13901 Crown Ct](#)
[Woodbridge, VA 22193](#)
703.583.3810



SWDBRG_C55421012214350.pdf
340K

**Virginia Pollutant Discharge Elimination System (VPDES)
General Permit for Stormwater Discharges Associated with Industrial Activity (VAR05)
Registration Statement**

(Please Type or Print All Information)

1. Facility Information:

Facility Name:

Facility Mailing Address:

Facility Location
(if different than mailing
address):

Facility Local Contact:

PENNY'S USED AUTO PARTS, INC			
(street) 13059 MINNIEVILLE ROAD			
(city) WOODBRIDGE	(state) VA	(zip) 22192	(phone) 703-643-2011
(street or location)			
(city) PRINCE WILLIAM COUNTY	(state) VA	(zip) 22192	(phone)
(name) HENRY E ARCHIE		(title) OWNER	
(phone) 703-643-2011		(email)	

2. Owner Information (the entity responsible for permit coverage):

Owner Name:

Owner Mailing Address:

Owner Contact:

Provide owner contact
information as required.

Who are we issuing the permit
to? Mr. Archie personally or to
the business?

HENRY E ARCHIE			
(street) 13304 TELEGRAPH ROAD			
(city) WOODBRIDGE	(state) VA	(zip) 22192	(Phone) 703-643-2011
(name)		(title)	
(phone)		(email)	

3. Nature of the business conducted at the facility to be covered under this general permit:

AUTO SALVAGE YARD

4. Existing VPDES permits assigned to facility (permit numbers):

VAR052115		
-----------	--	--

5. For a new facility, a facility previously covered by an expiring individual permit, or an existing facility not currently covered by a VPDES permit, has a Stormwater Pollution Prevention Plan (SWPPP) been prepared?

Yes ☐

No ☒

Please clarify whether a SWPPP
has been developed for the
facility.

6. Does the facility discharge to a Municipal Separate Storm Sewer System (MS4)?

Yes ☐

No ☒

If yes, the facility owner must notify the owner of the MS4 of the existence of the discharge information at the time of registration under this permit and include that notification with this registration statement. The notice shall include the following information: the name of the facility, a contact person and telephone number, the location of the discharge, the nature of the discharge, and the facility's VPDES general permit number, if available.

7. Answer the questions below as they apply to the facility's discharges.

- a. If the facility is a landfill (Sector L), indicate the type of landfill (i.e., MSWLF (municipal solid waste landfill), CDD (construction debris and demolition), or other), and which outfalls (if any) receive contaminated stormwater runoff.

- b. If the facility is a timber products operation (Sector A), indicate which outfalls (if any) receive discharges from wet decking.

- c. If the facility has coal storage piles, indicate any outfalls receiving discharges from coal storage piles.

- d. If the facility manufactures asphalt paving and roofing materials (Sector D), indicate which outfalls (if any) receive discharges from areas where production of asphalt paving emulsions or roofing emulsions occur.

- e. If the facility manufactures cement, indicate which outfalls (if any) receive discharges from material storage piles.

- f. If a scrap recycling and waste recycling facility (Sector N – SIC 5093) only receives source-separated recyclable materials, indicate which outfalls (if any) receive discharges from this activity. List the metals (if any) that are received.

- g. For primary airports, list the average deicing season and indicate which outfalls (if any) receive discharges from deicing of non-propeller aircraft, and the annual average departures of non-propeller aircraft.

It should be noted that airport facilities subject to the effluent limitation guidelines in 40 CFR Part 449 are not authorized under this general permit.

8. List the following facility area information:

- a. The total area of the facility in acres.

5 ACRES TOTAL 5 ACRES SECTOR M

- b. The total area of industrial activity of the facility in acres.

5 ACRES SECTOR M

- c. The total impervious surface area of the industrial activity of the facility in acres.

2.5 ACRES 5 ACRES TO OUTFALL 001.

9. Attach a site map to the registration statement depicting the following:

- a. The property boundaries.

- b. All industrial activity outfalls labeled with unique numerical identification for each outfall.

Outfalls shall be numbered using a unique numerical identification code (numbers only, no letters) for each outfall. For example, Outfall Number 001, Outfall Number 002, etc.

- c. All water bodies or MS4 conveyances, labeled with names if applicable, receiving stormwater discharges from the site.

Please submit a site map as required.

10. a. Outfall Information (both tables 10. a & 10. b must be completed for each outfall):

Outfall Number	SIC Code (up to 4 per outfall)				Discharge to MS4? (Yes/No)	MS4 System Name (if outfall discharges to MS4)	Receiving Stream
					This section must be completed.		

Identify up to four four-digit Standard Industrial Classification (SIC) Codes or 2-letter Industrial Activity Codes that best represent the principal products or services rendered by the facility and major co-located activities

The 2-letter Industrial Activity Codes are: **HZ** - hazardous waste treatment, storage, or disposal facilities; **LF** - landfills and disposal facilities that receive or have received any industrial wastes; **SE** - steam electric power generating facilities; or, **TW** - treatment works treating domestic sewage.

10. b. Outfall Information (complete table for each outfall listed in 10. a):

Outfall Number	Total Area of Industrial Activity Draining to Outfall (acres)	Impervious Area of Industrial Activity Draining to Outfall (acres)	Latitude	Longitude
		This section must be completed.		

Latitude and longitude information may be obtained from DEQ's Virginia Environmental Geographic Information System (VEGIS) at the following: <https://www.deq.virginia.gov/ConnectWithDEQ/VEGIS.aspx>

11. Is this a new facility that commenced construction after June 30, 2019, located in the Chesapeake Bay watershed, and applying for first time general permit coverage?

Yes ☐ No ☒

If yes, attach the required documentation. (See the registration statement instructions for additional information).

12. Provide the State Corporation Commission (SCC) entity identification number, if the owner is required to obtain an entity identification number by law. If not applicable to the owner, please indicate "NA" as your answer.

FD-5562284-2 DCN 15-05-08-0202

SCC ID is listed as inactive.

13. Electronic Transmittal of Permit Coverage:

Indicate if DEQ may transmit the permit coverage documents electronically.

Yes ☐ No ☒

If Yes provide instructions:

--

14. 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."

Print Name

HENRY E ARCHIE

Title:

OWNER

Signature:

Henry E Archie

Date:

1/22/2021

**Virginia Pollutant Discharge Elimination System (VPDES)
General Permit for Stormwater Discharges Associated with Industrial Activity (VAR05)
Registration Statement**

(Please Type or Print All Information)

1. Facility Information:

Facility Name:

Facility Mailing Address:

Facility Location
(if different than mailing
address):

Facility Local Contact:

(street)			
(city)	(state)	(zip)	(phone)
(street or location)			
(city)	(state)	(zip)	(phone)
(name)		(title)	
(phone)		(email)	

2. Owner Information (the entity responsible for permit coverage):

Owner Name:

Owner Mailing Address:

Owner Contact:

(street)			
(city)	(state)	(zip)	(Phone)
(name)		(title)	
(phone)		(email)	

3. Nature of the business conducted at the facility to be covered under this general permit:

--

4. Existing VPDES permits assigned to facility (permit numbers):

--	--	--

5. For a new facility, a facility previously covered by an expiring individual permit, or an existing facility not currently covered by a VPDES permit, has a Stormwater Pollution Prevention Plan (SWPPP) been prepared?

Yes ☐ No ☐

6. Does the facility discharge to a Municipal Separate Storm Sewer System (MS4)?

Yes ☐ No ☐ If yes, the facility owner must notify the owner of the MS4 of the existence of the discharge information at the time of registration under this permit and include that notification with this registration statement. The notice shall include the following information: the name of the facility, a contact person and telephone number, the location of the discharge, the nature of the discharge, and the facility's VPDES general permit number, if available.

7. Answer the questions below as they apply to the facility's discharges.

- a. If the facility is a landfill (Sector L), indicate the type of landfill (i.e., MSWLF (municipal solid waste landfill), CDD (construction debris and demolition), or other), and which outfalls (if any) receive contaminated stormwater runoff.

- b. If the facility is a timber products operation (Sector A), indicate which outfalls (if any) receive discharges from wet decking.

- c. If the facility has coal storage piles, indicate any outfalls receiving discharges from coal storage piles.

- d. If the facility manufactures asphalt paving and roofing materials (Sector D), indicate which outfalls (if any) receive discharges from areas where production of asphalt paving emulsions or roofing emulsions occur.

- e. If the facility manufactures cement, indicate which outfalls (if any) receive discharges from material storage piles.

- f. If a scrap recycling and waste recycling facility (Sector N – SIC 5093) only receives source-separated recyclable materials, indicate which outfalls (if any) receive discharges from this activity. List the metals (if any) that are received.

- g. For primary airports, list the average deicing season and indicate which outfalls (if any) receive discharges from deicing of non-propeller aircraft, and the annual average departures of non-propeller aircraft.

It should be noted that airport facilities subject to the effluent limitation guidelines in 40 CFR Part 449 are not authorized under this general permit.

8. List the following facility area information:

- a. The total area of the facility in acres.

- b. The total area of industrial activity of the facility in acres.

- c. The total impervious surface area of the industrial activity of the facility in acres.

9. Attach a site map to the registration statement depicting the following:

- a. The property boundaries.

- b. All industrial activity outfalls labeled with unique numerical identification for each outfall.

Outfalls shall be numbered using a unique numerical identification code (numbers only, no letters) for each outfall. For example, Outfall Number 001, Outfall Number 002, etc.

- c. All water bodies or MS4 conveyances, labeled with names if applicable, receiving stormwater discharges from the site.

10. a. Outfall Information (both tables 10. a & 10. b must be completed for each outfall):

Outfall Number	SIC Code (up to 4 per outfall)				Discharge to MS4? (Yes/No)	MS4 System Name (if outfall discharges to MS4)	Receiving Stream

Identify up to four four-digit Standard Industrial Classification (SIC) Codes or 2-letter Industrial Activity Codes that best represent the principal products or services rendered by the facility and major co-located activities

The 2-letter Industrial Activity Codes are: **HZ** - hazardous waste treatment, storage, or disposal facilities; **LF** – landfills and disposal facilities that receive or have received any industrial wastes; **SE** - steam electric power generating facilities; or, **TW** - treatment works treating domestic sewage.

10. b. Outfall Information (complete table for each outfall listed in 10. a):

Outfall Number	Total Area of Industrial Activity Draining to Outfall (acres)	Impervious Area of Industrial Activity Draining to Outfall (acres)	Latitude	Longitude

Latitude and longitude information may be obtained from DEQ's Virginia Environmental Geographic Information System (VEGIS) at the following: <https://www.deq.virginia.gov/ConnectWithDEQ/VEGIS.aspx>

11. Is this a new facility that commenced construction after June 30, 2019, located in the Chesapeake Bay watershed, and applying for first time general permit coverage?

Yes ☐ No ☐

If yes, attach the required documentation. (See the registration statement instructions for additional information).

12. Provide the State Corporation Commission (SCC) entity identification number, if the owner is required to obtain an entity identification number by law. If not applicable to the owner, please indicate "NA" as your answer.

--

13. Electronic Transmittal of Permit Coverage:

Indicate if DEQ may transmit the permit coverage documents electronically.

Yes ☐ No ☐

If Yes provide instructions:

--

14. 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."

