

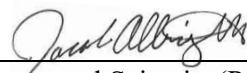


**U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION III WATER BRANCH, ENFORCEMENT
AND COMPLIANCE ASSURANCE DIVISION
CLEAN WATER ACT
COMPLIANCE INSPECTION REPORT**

for

Name of Facility: Virginia Truck Parts, Inc.
Facility Address: 10022 Huntington Lane, King George, VA, 22485
Mailing Address: PO Box 850, King George, VA 22485

Report Prepared on: 5/5/2021
Date

By: ,
Environmental Scientist (PG Environmental)
Signature

Report Final as of: 5/11/21
Date

By: **STACIE PRATT**, EPA
Signature
Digitally signed by
STACIE PRATT
Date: 2021.05.11
13:58:56 -04'00'

General Information

Type of Inspection:	Industrial Stormwater
Owner:	Virginia Truck Parts, Inc.
Operator:	Virginia Truck Parts, Inc.
Permittee:	Virginia Used Truck Parts, Inc.
NPDES Permit No:	VAR051005
NPDES Permit Effective Date:	July 1, 2019
NPDES Permit Expiration Date:	June 30, 2024
Receiving Water:	Muddy Creek
Latitude and Longitude:	38.277304, -77.335542

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 Virginia Truck Parts, Inc. in King George, Virginia. Virginia Used Truck Parts, Inc. is identified as the Permittee and owns and operates the Facility. A representative from the Virginia Department of Environmental Quality (DEQ) also attended the inspection.

Approximate Entry Time: 9:00 AM (EST) **Approximate Exit Time:** 11:15 AM (EST)

Unique Project Identifier (UPI): 3E21WN108A

TABLE OF CONTENTS

	PAGE
I. INTRODUCTION.....	3
II. INSPECTION PROCESS	3
Inspection Opening Conference	3
Weather and Precipitation Conditions.....	4
Facility Site Walk.....	5
Summary of Observations.....	6
Permit Status	6
Monitoring Program.....	7
Stormwater Pollution Prevention Plan (SWPPP) Requirements.....	9
Pollution Prevention and Good Housekeeping	10
Employee Training.....	12
Closing Conference.....	12

List of Appendices

Appendix A: Photograph Log

Appendix B: Exhibit Log

- Exhibit 1 – Aerial Facility Image
- Exhibit 2 – Permit Registration Statement
- Exhibit 3 – DEQ Enforcement Communication
- Exhibit 4 – DEQ April 2019 Inspection Report
- Exhibit 5 – Facility eDMR Data
- Exhibit 6 – Excerpts from the Facility SWPPP
- Exhibit 7 – Incident Reports – Customer Complaints to DEQ

Appendix C: NPDES Permit No. VAR051005 and Sector M Requirements

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 the Virginia Used Truck Parts, Inc.'s (hereinafter, Permittee) auto salvage facility, Virginia Truck Parts, Inc. (hereinafter, Facility), in King George, Virginia. The EPA Inspection Team was joined on the inspection by a representative from the Virginia Department of Environmental Quality (DEQ). The purpose of the inspection was to assess the Permittee's compliance with the Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Stormwater Associated with Industrial Activity (VAR051005, the Permit).

Virginia Truck Parts, Inc. is an automobile salvage yard, and subject to the additional requirements included in Sector M of the Permit. The Facility encompasses 9 acres, all of which are used for industrial activity. The Facility includes a pre-processing holding area where vehicles are stored prior to being processed for storage on the lot; a dismantling garage where fluids are drained and batteries are removed; an outdoor vehicle storage lot with capacity for about 500 vehicles (post processing); a vehicle crusher; a core components and small parts storage area (core/small parts storage area) that stores motors, transmissions, batteries, small mechanical parts, and scrap metal; 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 has one designated outfall point (Outfall 001), located near the central point of the northern perimeter. However, the EPA Inspection Team observed locations along the southern perimeter actively discharging stormwater at the time of the inspection (refer to Observation 9). 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. Vehicles are processed in the dismantling garage located on the Facility's eastern perimeter. Facility representatives stated that vehicles are stripped of batteries, fluids are drained, and major components are removed. Batteries are to be stored in the cores/small parts storage area located on the Facility's southeastern perimeter and are hauled away by a contractor as needed. Oils, fuel, and other fluids are drained separately into drums and stored in the dismantling garage. A 275-gallon diesel tank is located in the cores/small parts storage area. Facility representatives stated that fuel may be reused in staff and Facility vehicles, and oil and fluids are recycled or disposed of by a contractor.

Facility representatives stated that vehicle parts are sold mostly through salvage websites such as carparts.com and hollanderparts.com. Metal parts that are not needed and vehicle carcasses are crushed. Crushed metal parts and any other unneeded parts are hauled offsite as needed.

II. INSPECTION PROCESS

Inspection Opening Conference

The EPA Inspection Team arrived at the Facility at 9:00 AM (EDT) for the inspection. 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 EPA representatives 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
Virginia Department of Environmental Quality			
Rebecca Johnson	Virginia DEQ	(717) 705-4775	Rebecca.Johnson@deq.virginia.gov
Facility Representative			
Anita Lal, Facility Manager/Owner	Virginia Used Truck Parts, Inc.	(703) 850-6850	Anitalal19@gmail.com
Rahul Arora, Yard Manager	Virginia Used Truck Parts, Inc.	-	-

Weather and Precipitation Conditions

During the inspection, weather was overcast and there were periods of moderate to heavy 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
FREDERICKSBURG 7.6 ESE, VA US US1VASF0005	03/18/2021	0.27
FREDERICKSBURG 7.6 ESE, VA US US1VASF0005	03/19/2021	0.34
FREDERICKSBURG 7.6 ESE, VA US US1VASF0005	03/20/2021	0.01
FREDERICKSBURG 7.6 ESE, VA US US1VASF0005	03/22/2021	0.00
FREDERICKSBURG 7.6 ESE, VA US US1VASF0005	03/23/2021	0.29
FREDERICKSBURG 7.6 ESE, VA US US1VASF0005	03/24/2021	0.90

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

Facility Site Walk

As part of the inspection process, the EPA Inspection Team visually observed the site conditions in the presence of the Facility Manager/Owner, Ms. Anita Lal, and Yard Manager, Mr. Rahul Arora. Ms. Lal stated that she took over ownership of the Facility in 2016. The primary purpose of the inspection was to review industrial processes at the Facility, to review the accuracy and reliability of the Permittee's self-monitoring and reporting program, and to obtain information that will assist EPA in assessing the Permittee's compliance with the requirements of the Permit.

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. The EPA Inspection Team observed the pre-processing holding area and the exterior of the dismantling garage (refer to [Appendix A, DSCN3710 through DSCN3715 and DSCN3726 through DSCN3727](#)). Inside the dismantling garage the EPA Inspection Team observed the storage of engines, transmission parts, and other vehicle components (refer to [Appendix A, DSCN3717 through DSCN3723](#)). Fluid storage and a parts washing table were also located inside the garage.

The EPA Inspection Team exited the dismantling garage and continued along the northeastern Facility perimeter, observing the northern vehicle storage area (refer to [Appendix A, DSCN3737 and DSCN3747](#)). The EPA Inspection Team also observed Outfall 001 along the northern perimeter (refer to [Appendix A, DSCN3749 through DSCN3763](#)).

The EPA Inspection Team continued the inspection along the Facility's northwestern perimeter and observed the additional vehicle storage (refer to [Appendix A, DSCN3775 through DSCN3786 and DSCN3791](#)). A pile of tires was observed along the Facility's northwest perimeter (refer to [Appendix A, DSCN3772 and DSCN3773](#)).

The EPA Inspection Team continued along the Facility's southwestern perimeter and observed additional vehicle storage areas (refer to [Appendix A, DSCN2094, DSCN3789, DSCN3793, DSCN3813 and DSCN3814, DSCN3820 through DSCN3840](#)). A pile of tires was observed along the Facility's southwestern perimeter (refer to [Appendix A, DSCN3815 through DSCN3817](#)). The EPA Inspection Team also observed damage along the southwestern perimeter wall (refer to [Appendix A, DSCN3842](#)).

The EPA Inspection Team continued to the Facility's southeastern perimeter and observed the vehicle crusher near the Facility's southeastern area (refer to [Appendix A, DSCN3874, DSCN3919, DSCN3926, and DSCN3929](#)). An uncovered scrap metal dumpster that contained vehicle engine and transmission components was located next to the crusher (refer to [Appendix A, DSCN3933 and DSCN3934](#)). A 500-gallon storage tank that did not contain secondary containment was located in the Facility's southeastern area (refer to [Appendix A, DSCN2131](#)). A pad of uncovered batteries was located in the Facility's southeastern area (refer to [Appendix A, DSCN3935](#)). The EPA Inspection Team observed the cores/small parts storage area at the Facility's southeastern perimeter adjacent to the crusher (refer to [Appendix A, Photographs DSCN3904 through DSCN3907](#)). Stacks of tires were observed along the exterior of the cores/small parts storage area (refer to [Appendix A, DSCN3911](#)). A 275-gallon diesel storage tank was located inside the covered portion of the cores/small parts storage area (refer to [Appendix A, DSCN3904](#)). It was installed inside a containment basin.

After walking the Facility grounds, the EPA Inspection Team exited the Facility's perimeter and walked along the access road bordering the Facility's southeast and southwest perimeters. The EPA Inspection Team observed additional discharges of stormwater along the Facility's southwestern perimeter and

observed the flow entering a drainage ditch to the southwest, between the Facility and Huntington Lane (refer to [Appendix A, DSCN2169 through DSCN2175 and DSCN3944 through DSCN3973](#)). The drainage ditch was flowing southeast of the Facility and also collected stormwater from Huntington road.

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

Records Review

The EPA Inspection Team conducted a records review to evaluate the Permittee's compliance with the Permit.

The Facility's stormwater pollution prevention plan (SWPPP) was reviewed onsite; however, most document review was conducted offsite. The Facility's electronic discharge monitoring report (eDMR) data as well as DEQ inspection reports and enforcement correspondence were provided electronically by DEQ and reviewed offsite. The following documents were reviewed:

- Facility Permit Registration Statement (received July 29, 2019)
- Facility SWPPP (2012)
- October 15, 2020 (effective date) Special Order and Civil Penalty
- DEQ Notices of Violation (NOVs) for the Facility (2018 through 2021)
- DEQ General Inspection Report (April 10, 2019)
- DEQ Recon Inspection Report (October 30, 2020)
- DEQ Recon Inspection Report (March 10, 2021)
- Incident Report Summary (September 30, 2020)
- Incident Report Summary (February 22, 2021)
- eDMR data for January 2016 through December 2020
- Facility Sampling Results from January 26, 2021

Summary of Observations

The following section summarizes the EPA Inspection Team's observations relative to the Permit requirements, including the Permittee's Permit status, monitoring program, SWPPP requirements, pollution prevention and good housekeeping, and employee training.

Permit Status

Part II.M of the Permit states, "If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall submit a new registration statement at least 60 days before the expiration date of the existing permit, unless permission for a later date has been granted by the board. The board shall not grant permission for registration statements to be submitted later than the expiration date of the existing permit." Similar language was included in the 2014 version of the Permit.

Observation 1. The Facility allowed coverage to lapse on the previous version of the Permit before submitting a registration statement for the 2019 version. The 2014 version of the Permit expired on June 30, 2019 and the Facility did not submit a registration statement for coverage under the 2019 Permit until July 29, 2019 (refer to [Appendix B, Exhibit 2](#)). DEQ issued an NOV to the Permittee on October 24, 2019 for the late submittal and registration fee (refer to [Appendix B, Exhibit 3](#)). The late registration is also referenced in DEQ's October 15, 2021 Special Order (refer to [Appendix B, Exhibit 3](#)).

At the time of the inspection, the Facility had one registered outfall, in the north-central perimeter.

Observation 2. The EPA Inspection Team observed stormwater actively discharging from locations along the southwestern perimeter of the Facility at the time of the inspection (refer to [Appendix A, DSCN2169 through DSCN2175 and DSCN3944 through DSCN3973](#)). These locations were not previously identified as outfalls. The site map included in the Facility's registration statement shows all flow being directed toward Outfall 001 (refer to [Appendix B, Exhibit 2](#)); however, this was not observed to be the case at the time of the inspection. The Facility discharges to tributaries of Muddy Creek.

Monitoring Program

Part I.A.1a of the Permit states that the Permittee must conduct quarterly visual monitoring.

"The requirements and procedures for quarterly visual monitoring are applicable to all facilities covered under this permit, regardless of the facility's sector of industrial activity.

- (1) The permittee shall perform and document a quarterly visual examination of a stormwater discharge associated with industrial activity from each outfall, except discharges exempted in Part I A 3 or Part I A 4. The examinations shall be made at least once in each of the following three-month periods: January through March, April through June, July through September, and October through December. The visual examination shall be made during normal working hours, where practicable, and when considerations for safety and feasibility allow. If no storm event resulted in runoff from the facility during a monitoring quarter, the permittee is excused from visual monitoring for that quarter provided that documentation is included with the monitoring records indicating that no runoff occurred. The documentation shall be signed and certified in accordance with Part II K of this permit.
- (2) Samples shall be collected in accordance with Part I A 2. Sample examination shall document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution. The visual examination of the sample shall be conducted in a well-lit area. No analytical tests are required to be performed on the samples.
- (3) The visual examination reports shall be maintained on-site with the SWPPP. The report shall include the outfall location, the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the stormwater discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution), and probable sources of any observed stormwater contamination."

Observation 3. Facility representatives stated that they had not been conducting quarterly visual monitoring and were unsure of the last time any visual monitoring was conducted. They noted that they had hired a contractor (ESS) to conduct benchmark monitoring.

DEQ's April 2019 inspection report states that a quarterly visual monitoring report from the second quarter of 2017 was available on site (refer to [Appendix B, Exhibit 4](#)).

Part I.A.2.c.2 of the Permit requires benchmark monitoring, effluent limitation monitoring, and impaired waters monitoring (for waters both with and without an approved TMDL) to be conducted, where applicable, at least once in each of the following semiannual periods each year of permit coverage: January through June, and July through December.

Observation 4. Based on a review of eDMR data provided by DEQ, the Facility had not submitted a report for the second half of 2016, the first half of 2018, the second half of 2019, or the first half of 2020 (refer to Table 3 and [Appendix B, Exhibit 5](#)).

Observation 5. The report for the second half of 2020 indicates samples were not taken due to staffing issues related to COVID-19 (refer to [Appendix B, Exhibit 5](#)).

According to the DEQ eDMR data, eDMRs were also submitted late for multiple monitoring periods (see Table 3).

Table 3. Late and Missing eDMR Submittals

Monitoring Period	Due Date	Received Date
January - June 2020	7/10/2020	Not submitted
July - December 2019	1/10/2020	Not submitted
January - June 2019	7/10/2019	7/12/2019
January - June 2018	7/10/2018	Not submitted
July - December 2017	1/10/2018	2/23/2018
July - December 2016	1/10/2017	Not submitted
January - June 2016	7/10/2016	7/18/2016

DEQ issued NOVs to the Facility on March 27, 2018, and September 12, 2018, for late report submittals.

Observation 6. According to eDMR data provided by DEQ, the Facility had not collected Chesapeake Bay total maximum daily load (TMDL) samples for monitoring in the five years before the inspection (refer to [Appendix B, Exhibit 5](#)). The Facility included a TMDL monitoring results sheet in its eDMR covering July 2020 through December 2020, but the report indicates samples were not taken. The eDMR states that samples were not taken due to staffing issues related to COVID-19.

Part IV – Sector M of the Permit includes benchmark monitoring requirements for automobile salvage yards as described in Figure 1.

Table 200 Sector M – Benchmark Monitoring Requirements	
Pollutants of Concern	Benchmark Concentration
Automobile Salvage Yards (SIC Code 5015)	
Total Suspended Solids (TSS)	100 mg/L
Total Recoverable Aluminum	750 µg/L
Total Recoverable Iron	1.0 mg/L
Total Recoverable Lead	120 µg/L

Figure 1. Sector M Benchmark Monitoring Requirements

Observation 7. According to eDMR data provided by DEQ, the Facility experienced benchmark level exceedances for TSS (170.0 mg/L), iron (5.7 mg/L), and aluminum (4,400 ug/L) during the first half of 2017. No other benchmark exceedances were reported in the data.

DEQ received lab results from the Facility's consultant (ESS) for benchmark and TMDL monitoring conducted at Outfall 001 on January 26, 2021. These were provided to the EPA Inspection Team on April 13, 2021. The Facility did not experience a benchmark exceedance during this monitoring event.

Stormwater Pollution Prevention Plan (SWPPP) Requirements

Part III.A.1 of the Permit states that, “Owners of facilities that were covered under the 2014 Industrial Stormwater General Permit who are continuing coverage under this general permit shall update and implement any revisions to the SWPPP within 90 days of the board granting coverage under this permit.”

Part III.B of the Permit requires the SWPPP to identify the pollution prevention team, describe industrial activities and provide a detailed site map (per part III.B.2.b of the Permit), summarize pollutant sources, describe stormwater controls, and describe the Facility inspection program.

Part III.C of the Permit requires the SWPPP to include description of preventive maintenance procedures for all control measures.

Additionally, part III.F.1 of the Permit states, “The permittee shall review and amend the SWPPP as appropriate whenever:

- a. There is construction or a change in design, operation, or maintenance at the facility that has a significant effect on the discharge, or the potential for the discharge, of pollutants from the facility;
- b. Routine inspections or compliance evaluations determine that there are deficiencies in the control measures, including BMPs;
- c. Inspections by local, state, or federal officials determine that modifications to the SWPPP are necessary;
- d. There is a significant spill, leak, or other release at the facility;
- e. There is an unauthorized discharge from the facility; or
- f. The department notifies the permittee that a TMDL has been developed and applies to the permitted facility, consistent with Part I B.”

Observation 8. The Permittee presented a SWPPP onsite at the time of the inspection; however, the SWPPP was outdated (from 2012), incomplete for current operations, and included information from previous Facility ownership and consultants that were no longer working at the Facility (refer to Appendix B, Exhibit 6). Some specific items needing updated include:

- Facility site map – the location of the crusher and some of vehicle part storage areas (e.g., doors) was inconsistent with what was observed on site.
- The pollution prevention team referenced in the SWPPP includes staff from previous owners and consultants that are no longer employed at the Facility.
- The Facility spill log ends in 2012 (no spills documented 2008 – 2012).
- The Facility monitoring program is only described through the end of 2013.
- The only training records included in the document are from 2013 and for staff that no longer work at the Facility.
- The only maintenance records included in the document are from 2013.
- Current monitoring records were not kept in the SWPPP.

The SWPPP was documented as outdated in DEQ’s April 2019 inspection report (refer to Appendix B, Exhibit 4), and DEQ’s October 15, 2020 Special Order required the Facility to “submit to DEQ, for review, an updated copy of the SWPPP with a current review signature and date” within 30 days (refer to Appendix B, Exhibit 3). An updated SWPPP was not submitted to DEQ within 30 days.

DEQ stated in an April 13, 2021 email to the EPA Inspection Team that DEQ had been in contact with the Facility’s consultant (ESS) and the time this report was written, “ESS is not contracted to update the SWPPP nor provide training to the staff onsite.”

Pollution Prevention and Good Housekeeping

Part I.B.2 of the Permit states that, “The discharge of hazardous substances or oil in the stormwater discharges from the facility shall be prevented or minimized in accordance with the SWPPP for the facility. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill. This permit does not relieve the permittee of the reporting requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 or § 62.1-44.34:19 of the Code of Virginia.”

Observation 9. The EPA Inspection Team observed petroleum sheen on the lot surface throughout the Facility (refer to Appendix A, DSCN3713 and DSCN3786). The sheen was most noticeable in and around the area near the uncontained vehicle crusher. Specifically, the crusher was installed on a concrete pad, but was otherwise uncontained. Petroleum sheen and residue were observed in the vicinity of and over the entire area downgradient of the crusher to the southwest perimeter fence line of the Facility (refer to Appendix A, DSCN3869 through DSCN3873, DSCN3876, DSCN3882 through DSCN3894, DSCN3928, DSCN3934, and DSCN3935).

Heavy precipitation was experienced at times during the inspection, and runoff was observed actively transporting petroleum sheen offsite to the southwest perimeter and, subsequently, offsite across the access road that runs along the southwestern perimeter of the site, and into a drainage ditch located between the Facility and Huntington Lane (refer to Appendix A, DSCN2169 through DSCN2175 and DSCN3944 through DSCN3973). As noted previously, these locations along the southwestern perimeter had not been identified as Facility outfalls.

DEQ provided two incident reports from customer complaints related to mishandling of oil products and oil sheen observed at the site (September 30, 2020 and February 22, 2021; refer to Appendix B, Exhibit 7).

Part IV.B of the Permit states, “In addition to the requirements of Part III, the SWPPP shall include, at a minimum, the following items:

1. 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 means shall be taken to prevent leaks or spills of fluids upon arrival at the site, or as soon thereafter as feasible. All drained fluids shall be managed to minimize leaks or spills.
2. Inspections. Upon arrival at the site, or as soon thereafter as feasible, 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 (four times per year) for signs of leaks. All vessels, containers, or tanks and areas where hazardous materials and general automotive fluids are stored, including mercury switches, brake fluid, transmission fluid, radiator water, and antifreeze, shall be inspected at least quarterly for leaks. Quarterly inspection records shall be maintained with the SWPPP.”

Part IV.B.4 of the Permit states, “The permittee shall implement control measures to divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff to minimize pollutants in discharges from the facility. The following management practices shall be used to prevent or reduce the discharge of pollutants to surface waters:

- a. Berms or drainage ditches on the property line used to help prevent run-on from neighboring properties;
- b. Berms for uncovered outdoor storage of oily parts and engine blocks;
- c. Aboveground liquid storage;
- d. The installation of detention ponds, filtering devices, or oil/water separators; and

- e. Another control measure used to prevent or reduce the discharge of pollutants to surface waters.”

Observation 10. The EPA Inspection Team observed a general lack of stormwater controls and pollution prevention onsite. The following issues were observed related to pollution prevention and good housekeeping onsite:

- Uncovered and uncontained scrap material, tires, engines, fuel tanks, and transmission components were stacked and littered throughout the Facility (refer to Appendix A, DSCN3710; DSCN3715, DSCN3726, DSCN3727, DSCN3772 through DSCN3793, DSCN3813 through DSCN3820, DSCN3874 through DSCN3876, DSCN3879, DSCN3909, and DSCN3911).
- Three main tire piles were observed throughout the Facility, one at the Facility’s western perimeter (refer to Appendix A, DSCN3772 and DSCN3773), one along the Facility’s southwestern perimeter (refer to Appendix A, DSCN3815 through DSCN3817), and one at the cores/small parts storage area at the Facility’s southeastern perimeter (refer to Appendix A, DSCN3911). The DEQ representative present at the time of the inspection stated that the tires had been a problem for a long time; however, the piles looked smaller than her previous visit in January 2021. Facility representatives demonstrated that they had begun loading tires into a trailer for pickup (refer to Appendix A, DSCN3809).
- 55-gallon drums and other liquid containers were observed discarded throughout the Facility. Multiple containers were uncapped and uncovered, one of which contained oily vehicle components (refer to Appendix A, DSCN3936). Another contained cleaning solution for tires (refer to Appendix A, DSCN3911). None of the drums or containers were stored in secondary containment (refer to Appendix A, DSCN2132, DSCN3717, DSCN3726, DSCN3820, DSCN3879, DSCN3911, DSCN3930, DSCN3936, and DSCN3937).
- The EPA Inspection Team observed the dismantling garage located at the Facility’s eastern perimeter. Petroleum staining and residue was observed inside the garage, including around the fluid collection containers and the parts washing table. Staining was observed migrating from the garage out into the outdoor vehicle holding area (refer to Appendix A, DSCN3717 through DSCN3723).
- The EPA Inspection Team observed that not all fluids were drained from all vehicles during processing. Windshield wiper fluid was observed in at least three vehicles on the storage lot, and one vehicle contained what appeared to be coolant fluid (refer to Appendix A, DSCN3831, DSCN3832, DSCN3835, DSCN3836, DSCN3840). 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 two vehicles on the vehicle storage lot. Additionally, an uncovered stack of batteries was observed on the vehicle storage lot at the southeastern area of the Facility (refer to Appendix A, DSCN2094, DSCN3834, and DSCN3935).
- The EPA Inspection Team observed that the lot was mostly covered by dirt and gravel. Evidence of erosion was observed in multiple areas, including in the vicinity of Outfall 001 at the northern perimeter of the Facility (refer to Appendix A, DSCN3737 through DSCN3749 and DSCN3763). The sediment pond used to capture flow for monitoring prior to discharge through Outfall 001 was observed to contain turbid water (refer to Appendix A, DSCN3749 through DSCN3763). As noted previously, the Facility had not reported a benchmark exceedance for any parameter since 2017.

- The EPA Inspection Team observed sections of the property fencing along the southwestern perimeter to be damaged (refer to Appendix A, DSCN2169, DSCN3842, DSCN3944, DSCN3947, DSCN3960). As stated previously, runoff was observed actively discharging from the Facility in this area.
- The EPA Inspection Team observed that the vehicle crusher was installed on a concrete pad but was not otherwise contained. Petroleum product and staining and residue were observed on the ground throughout the immediate vicinity of the crusher, and a gasoline odor was detected in the area (refer to Appendix A, DSCN3874 through DSCN3894, DSCN3919, and DSCN3929).
- The EPA Inspection Team observed an uncovered scrap metal dumpster containing vehicle engine and transmission components in the southeastern area of the Facility (refer to Appendix A, DSCN3930, DSCN3933, and DSCN3934). Petroleum sheen was observed on the pavement directly underneath the dumpster.
- The EPA Inspection Team observed an approximately 275-gallon tank located in the southeastern area of the Facility that lacked secondary confinement. The tank was adjacent to the scrap metal dumpster (refer to Appendix A, DSCN2131). It is unclear what was being stored in the container. No spill kit was observed near the tank.
- The 275-gallon diesel tank located in the core/small parts storage structure was covered by radiators, obstructing access (refer to Appendix A, DSCN3904). The tank was in a secondary containment container. No spill kit was observed near the tank.

Employee Training

Part IV.B.3 of the Permit states, “Employee training shall, at a minimum, address the following areas when applicable to a facility: proper handling (collection, storage, and disposal) of oil, used mineral spirits, antifreeze, mercury switches, and solvents.”

Observation 11. Facility representatives stated they do not conduct or document training on proper handling (collection, storage, and disposal) of oil, used mineral spirits, antifreeze, mercury switches, solvents, etc. as prescribed by the Permit. The most recent documented training contained in the SWPPP was on June 4, 2013 (refer to Appendix B, Exhibit 6). The employees that received this training no longer work at the Facility.

Closing Conference

At the conclusion of the onsite inspection, the EPA Inspection Team conducted a closing conference with the Facility Manager and the Yard 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 11:45 AM (EDT).

Appendix A

Photograph Log



DSCN2094. View under the hood of a vehicle on the lot, near the southwest perimeter, with the battery installed.



DSCN2131. View, facing south, of an approximately 275-gallon tank located in the southeastern area of the Facility. Note a lack of secondary confinement. It is unclear if there was any liquid in the tank.



DSCN2132. View, facing southeast, of a 55-gallon drum and trash littered on the ground near the office trailer.



DSCN2169. View, facing west, of runoff leaving the site from the southwest perimeter of the Facility.



DSCN2171. View, facing southwest, of stormwater runoff downgradient of the discharge depicted in DSCN3969. Note the flow was turbid.



DSCN2173. View, facing north, of stormwater runoff in the drainage ditch downgradient of the southwestern perimeter of the Facility and upgradient of the outlet shown in DSCN2175. Note the flow was turbid.



DSCN2175. View, facing north, of flow entering a culvert that collects flow from the drainage ditch and runs under Huntington Lane. Note the flow was turbid.



DSCN3706. View of Facility entrance sign.



Pile of tires and
vehicle parts

DSCN3710. View, facing northeast, of a pile of tires and vehicle parts outside of the dismantling garage.



Sheen

DSCN3711. View, facing northeast, of the dismantling garage. Note the petroleum sheen in front of the garage.



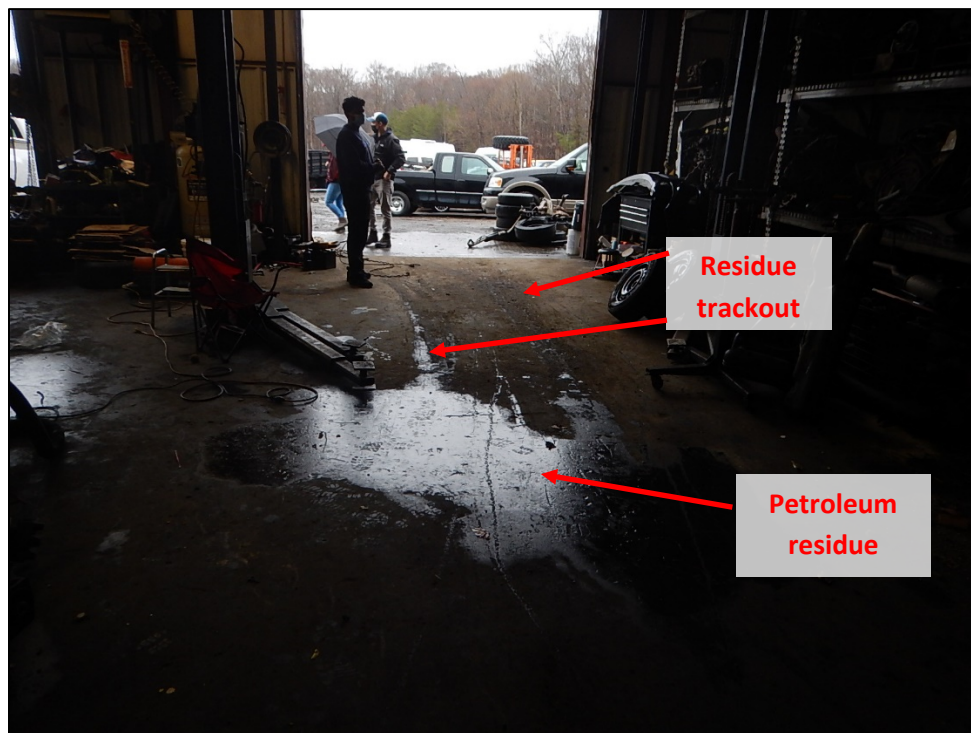
DSCN3713. View, facing west, outside of the dismantling garage. Note the petroleum sheen and flow path of the runoff.



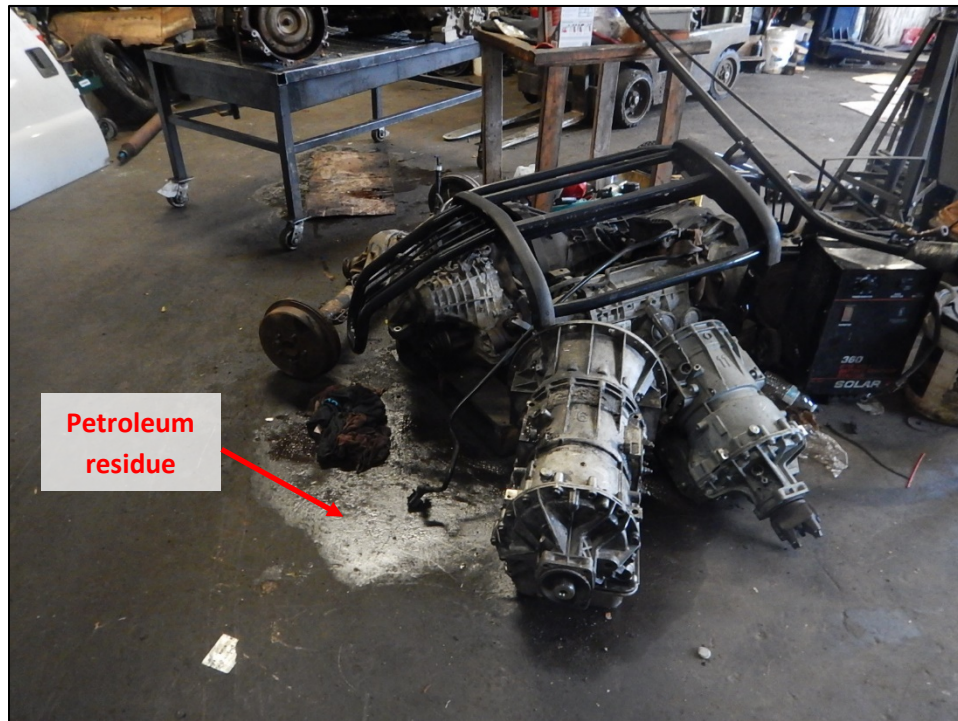
DSCN3715. View, facing southeast, of tires, car parts, and buckets stored outdoors and uncovered on the north side of the dismantling garage.



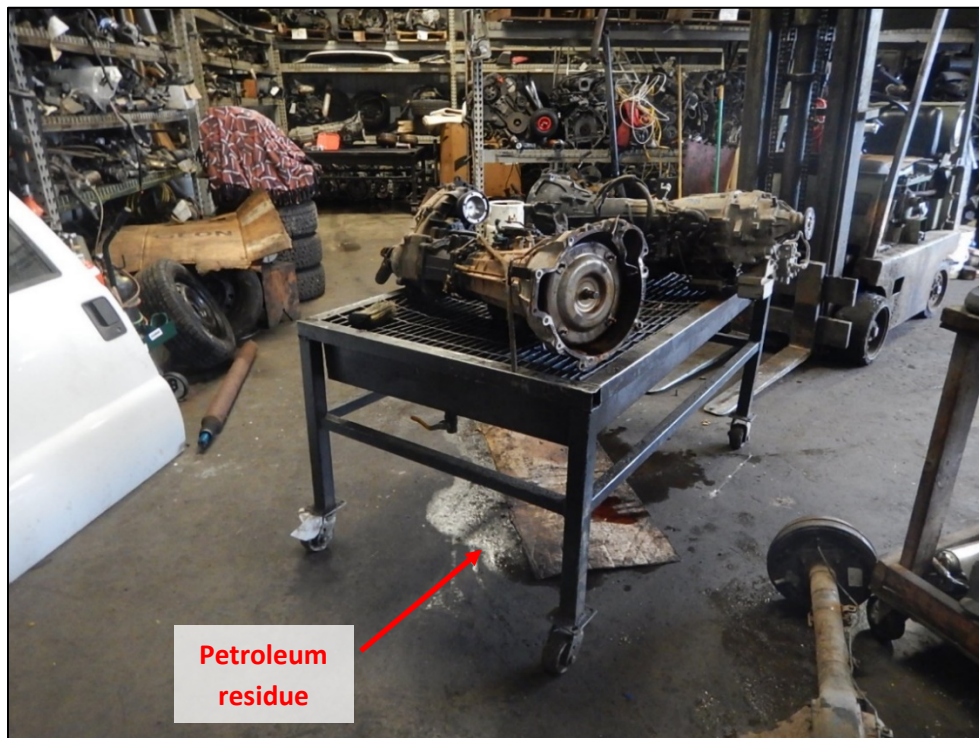
DSCN3717. View inside the dismantling garage of drums used to collect drained fluids. Note that fluids had leaked outside the containment pallet.



DSCN3720. View facing outside of the dismantling garage. Note the petroleum residue and signs of petroleum being transported outside the garage.



DSCN3721. View inside the dismantling garage of transmissions. Note the petroleum residue on the ground under the vehicle parts.



DSCN3723. View inside the dismantling garage of a parts washing table. Note the petroleum residue below the table.



DSCN3726. View of 5-gallon buckets of unknown liquid and vehicle parts stored uncovered outside of the dismantling garage.



DSCN3727. View of a rack of tires and vehicles stored outside of the dismantling garage.



