



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

Permit No.: VA0088579
 Effective Date: July 1, 2021
 Expiration Date: June 30, 2026

**AUTHORIZATION TO DISCHARGE UNDER THE
 VIRGINIA STORMWATER MANAGEMENT PROGRAM AND THE VIRGINIA STORMWATER MANAGEMENT ACT**

Pursuant to the Clean Water Act as amended and the Virginia Stormwater Management Act and regulations adopted pursuant thereto, the following owner is authorized to discharge in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in this state permit.

Permittee: Arlington County
 Facility Name: Arlington County Municipal Separate Storm Sewer System
 County Location: Arlington County is 26 square miles in area and is bordered by the Potomac River to the North and East, the City of Alexandria to the South, and Fairfax County to the West and South.

The owner is authorized to discharge from municipal-owned or operated storm sewer outfalls to the surface waters in the following watersheds:

Receiving Waters and Watersheds:	Stormwater from the Arlington County discharges into four 6 th order hydrologic units: Potomac River – Nichols Run-Scott Run (PL23) Potomac River – Pimmit Run (PL24) Potomac River – Four Mile Run (PL25) Cameron Run (PL26) There are 10 major watersheds: Gulf Branch, Donaldson Run, Potomac River, Windy Run, Spout Run, Colonial Village/Rocky Run, Four Mile Run (contains the following major streams: Lower Long Branch, Doctor's Branch, Lubber Run, and Upper Long Branch), Little Pimmit Run, Pimmit Run, and Roaches Run
River Basins:	Potomac River
Sections:	6, 7, 8
Classes:	II, III
Special Standards:	b

The authorized discharge shall be in accordance with the application filed with the Department; this cover page, Part I – Authorization, Effluent Limitations, Monitoring Requirements, and TMDL Special Conditions; and Part II - Conditions Applicable To All State and VPDES Permits, as set forth in this individual permit.

Allan Brockleough #

 Manager, Office of VPDES Permits

July 1, 2021

 Date

PART I - AUTHORIZATION, EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. DISCHARGES AUTHORIZED UNDER THIS PERMIT

1. Authorized Discharges

- a) This state permit authorizes the discharge of stormwater from all existing and new municipal separate stormwater point source discharges to surface waters from the Municipal Separate Storm Sewer System (MS4) owned or operated by the County of Arlington, Virginia.
- b) The following discharges, whether discharged separately or commingled with municipal stormwater, are also authorized by this permit for discharge through the MS4:
 - 1) Non-stormwater discharges and stormwater discharges associated with industrial activity (defined at 9VAC25-31-10) that are authorized by a separate Virginia Pollutant Discharge Elimination System (VPDES) permit;
 - 2) Discharges from construction activities that are regulated under the Virginia Stormwater Management Program (VSMP) (9VAC25-870-10 et seq.) and authorized by a separate VSMP authority permit or state permit; and
 - 3) The following non-stormwater discharges unless the State Water Control Board, or the permittee determines the discharge to be a significant source of pollutants to surface waters:
 - (a) water line flushing, managed in a manner to avoid an instream impact;
 - (b) landscape irrigation;
 - (c) diverted stream flows;
 - (d) rising ground waters;
 - (e) uncontaminated ground water infiltration (as defined at 40 CFR Part 35.2005(20));
 - (f) uncontaminated pumped ground water;
 - (g) discharges from potable water sources;
 - (h) foundation drains;
 - (i) air conditioning condensation;
 - (j) irrigation water;
 - (k) springs;
 - (l) water from crawl space pumps;
 - (m) footing drains;
 - (n) lawn watering;
 - (o) individual residential car washing;
 - (p) flows from riparian habitats and wetlands;
 - (q) dechlorinated swimming pool discharges;
 - (r) street wash water;

- (s) discharges or flows from emergency firefighting activities;
 - (t) discharges or flows of potable water used in firefighting training activities managed in a manner to avoid an instream impact;
 - (u) other activities generating discharges identified by the Department as not requiring VPDES authorization; and,
 - (v) discharges from non-commercial fundraising car washes using only biodegradable, phosphate-free, water-based cleaners.
- 4) Materials from a spill are not authorized unless the discharge of material resulting from a spill is necessary to prevent loss of life, personal injury, or severe property damage. The permittee shall take, or require the responsible party to take, all reasonable steps to minimize or prevent any adverse effect on human health or the environment in accordance with the permittee's program under Part I.B.6 (Spill Prevention and Response). This permit does not transfer liability for a spill itself from the party(ies) responsible for the spill to the permittee nor relieve the party(ies) responsible for a spill from the reporting requirements of 40 CFR Part 117 and 40 CFR Part 302. The permittee is responsible for any reporting requirement listed under Part II.G of this permit.

2. Permittee Responsibilities

The permittee shall develop, implement, and enforce a MS4 program designed to reduce the discharge of pollutants from the large MS4 to the maximum extent practicable (MEP) in accordance with this permit, to protect water quality, and to satisfy the appropriate water quality requirements of the State Water Control Law and its attendant regulations. The permittee shall utilize the legal authority provided by the laws and regulations of the Commonwealth of Virginia to control discharges to and from the MS4. This legal authority may be a combination of statute, ordinance, permit, policy, specific contract language, order, or inter-jurisdictional agreements. The MS4 program shall include the program requirements described in Part I of this permit. For the purposes of this permit term, implementation of MS4 program requirements in Part I and the Chesapeake Bay and local TMDL requirements in Part I.E (as applicable) consistent with the provisions of an iterative MS4 program required pursuant to this individual permit constitutes compliance with the standard of reducing pollutants to the maximum extent practicable, provides adequate progress in meeting water quality standards, and satisfies the appropriate water quality requirements of the State Water Control Law and its attendant regulations.

This state permit establishes the specific requirements applicable to the permittee for the term of this permit. The permittee is responsible for compliance with this permit. The permittee shall implement and update the MS4 program plan (as set forth in Part I.B) to ensure compliance with this permit. The Department has determined that implementation of the MS4 program plan, consistent with the conditions in this permit, reduces the discharge of pollutants to the maximum extent practicable. Where wasteloads have been allocated for pollutant(s) of concern in an approved Total Maximum Daily Load (TMDL), the permittee shall implement the TMDL program requirements as set forth in Part I.E of this permit. Compliance with the requirements of this permit shall also constitute adequate progress for this permit term towards complying with the assumptions and requirements of the applicable TMDL wasteload allocations such that the discharge does not cause or contribute to violation of the water quality standards.

The permittee shall clearly define the roles and responsibilities of each of the permittee's departments, divisions or subdivisions in maintaining permit compliance. If the permittee relies on another party to implement portions of the MS4 program plan, both parties shall document the agreement in writing. The agreement shall be retained by the permittee with the MS4 program plan. Roles and responsibilities shall be updated as necessary. Where the permittee relies on another party to implement a portion of this permit, responsibility for compliance with this permit shall remain with the permittee.

SPECIFIC REPORTING REQUIREMENTS:

- **Each annual report shall include a current list of roles and responsibilities.**

- **If relying on another entity to implement any portion of the MS4 program, the document/agreement shall be included in the annual report.**

3. Legal Authority

The permittee shall maintain and utilize its legal authority authorized by the Commonwealth of Virginia to control discharges to and from the MS4 in the manner established by the specific requirements of this permit. The legal authority shall enable the permittee to:

- a) Control the contribution of pollutants to the MS4;
- b) Prohibit illicit discharges to the MS4;
- c) Control the dumping or improper disposal of materials other than stormwater (e.g. industrial and commercial wastes, trash, used motor vehicle fluids, leaf litter, grass clippings, domestic animal wastes, etc.) into the MS4;
- d) Require compliance with conditions in ordinances, permits, contracts, inter-jurisdictional agreements, or orders; and,
- e) Carry out all inspections, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions including the prohibition on illicit discharges to the MS4.

The permittee shall review and update its ordinances and other legal authorities such as permits, orders, contracts and inter-jurisdictional agreements as necessary to continue providing adequate legal authority to control discharges to and from the MS4. Copies of ordinances, partnership and conservation district agreements or other legal documents shall be made available to the Department upon request.

4. MS4 Program Resources

The permittee shall submit to the Department a copy of each fiscal year's budget including its proposed capital and operation and maintenance expenditures necessary to accomplish the activities required by this permit. The permittee shall describe its method of funding the stormwater program with the copy of the fiscal year budget.

SPECIFIC REPORTING REQUIREMENTS:

- **A copy of the fiscal year's budget including its proposed capital and operation and maintenance expenditures necessary to accomplish the activities required by this state permit shall be submitted with each annual report.**

5. Permit Maintenance Fees

Permit maintenance fees shall be paid in accordance with Part XIII of the VSMP regulations (9VAC25-870-830).

6. MS4 Program Plan

The permittee shall maintain and implement an MS4 program plan accurately documenting the MS4 Program including all additions, changes and modifications. The MS4 program plan shall contain either by inclusion or reference all documents, activities, and procedures used in order to meet the requirements of this permit. Documents may be incorporated by reference provided the latest revision date is included in the MS4 program plan and all documents are available upon request.

Specific reference shall be made to any ordinance more stringent than the Virginia Stormwater Management Act (§ 62.1-44.15:24 et seq.) and VSMP regulations (9VAC25-870 et seq.), the Virginia Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.) and Regulations (9VAC25-840 et seq.) and the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) and Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830 et seq.).

The permittee shall submit the updated MS4 program plan that meets the requirements of this permit no later than twelve (12) months after the effective date of this permit. If there are other permit conditions related to the MS4 program plan that have a later specified due date (i.e. 24 months per Part I.B.8.a).6) and Part I.B.8.c).2)) the plan shall be updated accordingly at that time and the most up-to-date version of the MS4 program plan shall be posted on the permittee's website within 30 days of updating the MS4 program plan.

The most recent MS4 program plan shall be posted on the permittee's website. Until such time that the MS4 program plan is updated in accordance with Part I.A.7 of this section below and Part I.B, the permittee shall continue to implement the plan in effect at the time that coverage is issued by this permit.

MS4 Program Planning

No later than 12-months after the effective date of this permit, the permittee shall submit to the Department a summary of potential stormwater management projects to be completed during the term of the permit. Projects addressing stormwater quantity may be included if there is a water quality benefit to the project.

At a minimum, the summary shall provide the following information for each project:

- type of project or BMP;
- number of acres which the BMP treats;
- impervious and pervious acreage treated by the potential project;
- condition of downstream channel;
- amount of total pollutant reduction;
- feasibility for implementation; and
- estimated cost of implementation.

An updated planning summary shall be placed on the permittee's website no later than 30 days after it is submitted to the Department. No later than 30-days following funding allocation for project development, the permittee shall identify and summarize the project on the permittee's website. Project statuses shall be updated no later than 30-days following project completion and updated on the website no less than once per year.