Print Name

--

Title:

--

Signature:

--

Date:

--

REGISTRATION STATEMENT INSTRUCTIONS for DEQ WATER FORM SWGP-VAR05-RS
VPDES General Permit for Stormwater Discharges Associated with Industrial Activity (VAR05)

WHO MUST FILE THE REGISTRATION STATEMENT

The owner of any new or existing facility that has discharges of stormwater associated with industrial activity through a point source to surface waters, or through a municipal or non-municipal separate storm sewer system (MS4) to surface waters, may request coverage under this general permit by completing and submitting this Registration Statement. (See Table 1 for a list of the specific Standard Industrial Classification code facilities eligible for coverage under this general permit).

WHERE TO FILE THE REGISTRATION STATEMENT

Submit the completed and signed Registration Statement to the DEQ Regional Office that serves the area where your facility is located. The Registration Statement may be submitted by either postal or electronic mail. The Permit Application Fee Form and your check for \$500 (made payable to "Treasurer of Virginia") should be sent to DEQ Receipts Control, P.O. Box 1104, Richmond, VA 23218. The Fee Form, Regional Office addresses and email addresses are available online at www.deq.virginia.gov, or by calling the DEQ at (804) 698-4000.

COMPLETENESS

In order for your application to be deemed complete and permit processing to proceed, all items must be completed as applicable. Attach extra sheets of paper if you need more space than the form allows.

ANTIDEGRADATION REQUIREMENTS

Coverage under this general permit will not be granted unless the facility's stormwater discharges comply with Virginia's Antidegradation Policy under 9VAC25-260-30 of the Water Quality Standards. An individual permit application may be required to allow a proposed discharge to High Quality Waters (see 9VAC25-260-30 A 2), or permit coverage may be denied for a proposed discharge to Exceptional Waters (see 9VAC25-260-30 A 3). The Department will notify you if your discharges will not comply with the antidegradation requirements.

SIC Code mean the "Standard Industrial Classification" code listed in the Federal Office of Management and Budget (OMB) SIC Manual, 1987. [SIC codes](#) are used as identifiers of industries with certain characteristics.

SECTION-BY-SECTION INSTRUCTIONS

Section 1 Facility Information

Facility Name: Provide the name of the facility

Facility Mailing Address: Provide the mailing address of the facility

Facility Location (if different than mailing address): Provide the location of the facility ("911" street address).

Facility Local Contact: Provide the name and title of the contact for the facility and with whom day to day business will be conducted, email, and phone number.

Section 2 Owner Information

Owner Name: Provide the name of the person, partnership, LLC, corporation or other legal entity that owns the business. This does not have to be the owner of the building (e.g., if it is leased) but who is responsible for the business and wants coverage under the general permit.

Owner Mailing Address: Provide the complete mailing address and phone number for the legal entity that owns the business.

Owner Contact: Provide the name and title of the contact that represents the legal entity that owns the business, email, and phone number.

Section 3 Nature of the Business

Provide a brief description of the nature of the business conducted at the facility that is to be covered under this general permit.

Section 4 Existing VPDES Permits

List the permit numbers of any existing VPDES permits issued to the facility.

Section 5 Stormwater Pollution Prevention Plan (SWPPP)

Owners of new facilities, facilities previously covered by an expiring individual permit, or an existing facility not currently covered by a VPDES permit who are applying for coverage under this general permit must prepare and implement a written SWPPP for the facility in accordance with the general permit requirements (see 9VAC25-151-70 et seq.) prior to submitting the Registration Statement.

If this is a new facility, a facility previously covered by an expiring individual permit, or an existing facility not currently covered by a VPDES permit, indicate if a SWPPP has been prepared.

Section 6 Discharges to a Municipal Separate Storm Sewer System (MS4)

Indicate if the discharge is into an MS4. MS4s are sometimes difficult to detect. Generally, MS4s are a conveyance or system of conveyances (including roads with drainage systems (roadside ditches), municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains: (i) owned or operated by a state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity. Note that VDOT roadside ditches and drainage-ways are MS4s. The MS4s eventually discharges to surface waters of the state and are designed or used for collecting or conveying stormwater. They are not part of a combined sewer (stormwater and sewage) and are not part of a Publicly Owned Treatment Works (POTW) (sanitary sewer). A list of MS4 owners are on the [DEQ MS4 web site](#). Generally, if you are within the boundaries of the locality or entity listed, you are in the MS4 area but that does not necessarily mean you discharge to the MS4. For example, if the discharge is to a stream that does not go through the MS4 conveyance (street, catch basin, curb, gutter, etc.) you do not have to notify the MS4 owner.

If you do discharge into an MS4, you must notify the MS4 owner in writing of the existence of your discharge and include that notification with this registration statement. The notification to the MS4 owner shall include the name of your facility, a contact person, contact information, the location of the discharge, the nature of the discharge and your VPDES general permit registration number if already assigned by DEQ. This may be a copy of a letter or email. No response from the MS4 owner is required.

Section 7 Facility Discharges

Answer the additional questions in Section 7 as they apply to the facility's discharges.

Section 8 Facility Area Information

List the total area of the facility in acres, the total area of industrial activity of the facility in acres, and the total impervious surface area of the industrial activity of the facility in acres.

"Impervious surface" means a surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil.

"Industrial activity" - the following categories of facilities are considered to be engaging in "industrial activity":

- 1. Facilities subject to stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category 10 of this definition);*
- 2. Facilities classified as Standard Industrial Classification (SIC) 24 (except 2434), 26 (except 265 and 267), 28 (except 283 and 285), 29, 311, 32 (except 323), 33, 3441, and 373 (Office of Management and Budget (OMB) SIC Manual, 1987);*
- 3. Facilities classified as SIC 10 through 14 (mineral industry) (OMB SIC Manual, 1987) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(l) because the performance bond issued to the facility by the appropriate Surface Mining Control and Reclamation Act of 1977 (SMCRA) (30 USC § 1201 et seq.) authority has been released, or except for areas of noncoal mining operations which have been released from applicable state or federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge stormwater contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator owner or operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);*
- 4. Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of the Resource Conservation and Recovery Act (RCRA) (42 USC § 6901 et seq.);*
- 5. Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this definition, and debris/wastes debris or wastes from VPDES regulated construction activities/sites activities or sites), including those that are subject to regulation under Subtitle D of RCRA;*
- 6. Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification Codes 5015 and 5093 (OMB SIC Manual, 1987);*
- 7. Steam electric power generating facilities, including coal handling sites;*
- 8. Transportation facilities classified as SIC Codes 40, 41, 42 (except 4221-4225), 43, 44, 45, and 5171 (OMB SIC Manual, 1987) which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operation, airport deicing operation, or which are otherwise identified under categories 1 through 7 or 9 and 10 of this definition are associated with industrial activity;*
- 9. Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that is located within the confines of the facility, with a design flow of 1.0 MGD or more, or required to have an approved POTW pretreatment program under 9VAC25-31. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with 9VAC25-31-420 through 9VAC25-31- 720;*
- 10. Facilities under SIC Codes 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-4225 (OMB SIC Manual, 1987).*

Section 9 Required Maps

Attach a site map depicting the property boundaries, all industrial activity outfalls labeled with unique numerical identification code (numbers only, no letters) for each outfall (for example, Outfall Number 001, Outfall Number 002, etc.), and all water bodies or MS4 conveyances (labeled with names if applicable), receiving stormwater discharges from the site. If you are reapplying for coverage under this general permit, outfall numbers should match what was previously submitted.

Section 10 Outfall Information

It should be noted that all outfall information in Tables 10 a & 10 b must be completed for each facility outfall.

Table 10 a include:

- Outfall number - Outfalls shall be numbered using a unique numerical identification code (numbers only, no letters) for each outfall. For example, Outfall Number 001, Outfall Number 002, etc.
- SIC Codes - Identify up to four separate four-digit Standard Industrial Classification (SIC) codes or 2-letter Industrial Activity Codes that best represent the principal products or services rendered by the facility and major co-located industrial activities. The 2-letter Industrial Activity Codes are: HZ - hazardous waste treatment, storage, or disposal facilities; LF - landfills/disposal facilities that receive or have received any "industrial activity" wastes; SE - steam electric power generating facilities; or, TW - treatment works treating domestic sewage.
- Indicate if each outfall discharges to a MS4 conveyance
- If an outfall discharges to a MS4 conveyance, provide the MS4 system name
- List the receiving water body name receiving a stormwater discharge from each outfall

Table 10 b include:

- Outfall number- Each outfall should match the outfalls provided in Table 10 a.
- Provide the total area, in acres, of industrial activity draining to each outfall.
- Provide the total impervious area, in acres, of industrial activity draining to each outfall
- Provide the latitude of each outfall
- Provide the longitude of each outfall

Latitude and longitude information may be obtained from DEQ's Virginia Environmental Geographic Information System (VEGIS) at the following: <https://www.deq.virginia.gov/ConnectWithDEQ/VEGIS.aspx>

Section 11 New Facilities in the Chesapeake Bay Watershed that Commenced Construction After June 30, 2019

Virginia's Phase I Chesapeake Bay TMDL Watershed Implementation Plan (November 29, 2010) states that wasteloads for future growth for new facilities in the Chesapeake Bay watershed with industrial stormwater discharges cannot exceed the nutrient and sediment loadings that were discharged prior to the land being developed for the industrial activity. For purposes of this permit regulation, facilities that commence construction after June 30, 2019, must be consistent with this requirement to be eligible for coverage under this general permit.

If this is a new facility that commenced construction after June 30, 2019, in the Chesapeake Bay watershed, and applying for first time general permit coverage, attach documentation to the registration statement to demonstrate:

- a. That the total phosphorus load does not exceed the greater of (i) the total phosphorus load that was discharged from the industrial area of the property prior to the land being developed for the new industrial activity, or (ii) 0.41 pounds per acre per year (the VSMP water quality design criteria). The documentation must include the measures and controls that were employed to meet this requirement, along with the supporting calculations. The owner may include additional nonindustrial land on the site as part of any plan to comply with the no net increase requirement. Consistent with the definition of "site", this includes adjacent land used in connection with the facility. Compliance with the water quality design criteria may be determined utilizing the Virginia Runoff Reduction Method or another equivalent methodology approved by the Board. Design specifications and pollutant removal efficiencies for specific BMPs can be found on the Virginia Stormwater BMP clearing house website at <https://www.swbmp.vwrrc.vt.edu/>; or
- b. The owner may consider utilization of any pollutant trading or offset program in accordance with §§ 62.1-44.19:20 through 62.1-44.19:23 of the Code of Virginia, governing trading and offsetting, to meet the no net increase requirement.

Section 12 State Corporation Commission

Provide the [State Corporation Commission](#) entity identification number if the facility is required to obtain an entity identification number by law. If this is not applicable to the owner, please indicate "NA" as your answer.

Section 13 Electronic Transmittal of Permit Coverage

Please indicate whether the Department of Environmental Quality (DEQ) may transmit permit coverage and related permit documents via email. If "yes", provide instructions as to who should receive it (e.g., send to emails provided in Part I - Applicant Information, send to facility contact, send to owner, or provide an email, etc.)

Section 14 Signature and Certification

State statutes provide for severe penalties for submitting false information on this Registration Statement. State regulations require this Registration Statement to be signed as follows:

- For a corporation: by a responsible corporate officer. For the purpose of this section, 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 environmental 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 permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; ***[Note: if the title of the individual signing this form is "Plant Manager", submit a written verification that the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures];***
- For a partnership or sole proprietorship: by a general partner or the proprietor; or
- For a municipality, state, Federal, or other public facility: by a principal executive officer or ranking elected official.