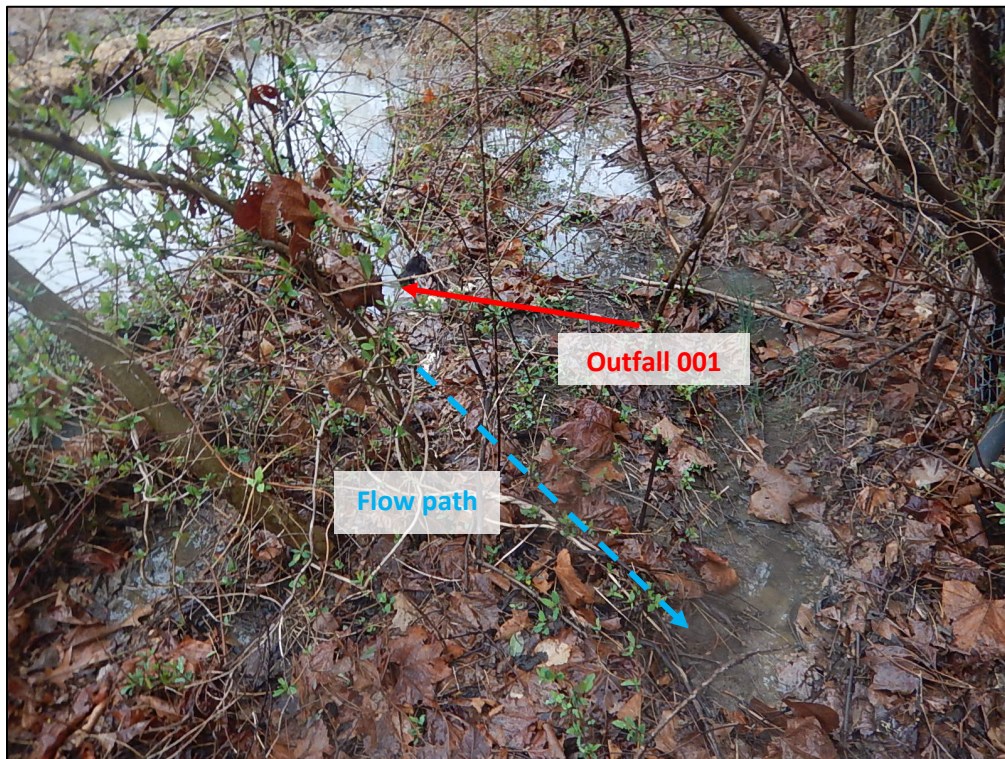
DSCN3737. View, facing northwest, of erosion observed in the lot upgradient of Outfall 001.



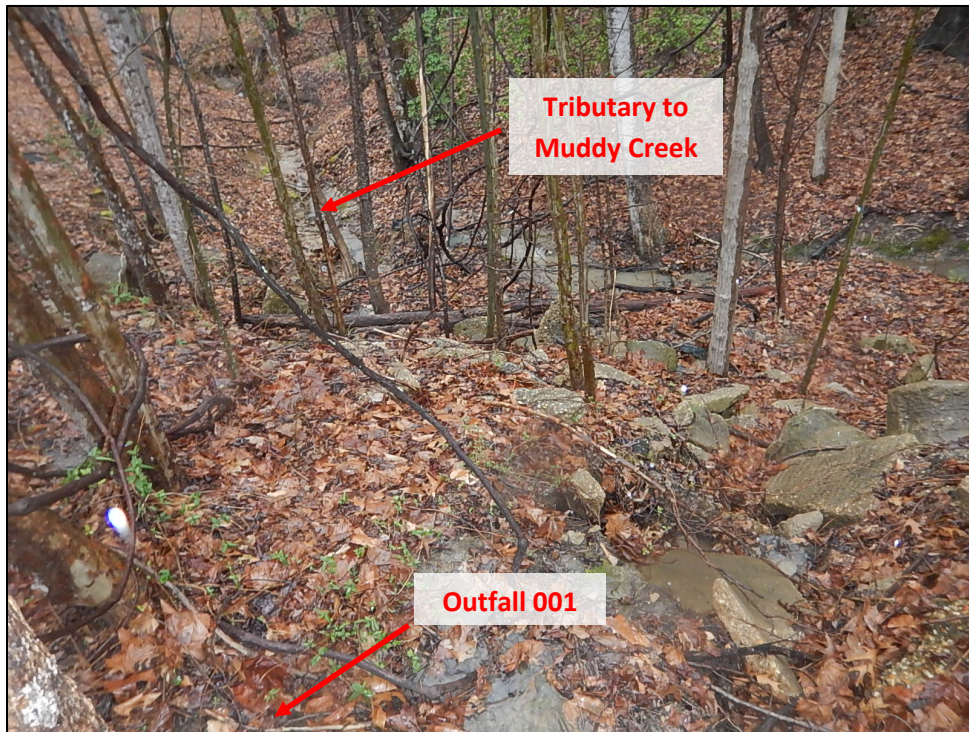
DSCN3747. View, facing northwest, of the area in the vicinity of Outfall 001. Note the area was scoured and muddy.



DSCN3749. View, facing northwest, of the ponding area used to collect samples for Outfall 001. Note the area upgradient of the outfall was scoured and muddy.



DSCN3752. View, facing southwest, of Outfall 001 and runoff leaving the site. Note the flow at the outfall was turbid.



DSCN3754. View, facing north, of the tributary to Muddy Creek, below Outfall 001. The stream appeared cloudy; however, due to heavy precipitation during the inspection, it was difficult to determine how much sediment from the site was attributing to the turbidity of the stream.



DSCN3763. View, facing northwest, of a muddy and scoured area immediately west of the Outfall 001.



DSCN3772. View, facing west, of a pile of tires discarded off the main part of the lot, along the Facility's western perimeter.



DSCN3773. Additional view of tires shown in DSCN3772.



DSCN3775. View, facing south, of a pile of vehicle fuel tanks in the northeastern portion of the site.



DSCN3776. View, facing west, of a car in the western area of the Facility. Note the exposed parts in the front of the vehicle and the radiator still attached. It is unclear if radiator fluids had been drained.



DSCN3779. View, facing west, of discarded vehicle components and an unused yellow secondary containment pallet in the northeastern portion of the site.



DSCN3781. View, facing west, of discarded vehicle parts in the northeastern portion of the site.



DSCN3786. View of a petroleum stain in the western portion of the Facility.



DSCN3789. View, facing west, of a pile of tires and other vehicle parts at the Facility's southwestern perimeter.



DSCN3791. View, facing east, of a pile of fuel tanks against the Facility's northwestern perimeter.



DSCN3793. Additional view of vehicle parts shown in DSCN3789.



DSCN3809. View inside a truck filled with vehicle tires to be transported offsite.



DSCN3813. View, facing south, of a pile of fuel tanks and car parts inside and around a truck at the Facility's southwestern perimeter.



DSCN3814. View, facing south, of a pile car parts and tires against the southwestern perimeter.



DSCN3815. View, facing southeast, of a pile of tires other vehicle parts along the Facility's southwestern perimeter.



DSCN3816. View, facing south, of the pile of tires along the Facility's southern perimeter as shown in Photograph [DSCN3815](#).



DSCN3817. View, facing southeast, of the pile of tires as shown in [DSCN3815](#) and [DSCN3816](#).



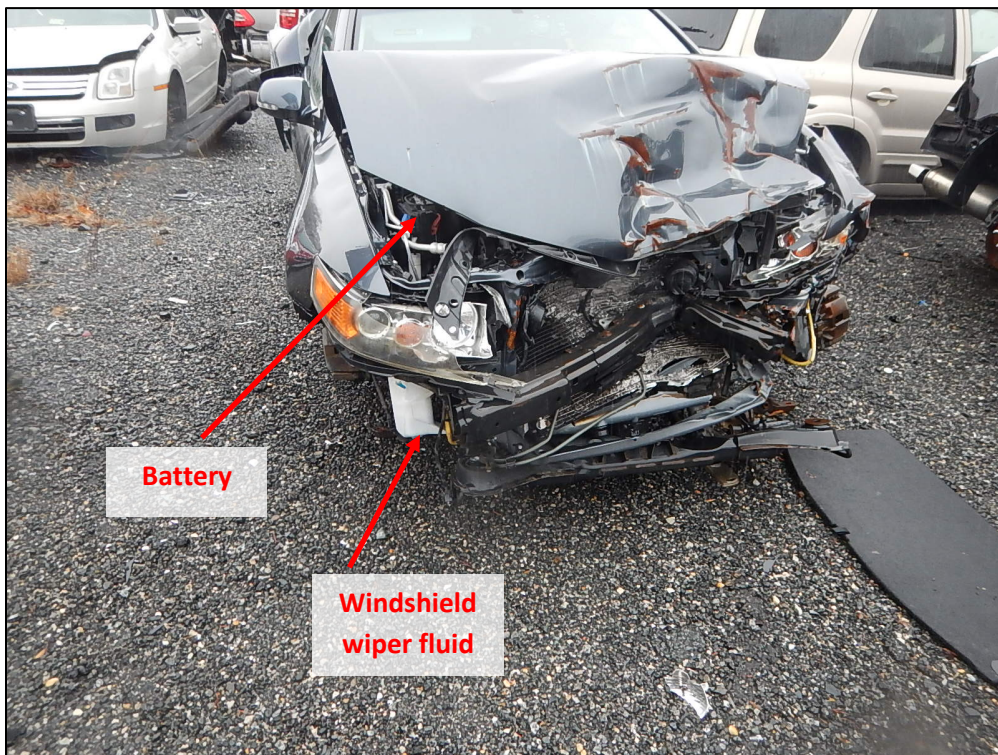
DSCN3820. Additional view of tires along the Facility's southern perimeter. A discarded 55-gallon drum was also observed in the area.



DSCN3831. View of a vehicle stored in the southwestern part of the lot with windshield wiper fluid remaining in the reservoir.



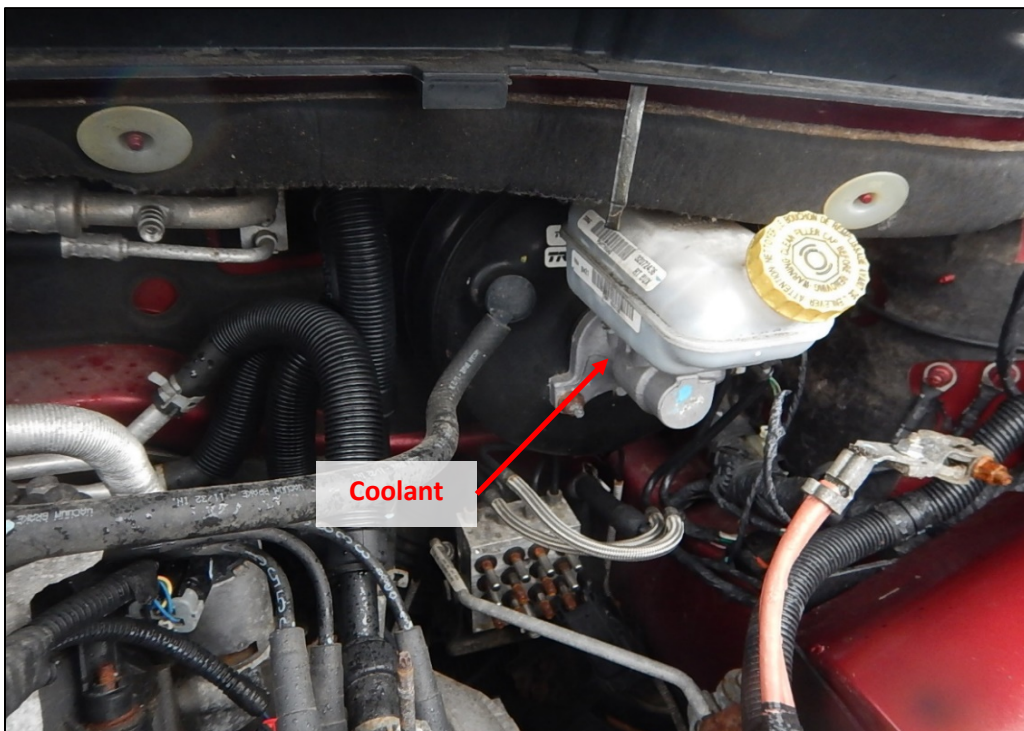
DSCN3832. View of a vehicle stored in the southwestern part of the lot with windshield wiper fluid remaining in the reservoir.



DSCN3834. View of a vehicle in the southwestern part of the lot with the battery installed and wiper fluid still in the reservoir.



DSCN3835. View of a vehicle stored in the southwestern part of the lot with windshield wiper fluid remaining in the reservoir.



DSCN3836. View of a vehicle stored onsite with what appeared to be coolant fluid remaining in the reservoir.



DSCN3840. View of the two vehicles in the southwestern part of the lot with stormwater pooled underneath them, around rusted wheel/brake components.



DSCN3842. View, facing southeast, of stormwater pooled at the southwestern perimeter of the Facility. Runoff was observed leaving the site along this fence line.



DSCN3869. View of petroleum sheen on the ground in the southwestern part of the lot.



DSCN3871. View, facing east, of petroleum sheen to the west of the crusher. Runoff from this area was flowing to the southwest perimeter.



DSCN3873. View, facing southeast, south of the crusher. Note the flow path of runoff toward the southwest perimeter.



DSCN3874. View, facing northeast, of the crusher located adjacent to the core/small parts storage area. Note that discarded vehicle parts were observed throughout the vicinity, uncontained.



DSCN3875. View of a pile of vehicle parts and tires located adjacent to the crusher.



DSCN3876. View of the crusher in the southeastern area of the Facility and the car waste. The crusher was located on a concrete pad but was uncontained. Petroleum staining and residue was observed covering most of the pad.



DSCN3878. View of a containment pallet located next to the crusher. The pallet was full of rainwater and not being used to contain anything.



DSCN3879. View, facing east, of vehicle parts and 5-gallon buckets of hydraulic fluid stored adjacent to the crusher. The buckets standing upright (red lids) were full.



DSCN3882. View of petroleum sheen adjacent to the crusher. Runoff from this area was flowing toward the southwest perimeter.



DSCN3886. View, facing west of petroleum sheen west of the crusher. Runoff from this area was flowing toward the southwest perimeter.



DSCN3893. View, facing east, of trash containers, gasoline totes, tires, and an approximately 275-gallon tank near the office trailer. Note runoff with petroleum sheen was flow toward the southwest perimeter.



DSCN3894. Closer view of petroleum sheen on ponded stormwater shown in [DSCN3893](#).



DSCN3904. View, facing east, of the cores/small parts storage area located at the Facility's southeastern perimeter. Note the 275-gallon diesel storage tank underneath radiators. The containment structure was dented.



DSCN3906. View of a stack of batteries inside the cores/small parts storage area.



DSCN3907. View inside the cores/small parts storage area of a pile of tires and vehicle parts.



DSCN3909. View, facing south, of a pile of discarded vehicle parts located at the Facility's southeastern perimeter.



DSCN3911. View, facing southeast, of a pile of tires located against the Facility's office trailer. Note the bucket filled with cleaning solution.



DSCN3919. View, facing south, of the crusher and the pad below it.



DSCN3926. View, facing northeast, inside the crusher.



DSCN3928. View of petroleum sheen on the ground adjacent to the crusher.



DSCN3929. View inside the crusher.



DCN3930. View, facing west, of two collapsed fluid totes, four uncovered trash bins, an uncovered scrap metal/parts dumpster, a 5-gallon hydraulic fluid bucket, and a pile of waste adjacent to the crusher.



DSCN3933. View of engine and transmission components inside the dumpster shown in DCN3930.



DSCN3934. View of petroleum sheen underneath the dumpster shown in DCN3930 and DCN3933.



DSCN3935. View, facing northwest, of stormwater pooled to the west of the crusher. Note the pile of batteries and the oil sheen on the stormwater.



DSCN3936. View of oily vehicle components inside one of the totes shown in [DSCN3930](#).



DSCN3937. View of four uncovered trash containers located near the crusher. They were filled with what appeared to be oily rainwater.



DSCN3944. View, facing northwest, of the southwestern perimeter of the Facility (photograph was taken offsite). Runoff was observed leaving the Facility in multiple locations.



DSCN3946. View, facing northwest, of pooled stormwater that was observed to flow from the Facility downgradient to the southwest offsite location (photograph was taken offsite).



DSCN3947. View, facing north, of an apparent discharge location observed at the southwestern perimeter of the Facility.



DSCN3949. View, facing south, of petroleum sheen on runoff discharging from the southwestern perimeter of the Facility.



DSCN3951. View, facing southwest, downgradient of the discharge location shown in DSCN3949. Runoff was flowing west toward an offsite drainage ditch.



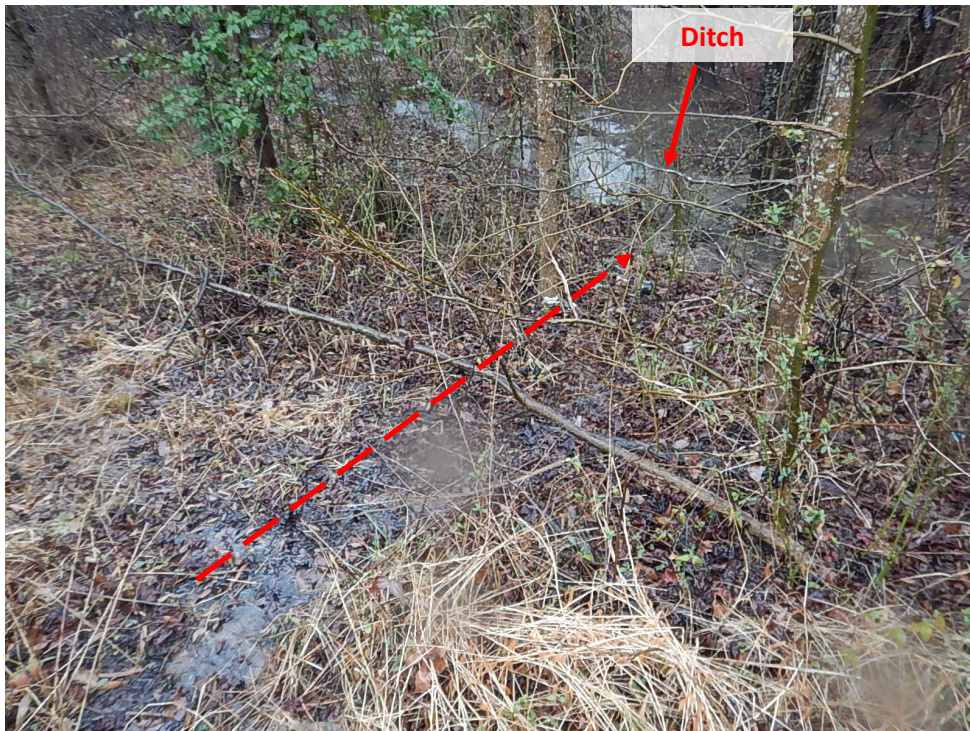
DSCN3952. View, facing southwest, of runoff downgradient of the location shown in DSCN3949 and DSCN3951. Runoff was flowing west toward an offsite drainage ditch.



DSCN3953. View of the runoff downgradient of the location shown in Photograph DSCN3952. Note the pooled stormwater with sheen.



DSCN3954. View, facing southwest, of runoff downgradient of the location shown in DSCN3952. Note the petroleum sheen.



DSCN3956. View, facing southwest, of runoff flowing into the drainage ditch between the Facility and Huntington Lane, downgradient of the location shown in DSCN3954.



DSCN3960. View, facing northwest, of the southwestern perimeter of the Facility (photograph taken offsite). Note runoff leaving the site in multiple locations. View is immediately northwest of area shown in DSCN3944.



DSCN3961. View, facing southwest, of stormwater pooled downgradient of the discharge location shown in DSCN3960. The runoff flowed west and southwest to the offsite drainage ditch.



DSCN3964. View of petroleum sheen on runoff, south of the Facility perimeter (photograph taken offsite).



DSCN3971. View, facing southwest, of runoff discharging west of the Facility to the drainage ditch in between the Facility and Huntington Lane.



DSCN3973. View, facing west, of runoff downgradient of the discharge location shown in DSCN2169. Note the turbidity.

Appendix B

Exhibit Log

Exhibit 1 – Aerial Facility Image

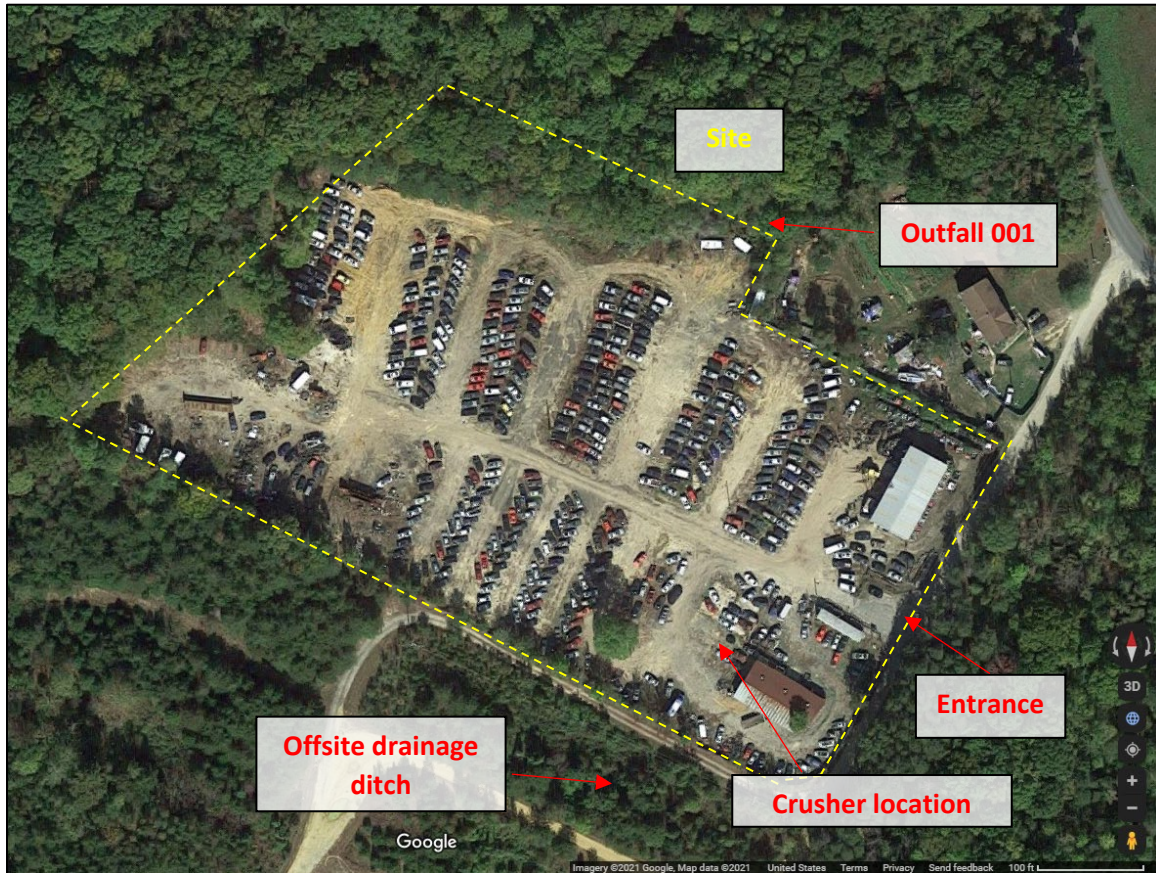
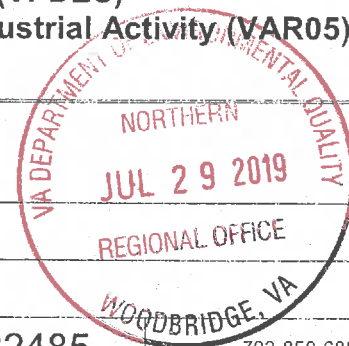


Exhibit 2 – Permit Registration Statement

**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:

Virginia Truck Parts, Inc.

Facility Mailing Address:

(street) P.O. Box 850

(city) King George

(state) VA

(zip) 22485

(phone) 703-850-6850

Facility Location
(if different than mailing
address):

(street or location) 10022 Huntington Lane

(city)

(state)

(zip) 22485

(phone) 800-390-2025

Facility Local Contact:

(name) Anita Lal

(title) Management

(phone) 800-390-2025

(email) Anitalal19@gmail.com

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

Owner Name:

Virginia Used Truck Parts, Inc.

Owner Mailing Address:

(street) P.O. Box 850

(city) King George

(state) VA

(zip) 22485

(Phone) 703-850-6850

Owner Contact:

(name) Anita Lal

(title) Management

(phone) 703-850-6850

(email) Anitalal19@gmail.com

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

Salvage End of Life Vehicles (ELVs) for the sale of used automotive parts

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

VAR051005

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.

N/A

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

N/A

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

N/A

- 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.

N/A

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

N/A

- 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.

N/A

- 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.

N/A

8. List the following facility area information:

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

9.0

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

9.0

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

0.9

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
001	5015				No	N/A	Muddy Creek

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
001	9.0	0.9	38.278291	-77.335172

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:

Email to: anitalal19@gmail.com; info@jamesenvironmental.com

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

Anita Lal

Title:

Owner

Signature:

Anita Lal

Date:

07/01/2019



2018 ANNUAL REPORT
COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

REINSTATE

11



1. CORPORATION NAME
Virginia Truck Parts, Inc.

DUE DATE:

CORPORATE ID.: 0475130-1

2. VA REGISTERED AGENT NAME AND OFFICE ADDRESS: DIRECTOR.

ANITA LAL
10022 HUNTINGTON LANE
KING GEORGE VA 22485

5. TOTAL NUMBER OF AUTHORIZED SHARES:
25,000

3. CITY OR COUNTY OF VA REGISTERED OFFICE:
148 - KING GEORGE COUNTY

4. STATE OR COUNTRY OF INCORPORATION:
VA - VIRGINIA

Changes to items 1 through 5 above cannot be accomplished on this annual report form and will require a separate filing(s). Carefully read the enclosed instruction sheet. Visit our website at scc.virginia.gov/clk/formfee.aspx or contact the Clerk's Office. Type or print in black only.

6. PRINCIPAL OFFICE ADDRESS:

☐ Mark this box if address shown below is correct

If address is blank or incorrect, add or correct below.

ADDRESS: 10022 HUNTINGTON LN

ADDRESS:

CITY/ST/ZIP: KING GEORGE VA 22485

CITY/ST/ZIP:

7. DIRECTORS AND PRINCIPAL OFFICERS:

All directors and principal officers must be listed.
An individual may be designated as both a director and an officer.

Mark appropriate box unless area below is blank:

☐ Information is correct ☐ Information is incorrect ☐ Delete information

If information at lower left is incorrect or blank, please mark appropriate box and enter information below: ☐ Correction ☐ Addition ☐ Replacement

OFFICER ☒ DIRECTOR ☒

OFFICER ☐ DIRECTOR ☐

NAME: ANITA LAL

NAME:

TITLE: PRESIDENT

TITLE:

ADDRESS: 2791 CENTERBORO DRIVE
CONDO 386

ADDRESS:

CITY/ST/ZIP: VIENNA VA 22181

CITY/ST/ZIP:

I AFFIRM THAT THE INFORMATION CONTAINED IN THIS REPORT IS ACCURATE AND COMPLETE AS OF THE DATE BELOW.

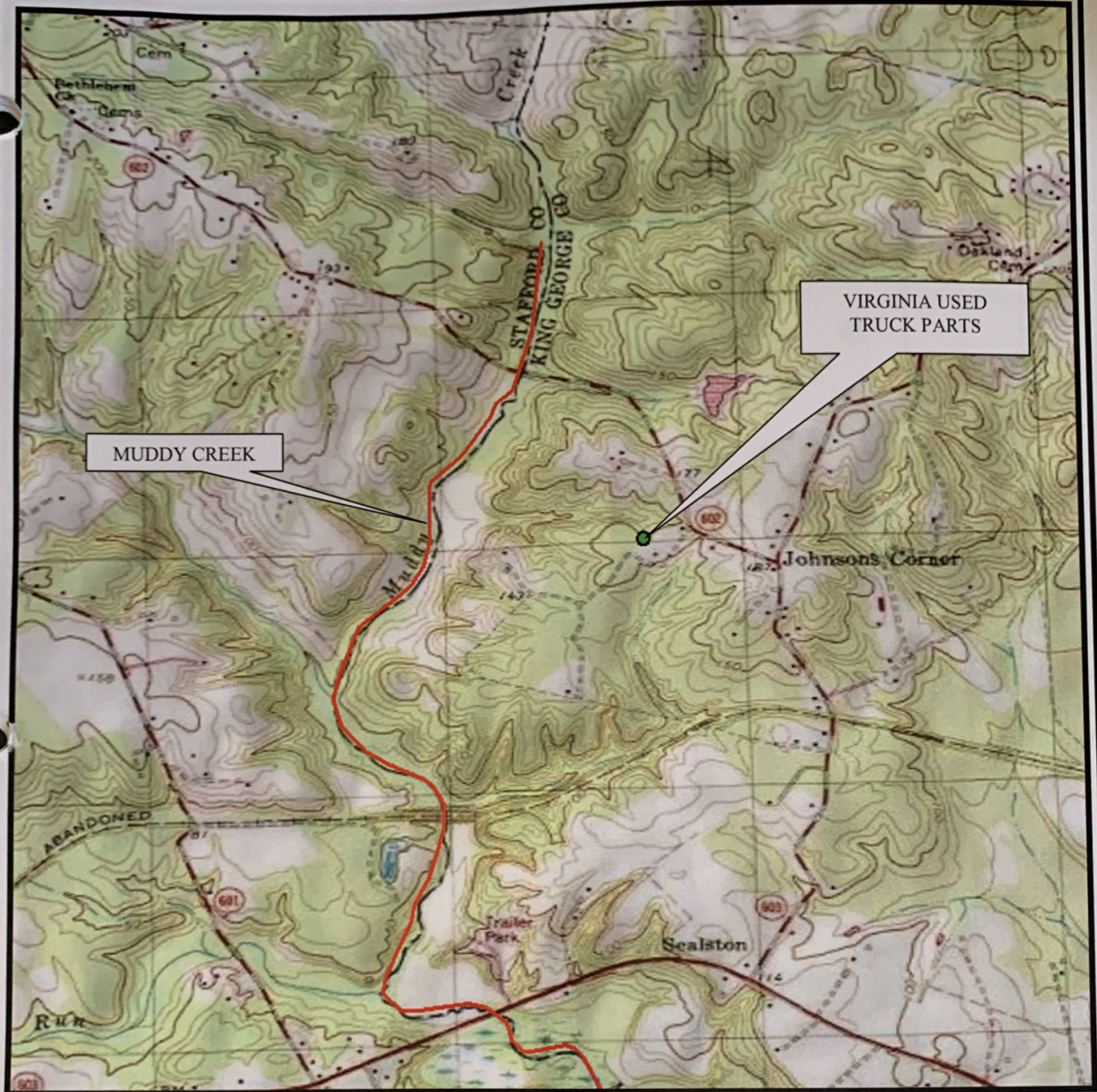
SIGNATURE OF DIRECTOR/OFFICER
LISTED IN THIS REPORT

PRINTED NAME AND TITLE

DATE

It is a Class 1 misdemeanor for any person to sign a document that is false in any material respect with intent that the document be delivered to the Commission for filing.

CIS0505



MUDDY CREEK IMPAIRED FOR BENTHIC MACROINVERTEBRATES BIOASSESSMENTS.

SITE LOCATION MAP

PASSAPATANZY QUADRANGLE 7.5 MINUTE SERIES

1966 PHOTOREVISED 1979

VIRGINIA USED TRUCK PARTS
KING GEORGE, VIRGINIA

James
Environmental
Management, Inc.

Round Rock, TX

FIGURE 1

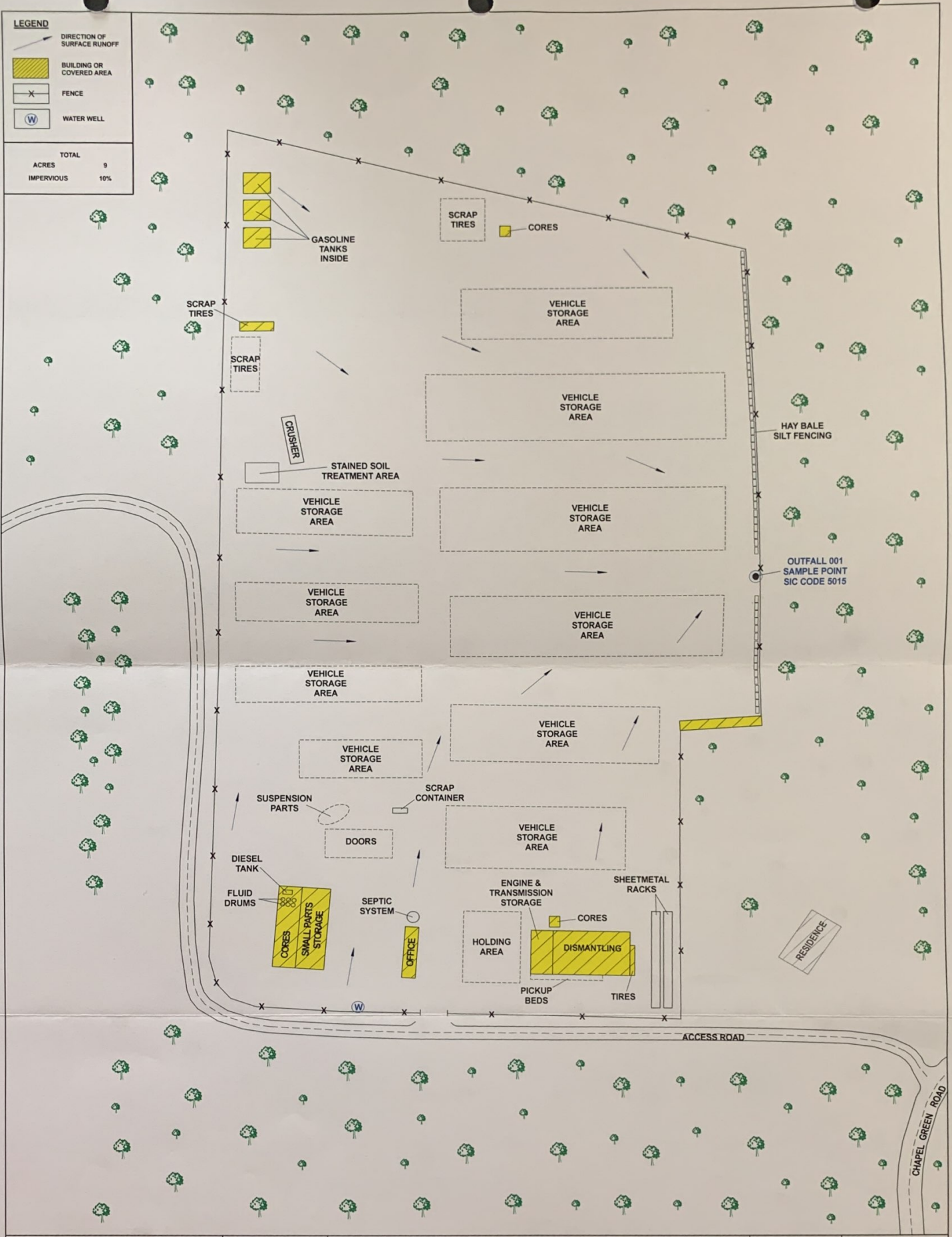
DWG. NO.