SPECIFIC REPORTING REQUIREMENTS:

- **Each annual report shall include a webpage address to the permittee's MS4 program and stormwater website.**
- **No later than 12 months after the permit effective date, the permittee shall submit to the Department the stormwater management project planning summary as described in Part I.A.6 above. The summary shall include a prioritized list of the identified projects for consideration of implementation.**
- **Each annual report shall include an updated stormwater management project summary sheet for which implementation or construction occurred during the reporting year.**
- **Each annual report shall include a current web link to the stormwater management project status page(s).**

7. MS4 Program Review and Updates

MS4 Program and Program Plan Review: The permittee shall review the current MS4 program and program plan annually, in conjunction with the preparation of the annual report required under Part I.F of

this permit.

a) **MS4 Program Plan Updates:**

The MS4 program plan documents actions taken by the permittee to meet MS4 permit requirements. Revisions to the MS4 program plan may be made during the term of the permit as part of the iterative process to reduce pollutant loading and protect water quality to the “maximum extent practicable” (MEP). Updates to specific standards and specifications, schedules, operating procedures, ordinances, manuals, checklists and other documents routinely evaluated are authorized under this permit provided that the updates are performed in a manner (i) that is consistent with the conditions of this permit, (ii) that ensure public notice and participation requirements established in this permit are followed, and (iii) that the updates are documented in the annual report described in Part I.F of this report.

b) **MS4 Program Modifications:**

Any modifications to the MS4 program that are not consistent with the requirements of this permit will require modification of the permit. Replacing, or eliminating without replacement, any ineffective or infeasible strategies, policies and Best Management Practices (BMPs) specifically identified in this permit with alternate strategies, policies and BMPs may be requested at any time. Such requests shall include the following:

- 1) An analysis of how and / or why the BMPs, strategies or policies are ineffective or infeasible including information on whether the BMPs, strategies, or policies are cost prohibitive;
- 2) Expectations on the effectiveness of the replacement BMPs, strategies or policies;
- 3) An analysis of how the replacement BMPs are expected to achieve the goals of the BMPs to be replaced;
- 4) A schedule for implementing the replacement BMPs, strategies and policies; and
- 5) An analysis of how the replacement strategies and policies are expected to improve the permittee’s ability to meet the goals of the strategies and policies being replaced.

b) **MS4 Program Updates Requested by the Department:**

In a manner and following procedures in accordance with the Virginia Administrative Processes Act, the VSMP regulations and other applicable State laws, statutes and regulations, the Department may request changes to the MS4 Program to assure compliance with the statutory requirements of the Virginia Stormwater Management Act and associated regulations and to:

- 1) Address impacts on receiving water quality caused by discharges from the MS4;
- 2) Include more stringent requirements necessary to comply with new State or Federal-statutory or regulatory requirements; or
- 3) Include such other conditions necessary to comply with State or Federal statutory or regulatory requirements:

Proposed changes requested by the Department shall be made in writing and set forth the basis for and objective of the modification as well as the proposed time schedule for the permittee to develop and implement the modification. The permittee may propose alternative program modifications and/or time schedules to meet the objective of the requested modification, but any such modifications are at the discretion of the Department.

SPECIFIC REPORTING REQUIREMENTS:

- **Provide an update on any MS4 program changes and the MS4 program plan in the Annual**

Report.

B. MS4 PROGRAM IMPLEMENTATION

1. *Construction Site Runoff and Post Construction Runoff from Areas of New Development and Development on Prior Developed Lands*

- a) The permittee shall implement a local erosion and sediment control program consistent with the Virginia Erosion and Sediment Control Law § 62.1-44.15:51 of the Code of Virginia and Virginia Erosion and Sediment Control Regulations 9VAC25-840 et seq. and a stormwater management program consistent with the Virginia Stormwater Management Act § 62.1-44.15:24 of the Code of Virginia and Virginia Stormwater Management Program Regulations 9VAC25-870 et seq.
 - 1) The permittee shall require the implementation of appropriate controls to prevent non-stormwater discharges to the MS4, such as wastewater, concrete washout, fuels and oils, and other illicit discharges identified during land disturbing activity inspections. The discharge of non-stormwater discharges other than those identified in Part I.A.1 through the MS4 is not authorized by this state permit
- b) The permittee shall identify in the MS4 program plan all legal authorities for erosion and sediment control and stormwater management that are more stringent than those required under 9VAC25-840 et seq. and/or 9VAC25-870 et seq. that have been adopted in accordance with § 62.1-44.15:65 and/or § 62.1-44.15:33 of the Code of Virginia.

SPECIFIC REPORTING REQUIREMENTS:

- **Each annual report shall contain the number of regulated land disturbing activities approved and the total number of acres disturbed.**
 - **Each annual report shall contain the number of land disturbing activity inspections conducted and the number and type of each enforcement action taken.**
 - **Each annual report shall include a list of land disturbing projects that qualify under the “Grandfathering” provision of the VSMP regulations found at 9VAC25-870-48 that receive coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities during the reporting period.**
 - **Each annual report shall include a summary of actions taken by the permittee to implement Part I.B.1 a) and b) of this permit.**
- 2. *Retrofitting on Prior Developed Lands*** From the stormwater management project summary list required in Part I.A.6, the permittee shall complete a minimum of fifteen (15) stormwater retrofit projects *including projects completed after the June 25, 2018 permit expiration and prior to the effective date of the new permit, during the administratively continued period. The stormwater retrofit projects shall be completed* with a minimum of one from each of three categories: street and pond retrofits; stream restoration/shoreline improvement projects; and outfall repairs no later than the expiration of this permit term. The retrofit projects must be selected from the summary of potential stormwater management projects listed in Part 1.A.6 of this permit. Projects implemented to meet the requirements of Part I.E this permit (TMDL action plans) may be used to meet the requirements identified in this section.

In addition to the fifteen (15) stormwater retrofit projects described in the previous paragraph, the permittee shall implement tree planting and replacement programs as follows:

- a) Plant a minimum of 2,000 trees on County park land and County-owned rights-of-way no later than 60-months after the effective date of this permit.
- b) Implement a program designed to distribute a minimum of 2,000 trees to private property owners during the term of this permit.

The permittee shall continue to implement its programs to provide financial and/or technical assistance for the installation of small-scale practices to reduce stormwater runoff from private properties.

SPECIFIC REPORTING REQUIREMENTS:

- For retrofit projects not used to meet the TMDL requirements of Part I.E, the permittee shall submit a summary of projects implemented during the reporting period and a cumulative list of all retrofit projects completed to date. This list shall include as follows: type of land use being retrofitted; the existing stormwater management facility type before retrofit; retrofit type used; retrofit performed; completion date or anticipated completion date; total acreage retrofitted; total impervious and total pervious acreage retrofitted; location of retrofit by latitude and longitude (in decimal degrees); and SWM facility unique identifier number. Each annual report shall include a status update for those projects for which implementation began during the reporting period.
 - Each annual report shall provide the total number of trees planted on County parkland and County-owned rights-of-way during the reporting cycle and cumulative for the permit cycle.
 - Each annual report shall provide a summary of the programs for the year that provided financial and/or technical assistance to property owners to reduce stormwater runoff to include the date, the number of participants, and the type of financial and/or technical assistance provided.
- 3. Roadways** Operation of activities taken by the permittee, or a contractor on their behalf, to maintain or improve paved surfaces such as roadways, streets, sidewalks, and/or parking lots shall be conducted in a manner to minimize discharge of pollutants, including those pollutants contained in anti-icing or deicing compounds or abrasives used for snow and ice management.
- a) The permittee shall continue to implement its street cleaning program and shall clean a minimum of 30,000 lane miles during this permit cycle.
 - b) The permittee shall continue to implement written protocols for permittee maintained road, street, and parking lot maintenance, equipment maintenance and material storage designed to minimize pollutant discharge.
 - c) The permittee shall review their existing procedures for snow and ice management and identify within 12 months of permit issuance opportunities to implement enhanced best management practices that promote efficient management and application of anti-icing and deicing compounds.
 - d) The permittee shall implement protocols designed to minimize the discharge of pollutants associated with equipment maintenance, equipment storage and storage of anti-icing and deicing compounds, abrasives and other materials. Materials utilized for deicing and sanding activities shall remain covered from precipitation until application.
 - e) The permittee shall not apply any anti-icing or deicing compounds containing urea or other forms of nitrogen or phosphorus to parking lots, roadways, or sidewalks.

SPECIFIC REPORTING REQUIREMENTS:

- The permittee shall include a description of the permittee's street cleaning program including the number of lane miles cleaned each year and the total cleaned cumulatively since permit issuance in each annual report.
- If the permittee reports pollutant removal credit for street cleaning towards the Chesapeake Bay TMDL requirements, reporting shall be submitted following the *Recommendations of the Expert Panel to Define Removal Rates for Street and Storm Drain Cleaning Practices Final Report* approved by the Chesapeake Bay Program, dated May 19, 2016. This includes record-keeping requirements to include as follows: actual sweeper routes and type of road; total curb miles cleaned on each route, average parking conditions; sweeper technology used (Advanced Sweeper Technologies); and number of cleaning passes per year on each qualifying route. The

permittee shall maintain records of the actual miles cleaned, by date, for the entire MS4 sweeper fleet over the reporting year.

- **The permittee shall include an updated version of the written protocols identified in Part I.B.3.b) if any changes are made during the reporting year.**
- **The permittee shall include in each annual report a summary of its snow and ice management program, including an overview of enhanced best management practices implemented and identification of any new practices incorporated during the reporting period.**

4. Pesticide, Herbicide, and Fertilizer Application The permittee shall continue to control the discharge of pollutants related to the storage and application of pesticides, herbicides, and fertilizers applied to permittee rights of way, parks, and other permittee property, as follows:

- a) The permittee shall develop and implement nutrient management plans that have been developed by a nutrient management planner certified in accordance with § 10.1-104.2 of the Code of Virginia on all lands owned or operated by the MS4 permittee where nutrients are applied to a contiguous area greater than or equal to one acre. If nutrients are applied to achieve final stabilization of a land disturbance project, application shall follow the manufacturer's recommendations. The nutrient management plans shall be implemented in accordance with the following schedule:
 - 1) No later than 12-months after the effective date of this permit, the permittee shall identify all lands owned or operated by the permittee where nutrients are applied to a contiguous area of greater than or equal to one acre. A latitude and longitude (in decimal degrees) shall be provided for each such piece of permittee land.
 - 2) The permittee shall continue implementation of nutrient management plans on all permittee lands where nutrients are applied to a contiguous area of greater than or equal to one acre.
 - 3) Any newly identified lands will be covered by nutrient management plans within six months of identification.
 - 4) The permittee shall annually track the following on all lands owned or operated by the MS4 permittee where nutrients are applied to a contiguous area greater than or equal to one acre:
 - (a) The total acreage of permittee lands upon which nutrients are applied and controlled using general County guidelines or standard operating procedures;
 - (b) The acreage of permittee lands where nutrient management plans are required; and,
 - (c) The acreage of permittee lands covered by nutrient management plans that have been implemented.
- b) The permittee shall continue to employ good housekeeping / pollution prevention measures in the application, storage, transport and disposal of pesticides, herbicides and fertilizers.
- c) The permittee may regulate the use, application, or storage of fertilizers pursuant to § 3.2-3602 of the Code of Virginia.
- d) The permittee shall track the acreage of permittee lands managed under Integrated Pest Management Plans.