TABLE 1. STANDARD INDUSTRIAL CLASSIFICATION CODES COVERED BY VAR05

2411	Log Storage and Handling (Wet deck storage areas are only authorized if no chemical additives are used in the spray water or applied to the logs).
2421	General Sawmills and Planning Mills.
2426	Hardwood Dimension and Flooring Mills.
2429	Special Product Sawmills, Not Elsewhere Classified.
2431-2439 (except 2434 - see Sector W)	Millwork, Veneer, Plywood, and Structural Wood.
2441, 2448, 2449	Wood Containers.
2451, 2452	Wood Buildings and Mobile Homes.
2491	Wood Preserving.
2493	Reconstituted Wood Products.
2499	Wood Products, Not Elsewhere Classified (includes SIC Code 24991303 - Wood, Mulch and Bark facilities).
2611	Pulp Mills.
2621	Paper Mills.
2631	Paperboard Mills.
2652-2657	Paperboard Containers and Boxes.
2671-2679	Converted Paper and Paperboard Products, Except Containers and Boxes.
2812-2819	Industrial Inorganic Chemicals.
2821-2824	Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic and Other Manmade Fibers Except Glass.
2833-2836	Medicinal Chemicals and Botanical Products; Pharmaceutical Preparations; In Vitro and In Vivo Diagnostic Substances; Biological Products, Except Diagnostic Substances.
2841-2844	Soaps, Detergents, & Cleaning Preparations; Perfumes, Cosmetics, & Other Toilet Preparations.
2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products.
2861-2869	Industrial Organic Chemicals.
2873-2879	Agricultural Chemicals (includes SIC Code 2875 - Composting facilities).
2891-2899	Miscellaneous Chemical Products.
3952 (limited to list)	Inks and Paints, Including China Painting Enamels, India Ink, Drawing Ink, Platinum Paints for Burnt Wood or Leather Work, Paints for China Painting, Artist's Paints and Artist's Watercolors.
2951, 2952	Asphalt Paving and Roofing Materials.
2992, 2999	Miscellaneous Products of Petroleum and Coal.
3211	Flat Glass.
3221, 3229	Glass and Glassware, Pressed or Blown.
3231	Glass Products Made of Purchased Glass.
3241	Hydraulic Cement.
3251-3259	Structural Clay Products.
3261-3269	Pottery and Related Products.
3274, 3275	Concrete, Gypsum and Plaster Products, Except: Concrete Block and Brick; Concrete Products, Except Block and Brick; and Ready-mixed Concrete Facilities (SIC 3271-3273).
3281	Cut Stone and Stone Products
3291-3299	Abrasive, Asbestos, and Miscellaneous Non-metallic Mineral Products.
3312-3317	Steel Works, Blast Furnaces, and Rolling and Finishing Mills.
3321-3325	Iron and Steel Foundries.
3331-3339	Primary Smelting and Refining of Non-ferrous Metals.
3341	Secondary Smelting and Refining of Non-ferrous Metals.
3351-3357	Rolling, Drawing, and Extruding of Non-ferrous Metals.
3363-3369	Non-ferrous Foundries (Castings).
3398, 3399	Miscellaneous Primary Metal Products.
1011	Iron Ores.
1021	Copper Ores.
1031	Lead and Zinc Ores.
1041, 1044	Gold and Silver Ores.
1061	Ferroalloy Ores, Except Vanadium.
1081	Metal Mining Services.
1094, 1099	Miscellaneous Metal Ores.
1221-1241	Coal Mines and Coal Mining-Related Facilities.
1311	Crude Petroleum and Natural Gas.
1321	Natural Gas Liquids.
1381-1389	Oil and Gas Field Services.
2911	Petroleum Refineries.
HZ	Hazardous Waste Treatment Storage or Disposal.
LF	Landfills, Land Application Sites, and Open Dumps.
5015	Automobile Salvage Yards.
5093	Scrap Recycling Facilities.
4499 (limited to list)	Dismantling Ships, Marine Salvaging, and Marine Wrecking - Ships For Scrap
SE	Steam Electric Generating Facilities.
4011, 4013	Railroad Transportation.
4111-4173	Local and Highway Passenger Transportation.
4212-4231	Motor Freight Transportation and Warehousing.
4311	United States Postal Service.
5171	Petroleum Bulk Stations and Terminals.
4412-4499	Water Transportation.

3731,3732	Ship and Boat Building or Repairing Yards.
4512-4581	Air Transportation Facilities. It should be noted that airport facilities subject to the effluent limitation guidelines in 40 CFR Part 449 are not authorized under this general permit.
TW	Treatment Works.
2011-2015	Meat Products.
2021-2026	Dairy Products.
2032-2038	Canned, Frozen and Preserved Fruits, Vegetables and Food Specialties.
2041-2048	Grain Mill Products.
2051-2053	Bakery Products.
2061-2068	Sugar and Confectionery Products.
2074-2079	Fats and Oils.
2082-2087	Beverages.
2091-2099	Miscellaneous Food Preparations and Kindred Products.
2111-2141	Tobacco Products.
2211-2299	Textile Mill Products.
2311-2399	Apparel and Other Finished Products Made From Fabrics and Similar Materials.
3131-3199	Leather and Leather Products, except Leather Tanning and Finishing.
2434	Wood Kitchen Cabinets.
2511-2599	Furniture and Fixtures.
2711-2796	Printing, Publishing, and Allied Industries.
3011	Tires and Inner Tubes.
3021	Rubber and Plastics Footwear.
3052, 3053	Gaskets, Packing, and Sealing Devices and Rubber and Plastics Hose and Belting.
3061, 3069	Fabricated Rubber Products, Not Elsewhere Classified.
3081-3089	Miscellaneous Plastics Products.
3931	Musical Instruments.
3942-3949	Dolls, Toys, Games and Sporting and Athletic Goods.
3951-3955	Pens, Pencils, and Other Artists' Materials.
3961, 3965	Costume Jewelry, Costume Novelties, Buttons, and Miscellaneous Notions, Except Precious Metal.
3991-3999	Miscellaneous Manufacturing Industries.
3111	Leather Tanning, Currying and Finishing.
3411-3499	Fabricated Metal Products, Except Machinery and Transportation Equipment.
3911-3915	Jewelry, Silverware, and Plated Ware
3511-3599	Industrial and Commercial Machinery (Except Computer and Office Equipment).
3711-3799	Transportation Equipment (Except Ship and Boat Building and Repairing).
3571-3579	Computer and Office Equipment.
3612-3699	Electronic, Electrical Equipment and Components, Except Computer Equipment.
3812-3873	Measuring, Analyzing and Controlling Instrument; Photographic and Optical Goods.
N/A	Stormwater Discharges Designated by the Board for Permitting Under the Provisions of 9VAC25-31-120 A 1 c, or Under 9VAC25-31-120 A 7 a (1) or (2) of the VPDES Permit Regulation.



Mackert, Susan <susan.mackert@deq.virginia.gov>

Re: Penny's - 2014 Registration Statement

1 message

Mackert, Susan <susan.mackert@deq.virginia.gov>
To: Virdell Buffington Jr <vbuffjr@gmail.com>

Wed, Jan 27, 2021 at 7:17 AM

Good Morning Mr. Buffington,

Thank you. I'll pass this along internally within the Northern Regional Office and Central Office.

Take care,
Susan

On Tue, Jan 26, 2021 at 11:01 AM Virdell Buffington Jr <vbuffjr@gmail.com> wrote:

This is Mr Buffington, will you send all correspondence to me at P.O. Box 484 Triangle Va. 22172

On Wed, Jan 6, 2021, 9:40 AM Mackert, Susan <susan.mackert@deq.virginia.gov> wrote:

Good Morning,

It was nice speaking with you just now. Please find attached the registration statement submitted by Mr. Archie back in 2014. Hopefully this will give you a good place to start.

Take care,
Susan

--

Susan Mackert
Water Permit Writer, Senior II
Virginia Department of Environmental Quality
Northern Regional Office
13901 Crown Court
Woodbridge, VA 22193
Phone: (703) 583-3853
susan.mackert@deq.virginia.gov

--

Susan Mackert
Water Permit Writer, Senior II
Virginia Department of Environmental Quality
Northern Regional Office
13901 Crown Court
Woodbridge, VA 22193
Phone: (703) 583-3853
susan.mackert@deq.virginia.gov



Mackert, Susan <susan.mackert@deq.virginia.gov>

Re: Penny's - 2014 Registration Statement

1 message

Virdell Buffington Jr <vbuffjr@gmail.com>

Tue, Jan 26, 2021 at 11:00 AM

To: "Mackert, Susan" <susan.mackert@deq.virginia.gov>

This is Mr Buffington, will you send all correspondence to me at P.O. Box 484 Triangle Va. 22172

On Wed, Jan 6, 2021, 9:40 AM Mackert, Susan <susan.mackert@deq.virginia.gov> wrote:

Good Morning,

It was nice speaking with you just now. Please find attached the registration statement submitted by Mr. Archie back in 2014. Hopefully this will give you a good place to start.

Take care,
Susan

--

Susan Mackert
Water Permit Writer, Senior II
Virginia Department of Environmental Quality
Northern Regional Office
13901 Crown Court
Woodbridge, VA 22193
Phone: (703) 583-3853
susan.mackert@deq.virginia.gov

Entity Information

Entity Information

Entity Name: PENNY'S AUTO PARTS & SALVAGE LLC	Entity ID: S5622842
Entity Type: Limited Liability Company	Entity Status: Inactive
Formation Date: 05/27/2015	Reason for Status: Automatically Canceled - Registration Fee - Can Reinstate
VA Qualification Date: 05/27/2015	Status Date: 08/31/2018
Industry Code: 0 - General	Period of Duration: Perpetual
Jurisdiction: VA	
Annual Report Due Date: N/A	
Registration Fee Due Date: 05/31/2019	Charter Fee: N/A

Registered Agent Information

RA Type: Individual	Locality: PRINCE WILLIAM COUNTY
RA Qualification: Officer or Director of a Corporation that is a Member or Manager of the Limited Liability Company	
Name: HENRY E ARCHIE JR	Registered Office Address: 13069 MINNIEVILLE RD, WOODBRIDGE, VA, 22192 - 0000, USA

Principal Office Address

Address: 13069 MINNIEVILLE RD, WOODBRIDGE, VA, 22192 - 0000, USA

Principal Information

Privacy Policy (<https://www.scc.virginia.gov/privacy.aspx>) | Contact Us (https://www.scc.virginia.gov/clk/clk_contact.aspx)

Filing HistoryRA HistoryName HistoryPrevious RegistrationsGarnishment DesigneesImage Request

BackReturn to SearchReturn to Results

Back to Login

**Mackert, Susan** <susan.mackert@deq.virginia.gov>

Penny's1 message

Mackert, Susan <susan.mackert@deq.virginia.gov>

Fri, Jan 22, 2021 at 2:44 PM

To: Carla Pool <carla.pool@deq.virginia.gov>, Benjamin Holland <benjamin.holland@deq.virginia.gov>

Carla, Ben -

Tom just sent me a note to say that Mr. Buffington stopped by with the registration statement for the 2019 permit. He scanned and attached a copy. I'll take a more in depth look before the call on Monday, but I can already tell you that it's not going to be complete.

Have a great weekend,
Susan

--

Susan Mackert
Water Permit Writer, Senior II
Virginia Department of Environmental Quality
Northern Regional Office
13901 Crown Court
Woodbridge, VA 22193
Phone: (703) 583-3853
susan.mackert@deq.virginia.gov

**Mackert, Susan** <susan.mackert@deq.virginia.gov>

Penny's Follow Up

1 message

Mackert, Susan <susan.mackert@deq.virginia.gov>
To: Carla Pool <carla.pool@deq.virginia.gov>

Wed, Jan 20, 2021 at 2:32 PM

Hi Carla,

Just wanted to give you an update on the status of the registration statement for Penny's.