00718

DATE 07/13

DTG/JDM

SCALE: 1" = 2000'



James Environmental Management, Inc. Round Rock, Texas		SITE PLAN	SCALE	00718
		VIRGINIA USED TRUCK PARTS	MTK/JDM	FIG 2
		KING GEORGE, VIRGINIA	06/13	

LEGEND

→ DIRECTION OF SURFACE RUNOFF

BUILDING OR COVERED AREA

FENCE

WATER WELL

TOTAL ACRES 9

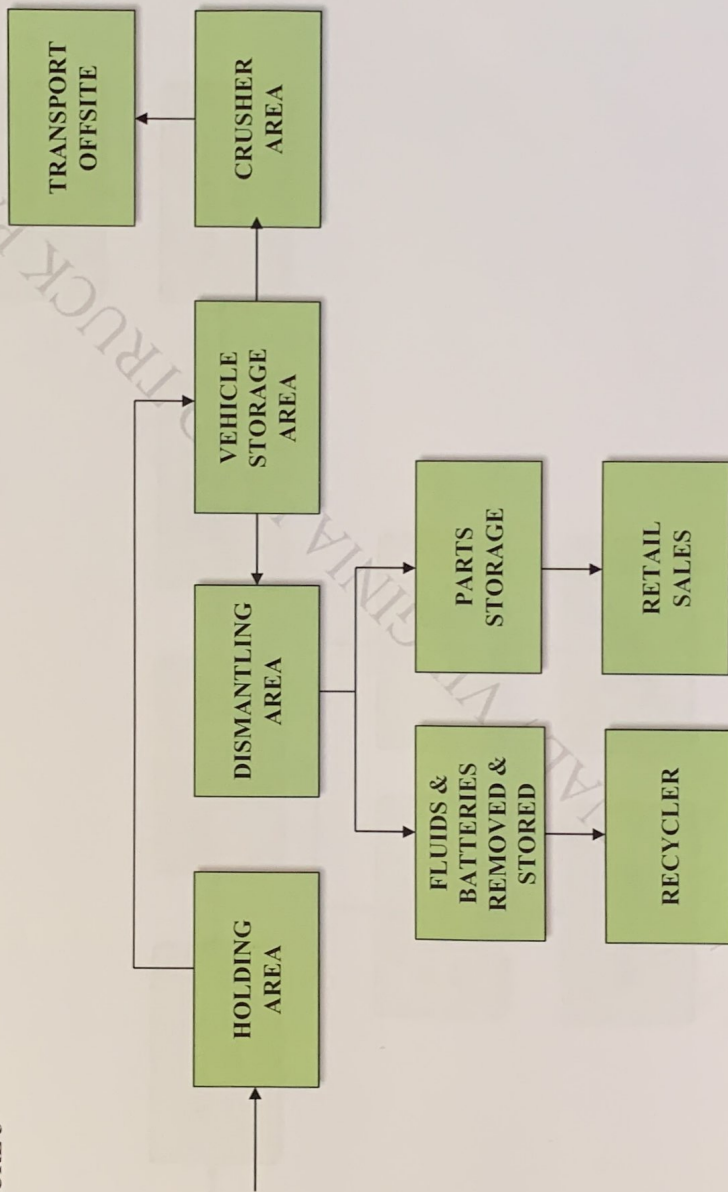
IMPERVIOUS 10%



James Environmental Management, Inc. Round Rock, Texas		SITE PLAN	SCALE	00718
		VIRGINIA USED TRUCK PARTS	MTK	FIG 2
		KING GEORGE, VIRGINIA	04/12	

VIRGINIA USED TRUCK PARTS
PROCESS FLOW CHART

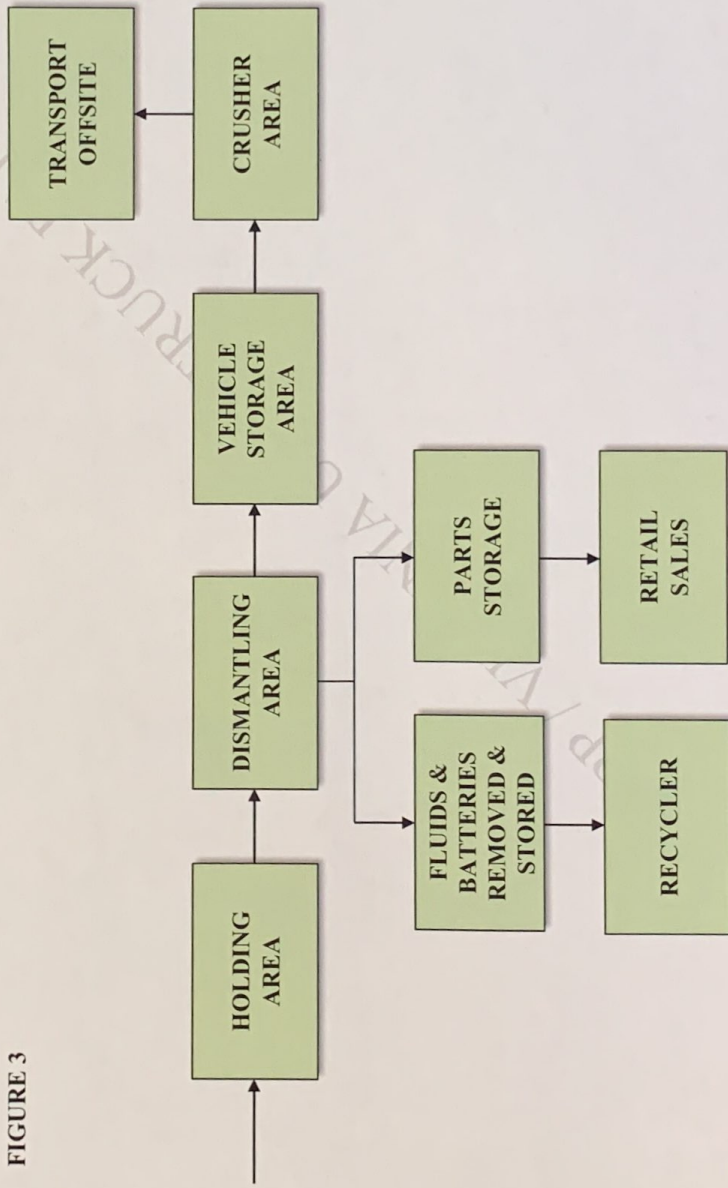
FIGURE 3



VIRGINIA USED TRUCK PARTS

PROCESS FLOW CHART

FIGURE 3





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

Re: Registration Statement - VAR051005

1 message

Anita Lal <anitalal19@gmail.com>

Tue, Jul 30, 2019 at 11:10 AM

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

Good morning Susan,

City/ County: King George
State: Virginia
Zip: 22485

Thank you so much !
Anita

Sent from my iPhone

On Jul 30, 2019, at 9:52 AM, Mackert, Susan <susan.mackert@deq.virginia.gov> wrote:

Good Morning Ms. Lal,

An initial review of the registration statement submitted for the above referenced registration number has been completed. There is one item that needs attention before I can deem your registration statement complete and continue to process your submittal.

Question #1 - City and state information was not provided for the facility location. Please provide this information.

You may reply to this email with a response to the above question in lieu of submitting a revised registration statement. Your response will be attached to your original submittal. Thank you in advance for your assistance.

Regards,
Susan

--

Susan Mackert
Water Permit Writer, Senior II
Virginia Department of Environmental Quality
Northern Regional Office
13901 Crown Court
Woodbridge, VA [22193](tel:7035833853)
Phone: (703) 583-3853
susan.mackert@deq.virginia.gov

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

Actual Application

1 message

Anita Lal <anitalal19@gmail.com>

Mon, Jul 29, 2019 at 1:32 PM

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

Good afternoon Susan,

Dropped off the renewal application with your front desk girl at 12:40 pm today.

Please let me know if I am missing anything apart from the payment which I am taking personally to Richmond office.

Thanks a lot,
Anita

Sent from my iPhone

On Jul 25, 2019, at 9:08 AM, Mackert, Susan <susan.mackert@deq.virginia.gov> wrote:

Anita,

I have to have the actual registration statement as well. The submittal of only site maps doesn't fulfill the registration requirements. Please submit the registration statement no later than Monday, July 29th and ensure payment is made as well.

Susan

On Wed, Jul 24, 2019 at 1:46 PM Anita Lal <anitalal19@gmail.com> wrote:

Good afternoon Susan,

Attached is the site location plan for Virginia Truck Parts.

I appreciate your guidance and patience. Please let me know if I am missing anything apart from the application & fee for the regional office.

Thanking in advance,

Anita Lal

Sent from my iPhone

--

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



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

Site Plan

1 message

Anita Lal <anitalal19@gmail.com>

Thu, Jul 25, 2019 at 9:14 AM

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

Susan,

I will submit the today or tomorrow and will take care of the payment as well.

Thank you,
Anita

Sent from my iPhone

On Jul 25, 2019, at 9:08 AM, Mackert, Susan <susan.mackert@deq.virginia.gov> wrote:

Anita,

I have to have the actual registration statement as well. The submittal of only site maps doesn't fulfill the registration requirements. Please submit the registration statement no later than Monday, July 29th and ensure payment is made as well.

Susan

On Wed, Jul 24, 2019 at 1:46 PM Anita Lal <anitalal19@gmail.com> wrote:

Good afternoon Susan,

Attached is the site location plan for Virginia Truck Parts.

I appreciate your guidance and patience. Please let me know if I am missing anything apart from the application & fee for the regional office.

Thanking in advance,

Anita Lal

Sent from my iPhone

--

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 Enforcement Communication



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 Faha
Regional Director

March 27, 2018

NOTICE OF VIOLATION

Mr. Andrew Tippet
President/Owner
Virginia Used Truck Parts, Inc.
1022 Huntington Lane
King George, Virginia 22485

RE: **Referral NOV No. 2018-03-N-0012**
Virginia Used Truck Parts, Inc.
VAR051005
King George County

Dear Mr. Andrew Tippet:

This letter notifies you of information upon which the Department of Environmental Quality ("Department" or "DEQ") may rely in order to institute an administrative or judicial enforcement action. Based on this information, the DEQ Northern Regional Office (NRO), has reason to believe that Virginia Used Truck Parts, Inc. may be in violation of State Water Control Law § 62.1-44 and the General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Storm Water Associated with Industrial Activity regulation 9 VAC 25-151 *et seq.* at the Virginia Used Truck Parts, Inc. facility.

This letter addresses conditions at the facility named above, and also cites compliance requirements of the State Water Control Law and Regulations. Pursuant to Va. Code § 62.1-44.15 (8a), this letter is not a case decision under the Virginia Administrative Process Act, Va. Code § 2.2-4000 *et seq.* The Department requests that you respond **within 10 days of the date of this letter to arrange a prompt meeting.**

OBSERVATIONS AND LEGAL REQUIREMENTS

Facility staff are required to submit discharge monitoring reports (DMRs) and documents to NRO including the following *relevant* data results. The following describe DEQ staff's factual observations and identify the applicable legal requirements.

1. *Observations:* The semi-annual benchmark monitoring DMR for Outfall 001 for the July 1, 2017 through December 31, 2017 monitoring period was due by January 10, 2018, and was received late on February 23, 2018.

Legal Requirements: Permit Condition, Part I.A.1.b, Table 70-1 labeled Industrial Sectors Subject to Benchmark Monitoring states in relevant part that "benchmark monitoring shall be performed for all benchmark parameters specified for the industrial sector or sectors applicable to a facility's discharge."

Permit Condition, Part I.A.2.d.(2), states: “Benchmark monitoring, effluent limitation monitoring, and impaired waters monitoring (for waters both with and without an approved TMDL). Monitoring shall be conducted at least once in each of the following semiannual periods each year of permit coverage: January through June and July through December.”

Permit Condition, Part I.A.5.a, states: “Reporting to the Department. The permittee shall follow the reporting requirements and deadlines below for the types of monitoring that apply to the facility.” Table 70-4 labeled Monitoring Reporting Requirements states in relevant part that “Semiannual monitoring results shall be submitted on a discharge monitoring report by January 10 and July 10. Permittees shall submit results for each outfall associated with industrial activity according to the requirements of Part II.C. For each outfall sampled, one signed discharge monitoring report (DMR) shall be submitted to the Department per storm event sampled.”

***This facility had 4.0 points in the Compliance Auditing System at the end of December 2017.**

ENFORCEMENT AUTHORITY

Va. Code § 62.1-44.23 of the State Water Control Law provides for an injunction for any violation of the State Water Control Law, any State Water Control Board rule or regulation, an order, permit condition, standard, or any certificate requirement or provision. Va. Code §§ 62.1-44.15 and 62.1-44.32 provide for a civil penalty up to \$32,500 per day of each violation of the same. In addition, Va. Code § 62.1-44.15 authorizes the State Water Control Board to issue orders to any person to comply with the State Water Control Law and regulations, including the imposition of a civil penalty for violations of up to \$100,000. Also, Va. Code § 10.1-1186 authorizes the Director of DEQ to issue special orders to any person to comply with the State Water Control Law and regulations, and to impose civil penalty of not more than \$10,000. Va. Code §§ 62.1-44.32 (b) and § 62.1-44.32 (c) provide for other additional penalties.

The Court has the inherent authority to enforce its injunction, and is authorized to award the Commonwealth its attorneys’ fees and costs.

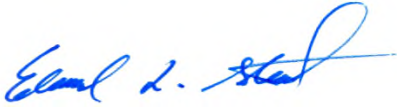
FUTURE ACTIONS

DEQ staff wishes to discuss all aspects of their observations with you, including any actions needed to ensure compliance with state law and regulations, any relevant or related measures you plan to take or have taken, and a schedule, as needed, for further activities. In addition, please advise us if you dispute any of the observations recited herein or if there is other information of which DEQ should be aware. In order to avoid adversarial enforcement proceedings, Virginia Used Truck Parts, Inc. may be asked to enter into a Consent Order with the Department to formalize a plan and schedule of corrective action and to settle any outstanding issues regarding this matter, including the assessment of civil charges.

In the event that discussions with staff do not lead to a satisfactory conclusion concerning the contents of this letter, you may elect to participate in DEQ’s Process for Early Dispute Resolution. Also, if informal discussions do not lead to a satisfactory conclusion, you may request in writing that DEQ take all necessary steps to issue a final decision or fact finding under the APA on whether or not a violation has occurred. For further information on the Process for Early Dispute Resolution, please see Agency Policy Statement No. 8-2005 posted on the Department’s website under “Programs,” “Enforcement,” and “Laws, Regulations, & Guidance” (<http://www.deq.virginia.gov/Programs/Enforcement/Laws,Regulations,Guidance.aspx>) or ask the DEQ contact listed below.

Please contact direct written materials regarding this matter to Mr. Mark Miller. Written materials may be sent either via the US Postal Service or electronically, via E-mail. DEQ recommends sending electronic responses as an Acrobat PDF or in a Word-compatible, write protected format. Please contact Mr. Mark Miller at (703) 583-3850 or Mark.Miller@deq.virginia.gov **within 10 days** to discuss this matter and arrange a prompt meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read "Edward L. Stuart". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Edward L. Stuart
Regional Water Compliance Manager

Electronic copy:

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



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 Faha
Regional Director

September 12, 2018

NOTICE OF VIOLATION

Mr. Anita Lal
President/Owner
Virginia Used Truck Parts, Inc.
1022 Huntington Lane
King George, Virginia 22485

RE: NOV No. 2018-08-N-0002
Virginia Used Truck Parts, Inc.
VAR051005
King George County
Via E-mail: anitalal19@yahoo.com

Dear Ms. Lal:

This letter notifies you of information upon which the Department of Environmental Quality ("Department" or "DEQ") may rely in order to institute an administrative or judicial enforcement action. Based on this information, the DEQ Northern Regional Office (NRO), has reason to believe that Virginia Used Truck Parts, Incorporated (Inc.), may be in violation of State Water Control Law § 62.1-44 and the General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Storm Water Associated with Industrial Activity regulation 9 VAC 25-151 *et seq.* at the Virginia Used Truck Parts, Inc. facility.

This letter addresses conditions at the facility named above, and also cites compliance requirements of the State Water Control Law and Regulations. Pursuant to Va. Code § 62.1-44.15 (8a), this letter is not a case decision under the Virginia Administrative Process Act, Va. Code § 2.2-4000 *et seq.* The Department requests that you respond **within 10 days of the date of this letter to arrange a prompt meeting.**

OBSERVATIONS AND LEGAL REQUIREMENTS

Facility staff are required to submit discharge monitoring reports (DMRs) and documents to NRO including the following *relevant* data results. The following describe DEQ staff's factual observations and identify the applicable legal requirements.

Observations: The benchmark monitoring DMR for **OUTFALL 001** for the January 1, 2018 through June 30, 2018 monitoring period was due by July 10, 2018, and has not been received to date.

Legal Requirements: Permit Condition, Part I.A.1.b, Table 70-1 labeled Industrial Sectors Subject to Benchmark Monitoring states in relevant part that "benchmark monitoring shall be performed for all benchmark parameters specified for the industrial sector or sectors applicable to a facility's discharge."

Permit Condition, Part I.A.2.d.(2), states: “Benchmark monitoring, effluent limitation monitoring, and impaired waters monitoring (for waters both with and without an approved TMDL). Monitoring shall be conducted at least once in each of the following semiannual periods each year of permit coverage: January through June and July through December.”

Permit Condition, Part I.A.5.a, states: “Reporting to the Department. The permittee shall follow the reporting requirements and deadlines below for the types of monitoring that apply to the facility.” Table 70-4 labeled Monitoring Reporting Requirements states in relevant part that “Semiannual monitoring results shall be submitted on a discharge monitoring report by January 10 and July 10. Permittees shall submit results for each outfall associated with industrial activity according to the requirements of Part II.C. For each outfall sampled, one signed discharge monitoring report (DMR) shall be submitted to the Department per storm event sampled.”

***This facility had 5.0 points in the Compliance Auditing System at the end of June 2018.**

ENFORCEMENT AUTHORITY

Va. Code § 62.1-44.23 of the State Water Control Law provides for an injunction for any violation of the State Water Control Law, any State Water Control Board rule or regulation, an order, permit condition, standard, or any certificate requirement or provision. Va. Code §§ 62.1-44.15 and 62.1-44.32 provide for a civil penalty up to \$32,500 per day of each violation of the same. In addition, Va. Code § 62.1-44.15 authorizes the State Water Control Board to issue orders to any person to comply with the State Water Control Law and regulations, including the imposition of a civil penalty for violations of up to \$100,000. Also, Va. Code § 10.1-1186 authorizes the Director of DEQ to issue special orders to any person to comply with the State Water Control Law and regulations, and to impose civil penalty of not more than \$10,000. Va. Code §§ 62.1-44.32 (b) and 62.1-44.32 (c) provide for other additional penalties.

The Court has the inherent authority to enforce its injunction, and is authorized to award the Commonwealth its attorneys’ fees and costs.

FUTURE ACTIONS

DEQ staff wishes to discuss all aspects of their observations with you, including any actions needed to ensure compliance with state law and regulations, any relevant or related measures you plan to take or have taken, and a schedule, as needed, for further activities. In addition, please advise us if you dispute any of the observations recited herein or if there is other information of which DEQ should be aware. In order to avoid adversarial enforcement proceedings, Virginia Used Truck Parts, Inc. may be asked to enter into a Consent Order with the Department to formalize a plan and schedule of corrective action and to settle any outstanding issues regarding this matter, including the assessment of civil charges.

In the event that discussions with staff do not lead to a satisfactory conclusion concerning the contents of this letter, you may elect to participate in DEQ’s Process for Early Dispute Resolution. Also, if informal discussions do not lead to a satisfactory conclusion, you may request in writing that DEQ take all necessary steps to issue a final decision or fact finding under the APA on whether or not a violation has occurred. For further information on the Process for Early Dispute Resolution, please see Agency Policy Statement No. 8-2005 posted on the Department’s website under “Programs,” “Enforcement,” and “Laws, Regulations, & Guidance” (<http://www.deq.virginia.gov/Programs/Enforcement/Laws,Regulations,Guidance.aspx>) or ask the DEQ contact listed below.

Please contact direct written materials regarding this matter to Mr. Benjamin Holland. Written materials may be sent either via the US Postal Service or electronically, via E-mail. DEQ recommends sending electronic responses as an

Acrobat PDF or in a Word-compatible, write protected format. Please contact Mr. Holland at (703) 583-3812 or benjamin.holland@deq.virginia.gov **within 10 days** to discuss this matter and arrange a prompt meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read "Edward L. Stuart".

Edward L. Stuart
Regional Water Compliance Manager

Electronic copy:

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



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 Faha
Regional Director

May 20, 2019

NOTICE OF VIOLATION

Mr. Anita Lal
President/Owner
Virginia Used Truck Parts, Inc.
1022 Huntington Lane
King George, Virginia 22485

RE: NOV No. 2019-05-N-0006

Virginia Used Truck Parts, Inc.

VAR051005

King George County

Via E-mail: anitalal19@yahoo.com

Dear Ms. Lal:

This letter notifies you of information upon which the Department of Environmental Quality ("Department" or "DEQ") may rely in order to institute an administrative or judicial enforcement action. Based on this information, the DEQ Northern Regional Office (NRO), has reason to believe that Virginia Used Truck Parts, Incorporated (Inc.) may be in violation of State Water Control Law § 62.1-44 and the General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Storm Water Associated with Industrial Activity regulation 9VAC25-151 *et seq.* at the Virginia Used Truck Parts, Inc. facility.

This letter addresses conditions at the facility named above, and also cites compliance requirements of the State Water Control Law and Regulations. Pursuant to Va. Code § 62.1-44.15 (8a), this letter is not a case decision under the Virginia Administrative Process Act, Va. Code § 2.2-4000 *et seq.* The Department requests that you respond **within 10 days of the date of this letter to arrange a prompt meeting.**

OBSERVATIONS AND LEGAL REQUIREMENTS

DEQ staff conducted an inspection of the facility on April 5, 2019. The following describe DEQ NRO staff factual observations and identify the applicable legal requirements.

1. *Observation:* During the April 5, 2019 inspection DEQ staff observed the following:
 - The Crusher was leaking hydraulic fluid;
 - There were petroleum and hydraulic fluid puddles on the concrete pad at the Crusher;
 - There were two large used tire piles;
 - There were vehicle batteries exposed to stormwater at the fluid management area; and
 - There was petroleum and hydraulic fluid staining on the ground throughout the facility.

***Legal Requirement:* As stated in Permit Number VAR051005, Part III.B.4.b.(1) “Good housekeeping. The permittee shall keep clean all exposed areas of the facility that are potential sources of pollutants to stormwater discharges. Typical problem areas include areas around trash containers, storage areas, loading docks, and vehicle fueling and maintenance areas. The plan shall include a schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks and containers.”**

***This facility had 1.0 point in the Compliance Auditing System at the end of April 2019.**

ENFORCEMENT AUTHORITY

Va. Code § 62.1-44.23 of the State Water Control Law provides for an injunction for any violation of the State Water Control Law, any State Water Control Board rule or regulation, an order, permit condition, standard, or any certificate requirement or provision. Va. Code §§ 62.1-44.15 and 62.1-44.32 provide for a civil penalty up to \$32,500 per day of each violation of the same. In addition, Va. Code § 62.1-44.15 authorizes the State Water Control Board to issue orders to any person to comply with the State Water Control Law and regulations, including the imposition of a civil penalty for violations of up to \$100,000. Also, Va. Code § 10.1-1186 authorizes the Director of DEQ to issue special orders to any person to comply with the State Water Control Law and regulations, and to impose a civil penalty. Va. Code §§ 62.1-44.32 (b) and 62.1-44.32 (c) provide for other additional penalties.

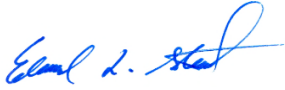
FUTURE ACTIONS

DEQ staff wishes to discuss all aspects of their observations with you, including any actions needed to ensure compliance with state law and regulations, any relevant or related measures you plan to take or have taken, and a schedule, as needed, for further activities. In addition, please advise us if you dispute any of the observations recited herein or if there is other information of which DEQ should be aware. In order to avoid adversarial enforcement proceedings, Virginia Used Truck Parts, Inc. may be asked to enter into a Consent Order with the Department to formalize a plan and schedule of corrective action and to settle any outstanding issues regarding this matter, including the assessment of civil charges.

In the event that discussions with staff do not lead to a satisfactory conclusion concerning the contents of this letter, you may elect to participate in DEQ’s Process for Early Dispute Resolution. Also, if informal discussions do not lead to a satisfactory conclusion, you may request in writing that DEQ take all necessary steps to issue a final decision or fact finding under the APA on whether or not a violation has occurred. For further information on the Process for Early Dispute Resolution, please see Agency Policy Statement No. 8-2005 posted on the Department’s website under “Programs,” “Enforcement,” and “Laws, Regulations, & Guidance” (<http://www.deq.virginia.gov/Programs/Enforcement/Laws,Regulations,Guidance.aspx>) or ask the DEQ contact listed below.

Please contact direct written materials regarding this matter to Mr. Benjamin Holland. Written materials may be sent either via the US Postal Service or electronically, via E-mail. DEQ recommends sending electronic responses as an Acrobat PDF or in a Word-compatible, write protected format. Please contact Mr. Holland at (703) 583-3812 or benjamin.holland@deq.virginia.gov **within 10 days** to discuss this matter and arrange a prompt meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read "Edward L. Stuart".

Edward L. Stuart
Regional Water Compliance Manager

Electronic copy:

Permits/DMR File, Compliance Manager, Compliance Auditor, Enforcement – DEQ
Felicia Jones, Site Manager; feliciajones358@gmail.com



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 Faha
Regional Director

October 24, 2019

NOTICE OF VIOLATION

Mr. Anita Lal
President/Owner
Virginia Used Truck Parts, Inc.
1022 Huntington Lane
King George, Virginia 22485

RE: NOV No. **W2019-10-N-0012**

Virginia Used Truck Parts, Inc.

VAR051005

King George County

Via E-mail: anitalal19@yahoo.com

Dear Ms. Lal:

This letter notifies you of information upon which the Department of Environmental Quality ("Department" or "DEQ") may rely in order to institute an administrative or judicial enforcement action. Based on this information, the DEQ Northern Regional Office (NRO), has reason to believe that Virginia Used Truck Parts, Incorporated (Inc.) may be in violation of State Water Control Law § 62.1-44 and the General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Storm Water Associated with Industrial Activity regulation 9VAC25-151 *et seq.* at the Virginia Used Truck Parts, Inc. facility.

This letter addresses conditions at the facility named above, and also cites compliance requirements of the State Water Control Law and Regulations. Pursuant to Va. Code § 62.1-44.15 (8a), this letter is not a case decision under the Virginia Administrative Process Act, Va. Code § 2.2-4000 *et seq.* The Department requests that you respond **within 10 days of the date of this letter to arrange a prompt meeting.**

OBSERVATIONS AND LEGAL REQUIREMENTS

Facility staff are required to submit discharge monitoring reports (DMRs) and documents to DEQ NRO, including the following *relevant* data results. The following describe DEQ NRO staff factual observations and identify the applicable legal requirements.

1. *Observation:* The registration statement for the subject facility was due to DEQ by June 30, 2019, and was received on July 29, 2019. The registration payment has not been received as of the date of this letter.

***Legal Requirement:* Part II. M. states, “Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall submit a new registration statement at least 60 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for registration statements to be submitted later than the expiration date of the existing permit.”**

***This facility had 7.0 points in the Compliance Auditing System at the end of August 2019.**

ENFORCEMENT AUTHORITY

Va. Code § 62.1-44.23 of the State Water Control Law provides for an injunction for any violation of the State Water Control Law, any State Water Control Board rule or regulation, an order, permit condition, standard, or any certificate requirement or provision. Va. Code §§ 62.1-44.15 and 62.1-44.32 provide for a civil penalty up to \$32,500 per day of each violation of the same. In addition, Va. Code § 62.1-44.15 authorizes the State Water Control Board to issue orders to any person to comply with the State Water Control Law and regulations, including the imposition of a civil penalty for violations of up to \$100,000. Also, Va. Code § 10.1-1186 authorizes the Director of DEQ to issue special orders to any person to comply with the State Water Control Law and regulations, and to impose a civil penalty. Va. Code §§ 62.1-44.32 (b) and 62.1-44.32 (c) provide for other additional penalties.

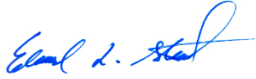
FUTURE ACTIONS

DEQ staff wishes to discuss all aspects of their observations with you, including any actions needed to ensure compliance with state law and regulations, any relevant or related measures you plan to take or have taken, and a schedule, as needed, for further activities. In addition, please advise us if you dispute any of the observations recited herein or if there is other information of which DEQ should be aware. In order to avoid adversarial enforcement proceedings, Virginia Used Truck Parts, Inc. may be asked to enter into a Consent Order with the Department to formalize a plan and schedule of corrective action and to settle any outstanding issues regarding this matter, including the assessment of civil charges.

In the event that discussions with staff do not lead to a satisfactory conclusion concerning the contents of this letter, you may elect to participate in DEQ’s Process for Early Dispute Resolution. Also, if informal discussions do not lead to a satisfactory conclusion, you may request in writing that DEQ take all necessary steps to issue a final decision or fact finding under the APA on whether or not a violation has occurred. For further information on the Process for Early Dispute Resolution, please see Agency Policy Statement No. 8-2005 posted on the Department’s website under “Programs,” “Enforcement,” and “Laws, Regulations, & Guidance” (<http://www.deq.virginia.gov/Programs/Enforcement/Laws,Regulations,Guidance.aspx>) or ask the DEQ contact listed below.

Please contact direct written materials regarding this matter to Mr. Benjamin Holland. Written materials may be sent either via the US Postal Service or electronically, via E-mail. DEQ recommends sending electronic responses as an Acrobat PDF or in a Word-compatible, write protected format. Please contact Mr. Holland at (703) 583-3812 or benjamin.holland@deq.virginia.gov **within 10 days** to discuss this matter and arrange a prompt meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read "Edward L. Stuart".

Edward L. Stuart
Regional Water Compliance Manager

Electronic copy:

ECM; Compliance Manager; Compliance Auditor; and Enforcement – DEQ



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 Faha
Regional Director

November 17, 2020

NOTICE OF VIOLATION

Mr. Anita Lal
President/Owner
Virginia Used Truck Parts, Inc.
1022 Huntington Lane
King George, Virginia 22485

RE: NOV No. W2020-11-N-0008

Virginia Used Truck Parts, Inc.

VAR051005

King George County

Via E-mail: anitalal19@yahoo.com

Dear Ms. Lal:

This letter notifies you of information upon which the Department of Environmental Quality ("Department" or "DEQ") may rely in order to institute an administrative or judicial enforcement action. Based on this information, the DEQ Northern Regional Office (NRO), has reason to believe that Virginia Used Truck Parts, Incorporated (Inc.) may be in violation of State Water Control Law § 62.1-44 and the General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Storm Water Associated with Industrial Activity regulation 9VAC25-151 *et seq.* at the Virginia Used Truck Parts, Inc. facility.

This letter addresses conditions at the facility named above, and also cites compliance requirements of the State Water Control Law and Regulations. Pursuant to Va. Code § 62.1-44.15 (8a), this letter is not a case decision under the Virginia Administrative Process Act, Va. Code § 2.2-4000 *et seq.* (APA)

OBSERVATIONS AND LEGAL REQUIREMENTS

Facility staff are required to submit discharge monitoring reports (DMRs) and documents to DEQ NRO, including the following *relevant* data results. The following describe DEQ NRO staff factual observations and identify the applicable legal requirements.

1. *Observations:* On October 2, 2020, DEQ staff conducted an inspection at the subject facility and adjacent property based on a September 30, 2020 complaint of petroleum product runoff onto the adjacent property from the permitted facility. DEQ staff observed the following, as detailed in the inspection report dated October 30, 2020:
- A petroleum sheen on the surface of the standing water on the gravel road and in the ditch on the adjacent easement property;
 - The secondary containment structure that captures vehicle fluids from the crusher was full, and appeared to have overflowed;
 - There were 5-gallon buckets on the concrete crusher pad without lids throughout the crusher pad area;
 - Petroleum product was flowing off the crusher pad and onto the ground;
 - The sampling location at Outfall 001 was overgrown;
 - Petroleum fluids were in the uncovered water tight dumpster;
 - There was an overwhelming aroma of petroleum product down gradient of the crusher pad, dumpster and at the fence line of the adjacent easement property;
 - A petroleum sheen on the surface of the majority of the standing water throughout the facility;
 - There were trash bins with vehicle fluids stored outside and exposed to stormwater (SW);
 - Batteries and windshield washer fluid were left in vehicles in the dismantling and salvage yard area;
 - There were two large tire piles onsite; one located near the entrance and the other located along the southwestern fence line. DEQ staff estimates that the quantity of both tire piles is greater than 500 tires each.

Legal Requirements: Permit Condition Part III.B.4.b.1, “Nonnumeric technology-based effluent limits. The permittee shall implement the following types of control measures to prevent and control pollutants in the stormwater discharges from the facility, unless it can be demonstrated and documented that such controls are not relevant to the discharges.

- (1) **Good housekeeping.** The permittee shall keep clean all exposed areas of the facility that are potential sources of pollutants to stormwater discharges. The permittee shall perform the following good housekeeping measures to minimize pollutant discharges:
- (a) The SWPPP shall include a schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks, and containers;
 - (b) As feasible, the facility shall sweep or vacuum;
 - (c) Store materials in containers constructed of appropriate materials;
 - (d) Manage all waste containers to prevent a discharge of pollutants;
 - (e) Minimize the potential for waste, garbage, and floatable debris to be discharged by keeping areas exposed to stormwater free of such materials or by intercepting such materials prior to discharge; and
 - (f) Facilities that handle pre-production plastic or plastic waste shall implement BMPs to eliminate stormwater discharges of plastics.”; and

Part III.B.4.b.2. “Eliminating and minimizing exposure. To the extent practicable, manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) shall be located inside, or protected by a storm-resistant covering to prevent exposure to rain, snow, snowmelt, and runoff. Eliminating exposure at all industrial areas may make the facility eligible for the “Conditional Exclusion for No Exposure” provision of 9VAC25-31-120 E, thereby eliminating the need to have a permit. Unless infeasible, facilities shall implement the following:

- (a) Use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from potential sources of pollutants;
- (b) Locate materials, equipment, and activities so that potential leaks and spills are contained, or able to be contained, or diverted before discharge;
- (c) Clean up spills and leaks immediately, upon discovery of the spills or leaks, using dry methods (e.g., absorbents) to prevent the discharge of pollutants;
- (d) Store leaking vehicles and equipment indoors or, if stored outdoors, use drip pans and adsorbents;

- (e) Utilize appropriate spill or overflow protections equipment;
- (f) Perform all vehicle maintenance or equipment cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also capture any overspray; and
- (g) Drain fluids from equipment and vehicles that will be decommissioned, and for any equipment and vehicles that remain unused for extended periods of time, inspect at least monthly for leaks.”; and

Part IV.B.1 “Stormwater controls. In addition to the requirements of Part III, the SWPPP shall include, at a minimum, the following items:

- 1. 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 means shall be taken to prevent leaks or spills of fluids upon arrival at the site, or as soon thereafter as feasible. All drained fluids shall be managed to minimize leaks or spills.”**
2. *Observations:* During the inspection conducted on October 2, 2020, DEQ staff observed there was an eroded SW path leading to Outfall 001.

Legal Requirements: Permit Condition Part III.B.4.b.7, “Sediment and erosion control. The SWPPP shall identify areas at the facility that, due to topography, land disturbance (e.g., construction, landscaping, site grading), or other factors, have a potential for soil erosion. The permittee shall identify and implement structural, vegetative, and stabilization control measures to prevent or control on-site and off-site erosion and sedimentation. Flow velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel if the flows would otherwise create erosive conditions.”

***This facility had 6.0 points in the Compliance Auditing System at the end of October 2020.**

ENFORCEMENT AUTHORITY

Va. Code § 62.1-44.23 of the State Water Control Law provides for an injunction for any violation of the State Water Control Law, any State Water Control Board rule or regulation, an order, permit condition, standard, or any certificate requirement or provision. Va. Code §§ 62.1-44.15 and 62.1-44.32 provide for a civil penalty up to \$32,500 per day of each violation of the same. In addition, Va. Code § 62.1-44.15 authorizes the State Water Control Board to issue orders to any person to comply with the State Water Control Law and regulations, including the imposition of a civil penalty for violations of up to \$100,000. Also, Va. Code § 10.1-1186 authorizes the Director of DEQ to issue special orders to any person to comply with the State Water Control Law and regulations, and to impose a civil penalty. Va. Code §§ 62.1-44.32 (b) and 62.1-44.32 (c) provide for other additional penalties.