SPECIFIC REPORTING REQUIREMENTS:

- **Each annual report shall include a list of all permittee lands where nutrients are applied to a contiguous area greater than or equal to one acre on which nutrients are applied. The list shall also identify all properties for which nutrient management plans have been implemented. The list shall also include the date of the most recent management plan and cumulative total acreage under nutrient management plans.**

- Each annual report shall include the number of acres managed under Integrated Pest Management Plans.
- Each annual report shall include a list of persons responsible for the application of pesticides, herbicides, and fertilizers to include the name of the person doing the application, the certification number, and current certification date.

5. *Illicit Discharges and Improper Disposal* Discharges to the MS4 not authorized by this permit shall be effectively prohibited.

a) In accordance with Part I.A.1.b), certain non-stormwater discharges to the MS4 need not be addressed as illicit discharges or improper disposal. The MS4 program plan shall identify any non-stormwater discharges listed under Part I.A.1.b), where the permittee has imposed any conditions on the discharges to the MS4. The permittee shall prohibit, on a case-by-case basis, any individual non-stormwater discharge (or class of non-stormwater discharges) otherwise allowed under this paragraph that is determined to be contributing significant amounts of pollutants to the MS4.

b) The permittee shall continue implementing a sanitary sewer inspection program to minimize the exfiltration from the sanitary system to the MS4.

The permittee shall inspect a minimum of 400,000 linear feet of sanitary sewer during this permit cycle.

c) The permittee shall continue to develop and implement a program to reduce the discharge of floatables (e.g. litter and other human-generated solid refuse), including the floatables monitoring required in Part I.C.3 of this permit.

d) The permittee shall prohibit the dumping or disposal of used motor vehicle fluids, household hazardous wastes, sanitary sewage, grass clippings, leaf litter, and domestic animal wastes into the MS4. The permittee shall ensure the implementation of programs to collect used motor vehicle fluids (such as oil and antifreeze) and household hazardous waste materials for recycling, reuse, or proper disposal. Such programs shall be readily available to all private residents and shall be publicized and promoted on a regular basis not less than twice per year.

e) The permittee shall continue to implement a program to locate and eliminate illicit discharges and improper disposal into the MS4. This program shall include dry weather screening activities to locate portions of the MS4 with suspected illicit discharges and improper disposal, as described in Part I.B.12.a) of this permit.

f) The permittee shall require the elimination of illicit discharges and improper disposal practices within 30-days of discovery. Where elimination of an illicit discharge within 30-days is not possible, the permittee shall require an expeditious schedule for removal of the discharge. In the interim, the permittee shall require the operator of the illicit discharge to take all reasonable and prudent measures to minimize the discharge of pollutants to the MS4.

SPECIFIC REPORTING REQUIREMENTS:

- Each annual report shall include a list of illicit discharges identified, the source, a description of follow-up activities and whether the illicit discharge has been eliminated.
- Each annual report shall include a summary of the permittee's program to reduce floatables generation at the source, including but not limited to: pollution prevention; public education; refuse and recycling collection; litter control; structural pilot projects; or street sweeping programs and a summary of program effectiveness.
- Each annual report shall list the linear feet of sanitary sewer inspected during the reporting year.

6. *Spill Prevention and Response* The permittee shall continue to implement a program that coordinates with the Fire Department and other County departments to prevent, contain, and respond to spills that may

discharge into the MS4. The spill response program may include a combination of spill response actions by the permittee (and/or another public or private entity), and legal requirements for private entities within the permittee's jurisdiction.

SPECIFIC REPORTING REQUIREMENTS:

- **Each annual report shall include a list of spills, that qualify for immediate reporting as required under Part II.G and H of this permit, the source, (identified to the best of the permittee's ability), and a description of follow-up activities taken.**

- 7. Industrial & High Risk Runoff** The permittee shall implement a program to identify and control pollutants in stormwater discharges to the MS4 from industrial and high risk runoff facilities. Facilities with individual industrial VPDES stormwater permits or coverage under the industrial stormwater general permit may be included in the program at the discretion of the permittee.
- a) The permittee shall maintain, and update as necessary, a list of all known industrial and high-risk dischargers to the MS4.
 - b) The permittee shall maintain a list of any industrial and/or commercial stormwater dischargers not permitted by the Board that it determines have the potential to contribute a significant pollutant loading to the MS4. This list may be individual discharges or categories of discharges.
 - 1) The list shall include, but shall not be limited to, major automotive facilities such as repair shops, body shops, auto detailers, tire repair shops and service stations.
 - 2) Visual inspections of exposed areas and points of connections to the MS4 or outfalls at these facilities will be conducted to identify potential sources of pollutants that could enter the MS4 and surface waters
 - 3) The permittee shall require control measures as necessary and/or appropriate for stormwater discharges from these dischargers to the MS4.
 - c) The permittee may conduct monitoring, or may require the facility to conduct monitoring, of any stormwater discharges it believes may be a source of significant pollutant loadings.
 - d) The permittee shall continue to coordinate with the Department to report any non-VPDES-permitted industrial or commercial facility from which the permittee has evidence that a significant pollutant load is entering the MS4 system. Inspections of facilities for which the permittee has evidence of significant pollutant loadings may be carried out in conjunction with other permittee programs.
 - e) The permittee shall refer to the Department of Environmental Quality, Northern Regional Office, for Department compliance review under the Virginia State Water Control Law any industrial or commercial facility, if the permittee becomes aware of a violation of any industrial stormwater management requirement contained in an individual or general VPDES permit issued to the facility by the Department.

SPECIFIC REPORTING REQUIREMENTS:

- **The annual report shall include a list of all known industrial and high risk dischargers including any non-VPDES regulated industrial and commercial stormwater dischargers determined by the permittee as having the potential to contribute a significant pollutant load and that discharge to the MS4 system, a schedule of inspections and procedures for inspecting points of connection or outfalls, whichever occurs first, to the permittee's MS4.**
- **Each annual report shall report on implementation of the inspection schedule and include a list of the facilities and/or facility outfalls or points of connections to the permittee's MS4 inspected during the reporting period.**
- **Each annual report shall include a list of referrals to the Department including a document listing**

Department coordination activities.

- 8. Stormwater Infrastructure Management** The permittee shall continue implementing programs to maintain the permittee's stormwater infrastructure and to update the accuracy and inventory of the storm sewer system.
- a) For stormwater management (SWM) facilities and infrastructure maintained by the permittee, the following conditions apply:
- 1) The permittee shall provide for adequate long-term operation and maintenance of SWM facilities owned or operated by the permittee in accordance with written inspection and maintenance procedures included in the MS4 program plan.
 - 2) The permittee shall inspect annually all SWM facilities owned or operated by the permittee. The permittee may choose to implement an alternative schedule to inspect these SWM facilities based on a risk assessment that includes facility type and expected maintenance needs provided that the alternative schedule is included in the MS4 program plan in accordance with plan modifications as listed in Part I.A.7.a) of this permit.
 - 3) The permittee shall conduct maintenance on SWM facilities owned or operated by the permittee as necessary.
 - 4) The permittee shall continue its catch basin cleaning program and shall inspect a minimum of 10,000 storm sewer structures including, but not limited to catch basins, drop inlets, and manholes during the term of the permit including projects completed after the June 25, 2018 permit expiration and prior to the effective date of the new permit during the administratively continued period. The permittee shall conduct maintenance, as necessary, based upon the findings during the inspection.
 - 5) The permittee shall continue its stormwater system inspection program. The permittee shall inspect a minimum of 500,000 linear feet of the MS4 system including pipes, culverts and open conveyances during the term of this permit including projects completed after the June 25, 2018 permit expiration and prior to the effective date of the new permit during the administratively continued period. The stormwater system includes outfalls or points of interconnection and conveyances.
 - 6) Within 24 months of the permit effective date, the permittee shall develop and implement a comprehensive risk based prioritization inspection plan to include MS4 permittee owned facilities and infrastructure and submit a copy of the inspection plan to the Department. The permittee may prioritize inspection locations based on as follows: age of stormwater infrastructure; type; location; land use; maintenance history and other criteria as determined by the permittee. Re-occurring problems, illicit discharges, illegal dumping, citizen complaints can also be used as criteria. The criteria used to prioritize the inspections shall be documented in the MS4 program plan and updated as necessary.
 - 7) The permittee shall inspect a minimum of 85,000 linear feet of the piped stormwater system using CCTV over the course of the permit term;
 - 8) Visual inspections may be used to satisfy the inspection requirements Part I.B.8.a).4) and 5) above. The permittee may prioritize inspection locations based on the following criteria: age of stormwater infrastructure; type; location, land use; maintenance problems; re-occurring problems; illicit discharges; illegal dumping; citizen complaints; and other criteria as determined by the permittee. The criteria used to prioritize the inspections shall be documented in the MS4 program plan and updated as necessary.
 - 9) The permittee shall obtain any required state or federal permit(s) necessary to complete maintenance activities.
 - 10) The permittee shall dispose of all wastes and wastewaters collected during stormwater system cleaning in accordance with local, state, and federal laws and regulations.
 - 11) The permittee shall continue using their project development and prioritization processes to evaluate

the feasibility of including maintenance of associated outfall structures in future stream restoration, or any other stormwater infrastructure project undertaken by the County.