- After I spoke with Mr. Buffington on January 6th, I emailed him a copy of the registration statement submitted for the 2014 reissuance thinking this would at least give him a place to start.
- On January 8th Mr. Buffington called and asked when I was going to email him the 2014 registration statement. I told him that I emailed it right after we had gotten off the phone on the 6th and he said he never received it. I never received any sort of email bounce back or notice that the email wasn't deliverable.
- I told Mr. Buffington I'd make arrangements to have the 2014 registration statement left at the front desk for him and to give me a couple of hours to make that happen. He said he'd stop by later that afternoon to pick it up.
- I spoke with Tom Faha on January 8th and he printed out the 2014 registration statement for me and left it at the front desk for Mr. Buffington.
- On January 12th Tom mentioned that Mr. Buffington had not yet been in to pick up the registration statement.
- I just checked in with Tom and as of today the registration statement is still at the front desk.

Thanks,
Susan

--

Susan Mackert
Water Permit Writer, Senior II
Virginia Department of Environmental Quality
Northern Regional Office
13901 Crown Court
Woodbridge, VA 22193
Phone: (703) 583-3853
susan.mackert@deq.virginia.gov

**Mackert, Susan** <susan.mackert@deq.virginia.gov>

Fwd: Penny's - 2014 Registration Statement

1 message

Mackert, Susan <susan.mackert@deq.virginia.gov>
To: Thomas Faha <thomas.faha@deq.virginia.gov>

Fri, Jan 8, 2021 at 11:32 AM

Hi Tom,

I've been working with Mr. Buffington, who stopped in at the office over the holidays, can you print this out? He's going to stop by the office and pick it up this afternoon.

Thanks,
Susan

----- Forwarded message -----

From: **Mackert, Susan** <susan.mackert@deq.virginia.gov>
Date: Wed, Jan 6, 2021 at 9:40 AM
Subject: Penny's - 2014 Registration Statement
To: <vbuffjr@gmail.com>

Good Morning,

It was nice speaking with you just now. Please find attached the registration statement submitted by Mr. Archie back in 2014. Hopefully this will give you a good place to start.

Take care,
Susan

--

Susan Mackert
Water Permit Writer, Senior II
Virginia Department of Environmental Quality
Northern Regional Office
13901 Crown Court
Woodbridge, VA 22193
Phone: (703) 583-3853
susan.mackert@deq.virginia.gov

--

Susan Mackert
Water Permit Writer, Senior II
Virginia Department of Environmental Quality
Northern Regional Office
13901 Crown Court
Woodbridge, VA 22193
Phone: (703) 583-3853
susan.mackert@deq.virginia.gov



VAR052115 Registration Statement Nov 2014_66885716.pdf
2989K

**Mackert, Susan** <susan.mackert@deq.virginia.gov>

Penny's - 2014 Registration Statement

1 message

Mackert, Susan <susan.mackert@deq.virginia.gov>
To: vbuffjr@gmail.com

Wed, Jan 6, 2021 at 9:40 AM

Good Morning,

It was nice speaking with you just now. Please find attached the registration statement submitted by Mr. Archie back in 2014. Hopefully this will give you a good place to start.

Take care,
Susan

--

Susan Mackert
Water Permit Writer, Senior II
Virginia Department of Environmental Quality
Northern Regional Office
13901 Crown Court
Woodbridge, VA 22193
Phone: (703) 583-3853
susan.mackert@deq.virginia.gov



VAR052115 Registration Statement Nov 2014_66885716.pdf
2989K

VPDES General Permit for Industrial Activity Stormwater Discharges (VAR05)
Registration Statement

(Please Type or Print All Information)



1a. Facility Owner

Name: Henry Archie

Mailing Address: 13059 Minnieville Road

City: Woodbridge State: VA Zip: 22192 Phone: 703-643-2011

E-Mail Address (where available): _____

1b. Operator Applying For Permit Coverage (if different than "1a")

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

E-Mail Address (where available): _____

2. Facility Information

Facility Name: Penny's Used Auto Parts, Inc.

Street Address: 13059 Minnieville Road

City: Woodbridge State: VA Zip: 22192 FAX Number: _____

County Name: Prince William

Contact Name: Henry Archie Phone: 703-643-2011

E-Mail Address (where available): _____

3. Nature of business (provide a brief description): Auto Salvage Yard

4. Names of the receiving waters for all industrial activity discharges: Unnamed tributary of Marumsco Creek

5. Are any of the discharges through a municipal separate storm sewer system (MS4)? Yes ☐ No ☒
If "yes", provide the name of the MS4 owner: _____

Note: Permit Special Condition 13 requires the permittee to notify the MS4 owner in writing of the existence of the discharge within 30 days of coverage under this permit. The notification must include the following information: the name of the facility, a contact person and phone number, the location of the discharge, the nature of the discharge, and the facility's VPDES general permit registration number. DEQ must be copied with the notification.

6. Permit Numbers for any existing VPDES permits assigned to the facility: VAR052115

7. For a new facility, a facility previously covered by an expiring individual permit, or an existing facility not currently covered by a VPDES permit, has a SWPPP been prepared? Yes ☐ No ☒

8. Identify up to four 4-digit Standard Industrial Classification (SIC) Codes or 2-letter Industrial Activity Codes that best represent the principal products or services rendered by the facility and major co-located activities.

The 2-letter Industrial Activity Codes are: HZ - hazardous waste treatment, storage, or disposal facilities; LF - landfills/disposal facilities that receive or have received any industrial wastes; SE - steam electric power generating facilities; or, TW - treatment works treating domestic sewage.

4-Digit SIC Codes or 2-letter Industrial Activity Codes: 5015

9. Attach a list identifying all the applicable industrial sectors that cover the stormwater discharges from the industrial activities at the facility, and from major co-located industrial activities that will be covered under this permit (see instructions). Also identify the stormwater outfalls associated with each identified sector.

In addition to attaching the list, answer the questions below as they apply to the facility's discharges:

- a. For landfills (Sector L), indicate the type of landfill: N/A
- b. For timber products operations (Sector A), indicate which outfalls (if any) receive discharges from wet decking areas: N/A
- c. For all facilities, indicate which outfalls (if any) receive discharges from coal storage piles: N/A
- d. For asphalt paving and roofing materials manufacturers (Sector D), indicate which outfalls (if any) receive discharges from asphalt paving and roofing emulsions production areas: N/A
- e. For cement manufacturing facilities (Sector E), indicate which outfalls (if any) receive discharges from material storage piles: N/A
- f. For (Sector N) scrap recycling/waste recycling facilities that receive only source-separated recyclable materials, indicate which outfalls (if any) receive discharges from this activity. Also list the metals that are received (if any). N/A
- g. For primary airports (Sector S), list the average deicing season, and indicate which outfalls (if any) receive discharges from deicing of non-propeller aircraft, and the annual average departures of non-propeller aircraft. N/A

10. Facility area information. List the total area of the facility (in acres), the area of industrial activity at the facility (in acres), the total impervious area of the industrial activity at the facility (in acres), and the area (in acres) draining to each industrial activity outfall at the facility. 5 acres total, 5 acres Sector M, 2.5 acre impervious, 5 acres to Outfall 001.

11. Attach the following maps to the registration statement:

- a. **General location map.** A USGS 7.5 minute topographic map, or other equivalent computer generated map, with sufficient resolution to clearly show the location of the facility and the surrounding locale; and
- b. **Site map.** A map showing the property boundaries, the location of all industrial activity areas, all stormwater outfalls, and all water bodies receiving stormwater discharges from the site.

12. Is this a new facility that commenced construction after June 30, 2014, located in the Chesapeake Bay watershed, and applying for first time general permit coverage? (see instructions) Yes ☐ No ☒

If "yes", attach the required documentation (see instructions).

13. **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."

Print Name Henry Archie

Title: V-P

Signature: Henry Archie

Date: 11-13-14

14. Would you like your permit sent to you electronically? Yes ☐ No ☒

If "Yes", please list the email address to send it to: _____

For Department of Environmental Quality Use Only

Accepted/Not Accepted by: _____

Date: _____

Basin _____

Stream Class _____

Section _____

Special Standards _____

Antidegradation Checked? Y ☐ N ☐

Impaired Waters Discharge? Y ☐ N ☐

TMDL approved? Y ☐ N ☐

ITEM 9 – Registration Statement

Permit:

Facility: Penny's Used Auto Parts, Inc.
13059 Minnieville Road
Woodbridge, Virginia 22192

Outfall Name

Outfall 001

Sector

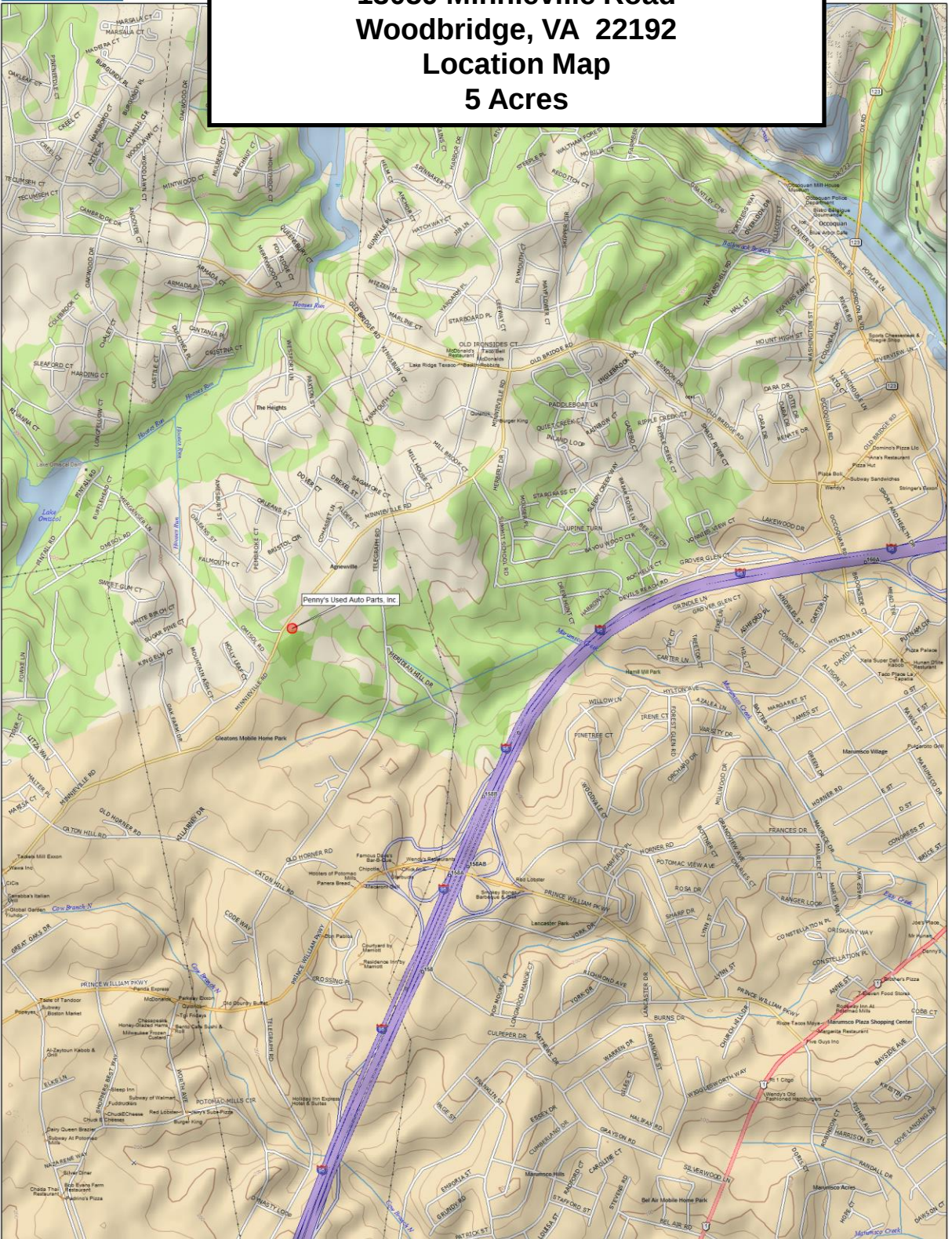
M-5015

Receiving Stream

Unnamed Tributary of
Marumsc Creek

Penny's Used Auto Parts, Inc.