FUTURE ACTIONS

DEQ staff wishes to discuss all aspects of their observations with you, including any actions needed to ensure compliance with state law and regulations, any relevant or related measures you plan to take or have taken, and a schedule, as needed, for further activities. In addition, please advise us if you dispute any of the observations recited herein or if there is other information of which DEQ should be aware. In order to avoid adversarial enforcement proceedings, Virginia Used Truck Parts, Inc. may be asked to enter into a Consent Order with the Department to formalize a plan and schedule of corrective action and to settle any outstanding issues regarding this matter, including the assessment of civil charges.

In the event that discussions with staff do not lead to a satisfactory conclusion concerning the contents of this letter, you may elect to participate in DEQ’s Process for Early Dispute Resolution. Also, if informal discussions do not lead to a satisfactory conclusion, you may request in writing that DEQ take all necessary steps to issue a final decision or fact finding under the APA on whether or not a violation has occurred. For further information on the Process for Early Dispute Resolution, please see Agency Policy Statement No. 8-2005 posted on the Department’s website under “Programs,” “Enforcement,” and “Laws, Regulations, & Guidance”

(<http://www.deq.virginia.gov/Programs/Enforcement/Laws,Regulations,Guidance.aspx>) or ask the DEQ contact listed below.

Please direct written materials regarding this matter to Mr. Benjamin Holland. Written materials shall be sent electronically, via E-mail. DEQ recommends sending electronic responses as an Acrobat PDF or in a Word-compatible, write-protected format. Please contact Mr. Holland at (703) 583-3812 or benjamin.holland@deq.virginia.gov **within 30 days** to discuss this matter and arrange a prompt meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read "Edward L. Stuart".

Edward L. Stuart
Regional Water Compliance Manager

cc via electronic copy:

ECM; Compliance Manager; Compliance Auditor; and Enforcement – DEQ

Carla Pool, DEQ Enforcement Manager

Steve Lynd, Emergency Management Deputy King George County – stevel@co.kinggeorge.state.va.us

Special Agent Karon Winston, DMV – karon.winston@dmv.virginia.gov



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

October 20, 2020

Ms. Anita Lal, Registered Agent
Virginia Truck Parts, Inc.
10022 Hutington Lane
King George, VA 22485

Certified Mail
Return Receipt Requested
& Regular First Class Mail

In re: Virginia Truck Parts, Inc.

Dear Ms. Lal:

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 October 15, 2020. A Special Order Proceeding (Proceeding) was held on June 22, 2020, via conference call, before Presiding Officer Lauren Pillow, as provided for in the May 15, 2020 Notice Letter, June 10, 2020 Reminder Letter, and June 17, 2020 rescheduling email. 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 Virginia Truck Parts, Inc. to comply with the State Water Control Law, Va. Code § 62.1-44.2 et seq., and the Virginia Pollutant Discharge Elimination System General Permit for Discharges of Stormwater Associated with Industrial Activity, Registration Number VAR051005, 9 VAC 25-151-70 et seq. The Special Order also requires you to pay a civil penalty of \$7,500.

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:

Benjamin Holland
Virginia Department of Environmental Quality
Northern Regional Office
13901 Crown Court
Woodbridge, VA 22193

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

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.

VIRGINIA:

IN THE DEPARTMENT OF ENVIRONMENTAL QUALITY

IN RE: Virginia Truck Parts, Inc.

ORDER

This cause came to be heard on June 22, 2020, via conference call, before Presiding Officer Lauren Pillow.

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 those Recommended 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 Virginia Truck Parts, Inc. to comply with (1) the State Water Control Law, Va. Code § 62.1-44.2 et seq., and (2) the Virginia Pollutant Discharge Elimination System General Permit for Discharges of Stormwater Associated with Industrial Activity Registration Number VAR051005, 9 VAC 25-151-70, *et seq.*

Specifically, I order Virginia Truck Parts, Inc. to complete the following with respect to the Virginia Truck Parts, Inc. facility located at 10022 Huntington Lane in King George, Virginia (the “Facility”).

1. Within 60 days of the date of this Order: implement good housekeeping practices at the Facility, including: addressing leaks at the auto crusher; proper management of car batteries; identification of and rectification of source of oil leaking onto Facility grounds.
2. Within 60 days of the date of this Order, submit to DEQ evidence of good housekeeping practices in the form of photographs and work logs.
3. Submit a copy of the Facility’s visual examination reports, conducted as part of the Facility’s quarterly visual monitoring requirements, for the two quarters following the date of the Special Order (inclusive of the quarter during which the Special Order is executed). These reports shall be received no later than the 10th day of the month following the quarter (e.g., a visual examination report for the October-December monitoring period would be due no later than January 10th with subsequent reports due April 10th and July 10th).
4. Submit to DEQ a copy of the Facility’s quarterly routine facility inspections for the two quarters following the date of the Special Order (inclusive of the quarter during which the Special Order is executed). These reports shall be received no later than the 10th day of

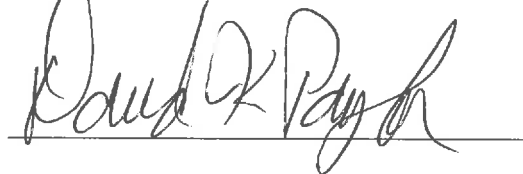
the month following the quarter (e.g., the October-December monitoring period would be due no later than January 10th with subsequent reports due April 10th and July 10th).

5. Submit employee training records to DEQ within 30 days of the date of this Order.
6. Within 30 days of the date of this Order: submit to DEQ, for review, an updated copy of the SWPPP with a current review signature and date.
7. Submit to DEQ the annual outfall evaluation report for the 2020 calendar year by January 10, 2021.
8. Within 30 days of the date of this Order, submit to DEQ, for review, an updated copy of the Facility site map.
9. Pay a civil penalty in the total sum of **Seven Thousand and Five Hundred Dollars (\$7,500.00)** within 30 days of the 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 15 day of October, 2020

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

David K. Paylor
Director, Department of Environmental Quality

VIRGINIA:

IN THE DEPARTMENT OF ENVIRONMENTAL QUALITY

IN RE: Virginia Truck Parts, Inc.

RECOMMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

I. Preliminary Statement

This case concerns whether Virginia Truck Parts, Inc.¹ (“Virginia Truck Parts”) violated certain provisions of the State Water Control Law, Virginia Pollutant Discharge Elimination System (“VPDES”) General Permit Regulation for Discharges of Stormwater Associated with Industrial Activity, the VPDES General Permit for Discharges of Stormwater Associated with Industrial Activity Registration Number VAR051005 (the “Permit”),² and the Virginia Waste Management Act. The alleged violations at issue occurred at the Virginia Truck Parts facility (the “Facility”) located at 10022 Huntington Lane in King George, Virginia. Also at issue in this case is whether injunctive relief and a civil penalty are warranted for the alleged violations.

On June 22, 2020, DEQ staff held a Special Order Proceeding (the “Proceeding”) in this matter pursuant to Va. Code §§ 2.2-4019 and 10.1-1186 before Presiding Officer Lauren Pillow. The Proceeding was held via conference call. Ms. Anita Lal appeared at the Proceeding on behalf of the Virginia Truck Parts, but Virginia Truck Parts was not represented by counsel at the Proceeding.

Attached are a recording of the Proceeding and the exhibits numbered as they were received. The exhibits introduced into the record by DEQ include the DEQ Exhibit Book, containing DEQ Exhibits 1-22, conveyed to Virginia Truck Parts on May 15, 2020. DEQ’s exhibits also include a copy of the May 15, 2020 Notice of Special Order Proceeding, June 10, 2020 reminder email, and June 17, 2020 rescheduling email, labeled as DEQ Exhibit 23.

DEQ called three witnesses during the Proceeding: Rebecca Johnson, Northern Regional Office (“NRO”) Water Compliance Inspector; Susan Mackert, NRO Water Permit Writer; and Benjamin Holland, NRO Enforcement Specialist. Ms. Lal also testified during the Proceeding.

¹ The Notice of Special Order Proceeding was issued to AARKARS LLC in addition to Virginia Truck Parts, Inc. However, the Department of Environmental Quality (“DEQ”) decided not to pursue the alleged violations involving AARKARS LLC. Virginia Truck Parts, Inc. is the only remaining named party to this action.

² The Permit is promulgated at 9 VAC 25-151-70, *et seq.* In this document, “2014 Permit” refers to the Permit effective July 1, 2014 through June 30, 2019, and “2019 Permit” refers to the Permit effective July 1, 2019 through June 30, 2024.

The Presiding Officer left the record for the Proceeding open until July 27, 2020 to provide an opportunity for Virginia Truck Parts to submit an Ability to Pay application. Virginia Truck Parts did not submit an Ability to Pay application or any other evidence on the record following the Proceeding.

II. Findings of Fact

A. Notice

1. On May 15, 2020, DEQ sent a Notice of Special Order Proceeding to Virginia Truck Parts, scheduling the Proceeding for June 15, 2020. DEQ Exh. 23. On June 10, 2020, DEQ sent a reminder to Virginia Truck Parts. DEQ Exh. 23. At Ms. Lal's request, DEQ rescheduled the Proceeding for June 22, 2020. Testimony of Carla Pool. DEQ sent Virginia Truck Parts a rescheduling email on June 17, 2020 with updated conference-call information. DEQ Exh. 23.
2. Va. Code § 2.2-4019 states that parties to informal fact finding proceedings have the right to "have reasonable notice thereof."

B. Facility Overview

3. The Facility is located within the part of the Commonwealth administered by DEQ's NRO. Testimony of Rebecca Johnson.
4. Virginia Truck Parts operates an auto salvage yard at the Facility. Testimony of Rebecca Johnson.
5. Coverage under a VPDES permit is required for discharges of stormwater from industrial activities associated with auto salvage operations at the Facility.
6. On October 7, 2018, DEQ received a change of ownership form for the Facility, signed by Ms. Lal on behalf of Virginia Truck Parts and by the Facility's previous permittee Mr. Tippet, indicating an anticipated transfer date of August 1, 2016. Testimony of Rebecca Johnson; DEQ Exh. 12.
7. On November 6, 2018, DEQ issued permit coverage to Virginia Truck Parts under the 2014 Permit. Testimony of Rebecca Johnson; DEQ Exh. 13.
8. During the period in which Virginia Truck Parts operated the Facility prior to obtaining 2014 Permit coverage, DEQ documented numerous deficiencies that would have constituted Permit violations if Virginia Truck Parts had been permitted. See DEQ Exh. 4-11.

C. Facility Monitoring, Inspections, and Evaluations

9. At the time of a DEQ inspection of the Facility on April 5, 2019, the most recent quarterly visual monitoring documentation available for review was from the second quarter of 2017. Testimony of Rebecca Johnson; DEQ Exh. 14. Based on the totality of the circumstances, Virginia Truck Parts failed to conduct and record quarterly visual monitoring for the fourth quarter of 2018 and the first quarter of 2019.

10. 2014 Permit Part I(A)(1)(a)(1) required the permittee to perform and document a quarterly visual examination of a stormwater discharge associated with industrial activity from each outfall.
11. 2014 Permit Part I(A)(1)(a)(3) required the visual examination reports to be maintained on-site with the SWPPP.
12. At the time of the April 5, 2019 inspection, the most recent routine Facility site inspection documentation available for review was from February 11, 2017. Testimony of Rebecca Johnson; DEQ Exh. 14. The totality of the circumstances indicates that Virginia Truck Parts failed to conduct and document routine facility site inspections for the fourth quarter of 2018 and the first quarter of 2019.
13. 2014 Permit Part III(B)(5) required the permittee to inspect all areas of the facility where industrial materials or activities are exposed to stormwater. These inspections must be at a minimum quarterly during periods when the Facility is in operation. The results of the inspections must be documented in the SWPPP.
14. At the time of the April 5, 2019 inspection, the most recent annual comprehensive site compliance evaluation report available for review was from August 22, 2016. Testimony of Rebecca Johnson; DEQ Exh. 14. The totality of the circumstances indicates that Virginia Truck Parts failed to conduct and document a comprehensive site compliance evaluation for 2018.
15. 2014 Permit Part III(E) required the permittee to conduct comprehensive site compliance evaluations at least once every calendar year.
16. 2014 Permit Part III(E)(3) required the permittee to write a compliance evaluation report summarizing the scope of the evaluation and observations. The report must be maintained with the SWPPP.
17. At the time of the April 5, 2019 inspection, the most recent annual outfall evaluation for unauthorized discharges was dated October 20, 2016. Testimony of Rebecca Johnson; DEQ Exh. 14. Based on the totality of the circumstances, Virginia Truck Parts had not conducted or document an annual outfall evaluation.
18. 2014 Permit Part III(D)(2)(a) required the permittee to include documentation in the SWPPP that all stormwater outfalls associated with industrial activity have been evaluated annually for the presence of unauthorized discharges.
19. At the time of the April 5, 2019 inspection, Virginia Truck Parts failed to have equipment-leak inspection documentation available for review. Testimony of Rebecca Johnson; DEQ Exh. 14. Based on the totality of the circumstances, Virginia Truck Parts failed to conduct equipment leak inspections.
20. 2014 Permit Part IV(B)(2)(b) requires that vehicles be inspected for leaks upon arrival, and that fluid-containing equipment be inspected at least quarterly for signs of leaks.

D. Housekeeping

21. At the time of the April 5, 2019 inspection, DEQ staff observed that:

- a. The crusher was leaking;
- b. There were petroleum and hydraulic fluid puddles on the concrete pad by the crusher;
- c. There were two large, exposed, waste tire piles on the property totaling over 300 tires;
- d. There were car batteries exposed to stormwater at the fluid management area; and
- e. There was oil staining on the ground throughout the Facility.

Testimony of Rebecca Johnson; DEQ Exh. 14. These observations demonstrate that Virginia Truck Parts was not maintaining good housekeeping at the Facility at the time of the April 5, 2019 inspection. Testimony of Rebecca Johnson; DEQ Exh. 14.

- 22. 2014 Permit Part III(B)(4)(b)(1) required that the permittee maintain good housekeeping in areas exposed to stormwater, or areas that may act as sources of pollutants to stormwater discharges.
- 23. Va. Code § 10.1-1418.2 provides that salvage yards licensed by the Department of Motor Vehicles may store, dispose of, speculatively accumulate, or otherwise hold up to 300 waste tires on site.
- 24. A May 10, 2019 email stated that Virginia Truck Parts had started removing tires from the Facility, had picked up all batteries, and was in the process of cleaning the crush area. Testimony of Rebecca Johnson; DEQ Exh. 15.
- 25. DEQ issued a Notice of Violation on May 20, 2019, alleging violations of good housekeeping requirements based on the observations from DEQ's April 5, 2019 inspection. Testimony of Rebecca Johnson; DEQ Exh. 16.
- 26. DEQ staff visited the Facility on November 15, 2019 and observed that the excess waste tires had been removed from the Facility. Testimony of Rebecca Johnson.

E. SWPPP Training

- 27. During the April 5, 2019 inspection, Virginia Truck Parts failed to have documentation of employee SWPPP training since 2016. Testimony of Rebecca Johnson; DEQ Exh. 14. The SWPPP did not include a summary of employee training. Testimony of Rebecca Johnson; DEQ Exh. 14. The totality of the circumstances indicates that Virginia Truck Parts failed to conduct and document employee training.
- 28. 2014 Permit Part III(B)(4)(b)(6) required the permittee to implement a stormwater employee training program for the Facility and to include in the SWPPP a summary of any training performed.

F. SWPPP Deficiencies

- 29. At the time of the April 5, 2019 inspection, the SWPPP for the Facility was most recently signed by the previous permittee, Mr. Tippet, in May 2014. Testimony of Rebecca

Johnson; DEQ Exh. 14. The SWPPP was not signed by a responsible corporate officer of Virginia Truck Parts. Testimony of Rebecca Johnson.

30. 2014 Permit Part III(F)(1) required the SWPPP to be signed in accordance with Part II(K) and retained on-site.
31. 2014 Permit Part II(K) required all reports required by permits, and other information requested by the Board to be signed by a responsible corporate officer of a corporation or by their duly authorized representative.
32. At the time of the April 5, 2019 inspection, the Facility site map in the SWPPP was outdated with respect to the location of the crusher and diesel fuel tank. Testimony of Rebecca Johnson; DEQ Exh. 14.
33. 2014 Permit Part III(B)(2)(c) requires the SWPPP to include a site map identifying items including “potential pollutant sources” and “locations of the following activities where such activities are exposed to precipitation: fueling stations; . . . liquid storage tanks processing and storage areas”
34. 2014 Permit Part III(F)(2) required the permittee to retain a copy of the current SWPPP required by the Permit at the facility, and it shall be immediately available to the Department at the time of an onsite inspection or upon request.

G. Lapse in Permit Coverage

35. The 2014 Permit expired June 30, 2019. Testimony of Susan Mackert; DEQ Exh. 13
36. On March 7, 2019 and June 7, 2019, DEQ reminded Virginia Truck Parts of the requirement to reapply for permit coverage prior to expiration of the 2014 Permit. Testimony of Susan Mackert; DEQ Exh.19.
37. Virginia Truck Parts failed to submit a reissuance application for coverage under the 2019 Permit prior to the expiration of the 2014 Permit. Testimony of Susan Mackert; DEQ Exh. 17.
38. Virginia Truck Parts submitted a registration statement for coverage under the 2019 Permit on July 29, 2019. Testimony of Susan Mackert; DEQ Exh. 20.
39. On August 28, 2019, DEQ issued a Notice of Violation documenting late submittal of the 2019 Permit registration statement. Testimony of Susan Mackert; DEQ Exh. 17. On October 24, 2019, DEQ issued a Notice of Violation alleging that the registration fee payment had not been received to date, in addition to late submittal of the registration statement. Testimony of Susan Mackert; DEQ Exh. 18.
40. Virginia Truck Parts submitted its \$500 registration fee payment on January 2, 2020, completing its Permit reissuance application. Testimony of Susan Mackert. Permit reissuance was also delayed because Virginia Truck Parts was not listed as active with the SCC at the time DEQ received the registration fee payment. Testimony of Susan Mackert; DEQ Exh. 19.

41. DEQ issued coverage to Virginia Truck Parts under the 2019 Permit on January 29, 2020. Testimony of Susan Mackert; DEQ Exh. 21.
42. Virginia Truck Parts did not have Permit coverage for discharges of stormwater from the Facility from July 1, 2019 until January 29, 2020. Testimony of Susan Mackert.
43. 2014 Permit Part II(M) required the permittee to “submit a new registration statement at least 60 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for registration statements to be submitted later than the expiration date of the existing permit.”
44. 9 VAC 25-31-120(B) states, “Dischargers of storm water associated with industrial activity are required to apply for an individual permit or seek coverage under a promulgated storm water general permit.”

H. Statement of Anita Lal

45. During the Proceeding, Ms. Lal asserted that Felicia Jones, an employee of Virginia Truck Parts, was responsible for some of the deficiencies at the Facility. Testimony of Anita Lal. Ms. Lal stated that Ms. Jones failed to fulfill certain job duties, such as submittal of the permit fee payment, resulting in noncompliance. Testimony of Anita Lal. However, as the Facility’s operator and permittee, Virginia Truck Parts was the entity responsible for compliance. Corporate entities cannot avoid responsibility for noncompliance by blaming deficiencies on their agents.
46. Ms. Lal also contended that she was not aware of certain Permit requirements and did not receive training from DEQ. Testimony of Anita Lal. However, permittees are responsible for familiarizing themselves with permit requirements, and ignorance of the law is no excuse for noncompliance. Furthermore, Ms. Lal was previously a principal for another entity with industrial stormwater coverage for auto salvage yard operations. Testimony of Benjamin Holland. In that capacity, she should have been aware of relevant compliance obligations.
47. Ms. Lal further argued that Virginia Truck Parts cannot afford to pay a penalty for violations at the Facility. Testimony of Anita Lal. The Presiding Officer left the record open following the Proceeding to provide Virginia Truck Parts with an opportunity to submit an Ability to Pay application, but Virginia Truck Parts failed to do so.

I. Calculation of Civil Penalty

48. Benjamin Holland explained how the penalty was calculated for Virginia Truck Parts, using the Water Civil Charge/Civil Penalty Worksheet (the “Water Worksheet”) and the Waste Civil Charge/Civil Penalty Worksheet (the “Waste Worksheet”) included in DEQ’s Civil Enforcement Manual. Testimony of Benjamin Holland; DEQ Exh.22. The Water Worksheet and the Waste Worksheet are used throughout the Commonwealth to calculate civil charges and civil penalties for water violations and waste violations, respectively. Testimony of Benjamin Holland.

49. One occurrence was assessed on line 1(a)(2) of the Water Worksheet for failure to maintain good housekeeping at the Facility. Testimony of Benjamin Holland; DEQ Exh. 22. The potential for harm for this violation was assessed as serious due to the chronic nature of the violations, the number of deficiencies, and the fact that poor housekeeping is generally the root cause of industrial pollutants entering the environment through stormwater. Testimony of Benjamin Holland.
50. One occurrence was assessed on line 1(a)(2) of the Water Worksheet for failure to conduct an annual comprehensive site compliance evaluation. Testimony of Benjamin Holland; DEQ Exh. 22. The potential for harm was assessed as moderate because comprehensive site compliance evaluations monitor site conditions, activities, and control practices related to stormwater quality at the Facility. Testimony of Benjamin Holland.
51. One occurrence was assessed on line 1(a)(2) of the Water Worksheet for failure to conduct SWPPP training. The potential for harm for failure was assessed as moderate because of the chronic nature of the violations and because employee training is a vital part of the SWPPP. Testimony of Benjamin Holland.
52. Two occurrences were assessed on line 1(a)(3) of the Water Worksheet for failure to conduct quarterly visual monitoring inspections during the fourth quarter of 2018 and the first quarter of 2019. Testimony of Benjamin Holland; DEQ Exh. 22. These violations were assessed as moderate because of the chronic nature of the violations and because the visual monitoring evaluation is an important step in ensuring that pollutants are not contaminating the stormwater and in addressing any pollutants present. Testimony of Benjamin Holland; DEQ Exh. 22.
53. One occurrence was assessed on line 1(a)(6) of the Water Worksheet for failure to submit the reissuance application for coverage under the 2019 Permit prior to expiration of the 2014 Permit, and the resulting lapse in permit coverage. Testimony of Benjamin Holland; DEQ Exh. 22. The potential for harm was assessed as marginal because the registration statement and permit fee were ultimately submitted. Testimony of Benjamin Holland; DEQ Exh. 22.
54. Two occurrences were assessed on line 1(a)(9) of the Water Worksheet for failure to document routine facility inspections for the fourth quarter of 2018 and the first quarter of 2019. Testimony of Benjamin Holland; DEQ Exh. 22. These violations were assessed as moderate due to the chronic nature of the violations and because routine facility inspections help ensure that water quality controls are effective. Testimony of Benjamin Holland; DEQ Exh. 22.
55. One occurrence was assessed on line 1(a)(9) of the Water Worksheet for failure to record an annual outfall evaluation. Testimony of Benjamin Holland; DEQ Exh. 22. This violation was assessed as moderate because annual outfall evaluations help ensure that outfalls remain cleared of sources of pollutants or contaminants, and failure to conduct the evaluation increases the risk for pollutants exiting the facility with the stormwater discharge. Testimony of Benjamin Holland; DEQ Exh. 22.
56. One occurrence was assessed on line 1(a)(9) of the Water Worksheet for failure to document equipment leak inspections. Testimony of Benjamin Holland; DEQ Exh. 22.

The potential for harm was assessed as moderate because oil, hydraulic fluids, and other fluids represent sources of industrial pollution to stormwater, and conducting equipment leak inspections could have prevented issues with vehicular fluids observed during DEQ's 2019 inspection. Testimony of Benjamin Holland; DEQ Exh. 22.

57. The inaccurate Facility site map and failure to update the SWPPP signature were assessed as a single combined occurrence on line 1(a)(11) of the Water Worksheet. Testimony of Benjamin Holland; DEQ Exh. 22. The potential for harm was assessed as marginal because these items represent a marginal threat of harm to the regulatory program and the environment, demonstrating improper planning with respect to stormwater management. Testimony of Benjamin Holland; DEQ Exh. 22.
58. The degree of culpability was assessed as serious on the Water Worksheet. Testimony of Benjamin Holland; DEQ Exh. 22. Ms. Lal, the principal of Virginia Truck Parts, was previously the established manager for another DEQ-permitted auto salvage yard facility and should have had a more established understanding of the requirements to become permitted and to abide by Permit requirements such as upkeep of housekeeping, performing inspections, and record keeping. Testimony of Benjamin Holland
59. An economic benefit of \$117 was applied on the Water Worksheet due to the delayed and avoided costs associated with the lapse in permit coverage. Testimony of Benjamin Holland; DEQ Exh. 22.
60. On the Waste Worksheet, holding more than 300 waste tires at the Facility was assessed as a minor deviation on line 1(c) of the Worksheet because Virginia Truck Parts did not substantially exceed the authorized number of tires. Testimony of Benjamin Holland; DEQ Exh. 22. The potential for harm was assessed as moderate due to the risk posed by the tires to public health and the environment due to pollutant leaching, fire-risk, and breeding grounds of disease carrying insects. Testimony of Benjamin Holland; DEQ Exh. 22.
61. The degree of culpability on the Waste Worksheet was assessed as moderate because Virginia Truck Parts should have known of the relevant regulatory requirement, but this specific violation had not been previously addressed in a DEQ enforcement action involving Virginia Truck Parts or associated entities. Testimony of Benjamin Holland; DEQ Exh. 22.
62. The total penalty calculated on the Water Worksheet was \$12,492, and the total penalty calculated on the Waste Worksheet was \$4,375. Testimony of Benjamin Holland; DEQ Exh. 22. However, penalties in Special Orders under Va. Code § 10.1-1186 are limited to \$10,000.
63. Penalties for Virginia Truck Parts' violations at issue in the Proceeding have not been assessed previously in any order or case decision. Testimony of Benjamin Holland
64. A civil penalty of \$10,000 is appropriate to address Virginia Truck Parts' violations in this case.

III. Conclusions of Law

1. Virginia Truck Parts is a “person” under Va. Code § 62.1-44.3.
2. Virginia Truck Parts failed to conduct quarterly visual monitoring in the fourth quarter of 2018 and the first quarter of 2019, in violation of 2014 Permit Part I(A)(1)(a).
3. Virginia Truck Parts failed to conduct SWPPP training, in violation of 2014 Permit Part III(B)(4)(b)(6)
4. Virginia Truck Parts failed to maintain good housekeeping at the Facility, in violation of 2014 Permit Part III(B)(4)(b)(1).
5. Virginia Truck Parts held more than 300 waste tires at the Facility, in violation of Va. Code § 10.1-1418.2.
6. Virginia Truck Parts failed to implement a stormwater employee training program for the Facility, in violation of 2014 Permit Part III(B)(4)(b)(6).
7. Virginia Truck Parts failed to record routine facility inspections for the fourth quarter of 2018 and the first quarter of 2019, in violation of 2014 Permit Part III(B)(5).
8. Virginia Truck Parts failed to conduct a Comprehensive Site Compliance Evaluation for 2018, in violation of 2014 Permit Part III(E).
9. The Facility SWPPP was not signed by a responsible corporate officer of Virginia Truck Parts or by their duly authorized representative, in violation of 2014 Permit Part III(F)(1) and 2014 Permit Part II(K).
10. Virginia Truck Parts failed to include documentation in the SWPPP of an outfall evaluation for unauthorized discharges, in violation of 2014 Permit Part III(D)(2)(a).
11. Virginia Truck Parts failed to conduct and record equipment leak inspections in violation of 2014 Permit Part IV(B)(2)(b).
12. Virginia Truck Parts failed to include an accurate site map in the SWPPP, in violation of 2014 Permit Part III(B)(2)(c) and 2014 Permit Part III(F)(2)
13. Virginia Truck Parts failed to submit a Permit reissuance application prior to the expiration of the 2014 Permit, and Virginia Truck Parts did not have Permit coverage for discharges of stormwater from the Facility from July 1, 2019 until January 29, 2020, in violation of 2014 Permit Part II(M) and 9 VAC 25-31-120(B).

IV. Recommended Relief

I recommend that the Director issue a Special Order pursuant to Va. Code § 10.1-1186 to compel Virginia Truck Parts to comply with the State Water Control Law and the 2019 Permit. Specifically, I recommend that the Special Order require that Virginia Truck Parts:

1. Within 60 days of the date of the Special Order: implement good housekeeping practices at the Facility, including: addressing leaks at the auto crusher; proper management of car

batteries; identification of and rectification of source of oil leaking onto Facility grounds.

2. Within 60 days of the date of the Special Order, submit to DEQ evidence of good housekeeping practices in the form of photographs and work logs.
3. Submit a copy of the Facility's visual examination reports, conducted as part of the Facility's quarterly visual monitoring requirements, for the two quarters following the date of the Special Order (inclusive of the quarter during which the Special Order is executed). These reports shall be received no later than the 10th day of the month following the quarter (e.g., a visual examination report for the October-December monitoring period would be due no later than January 10th with subsequent reports due April 10th and July 10th).
4. Submit to DEQ a copy of the Facility's quarterly routine facility inspections for the two quarters following the date of the Special Order (inclusive of the quarter during which the Special Order is executed). These reports shall be received no later than the 10th day of the month following the quarter (e.g., the October-December monitoring period would be due no later than January 10th with subsequent reports due April 10th and July 10th).
5. Submit employee training records to DEQ within 30 days of the date of the Special Order.
6. Within 30 days of the date of the Special Order: submit to DEQ, for review, an updated copy of the SWPPP with a current review signature and date.
7. Submit to DEQ the annual outfall evaluation report for the 2020 calendar year by January 10, 2021.
8. Within 30 days of the date of the Special Order, submit to DEQ, for review, an updated copy of the Facility site map.
9. Pay a civil penalty of \$10,000.

Respectfully submitted,



Lauren Pillow
Hazardous Waste Inspector
Division of Land Protection and
Revitalization



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 Faha
Regional Director

January 28, 2021

NOTICE OF VIOLATION

Mr. Anita Lal
President/Owner
Virginia Used Truck Parts, Inc.
1022 Huntington Lane
King George, Virginia 22485

RE: NOV No. W2021-01-N-0003

Virginia Used Truck Parts, Inc.

VAR051005

King George County

Via E-mail: anitalal19@yahoo.com

Dear Ms. Lal:

This letter notifies you of information upon which the Department of Environmental Quality ("Department" or "DEQ") may rely in order to institute an administrative or judicial enforcement action. Based on this information, the DEQ Northern Regional Office (NRO), has reason to believe that Virginia Used Truck Parts, Incorporated (Inc.) may be in violation of State Water Control Law § 62.1-44 and the General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Storm Water Associated with Industrial Activity regulation 9VAC25-151 *et seq.* at the Virginia Used Truck Parts, Inc. facility.

This letter addresses conditions at the facility named above, and also cites compliance requirements of the State Water Control Law and Regulations. Pursuant to Va. Code § 62.1-44.15 (8a), this letter is not a case decision under the Virginia Administrative Process Act, Va. Code § 2.2-4000 *et seq.* (APA)

OBSERVATIONS AND LEGAL REQUIREMENTS

Facility staff are required to submit discharge monitoring reports (DMRs) and documents to DEQ NRO, including the following *relevant* data results. The following describe DEQ NRO staff factual observations and identify the applicable legal requirements.

1. **Observations:** The following items contained within the Special Order Pursuant to Va. Code § 10.1-1186, In re: Virginia Truck Parts, Inc. were due to DEQ-NRO by November 20, 2020 and have not been received as of the date of this letter:
 - Stormwater Pollution Prevention Plan (SWPPP) training records;
 - Updated SWPPP;
 - Updated Facility site map; and
 - Civil penalty in the total sum of Seven Thousand and Five Hundred Dollars (\$7,500).

Legal Requirement: As stated in the Special Order Pursuant to Va. Code § 10.1-1186, In re: Virginia Truck Parts, Inc. issued by the Director of the Virginia Department of Environmental Quality, dated October 20, 2020, "Specifically, I order Virginia Truck Parts, Inc. to complete the following with respect to the Virginia Truck Parts, Inc. facility located at 10022 Huntington Lane in King George, Virginia (the "Facility").

1. Within 60 days of the date of this Order: implement good housekeeping practices at the Facility, including: addressing leaks at the auto crusher; proper management of car batteries; identification of and rectification of source of oil leaking onto Facility grounds.
2. Within 60 days of the date of this Order, submit to DEQ evidence of good housekeeping practices in the form of photographs and work logs.
3. Submit a copy of the Facility's visual examination reports, conducted as part of the Facility's quarterly visual monitoring requirements, for the two quarters following the date of the Special Order (inclusive of the quarter during which the Special Order is executed). These reports shall be received no later than the 10th day of the month following the quarter (e. g., a visual examination report for the October-December monitoring period would be due no later than January 10th with subsequent reports due April 10th and July 10th).
- 4 Submit to DEQ a copy of the Facility's quarterly routine facility inspections for the two quarters following the date of the Special Order (inclusive of the quarter during which the Special Order is executed). These reports shall be received no later than the 10th day of the month following the quarter (e. g., the October-December monitoring period would be due no later than January 10th with subsequent reports due April 10th and July 10th).
5. Submit employee training records to DEQ within 30 days of the date of this Order.
6. Within 30 days of the date of this Order: submit to DEQ, for review, an updated copy of the SWPPP with a current review signature and date.
7. Submit to DEQ the annual outfall evaluation report for the 2020 calendar year by January 10, 2021.
8. Within 30 days of the date of this Order, submit to DEQ, for review, an updated copy of the Facility site map.
9. Pay a civil penalty in the total sum of Seven Thousand and Five Hundred Dollars (\$7, 500. 00) within 30 days of the 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"

***This facility had 2.0 points in the Compliance Auditing System at the end of November 2020.**

ENFORCEMENT AUTHORITY

Va. Code § 62.1-44.23 of the State Water Control Law provides for an injunction for any violation of the State Water Control Law, any State Water Control Board rule or regulation, an order, permit condition, standard, or any certificate requirement or provision. Va. Code §§ 62.1-44.15 and 62.1-44.32 provide for a civil penalty up to \$32,500 per day of each violation of the same. In addition, Va. Code § 62.1-44.15 authorizes the State Water Control Board to issue orders to any person to comply with the State Water Control Law and regulations, including the imposition of a civil penalty for violations of up to \$100,000. Also, Va. Code § 10.1-1186 authorizes the Director of DEQ to issue special orders to any person to comply with the State Water Control Law and regulations, and to impose a civil penalty. Va. Code §§ 62.1-44.32 (b) and 62.1-44.32 (c) provide for other additional penalties.

FUTURE ACTIONS

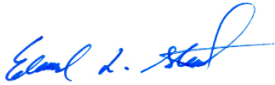
DEQ staff wishes to discuss all aspects of their observations with you, including any actions needed to ensure compliance with state law and regulations, any relevant or related measures you plan to take or have taken, and a schedule, as needed, for further activities. In addition, please advise us if you dispute any of the observations recited herein or if there is other information of which DEQ should be aware. In order to avoid adversarial enforcement proceedings, Virginia Used Truck Parts, Inc. may be asked to enter into a Consent Order with the Department to formalize a plan and schedule of corrective action and to settle any outstanding issues regarding this matter, including the assessment of civil charges.

In the event that discussions with staff do not lead to a satisfactory conclusion concerning the contents of this letter, you may elect to participate in DEQ's Process for Early Dispute Resolution. Also, if informal discussions do not lead to a satisfactory conclusion, you may request in writing that DEQ take all necessary steps to issue a final decision or fact finding under the APA on whether or not a violation has occurred. For further information on the Process for Early Dispute Resolution, please see Agency Policy Statement No. 8-2005 posted on the Department's website under "Programs," "Enforcement," and "Laws, Regulations, & Guidance"

(https://townhall.virginia.gov/L/GetFile.cfm?File=C:\TownHall\docroot\GuidanceDocs\440\GDoc_DEQ_2672_v1.pdf) or ask the DEQ contact listed below.