- b) For SWM facilities not maintained by the permittee and that discharge into the MS4, the following conditions apply:
- 1) The permittee shall continue to implement a program to ensure proper maintenance of each privately maintained SWM facility that discharges into the MS4 system as documented in the MS4 program plan.
 - (a) Beginning with the effective date of this permit and in accordance with 9VAC25-870-112 B., maintenance agreements may be used but are not required for stormwater control measures that are designed to treat stormwater runoff solely from the individual residential lot on which they are located. Should the permittee choose a strategy other than a maintenance agreement, such a strategy shall be provided in writing no later than 12 months after the effective date of this permit and shall include periodic inspections, homeowner outreach and education, or other methods targeted at promoting the long term maintenance of such facilities.
 - (b) For privately maintained SWM facilities that are not on individual residential lots and for which maintenance agreements have been established between the permittee and the owner, the permittee shall:
 - (1) send notice to facility owners reminding them of their inspection and maintenance requirements under their recorded agreements;
 - (2) inspect all privately maintained SWM facilities no less than once per permit cycle and conduct follow up activities to ensure the required maintenance has been completed. Inspections may be conducted by the permittee or their designee as defined in 9VAC25-870-114; and
 - (c) For privately maintained SWM facilities that are located on individual residential lots, and for which maintenance agreements have been established between the permittee and the owner, the permittee shall:
 - (1) send notice to privately owned SWM facility owners reminding them of their inspection and maintenance requirements under their recorded agreements;
 - (2) inspect at least once during this permit cycle all SWM facilities where the owner has failed at least twice to submit an inspection report according to the required frequency based on SWM facility type;
 - (3) inspect in the fourth year of this permit, a random subset of 10 percent of those SWM facilities whose owners have submitted an inspection report and where the facility types and location need onsite verification, in the judgement of the permittee, that the facility is functioning as designed;
 - (4) document the facility types and associated inspection reporting frequencies covered by this provision in the MS4 program plan; and
 - (5) conduct follow up activities to ensure the required maintenance has been completed.
- c) The permittee shall update and maintain an accurate MS4 map and information table as follows:
- 1) A map of the storm sewer system owned or operated by the permittee that includes, at a minimum:
 - (a) MS4 outfalls discharging to surface waters, except as follows:

- (i) In cases where the outfall is located outside of the MS4 permittee's legal responsibility, the permittee may elect to map the known points of interconnection upstream and downstream of the actual outfall; and
 - (ii) In cases where the MS4 outfall discharges to receiving water channelized underground, the permittee may elect to map the point downstream at which the receiving water emerges above ground as an outfall discharge location. If there are multiple outfalls discharging to an underground channelized receiving water, the map shall identify that the outfall discharge location represents more than one outfall. This is an option a permittee may choose to use recognizing the difficulties in accessing outfalls to underground channelized stream conveyances for purposes of mapping, screening or monitoring.
- (b) A unique identifier for each mapped item including outfall or point of interconnection; conveyances and stormwater management facilities operated by the permittee required in Part I.B.8.c);
 - (c) The name and location of receiving waters to which the MS4 outfall or point of interconnection discharges;
 - (d) MS4 regulated service area;
 - (e) pipe and open channel conveyances that are upstream of MS4 outfalls; and
 - (f) stormwater management facilities owned or operated by the permittee.
- 2) The permittee shall update its MS4 service area map as necessary if any changes to direct drainage to VDOT's MS4 service area occur. Maintain a map to assist with coordination of VDOT MS4 coverage areas for roadways and streets. The permittee map shall clearly delineate gap areas that drain by sheet flow to VDOT MS4 areas not included as part of the Arlington MS4 service area. This information shall be maintained and kept up to date and made available when requested.
- 3) Within 24 months of the permit effective date, the permittee shall maintain an information table associated with the storm sewer system map that includes the following information for each outfall or point of interconnection identified in Part I.B.8.c).1).(a):
- (a) A unique identifier as specified on the storm sewer system map;
 - (b) The latitude and longitude (in decimal degrees) of the outfall, or point of interconnection;
 - (c) The estimated regulated acreage draining to the outfall, or point of interconnection;
 - (d) The name of the receiving water;
 - (e) The 6th Order Hydrologic Unit Code of the receiving water;
 - (f) An indication as to whether the receiving water is listed as impaired in the Virginia 2020 305(b)/303(d) Water Quality Assessment Integrated Report;
 - (g) The predominant land use for each outfall discharging to an impaired water; and

- (h) The name of any EPA approved TMDLs for which the permittee is assigned a wasteload allocation.
- 4) No later than 24 months after the effective date of this permit, the permittee shall submit to DEQ a GIS-compatible geodatabase file of the permittee's MS4 map as described in Part I.B.8.c).
 - 5) No later than October 1 of each year, the permittee shall update the storm sewer system map and outfall table to include any changes or additions made during the preceding reporting period.
 - 6) The permittee shall provide written notification within 30 days to any downstream adjacent MS4 of any known physical interconnection established or discovered after the effective date of this permit.

Note: Acreage from any physically interconnected regulated MS4 shall be excluded from the permittee's delineation of its MS4 service areas.

SPECIFIC REPORTING REQUIREMENTS:

- **Each annual report shall include a summary of activities performed in support of the inspection and maintenance program required in Part I.B.8.a). The summary shall include the total number of drainage structures operated by the permittee; the total length of conveyance that is part of the permittee's MS4; the total number of the drainage structures inspected and the total length of conveyances inspected. In addition, the permittee shall maintain records documenting the inspection of drainage structures and conveyances to include a list of drainage structures inspected, the date inspected, the type of structures, the location, and identified maintenance needs and when the maintenance was performed as required in Part I.B.8.a).**
 - **The permittee shall provide a summary of activities for stormwater infrastructure repair projects for catch basin, manhole, outfall and other structure repairs/replacement; and stormwater pipe replacement/repair projects.**
 - **Each annual report shall provide a summary of actions taken by the permittee to address failure of privately maintained SWM facilities owners to abide by maintenance agreements.**
 - **Each annual report shall include a summary of activities including inspections performed and notifications of needed maintenance and repair of stormwater facilities not operated by the permittee as required by Part I.B.8.b).**
 - **Report the number of outfall structures evaluated for inclusion into future projects and report the number of outfall maintenance activities that resulted from the evaluations.**
 - **The MS4 service area map including outfalls and information included in Part I.B.8.c) shall be submitted no later than 24 months after the effective date of this state permit. The information shall be submitted as an electronic file as a geodatabase.**
- 9. County Facilities** Facilities owned or operated by the permittee shall be operated and maintained as follows:
- a) **Good Housekeeping**
 - 1) The discharge of permittee vehicle wash water into the MS4 at permittee facilities without authorization from a separate VPDES permit shall be prohibited.
 - 2) The discharge of wastewater into the MS4 at permittee facilities without authorization by a separate VPDES permit shall be prohibited.
 - 3) The dumping of collected yard waste and grass clippings into the MS4 shall be prohibited.

- 4) Fluids leaked from municipal vehicles shall be prevented to the maximum extent practicable from entering the MS4. Leaked fluids shall be cleaned up and disposed of properly, as soon as possible but no later than 24-hours after discovery.
- 5) The permittee shall maintain markings on all stormwater inlets located on high priority municipal facilities, as defined at Part I.G, and on permittee properties with greater than 2-acres of impervious surface.

b) High Priority Municipal Facilities

- 1) The permittee shall continue to implement the stormwater pollution prevention plans for the Arlington County Trades Center and all existing high priority municipal facilities.
- 2) Within six months of permit effective date, the permittee shall evaluate and update as necessary the list of high priority municipal facilities that do not require a separate VPDES industrial stormwater permit. Any new facility brought online after that date shall be added to the list within 30 days of commencing operations.
- 3) Within 12 months of permit coverage, the operator shall identify which of the municipal high-priority facilities have a high potential of discharging pollutants. Municipal high-priority facilities that have a high potential for discharging pollutants are those facilities identified in subsection Part I.B.9.b).2) above and Part I.G of this permit that are not covered under a separate VPDES permit and which any of the following materials or activities occur and are expected to have exposure to stormwater resulting from rain, snow, snowmelt or runoff:
 - (a) Areas where residuals from using, storing or cleaning machinery or equipment remain and are exposed to stormwater;
 - (b) Materials or residuals on the ground or in stormwater inlets from spills or leaks;
 - (c) Material handling equipment (except adequately maintained vehicles);
 - (d) Materials or products that would be expected to be mobilized in stormwater runoff during loading/unloading or transporting activities (e.g., rock, salt, fill dirt);
 - (e) Materials or products stored outdoors (except final products intended for outside use where exposure to stormwater does not result in the discharge of pollutants);
 - (f) Materials or products that would be expected to be mobilized in stormwater runoff contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers;
 - (g) Waste material except waste in covered, non-leaking containers (e.g., dumpsters);
 - (h) Application or disposal of process wastewater (unless otherwise permitted); or
 - (i) Particulate matter or visible deposits of residuals from roof stacks, vents or both not otherwise regulated (i.e., under an air quality control permit) and evident in the stormwater runoff.
- 4) For each existing high-priority municipal facility identified under Part I.B.9.b).2) and 3) requiring an update, the permittee shall update and continue to implement the facilities' individual stormwater pollution plans within six months of facility change. For each new high-priority municipal facility identified under Part I.B.9.b).3), develop and implement an individual stormwater pollution prevention plan within six months of commencing operation at the facility. Stormwater pollution prevention plans (SWPPP) shall include:
 - (a) A site description that includes a site map identifying all outfalls, direction of flows, existing source controls and receiving water bodies;

- (b) A discussion and list of potential pollutants and pollutant sources;
 - (c) A discussion of all potential non-stormwater discharges;
 - (d) A maintenance schedule for all existing BMPs;
 - (e) All policies and procedures implemented at the facility to ensure source reduction;
 - (f) An inspection schedule and checklist to ensure that all source reductions are continually implemented and all source controls are appropriately maintained. The date of each inspection and associated findings and follow-up shall be logged in each SWPPP;
 - (g) Appropriate training as required in Part I.B.2.11;
 - (h) Procedures to conduct dry weather screening; and,
 - (i) All modifications made as the result of any release or spill.
- 5) A copy of each SWPPP shall be kept at each high-priority municipal facility and be kept updated.

SPECIFIC REPORTING REQUIREMENTS:

- **The annual report shall include the updated list of all high priority municipal facilities.**

10. Public Education/Participation The permittee shall continue to implement a public education program with the goal of increasing the stormwater knowledge of target audiences and changing behavior to result in pollutant reductions. The permittee may fulfill all or part of the requirements of this permit through regional outreach programs involving two or more MS4 localities.

- a) The permittee shall identify, schedule, implement, evaluate and modify, as necessary, public outreach activities designed to meet the following public education and outreach goals:
 - 1) Promote, publicize, and facilitate public reporting of the presence of illicit discharges or improper disposal of materials into the MS4;
 - 2) The permittee shall identify no less than three high-priority stormwater issues to meet the goal of educating the public. High-priority issues may include the following examples: Chesapeake Bay nutrients, pet wastes, local receiving water impairments, TMDLs, high-quality receiving waters, and illicit discharges from commercial sites. The permittee shall use four or more of the strategies listed in Table 1 below per year to communicate to the public the high-priority stormwater issues identified including how to reduce stormwater pollution;

Table 1 Strategies for Public Education and Outreach	
Strategies	Examples (provided as examples and are not meant to be all inclusive or limiting)
Traditional written materials	Informational brochures, newsletters, fact sheets, utility bill inserts, or recreational guides for targeted groups of citizens
Alternative materials	Bumper stickers, refrigerator magnets, t-shirts, or drink koozies
Signage	Temporary or permanent signage in public places or facilities, vehicle signage, bill boards, or storm drain stenciling
Media Materials	Information disseminated through electronic media, radio, televisions, movie theater, or newspaper
Speaking engagements	Presentations to school, church, industry, trade, special interest, or community groups
Curriculum materials	Materials developed for school-aged children, students at local colleges or universities, or extension classes offered to local citizens
Training materials	Materials developed to disseminate during workshops offered to local citizens, trade organization, or industrial officials

- 3) Continue to promote individual and group involvement in local water quality improvement initiatives including the promotion of local restoration and clean-up projects, programs, groups, meetings and other opportunities for public involvement;
- 4) Develop an outreach program for public and private golf courses located within the County which discharge to the permittee's MS4 that encourages implementation of integrated management practice (IMP) plans and techniques to reduce runoff of fertilizer and pesticides;
- 5) Promote and publicize the proper management and disposal of used oil and household hazardous wastes;
- 6) Promote and publicize the proper disposal of pet waste and household yard waste;
- 7) Promote and publicize the use of the county's litter prevention program;
- 8) Promote and publicize methods for residential car washing that minimize water quality impacts;
- 9) Promote and publicize the proper use, application, and disposal of pesticides, herbicides, and fertilizers by public, commercial, and private applicators and distributors;
- 10) Encourage private property owners to implement voluntary stormwater management techniques and/or retrofits including those described in Part I.B.2; and,
- 11) Target strategies towards local groups of commercial, industrial, and institutional entities likely to

have significant stormwater impacts.