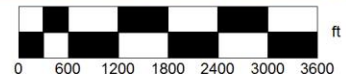
13059 Minnieville Road
Woodbridge, VA 22192
Location Map
5 Acres



Data use subject to license.

© DeLorme. XMap® 7.

www.delorme.com



Data Zoom 14-0

Penny's Used Auto Parts, Inc.
13059 Minnieville Road
Woodbridge, VA 22192
Site Map
5 Acres

Petroleum Product Storage



Spill Kit Storage



Fence



**5 Acres
Impervious**

Secondary
Office

Parts
Storage

Vehicle
Storage
Lot

Parts
Storage

Disassembly
Shop

Outfall 001

Vehicle
Storage
Lot

Engine &
Transmission
Storage

Disassembly
Shop

Primary
Office



Penny's Used Auto Parts, Inc.

13059 Minnieville Road

Woodbridge, VA 22192

SW Map

5 Acres

5 Acres
Impervious

Outfall 001





Mackert, Susan <susan.mackert@deq.virginia.gov>

Re: List of Labs

1 message

Mackert, Susan <susan.mackert@deq.virginia.gov>
To: "Pool, Carla" <carla.pool@deq.virginia.gov>

Wed, Dec 9, 2020 at 10:34 AM

Hi Carla,

All taken care of. I did ask that Mr. Hutson give you a call to confirm what the order actually required as I'm not overly familiar with that and the last thing I want to do is lead the lab or Mr. Archie down the wrong path when we're trying to get him on the right path. He was also asking if this needed to be done by the end of the year? I conveyed the permit requirements for the 2019 permit which included two items not completed under the 2014 permit.....

- Semi-annual benchmark monitoring for TSS, Al, Fe, Pb (these are sector specific monitoring requirements);
- One last round of Chesapeake Bay TMDL monitoring for TSS, TN, TP (not completed under the 2014 permit and needs to be completed under the 2019 permit); and
- Two rounds of PCB sampling using Method 1668 (not completed under the 2014 permit which ideally would be completed under the 2019 permit).

Let me know if you need anything else,
Susan

On Tue, Dec 8, 2020 at 8:38 PM Pool, Carla <carla.pool@deq.virginia.gov> wrote:

Hi Susan,

I got a voicemail from Greg Hutson from EnviroCompliance Laboratories asking what exactly Mr. Archie needs to sample for. Would you mind giving him a call and filling him in on the permit/order requirements? His number is 804-550-3971

Thanks,

Carla

Carla Pool
Enforcement Adjudication Manager
Virginia Department of Environmental Quality
(804) 698-4150
Carla.Pool@deq.virginia.gov

On Wed, Dec 2, 2020 at 2:14 PM Mackert, Susan <susan.mackert@deq.virginia.gov> wrote:

Hi Carla,

I've attached a list of commercial laboratories/consultants I put together a few years ago. I checked and they're all still in business. DEQ of course can't recommend or not recommend any business on this list. But it may give them a place to start.

Give me a shout if you need anything else.

Thanks,
Susan

--

Susan Mackert
Water Permit Writer, Senior II
Virginia Department of Environmental Quality
Northern Regional Office
13901 Crown Court
Woodbridge, VA 22193
Phone: (703) 583-3853
susan.mackert@deq.virginia.gov

--

Susan Mackert
Water Permit Writer, Senior II
Virginia Department of Environmental Quality
Northern Regional Office
13901 Crown Court
Woodbridge, VA 22193
Phone: (703) 583-3853
susan.mackert@deq.virginia.gov

**Mackert, Susan** <susan.mackert@deq.virginia.gov>

Re: List of Labs

1 message

Pool, Carla <carla.pool@deq.virginia.gov>
To: "Mackert, Susan" <susan.mackert@deq.virginia.gov>

Tue, Dec 8, 2020 at 8:38 PM

Hi Susan,

I got a voicemail from Greg Hutson from EnviroCompliance Laboratories asking what exactly Mr. Archie needs to sample for. Would you mind giving him a call and filling him in on the permit/order requirements? His number is 804-550-3971

Thanks,

Carla

Carla Pool
Enforcement Adjudication Manager
Virginia Department of Environmental Quality
(804) 698-4150
Carla.Pool@deq.virginia.gov

On Wed, Dec 2, 2020 at 2:14 PM Mackert, Susan <susan.mackert@deq.virginia.gov> wrote:

Hi Carla,

I've attached a list of commercial laboratories/consultants I put together a few years ago. I checked and they're all still in business. DEQ of course can't recommend or not recommend any business on this list. But it may give them a place to start.

Give me a shout if you need anything else.

Thanks,
Susan

--

Susan Mackert
Water Permit Writer, Senior II
Virginia Department of Environmental Quality
Northern Regional Office
13901 Crown Court
Woodbridge, VA 22193
Phone: (703) 583-3853
susan.mackert@deq.virginia.gov

Exhibit 3 – DEQ General Inspection Report (2014)



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE

Molly Joseph Ward
Secretary of Natural Resources

13901 Crown Court, Woodbridge, Virginia 22193
(703) 583-3800 Fax (703) 583-3821
www.deq.virginia.gov

David K. Paylor
Director

Thomas A. Faha
Regional Director

03/13/2014

Mr. J.R. Archie.
Penny's Used Auto Parts
13059 Minnieville Rd.
Woodbridge, VA 22192

Re: Penny's Used Auto Parts, Permit # VAR052115

Dear Mr. Archie:

Attached is a copy of the Inspection Report generated from the Stormwater Technical Inspection conducted at Penny's Used Auto Parts on January 31, 2014 and Site Inspection conducted on February 26, 2014. The compliance staff would like to thank you for your assistance during this inspection. This letter is not intended as a case decision under the Virginia Administrative Process Act, Va. Code § 2.2-4000 *et seq.* (APA).

Please review the enclosed report and submit in writing adequate documentation of all measures taken (including all necessary supporting documentation) to address the Request for Corrective Action no later than **April 14, 2014**.

Your response may be sent either via the US Postal Service or electronically, via E-mail. If you choose to send your response electronically, we recommend sending it as an Acrobat PDF or in a Word-compatible, write-protected format. Additional inspections may be conducted to confirm that the facility is in compliance with permit requirements.

If you have any questions or comments concerning this report, please feel free to contact me at the Northern Regional Office at (703) 583-3882 or by email at Sharon.Allen@deq.virginia.gov.

Sincerely,

A handwritten signature in blue ink that reads "Sharon Allen". The script is cursive and fluid, with the first letter of each name being capitalized and prominent.

Sharon Allen
Environmental Specialist II

Electronic copy sent:

Permits / DMR File, Compliance Manager, Compliance Auditor – DEQ

PREFACE

VPDES/State Certification No.	(RE) Issuance Date	Amendment Date	Expiration Date
VAG052115	Sept 10, 2012		June 30, 2014
Facility Name		Address	Telephone Number
Penny's Used Auto Parts		13059 Minnieville Road Woodbridge, VA 22192	703-494-9341
Property Owner Name		Address	Telephone Number
Anne M. Archie		1608 Charles Street Fredericksburg, VA	540-371-3582
Responsible Official		Title	Telephone Number
Richard E. Archie, Sr.		President	571-921-2323
Responsible Operator		Operator Cert. Class/number	Telephone Number
J.R. Archie		NA	703-494-9341

TYPE OF FACILITY:

DOMESTIC				INDUSTRIAL			
Federal		Major		Major		Primary	
Non-federal		Minor		Minor	X	Secondary	X

INFLUENT CHARACTERISTICS: **NA**

DESIGN: NA

EFFLUENT LIMITS: SPECIFY UNITS

Parameter	Min.	Avg.	Max.	Parameter	Min.	Avg.	Max.
TSS, mg/L			100	Iron Total Recoverable, mg/L			1.0
Aluminum, Total Recoverable, µg/L			750	Lead, Total Recoverable, µg/L			120

	Receiving Stream	Marumsc Creek	
	Basin	Potomac River	
	Discharge Point (LONG)	Unknown	
	Discharge Point (LAT)	Unknown	

VA DEQ Wastewater Facility Inspection Report

Facility:	Penny's Used Auto Parts
Address:	13059 Minnieville Rd
County/city:	Woodbridge, VA
Contact/Title	Richard Archie

VPDES NO.	VAR052115
-----------	------------------

DEPARTMENT OF ENVIRONMENTAL QUALITY STORMWATER GENERAL FACILITY INSPECTION REPORT

Inspection date:	January 24, 2014	Date form completed:	March 11, 2014
Inspection by:	Sharon Allen	Inspection agency:	DEQ/NRO
Time spent:	8 hours		
Reviewed by:  3/10/14			
Present at inspection:	Zakaria Rabei – DEQ Land Protection Mr. J.R. Archie – Penny's Used Auto Parts		
TYPE OF INSPECTION:			
Routine	X	Reinspection	
		Compliance/assistance/complaint	
Date of previous inspection:	None	Agency:	DEQ/NRO
	Other:		
Storm Water P3 available and up dated?	YES		X
Outfalls Identified in SWP3?	YES		X
Site Map with Drainage and Flows available?	YES		X
Has there been any new construction?	YES		X
If yes, were the plans and specifications approved? NA	YES		
If yes, was SWP3 plan amended? NA	YES		
Quarterly Visual Results available with SWP3?	YES		X
Site Inspections performed and documented? (Minimum Quarterly)	YES		X
Training performed and documented?	YES		X
Comprehensive Site Evaluation and associated documents available?	YES		X
Non-stormwater certification?	YES		X
Oil or other Hazardous Spills?	YES		X
Sampling Required and performed correctly, records available?	YES		X

VA DEQ Wastewater Facility Inspection Report

OVERALL APPEARANCE OF FACILITY	GOOD		AVERAGE	X	POOR	
---------------------------------------	------	--	---------	----------	------	--

Part IV of Stormwater General Permit:		YES	NO
	Non-stormwater Prohibition		X
	Additional Stormwater Pollution Prevention Plan Requirements: Sector M- Automobile Salvage Yards		
	Site Description Site Map Summary of Potential Pollutant Sources		X
	Storm Water Controls Spill and leak prevention procedures – All vehicles that are intended to be dismantled shall be properly drained of all fluids prior to being dismantled or crushed, or other equivalent measures shall be taken to prevent leaks or spills of fluids.		X
	Inspections upon arrival at site or as soon as feasible thereafter, all vehicles shall be inspected for leaks. Any equipment containing oily parts, hydraulic fluids, any other types of fluids, or mercury switches shall be inspected at least quarterly (4 times per year) for signs of leaks. All vehicles and areas where hazardous materials and general automotive fluids are stored, including, but not limited to, mercury switches, brake fluid, transmission fluid, radiator water, and antifreeze, shall be inspected at least quarterly for leaks.		X
	Employee Training Proper handling (collection, storage, and disposal) of oil, used mineral spirits, antifreeze, mercury switches, and solvent		X
	Management of Runoff The permittee shall consider management practices, such as berms or drainage ditches on the property line, to help prevent runoff from neighboring properties. Berms shall be considered for uncovered outdoor storage of oily parts, engine blocks, and aboveground liquid storage. The permittee shall consider the installation of detention ponds, filtering devices, and oil-water separators.		X
	Benchmark Monitoring requirements Total Suspended Solids (TSS) – 100mg/L Total Recoverable Aluminum – 750 µg/L Total Recoverable Iron – 1.0 mg/L Total recoverable Lead – 120 µg/L		X