Please direct written materials regarding this matter to Mr. Benjamin Holland. Written materials shall be sent electronically, via E-mail. DEQ recommends sending electronic responses as an Acrobat PDF or in a Word-compatible, write-protected format. Please contact Mr. Holland at (703) 583-3812 or benjamin.holland@deq.virginia.gov **within 30 days** to discuss this matter and arrange a prompt meeting.

Sincerely,



Edward L. Stuart
Regional Water Compliance Manager

cc via electronic copy:

ECM; Compliance Manager; Compliance Auditor; and Enforcement – DEQ

Carla Pool, DEQ Enforcement Manager

Steve Lynd, Emergency Management Deputy King George County – stevel@co.kinggeorge.state.va.us

Special Agent Karon Winston, DMV – karon.winston@dmv.virginia.gov

Exhibit 4 – DEQ April 2019 Inspection Report



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

April 10, 2019

Via E-mail: anitalal19@gmail.com

Ms. Anita Lal
President
Virginia Truck Parts, Inc.
9003 Kings Highway
King George, VA 22485

Re: **Virginia Used Truck Parts - Permit # VAR051005**

Dear Ms. Lal:

Attached is a copy of the Inspection Report generated while conducting a Facility Technical Inspection at Virginia Used Truck Parts, on April 5, 2019. 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 "Compliance Recommendations for Action" section and submit in writing, a narrative outlining how the facility plans to address these items, to the Department of Environmental Quality – Northern Regional Office (DEQ-NRO) within thirty dates from the date of this inspection report. If you have any questions or comments concerning this report, please feel free to contact me at (703) 583-3854 or email at Rebecca.Johnson@deq.virginia.gov

Sincerely,

A handwritten signature in purple ink that reads "Rebecca L. Johnson".

Rebecca Johnson
Environmental Specialist II

cc: Permits / DMR File; Compliance Manager; Compliance Auditor; Compliance Inspector
Felicia Jones, Site Supervisor; feliciajones358@gmail.com

DEQ
WASTEWATER FACILITY INSPECTION REPORT

PREFACE

VPDES/State Certification No.	(RE) Issuance Date	Amendment Date	Expiration Date
VAR051005	August 26, 2014	November 6, 2018	July 31, 2019
Facility Name	Address		Telephone Number
Virginia Used Truck Parts	10022 Huntington Lane King George, VA 22485		(540)775-5004
Owner Name	Address		Telephone Number
Ms. Anita Lal	9003 Kings Highway King George, VA 22485		(703) 850-6850
Responsible Official	Title		Telephone Number
Anita Lal	President		(703) 850-6850

TYPE OF FACILITY:

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

INFLUENT CHARACTERISTICS:

DESIGN:

	Flow	N/A	
	Population Served		
	Connections Served		
	BOD ₅		
	TSS		

BENCHMARK MONITORING:

Parameter	Min.	Avg.	Max.	Parameter	Min.	Avg.	Max.
TSS (mg/L)			100	Iron, Total Recoverable (mg/L)			1.0
Lead, Total Recoverable (ug/L)			120	Aluminum, Total Recoverable (ug/L)			750
	Receiving Stream			Muddy Creek			
	Basin			Rappahannock River			
	Discharge Point (LONG)			77° 20’ 6.62” W			
	Discharge Point (LAT)			38° 16’ 41.85” N			

Virginia Department of Environmental Quality

Stormwater General Facility Inspection Report

FACILITY NAME: Virginia Used Truck Parts		INSPECTION DATE: <u>April 5, 2019</u>	
		INSPECTOR: <u>Rebecca Johnson</u>	
PERMIT No.: <u>VAR051005</u>		REPORT DATE: <u>April 10, 2019</u>	
TYPE OF INSPECTION: ☒ Routine ☐ Re-inspection ☐ Compliance/assistance/complaint		TIME OF INSPECTION:	Arrival 1045 Departure 1330
PERMIT TERM: ☒ 07/01/14 – 06/30/19 ☐ Other:		TOTAL TIME SPENT (including prep & travel)	<u>10 Hours</u>
PHOTOGRAPHS: ☒ Yes ☐ No		UNANNOUNCED INSPECTION? ☒ Yes ☐ No	
DATE OF PREVIOUS INSPECTION: November 17, 2016			AGENCY: DEQ - NRO
REVIEWED BY / DATE:  4/9/19			

Permit Condition	Part I of Stormwater General Permit: Effluent Limitations, Monitoring and Special Conditions.	Requirements Met?	
		Yes	No
A.1.a.	Quarterly Visual Monitoring. Results available? Last one conducted May 25, 2017, 2nd Quarter 2017.	☒	☐
b.	If Benchmark Monitoring is required, is it performed correctly and documented? The July – December 2018 Benchmark Monitoring was conducted and the DMR was submitted to DEQ. No problems were observed. The January – June 2018, July – December 2017, and July – December 2016 Benchmark Monitoring DMRs were not submitted to DEQ and there were no COC's or COA's available for review during the site inspection.	☒	☐
c.	If Effluent Limitations and/or Impaired water monitoring is required, is it performed correctly and documented?	N/A	
A.2.b	Sampling – At least 72 hrs from preceding event; First 30 min. – 3 hrs with explanation?	☒	☐
c.	Is Storm event data documented for each monitoring event?	☒	☐
A.5.a.	DMR submitted as required to the department?	☒	☐
b.	DMR submitted to MS4 operator? Results and records available from all monitoring available? Not available onsite during the site inspection. DEQ staff requested Ms. Felicia Jones contact James Environmental to submit that information DEQ staff. The COC's and COA's were submitted to DEQ-NRO via e-mail on April 5, 2019 by James Environmental. No further action is required.	☒	☐
A.6.a.	If Benchmark Monitoring exceeds the benchmark values was the SWP3 reviewed and modified as necessary? SWP3 revisions within 30 days? Control measures modified/added within 60 days?	☒	☐
b.	All corrective actions are documented and signed as required by Part II.K?	☒	☐
c.	For exceedance of effluent limitations or TMDL waste load allocation: Corrective actions implemented? Exceedance report submitted within 30 days of implementing the corrective action?	N/A	
B.7.a.	If subject to a TMDL waste load allocation, does the facilities SWPPP specifically address the TMDL?		
b.	(1) If the facility is in the Chesapeake Bay watershed, has TSS, TN, TP monitoring been performed?	☒	☐

	(3)(c) If loading values have been exceeded, has a CB TMDL action plan been developed, submitted, approved and implemented? (Due 9/28/16 if applicable)	N/A	
	(3)(d) If a CB TMDL action plan is required, has the annual report been submitted to the department by 6/30 of each year?		
B.8.	For new or expanding sites, has No Net Increase of nutrients and sediments been considered?		
B.11.	Have changes to the site added/deleted Outfalls? SWPPP and Map updated? (Notification required with site map submitted within 30 days.)	N/A	
B.13.	If the discharge is through a MS4, has notification to the MS4 been provided in writing within 30 days of coverage with a copy provided to the department?		
Permit Condition	Part III of Stormwater General Permit: Stormwater Pollution Prevention Plan	Requirements Met?	
		Yes	No
A, F.1, G.	Stormwater Pollution Prevention Plan available updated and signed? DATE: <u>September 5, 2014.</u> (Deadline for Plan) PIII.A, (Signature and location) PIII.F.1 (Updated) PIII.G.	See Request for Corrective Action	
B.	Contents of SWP3		
B.1.	Pollution prevention team? Ms. Felicia Jones was not included as a team member.	See Request for Corrective Action	
B.2.	Site description.	☒	☐
B.2.c.	Site map	☒	☐
	(3) Drainage arrows and flows labeled?	☒	☐
	(4) BMPs labeled?	☒	☐
	(6) Pollutant sources identified?	☒	☐
	(8) Activities exposed to precipitation labeled? (fueling stations, maintenance and cleaning, waste storage, etc.) The site map was not up to date. The crusher was recently moved from the back of the property to the front of the property next to the fluid management building. The diesel fuel tank was moved from behind the fluid management building to the dismantling building.	☒	☐
	(9) Stormwater outfalls labeled?	☒	☐
	(13) Stormwater monitoring points labeled?	☒	☐
B.3	Potential Pollutant sources identified for each separate area? Including spills and leaks? The potential pollutant areas mentioned the parts wash area. DEQ staff asked Ms. Jones why this was not labeled on the site map. Ms. Jones informed DEQ staff that the facility does not wash parts onsite.	☒	☐
B.4.b	(1) Housekeeping?	☐	☐
	(3) BMP Preventive Maintenance?	☐	☐
	(6) Employee Training (Scheduled?)	☐	☒
B.5.	Routine Inspections performed? (Quarterly – 1/3M) Last one conducted on February 11, 2017	☐	☒
	Once per calendar year, the routine facility inspection performed during a discharge event? Not denoted on form.	☐	☒
a.-h.	Routine Inspections documented as specified in the Permit?	☐	☒
C.	Regularly scheduled maintenance procedures described in SWPPP including backup measures?	☐	☒

D	Are Outfalls evaluated, at least annually , for the presences of unauthorized discharges? Last conducted October 20, 2016	☐	☒
E.1.	Comprehensive evaluation report – scope summary of the evaluation appropriate? Last conducted August 22, 2016 by James Environmental. No problems were observed regarding that evaluation and report.	See Request for Corrective Action	
E.3.	Comprehensive evaluation report – Observations included (pollutants discharged, new pollutants sources, BMPs in need of repair, or new BMPs needed?		
	Comprehensive evaluation report –Incidents of non-compliance identified? Certification of compliance? Signed in accordance with Part II.K?		

Permit Condition	Part IV of Stormwater General Permit: Sector Specific Permit Requirements for Sector M: Auto Salvage SIC Code(s): 5015	Requirements Met?	
		Yes	No
B.1	Site description		
a.	Site Map: Location of each monitoring point, estimation (acres) of total area of industrial activity to include dismantling, storage, maintenance. Areas exposed to rain/runoff: vehicle storage; dismantling, parts storage, liquid storage, drums (fuel and other fluids).	☒	☐
b.	Potential Pollutant sources: include vehicle storage areas; dismantling areas; parts storage (engine blocks, tires, hub caps, batteries); fueling stations	☒	☐
B.2	Stormwater Controls:		
a.	Spill and Leak prevention procedures. All vehicles for crushing or dismantling shall be drained of fluids.	☒	☐
b.	Inspections: Vehicles inspected on arrival or as soon as feasible for leaks. Equipment with oily parts, fluids, mercury switches inspected quarterly (1/3M). Outdoor Storage of fluids and containers are inspected quarterly (1/3M).	☐	☒
c.	Training addresses: collection, storage, and disposal of oil, mineral spirits, anti-freeze mercury switches and solvents.	☐	☒
d.	Mgmt of runoff: consider use of berms, ditches to prevent run on from neighboring properties. Berms must be considered for storage of oily parts, engine blocks, ASTs. Consider the installation of detention ponds and/or use of filtering devices (oil and water separators).	☒	☐
C.	Benchmark Monitoring: TSS, Total metals: Al, Fe, Pb	☒	☐

SUMMARY:

DEQ staff arrived onsite at 1045 and met with Ms. Felicia Jones, Site Supervisor. DEQ staff explained the purpose of this site visit was to follow up from the previous Technical inspection conducted on November 17, 2016.

Compliance History:

- The technical inspection conducted on November 17, 2016 was deemed deficient;
- The facility either did not submit the Benchmark Monitoring DMR's, reported no data on the DMR's or submitted the DMR late for the following monitoring periods; January – June 2016, July – December 2016, and July – December 2017;
- The facility was referred to enforcement on March 27, 2018; and
- The facility did not submit the Benchmark Monitoring DMR for the January – June 2018 monitoring period.

Review of Stormwater Pollution Prevention Plan (SWPPP):

The SWPPP was readily available for review, however it appears the SWPPP has not been updated since February 11, 2017. See checksheets above for more details.

Facility Tour:

Ms. Jones gave DEQ staff a tour of the facility and the following observations were made:

Fluid Management Area – This area is located on the eastern part of the property near the entrance of the facility. Used oil, anti-freeze, gasoline, diesel, etc. is removed from the vehicles upon receipt and stored in 55-gallon drums in this area.

Batteries were observed on the ground in this area. An oil sheen was observed in puddles in this area. **Photos 1 – 6**

See Request for Corrective Action

Crusher – Vehicles to be crushed are sent to this area. The crusher is located on a concrete pad.

Petroleum product and hydraulic fluid was observed on the concrete pad. **Photos 7 – 10**

See Request for Corrective Action

Tire Piles – There were two tire piles on the property. One tire pile is located between the crusher and holding vehicles.

The other tire pile is located on the western part of the property. **Photos 11 – 16**

DEQ staff recommended removing the tire piles as soon as possible. The volume of tires in the piles falls under the Hazardous Waste Regulation. DEQ staff referred this facility to the Hazardous Waste Program.

See Request for Corrective Action

Vehicle Holding Area – Vehicles to be dismantled are located in this area, which is located in the eastern and central part of the property.

DEQ staff observed a few batteries still in the vehicles. Ms. Jones informed DEQ staff that due to how the vehicle was received, in a vehicle collision, the battery was unable to be removed.

Photos 17 & 18

Dismantling Area – Vehicles to be dismantled are stored in this area. There was a diesel fuel tank located in this area. No problems were observed. **Photo 19**

The site map did not denote this diesel fuel tank. DEQ staff recommended updating the site map.

Outfall 001 – Stormwater from the entire facility drains to this outfall. There was a large puddle prior to where Ms. Jones believed the outfall was located. There were hay bales just after the puddle and in front of the fence line. The large puddle was muddy. **Photo 20**

See Request for Corrective Action

DEQ staff departed at 1300

REQUEST for CORRECTIVE ACTION:

1. As stated in Permit Number VAR051005, Part I. A. 1.a. “Quarterly visual monitoring. The requirements and procedures for quarterly visual monitoring are applicable to all facilities covered under this permit, regardless of the facility's sector of industrial activity.
 - (1) The permittee shall perform and document a quarterly visual examination of a stormwater discharge associated with industrial activity from each outfall, except discharges exempted in Part I.A.3 or Part I.A.4. The examination(s) shall be made at least once in each of the following three-month periods: January through March, April through June, July through September, and October through December. The visual examination shall be made during normal working hours, where practicable, and when considerations for safety and feasibility allow. If no storm event resulted in runoff from the facility during a monitoring quarter, the permittee is excused from visual monitoring for that quarter provided that documentation is included with the monitoring records indicating that no runoff occurred. The documentation shall be signed and certified in accordance with Part II.K of this permit.
 - (2) Samples shall be collected in accordance with Part I.A.2. The examination shall document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution. The examination shall be conducted in a well-lit area. No analytical tests are required to be performed on the samples.
 - (3) The visual examination reports shall be maintained on-site with the Stormwater Pollution Prevention Plan (SWPPP). The report shall include the outfall location, the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the stormwater discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution), and probable sources of any observed stormwater contamination.”

The most recent quarterly visual monitoring documentation available for review was from the second quarter of 2017.

Provide an explanation to DEQ-NRO as to how the facility plans to address this issue within thirty days of the date of the inspection report.

2. As stated in Permit Number VAR051005, Part III.B.4.b.(1) “Good housekeeping. The permittee shall keep clean all exposed areas of the facility that are potential sources of pollutants to stormwater discharges. Typical problem areas include areas around trash containers, storage areas, loading docks, and vehicle fueling and maintenance areas. The plan shall include a schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks and containers.”

During the site inspection the following observations were made:

- The Crusher was leaking;
- There were petroleum and hydraulic fluid puddles on the concrete pad at the Crusher;
- There were two large tire piles;
- There were batteries exposed to SW at the fluid management area; and
- There was staining on the ground throughout the facility.

Provide an explanation to DEQ-NRO as to how the facility plans to address these issues within thirty days of the date of the inspection report.

3. As stated in Permit Number VAR051005, Part III.B.4.b.(6) "Employee training. The SWPPP shall include a summary of any training performed." And...

As stated in Permit Number VAR051005, Part IV. c. "Employee training. Employee training shall, at a minimum, address the following areas when applicable to a facility: proper handling (collection, storage, and disposal) of oil, used mineral spirits, anti-freeze, mercury switches, and solvents."

The most recent employee training documentation available for review was from 2016. A summary of the training performed was not included in the SWPPP.

Provide an explanation to DEQ-NRO as to how the facility plans to address these issues within thirty days of the date of the inspection report.

4. As stated in Permit Number VAR051005, Part III.B.5. "Routine facility inspections. Facility personnel who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility and who can also evaluate the effectiveness of control measures shall regularly inspect all areas of the facility where industrial materials or activities are exposed to stormwater. These inspections are in addition to, or as part of, the comprehensive site evaluation required under Part III E. At least one member of the pollution prevention team shall participate in the routine facility inspections. The inspection frequency shall be specified in the plan based upon a consideration of the level of industrial activity at the facility, but shall be at a minimum quarterly unless more frequent intervals are specified elsewhere in the permit or written approval is received from the department for less frequent intervals. Inspections shall be performed during periods when the facility is in operation. At least once each calendar year, the routine facility inspection shall be conducted during a period when a stormwater discharge is occurring."

The most recent routine facility site inspection forms available for review was from February 11, 2017. The inspection forms did not denote whether or not the inspection was conducted during a stormwater discharge event.

Provide an explanation to DEQ-NRO as to how the facility plans to address these issues within thirty days of the date of the inspection report.

5. As stated in Permit Number VAR051005, Part III.E. "Comprehensive site compliance evaluation. The permittee shall conduct comprehensive site compliance evaluations at least once each calendar year after coverage under the permit begins. The evaluations shall be done by qualified personnel who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and who can also evaluate the effectiveness of control measures. The personnel conducting the evaluations may be either facility employees or outside personnel hired by the facility."

The most recent annual comprehensive compliance evaluation and report available for review was from August 22, 2016.

Provide an explanation to DEQ-NRO as to how the facility plans to address these issues within thirty days of the date of the inspection report.

6. As stated in Permit Number VAR051005, Part III.F.1. "Signature and location. The SWPPP, including revisions to the SWPPP to document any corrective actions taken as required by Part I.A.6, shall be signed in accordance with Part II.K, dated, and retained on-site at the facility covered by this permit in accordance with Part II.B.2."

The SWPPP was most recently signed by the previous owner, Mr. Andrew Tippet in May 2014.

DEQ staff recommends the current owner sign the SWPPP.

Provide an explanation to DEQ-NRO as to how the facility plans to address these issues within thirty days of the date of the inspection report.

7. As stated in Permit Number VAR051005, Part D.2. "Annual outfall evaluation for unauthorized discharges.
- a. The SWPPP shall include documentation that all stormwater outfalls associated with industrial activity have been evaluated annually for the presence of unauthorized discharges (i.e., discharges other than stormwater; the authorized non-stormwater discharges described in Part I.B, special condition 1; or discharges covered under a separate VPDES permit, other than this permit). The documentation shall include:
- (1) The date of the evaluation;
 - (2) A description of the evaluation criteria used;
 - (3) A list of the outfalls or on-site drainage points that were directly observed during the evaluation;
 - (4) A description of the results of the evaluation for the presence of unauthorized discharges; and
 - (5) The actions taken to eliminate unauthorized discharges if any were identified (i.e., a floor drain was sealed, a sink drain was rerouted to sanitary, or a VPDES permit application was submitted for a cooling water discharge)."

The most recent annual outfall evaluation for unauthorized discharges was conducted on October 20, 2016.

Provide an explanation to DEQ-NRO as to how the facility plans to address these issues within thirty days of the date of the inspection report.

8. As stated in Permit Number VAR051005, Part IV, B.2.b. "Stormwater Controls. Inspections. Upon arrival at the site, or as soon thereafter as feasible, 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 (four times per year) for signs of leaks. All vessels 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."

The documentation for inspecting equipment for leaks was not available for review.

Provide an explanation to DEQ-NRO as to how the facility plans to address these issues within thirty days of the date of the inspection report.

9. As stated in Permit Number VAR051005, Part III.B.2.c. "Site map. A site map identifying the following:
- (1) The boundaries of the property and the size of the property (in acres);
 - (2) The location and extent of significant structures and impervious surfaces (roofs, paved areas and other impervious areas);
 - (3) Locations of all stormwater conveyances including ditches, pipes, swales, and inlets, and the directions of stormwater flow (use arrows to show which ways stormwater will flow);
 - (4) Locations of all existing structural and source control measures, including BMPs;
 - (5) Locations of all surface water bodies, including wetlands;
 - (6) Locations of potential pollutant sources identified under Part III.B.3;
 - (7) Locations where significant spills or leaks identified under Part III.B.3.c have occurred;
 - (8) Locations of the following activities where such activities are exposed to precipitation: fueling stations; vehicle and equipment maintenance and cleaning areas; loading and unloading areas; locations used for the treatment, storage or disposal of wastes; liquid storage tanks; processing and storage areas; access roads, rail cars and tracks; transfer areas for substances in bulk; and machinery;
 - (9) Locations of stormwater outfalls and an approximate outline of the area draining to each outfall, and location of municipal storm sewer systems, if the stormwater from the facility discharges to them. Outfalls shall be numbered using a unique numerical identification code for each outfall (e.g., Outfall No. 001, No. 002, etc.);
 - (10) Location and description of all non-stormwater discharges;
 - (11) Location of any storage piles containing salt used for deicing or other commercial or industrial purposes;
 - (12) Locations and sources of runoff to the site from adjacent property, where the runoff contains significant quantities of pollutants; and
 - (13) Locations of all stormwater monitoring points."

The site map was not up to date. The crusher was recently moved from the back of the property to the front of the property next to the fluid management building. The diesel fuel tank was moved from behind the fluid management building to the dismantling building.

DEQ staff recommends updating the site map.

Provide an explanation to DEQ-NRO as to how the facility plans to address these issues within thirty days of the date of the inspection report.

NOTES and COMMENTS:

None.



1) Fluid Management Area

2) Oil Sheen on the puddle



3) Battery behind office near the fluid management area

4) Battery in the fluid management area



5) Battery in the fluid management area



6) Battery in the fluid management area



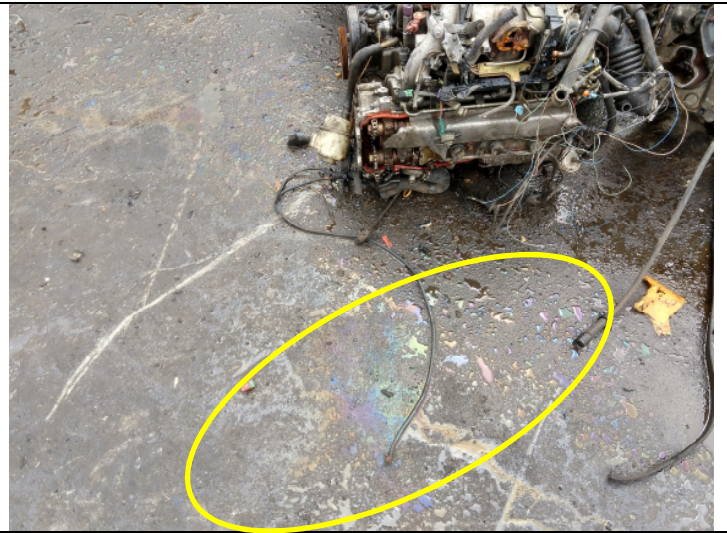
7) Oil Sheen at the Crusher



8) Oil Sheen at the Crusher



9) Oil Sheen at the Crusher



10) Oil Sheen at the Crusher



11) Tire Pile near the Crusher



12) Tire Pile near the Crusher



13) Tire Pile near the Crusher



14) Tire Pile near the back of the property



15) Tire Pile near the back of the property



16) Tire Pile near the back of the property



17) Vehicle Holding Area



18) Battery in vehicle in vehicle holding area



19) Diesel Fuel Tank



20) Outfall 001 – Black arrow denotes sample location point

Exhibit 5 – Facility eDMR Data

Facility name: Virginia Truck Parts, Inc.
Permit Number: VAR051005
Outfall: 001

Monitoring Period	Due Date	Received Date	Parameter ID	Parameter Description	Conc. Max.	Conc. Lim Max	Conc. Unit Lim	Excursions	DEQ Comments	EDMR Attachments	Freq Of Analysis	eDMR Participant
January - June 2019	7/10/2019	7/12/2019	004	TSS	<5.0	100	MG/L	0		N	1/6M	Yes
January - June 2019	7/10/2019	7/12/2019	233	LEAD, TOTAL RECOVERABLE	2.3	120	UG/L	0		N	1/6M	Yes
January - June 2019	7/10/2019	7/12/2019	361	IRON, TOTAL RECOVERABLE	0.43	1.0	MG/L	0		N	1/6M	Yes
January - June 2019	7/10/2019	7/12/2019	410	ALUMINUM, TOTAL RECOVERABLE	0.39	750	UG/L	0		N	1/6M	Yes
July - December 2018	1/10/2019	1/9/2019	004	TSS	<5	100	MG/L	0		N	1/6M	Yes
July - December 2018	1/10/2019	1/9/2019	233	LEAD, TOTAL RECOVERABLE	3.1	120	UG/L	0		N	1/6M	Yes
July - December 2018	1/10/2019	1/9/2019	361	IRON, TOTAL RECOVERABLE	0.73	1.0	MG/L	0		N	1/6M	Yes
July - December 2018	1/10/2019	1/9/2019	410	ALUMINUM, TOTAL RECOVERABLE	180	750	UG/L	0		N	1/6M	Yes
January - June 2018	7/10/2018		004	TSS		100	MG/L					Yes
January - June 2018	7/10/2018		233	LEAD, TOTAL RECOVERABLE		120	UG/L					Yes
January - June 2018	7/10/2018		361	IRON, TOTAL RECOVERABLE		1.0	MG/L					Yes
January - June 2018	7/10/2018		410	ALUMINUM, TOTAL RECOVERABLE		750	UG/L					Yes
July - December 2017	1/10/2018	2/23/2018	004	TSS	*****	100	MG/L					Yes
July - December 2017	1/10/2018	2/23/2018	233	LEAD, TOTAL RECOVERABLE	*****	120	UG/L					Yes
July - December 2017	1/10/2018	2/23/2018	361	IRON, TOTAL RECOVERABLE	*****	1.0	MG/L					Yes
July - December 2017	1/10/2018	2/23/2018	410	ALUMINUM, TOTAL RECOVERABLE	*****	750	UG/L					Yes
January - June 2017	7/10/2017	7/10/2017	004	TSS	170.0	100	MG/L	1				Yes
January - June 2017	7/10/2017	7/10/2017	233	LEAD, TOTAL RECOVERABLE	13.0	120	UG/L	0				Yes
January - June 2017	7/10/2017	7/10/2017	361	IRON, TOTAL RECOVERABLE	5.7	1.0	MG/L	1				Yes
January - June 2017	7/10/2017	7/10/2017	410	ALUMINUM, TOTAL RECOVERABLE	4400	750	UG/L	1				Yes
July - December 2016	1/10/2017		004	TSS		100	MG/L					Yes
July - December 2016	1/10/2017		233	LEAD, TOTAL RECOVERABLE		120	UG/L					Yes
July - December 2016	1/10/2017		361	IRON, TOTAL RECOVERABLE		1.0	MG/L					Yes
July - December 2016	1/10/2017		410	ALUMINUM, TOTAL RECOVERABLE		750	UG/L					Yes
	10/17/2016	10/17/2016	004	TSS	12	100	MG/L	0		N		Yes
	10/17/2016	10/17/2016	233	LEAD, TOTAL RECOVERABLE	4.7	120	UG/L	0		N		Yes
	10/17/2016	10/17/2016	361	IRON, TOTAL RECOVERABLE	0.61	1.0	MG/L	0		N		Yes
	10/17/2016	10/17/2016	410	ALUMINUM, TOTAL RECOVERABLE	480	750	UG/L	0		N		Yes
January - June 2016	7/10/2016	7/18/2016	004	TSS	X	100	MG/L					Yes
January - June 2016	7/10/2016	7/18/2016	233	LEAD, TOTAL RECOVERABLE	X	120	UG/L					Yes
January - June 2016	7/10/2016	7/18/2016	361	IRON, TOTAL RECOVERABLE	X	1.0	MG/L					Yes
January - June 2016	7/10/2016	7/18/2016	410	ALUMINUM, TOTAL RECOVERABLE	X	750	UG/L					Yes
January - June 2016	7/10/2016	7/18/2016	929	ChesBay TMDL TSS	X	NL	MG/L		only require			Yes
January - June 2016	7/10/2016	7/18/2016	930	ChesBay TMDL Nitrogen, Total (as N)	X	NL	MG/L		only require			Yes
January - June 2016	7/10/2016	7/18/2016	931	ChesBay TMDL Phosphorus, Total (as P)	X	NL	MG/L		only require			Yes
July - December 2015	1/10/2016	1/7/2016	004	TSS	<5.0	100	MG/L	0				Yes
July - December 2015	1/10/2016	1/7/2016	233	LEAD, TOTAL RECOVERABLE	<2.0	120	UG/L	0				Yes
July - December 2015	1/10/2016	1/7/2016	361	IRON, TOTAL RECOVERABLE	<0.10	1.0	MG/L	0				Yes
July - December 2015	1/10/2016	1/7/2016	410	ALUMINUM, TOTAL RECOVERABLE	<100	750	UG/L	0				Yes
July - December 2015	1/10/2016	1/7/2016	929	ChesBay TMDL TSS	<5.0	NL	MG/L	0	only require			Yes
July - December 2015	1/10/2016	1/7/2016	930	ChesBay TMDL Nitrogen, Total (as N)	<0.50	NL	MG/L	0	only require			Yes
July - December 2015	1/10/2016	1/7/2016	931	ChesBay TMDL Phosphorus, Total (as P)	<0.032	NL	MG/L	0	only require			Yes

TYPE: SWI GP
Benchmark Monitoring

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES)
DISCHARGE MONITORING REPORT (DMR)

NOTE: READ PERMIT AND GENERAL INSTRUCTIONS BEFORE COMPLETING THIS FORM

DEPT. OF ENVIRONMENTAL QUALITY
(REGIONAL OFFICE)

Northern Regional Office
13901 Crown Court

Woodbridge, VA 22193

FACILITY NAME: Virginia Truck Parts Incorporated
ADDRESS: PO Box 850
King George, VA 22485
FACILITY LOCATION: 10022 Huntington Lane
King George, VA 22485

VAR051005	001
PERMIT NUMBER	OUTFALL NUMBER
MONITORING PERIOD	
YEAR MO DAY	YEAR MO DAY
2020 07 01	2020 12 31

- ☐ No Discharge
- ☐ Adverse Weather Conditions
- ☐ Representative Outfall
- ☐ Substantially Identical Outfall

Parameter		QUALITY OR CONCENTRATION				NO. EX.	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		MINIMUM	AVERAGE	MAXIMUM	UNITS			
TSS	REPORTD	*****	*****	X	MG/L	0	1/6M	GRAB
PARAM CODE: 004	REQRMNT	*****	*****	100			1/6M	GRAB
LEAD, TOTAL RECOVERABLE	REPORTD	*****	*****	X	UG/L	0	1/6M	GRAB
PARAM CODE: 233	REQRMNT	*****	*****	120			1/6M	GRAB
IRON, TOTAL RECOVERABLE	REPORTD	*****	*****	X	MG/L	0	1/6M	GRAB
PARAM CODE: 361	REQRMNT	*****	*****	1.0			1/6M	GRAB
ALUMINUM, TOTAL RECOVERABLE	REPORTD	*****	*****	X	UG/L	0	1/6M	GRAB
PARAM CODE: 410	REQRMNT	*****	*****	750			1/6M	GRAB

STORM EVENT INFORMATION			
DATE	YR	MO	DAY
	2020	12	25
DURATION	HRS	MINS	
	3	30	
PRECEDING EVENT	RAINFALL TOTAL (IN.)		1.5
	DAYS	HRS	
	1	2	

VA DEQ COMMENTS:
GENERAL PERMIT REQUIREMENTS OR COMMENTS: We was short handed due covid 19 And still are Not enough people Closed for couples week People getting sick
OUTFALL-SPECIFIC COMMENTS: We was affected really hard by covid19 Some of the crew has not show up We was short handed And we end closing for sometime
PARAMETER-SPECIFIC COMMENTS: [TSS: SampleType] 0 [TSS: SampleFrequency] 0 [TSS: NumExcursions] 0 [TSS: ConcMax] X [LEAD, TOTAL RECOVERABLE/ SampleType] 0 [LEAD, TOTAL RECOVERABLE/ SampleFrequency] 0 [LEAD, TOTAL RECOVERABLE/ NumExcursions] 0 [LEAD, TOTAL RECOVERABLE/ ConcMax] X [IRON, TOTAL RECOVERABLE/ SampleType] 0 [IRON, TOTAL RECOVERABLE/ SampleFrequency] 0 [IRON, TOTAL RECOVERABLE/ NumExcursions] 0 [IRON, TOTAL RECOVERABLE/ ConcMax] X [ALUMINUM, TOTAL RECOVERABLE/ SampleType] 0 [ALUMINUM, TOTAL RECOVERABLE/ SampleFrequency] 0 [ALUMINUM, TOTAL RECOVERABLE/ NumExcursions] 0 [ALUMINUM, TOTAL RECOVERABLE/ ConcMax] X

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.	PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		
			2021-01-05 15:52:48
	TYPED OR PRINTED NAME	SIGNATURE	Date

TYPE: SWI GP
TMDL Monitoring

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES)
DISCHARGE MONITORING REPORT (DMR)

NOTE: READ PERMIT AND GENERAL INSTRUCTIONS BEFORE COMPLETING THIS FORM

DEPT. OF ENVIRONMENTAL QUALITY
(REGIONAL OFFICE)

Northern Regional Office
13901 Crown Court

Woodbridge, VA 22193

FACILITY NAME: Virginia Truck Parts Incorporated
ADDRESS: PO Box 850
King George, VA 22485
FACILITY LOCATION: 10022 Huntington Lane
King George, VA 22485

VAR051005	001
PERMIT NUMBER	OUTFALL NUMBER

MONITORING PERIOD

FROM YEAR MO DAY 2020 07 01 TO YEAR MO DAY 2020 12 31

☐ No Discharge
☐ Adverse Weather Conditions

Parameter		QUALITY OR CONCENTRATION				NO. EX.	FREQUENCY OF ANALYSIS	SAMPLE TYPE
		MINIMUM	AVERAGE	MAXIMUM	UNITS			
ChesBay TMDL TSS	REPORTD	*****	*****	X	MG/L	0	1/6M	GRAB
PARAM CODE: 929	REQRMNT	*****	*****	NL			1/6M	GRAB
ChesBay TMDL Nitrogen, Total (as N)	REPORTD	*****	*****	X	MG/L	0	1/6M	GRAB
PARAM CODE: 930	REQRMNT	*****	*****	NL			1/6M	GRAB
ChesBay TMDL Phosphorus, Total (as P)	REPORTD	*****	*****	X	MG/L	0	1/6M	GRAB
PARAM CODE: 931	REQRMNT	*****	*****	NL			1/6M	GRAB