- 12) Develop an outreach and education strategy to target private winter maintenance providers and encourages implementation of enhanced best management practices in the application and storage of anti-icing and deicing compounds and abrasives used for snow and ice management.
- b) The permittee shall post a copy of this permit on its web page no later than 30 days after the effective date of this permit and continue to retain a copy of the permit online for the duration of this permit.
- c) The permittee shall post copies of each annual report on its website no later than 30 days after the report submittal to the Department and continue to retain copies of the annual reports online for the duration of this permit.
- d) The permittee shall post the most current MS4 program plan on its website no later than 30 days after the effective date of the permit and maintain a current copy on the website. If the MS4 program plan is modified or revised, the updated plan shall be posted within 30 days of the revision(s). Copies of the most current MS4 program plan shall be made available for public review upon request of interested parties in compliance with all applicable open records requirements.

SPECIFIC REPORTING REQUIREMENTS:

- **Each annual report shall include a list of permittee public outreach and education activities and the estimated number of individuals reached through the activities. An evaluation of program effectiveness, as outlined in the MS4 program plan with recommendations for future changes shall also be included.**
- The permittee shall post a copy of the permit on its web page no later than 30 days after the effective date of this permit and continue to retain a copy of the permit online for the duration of this permit. The permittee shall post copies of each annual report on its website no later than 30 days after the effective date of this permit.

11. Training The permittee shall conduct stormwater training for appropriate employees. The training requirement may be fulfilled all or in part through regional training programs involving two or more MS4 localities; provided, however, that the permittee shall remain individually liable for its failure to comply with the training requirements in this permit. The permittee shall determine the appropriate employees to receive the following types of training based on the specific topic for which training is to be provided:

- a) The permittee shall provide training to appropriate field personnel in the recognition and reporting of illicit discharges no less than once per 24 months.
- b) The permittee shall provide training to appropriate employees in good housekeeping and pollution prevention practices that are to be employed during road, street, and parking lot maintenance no less than once per 24 months.
- c) The permittee shall provide training no less than once per 12 months to appropriate employees in good housekeeping and pollution prevention practices that are to be employed at high priority municipal facilities and appropriate road maintenance employees responsible for washing and storage of equipment and application and storage of anti-icing and deicing compounds and abrasives used for snow and ice management.
- d) The permittee shall ensure that employees, and contractors hired by the permittee who apply pesticides and herbicides are trained or certified in accordance with the Virginia Pesticide Control Act (§3.2-3900 et seq. of the Code of Virginia). Certification by the Virginia Department of Agriculture and Consumer Services (VDACS) Pesticide and Herbicide Applicator program shall constitute compliance with this requirement.
- e) The permittee shall ensure that County employees and contractors serving as plan reviewers, inspectors, program administrators, and construction site operators obtain the appropriate certifications as required under the Virginia Erosion and Sediment Control Law and its attendant

regulations.

- f) The permittee shall ensure that the applicable County employees and contractors implementing the stormwater program obtain the appropriate certifications as required under the Virginia Stormwater Management Act and its attendant regulations; and
- g) The permittee shall provide training to applicable employees in good housekeeping and pollution prevention practices that are to be employed in and around permittee recreation facilities no less than once per 24 months.
- h) Employees trained in emergency response whose duties include emergency response shall be trained in spill response. Training of emergency responders such as firefighters and law-enforcement officers on the handling of spill releases as part of a larger emergency response training shall satisfy this training requirement and be documented in the training plan. A summary of the training and/or certification program provided to emergency response employees shall be included in the annual report.
- i) The permittee shall require through the use of contract language, training, standard operating procedures, or other measures within the permittee's legal authority that contractors employed by the permittee and engaging in activities with the potential to discharge pollutants use appropriate control measures to minimize the discharge of pollutants to the MS4.
- j) Documentation shall be kept of all training events including the training date, number of employees attending the training, and the objective of the training event for a period of three years after each training event. Additionally, all events shall be listed in the annual report for the year in which the training event occurred.

SPECIFIC REPORTING REQUIREMENTS:

- **Each annual report shall include a list of training events, the date and the estimated number of individuals attending each event.**
- **Each annual report shall include documentation of training or certification for emergency spill response.**

12. Water Quality Screening Programs The following screening programs shall be implemented in addition to the monitoring required by Part I.C:

- a) **Dry Weather Screening and Source Identification:** The permittee shall continue its pollution prevention-based efforts to detect the presence of illicit connections and unauthorized discharges to the MS4. The permittee shall implement the following dry weather field screening protocols to detect, identify, and eliminate illicit discharges to the MS4.
 - 1) **Identifying Dry Weather Flows and Sources:** The permittee shall continue to implement a program of dry weather screening in areas of concern following a prioritized schedule of field screening activities and rationale for prioritization determined by the permittee based on such criteria as age of the infrastructure, land use, historical illegal discharges, dumping or cross connections, knowledge of prior problems, and priority areas:
 - (a) Annual screening of a minimum of ten (10) outfalls that drain the Shirlington commercial district and the South Four Mile Run Drive industrial area. Screening methodology may be modified based on experience gained during actual field screening activities and need not conform to the protocol at 40 CFR Part 122.26(d)(1)(iv)(D). Where the sample analysis does not include analytical methods approved under 40 CFR Part 136, the permittee may use any suitable method but shall provide a description of the method used. The permittee shall review and update the "Arlington County Dry Weather Screening program: Site Selection and Screening Plan" within 12 months of the permit effective date.
 - (b) The permittee shall continue to implement its pollution prevention program. On an annual

basis, the permittee will visually inspect points of connection to the MS4 for dry weather flow or evidence of illicit discharges at a minimum of thirty-five (35) facilities determined to be potentially contributing significant sources of pollutants. Key facility areas including material storage locations, dumpsters and surrounding areas, and housekeeping operations at the facility shall be evaluated as part of a comprehensive facility inspection. Any observed dry weather flows will be evaluated. If evidence of an illicit discharge is detected, the permittee shall conduct further investigation and document the steps taken to eliminate any unauthorized non-stormwater discharges.

- 2) Dry weather screening procedures shall be documented in the MS4 program plan.
- b) **Wet Weather Monitoring Program:** In addition to monitoring required in Part I.C, the permittee shall continue to implement a wet weather monitoring program to characterize the stormwater discharged to and from the MS4. Within six (6) months of the permit effective date, the permittee shall provide an updated copy of the "Arlington County Wet Weather and High Risk Screening Program: Site Selection and Screening Plan" to the Department to include the specific locations where wet weather monitoring will be conducted.
 - 1) Two (2) stormwater outfall monitoring sites within the County shall be monitored during the term of this permit. The two outfall monitoring locations shall be selected with preference for sites meeting the following criteria:
 - Located in a drainage area with a land use that is suspected to contribute significant pollutant loads to the County's MS4;
 - Located with a receiving water listed as impaired in the Virginia 2020 305(b)/303(d) Water Quality Assessment Integrated Report;
 - Located downstream of a Best Management Practice (BMP) to assist with evaluation of the implemented control; and
 - the permittee can provide a paired comparison to a drainage area with a less intensive land use provided the three criteria listed immediately above are first considered.
 - 2) The permittee shall conduct wet weather discharge monitoring for the following minimum list of constituents. With resubmittal of the Arlington County Wet Weather and High Risk Screening Program Plan, the permittee may add to the list of constituents to be tested as deemed appropriate for that outfall monitoring site and provide an updated testing list in the screening program plan.
 - (a) E. coli
 - (b) Nitrate and Nitrite Nitrogen
 - (c) Total Suspended Solids
 - (d) Chemical Oxygen Demand
 - (e) Total Phosphorus
 - (f) Total Kjeldahl Nitrogen
 - (g) Zinc
 - (h) Cadmium
 - (i) Copper
 - (j) Lead
 - (k) Hardness
 - (l) Specific Conductance
 - (m) Temperature
 - (n) pH
 - 3) Monitoring shall be conducted, at a minimum of once per calendar quarter, at least 14 days apart between July 1 and June 30 at each monitoring location using the following quarterly calendar schedule:

July 1 – September 30
October 1 – December 31
January 1 – March 31

April 1 – June 30

The standard operating procedures for the wet weather monitoring program shall continue to be incorporated as part of the MS4 program plan. Any updates to monitoring locations and/or procedures during the reporting year shall be documented in the MS4 program plan and a summary provided with the applicable annual report.

SPECIFIC REPORTING REQUIREMENTS:

- **Provide an updated summary of the procedures and annual schedule for conducting dry weather screening for the selected outfalls.**
- **Each annual report shall include the total number of outfalls included as part of the permittee's MS4, the number of outfalls screened during the reporting period as part of the dry weather screening program, a list of locations upon which dry weather screening was conducted, the results and any follow-up actions including a summary of each investigation conducted by the operator of any suspected illicit discharge. The summary shall include (i) the date that the suspected discharge was observed; (ii) how the investigation was resolved, including any follow up, and (iii) resolution of the investigation and the date the investigation was closed.**
- **The permittee shall provide a summary of the facilities inspection program that occurred during the annual reporting period. Each facility report shall include the name and the location of the facility; visual inspections including points of connection to the MS4 for dry weather flows that document evidence of staining or illicit discharges and any other findings determined to be potentially contributing significant sources of pollutants to the MS4; the results of any observed dry weather flows investigations; and steps taken to eliminate any unauthorized non-stormwater-discharges.**
- **Each annual report shall include a list of locations upon which wet weather monitoring was conducted: weather conditions at the time the sample was collected to include date and approximate time of most recent storm event preceding sample collection and a summary of the monitoring results. An analysis and interpretation of the monitoring data will be provided as part of the fourth annual report, by October 1, 2025.**

13. Infrastructure Coordination The permittee shall coordinate with the Virginia Department of Transportation (VDOT) regarding issues of MS4 physical-interconnectivity as described below:

- a) Annual Coordination Meeting – The permittee shall meet annually with VDOT for purposes of overall coordination on priority issues for the permittee's MS4 program plan (including operations and maintenance elements) and TMDL action planning relevant to the interconnectivity of the MS4s.
- b) Mapping – The permittee shall inform VDOT of the status of its mapping program, identifying any uncertainty regarding ownership or actual location of MS4 components associated with the physically-interconnected MS4s, and working to resolve such uncertainty. The permittee shall coordinate with VDOT to identify any areas within the permittee's municipal boundaries that drain to the VDOT MS4.
- c) Chesapeake Bay TMDL action plans – The permittee shall inform VDOT of the means, methods, and schedule by which the permittee will implement the reductions required by the Chesapeake Bay TMDL program requirements (Part I.E.1) when those means and methods may impact the physically-interconnected MS4s. The parties are encouraged to cooperate with one another where the siting or design of best management practices (BMPs) may be accelerated or otherwise improved by mutual cooperation.