VA DEQ Wastewater Facility Inspection Report

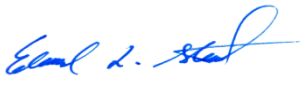
SUMMARY	
INSPECTION COMMENTS:	
	<u>January 31, 2014</u> - Arrived at the facility at 9:45am. Weather- cool and cloudy.
	The gate to the yard was open and we drove into the yard looking for the office. This dirt lot was almost empty with just a few vehicles parked in it. There were piles of what looked like girders and aluminum fence posts with chain link fence in piles in the trees surrounding the lot.
	No one was around. We circled the yard and drove back up the hill, parked in an empty parking lot next to a building. The faded number on the building identified it as 13059 Minnieville Road. This lot had a small but long pile of asphalt along one edge.
	The building was dark and the door padlocked - no sign of anyone around. A sign on the door stated that the operating hours began at 10:00am.
	We waiting in the car until after 10:00- no one arrived. We walked down into the yard again, and found an equipment operator who told us that we should use the property entrance off of Telegraph Road.
	We drove around to the other entrance and found the office. Employees outside directed us to the back of the lot to find Mr. Archie.
	We walked toward the back of the lot. Numerous tires were piled up near the office. Vehicles were stored in rows. A number of engine parts were stored on wooden pallets on the ground and on the ground itself.
	Identified ourselves to Mr. Archie and explained the purpose of our visit. Walked back up to the office. Mr. Archie was not aware of the permit and stated that they did not have a Stormwater Pollution Prevention Plan (SWPPP).
	I gave Mr. Archie a copy of the SW permit and explained the basics of the permit requirements. I asked if we could walk the site and I could point out to him what we look for during inspections and determine if there was a discharge point from the property. Mr. Archie requested that we wait to do a walk through until his brother could be present.
	I told Mr. Archie that I have some templates and forms for the SWPPP and that I could provide copies to him if he wished. I also stated that there are several businesses in the area that may be able to help him with monitoring requirements, and mentioned that a number of other slave yards in our region use Joyce Environmental to set up their stormwater programs.
	Departed 1045.
	At 1:33pm Jan 31, 2014, I received a phone call from Mr. Mike James from James Environmental Inc. who called at Mr. Archie's request to let me know that Mr. Archie had contacted him and they were discussing a contract.
	<u>February 26, 2014</u> – Site inspection. We arrived at 11:45am and met Mr. J.R. Archie on site. Weather- cold and partly cloudy, with snow on the ground. Photos taken by S. Allen.
	The property is hilly with a predominate slope towards the southwest. The storage area is about ½ pavement and ½ gravel surface, with wooded areas bordering the property. Snow was melting and runoff was evident while we were on site. We identified one area that is likely a discharge point; there may be more than one for this facility.
	The facility has been in operation since the late 1940s and is largely used for storage of vehicles. There is also an office trailer and several sheds for dismantling and parts storage. Vehicles are stored neatly in rows.
	Mr. Archie stated that the facility is inspected by the Fire Department twice per year.

VA DEQ Wastewater Facility Inspection Report

	Mr. Archie said that when new vehicles come in, they are drained of gasoline and the catalytic converters are pulled out. If the vehicle is operational it may be sold as is; other vehicles are used for parts. Used oils are burned in a fuel oil heater on site.
	There were numerous tire piles around the property. Mr. Archie stated that some are for resale and others are taken to the Prince William County Landfill for disposal about once per week. Mr. Rabei explained the Solid Waste limit of 100 waste tires stored on site.
	Vehicle batteries are being stored single layer in a large plastic tub. Once they have ten batteries, they are either taken to or picked up by Interstate Batteries.
	In several areas, a multi-colored sheen was noted in the snow melt/runoff.
	Numerous other things stored on site other than vehicles - e.g. tires, bicycles, appliances, mystery drums. We discussed the importance of identifying contents of these drums and labeling them. Discussed keeping drums and barrels plugged to prevent stormwater entry; if they are going to keep barrels filled with stormwater on site to use since they don't have city water, the barrels must be properly labled.
	I informed Mr. Archie that a copy of the inspection report will be sent to him; there may also be a Warning Letter for failure to have and follow a Stormwater Pollution Prevention Plan.
	Departed 1225.
REQUEST for CORECTIVE ACTION	
	The facility must develop a Storm Water Pollution Prevention Plan (SWPPP); implement and document the inspections required by this permit and conduct annual stormwater benchmark monitoring. A copy of the SWPPP site map of the property must be submitted to DEQ.
	While batteries are stored in a containment structure, they should also be stored under cover to minimize exposure to stormwater.
	All drums and barrels holding potential contaminants such as fuel or used automotive fluids must be properly labeled and stored to prevent exposure to stormwater and a discharge to the environment.
	Vehicles must be inspected for leaks upon arrival and the inspections must be documented.
	Tires should be separated into those to be resold and waste tires for disposal. The maximum number of waste tires allowed on site by the DEQ's Land Protection program is 100.

**DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER DIVISION
LABORATORY INSPECTION REPORT**

10/01

FACILITY NO: VAG052115	INSPECTION DATE: January 31, 2014	PREVIOUS INSP. DATE: None	PREVIOUS EVALUATION: None	TIME SPENT: hours w/ travel & report
NAME/ADDRESS OF FACILITY: Penny's Used Auto Parts 13059 Minnieville Rd. Woodbridge, VA 22192	FACILITY CLASS: () MAJOR () MINOR (X) SMALL () VPA/NDC	FACILITY TYPE: () MUNICIPAL (X) INDUSTRIAL () FEDERAL () COMMERCIAL LAB	UNANNOUNCED INSPECTION? (X) YES () NO	
			FY-SCHEDULED INSPECTION? (X) YES () NO	
INSPECTOR(S): S. Allen		REVIEWERS: 	PRESENT AT INSPECTION:	
LABORATORY EVALUATION			DEFICIENCIES?	
			Yes	No
Monitoring samples have not been collected at this facility			X	
QUALITY ASSURANCE/QUALITY CONTROL				
Y/N	QUALITY ASSURANCE METHOD	PARAMETERS	FREQUENCY	
	REPLICATE SAMPLES			
	SPIKED SAMPLES			
	STANDARD SAMPLES			
	SPLIT SAMPLES			
	SAMPLE BLANKS			
	OTHER			
COPIES TO: (X) DEQ - RO; () OWPS; () VDH- FO and DWE; (X) OWNER; () EPA-Region III; () Other:				



1) Lot off Telegraph Road as seen from office trailer.



2) Tire pile near the office trailer.



3) Transmissions and other parts stored outside.



4) Vehicle batteries stored in a shallow tub (photo brightened).



5) Potential discharge site (photo brightened).

Facility name: Penny's Used Auto Parts
VPDES Permit No. VAR052115
Site Inspection Date: January 31 and February 26, 2014
Photos & Layout by: S. Allen



6) Lower yard looking towards the entrance.

7) Another tire pile further up the yard.



8) Unmarked drum with fluid in it. Fluid containers left out were both capped.

9) Upper lot off Minnieville Rd as seen Jan. 31 2014.

Facility name: Penny's Used Auto Parts
VPDES Permit No. VAR052115
Site Inspection Date: January 31 and February 26, 2014
Photos & Layout by: S. Allen

Exhibit 4 – DEQ Recon Inspection Report (2018)



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE

13901 Crown Court, Woodbridge, Virginia 22193

(703) 583-3800

www.deq.virginia.gov

Matthew J. Strickler
Secretary of Natural Resources

David K. Paylor
Director

Thomas A. Faha
Regional Director

August 17, 2018

Mr. Henry Archie
Penny's Used Auto Parts, Inc.
13304 Telegraph Road
Woodbridge, VA 22192

Re: Penny's Used Auto Parts, Permit #VAR052115

Dear Mr. Archie:

Attached is a copy of the inspection report generated from the Recon Inspection conducted at the subject facility on July 25, 2018.

Please review the enclosed report and submit in writing adequate documentation of all measures taken (Including all necessary supporting documentation) to address the Request for Corrective Action Section no later than September 7, 2018. This letter is not intended as a case decision under the Virginia Administrative Process Act, Va. Code § 2.2-4000 *et seq.* (APA). Your response may be sent either via the US Postal Service or electronically, via E-mail. If you choose to send your response electronically, we recommend sending it as an Acrobat PDF or in a Word-compatible, write-protected format. Additional inspections may be conducted to confirm that the facility is in compliance with permit requirements.

If you have any questions or comments concerning this report, please feel free to contact me at the Northern Regional Office at 703-583-3905 or amy.dooley@deq.virginia.gov.

Respectfully,

A handwritten signature in cursive script, appearing to read "Amy E. Dooley".

Amy E. Dooley
Environmental Specialist II

Electronic copy sent:

Permits/DMR File, Compliance Manager, Compliance Auditor, Enforcement – DEQ
Doug Crooks

Virginia Department of Environmental Quality

RECON INSPECTION REPORT

FACILITY NAME: Penny's Used Auto Parts, Inc.		INSPECTION DATE: <u>July 25, 2018</u>	
		INSPECTOR <u>Amy Dooley</u>	
PERMIT No.: <u>VAR052115</u>		REPORT DATE: <u>August 14, 2018</u>	
TYPE OF FACILITY: ☐ Municipal ☐ Major ☒ Industrial ☐ Minor ☐ Federal ☒ Small Minor		TIME OF INSPECTION: <u>1330</u> Arrival <u>1400</u> Departure	
		TOTAL TIME SPENT (including prep & travel) <u>2 hrs.</u>	
PHOTOGRAPHS: ☐ Yes ☒ No		UNANNOUNCED INSPECTION? ☒ Yes ☐ No	
REVIEWED BY / Date:  <u>8/15/18</u>			
PRESENT DURING INSPECTION: <u>Henry Archie – owner</u>			

INSPECTION OVERVIEW AND CONDITION OF TREATMENT UNITS

Arrived onsite to conduct a paperwork recon inspection.

The Stormwater Pollution Prevention Plan (SWPPP) and supporting documentation was not available upon request. Mr. Archie indicated that he had contracted with a consulting firm in order to return to compliance with the permit, including the SWPPP and sampling requirements. **See Request for Corrective Action.**

REQUEST for CORRECTIVE ACTION:

Provide a narrative, including timeline, to DEQ by September 7, 2018, indicating the status of the SWPPP and how the facility plans to come into compliance with the permit.