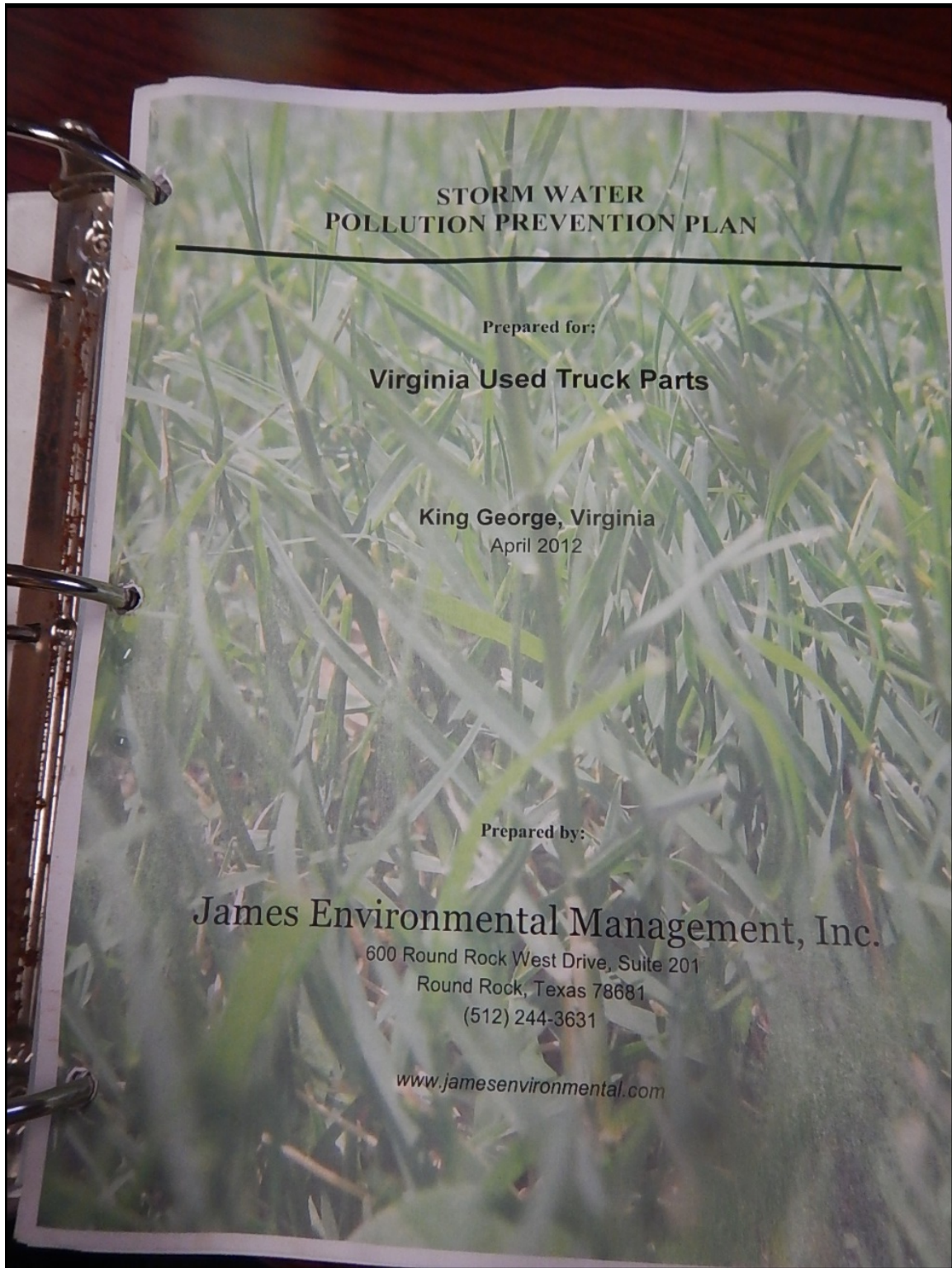
STORM EVENT INFORMATION			
DATE	YR	MO	DAY
	2020	12	23
DURATION	HRS	MINS	
	1	30	
RAINFALL TOTAL (IN.)	1.5		
PRECEDING EVENT	DAYS	HRS	
	1	0	

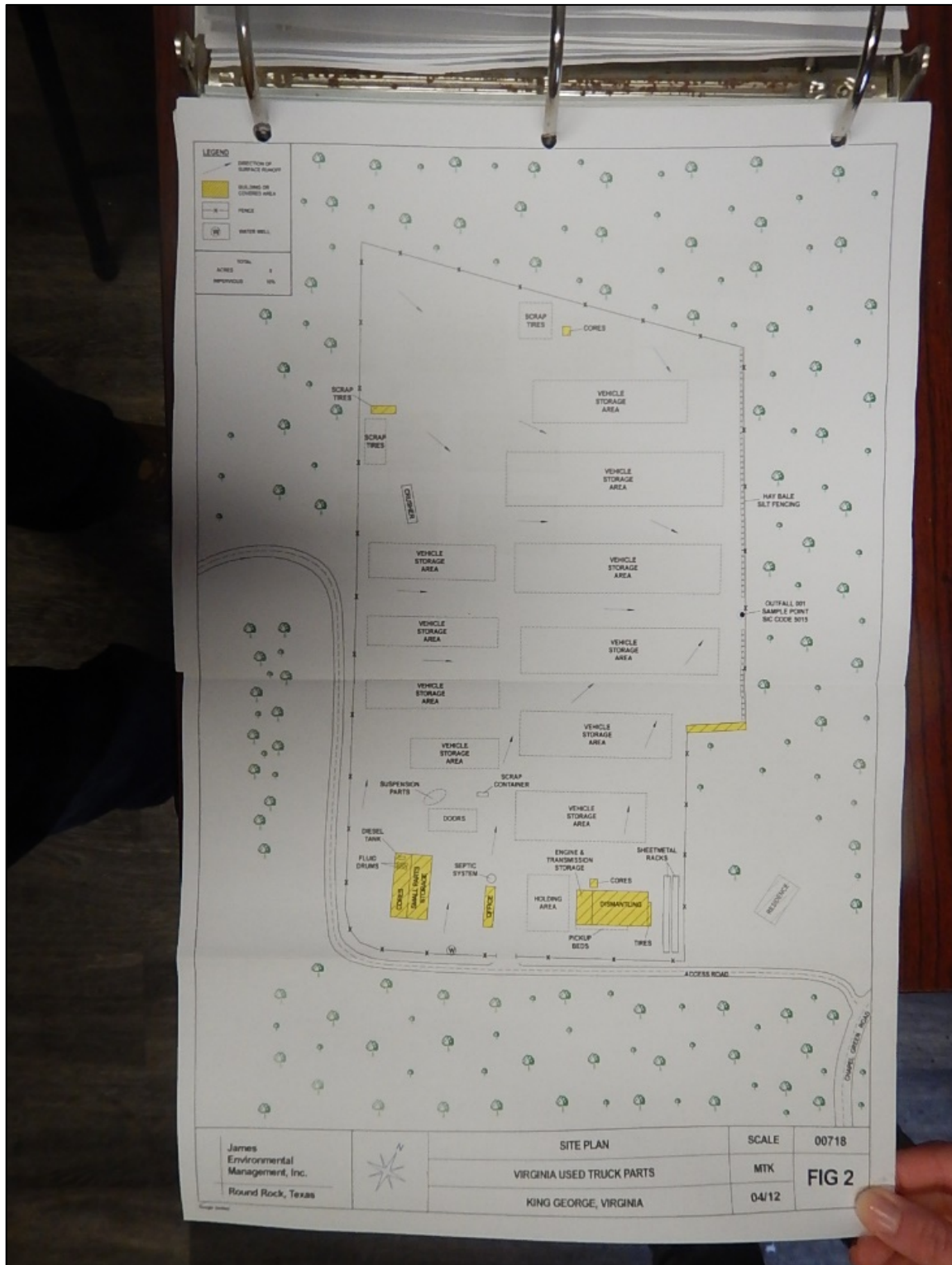
VA DEQ COMMENTS:
GENERAL PERMIT REQUIREMENTS OR COMMENTS: WE COUDNT GET A READING HAD PERSONEL ISSUES DUE COVIC 19
OUTFALL-SPECIFIC COMMENTS: WE HAD PROBLEMS PERSONEL PROBLEM DUE TO COVIC19
PARAMETER-SPECIFIC COMMENTS: [ChesBay TMDL TSS/ NumExcursions] 0 [ChesBay TMDL TSS/ ConcMax] X [ChesBay TMDL Nitrogen, Total (as N)/ NumExcursions] 0 [ChesBay TMDL Nitrogen, Total (as N)/ ConcMax] X [ChesBay TMDL Phosphorus, Total (as P)/ NumExcursions] 0 [ChesBay TMDL Phosphorus, Total (as P)/ ConcMax] X

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.

PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT		
		2021-01-20 13:22:06
TYPED OR PRINTED NAME	SIGNATURE	Date

Exhibit 6 – Excerpts from the Facility SWPPP





POLLUTION PREVENTION TEAM

Each employee of Virginia Used Truck Parts is tasked with continuously observing, reporting, and initiating corrective actions when conditions warrant. The Pollution Prevention Team will inspect areas of the facility on a regular basis. In addition to the actions of the employees, the Pollution Prevention Team has specific assignments for the implementation of the SWPPP as outlined in the following table:

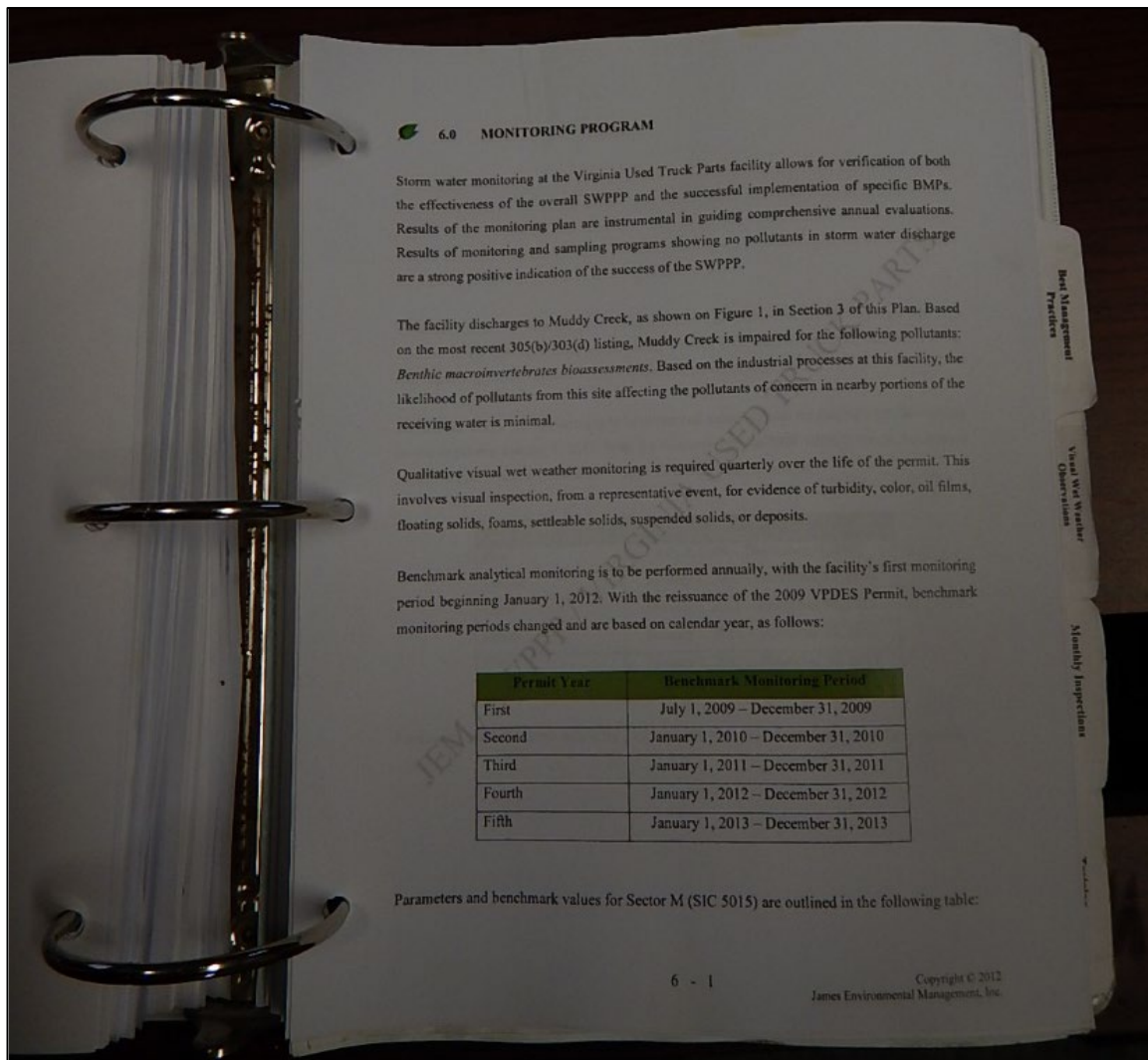
Team Member	Primary Responsibilities	Phone Number	Emergency Number
Andrew Tippet	Chairperson of Team Signatory Authority	800-390-2025	301-472-4527
Jamie Tippet	BMP Implementation	800-390-2025	240-435-5363
& Harold Sexton	Quarterly Inspections Routine Visual Inspections Collection of Samples Record Keeping Visual Wet Weather Observations Spill Response Housekeeping Spill Kit Inventory Structural Control Inspections		540-775-5004
James Environmental Management, Inc.	Employee Training Annual Comprehensive Site Compliance Review Sampling Interpretation and Reporting	512-244-3631	512-244-3631

Revised June 2013

Copyright © 2013
James Environmental Management, Inc.

GOOD HOUSEKEEPING PROCEDURES

- 1) Regular clean-up schedule
 - a) Clean up garbage and waste material left from dismantling regularly
 - b) Ensure all equipment used for dismantling, evacuating refrigerants, and draining fluids is in proper working order
 - c) Keep floors clean by using absorbent materials when needed and sweeping them up promptly. Keep floors swept daily.
 - d) Inspect regularly for leaks or spills and respond immediately if identified
 - e) Ensure labeled spill kits are placed where any spill is likely to occur and that they are kept stocked
 - f) Post spill response procedures (in another language, if needed) so employees can see them
- 2) Organized work areas
 - a) Provide specific areas for steps in the dismantling process appropriate to your facility
 - b) Ensure each employee has his/her own work area and if tools are shared, they are placed conveniently
 - c) Ensure each work area is cleaned up at the end of each workday
- 3) Organized material storage practices
 - a) Store materials away from traffic areas to help prevent spills
 - b) Store batteries in plastic battery bins with lids and plywood added in the bottom of the bin to help the bin last longer
 - c) Do not stack batteries more than 4 high and it is recommended that cardboard be placed between layers
 - d) Provide easy access to materials storage areas to make inspection and transfer more efficient.
 - e) Storing drums on pallets helps keep moisture from accumulating under the drums which can cause rust and potential leaks
 - f) Label all containers
 - g) Ensure removal and handling of fluids is limited to properly trained personnel
- 4) Regular equipment maintenance
 - a) Implement a regular maintenance schedule for each piece of equipment
 - b) Store equipment over an impervious surface and under cover
 - c) Inspect equipment daily for leaks
 - d) If a leak is detected, clean it up immediately, place a drip pan under the leak, and repair the equipment as soon as possible
- 5) Training for all employees
 - a) Good housekeeping practices must be included in training for all employees
 - b) Reinforce good housekeeping practices at all employee meetings. Discuss the impact housekeeping has on profits and on pollution prevention.
 - c) Management must reinforce good housekeeping practices as they move around the workplace



[illegible]

[illegible]

TABLE 4.1
EXISTING AND PROPOSED
BEST MANAGEMENT PRACTICES

April 2012

Best Management Practice	Year 1 (07/09- 06/10)	Year 2 (07/10- 06/11)	Year 3 (07/11- 06/12)	Year 4 (07/12- 06/13)	Year 5 (07/13- 06/14)
Holding Area					
Vehicles in the Holding Area are stored inside a fence, over native soil, with hoods down.			Complete		
Housekeeping is good in the Holding Area.			Complete		
Dismantling Area					
Dismantling is performed inside a building, over concrete, on above-ground lifts. (Photo 1)			Complete		
A drain table is available in the Dismantling Area for oily parts. (Photo 2)			Complete		
A dedicated spill kit is available in the Dismantling Area.			Complete		
Mercury switches are removed from vehicles and disposed of properly.			Complete		
The concrete pad outside the Dismantling Area is kept clean.			Complete		
Housekeeping is good in the Dismantling Area. (Photo 3)			Complete		
Fluid Management Area					
Oil and antifreeze are stored on spill pallets, outside, over concrete. (Photo 4)			Complete		
Gasoline is recycled in employee and shop vehicles.			Complete		

Copyright © 2012
James Environmental Management

TABLE 4.1
EXISTING AND PROPOSED
BEST MANAGEMENT PRACTICES

April 2012

Best Management Practice	Year 1 (07/09- 06/10)	Year 2 (07/10- 06/11)	Year 3 (07/11- 06/12)	Year 4 (07/12- 06/13)	Year 5 (07/13- 06/14)
Antifreeze is disposed of through an approved recycler.			Complete		
Brake fluid is mixed with used motor oil and disposed of by burning in the waste oil heater.			Complete		
Fluids are clearly labeled with contents. (Photo 5)			Complete		
All fluid storage units are stored under cover, with secondary containment.			Complete		
A dedicated spill kit is available in the Fluid Management Area.			Complete		
Housekeeping is good in the Fluid Management Area. (Photo 6)			Complete		
Inside Parts Storage Area					
Engines, transmissions, radiators, wheels and small mechanical parts are stored inside a building, over concrete, on racks and on the floor.			Complete		
Some parts were observed stored on the ground in the walk-ways in the Inside Parts Storage Area. Consider storing all parts on shelves to allow access and provide more shelving or reduce unneeded inventory as required.			4Q12		
Overall housekeeping is good in the Inside Parts Storage Area. (Photo 7)			Complete		

Copyright © 2012
James Environmental Management

TABLE 4.1
EXISTING AND PROPOSED
BEST MANAGEMENT PRACTICES

April 2012

Best Management Practice	Year 1 (07/09- 06/10)	Year 2 (07/10- 06/11)	Year 3 (07/11- 06/12)	Year 4 (07/12- 06/13)	Year 5 (07/13- 06/14)
Outside Parts Storage Area					
Rear-ends, clips, doors, hoods and some wheels are stored outside, over native soil, on racks and on the ground. (Photo 8)			Complete		
Some storage racks are covered to eliminate exposure to storm water.			Complete		
Some parts outside are stored on the ground. Consider installing additional racking or reducing inventory to accommodate parts storage.			4Q12		
Overall housekeeping is good in the Outside Parts Storage Area.			Complete		
Vehicle Storage Area					
Vehicles are stored in rows outside, over native soil, with batteries removed. (Photo 9)			Complete		
Quarterly leak inspections of vehicles in the Vehicle Storage Area are performed and documentation maintained onsite.			Complete		
Fluids are not drained from vehicles prior to storage in the Vehicle Storage Area. It is recommended the facility drain vehicles of all fluids prior to storage.			1Q13		
Vehicles in the Vehicle Storage Area are stored on the ground. Consider using wheel stands to provide easy access and inspection.			4Q12		

Copyright ©
James Environmental Management

TABLE 4.1
EXISTING AND PROPOSED
BEST MANAGEMENT PRACTICES

April 2012

Best Management Practice	Year 1 (07/09- 06/10)	Year 2 (07/10- 06/11)	Year 3 (07/11- 06/12)	Year 4 (07/12- 06/13)	Year 5 (07/13- 06/14)
Housekeeping is good in the Vehicle Storage Area. (Photo 10)			Complete		
Parts Washing Area					
Parts washing is performed using a solvent-based drum sink.			Complete		
A contractor maintains the drum sink and documentation of service and maintenance is kept onsite.			Complete		
Housekeeping is fair in the Parts Washing Area. Develop and implement more aggressive housekeeping procedures.			3Q12		
Core / Scrap Storage Area					
Large and small cores are stored inside a box van, over native soil. (Photo 11)			Complete		
Some large cores are stored outside, on pallets, under a shed.			Complete		
All cores are stored without secondary containment. It is recommended the facility provide secondary containment for all cores.			4Q12		
Scrap is stored in a large container outside, over native soil. (Photo 12)			Complete		

Copyright ©
James Environmental Management

TABLE 4.1
EXISTING AND PROPOSED
BEST MANAGEMENT PRACTICES

April 2012

Best Management Practice	Year 1 (07/09- 06/10)	Year 2 (07/10- 06/11)	Year 3 (07/11- 06/12)	Year 4 (07/12- 06/13)	Year 5 (07/13- 06/14)
Historical scrap tires are stored in a pile in the yard. The facility has been reducing the pile by properly disposing of historic tires. <i>It is recommended the facility continue with removal efforts.</i>			4Q12		
A dedicated spill kit is available in the Core / Scrap Storage Area.			Complete		
Housekeeping is good in the Core / Scrap Storage Area.			Complete		
Crusher Area					
Crushing is performed using an onsite crusher, over native soil. <i>Consider pouring a concrete pad with a curb to provide secondary containment. Consider scheduling a clean up after each crushing event.</i>			4Q12		
A dedicated spill kit is available in the Crusher Area.			Complete		
Stained soil was observed at the rear of the crusher. <i>Clean stains using appropriate methods, i.e., application of oil absorbents, excavation, removal and proper disposal, etc. A cleanup using microbes is encouraged where soil has been impacted.</i>			4Q12		
Housekeeping is good in the Crusher Area. (Photo 13)			Complete		
Miscellaneous					

Copyright © 2012
James Environmental Management

TABLE 4.1
EXISTING AND PROPOSED
BEST MANAGEMENT PRACTICES

April 2012

Best Management Practice	Year 1 (07/09- 06/10)	Year 2 (07/10- 06/11)	Year 3 (07/11- 06/12)	Year 4 (07/12- 06/13)	Year 5 (07/13- 06/14)
The permit and all records (i.e. completed inspection forms) should be maintained onsite and made available, upon request, to a representative of a regulatory agency. <i>It is recommended the facility submit the permit (NOI) application and maintain the copy onsite until the permit is issued. Maintain completed inspection forms in the tabbed sections of the plan binder.</i>			3Q12		
Quarterly Inspections are required under the conditions of the permit. Quarterly Inspection forms have been provided in the tabbed section of the SWPPP book. <i>Consider designating a qualified employee to perform the Quarterly Inspection on a consistent basis.</i>			2Q12 3Q12 4Q12 1Q13		
The permit requires quarterly Visual Monitoring. <i>Visual Wet Weather Observations should be performed and documented quarterly (preferably by the same person) to verify that no noticeable pollutants are present in the storm water discharge, and must be performed even if there is no rain.</i>			2Q12 3Q12 4Q12 1Q13		
The facility has structural controls in the form of silt fencing, hay bale fencing and a sanitary well. <i>Use the Structural Control and Maintenance Record form in the back of the SWPPP to document each inspection and/or maintenance performed.</i>			2Q12 3Q12 4Q12 1Q13		

Copyright © 2012
James Environmental Management

TABLE 4.1
EXISTING AND PROPOSED
BEST MANAGEMENT PRACTICES

April 2012

Best Management Practice	Year 1 (07/09- 06/10)	Year 2 (07/10- 06/11)	Year 3 (07/11- 06/12)	Year 4 (07/12- 06/13)	Year 5 (07/13- 06/14)
Metal and chain link fencing and locked gates are security measures in place at the facility to limit after-hours access.			Complete		
Records of tire and battery disposal are maintained onsite.			Complete		
Employee training on the purpose and implementation of the SWPPP is provided to each employee and is complete for the current year.			Complete for 2012		
A formal computerized inventory of materials is used at the facility to simplify parts locating, keep inventory current, and help minimize unwanted parts.			Complete		
With the issuance of the 2009 General Permit, sampling periods have changed to calendar year. Sampling periods <i>no longer</i> run from July to June. The first storm water sample must be taken by December 31, 2009. Beginning January 1, 2010, sampling must be performed annually between January and December. <i>Perform sampling as required.</i>			4Q12		

Copyright
James Environmental Management

TABLE 4.1
EXISTING AND PROPOSED
BEST MANAGEMENT PRACTICES

April 2012

Best Management Practice	Year 1 (07/09- 06/10)	Year 2 (07/10- 06/11)	Year 3 (07/11- 06/12)	Year 4 (07/12- 06/13)	Year 5 (07/13- 06/14)
The permit requires that vehicles stored with fluids in place be inspected for leaks on a quarterly basis. Establish a schedule to inspect stored vehicles regularly. If any leaks are discovered, clean stained soil and either drain the vehicle or provide drip pans to contain leaked fluids.			2Q12 3Q12 4Q12 1Q13		
Overall housekeeping throughout the facility is good. (Photo 14)			Complete		

Copyright
James Environmental Management

Exhibit 7 – Incident Reports – Customer Complaints to DEQ



Pollution Incident Summary Report

Incident Summary

IR#: 298502

Site Name: Used Oil Handling/Dumping - Virginia Truck Parts

Incident Date:

Date Received: 2/22/2021

Status: Under Investigation

Assigned To: Alan Lacy

Program: PREP

911 Address: 10022 Huntington Lane, King George, VA

HMVA #: N/A

NRC #: N/A

EPA #: N/A

SSORS #: N/A

Sewage Related: No

Latitude: 38.277304

Longitude: -77.335542

Geographic Region: Northern

Program Participants

Name	Program
Count: 0	

Incident Details

Incident Date:

Incident Description: improper handling and dumping of used oil at car salvage yard

Materials Information

Material Name	Low Range	High Range	Units
Material Count: 1			
Motor Oil, Used	1	-1	Unknown

Incident Type

Program/Media	Type
Count: 1	
Petroleum	Surface Spill

Receptor Information

Impacted/Threatened Water Body: No

Water Body Name:

Status:

Amount to Water:

Low Range	High Range	Units
-----------	------------	-------

Other Receptor Information:

Other IR Information

Characterize Incident as: Unknown

Weather Event:

Site Summary Notes:

Contacts

Contact Type	Organization Name	Name	Address	City	State	Phone Number
Contact Count: 2						
Responsible Party	Virginia Truck Parts		10022 Huntington Ln	King George	VA	5407755004
Reported By	King George Co	Ben Frith				

Agencies Notified

- Local Government
- Local Fire/EMS
- US Environmental Protection Agency (EPA)

Associated Programs

Item	Description
Associated Programs Count: 2	
VAR051005	VPDES Stormwater Industrial GP
Virginia Truck Parts Incorporated	CORE Facility

Events

Type	Event Date	Due Date	Completed Date	Assigned Staff	Created By
Event Count: 4					
Under Investigation	2/23/2021				AMLACY
Assigned	2/23/2021				AMLACY
Assigned to: Alan Lacy, Assigned By: AMLACY					
Call Received	2/23/2021				AMLACY
Other Correspondence/Reports	2/22/2021			Alan Lacy	AMLACY
see ECM for King George Co email with photos					

Sewage Information

Duration of Event (HRs):
 Wet Weather Event:
 Precipitation (inches):
 Discharge Treated:
 Discharge Volume (gallons): Discharge Volume Unknown:
 Type of Structure:
 Corrective Action Taken:

Cause of Event

Cause	Description
Count: 0	

Impact of Events

Impact	Description
Count: 0	

Steps to Reduce, Prevent, Mitigate

Step	Description
Count: 0	

Documents

Title	Document Type	Document Date	Document File Type
Document Count: 1			
298502_022221_Email	Correspondence	2/22/2021	PDF

Pollution Report as Received

Incident Date: Received Date: 02/22/2021 03:38 Received By: Alan Lacy Incident Still Occurring? Yes Agencies Notified? No Sewage Related: No Description of Incident: improper handling of used oil at car salvage yard Location Description: auto salvage facility	911 Address: 10022 Huntington Lane, King George, VA City/County (FIPS): King George County Geographic Region: Northern Agencies Notified: Local Fire/EMS, Local Government, US Environmental Protection Agency (EPA)
--	---

Receptor Information

Impacted/Threatened Water Body: No
Water Body:
Water Body Status:

Other IR Info

NRC #: N/A
EPA #: N/A
SSORS #: N/A
HMVA #: N/A

Permit Details

Facility Permitted? Yes
Facility Name: Virginia Truck Parts
Permit ID: VAR051005

Contacts

Reported By
King George Co
Ben Frith

Contact On Scene
N

Responsible Party
Virginia Truck Parts
(540) 775-5004
10022 Huntington Ln
King George, VA 22485
Property Owner
N



Pollution Incident Summary Report

Incident Summary

IR#: 296870

Site Name: Illicit Discharge - Virginia Truck Parts

Incident Date:

Date Received: 9/30/2020

Status: Closed

Assigned To: Steven Fontenot

Program: PREP

911 Address: 10022 Huntington Ln., King George, VA 22485

HMVA #: N/A

NRC #: N/A

EPA #: N/A

SSORS #: N/A

Sewage Related: No

Latitude: 38.276913

Longitude: -77.335148

Geographic Region: Northern

Program Participants

Name	Program
Count: 0	

Incident Details

Incident Date:

Incident Description: David Warren (Ph: 540/907-0095) has an easement across the property of AARKARS, LLC, which operates a salvage yard under the name of Virginia Truck Parts at 10022 Huntington Lane (Tax Map 20, Parcel 6) King George, VA 22485. Mr. Warren stated that during the recent rain, oil and other petroleum products were visible washing across the driveway. I conducted a site visit today, and there was no oil sheen on the puddles in the driveway, but there was oily residue on both sides of the driveway. I checked the nearby stream but did not see any indication oil reaching it or the property line (used GIS as an unofficial guide) . I'm not sure if DEQ independently regulates salvage yards, but I wanted to bring this to your attention. They crush approximately 15 cars a day at the facility, and the area where they drain the fluids is close to the area I investigated.

Materials Information

Material Name	Low Range	High Range	Units
Material Count: 1			
Oil, Residual	1	-1	Unknown

Incident Type

Program/Media	Type
Count: 1	
Petroleum	Surface Spill

Receptor Information

Impacted/Threatened Water Body: No

Water Body Name:

Status:

Amount to Water:

Low Range	High Range	Units
-----------	------------	-------

Other Receptor Information:

Other IR Information

Characterize Incident as: Unknown

Weather Event:

Site Summary Notes:**Contacts**

Contact Type	Organization Name	Name	Address	City	State	Phone Number
Contact Count: 2						
Responsible Party	Virginia Truck Parts		10022 Huntington Ln	King George	VA	5407755004
Reported By	King George County	Michael Newchok				5407758556

Agencies Notified

- Local Government

Associated Programs

Item	Description
Associated Programs Count: 2	
VAR051005	VPDES Stormwater Industrial GP
Virginia Truck Parts Incorporated	CORE Facility

Events

Type	Event Date	Due Date	Completed Date	Assigned Staff	Created By
Event Count: 6					
Closed Call/IR	11/6/2020				SCFONTENOT
Status Reason: Appropriate compliance actions completed and verified by DEQ, Closure Comment: Recon Inspection Report in ECM					
Correspondence Sent	10/30/2020			Steven Fontenot	SCFONTENOT
Rebecca Johnson Attachments Oct 30, 2020, 2:23 PM to anitalal19, stebel, Mark, Benjamin, Susan, Carla, Kristen, me, Richard.Doucette Good afternoon Ms. Lal, Attached is a copy of the above referenced document. Please provide a response to the attached document within thirty days. Should you have any questions please feel free to contact me. V/r, Rebecca Johnson Department of Environmental Quality Northern Regional Office Water Compliance Inspector Senior II 13901 Crown Court Woodbridge, VA 22193 Office: (703) 583-3854					
Site Visit	10/2/2020			Steven Fontenot	SCFONTENOT
*See ECM for Photos DEQ PReP and Water Compliance Staff conducted a joint site visit to incident location and subsequently Virginia Truck Parts (VTP) facility due to an observation that petroleum sheen at incident location was originating from VTP auto salvage yard. DEQ was given permission by VTP staff to view the property and ask any question that may arise. VTP manager was not on-site during site visit, but did arrive once DEQ staff had completed the site visit. Upon initial observations, DEQ staff noticed a strong petroleum odor emanating from several water puddles throughout the facility grounds which also displayed visible sheens. DEQ staff observed open bins containing vehicle fluids. VTP staff stated that the bins were daily-use only and were emptied into sealed container at the end of every day. DEQ staff observed a petroleum sheen covering the majority of the vehicle crushing pad without any collection system or oil/water separator in-place. VTP staff stated that they were in the process of having "someone" construct a collection system at the crusher pad location and installing an oil/water separator. DEQ staff observed that after the petroleum products flowed off of crusher pad, it continued on a down gradient towards the property fence where product was evidently entering the complainant's easement and continuing across to complainant's parcel of land. DEQ staff also observed several automobiles that had already been processed for salvage without batteries being removed. DEQ staff observed that the facility's permitted Outfall was completely overgrown resulting in extremely limited access for proper sampling. DEQ staff observed two large tire piles at the facility; one at the front of the facility that appeared to be an active pile and one at the rear of the facility that appeared to be not-in-use. VTP staff stated the tire pile at the rear of the property was not in use and was "left over" from the last property owner. DEQ staff would estimate both piles quantities to be greater than 500 each.					
Arrival Time	Departure Time	Weather Description	Access Provided By	Onsite Participant	
10/2/2020	10/2/2020	58* F - Overcast	Virginia Truck Parts Staff	self, Rebecca Johnson	
Under Investigation	10/1/2020				SCFONTENOT
Assigned	10/1/2020				SCFONTENOT
Assigned to: Steven Fontenot, Assigned By: SCFONTENOT					
Call Received	10/1/2020				SCFONTENOT

Sewage Information

Duration of Event (HRs):
 Wet Weather Event:
 Precipitation (inches):
 Discharge Treated:
 Discharge Volume (gallons): Discharge Volume Unknown:
 Type of Structure:
 Corrective Action Taken:

Cause of Event

Cause	Description
Count: 0	

Impact of Events

Impact	Description
Count: 0	

Steps to Reduce, Prevent, Mitigate

Step	Description
Count: 0	

Documents

Title	Document Type	Document Date	Document File Type
Document Count: 4			
296870_111720_NOV (Water Compliance)	Case Development	11/17/2020	PDF
296870_110620_ReconReport	Reports	10/30/2020	PDF
296870_100220_Photos	Case Development	10/2/2020	PDF
296870_093020_Email	Correspondence	9/30/2020	PDF

Pollution Report as Received

Incident Date: **911 Address:** 10022 Huntington Ln., King George, VA 22485
Received Date: 09/30/2020 04:00
Received By: Steven Fontenot
Incident Still Occurring? Yes
Agencies Notified? No
Sewage Related: No
City/County (FIPS): King George County
Geographic Region: Northern
Agencies Notified: Local Government

Description of Incident: David Warren (Ph: 540/907-0095) has an easement across the property of AARKARS, LLC, which operates a salvage yard under the name of Virginia Truck Parts at 10022 Huntington Lane (Tax Map 20, Parcel 6) King George, VA 22485. Mr. Warren stated that during the recent rain, oil and other petroleum products were visible washing across the driveway. I conducted a site visit today, and there was no oil sheen on the puddles in the driveway, but there was oily residue on both sides of the driveway. I checked the nearby stream but did not see any indication oil reaching it or the property line (used GIS as an unofficial guide) . I'm not sure if DEQ independently regulates salvage yards, but I wanted to bring this to your attention. They crush approximately 15 cars a day at the facility, and the area where they drain the fluids is close to the area I investigated.

Location Description: Easement adjacent Virginia Truck Parts auto salvage yard

Receptor Information

Impacted/Threatened Water Body: No
Water Body:
Water Body Status:

Other IR Info

NRC #: N/A
EPA #: N/A
SSORS #: N/A
HMVA #: N/A

Permit Details

Facility Permitted? Yes
Facility Name: Virginia Truck Parts Incorporated
Permit ID: VAR051005

Contacts

Reported By
King George County
Michael Newchok
(540) 775-8556

Contact On Scene
N

Responsible Party
Virginia Truck Parts
(540) 775-5004
10022 Huntington Ln
King George, VA 22485

Property Owner
N

Appendix C

NPDES Permit No. VAR051005 and Sector M Requirements



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

January 29, 2020

By Email: anitalal19@gmail.com

Ms. Anital Lal
Owner
Virginia Truck Parts, Inc.
P.O. Box 850
King George, VA 22485

READ RECEIPT REQUESTED

RE: Coverage under the Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Stormwater Associated with Industrial Activity – Registration # **VAR051005**

Dear Ms. Lal:

We have reviewed your Registration Statement received by the Northern Regional Office on July 29, 2019, and have determined that stormwater discharges from the above facility are hereby covered under the referenced VPDES general permit. The general permit regulation was effective as of July 1, 2019, and your coverage under this permit is effective as of the date of this transmittal letter. The enclosed copy of the general permit contains the applicable stormwater pollution prevention plan (SWPPP) requirements, sector specific requirements, monitoring requirements, and other conditions of coverage. The general permit requires that you update your Stormwater Pollution Prevention Plan (SWPPP) within 90-days of the date on this transmittal letter to incorporate updates this permit requires into the SWPPP.