The permittee shall coordinate with VDOT to identify any areas within the permittee's municipal boundaries that drain to the VDOT MS4 and are unaccounted for in the Chesapeake Bay TMDL action plan developed by VDOT or the permittee. The unaccounted areas shall be quantified (acres) in the Chesapeake Bay TMDL action plan submitted by the permittee.

- d) Other TMDL action plans – The permittee shall inform VDOT of TMDL action plans and actions

implemented for other (i.e., non-Chesapeake Bay) TMDLs when those plans may impact the physically-interconnected MS4s. The parties are encouraged to cooperate with one another where the siting or design of BMPs may be accelerated or improved by mutual cooperation.

- e) Credit for TMDL Implementation – Permit specific BMP retrofit requirements shall not be double-counted in the calculation of load reductions. If the permittee undertakes the project, the permittee shall be entitled to full credit for the project, but may share credit with VDOT on mutually agreeable terms, which shall be in writing.
- f) Illicit Discharge Detection & Elimination –The permittee shall coordinate with VDOT on the identification of high risk industrial facilities. The permittee shall establish procedures for notifying VDOT when an illicit discharge is identified in the VDOT MS4.
- g) Water Quality Monitoring –The permittee shall make available to VDOT all monitoring data collected from areas where the physically-interconnected MS4 discharges to the VDOT MS4 or received flow from the VDOT MS4 upon request.
- h) Annual Reports – As part of its annual report, the permittee shall document coordination efforts with VDOT that occurred during the reporting year pursuant to requirements (a) through (g) above.

C. MONITORING REQUIREMENTS

1. Bacteriological Monitoring

The permittee shall perform monthly long term bacteriological monitoring listed in Table A to evaluate the effectiveness of its efforts to reduce bacterial pollutant loadings. This program shall continue to be implemented as follows:

- a) The permittee shall use the Coliscan EasyGel method to analyze in-stream *E. coli* concentrations.
- b) The permittee shall collect monthly samples at the following locations identified in Table A:

Table A: Bacteriological Monitoring Locations, Arlington County

Site #	Site Group No.	General Location	Watershed Name and Location Details
1	FMR1	Benjamin Banneker Park, below Van Buren St.	Upper Four Mile Run
2	FMR2	East Falls Church Park (N. Roosevelt Street)	Upper Four Mile Run
3	FMR3	Bluemont Park	Upper Four Mile Run - Below conf of small trib. from I-66
4	FMR4	Glencarlyn Park, near N. Carlin Springs Road	Upper Four Mile Run - Above conf. of Lubber Run Tributary
5	FMR5	Glencarlyn Park	Upper Four Mile Run - Below conf. of Lubber Run Tributary
6	FMR6	Glencarlyn Park	Lower Four Mile Run - Below conf. of Upper Long Branch
7	FMR7	Glencarlyn Park	Lower Four Mile Run - Below conf. w/small trib. at 7 th Street
8	FMR8	Barcroft Park	Lower Four Mile Run - Below conf. w/ Doctor's Branch
9	FMR9	Shirlington Dog Park	Lower Four Mile Run - Below Walter Reed Drive and upstream of the pedestrian bridge
10	FMR10	Mt. Vernon Ave bridge	Lower Four Mile Run
11	LBR 1	Woodlawn Park	Four Mile Run Tributary - Eastern drainage, collected from the culvert on the right
12	LBR 2	Woodlawn Park	Four Mile Run Tributary - Western drainage, collected from the culvert on the left
13	LBR 3	Lubber Run Park	Four Mile Run Tributary - Upstream of the concrete pedestrian bridge upstream of the amphitheater
14	ULB1	Glencarlyn Park	Four Mile Run Tributary - Upper Long Branch above dog park
15	DB1	Alcova Heights Park	Four Mile Run Tributary - Downstream of the sewer crossing next to the playground
16	LLB1	Troy Park	Four Mile Run Tributary - Lower Long Branch
17	DR1	Zachary Taylor Park	Potomac Drainages - Above Military Rd, upstream of the confluence with Tributary B
18	DR2	Zachary Taylor Park	Potomac Drainages - Below Military Rd. by the wooden staircase
19	WR1	Windy Run Park	Potomac Drainages - Windy Run watershed, at the trail crossing with Windy Run
20	GB 1	Gulf Branch Park	Potomac Drainages - Gulf Branch watershed, below Military Rd.
21	LP1	Upper Pimmit Run Park	Potomac Drainages - Little Pimmit Run watershed, upstream of N. Dumbarton St.

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- c) The permittee may rely on community volunteers to conduct bacteriological monitoring.
 - d) The permittee shall analyze the data for relationships with precipitation events occurring within 72-hours of sampling) for precipitation amounts greater than ½ inch.

- e) The permittee shall review the monitoring results to determine if any monitoring sites exhibit consistently, high *E. coli* levels and perform follow up investigations as necessary to identify possible sources. If follow up activities are required as part of the bacteriological procedure process, it shall be documented and provided as an update in the Arlington County MS4 annual report.

SPECIFIC REPORTING REQUIREMENTS:

- **The annual report shall include a summary of the monitoring results and analyses and an interpretation of that data. This includes a summary of any follow-up investigations that occurred.**
 - **Any updates to procedures during the reporting year shall be provided with the applicable annual report.**
2. **Biological Stream Monitoring** The permittee shall continue its biological stream monitoring program to evaluate the health of existing streams and changes over time. This program shall continue to be implemented as follows:
- a) The permittee shall use a biological stream monitoring protocol based on the “US EPA’s Rapid Bioassessment Protocols for Use in Streams and Wadeable Rivers” or other method approved by the Department and shall include an assessment of the benthic macroinvertebrate community and habitat assessment, pH, and temperature. The developed protocol shall be available on the permittee’s website.
 - b) Monitoring shall be conducted a minimum of twice per year with sampling events occurring between January 1st and June 30th and July 1st and December 31st at each monitoring location.
 - c) Monitoring shall continue at the following locations listed in Table B.

Table B: Biological Stream Monitoring Locations, Arlington County

Stream	Land Use	Location
Windy Run	Residential	End of Kenmore Street
Donaldson Run	Residential	30 th Road
Gulf Branch	Residential	Military Road
Little Pimmit Run	Residential	38 th and Dumbarton
Four-Mile Run-Banneker	Residential Transitioning to Heavily Urban	Banneker Park
Four-Mile Run-Bluemont	Residential Transitioning to Heavily Urban	Bluemont Park
Four-Mile Run-Glencarlyn	Residential Transitioning to Heavily Urban	Glencarlyn Park
Four-Mile Run-Barcroft	Residential Transitioning to Heavily Urban	Barcroft Park
Lubber Run	Residential Transitioning to Heavily Urban	Lubber Run Park
Margaret Creek	Reference Site	Clifton, VA

- d) The permittee may rely on community volunteers to conduct biological stream monitoring provided each volunteer has attended two training events. Documentation of volunteer training shall be kept on file for review.
- e) The permittee shall obtain all necessary aquatic wildlife collection permits from appropriate State and/or Federal agencies.

SPECIFIC REPORTING REQUIREMENTS:

- **The annual report shall include a summary of the monitoring results and analyses and an interpretation of that data with respect to long-term patterns/trends.**
3. **Floatables Monitoring** The permittee shall continue to develop and implement a floatables program. The intent of the program is to identify problem areas, and evaluate floatables control opportunities for source and structural controls. The permittee shall document the effectiveness of the litter control programs for the MS4 and this may be accomplished through a volunteer program. The permittee will

continue to implement the floatables monitoring program as follows:

- a) Select representative sampling sites in ditches, streams, or channels that discharge to or receive drainage from the MS4. Visually count all floatable material (excluding natural vegetation), trash, and refuse (e.g.: plastic trash bags, bottles, car batteries, shopping carts, etc.) located in the sampling site, visible on the channel bottom, along banks (up to high water mark), or suspended in vegetation located in the sample site. Sites shall be at least 100 feet in length, and sampled during or before any litter pickup.
- b) The permittee shall maintain the following records and include a summary of results and trends in each annual report: location of the sample site, total site "counts", and months since the last trash and floatables pick-up from the sampled section.
- c) In the first three years of the permit term, the permittee shall implement two structural (2) floatables control pilot projects to evaluate different technologies that would be effective for use in the County. This can be developed as one pilot project with two structural controls and shall include evaluation of quantities accumulated; discussion of the controls, maintenance requirements and any issues; potential for expanded use within the MS4 system; and a summary of the results.

SPECIFIC REPORTING REQUIREMENTS:

- **Each annual report shall include a list of sites surveyed for floatables including a summary of observations at each site, and a determination as to the effectiveness of the floatables reduction program including a summary of the opportunities for source and structural controls.**
- **The fourth annual report shall include an evaluation of the floatables pilot projects with the name of the sites where the pilot projects are implemented and shall include evaluation of quantities accumulated; maintenance requirements and issues; report on controls; opportunities for expanded use for application within the MS4 system; and a summary of the results.**

D. Structural and Source Controls Compliance Monitoring and Tracking

- 1) **Electronic Database** -The permittee shall maintain an updated electronic database or spreadsheet of all known permittee-owned or operated and privately owned stormwater management (SWM) facilities that discharge to or from the MS4. The database shall include the following information:
 - a) The SWM facility or BMP type, and location by latitude and longitude (in decimal degrees);
 - b) The unique identifier reference number for each SWM facility listed in the mapping section Part I.B.8.c).1) (b).
 - c) The acres treated by the stormwater management facility or BMP, including total acres, pervious acres and impervious acres;
 - d) The date the facility was brought online (MMYYYY). If the date brought online is not known, the permittee shall use June 30, 2005;
 - e) The 6th Order Hydrologic Unit Code (HUC 6) in which the SWM facility is located;
 - f) Whether the SWM facility or BMP is owned or operated by the permittee or privately owned;
 - g) Whether or not the stormwater management facility or BMP is part of the permittee's Chesapeake Bay TMDL action plan required in Part I.E.1 or local TMDL action plan required in Part I.E.2, or both;
 - h) Whether the SWM facility discharges into the permittee's MS4;

- i) If the stormwater management facility or BMP is privately owned, whether a maintenance agreement or maintenance strategy exists; and;
- j) The date of the permittee's most recent inspection of the stormwater management facility or BMP.