Exhibit 5 – DEQ Special Order (effective September 9, 2019)



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 1111 E. Main Street, Suite 1400, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

Fax: 804-698-4019

www.deq.virginia.gov

Matthew J. Strickler
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4020
1-800-592-5482

September 12, 2019

Mr. Henry Archie
13304 Telegraph Rd
Woodbridge, VA 22192

7001 2510 0005 3221 2272

Certified Mail
Return Receipt Requested
& Regular First Class Mail

Mr. Henry Archie
13216 Hillendale Dr.
Dale City, VA 22193

7001 2510 0005 3221 2296

Certified Mail
Return Receipt Requested
& Regular First Class Mail

**In re: Henry Archie
Penny's Used Auto Parts, VPDES Permit Registration No. VAR052115**

Dear Mr. Archie:

Enclosed is the Special Order issued by the Director of the Virginia Department of Environmental Quality (DEQ) in the above matter, together with the incorporated Findings of Fact and Conclusions of Law (FFCL). The Order has an effective date of September 9, 2019. A Special Order Proceeding (Proceeding) was held on May 30, 2019 at DEQ's Northern Regional Office in Woodbridge, Virginia before Presiding Officer Natalie Womack, as provided for in the April 10, 2019 Notice Letter. After the Proceeding, the presiding officer submitted a recommendation to the Director. The Director has the authority, pursuant to § 10.1-1186 of the Code of Virginia (Va. Code), to issue special orders that may include injunctive relief and a civil penalty of not more than \$10,000.

In this matter, the Director has issued a Special Order requiring you to comply with the State Water Control Law, Va. Code § 62.1-44.2 et seq., and Virginia Pollutant Discharge Elimination System Permit Registration No. VAR052115. The Special Order also requires payment of a civil penalty of \$10,000.

The enclosed Special Order contains the requirements and terms for compliance with the order. Except the civil penalty, please submit all requirements under the order to:

Carla Pool
Division of Enforcement
Department of Environmental Quality
P.O. Box 1105
Richmond, VA 23218

Payment of the civil penalty should be made within 30 days of the effective date of the Special Order by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia." Please forward payment to:

Receipts Control
Department of Environmental Quality
P. O. Box 1104
Richmond, Virginia 23218

You have the right to appeal any part or all of this decision pursuant to Va. Code § 2.2- 4026 in the manner provided by Rule 2A:2 of the Rules of the Virginia Supreme Court. You have 33 days from the date of service of this decision within which to initiate an appeal. Rule 2A:2 also requires that "[t]he notice of appeal shall identify the regulation or case decision appealed from, shall state the names and addresses of the appellant and of all other parties and their counsel, if any, shall specify the circuit court to which the appeal is taken, and shall conclude with a certificate that a copy of the notice of appeal has been mailed to each of the parties." A copy of Rule 2A:2 is enclosed with this letter. If you chose to appeal this decision, a Notice of Appeal must be directed to:

David K. Paylor, Director
Department of Environmental Quality
P.O. Box 1105
Richmond, VA 23218
Attention: Enforcement Division

Please be advised that separate injunctive relief and civil penalties apply for any violation of the State Water Control Law, any State Water Control Board regulation, order, or permit condition. Va. Code §§ 62.1-44.15, -44.23, and -44.32.

Failure to comply with Director's Special Order will result in DEQ instituting additional administrative action, judicial enforcement action, or taking other action to require compliance and collect the civil penalty.

Sincerely,



Carla Pool
Enforcement Adjudication Manager

Enclosures

VIRGINIA:

IN THE DEPARTMENT OF ENVIROMENTAL QUALITY

IN RE: Henry Archie

ORDER

This cause came to be heard on May 30, 2019, in the Department of Environmental Quality's Northern Regional Office in Woodbridge, Virginia.

Pursuant to § 10.1-1186 of the Code of Virginia, the Director of the Department of Environmental Quality ("DEQ") has the authority to issue special orders that may include injunctive relief and civil penalties.

I have reviewed the Record, Exhibits, and the Presiding Officer's Recommended Findings of Fact and Conclusions of Law in the above-referenced matter. Accordingly, I adopt the attached Findings of Fact and Conclusions of Law and incorporate them into this Order.

Pursuant to my authority under Va. Code § 10.1-1186, I order Henry Archie to comply with (1) the State Water Control Law, Va. Code § 62.1-44.2 et seq., and (2) Virginia Pollutant Discharge Elimination System Permit Registration No. VAR052115 (the "Permit").

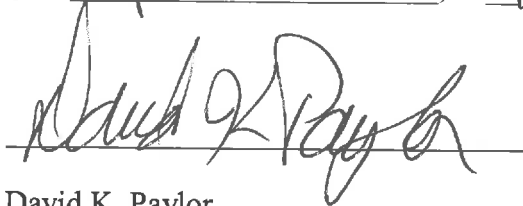
Specifically, I order Henry Archie to complete the following with respect to Penny's Used Auto Parts (the "Facility") located at 13059 Minnieville Rd in Woodbridge, Virginia:

1. Within 90 days of the effective date of this Order, submit to DEQ a Stormwater Pollution Prevention Plan ("SWPPP") for the Facility, satisfying the requirements of Part III of the Permit.
2. If DEQ provides any comments on the SWPPP, respond to DEQ's comments within 14 days of the date of the comments.
3. Within 30 days of the effective date of this Order, submit to DEQ a data analysis of the Chesapeake Bay Total Maximum Daily Load ("TMDL") data, in accordance with Permit Part I(B)(7)(b)(3)(b), based on nutrient and sediment results from the averaged Chesapeake Bay TMDL monitoring reports.
4. Within 90 days of the effective date of this Order, submit to DEQ a Chesapeake Bay TMDL Action Plan, in accordance with Permit Part I(B)(7)(b)(3)(c), if the data analysis required by paragraph 3 above indicates that the calculated Facility loading value of total phosphorus exceeds 1.5 lb/ac/yr, total nitrogen exceeds 12.3 lb/ac/yr, or total suspended solids exceeds 440 lb/ac/yr.
5. Pay a civil penalty in the total sum of **Ten Thousand Dollars (\$10,000)** within 30 days of the effective date of this Order. Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

The duration of this Order shall be twelve months from the date that it is entered.

Enter this order this 9 day of September, 2019

A handwritten signature in black ink, appearing to read "David K. Paylor", is written over a horizontal line.

David K. Paylor
Director, Department of Environmental Quality

VIRGINIA:

IN THE DEPARTMENT OF ENVIRONMENTAL QUALITY

IN RE: Henry Archie

FINDINGS OF FACT AND CONCLUSIONS OF LAW

I. Preliminary Statement

This case concerns whether Mr. Henry Archie violated certain provisions of the State Water Control Law, Va. Code §§ 62.1-44.2 et seq., and the Virginia Pollutant Discharge Elimination System Permit¹ Registration No. VAR052115 (the “Permit”) at Penny’s Used Auto Parts (the “Facility”) located at 13059 Minnieville Rd in Woodbridge, Virginia. Also at issue is whether injunctive relief and a civil penalty are warranted for the alleged violations.

On May 30, 2019, DEQ staff held a Special Order Proceeding (the “Proceeding”) in this matter pursuant to Va. Code §§ 2.2-4019 and 10.1-1186. The Proceeding took place in Woodbridge, Virginia, at the Department of Environmental Quality (“DEQ”) Northern Regional Office (“NRO”). Mr. Archie did not appear at the Proceeding in person or by counsel or other representative.

On April 10, 2019, the agency sent email notification and postal notification to Mr. Archie regarding the scheduled date for the Informal Fact Finding proceeding: May 9, 2019 at 1:00 P.M. On May 6, 2019, the agency sent an email reminder to Mr. Archie reminding him of the May 9, 2019 proceeding date. A day prior to the proceeding, Mr. Archie requested the proceeding be postponed; the agency complied with Mr. Archie’s request to postpone. A new hearing date was scheduled for May 30, 2019. On May 7, 2019, the agency provided Mr. Archie with email notification of the new proceeding date of May 30, 2019. A day prior to the scheduled May 30th proceeding date, again Mr. Archie requested that the proceeding be postponed. The Presiding Officer denied Mr. Archie’s request to postpone.

Attached are recordings of the Proceeding and the exhibits numbered as they were received. The exhibits include the DEQ Exhibit Book, containing DEQ Exhibits 1-11, as well as the April 10, 2019 Notice of Special Order Proceeding and May 9, 2019 rescheduling letter, labeled as DEQ Exh. 12. DEQ called three witnesses during the Proceeding: Edward Stuart, NRO Water Compliance Manager; Amy Dooley, NRO Water Compliance Inspector; and Benjamin Holland, NRO Enforcement Specialist. The Presiding Officer left the record for the Proceeding open until June 7, 2019 to allow Mr. Archie to submit compliance documentation.²

¹ The Permit is promulgated at 9 VAC 25-151-70, et seq.

² The Presiding Officer notified Mr. Archie after the proceeding that he could submit compliance documentation on the record until June 7, 2019, but Mr. Archie did not submit any documentation.

II. Findings of Fact

A. Jurisdiction and Venue

1. Mr. Archie owns the Facility located at 13059 Minnieville Rd in Woodbridge, Virginia. DEQ Exh. 1; Testimony of Edward Stuart.
2. The Facility is located within the part of the Commonwealth administered by DEQ's Office (NRO). Testimony of Edward Stuart.
3. Coverage under a Virginia Pollutant Discharge Elimination System Permit is required for discharges of stormwater from industrial activities at the Facility associated with auto salvage. Testimony of Edward Stuart.
4. Mr. Archie registered for coverage under the Permit for stormwater discharges from the Facility, and DEQ issued Permit coverage to Mr. Archie on December 5, 2014. DEQ Exh. 1 and 2; Testimony of Edward Stuart.

B. Stormwater Pollution Prevention Plan

a. Relevant SWPPP Requirements

5. Part III of the Permit requires a Stormwater Pollution Prevention Plan ("SWPPP") to be developed and implemented for the Facility. DEQ Exh. 2; Testimony of Edward Stuart. The SWPPP is a plan to manage discharges of stormwater from the Facility to minimize pollutants leaving the site to the maximum extent practicable. Testimony of Edward Stuart.
6. Pursuant to Permit Part III(F)(2), the permittee must retain a copy of the SWPPP at the Facility and make it immediately available to DEQ for review at the time of an on-site inspection or upon request. DEQ Exh. 2; Testimony of Edward Stuart.

b. Failure to Develop a SWPPP

7. As noted in a Warning Letter issued March 13, 2014, the Facility did not have a SWPPP at the time of DEQ inspections of the Facility on January 31, 2014 and February 26, 2014. DEQ Exh. 3; Testimony of Edward Stuart.
8. During an inspection of the Facility on July 25, 2018, neither a SWPPP nor supporting documentation was available upon the request of DEQ staff. DEQ Exh. 8; Testimony of Amy Dooley.
9. Mr. Archie has never made a SWPPP for the Facility available for DEQ review. Testimony of Edward Stuart and Amy Dooley.
10. Environmental Systems Services ("ESS") indicated to DEQ staff that they had been contracted to draft a SWPPP for the Facility in 2014. Testimony of Benjamin Holland. However, neither ESS nor Mr. Archie has ever been able to produce a SWPPP for the Facility upon DEQ's request. Testimony of Benjamin Holland. ESS stated to DEQ staff

that they had not been to the Facility since 2014 and have not received monitoring samples for analysis for the Facility in years. Testimony of Benjamin Holland.

11. According to ESS personnel, Mr. Archie again reached out to ESS in 2018 regarding development of a SWPPP. Testimony of Benjamin Holland. However, after Mr. Archie repeatedly failed to follow up with ESS, ESS did not develop a SWPPP at that point. Testimony of Benjamin Holland.
12. The totality of the circumstances indicates that there is no SWPPP for the Facility.