For this reissuance, all discharge monitoring is to be conducted on a semi-annual basis (i.e., once per six months) unless otherwise directed by the Department. Monitoring for your facility under the requirements of the 2019 Industrial Stormwater General Permit begins with the July 1, 2020 through December 31, 2020 monitoring period to be submitted through eDMR no later than January 10, 2021.

Monitoring results shall be reported in the Department's electronic discharge monitoring report (e-DMR) system. As such, a Discharge Monitoring Report (DMR) form is no longer included in this reissuance package. All reports and forms submitted in compliance with this permit shall be submitted electronically by the permittee in accordance with 9VAC25-31-1020. Answers to frequently asked questions and the e-DMR registration process can be located at the following website:

<https://www.deq.virginia.gov/Programs/Water/PermittingCompliance/ElectronicDMRsubmissions.aspx>

The following discharge monitoring applies to your facility. Please refer to the appropriate sections of the permit for additional information.

- **Benchmark monitoring.** Based on the Standard Industrial Classification Code (SIC Code) provided on your registration statement, your facility has been assigned to Sector M for this reissuance. Specific stormwater monitoring for your facility is based on the industrial sector that

applies to your facility. Benchmarks are not effluent limitations, but are thresholds which indicate water quality concerns if exceeded.

Your facility was to have monitored stormwater discharges during the 2014 industrial stormwater general permit term in support of the Chesapeake Bay TMDL. Our records indicate that your facility did not complete the four sampling events at Outfall 001. Facilities that did not complete four sampling events for Total Suspended Solids (TSS), Total Nitrogen (TN), and Total Phosphorus (TP) during the 2014 industrial stormwater general permit term are required to complete the monitoring during the 2019 permit term. A summary of the sampling for Outfall 001 is provided below identifying the additional monitoring to be completed.

Chesapeake Bay TMDL Monitoring					
Parameter	Outfall(s) Number	Samples on File (2014 Term)	Remaining Samples Required (2019 Term)	Monitoring Start Date	Monitoring End Date
TSS	001	3	1	7-1-20	12-31-20
TN		3	1	7-1-20	12-31-20
TP		3	1	7-1-20	12-31-20

Data that was collected during the 2014 industrial stormwater general permit term for TSS, TN, or TP may be used to satisfy part of the required four sampling events. In accordance with the 2019 permit (Part I.B.8.c.2), upon completion of the fourth sampling event your facility is required to calculate stormwater nutrient and sediment loads for each outfall. Calculations are to be completed using the four completed sampling events and the acreages provided on the registration statement for the 2019 permit term. Information to assist with performing the calculations, including a Chesapeake Bay TMDL Calculation Spreadsheet is available at the following:

<https://www.deq.virginia.gov/Programs/Water/PermittingCompliance/PollutionDischargeElimination/PermitsFees.aspx#isw>

If the calculations indicate the facility loading rate for any of the parameters (e.g. TSS, TN, or TP) is above the loading rates identified in the permit (Part I.B.8.c.1), a Chesapeake Bay TMDL action plan shall be developed and submitted to the DEQ – Northern Regional Office. The Chesapeake Bay TMDL Action Plan Form for submitting your Plan may be found at the same link noted above. The calculations, and Chesapeake Bay TMDL action plan if required, shall be submitted to the DEQ – Northern Regional office within 90 days of completing the required sampling (March 31, 2021) and copies shall also be maintained with the facility's SWPPP.

This general permit will expire on June 30, 2024. The permit requires that you submit a new registration statement at least 60 days prior to that date if you wish continued coverage under the general permit, unless permission for a later date has been granted by the Board. Permission cannot be granted to submit the registration statement after the expiration date of the permit.

Should you have any questions, please do not hesitate to contact Susan Mackert at (703) 583-3853 or susan.mackert@deq.virginia.gov.

Respectfully,



Bryant Thomas
Regional Water Permits & Planning Manager



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

General Permit Registration No.: VAR051005

Effective Date: July 1, 2019

Expiration Date: June 30, 2024

VPDES GENERAL PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY

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

In compliance with the provisions of the Clean Water Act, as amended, and pursuant to the State Water Control Law and regulations adopted pursuant thereto, owners of facilities with stormwater discharges associated with industrial activity are authorized to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those waters specifically named in board regulation that prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, the registration statement, Part I-Effluent Limitations, Monitoring Requirements and Special Conditions, Part II-Conditions Applicable to All VPDES Permits, Part III-Stormwater Pollution Prevention Plan, and Part IV-Sector-Specific Permit Requirements, as set forth in this general permit.

Part I. Effluent Limitations, Monitoring Requirements and Special Conditions

A. Effluent limitations and monitoring requirements.

There are four individual and separate categories of monitoring requirements that a facility may be subject to under this permit: (i) quarterly visual monitoring; (ii) benchmark monitoring of discharges associated with specific industrial activities; (iii) compliance monitoring for discharges subject to numerical effluent limitations; and (iv) monitoring of discharges to impaired waters, both those with an approved TMDL and those without an approved TMDL. The monitoring requirements and numeric effluent limitations applicable to a facility depend on the types of industrial activities generating stormwater runoff from the facility, and for TMDL monitoring, the location of the facility's discharge or discharges. Part IV of the permit (9VAC25-151-90 et seq.) identifies monitoring requirements applicable to specific sectors of industrial activity. The permittee shall review Part I A 1 and Part IV of the permit to determine which monitoring requirements and numeric limitations apply to his facility. Unless otherwise specified, limitations and monitoring requirements under Part I A 1 and Part IV are additive.

Sector-specific monitoring requirements and limitations are applied discharge by discharge at facilities with colocated activities. Where stormwater from the colocated activities are commingled, the monitoring requirements and limitations are additive. Where more than one numeric limitation for a specific parameter applies to a discharge, compliance with the more restrictive limitation is required. Where benchmark, numerical effluent limitations, or TMDL monitoring requirements for a monitoring period overlap, the permittee may use a single sample to satisfy monitoring requirements.

1. Types of monitoring requirements and limitations.

a. Quarterly visual monitoring. The requirements and procedures for quarterly visual monitoring are applicable to all facilities covered under this permit, regardless of the facility's sector of industrial activity.

- (1) The permittee shall perform and document a quarterly visual examination of a stormwater discharge associated with industrial activity from each outfall, except discharges exempted in Part I A 3 or Part I A 4. The examinations shall be made at least once in each of the following three-month periods: January through March, April through June, July through September, and October through December. The visual examination shall be made during normal working hours, where practicable, and when considerations for safety and feasibility allow. If no storm event resulted in runoff from the facility during a monitoring quarter, the permittee is excused from visual monitoring for that quarter provided that documentation is included with the monitoring records indicating that no runoff occurred. The documentation shall be signed and certified in accordance with Part II K of this permit.
- (2) Samples shall be collected in accordance with Part I A 2. Sample examination shall document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution. The visual examination of the sample shall be conducted in a well-lit area. No analytical tests are required to be performed on the samples.
- (3) The visual examination reports shall be maintained on-site with the SWPPP. The report shall include the outfall location, the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the stormwater discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution), and probable sources of any observed stormwater contamination.

b. Benchmark monitoring of discharges associated with specific industrial activities.

Table 70-1 identifies the specific industrial sectors subject to the benchmark monitoring requirements of this permit and the industry-specific pollutants of concern. The permittee shall refer to the tables found in the individual sectors in Part IV (9VAC25-151-90 et seq.) for benchmark monitoring concentration values. Colocated industrial activities at the facility that are described in more than one sector in Part IV shall comply with all applicable benchmark monitoring requirements from each sector.

The results of benchmark monitoring are primarily for the permittee to use to determine the overall effectiveness of the SWPPP in controlling the discharge of pollutants to receiving waters. Benchmark concentration values, included in Part IV of this permit, are not effluent limitations. Exceedance of a benchmark concentration does not constitute a violation of this permit and does not indicate that violation of a water quality standard has occurred; however, it does signal that modifications to the SWPPP are necessary, unless justification is provided in a routine facility inspection. In addition, exceedance of benchmark concentrations may identify facilities that would be more appropriately covered under an individual, or alternative general permit where more specific pollution prevention controls could be required.

TABLE 70-1 INDUSTRIAL SECTORS SUBJECT TO BENCHMARK MONITORING		
Industry Sector ¹	SIC Code or Activity Code	Benchmark Monitoring Parameters
M	5015	TSS, Aluminum, Iron, Lead.
¹ Table does not include parameters for compliance monitoring under effluent limitations guidelines.		

- (1) Benchmark monitoring shall be performed for all benchmark parameters specified for the industrial sector or sectors applicable to a facility's discharge. Monitoring shall be performed at least once during each of the first four, and potentially all, monitoring periods after coverage under the permit begins. Monitoring commences with the first full monitoring period after the owner is granted coverage under the permit. Monitoring periods are specified in Part I A 2.

Depending on the results of four consecutive monitoring periods, benchmark monitoring may not be required to be conducted in subsequent monitoring periods (see Part I A 1 b (2)).

- (2) Benchmark monitoring waivers for facilities testing below benchmark concentration values. Waivers from benchmark monitoring are available to facilities whose discharges are below benchmark concentration values on an outfall by outfall basis. Sector-specific benchmark monitoring is not required to be conducted in subsequent monitoring periods during the term of this permit provided:
- (a) Samples were collected in four consecutive monitoring periods, and the average of the four samples for all parameters at the outfall is below the applicable benchmark concentration value in Part IV. Facilities that were covered under the 2014 industrial stormwater general permit may use sampling data from the last two monitoring periods of that permit and the first two monitoring periods of this permit to satisfy the four consecutive monitoring periods requirement;

- (b) The facility is not subject to a numeric effluent limitation established in Part I A 1 c (1) (stormwater effluent limitations), Part I A 1 c (2) (coal pile runoff), or Part IV (Sector Specific Permit Requirements) for any of the parameters at that outfall; and
- (c) A waiver request is submitted to and approved by the board. The waiver request shall be sent to the appropriate DEQ regional office, along with the supporting monitoring data for four consecutive monitoring periods, and a certification that, based on current potential pollutant sources and control measures used, discharges from the facility are reasonably expected to be essentially the same (or cleaner) compared to when the benchmark monitoring for the four consecutive monitoring periods was done.

Waiver requests will be evaluated by the board based upon (i) benchmark monitoring results below the benchmark concentration values; (ii) a favorable compliance history (including inspection results); and (iii) no outstanding enforcement actions.

The monitoring waiver may be revoked by the board for cause. The permittee will be notified in writing that the monitoring waiver is revoked, and that the benchmark monitoring requirements are again in force and will remain in effect until the permit's expiration date.

- (3) Samples shall be collected and analyzed in accordance with Part I A 2. Monitoring results shall be reported in accordance with Part I A 5 and Part II C and retained in accordance with Part II B.
- c. Compliance monitoring for discharges subject to numerical effluent limitations or discharges to impaired waters.
 - (1) Facilities subject to stormwater effluent limitation guidelines.
 - (a) Facilities subject to stormwater effluent limitation guidelines (see Table 70-2) are required to monitor such discharges to evaluate compliance with numerical effluent limitations. Industry-specific numerical limitations and compliance monitoring requirements are described in Part IV of the permit (9VAC25-151-90 et seq.). Permittees with colocated industrial activities at the facility that are described in more than one sector in Part IV shall comply on a discharge-by-discharge basis with all applicable effluent limitations from each sector.
 - (b) Permittees shall monitor the discharges for the presence of the pollutant subject to the effluent limitation at least once during each of the monitoring periods after coverage under the permit begins. Monitoring commences with the first full monitoring period after the owner is granted coverage under the permit. Monitoring periods are specified in Part I A 2. The substantially identical outfall monitoring provisions (Part I A 2 f) are not available for numeric effluent limits monitoring.
 - (c) Samples shall be collected and analyzed in accordance with Part I A 2. Monitoring results shall be reported in accordance with Part I A 5 and Part II C, and retained in accordance with Part II B.

TABLE 70-2
STORMWATER-SPECIFIC EFFLUENT LIMITATION GUIDELINES
Effluent Limitation Guidelines Are Not Applicable to Sector M

- (2) Facilities subject to coal pile runoff monitoring.
 - (a) Facilities with discharges of stormwater from coal storage piles shall comply with the limitations and monitoring requirements of Table 70-3 for all discharges containing the coal pile runoff, regardless of the facility's sector of industrial activity.

- (b) Permittees shall monitor such stormwater discharges at least once during each of the monitoring periods after coverage under the permit begins. Monitoring commences with the first full monitoring period after the owner is granted coverage under the permit. Monitoring periods are specified in Part I A 2. The substantially identical outfall monitoring provisions (Part I A 2 f) are not available for coal pile numeric effluent limits monitoring.
- (c) The coal pile runoff shall not be diluted with other stormwater or other flows in order to meet this limitation.
- (d) If a facility is designed, constructed and operated to treat the volume of coal pile runoff that is associated with a 10-year, 24-hour rainfall event, any untreated overflow of coal pile runoff from the treatment unit is not subject to the 50 mg/L limitation for total suspended solids.
- (e) Samples shall be collected and analyzed in accordance with Part I A 2. Monitoring results shall be reported in accordance with Part I A 5 and Part II C, and retained in accordance with Part II B.

TABLE 70-3 NUMERIC LIMITATIONS FOR COAL PILE RUNOFF			
Parameter	Limit	Monitoring Frequency	Sample Type
Total Suspended Solids (TSS)	50 mg/l, max.	1/6 months	Grab
pH	6.0 min. - 9.0 max.	1/6 months	Grab

- (3) Facilities discharging to an impaired water with an approved TMDL wasteload allocation. Owners of facilities that are a source of the specified pollutant of concern to waters for which a TMDL wasteload allocation has been approved prior to the term of this permit will be notified as such by the department when they are approved for coverage under the general permit.
 - (a) Upon written notification from the department, facilities subject to TMDL wasteload allocations shall be required to monitor such discharges to evaluate compliance with the TMDL requirements.
 - (b) Permittees shall monitor the discharges for the pollutant subject to the TMDL wasteload allocation once every six months after coverage under the permit begins, unless otherwise determined by the department for polychlorinated biphenyls (PCBs). Monitoring commences with the first full monitoring period after the owner is granted coverage under the permit. Monitoring periods are specified in Part I A 2.
 - (c) Samples shall be collected and analyzed in accordance with Part I A 2. Monitoring results shall be reported in accordance with Part I A 5 and Part II C, and retained in accordance with Part II B.
 - (d) If the pollutant subject to the TMDL wasteload allocation is below the quantitation level in all of the samples from the first four monitoring periods (i.e., the first two years of coverage under the permit), the permittee may request to the board in writing that further sampling be discontinued, unless the TMDL has specific instructions to the contrary (in which case those instructions shall be followed). The laboratory certificate of analysis shall be submitted with the request. If approved, documentation of this shall be kept with the SWPPP.

If the pollutant subject to the TMDL wasteload allocation is above the quantitation level in any of the samples from the first four monitoring periods, the permittee shall continue the scheduled TMDL monitoring throughout the term of the permit.

- (4) Facilities discharging to an impaired water without an approved TMDL wasteload allocation.

Owners of facilities that discharge to waters listed as impaired in the 2016 Final 305(b)/303(d) Water Quality Assessment Integrated Report, and for which a TMDL wasteload allocation has not been approved prior to the term of this permit, will be notified as such by the department when they are approved for coverage under the general permit.

- (a) Upon written notification from the department, facilities discharging to an impaired water without an approved TMDL wasteload allocation shall be required to monitor such discharges for the pollutants that caused the impairment.
- (b) Permittees shall monitor the discharges for all pollutants for which the waterbody is impaired, and for which a standard analytical method exists, at least once during each of the monitoring periods after coverage under the permit begins. Monitoring commences with the first full monitoring period after the owner is granted coverage under the permit. Monitoring periods are specified in Part I A 2.
- (c) If the pollutant for which the waterbody is impaired is suspended solids, turbidity, or sediment, or sedimentation, monitor for total suspended solids (TSS). If the pollutant for which the waterbody is impaired is expressed in the form of an indicator or surrogate pollutant, monitor for that indicator or surrogate pollutant. No monitoring is required when a waterbody's biological communities are impaired but no pollutant, including indicator or surrogate pollutants, is specified as causing the impairment, or when a waterbody's impairment is related to hydrologic modifications, impaired hydrology, or temperature.

Samples shall be collected and analyzed in accordance with Part I A 2. Monitoring results shall be reported in accordance with Part I A 5 and Part II C, and retained in accordance with Part II B.

- (d) If the pollutant for which the water is impaired is below the quantitation level in the discharges from the facility, or it is above the quantitation level but its presence is caused solely by natural background sources, the permittee may request to the board in writing that further impaired water monitoring be discontinued. The laboratory certificate of analysis shall be submitted with the request. If approved, documentation of this shall be kept with the SWPPP.

To support a determination that the pollutant's presence is caused solely by natural background sources, the following documentation shall be submitted with the request and kept with the SWPPP: (i) an explanation of why it is believed that the presence of the impairment pollutant in the facility's discharge is not related to the activities at the facility; and (ii) data or studies that tie the presence of the impairment pollutant in the facility's discharge to natural background sources in the watershed. Natural background pollutants include those substances that are naturally occurring in soils or groundwater. Natural background pollutants do not include legacy pollutants from earlier activity at the facility's site, or pollutants in run-on from neighboring sources that are not naturally occurring.

2. Monitoring instructions.

- a. Collection and analysis of samples. Sampling requirements shall be assessed on an outfall by outfall basis. Samples shall be collected and analyzed in accordance with the requirements of Part II A.

- b. When and how to sample. A minimum of one grab sample shall be taken from the discharge associated with industrial activity resulting from a storm event that results in a discharge from the site (defined as a "measurable storm event"), providing the interval from the preceding measurable storm event is at least 72 hours. The 72-hour storm interval is waived if the permittee is able to document that less than a 72-hour interval is representative for local storm events during the sampling period. In the case of snowmelt, the monitoring shall be performed at a time when a measurable discharge occurs at the site. For discharges from a stormwater management structure, the monitoring shall be performed at a time when a measurable discharge occurs from the structure.

The grab sample shall be taken during the first 30 minutes of the discharge. If it is not practicable to take the sample during the first 30 minutes, the sample may be taken during the first three hours of the discharge, provided that the permittee explains why a grab sample during the first 30 minutes was impracticable. This information shall be submitted in the department's electronic discharge monitoring report (e-DMR) system, and maintained with the SWPPP. If the sampled discharge commingles with process or nonprocess water, the permittee shall attempt to sample the stormwater discharge before it mixes with the nonstormwater.

- c. Storm event data. For each monitoring event (except snowmelt monitoring), along with the monitoring results, the permittee shall identify the date and duration (in hours) of the storm events sampled; rainfall total (in inches) of the storm event that generated the sampled runoff; and the duration between the storm event sampled and the end of the previous measurable storm event. For snowmelt monitoring, the permittee shall identify the date of the sampling event.
- d. Monitoring periods.
 - (1) Quarterly visual monitoring. The quarterly visual examinations shall be made at least once in each of the following three-month periods each year of permit coverage: January through March, April through June, July through September, and October through December.
 - (2) Benchmark monitoring, effluent limitation monitoring, and impaired waters monitoring (for waters both with and without an approved TMDL). Monitoring shall be conducted at least once in each of the following semiannual periods each year of permit coverage: January through June, and July through December.
- e. Documentation explaining a facility's inability to obtain a sample (including dates and times the outfalls were viewed or sampling was attempted), of no rain event, or of deviation from the "measurable" storm event requirements shall be maintained with the SWPPP. Acceptable documentation includes National Climatic Data Center (NCDC) weather station data, local weather station data, facility rainfall logs, and other appropriate supporting data.
- f. Representative outfalls - substantially identical discharges. If the facility has two or more outfalls that discharge substantially identical effluents, based on similarities of the industrial activities, significant materials, size of drainage areas, and stormwater management practices occurring within the drainage areas of the outfalls, frequency of discharges, and stormwater management practices occurring within the drainage areas of the outfalls, the permittee may conduct monitoring on the effluent of just one of the outfalls and report that the observations also apply to the substantially identical outfall or outfalls. The substantially identical outfall monitoring provisions apply to quarterly visual monitoring, benchmark monitoring, and impaired waters monitoring (both those with and without an approved TMDL). The substantially identical outfall monitoring provisions are not available for numeric effluent limits monitoring.

The permittee shall include the following information in the SWPPP:

- (1) The locations of the outfalls;
 - (2) An evaluation, including available monitoring data, indicating the outfalls are expected to discharge substantially identical effluents, including evaluation of monitoring data where available; and
 - (3) An estimate of the size of each outfall's drainage area in acres.
3. Adverse climatic conditions waiver. When adverse weather conditions prevent the collection of samples, a substitute sample may be taken during a qualifying storm event in the next monitoring period. Adverse weather conditions are those that are dangerous or create inaccessibility for personnel, and may include such things as local flooding, high winds, electrical storms, or situations that otherwise make sampling impracticable, such as drought or extended frozen conditions. Unless specifically stated otherwise, this waiver may be applied to any monitoring required under this permit. Narrative documentation of conditions necessitating the use of the waiver shall be kept with the SWPPP.
 4. Inactive and unstaffed sites (including temporarily inactive sites).
 - a. A waiver of the quarterly visual monitoring, routine facility inspections, and monitoring requirements (including benchmark, effluent limitation, and impaired waters monitoring) may be granted by the board at a facility that is both inactive and unstaffed, as long as the facility remains inactive and unstaffed and there are no industrial materials or activities exposed to stormwater. The owner of such a facility is only required to conduct an annual routine site inspection in accordance with the requirements in Part III B 5.
 - b. An inactive and unstaffed sites waiver request shall be submitted to the board for approval and shall include the name of the facility; the facility's VPDES general permit registration number; a contact person, phone number and email address; the reason for the request; and the date the facility became or will become inactive and unstaffed. The waiver request shall be signed and certified in accordance with Part II K. If this waiver is granted, a copy of the request and the board's written approval of the waiver shall be maintained with the SWPPP.
 - c. If circumstances change and industrial materials or activities become exposed to stormwater, or the facility becomes either active or staffed, the permittee shall notify the department within 30 days, and all quarterly visual monitoring, routine facility inspections, and monitoring requirements shall be resumed immediately.
 - d. The board retains the right to revoke this waiver when it is determined that the discharge is causing, has a reasonable potential to cause, or contributes to a water quality standards violation.
 - e. Inactive and unstaffed facilities covered under Sector G (Metal Mining) and Sector H (Coal Mines and Coal Mining-Related Facilities) are not required to meet the "no industrial materials or activities exposed to stormwater" standard to be eligible for this waiver, consistent with the conditional exemption requirements established in Part IV Sector G and Part IV Sector H.
 5. Reporting monitoring results.
 - a. Reporting to the department. The permittee shall follow the reporting requirements and deadlines below for the types of monitoring that apply to the facility:

TABLE 70-4 MONITORING REPORTING REQUIREMENTS	
Semiannual Monitoring	Submit the results by January 10 and by July 10.
Quarterly Visual Monitoring	Retain results with SWPPP - do not submit unless requested to do so by the department.

Permittees shall submit results for each outfall associated with industrial activity according to the requirements of Part II C.

- b. Significant digits. The permittee shall report at least the same number of significant digits as a numeric effluent limitation or TMDL wasteload allocation for a given parameter; otherwise, at least two significant digits shall be reported for a given parameter. Regardless of the rounding convention used by the permittee (i.e., five always rounding up or to the nearest even number), the permittee shall use the convention consistently and shall ensure that consulting laboratories employed by the permittee use the same convention.
6. Corrective actions.
- a. Data exceeding benchmark concentration values.
 - (1) If the benchmark monitoring result exceeds the benchmark concentration value for that parameter, the permittee shall review the SWPPP and modify it as necessary to address any deficiencies that caused the exceedance. Revisions to the SWPPP shall be completed within 60 days after an exceedance is discovered. When control measures need to be modified or added (distinct from regular preventive maintenance of existing control measures described in Part III C), implementation shall be completed before the next anticipated storm event if possible, but no later than 60 days after the exceedance is discovered, or as otherwise provided or approved by the department. In cases where construction is necessary to implement control measures, the permittee shall include a schedule in the SWPPP that provides for the completion of the control measures as expeditiously as practicable, but no later than three years after the exceedance is discovered. Where a construction compliance schedule is included in the SWPPP, the SWPPP shall include appropriate nonstructural and temporary controls to be implemented in the affected portions of the facility prior to completion of the permanent control measure. Any control measure modifications shall be documented and dated, and retained with the SWPPP, along with the amount of time taken to modify the applicable control measures or implement additional control measures.
 - (2) Natural background pollutant levels. If the concentration of a pollutant exceeds a benchmark concentration value, and the permittee determines that exceedance of the benchmark is attributable solely to the presence of that pollutant in the natural background, corrective action is not required provided that:
 - (a) The concentration of the benchmark monitoring result is less than or equal to the concentration of that pollutant in the natural background;
 - (b) The permittee documents and maintains with the SWPPP the supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. The supporting rationale shall include any data previously collected by the facility or others (including literature studies) that describe the levels of natural background pollutants in the facility's stormwater discharges; and
 - (c) The permittee notifies the department on the benchmark monitoring DMR that the benchmark exceedances are attributable solely to natural background pollutant levels.

Natural background pollutants include those substances that are naturally occurring in soils or groundwater. Natural background pollutants do not include legacy pollutants from earlier activity on the facility's site, or pollutants in run-on from neighboring sources that are not naturally occurring.

- b. Corrective actions. The permittee shall take corrective action whenever:
 - (1) Routine facility inspections, inspections by local, state or federal officials, or any other process, observation or event result in a determination that modifications to the stormwater control measures are necessary to meet the permit requirements;

- (2) There is any exceedance of an effluent limitation (including coal pile runoff), TMDL wasteload allocation, or a reduction required by a local ordinance established by a municipality to meet Chesapeake Bay TMDL requirements; or
- (3) The department determines, or the permittee becomes aware, that the stormwater control measures are not stringent enough for the discharge to meet applicable water quality standards.

The permittee shall review the SWPPP and modify it as necessary to address any deficiencies. Revisions to the SWPPP shall be completed within 60 days following the discovery of the deficiency. When control measures need to be modified or added (distinct from regular preventive maintenance of existing control measures described in Part III C), implementation shall be completed before the next anticipated storm event if possible, but no later than 60 days after the deficiency is discovered, or as otherwise provided or approved by the department. In cases where construction is necessary to implement control measures, the permittee shall include a schedule in the SWPPP that provides for the completion of the control measures as expeditiously as practicable, but no later than three years after the deficiency is discovered. Where a construction compliance schedule is included in the SWPPP, the SWPPP shall include appropriate nonstructural and temporary controls to be implemented in the affected portion of the facility prior to completion of the permanent control measure. The amount of time taken to modify a control measure or implement additional control measures shall be documented in the SWPPP.

Any corrective actions taken shall be documented and retained with the SWPPP. Reports of corrective actions shall be signed in accordance with Part II K.

- c. Follow-up reporting. If at any time monitoring results indicate that discharges from the facility exceed an effluent limitation or a TMDL wasteload allocation, or the department determines that discharges from the facility are causing or contributing to an exceedance of a water quality standard, immediate steps shall be taken to eliminate the exceedances in accordance with the above Part I A 6 b (Corrective actions). Within 30 calendar days of implementing the relevant corrective action, an exceedance report shall be submitted to the department. The following information shall be included in the report:
 - (1) General permit registration number;
 - (2) Facility name and address;
 - (3) Receiving water for each outfall exceeding an effluent limitation of TMDL wasteload allocation;
 - (4) Monitoring data from the event being reported;
 - (5) A narrative description of the situation;
 - (6) A description of actions taken since the event was discovered and steps taken to minimize to the extent feasible pollutants in the discharge; and
 - (7) A local facility contact name, email address, and phone number.

B. Special conditions.

1. Authorized nonstormwater discharges. Except as provided in this section or in Part IV (9VAC25-151-90 et seq.), all discharges covered by this permit shall be composed entirely of stormwater. The following nonstormwater discharges are authorized by this permit:
 - a. Discharges from emergency firefighting activities;
 - b. Fire hydrant flushings, managed in a manner to avoid an instream impact;
 - c. Potable water, including water line flushings, managed in a manner to avoid an instream impact;
 - d. Uncontaminated condensate from air conditioners, coolers, and other compressors and from the outside storage of refrigerated gases or liquids;

- e. Irrigation drainage;
- f. Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with the approved labeling;
- g. Routine external building washdown that does not use detergents or hazardous cleaning products;
- h. Pavement wash waters where no detergents or hazardous cleaning products are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed). Pavement wash waters shall be managed in a manner to avoid an instream impact;
- i. Uncontaminated groundwater or spring water;
- j. Foundation or footing drains where flows are not contaminated with process materials; and
- k. Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of the facility, but not intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).

All other nonstormwater discharges are not authorized and shall either be eliminated or covered under a separate VPDES permit.

2. Releases of hazardous substances or oil in excess of reportable quantities. The discharge of hazardous substances or oil in the stormwater discharges from the facility shall be prevented or minimized in accordance with the SWPPP for the facility. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill. This permit does not relieve the permittee of the reporting requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 or § 62.1-44.34:19 of the Code of Virginia.

Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302 occurs during a 24-hour period:

- a. The permittee is required to notify the department in accordance with the requirements of Part II G as soon as he has knowledge of the discharge;
 - b. Where a release enters an MS4, the permittee shall also notify the owner of the MS4; and
 - c. The SWPPP required under Part III shall be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the SWPPP shall be modified where appropriate.
3. Colocated industrial activity. If the facility has industrial activities occurring on-site which are described by any of the activities in Part IV of the permit (9VAC25-151-90 et seq.), those industrial activities are considered to be colocated industrial activities. Stormwater discharges from colocated industrial activities are authorized by this permit, provided that the permittee complies with any and all additional SWPPP and monitoring requirements from Part IV applicable to that particular colocated industrial activity. The permittee shall be responsible for additional SWPPP and monitoring requirements applicable to the colocated industrial activity by examining the narrative descriptions of all discharges covered under this section.
 4. The stormwater discharges authorized by this permit may be combined with other sources of stormwater which are not required to be covered under a VPDES permit, so long as the combined discharge is in compliance with this permit.
 5. There shall be no discharge of waste, garbage, or floating debris in other than trace amounts.

6. Approval for coverage under this general permit does not relieve the permittee of the responsibility to comply with any other applicable federal, state, or local statute, ordinance, or regulation.
7. Discharges to waters subject to TMDL wasteload allocations. Owners of facilities that are a source of the specified pollutant of concern to waters for which a TMDL wasteload allocation has been approved prior to the term of this permit shall incorporate measures and controls into the SWPPP required by Part III that are consistent with the assumptions and requirements of the TMDL. The department will provide written notification to the owner that a facility is subject to the TMDL requirements. The facility's SWPPP shall specifically address any conditions or requirements included in the TMDL that are applicable to discharges from the facility. If the TMDL establishes a specific numeric wasteload allocation that applies to discharges from the facility, the owner shall perform any required monitoring in accordance with Part I A 1 c (3), and implement control measures designed to meet that allocation.
8. Discharges to waters subject to the Chesapeake Bay TMDL.
 - a. Owners of facilities in the Chesapeake Bay watershed shall monitor their discharges for total suspended solids (TSS), total nitrogen (TN), and total phosphorus (TP) to characterize the contributions from their facility's specific industrial sector for these parameters. Total nitrogen is the sum of total Kjeldahl nitrogen (TKN) and nitrite + nitrate and shall be derived from the results of those tests. After the facility is granted coverage under the permit, samples shall be collected during each of the first four monitoring periods (i.e., the first two years of permit coverage). Monitoring periods are specified in Part I A 2. Samples shall be collected and analyzed in accordance with Part I A 2. Monitoring results shall be reported in accordance with Part I A 5 and Part II C, and retained in accordance with Part II B.
 - b. Facilities that were covered under the 2014 industrial stormwater general permit shall comply with the following:
 - (1) Facilities that submitted a Chesapeake Bay TMDL action plan that was approved by the board during the 2014 industrial stormwater general permit term shall continue to implement the approved Chesapeake Bay TMDL action plan during this permit term. An annual report shall be submitted to the department by June 30 of each year describing the progress in meeting the required reductions unless this reporting requirement is waived by the department in accordance with Part I B 8 g. Monitoring in accordance with Part I B 8 a is not required for these facilities during this permit term.
 - (2) Facilities that completed four samples for TSS, TN, and TP during the 2014 industrial stormwater general permit term shall utilize the procedures in Part I B 8 c (2) to calculate their facility stormwater loads. The permittee shall submit a copy of the calculations and Chesapeake Bay TMDL action plan if required under Part I B 8 f to the department within 60 days of coverage under this general permit.
 - (3) Facilities that did not complete four samples for TSS, TN, and TP during the 2014 industrial stormwater general permit term shall be subject to completing the monitoring requirements in Part I B 8 a beginning with the first full monitoring period after receiving permit coverage. Calculations and a Chesapeake Bay TMDL action plan if required under Part I B 8 f shall be submitted no later than 90 days following the completion of the fourth monitoring period to the DEQ regional office serving the area where the industrial facility is located on a form provided by the department and maintained with the facility's SWPPP.
 - (4) Facilities that monitored for TSS, TN, or TP may use the applicable sampling data collected during the 2014 industrial stormwater general permit term to satisfy all or part of the four monitoring periods requirement in accordance with Part I B 8 a.

- c. Chesapeake Bay TMDL wasteload allocations and Chesapeake Bay TMDL action plans.
- (1) EPA's Chesapeake Bay TMDL (December 29, 2010) includes wasteload allocations for VPDES permitted industrial stormwater facilities as part of the regulated stormwater aggregate load. EPA used data submitted by Virginia with the Phase I Chesapeake Bay TMDL Watershed Implementation Plan, including the number of industrial stormwater permits per county and the number of urban acres regulated by industrial stormwater permits, as part of their development of the aggregate load. Aggregate loads for industrial stormwater facilities were appropriate because actual facility loading data were not available to develop individual facility wasteload allocations.

Virginia estimated the loadings from industrial stormwater facilities using actual and estimated facility acreage information and TP, TN, and TSS loading rates from the Northern Virginia Planning District Commission (NVPDC) Guidebook for Screening Urban Nonpoint Pollution Management Strategies (Annandale, VA November 1979), prepared for the Metropolitan Washington Council of Governments. The loading rates used were as follows:

TP - High (80%) imperviousness industrial; 1.5 lb/ac/yr
TN - High (80%) imperviousness industrial; 12.3 lb/ac/yr
TSS - High (80%) imperviousness industrial; 440 lb/ac/yr

The actual facility area information and the TP, TN, and TSS data collected for this permit will be used by the board to quantify the nutrient and sediment loads from VPDES permitted industrial stormwater facilities.

- (2) Calculation of facility loads. The permittee shall analyze the nutrient and sediment data collected in accordance with Part I B 8 a and 8 b to determine if pollution reductions are required for this permit term. The permittee shall average the data collected at the facility for each of the pollutants of concern (POC) (e.g., TP, TN, and TSS) and compare the results to the loading rates for TP, TN, and TSS presented in Part I B 8 c (1).

The following formula may be used to determine the loading rate:

$$L = 0.226 \times P \times P_j \times (0.05 + (0.9 \times I_a)) \times C$$

where:

L = the POC loading rate (lb/acre/year)

P = the annual rainfall (inches/year) - The permittee may use either actual annual average rainfall data for the facility location (in inches/year), the Virginia annual average rainfall of 44.3 inches/year, or another method approved by the board.

P_j = the fraction of annual events that produce runoff - The permittee shall use 0.9 unless the board approves another rate.

I_a = the impervious fraction of the facility impervious area of industrial activity to the facility industrial activity area

C = the POC average concentration of all facility samples (mg/L) - Facilities with multiple outfalls shall calculate a weighted average concentration for each outfall using the drainage area of each outfall.