C. Discharge Monitoring Reports

a. Relevant Discharge Monitoring Requirements

13. Permit Part I(A)(1)(b) requires benchmark monitoring of stormwater discharges from the Facility's stormwater outfalls for the presence of pollutants of concern. DEQ Exh. 2; Testimony of Edward Stuart.
14. Permit Part I(B)(7)(b)(I) requires discharge monitoring for parameters covered by the Chesapeake Bay Total Maximum Daily Load ("TMDL")—total suspended solids, total nitrogen, and total phosphorus. DEQ Exh. 2; Testimony of Edward Stuart.
15. Permit Part I(A)(2)(d)(2) requires benchmark and Chesapeake Bay TMDL discharge monitoring to be conducted semiannually for the January through June monitoring period and the July through December monitoring period. DEQ Exh. 2; Testimony of Edward Stuart.
16. Permit Part I(A)(5)(a) requires benchmark and Chesapeake Bay TMDL discharge monitoring results to be submitted semiannually to DEQ on discharge monitoring reports ("DMRs") by January 10 (for the July 1 through December 31 monitoring period) and July 10 (for the January 1 through June 30 monitoring period). DEQ Exh. 2; Testimony of Edward Stuart.

b. Failure to Submit DMRs

17. As noted in a Notice of Violation ("NOV") issued April 17, 2017, DEQ did not receive the Chesapeake Bay TMDL DMR for Outfall 001 for the July 1, 2016 through December 31, 2016 monitoring period, which was due January 10, 2017. DEQ Exh. 5; Testimony of Edward Stuart.
18. To date, Mr. Archie has failed to submit the Chesapeake Bay TMDL DMR for the July through December 2016 monitoring period. Testimony of Edward Stuart.
19. As noted in an NOV issued September 20, 2017, DEQ did not receive the benchmark monitoring DMR for Outfall 001 for the January 1, 2017 through June 30, 2017 monitoring period, which was due July 10, 2017. DEQ Exh. 6; Testimony of Edward Stuart.

20. To date, Mr. Archie has failed to submit the benchmark monitoring DMR for the January through June 2017 monitoring period. Testimony of Edward Stuart.
21. As noted in an NOV issued March 28, 2018, DEQ did not receive the benchmark monitoring DMR for Outfall 001 for the July 1, 2017 through December 31, 2017 monitoring period, which was due January 10, 2018. DEQ Exh. 7; Testimony of Edward Stuart.
22. To date, Mr. Archie has failed to submit the benchmark monitoring DMR for the July through December 2017 monitoring period. Testimony of Edward Stuart.
23. As noted in an NOV issued September 17, 2018, DEQ did not receive the benchmark monitoring DMR for Outfall 001 for the January 1, 2018 through June 30, 2018 monitoring period, which was due July 10, 2018. DEQ Exh. 9; Testimony of Amy Dooley.
24. To date, Mr. Archie has failed to submit the benchmark monitoring DMR for the January through June 2018 monitoring period. Testimony of Amy Dooley.
25. As noted in an NOV issued February 25, 2019, DEQ did not receive the benchmark monitoring DMR for Outfall 001 for the July 1, 2018 through December 31, 2018 monitoring period, which was due January 10, 2019. DEQ Exh. 10; Testimony of Amy Dooley.
26. To date, Mr. Archie has failed to submit the benchmark monitoring DMR for the July through December 2018 monitoring period. Testimony of Amy Dooley.
27. During an inspection of the Facility by DEQ staff on July 25, 2018, DMR records were not present at the Facility. Testimony of Amy Dooley.

D. Chesapeake Bay TMDL Data Analysis and Action Plan

a. Relevant Data Analysis and Action Plan Requirements

28. Permit Part I(B)(7)(b)(3)(b) requires the permittee to analyze nutrient and sediment data from the Chesapeake Bay TMDL discharge monitoring to determine if additional action is required. DEQ Exh. 2; Testimony of Edward Stuart.
29. Permit Part I(B)(7)(b)(3)(c) requires the permittee to develop and submit to DEQ a Chesapeake Bay TMDL Action Plan if the data analysis indicates that loading values for total phosphorus exceeds 1.5 lb/ac/yr, total nitrogen exceeds 12.3 lb/ac/yr, or total suspended solids exceeds 440 lb/ac/yr. DEQ Exh. 2; Testimony of Edward Stuart.

b. Failure to Complete TMDL Data Analysis and Action Plan

30. On June 14, 2016, DEQ sent Mr. Archie a reminder of the Permit requirement to conduct a data analysis of Chesapeake Bay TMDL discharge monitoring results, as well as links to step-by-step instructions for conducting the data analysis. DEQ Exh. 4; Testimony of Edward Stuart.

31. As of the date of the Proceeding, Mr. Archie had not submitted the results of the TMDL Data Analysis or a Chesapeake Bay TMDL Action Plan to DEQ. Testimony of Edward Stuart.
32. The totality of the circumstances indicates that Mr. Archie failed to conduct the data analysis of Chesapeake Bay TMDL discharge monitoring results.

E. Civil Penalty Calculation

33. Benjamin Holland explained how the penalty was calculated for Mr. Archie, using the VPDES Civil Charge/Civil Penalty Worksheet (the "Worksheet") included in DEQ's Civil Enforcement Manual. DEQ Exh. 11; Testimony of Benjamin Holland. This worksheet is used throughout the Commonwealth to calculate civil charges and civil penalties for VPDES violations. DEQ Exh. 11; Testimony of Benjamin Holland.
34. A total civil penalty of \$18,175 was calculated for Mr. Archie on the Worksheet. DEQ Exh. 11; Testimony of Benjamin Holland.
35. Four occurrences were assessed on line 1(a)(3) of the Worksheet for failing to submit the Chesapeake Bay TMDL DMR for the July-December 2016 monitoring period, and the benchmark monitoring DMRs for the January-June 2017, July-December 2017, and January-June 2018 monitoring periods.³ DEQ Exh. 11; Testimony of Benjamin Holland. The potential for harm was assessed as moderate because DMRs represent baseline monitoring of discharges from the Facility, and in their absence there is a moderate potential of harm to human health and the environment. DEQ Exh. 11; Testimony of Benjamin Holland.
36. On line 1(a)(10) of the Worksheet, one occurrence was assessed for failing to have a SWPPP. DEQ Exh. 11; Testimony of Benjamin Holland. The potential for harm for this line was assessed as serious because of the long term nature of the violation, the importance of the SWPPP to the regulatory program, and its significance for pollution control.
37. The culpability was assessed as serious because Mr. Archie showed a lack of due diligence in carrying out permit requirements, and he received numerous notices of alleged violation, notifying him of the deficiencies and applicable legal requirements. DEQ Exh. 11; Testimony of Benjamin Holland.
38. On line 2, an economic benefit of \$324 was estimated for the failure to submit DMRs based on the average sample analysis cost provided by ESS (\$24 per sample for total suspended solids, and \$28 per sample for metals). DEQ Exh. 11; Testimony of Benjamin Holland.

³ Mr. Archie also failed to submit the benchmark monitoring DMR for the July through December 2018 monitoring period. Testimony of Benjamin Holland. That DMR was due on January 10, 2018, after the penalty was calculated on the worksheet included in Exhibit 11, so it is not reflected in the penalty amount. Testimony of Benjamin Holland.

39. DEQ enforcement staff provided Mr. Archie with the opportunity to file an Ability to Pay Application, but Mr. Archie did not take advantage of that opportunity. Testimony of Benjamin Holland.
40. Penalties for Mr. Archie's violations have not been addressed previously in any order or case decision. Testimony of Benjamin Holland.
41. Penalties in orders issued under Va. Code § 10.1-1186 are limited to \$10,000. Va. Code §§ 10.1-1182, 10.1-1186.
42. A civil penalty of \$10,000 is appropriate to address Mr. Archie's violations in this case.

III. Conclusions of Law

1. Mr. Archie is a "person" under Va. Code § 62.1-44.3.
2. DEQ's NRO is an appropriate venue for the Proceedings.
3. Mr. Archie failed to develop and implement a SWPPP for the Facility, in violation of Permit Part III.
4. Mr. Archie failed to submit to DEQ the Chesapeake Bay TMDL DMR for Outfall 001 at the Facility for the July through December 2016 monitoring period (due January 10, 2017), in violation of Permit Parts I(A)(2)(d)(2), I(A)(5)(a) and I(B)(7)(b)(1)
5. Mr. Archie failed to submit to DEQ benchmark monitoring DMRs for Outfall 001 for the January through June 2017 monitoring period (due July 10, 2017), the July through December 2017 monitoring period (due January 10, 2018), the January through June 2018 monitoring period (due July 10, 2018), and the July through December 2018 monitoring period (due January 10, 2019), in violation of Permit Parts I(A)(1)(b), I(A)(2)(d)(2), I(A)(5)(a).
6. Mr. Archie failed to conduct a data analysis of the Chesapeake Bay TMDL discharge monitoring data, in violation of Permit Part I(B)(7)(b)(3)(b).

IV. Relief

The above findings of fact and conclusions of law support issuance of a Special Order pursuant to Va. Code § 10.1-1186 to compel Mr. Archie to comply with the State Water Control Law and the Permit. Specifically, the Special Order will require that Mr. Archie:

1. Within 90 days of the effective date of the Special Order, submit to DEQ a SWPPP for the Facility, satisfying the requirements of Part III of the Permit.
2. If DEQ provides any comments on the SWPPP, respond to DEQ's comments within 14 days of the date of the comments.
3. Within 30 days of the effective date of the Special Order, submit to DEQ a data analysis of the Chesapeake Bay TMDL data, in accordance with Permit Part I(B)(7)(b)(3)(b), based on nutrient and sediment results from the averaged Chesapeake Bay TMDL monitoring reports.

4. Within 90 days of the effective date of the Special Order, submit to DEQ a Chesapeake Bay TMDL Action Plan, in accordance with Permit Part I(B)(7)(b)(3)(c), if the data analysis required by paragraph 3 above indicates that the calculated Facility loading value of total phosphorus exceeds 1.5 lb/ac/yr, total nitrogen exceeds 12.3 lb/ac/yr, or total suspended solids exceeds 440 lb/ac/yr.
5. Within 30 days of the effective date of the Special Order, pay a civil penalty of \$10,000.

RULES OF SUPREME COURT OF VIRGINIA
PART TWO A
APPEALS PURSUANT TO THE
ADMINISTRATIVE PROCESS ACT

Rule 2A:2. Notice of Appeal.

(a) Any party appealing from a regulation or case decision shall file with the agency secretary, within 30 days after adoption of the regulation or after service of the final order in the case decision, a notice of appeal signed by the appealing party or that party's counsel. With respect to appeal from a regulation, the date of adoption or readoption shall be the date of publication in the Register of Regulations. In the event that a case decision is required by § 2.2-4023 or by any other provision of law to be served by mail upon a party, 3 days shall be added to the 30-day period for that party. Service under this Rule shall be sufficient if sent by registered or certified mail to the party's last address known to the agency.

(b) The notice of appeal shall identify the regulation or case decision appealed from, shall state the names and addresses of the appellant and of all other parties and their counsel, if any, shall specify the circuit court to which the appeal is taken, and shall conclude with a certificate that a copy of the notice of appeal has been mailed to each of the parties. Any copy of a notice of appeal that is sent to a party's counsel or to a party's registered agent, if the party is a corporation, shall be deemed adequate and shall not be a cause for dismissal of the appeal; provided, however, sending a notice of appeal to an agency's counsel shall not satisfy the requirement that a notice of appeal be filed with the agency secretary. The omission of a party whose name and address cannot, after due diligence, be ascertained shall not be cause for dismissal of the appeal.

(c) Any final agency case decision as described in § 2.2-4023 shall advise the party of the time for filing a notice of appeal under this Rule.

Last amended July 1, 2014; effective July 1, 2014.