For total phosphorus and total suspended solids, all daily concentration data below the quantitation level (QL) for the analytical method used shall be treated as half the QL. All daily concentration data equal to or above the QL for the analytical method used shall be treated as it is reported.

For total nitrogen, if none of the daily concentration data for the respective species (i.e., TKN, nitrate, or nitrite) are equal to or above the QL for the respective analytical methods used, the daily TN concentration value reported shall equal one half of the largest QL used for the respective species. If one of the data is equal to or above the QL, the daily TN concentration value shall be treated as that data point is reported. If more than one of the data is above the QL, the daily TN concentration value shall equal the sum of the data points as reported.

- d. The permittee shall submit a copy of the calculations to the department within 90 days from the end of the last monitoring period that satisfies the monitoring requirement in Part I B 8 a. Calculations shall be submitted to the DEQ regional office serving the area where the industrial facility is located, on a form provided by the department, and maintained with the facility's SWPPP.
- e. Any modification to the facility's industrial acreage or impervious industrial acreage shall require the facility to recalculate facility loading rates. This may require the facility to modify the facility's Chesapeake Bay TMDL action plan or submit a Chesapeake Bay TMDL action plan as appropriate. Any recalculation of facility loading rates or modifications to a Chesapeake Bay TMDL action plan shall be submitted to the department within 90 days of the date on which the permittee completes a site modification. If previous monitoring is no longer representative of the modified facility, monitoring in accordance with Part I B 8 a shall commence within 90 days of the modification and the revised calculations and Chesapeake Bay TMDL action plan if required under Part I B 8 f shall be submitted no later than 90 days following completion of the fourth monitoring period.
- f. Chesapeake Bay TMDL action plan requirements. If the calculated facility loading rate for TP, TN, or TSS is above the loading rates for TP, TN, or TSS presented in Part I B 8 c (1), then the permittee shall develop and submit a Chesapeake Bay TMDL action plan to the department.

The Chesapeake Bay TMDL action plan shall be submitted on a form provided by the department to the regional office serving the area where the industrial facility is located within 90 days following the completion of the fourth monitoring period. A copy of the current Chesapeake Bay TMDL action plan and all facility loading rate calculations shall be maintained with the facility's SWPPP. The Chesapeake Bay TMDL action plan shall include:

- (1) A determination of the total pollutant load reductions for TP, TN, and TSS (as appropriate) necessary to reduce the annual loads from industrial activities. This shall be determined by multiplying the industrial acreage times the difference between the TMDL loading rates listed in Part I B 8 c (1) and the actual facility loading rates calculated in accordance with Part I B 8 c (2). The reduction applies to the total difference calculated for each pollutant of concern;
 - (2) The means and methods, such as management practices and retrofit programs, that will be utilized to meet the required reductions determined in Part I B 8 f (1) and a schedule to achieve those reductions by June 30, 2024. The schedule should include annual milestones to demonstrate the ongoing progress in meeting those reductions; and
 - (3) The permittee 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 required reductions.
- g. A permittee required to develop and implement a Chesapeake Bay TMDL Action Plan shall submit an annual report to the department by June 30 of each year describing the progress in meeting the required reductions.

- h. Chesapeake Bay TMDL action plan annual reporting waiver. Upon implementation of the facility's Chesapeake Bay TMDL action plan, permittees may submit a waiver for the annual reporting requirements. The waiver request shall be submitted for board approval to the DEQ regional office serving the area where the industrial facility is located on a form provided by the department. Annual reporting requirements will be in effect until the permittee receives notice from the department that the waiver has been approved. A copy of the waiver approval shall be maintained with the SWPPP. The waiver may be revoked for cause by the board. A waiver request may be approved by the board once the permittee demonstrates that they have achieved all of the required pollutant reductions calculated under Part I B 8 f (1). Pollutant reductions may be achieved using a combination of the following alternatives:
 - (1) Reductions provided by one or more of the BMPs from the Virginia Stormwater BMP Clearinghouse listed in 9VAC25-870-65, approved BMPs found on the Virginia Stormwater Clearinghouse website, or BMPs approved by the Chesapeake Bay Program. Any BMPs implemented to provide the required pollutant reductions shall be incorporated in the SWPPP and be permanently maintained by the permittee;
 - (2) Implementation of site-specific BMPs followed by a minimum of four stormwater samples collected in accordance with sampling requirements in Part I B 8 a that demonstrate pollutant loadings have been reduced below those calculated under Part I B 8 c. Any BMPs implemented to provide the required pollutant reductions shall be incorporated in the SWPPP and be permanently maintained by the permittee; or
 - (3) Acquisition of nonpoint source credits certified by the board as perpetual in accordance with § 62.1-44.19:20 of the Code of Virginia.
- 9. Discharges through a regulated MS4 to waters subject to the Chesapeake Bay TMDL. In addition to the requirements of this permit, any facility with industrial activity stormwater discharges through a regulated MS4 that is notified by the MS4 operator that the locality has adopted ordinances to meet the Chesapeake Bay TMDL shall incorporate measures and controls into its SWPPP to comply with applicable local TMDL ordinance requirements.
- 10. Expansion of facilities that discharge to waters subject to the Chesapeake Bay TMDL. Virginia's Phase I Chesapeake Bay TMDL Watershed Implementation Plan (November 29, 2010), states that the wasteloads from any expansion of an existing permitted facility discharging stormwater in the Chesapeake Bay watershed cannot exceed the nutrient and sediment loadings that were discharged from the expanded portion of the land prior to the land being developed for the expanded industrial activity.
 - a. For any industrial activity area expansions (i.e., construction activities, including clearing, grading, and excavation activities) that commence on or after July 1, 2019, (the effective date of this permit), the permittee shall document in the SWPPP the information and calculations used to determine the nutrient and sediment loadings discharged from the expanded land area prior to the land being developed, and the measures and controls that were employed to meet the no net increase of stormwater nutrient and sediment load as a result of the expansion of the industrial activity. Any land disturbance that is exempt from permitting under the VPDES construction stormwater general permit regulation (9VAC25-880) is exempt from this requirement.
 - b. The permittee may use the VSMP water quality design criteria to meet the requirements of Part I B 10 a. Under this criteria, the total phosphorus load shall not exceed the greater of (i) the total phosphorus load that was discharged from the expanded portion of the land prior to the land being developed for the industrial activity or (ii) 0.41 pounds per acre per year. 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 Clearinghouse website.

- c. The permittee 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.
11. Water quality protection. The discharges authorized by this permit shall be controlled as necessary to meet applicable water quality standards. The board expects that compliance with the conditions in this permit will control discharges as necessary to meet applicable water quality standards.
12. Adding or deleting stormwater outfalls. The permittee may add new or delete existing stormwater outfalls at the facility as necessary and appropriate. The permittee shall update the SWPPP and notify the department of all outfall changes within 30 days of the change. The permittee shall submit a copy of the updated SWPPP site map with this notification.
13. Antidegradation requirements for new or increased discharges to high quality waters. Facilities that add new outfalls, or increase their discharges from existing outfalls that discharge directly to high quality waters designated under Virginia's water quality standards antidegradation policy under 9VAC25-260-30 A 2 may be notified by the department that additional control measures, or other permit conditions are necessary to comply with the applicable antidegradation requirements, or may be notified that an individual permit is required in accordance with 9VAC25-31-170 B 3.
14. Termination of permit coverage.
 - a. The owner may terminate coverage under this general permit by filing a complete notice of termination with the department. The notice of termination may be filed after one or more of the following conditions have been met:
 - (1) Operations have ceased at the facility and there are no longer discharges of stormwater associated with industrial activity from the facility;
 - (2) A new owner has assumed responsibility for the facility. A notice of termination does not have to be submitted if a VPDES Change of Ownership Agreement Form has been submitted;
 - (3) All stormwater discharges associated with industrial activity have been covered by an individual VPDES permit; or
 - (4) Termination of coverage is being requested for another reason, provided the board agrees that coverage under this general permit is no longer needed.
 - b. The notice of termination shall contain the following information:
 - (1) Owner's name, mailing address, telephone number, and email address (if available);
 - (2) Facility name and location;
 - (3) VPDES industrial stormwater general permit registration number;
 - (4) The basis for submitting the notice of termination, including:
 - (a) A statement indicating that a new owner has assumed responsibility for the facility;
 - (b) A statement indicating that operations have ceased at the facility, and there are no longer discharges of stormwater associated with industrial activity from the facility;
 - (c) A statement indicating that all stormwater discharges associated with industrial activity have been covered by an individual VPDES permit; or
 - (d) A statement indicating that termination of coverage is being requested for another reason and a description of the reason; and
 - (5) The following certification: "I certify under penalty of law that all stormwater discharges associated with industrial activity from the identified facility that are authorized by this VPDES general permit have been eliminated, or covered under a VPDES individual permit, or that I am no longer the owner of the industrial activity, or permit coverage should be terminated for another reason listed above. I understand

that by submitting this notice of termination, that I am no longer authorized to discharge stormwater associated with industrial activity in accordance with the general permit, and that discharging pollutants in stormwater associated with industrial activity to surface waters is unlawful where the discharge is not authorized by a VPDES permit. I also understand that the submittal of this notice of termination does not release an owner from liability for any violations of this permit or the Clean Water Act."

- c. The notice of termination shall be signed in accordance with Part II K.
- d. The notice of termination shall be submitted to the DEQ regional office serving the area where the industrial facility is located.

Part II. Conditions Applicable To All VPDES Permits

A. Monitoring.

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

B. Records.

1. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individuals who performed the sampling or measurements;
 - c. The dates and times analyses were performed;
 - d. The individuals who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
2. The permittee shall retain copies of the SWPPP, including any modifications made during the term of this permit, records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the registration statement for this permit, for a period of at least three years from the date that coverage under this permit expires or is terminated. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the board.

C. Reporting Monitoring Results.

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to the department's regional office.
2. Monitoring results shall be reported in the department's electronic discharge monitoring report (e-DMR) system. All reports and forms submitted in compliance with this permit shall be submitted electronically by the permittee in accordance with 9VAC25-31-1020.
3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under 40 CFR Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in e-DMR or reporting form specified by the department.
4. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to Provide Information.

The permittee shall furnish to the Department, within a reasonable time, any information which the board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating coverage under this permit or to determine compliance with this permit. The board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from the discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the department upon request, copies of records required to be kept by this permit.

E. Compliance Schedule Reports.

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

F. Unauthorized Discharges.

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

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

G. Reports of Unauthorized Discharges.

Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II F; or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II F, shall notify the department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the department within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

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

H. Reports of Unusual or Extraordinary Discharges.

If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the department within five days of discovery of the discharge in accordance with Part II I 1 b. Unusual and extraordinary discharges include any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of Noncompliance.

1. The permittee shall report any noncompliance that may adversely affect state waters or may endanger public health.
 - a. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which shall be reported within 24 hours under Part II I:
 - (1) Any unanticipated bypass; and
 - (2) Any upset which causes a discharge to surface waters.
 - b. A written report shall be submitted within five days and shall contain:
 - (1) A description of the noncompliance and its cause;
 - (2) The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
 - (3) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The board may waive the written report on a case-by-case basis for reports of noncompliance under Part II I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

2. The permittee shall report all instances of noncompliance not reported under Part II I 1 in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II I 1.
3. The immediate (within 24 hours) reports required in Part II G, H. and I. may be made to the department's regional office. Reports may be made by telephone, FAX, or online at <http://www.deq.virginia.gov/Programs/PollutionResponsePreparedness/MakingaReport.aspx>. For reports outside normal working hours, a message may be left and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Management maintains a 24-hour telephone service at 1-800-468-8892.

J. Notice of Planned Changes.

1. The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

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

K. Signatory Requirements.

1. Registration Statements. All registration statements shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means (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 that 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 registration requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
2. Reports, etc. All reports required by permits, and other information requested by the board shall be signed by a person described in Part II K 1 or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described in Part II K 1;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and
 - c. The written authorization is submitted to the department.
3. Changes to authorization. If an authorization under Part II K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II K 2 shall be submitted to the department prior to or together with any reports, or information to be signed by an authorized representative.

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

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

L. Duty to Comply.

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit coverage termination or denial of a permit coverage renewal.

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

M. Duty to Reapply.

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall submit a new registration statement at least 60 days before the expiration date of the existing permit, unless permission for a later date has been granted by the board. The board shall not grant permission for registration statements to be submitted later than the expiration date of the existing permit.

N. Effect of a Permit.

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

O. State Law.

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

P. Oil and Hazardous Substance Liability.

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

Q. Proper Operation and Maintenance.

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

R. Disposal of Solids or Sludges.

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

S. Duty to Mitigate.

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to Halt or Reduce Activity not a Defense.

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

U. Bypass

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Part II U 2 and 3.
2. Notice
 - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least 10 days before the date of the bypass.
 - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II I.
3. Prohibition of bypass.
 - a. Bypass is prohibited, and the board may take enforcement action against a permittee for bypass, unless:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices as required under Part II U 2.
 - b. The board may approve an anticipated bypass, after considering its adverse effects, if the board determines that it will meet the three conditions listed above in Part II U 3 a.

V. Upset.

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part II V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.
2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the causes of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required in Part II I; and
 - d. The permittee complied with any remedial measures required under Part II S.
3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and Entry.

The permittee shall allow the director, or an authorized representative, including an authorized contractor acting as a representative of the administrator, upon presentation of credentials and other documents as may be required by law, to:

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

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

X. Permit Actions.

Permit coverages may be terminated for cause. The filing of a request by the permittee for a permit termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of Permits.

1. Permits are not transferable to any person except after notice to the department.
2. Coverage under this permit may be automatically transferred to a new permittee if:
 - a. The current permittee notifies the department within 30 days of the transfer of the title to the facility or property; unless permission for a later date has been granted by the board;
 - b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 - c. The board does not notify the existing permittee and the proposed new permittee of its intent to deny the new permittee coverage under the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II Y 2 b.

Z. Severability.

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

Part III. Stormwater Pollution Prevention Plan

A stormwater pollution prevention plan (SWPPP) shall be developed and implemented for the facility covered by this permit. The SWPPP is intended to document the selection, design, and installation of control measures, including BMPs, to minimize the pollutants in all stormwater discharges from the facility, and to meet applicable effluent limitations and water quality standards.

The SWPPP requirements of this general permit may be fulfilled, in part, by incorporating by reference other plans or documents such as a spill prevention control and countermeasure (SPCC) plan developed for the facility under § 311 of the Clean Water Act, or best management practices (BMP) programs otherwise required for the facility, provided that the incorporated plan meets or exceeds the plan requirements of Part III B (Contents of the SWPPP). All plans incorporated by reference into the SWPPP become enforceable under this permit. If a plan incorporated by reference does not contain all of the required elements of the SWPPP of Part III B, the permittee shall develop the missing SWPPP elements and include them in the required plan.

A. Deadlines for SWPPP preparation and compliance.

1. Facilities that were covered under the 2014 Industrial Stormwater General Permit. Owners of facilities that were covered under the 2014 Industrial Stormwater General Permit who are continuing coverage under this general permit shall update and implement any revisions to the SWPPP within 90 days of the board granting coverage under this permit.
2. New facilities, facilities previously covered by an expiring individual permit, and existing facilities not currently covered by a VPDES permit. Owners of new facilities, facilities previously covered by an expiring individual permit, and existing facilities not currently covered by a VPDES permit who elect to be covered under this general permit shall prepare and implement the SWPPP prior to submitting the registration statement.
3. New owners of existing facilities. Where the owner of an existing facility that is covered by this permit changes, the new owner of the facility shall update and implement any revisions to the SWPPP within 60 days of the ownership change.
4. Extensions. Upon a showing of good cause, the director may establish a later date in writing for the preparation and compliance with the SWPPP.

B. Contents of the SWPPP.

The contents of the SWPPP shall comply with the requirements listed below and those in the appropriate sectors of Part IV (9VAC25-151-90 et seq.). These requirements are cumulative. If a facility has colocated industrial activities that are covered in more than one sector of Part IV, that facility's SWPPP shall comply with the requirements listed in all applicable sectors. The following requirements are applicable to all SWPPPs developed under this general permit. The SWPPP shall include, at a minimum, the following items:

1. Pollution prevention team. The SWPPP shall identify the staff individuals by name or title who comprise the facility's stormwater pollution prevention team. The pollution prevention team is responsible for assisting the facility or plant manager in developing, implementing, maintaining, revising and ensuring compliance with the facility's SWPPP. Specific responsibilities of each staff individual on the team shall be identified and listed.
2. Site description. The SWPPP shall include the following:
 - a. A description of the industrial activities at the facility.
 - b. A site map identifying the following:
 - (1) The boundaries of the property and the size of the property in acres;
 - (2) The location and extent of significant structures and impervious surfaces;

- (3) Locations of all stormwater conveyances, including ditches, pipes, swales, and inlets, and the directions of stormwater flow using arrows to indicate which direction stormwater will flow;
 - (4) Locations of all stormwater control measures, including BMPs;
 - (5) Locations of all surface water bodies, including wetlands;
 - (6) Locations of potential pollutant sources identified under Part III B 3;
 - (7) Locations where significant spills or leaks identified under Part III B 3 c have occurred;
 - (8) Locations of stormwater outfalls.
 - (a) An approximate outline of the area draining to each outfall;
 - (b) The drainage area of each outfall in acres;
 - (c) The longitude and latitude of each outfall;
 - (d) The location of any MS4 conveyance receiving discharge from the facility; and
 - (e) Each outfall shall be identified with a unique numerical identification code. For example: Outfall Number 001, Outfall Number 002, etc.;
 - (9) Location and description of all nonstormwater discharges;
 - (10) Location of any storage piles containing salt;
 - (11) Locations and sources of suspected run-on to the site from an adjacent property if the run-on is suspected of containing significant quantities of pollutants; and
 - (12) Locations of all stormwater monitoring points.
- c. Receiving waters and wetlands. The name of all surface waters receiving discharges from the site, including intermittent streams, dry sloughs, and arroyos. Provide a description of wetland sites that may receive discharges from the facility. If the facility discharges through an MS4, identify the MS4 operator, and the receiving water to which the MS4 discharges.
3. Summary of potential pollutant sources. The SWPPP shall identify each separate area at the facility where industrial materials or activities are exposed to stormwater. Industrial materials or activities include material handling equipment or activities, industrial machinery, raw materials, industrial production and processes, intermediate products, byproducts, final products, and waste products. Material handling activities include the storage, loading and unloading, transportation, disposal, or conveyance of any raw material, intermediate product, final product or waste product. For each separate area identified, the description shall include:
 - a. Activities in the area. A list of the industrial activities exposed to stormwater.
 - b. Pollutants. A list of the pollutants, pollutant constituents, or industrial chemicals associated with each industrial activity that could potentially be exposed to stormwater. The pollutant list shall include all significant materials handled, treated, stored or disposed that have been exposed to stormwater in the three years prior to the date this SWPPP was prepared or amended. The list shall include any hazardous substances or oil at the facility.
 - c. Spills and leaks. The SWPPP shall clearly identify areas where potential spills and leaks that can contribute pollutants to stormwater discharges can occur and their corresponding outfalls. The SWPPP shall include a list of significant spills and leaks of toxic or hazardous pollutants that actually occurred at exposed areas, or that drained to a stormwater conveyance during the three-year period prior to the date this SWPPP was prepared or amended. The list shall be updated within 60 days of the incident if significant spills or leaks occur in exposed areas of the facility during the term of the permit.
 - d. Sampling data. The SWPPP shall include stormwater discharge sampling data collected during the previous three years.
4. Stormwater controls.
 - a. Control measures shall be implemented for all the areas identified in Part III B 3 to prevent or control pollutants in stormwater discharges from the facility. Regulated stormwater discharges from the facility include stormwater run-on that commingles with stormwater discharges associated with industrial activity at the facility. The SWPPP shall describe the type, location and implementation of all control measures for each area where industrial materials or activities are exposed to stormwater.
Selection of control measures shall take into consideration:

- (1) That preventing stormwater from coming into contact with polluting materials is generally more effective, and less costly, than trying to remove pollutants from stormwater;
 - (2) Control measures generally shall be used in combination with each other for most effective water quality protection;
 - (3) Assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures;
 - (4) That minimizing impervious areas at the facility can reduce runoff and improve groundwater recharge and stream base flows in local streams (however, care must be taken to avoid groundwater contamination);
 - (5) Flow attenuation by use of open vegetated swales and natural depressions can reduce instream impacts of erosive flows;
 - (6) Conservation or restoration of riparian buffers will help protect streams from stormwater runoff and improve water quality; and
 - (7) Treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.
- b. Nonnumeric technology-based effluent limits. The permittee shall implement the following types of control measures to prevent and control pollutants in the stormwater discharges from the facility, unless it can be demonstrated and documented that such controls are not relevant to the discharges.
- (1) Good housekeeping. The permittee shall keep clean all exposed areas of the facility that are potential sources of pollutants to stormwater discharges. The permittee shall perform the following good housekeeping measures to minimize pollutant discharges:
 - (a) The SWPPP shall include a schedule for regular pickup and disposal of waste materials, along with routine inspections for leaks and conditions of drums, tanks, and containers;
 - (b) As feasible, the facility shall sweep or vacuum;
 - (c) Store materials in containers constructed of appropriate materials;
 - (d) Manage all waste containers to prevent a discharge of pollutants;
 - (e) Minimize the potential for waste, garbage, and floatable debris to be discharged by keeping areas exposed to stormwater free of such materials or by intercepting such materials prior to discharge; and
 - (f) Facilities that handle pre-production plastic or plastic waste shall implement BMPs to eliminate stormwater discharges of plastics.
 - (2) Eliminating and minimizing exposure. To the extent practicable, manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) shall be located inside, or protected by a storm-resistant covering to prevent exposure to rain, snow, snowmelt, and runoff. Eliminating exposure at all industrial areas may make the facility eligible for the "Conditional Exclusion for No Exposure" provision of 9VAC25-31-120 E, thereby eliminating the need to have a permit. Unless infeasible, facilities shall implement the following:
 - (a) Use grading, berming, or curbing to prevent runoff of contaminated flows and divert run-on away from potential sources of pollutants;
 - (b) Locate materials, equipment, and activities so that potential leaks and spills are contained, or able to be contained, or diverted before discharge;
 - (c) Clean up spills and leaks immediately, upon discovery of the spills or leaks, using dry methods (e.g., absorbents) to prevent the discharge of pollutants;
 - (d) Store leaking vehicles and equipment indoors or, if stored outdoors, use drip pans and adsorbents;
 - (e) Utilize appropriate spill or overflow protections equipment;
 - (f) Perform all vehicle maintenance or equipment cleaning operations indoors, under cover, or in bermed areas that prevent runoff and run-on and also capture any overspray; and

- (g) Drain fluids from equipment and vehicles that will be decommissioned, and for any equipment and vehicles that remain unused for extended periods of time, inspect at least monthly for leaks.
- (3) Preventive maintenance. The permittee shall have a preventive maintenance program that includes regular inspection, testing, maintenance and repairing of all industrial equipment and systems to avoid situations that could result in leaks, spills and other releases of pollutants in stormwater discharged from the facility. This program is in addition to the specific control measure maintenance required under Part III C (Maintenance).
- (4) Spill prevention and response procedures. The SWPPP shall describe the procedures that will be followed for preventing and responding to spills and leaks, including:
 - (a) Preventive measures, such as barriers between material storage and traffic areas, secondary containment provisions, and procedures for material storage and handling;
 - (b) Response procedures, including notification of appropriate facility personnel, emergency agencies, and regulatory agencies, and procedures for stopping, containing and cleaning up spills. Measures for cleaning up hazardous material spills or leaks shall be consistent with applicable Resource Conservation and Recovery Act regulations at 40 CFR Part 264 and 40 CFR Part 265. Employees who may cause, detect or respond to a spill or leak shall be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals shall be a member of the Pollution Prevention Team;
 - (c) Procedures for plainly labeling containers (e.g., "used oil," "spent solvents," "fertilizers and pesticides," etc.) that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur; and
 - (d) Contact information for individuals and agencies that must be notified in the event of a spill shall be included in the SWPPP, and in other locations where it will be readily available.
- (5) Salt storage piles or piles containing salt. Storage piles of salt or piles containing salt used for deicing or other commercial or industrial purposes shall be enclosed or covered to prevent exposure to precipitation. The permittee shall implement appropriate measures (e.g., good housekeeping, diversions, containment) to minimize exposure resulting from adding to or removing materials from the pile. All salt storage piles shall be located on an impervious surface. All runoff from the pile, and runoff that comes in contact with salt, including under drain systems, shall be collected and contained within a bermed basin lined with concrete or other impermeable materials, or within an underground storage tank or tanks, or within an above ground storage tank or tanks, or disposed of through a sanitary sewer (with the permission of the owner of the treatment facility). A combination of any or all of these methods may be used. In no case shall salt contaminated stormwater be allowed to discharge directly to the ground or to surface waters.
- (6) Employee training. The permittee shall implement a stormwater employee training program for the facility. The SWPPP shall include a schedule for all types of necessary training, and shall document all training sessions and the employees who received the training. Training shall be provided at least annually for all employees who work in areas where industrial materials or activities are exposed to stormwater, and for employees who are responsible for implementing activities identified in the SWPPP (e.g., inspectors, maintenance personnel, etc.). The training shall cover the components and goals of the SWPPP, and include such topics as spill response, good housekeeping, material management practices, control measure operation and maintenance, etc. The SWPPP shall include a summary of any training performed.

- (7) Sediment and erosion control. The SWPPP shall identify areas at the facility that, due to topography, land disturbance (e.g., construction, landscaping, site grading), or other factors, have a potential for soil erosion. The permittee shall identify and implement structural, vegetative, and stabilization control measures to prevent or control on-site and off-site erosion and sedimentation. Flow velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel if the flows would otherwise create erosive conditions.
- (8) Management of runoff. The SWPPP shall describe the stormwater runoff management practices (i.e., permanent structural control measures) for the facility. These types of control measures shall be used to divert, infiltrate, reuse, or otherwise reduce pollutants in stormwater discharges from the site.

Structural control measures may require a separate permit under § 404 of the Clean Water Act and the Virginia Water Protection Permit Program Regulation (9VAC25-210) before installation begins.

- (9) Dust suppression and vehicle tracking of industrial materials. The permittee shall implement control measures to minimize the generation of dust and off-site tracking of raw, final, or waste materials. Stormwater collected on-site may be used for the purposes of dust suppression or for spraying stockpiles. Potable water, well water, and uncontaminated reuse water may also be used for this purpose. There shall be no direct discharge to surface waters from dust suppression activities or as a result of spraying stockpiles.
5. Routine facility inspections. Personnel who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility and who can also evaluate the effectiveness of control measures shall regularly inspect all areas of the facility where industrial materials or activities are exposed to stormwater, areas where spills or leaks have occurred in the past three years, discharge points, and control measures. At least one member of the pollution prevention team shall participate in the routine facility inspections.

The inspection frequency shall be specified in the SWPPP based upon a consideration of the level of industrial activity at the facility, but shall be at a minimum of once per calendar quarter unless more frequent intervals are specified elsewhere in the permit or written approval is received from the department for less frequent intervals. Inspections shall be performed during operating hours. At least once each calendar year, the routine facility inspection shall be conducted during a period when a stormwater discharge is occurring.

The requirement for routine facility inspections is waived for facilities that have maintained an active VEEP E3/E4 status. Certain sectors in Part IV have additional inspection requirements. If the VEEP E3/E4 waiver language is not included for the sector specific inspections, these additional inspection requirements may not be waived.

Any deficiencies in the implementation of the SWPPP that are found shall be corrected as soon as practicable, but not later than within 60 days of the inspection, unless permission for a later date is granted in writing by the director. The results of the inspections shall be documented in the SWPPP and shall include at a minimum:

- a. The inspection date;
- b. The names of the inspectors;
- c. Weather information and a description of any discharges occurring at the time of the inspection;
- d. Any previously unidentified discharges of pollutants from the site;
- e. Any control measures needing maintenance or repairs;
- f. Any failed control measures that need replacement;

- g. Any incidents of noncompliance observed; and
- h. Any additional control measures needed to comply with the permit requirements.

C. Maintenance.

The SWPPP shall include a description of procedures and a regular schedule for preventive maintenance of all control measures, and shall include a description of the back-up practices that are in place should a runoff event occur while a control measure is off-line. The effectiveness of nonstructural control measures shall also be maintained by appropriate means (e.g., spill response supplies available and personnel trained, etc.).

All control measures identified in the SWPPP shall be maintained in effective operating condition and shall be observed at least annually when a stormwater discharge is occurring to ensure that they are functioning correctly. Where discharge locations are inaccessible, nearby downstream locations shall be observed. The observations shall be documented in the SWPPP.

If routine facility inspections required by Part III B 5 identify control measures that are not operating effectively, repairs or maintenance shall be performed before the next anticipated storm event. If maintenance prior to the next anticipated storm event is not possible, maintenance shall be scheduled and accomplished as soon as practicable. In the interim, back-up measures shall be employed and documented in the SWPPP until repairs or maintenance is complete. Documentation shall be kept with the SWPPP of maintenance and repairs of control measures, including the dates of regular maintenance, dates of discovery of areas in need of repair or replacement, dates for repairs, dates that the control measures returned to full function, and the justification for any extended maintenance or repair schedules.

D. Nonstormwater discharges.

1. Discharges of certain sources of nonstormwater listed in Part I B 1 are allowable discharges under this permit. All other nonstormwater discharges are not authorized and shall be either eliminated or covered under a separate VPDES permit.
2. Annual outfall evaluation for unauthorized discharges.
 - a. The SWPPP shall include documentation that all stormwater outfalls associated with industrial activity have been evaluated annually for the presence of unauthorized discharges. The documentation shall include:
 - (1) The date of the evaluation;
 - (2) A description of the evaluation criteria used;
 - (3) A list of the outfalls or on-site drainage points that were directly observed during the evaluation;
 - (4) A description of the results of the evaluation for the presence of unauthorized discharges; and
 - (5) The actions taken to eliminate unauthorized discharges if any were identified.
 - b. The permittee may request in writing to the department that the facility be allowed to conduct annual outfall evaluations at 20% of the outfalls. If approved, the permittee shall evaluate at least 20% of the facility outfalls each year on a rotating basis such that all facility outfalls will be evaluated during the period of coverage under this permit.

E. Signature and SWPPP review.

1. Signature and location. The SWPPP, including revisions to the SWPPP to document any corrective actions taken as required by Part I A 6, shall be signed in accordance with Part II K, dated, and retained on-site at the facility covered by this permit in accordance with Part II B 2. All other changes to the SWPPP, and other permit compliance documentation, shall be signed and dated by the person preparing the change or documentation. For inactive and unstaffed facilities, the plan may be kept at the nearest office of the permittee.
2. Availability. The permittee shall retain a copy of the current SWPPP required by this permit at the facility, and it shall be immediately available to the department, EPA, or the operator of an MS4 receiving discharges from the site at the time of an on-site inspection or upon request.
3. Required modifications. The permittee shall modify the SWPPP whenever necessary to address all corrective actions required by Part I A 6 a (Data exceeding benchmark concentration values) or Part I A 6 b (Corrective actions). Changes to the SWPPP shall be made in accordance with the corrective action deadlines in Part I A 6 a and Part I A 6 b, and shall be signed and dated in accordance with Part III E 1.

The director may notify the permittee at any time that the SWPPP, control measures, or other components of the facility's stormwater program do not meet one or more of the requirements of this permit. The notification shall identify specific provisions of the permit that are not being met, and may include required modifications to the stormwater program, additional monitoring requirements, and special reporting requirements. The permittee shall make any required changes to the SWPPP within 60 days of receipt of such notification, unless permission for a later date is granted in writing by the director, and shall submit a written certification to the director that the requested changes have been made.

F. Maintaining an updated SWPPP.

1. The permittee shall review and amend the SWPPP as appropriate whenever:
 - a. There is construction or a change in design, operation, or maintenance at the facility that has a significant effect on the discharge, or the potential for the discharge, of pollutants from the facility;
 - b. Routine inspections or compliance evaluations determine that there are deficiencies in the control measures, including BMPs;
 - c. Inspections by local, state, or federal officials determine that modifications to the SWPPP are necessary;
 - d. There is a significant spill, leak, or other release at the facility;
 - e. There is an unauthorized discharge from the facility; or
 - f. The department notifies the permittee that a TMDL has been developed and applies to the permitted facility, consistent with Part I B.
2. SWPPP modifications shall be made within 60 calendar days after discovery, observation or event requiring a SWPPP modification. Implementation of new or modified control measures (distinct from regular preventive maintenance of existing control measures described in Part III C) shall be initiated before the next storm event if possible, but no later than 60 days after discovery, or as otherwise provided or approved by the director. The amount of time taken to modify a control measure or implement additional control measures shall be documented in the SWPPP.
3. If the SWPPP modification is based on a significant spill, leak, release, or unauthorized discharge, include a description and date of the incident, the circumstances leading to the incident, actions taken in response to the incident, and measures to prevent the recurrence of such releases. Unauthorized discharges are subject to the reporting requirements of Part II G of this permit.

Virginia Administrative Code

Title 9. Environment

Agency 25. State Water Control Board

Chapter 151. Virginia Pollutant Discharge Elimination System (VPDES) General Permit
Regulation for Discharges of Stormwater Associated with Industrial Activity

Part III. Stormwater Pollution Prevention Plan

9VAC25-151-200. Sector M - Automobile salvage yards.

A. Discharges covered under this section. The requirements listed under this section apply to stormwater discharges associated with industrial activity from facilities engaged in dismantling or wrecking used motor vehicles for parts recycling or resale, and for scrap (SIC Code 5015).

B. Stormwater controls. In addition to the requirements of Part III, the SWPPP shall include, at a minimum, the following items:

1. 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 means shall be taken to prevent leaks or spills of fluids upon arrival at the site, or as soon thereafter as feasible. All drained fluids shall be managed to minimize leaks or spills.
2. Inspections. Upon arrival at the site, or as soon thereafter as feasible, 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 (four times per year) for signs of leaks. All vessels, containers, or tanks and areas where hazardous materials and general automotive fluids are stored, including mercury switches, brake fluid, transmission fluid, radiator water, and antifreeze, shall be inspected at least quarterly for leaks. Quarterly inspection records shall be maintained with the SWPPP.
3. Employee training. Employee training shall, at a minimum, address the following areas when applicable to a facility: proper handling (collection, storage, and disposal) of oil, used mineral spirits, antifreeze, mercury switches, and solvents.
4. Management of runoff. The permittee shall implement control measures to divert, infiltrate, reuse, contain, or otherwise reduce stormwater runoff to minimize pollutants in discharges from the facility. The following management practices shall be used to prevent or reduce the discharge of pollutants to surface waters:
 - a. Berms or drainage ditches on the property line used to help prevent run-on from neighboring properties;
 - b. Berms for uncovered outdoor storage of oily parts and engine blocks;
 - c. Aboveground liquid storage;

- d. The installation of detention ponds, filtering devices, or oil/water separators; and
- e. Another control measure used to prevent or reduce the discharge of pollutants to surface waters.

C. Benchmark monitoring and reporting requirements. Automobile salvage yards are required to monitor their stormwater discharges for the pollutants of concern listed in Table 200.

Table 200 Sector M – Benchmark Monitoring Requirements	
Pollutants of Concern	Benchmark Concentration
Automobile Salvage Yards (SIC Code 5015)	
Total Suspended Solids (TSS)	100 mg/L
Total Recoverable Aluminum	750 µg/L
Total Recoverable Iron	1.0 mg/L
Total Recoverable Lead	120 µg/L

Statutory Authority

§ 62.1-44.15 of the Code of Virginia; § 402 of the federal Clean Water Act; 40 CFR Parts 122, 123, and 124.

Historical Notes

Derived from Virginia Register Volume 15, Issue 9, eff. June 30, 1999; amended, Virginia Register Volume 20, Issue 16, eff. July 1, 2004; Volume 25, Issue 19, eff. June 24, 2009; Volume 30, Issue 11, eff. July 1, 2014; Volume 35, Issue 19, eff. July 1, 2019.