The database shall be updated to include the required information for SWM facilities known to exist prior to issuance of this permit.

Facilities that provide peak flow control as required under Chapter 60 of the Arlington County Code are excluded from the requirements of this section. Inspection and maintenance requirements for these facilities shall be in accordance with all applicable state and local ordinances, regulations, and statutes.

The electronic database or spreadsheet shall be updated no later than 30 days after a new stormwater management facility has an as-built drawing that has been approved or is brought online, a new BMP is implemented to meet a TMDL load reduction as required in Part I.E, or discovered if it is an existing stormwater management facility. A copy of the electronic database shall be made available upon request by the Department.

- 2) **DEQ Construction Stormwater Database.** The permittee shall use the DEQ Construction Stormwater Database or other application as specified by the Department to report each stormwater management facility installed after July 1, 2014, to address the control of post-construction runoff from land disturbing activities for which the permittee is required to obtain coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities.
- 3) **BMP Warehouse or the Data Upload System.** No later than October 1 each year, the permittee shall use the DEQ BMP Warehouse to input new, upgraded, or retrofitted BMPs implemented between July 1 to June 30 of each year that have not already been reported in accordance with Part I.D.2. This would include the stormwater management facilities installed to control post-development stormwater runoff from land disturbing activities less than one acre in accordance with the Chesapeake Bay Preservation Act regulations (9VAC25-830) and for which a General VPDES Permit for Discharges of Stormwater from Construction Activities was not required.

The following BMP information shall **not be reported** on the MS4 BMP Template in the DEQ BMP Warehouse:

- BMP information entered into the 319(h) or WQIF NPS grant-funded project program;
- BMPs submitted through DCR's agricultural cost share database;
- BMPs submitted through the Virginia Conservation Assistance Program (VCAP); or
- BMPs submitted through the Storm Water Construction General Permitting (CGP) Database.

SPECIFIC REPORTING REQUIREMENTS:

Each of the following shall be reported as part of the annual reporting cycle:

- **A summary of actions taken by the permittee to ensure maintenance of private stormwater management facilities.**
- **A summary of the program to ensure maintenance of stormwater management facilities owned or maintained by the permittee.**
- **A statement either confirming that the electronic database of all known public and private BMPs that discharge to or from the MS4 as required in Part I.D.1 was updated, or that no update was required because no new BMPs were installed.**
- **A list of all BMPs reported to the DEQ CGP Database as required in Part I D.2 for this annual reporting cycle.**
- **A copy of the MS4 BMP Template submitted annually to the DEQ BMP Warehouse in accordance with Part I.D.3 listing the BMPs implemented between July 1 and June 30 of each year for**

reporting any practices not reported in accordance with Part I.D.2, the DEQ Construction Stormwater database.

E. TMDL ACTION PLAN AND IMPLEMENTATION

1. Chesapeake Bay TMDL

The Commonwealth's Phase I, II, and III Chesapeake Bay TMDL Watershed Implementation Plans (WIPs) commit to a phased approach for MS4s, affording MS4 permittees up to three full five-year permit cycles to implement necessary reductions. This permit is consistent with the Chesapeake Bay TMDL and Virginia's Watershed Implementation Plan to meet the Level 2 (L2) scoping run for existing developed lands as it represents an implementation of an additional 35% of L2 as specified in the 2010 Phase I and Phase II WIPs. In combination with the 5.0% reduction of L2 that has already been achieved, a total reduction at the end of this permit term of 40% of L2 will be achieved. Conditions of future permits will be consistent with the TMDL or WIP conditions in place at the time of permit issuance.

a) **Definitions** The following definitions apply to Part I.E.1:

- 1) "Existing Sources" means pervious and impervious urban land uses served by the MS4 as of June 30, 2009.
- 2) "New Sources" means pervious and impervious urban land uses served by the MS4 developed or redeveloped on or after July 1, 2009.
- 3) "Pollutants of concern" or "POC" means total nitrogen, total phosphorus and total suspended solids.
- 4) "Transitional Sources" means regulated land disturbing activities which are temporary in nature and discharge through the MS4.

b) **Reduction Requirements.** No later than the expiration date of this permit, the permittee shall reduce the load of total nitrogen, total phosphorus, and total suspended solids from existing developed lands served by the MS4 as of June 30, 2009 within the MS4 service area by at least 40% of the Level 2 (L2) Scoping Run Reductions. The 40% reduction is the sum of i) the first phase reduction of 5.0% of the L2 Scoping Run Reductions based on the lands located within the MS4 service area as required by June 30, 2018; ii) the second phase reduction of at least 35% of the L2 Scoping Run based on lands within the MS4 service area required by the end of the permit term; and iii) the reduction of at least 40% of the L2 Scoping Run which shall only apply to the additional lands that were added by an increase or expansion of the stormwater system as required by the end of the permit term. The required reductions shall be calculated using Table 2 below.

Table 2
Calculation Sheet for Estimating Existing Source Loads and Reduction Requirements for the Potomac River Basin

		A	B	C	D	E	F	G
<u>Pollutant</u>	<u>Subsource</u>	<u>Loading rate (lbs/ac/yr)¹</u>	<u>Existing developed lands as of 6/30/09 served by the MS4 within the regulated area (acres)²</u>	<u>Load (lbs/yr)³</u>	<u>Percentage of MS4 required Chesapeake Bay total L2 loading reduction</u>	<u>Percentage of L2 required reduction by permit expiration</u>	<u>40% cumulative reduction required by permit expiration(lbs/yr)⁴</u>	<u>Sum of 40% cumulative reduction (lb/yr)⁵</u>
<u>Nitrogen</u>	<u>Regulated urban impervious</u>	<u>16.86</u>			<u>9%</u>	<u>40%</u>		
	<u>Regulated urban pervious</u>	<u>10.07</u>			<u>6%</u>	<u>40%</u>		
<u>Phosphorus</u>	<u>Regulated Urban Impervious</u>	<u>1.62</u>			<u>16%</u>	<u>40%</u>		
	<u>Regulated urban pervious</u>	<u>0.41</u>			<u>7.25%</u>	<u>40%</u>		
<u>Total suspended solids</u>	<u>Regulated urban impervious</u>	<u>1171.32</u>			<u>20%</u>	<u>40%</u>		
	<u>Regulated urban pervious</u>	<u>175.8</u>			<u>8.75%</u>	<u>40%</u>		

¹Edge of stream loading rate based on the Chesapeake Bay Watershed Model 5.3.2

²To determine the existing developed acres required in Column B, permittees should first determine the extent of their regulated MS4 service area. Next, permittees will need to delineate the lands within the regulated area served by the MS4 as pervious or impervious as of the baseline date of June 30, 2009.

³Column C = Column A x Column B

⁴Column F = Column C x Column D x Column E.

⁵Column G = The sum of the subsource cumulative reduction required by permit expiration (lbs/yr) as calculated in Column F.

- c) No later than the expiration date of this permit, the permittee shall offset 40% of the increased loads from new sources initiating construction between July 1, 2009 and June 30, 2024 and designed in accordance with 9VAC25-870-47 Part II C (VAC25-870-93 et seq.) if the following conditions apply:

- 1) The activity disturbed one acre or greater; and
- 2) The resulting total phosphorus load was greater than 0.45 lb/acre/year, which is equivalent to an average land cover condition greater than 16% impervious cover.

The permittee shall utilize Table 3 below to develop the equivalent pollutant load for nitrogen and total suspended solids for new sources meeting the requirements of this condition.

- d) No later than the expiration of this permit, the permittee shall offset 100% of the increased loads from projects grandfathered in accordance with 9VAC25-870-48 that begin construction after July 1, 2014, if the following conditions apply:

- 1) The activity disturbs one acre or greater; and
- 2) The resulting total phosphorous load was greater than 0.45 lb/acre/year, which is equivalent to an average land cover condition of 16% impervious cover.

The permittee shall utilize Table 3 below to develop the equivalent pollutant load for nitrogen and total suspended solids for grandfathered sources meeting the requirements of this condition.

Table 3: Ratio of Phosphorus Loading Rate to Nitrogen and Total Suspended Solids Loading Rates for Chesapeake Bay Basins			
(Based on Chesapeake Bay Program Watershed Model Phase 5.3.2)			
<u>Ratio of Phosphorus to Other POCs (Based on All Land Uses 2009 Progress Run)</u>	<u>Phosphorus Loading Rate (lbs/ac)</u>	<u>Nitrogen Loading Rate (lbs/ac)</u>	<u>Total Suspended Solids Loading Rate (lbs/ac)</u>
Potomac River Basin	1.0	6.9	469.2

- e) Reductions achieved in accordance with the Permit for Discharges of Stormwater from Municipal Separate Storm Sewer Systems effective June 26, 2013, shall be applied toward the total reduction requirements to demonstrate compliance with Part I.E.1.b), c), and d).
- f) Reductions shall be achieved in each river basin as calculated in Part I.E.1.b) or for reductions in accordance with Part I.E.1.c) and d) in the basin in which the new source or grandfathered project occurred.
- g) Loading and reduction values greater than or equal to 10 pounds calculated in accordance with Part I.E.1.b), c), and d) shall be calculated and reported to the nearest pound without regard to mathematical rules of precision. Loading and reduction values of less than 10 pounds reported in accordance with Part I.E.1.b), c), and d) shall be calculated and reported to two significant digits.
- h) Reductions required in Part I.E.1.b), c), and d) shall be achieved through one or more of the following:
- 1) BMPs approved by the Chesapeake Bay Program;
 - 2) BMPs approved by the Department; or
 - 3) A trading program described in Part I.E.1.i).
- i) The permittee may acquire and use total nitrogen and total phosphorus credits in accordance with

§62.1-44.19:21 of the Code of Virginia and total suspended solids in accordance with § 62.1-44.19:21.1 of the Code of Virginia for purposes of compliance with the required reductions in Table 2 of Parts I.E.1.b), c), and d), provided the use of credits has been approved by the Department. The exchange of credits is subject to the following requirements:

- 1) The credits are generated and applied to a compliance obligation in the same calendar year;
 - 2) The credits are generated and applied to a compliance obligation in the same tributary;
 - 3) The credits are acquired no later than June 1 immediately following the calendar year in which the credits are applied;
 - 4) No later than June 1 immediately following the calendar year in which the credits are applied, the permittee certifies on an MS4 Nutrient Credit Acquisition Form that the permittee has acquired the credits;
 - 5) Total nitrogen and total phosphorus credits shall be either point source credits generated by point sources covered by the Watershed Permit for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed general permit issued pursuant to § 62.1-44.19:14 of the Code of Virginia, or nonpoint source credits certified pursuant to § 62.1-44.19:20 of the Code of Virginia;
 - 6) Sediment credits shall be derived from one of the following:
 - (a) Implementation of BMP in a defined area outside of an MS4 service area, in which case the necessary baseline sediment reduction for such defined area shall be achieved prior to the permittee's use of additional reductions as credit; or
 - (b) A point source wasteload allocation established by the Chesapeake Bay total maximum daily load, in which case the credit is the difference between the wasteload allocation specified as an annual mass load and any lower monitored annual mass load that is discharged as certified on an MS4 Sediment Credit Acquisition Form.
 - 7) Sediment credits shall not be associated with phosphorus credits used for compliance with the stormwater nonpoint nutrient runoff water quality criteria established pursuant to § 62.1-44.15:28 of the Code of Virginia.
- j) No later than 12 months after the permit effective date, the permittee shall submit an updated Chesapeake Bay TMDL action plan for the reductions required in Part I.E.1.b), c), and d) that includes the following information:
- 1) Any new or modified legal authorities, such as ordinances, permits, policy, specific contract language, orders, and inter-jurisdictional agreements, implemented or needing to be implemented to meet the requirements of Parts I.E.1.b), c) and d) to include a review in the development of these actions;
 - 2) The load and cumulative reduction calculations for each river basin calculated in accordance with Parts I.E.1.b), c) and d).
 - 3) The total reductions achieved to date, for each pollutant of concern in each river basin.
 - 4) A list of BMPs implemented to date, to achieve reductions associated with the Chesapeake Bay TMDL including:
 - (a) The date of implementation; and
 - (b) The reductions achieved.
 - 5) The BMPs to be implemented by the permittee prior to the expiration of this permit to meet the cumulative reductions calculated in Parts I.E.1.b), c) and d), including as applicable:

- (a) Type of BMP;
 - (b) Project name;
 - (c) Location;
 - (d) Percent removal efficiency for each pollutant of concern; and
 - (e) Calculation of the reduction expected to be achieved by the BMP calculated and reported in accordance with the methodologies established in Part I.E.1.g) for each pollutant of concern; and
- 6) An estimate of the expected cost to implement the necessary reductions during the permit cycle.
- 7) A summary of any comments received as a result of public participation required in Part I.E.1.k), the permittee's response, identification of any public meetings to address public concerns, and any revisions made to Chesapeake Bay TMDL action plan as a result of public participation.
- k) Prior to submittal of the action plan required in Part I.E.1.j), the permittee shall provide an opportunity for public comment on the additional BMPs proposed to meet the reductions not previously approved by the Department in the first phase Chesapeake Bay TMDL action plan for no less than 15 days.
- l) As part of development of the Chesapeake Bay TMDL action plan, the permittee may consider use of the following:
- 1) Implementation of BMPs on unregulated lands provided any necessary baseline reduction is not included toward meeting the required reduction in this permit;
 - 2) Utilization of stream restoration projects provided the credit applied to the required POC load reduction is prorated based on the ratio of regulated urban acres to total drainage acres upstream of the restored area;
 - 3) Establishment of a memorandum of understanding (MOU) with other MS4 permittees that discharge to the same or adjacent eight digit hydrologic unit within the same basin to implement BMPs collectively. The MOU shall include a mechanism for dividing the POC reductions created by BMP implementation between the cooperative MS4s.
 - 4) Any BMPs installed after June 30, 2009, as part of a retrofit program may be applied towards meeting the required load reductions provided any necessary baseline reductions are not included.
- m) The permittee shall address any modification to the TMDL or watershed implementation plan that occurs during the term of this permit as part of its permit reapplication as required in Part II.M of this permit.
- n) Chesapeake Bay TMDL action plan Implementation
- The permittee shall implement the TMDL action plan required in Part I.E.1.j) of this permit according to the schedule therein. Compliance with this requirement represents adequate progress for this permit term towards achieving TMDL wasteload allocations consistent with the assumptions and requirements of the TMDL.
- o) Specific Reporting Requirements. For each annual reporting period, the report shall include the following:**
- 1) Any modifications to the CB TMDL action plan made during the July 1 to June 30 reporting cycle.**
 - 2) A copy of the MS4 BMP Template submitted to the DEQ BMP Warehouse in accordance with Part I.D.3 with a cumulative listing of all BMPs implemented to date to meet the CB TMDL**

requirements of Part I.E.1, identifying which BMPs were completed within the current annual reporting cycle. The following information shall also be included:

- (a) For BMPs used to meet the CB TMDL requirements of Part I.E.1: the SWM facility unique identifier number; total acreage treated; total impervious and total pervious acreage treated; the pollutants of concern load reductions reported in pounds per year; the pollutant removal efficiencies and source of each efficiency; as well as proposed BMPs planned for implementation during the next reporting cycle.
 - (b) For retrofit projects used to meet the CB TMDL requirements of Part I.E.1: the type of land use being retrofitted; the existing stormwater management facility type before retrofit, if applicable; retrofit type used; retrofit performed; completion date or anticipated completion date; total acreage retrofitted; total impervious and total pervious acreage retrofitted; the SWM facility unique identifier number; and if applicable, the incremental reduction credit achieved with the retrofit (the incremental credit is defined as the difference between the existing SWM facility reduction credit and the retrofit reduction credit attained) including pre and post pollutant retrofit removal efficiencies and source of each efficiency.
- 3) A list of BMPs implemented during the reporting period but not reported to the DEQ BMP Warehouse in accordance with Part I.D.3) and the estimated reduction of pollutants of concern achieved by each and reported in pounds per year.
- 4) If the permittee acquired credits during the reporting period to meet all or a portion of the required reductions in Part I.E.1.b), c) or d), a statement that credits were acquired;
- 5) The permittee shall include the following as part of its reapplication package due in accordance with Part II.M:
 - (a) Documentation that sufficient control measures have been implemented (or documentation detailing that implementation will be complete by the expiration date of this permit) to meet the compliance target identified in this section. If temporary credits or offsets have been purchased in order to meet the compliance target, the list of temporary reductions utilized to meet the cumulative 40% required reductions of L2 in this permit and a schedule of implementation to ensure a permanent cumulative 40% reduction shall be provided;
 - (b) A draft third phase Chesapeake Bay TMDL action plan designed to address the following:
 - (1) Reduction in the POC loads by the cumulative 100% of the L2 required reductions.
 - (2) The means and methods to offset increased loads from new sources initiating construction between July 1, 2009 and June 30, 2024 that disturb one acre or greater as a result of the utilization of an average land cover condition greater than 16% impervious cover for the design of post development stormwater management facilities using the same methodology described in Part I.E.1.b), (c) and (d); and
 - (3) Accounting for any modifications to the applicable loading rate provided to the permittee as a result of TMDL modification.

2. Non Chesapeake Bay (Local) TMDLs

- a) The permittee shall develop a local TMDL action plan designed to reduce loadings for pollutants of concern if the permittee discharges the pollutants of concern to an impaired water for which a TMDL has been approved by the U.S. Environmental Protection Agency (EPA) as described in Part I.E.2.a.1) and 2) below. Approved TMDLs as of the effective date of this permit are listed in Attachment A of this permit.

- 1) For TMDLs approved by the EPA prior to July 1, 2013, and in which an individual or aggregate wasteload has been allocated to the permittee, the permittee shall update the previously approved local TMDL action plans to meet the conditions of Parts I E 2.c); E.2.d); E.2.e); and E.2.f) as applicable, and shall submit the Local TMDL action plan to the Department no later than 18 months after the permit effective date and continue implementation of the action plan; and
 - 2) For TMDLs approved by EPA on or after July 1, 2013, and prior to the permit effective date, and in which an individual or aggregate wasteload has been allocated to the permittee, the permittee shall develop and initiate implementation of action plans to meet the conditions of Parts I E 2.c); E.2.d); E.2.e); and E.2.f); as applicable for each pollutant for which wasteloads have been allocated to the permittee's MS4 and shall submit the Local TMDL action plan to the Department no later than 30 months after the permit effective date.
- b) The permittee shall complete implementation of the TMDL action plans as soon as practicable. TMDL action plans may be implemented in multiple phases over more than one permit cycle using the adaptive iterative approach provided adequate progress is achieved in the implementation of BMPs designed to reduce pollutant discharges in a manner that is consistent with the assumptions and requirements of the applicable TMDL.
- c) Each local TMDL action plan developed by the permittee shall include the following:
- 1) Name of the TMDL;
 - 2) The EPA approval date of the TMDL;
 - 3) The wasteload allocation assigned to the permittee (individually or in aggregate), and the corresponding percent reduction, if applicable;
 - 4) Identification of the significant sources of the pollutants of concern discharging to the permittee's MS4 and that are not covered under a separate VPDES permit. For the purposes of this requirement, a significant source of pollutants means a discharge where the expected pollutant loading is greater than the average pollutant loading for the land use identified in the TMDL;
 - 5) The BMPs designed to reduce the pollutants of concern in accordance with Parts I.E.2.d) and E.2.e);
 - 6) Any calculations required in accordance with Parts I.E.2.d) and E.2.e);
 - 7) For action plans developed in accordance with Parts I.E.2.d), an outreach strategy to enhance the public's education (including employees) on methods to eliminate and reduce discharges of the pollutants; and
 - 8) A schedule of anticipated actions planned for implementation during this permit term.
- d) Bacterial TMDLs.
- 1) The permittee shall select and implement at least six of the strategies listed in Table 4 below designed to reduce the load of bacteria to the MS4. Selection of the strategies shall correspond to significant sources of pollutants identified in Part I.E.2.c).4) above.

Table 4. Strategies for Bacteria Reduction Stormwater Control/Management Strategy	
Source	Strategies (provided as an example and not meant to be all inclusive or limiting.)
Domestic pets (dogs and cats)	<p>Provide signage to pick up dog waste, providing pet waste bags and disposal containers.</p> <p>Adopt and enforce pet waste ordinances or policies, or leash laws or policies.</p> <p>Place dog parks away from environmentally sensitive areas.</p> <p>Maintain dog parks by removing disposed of pet waste bags and cleaning up other sources of bacteria.</p> <p>Protect riparian buffers and provide unmanicured vegetative buffers along streams to dissuade stream access.</p>
Urban wildlife	<p>Educate the public on how to reduce food sources accessible to urban wildlife (e.g., manage restaurant dumpsters and grease traps, residential garbage, feed pets indoors).</p> <p>Install storm drain inlet or outlet controls.</p> <p>Clean out storm drains to remove waste from wildlife.</p> <p>Implement and enforce urban trash management practices.</p> <p>Implement rooftop disconnection programs or site designs that minimize connections to reduce bacteria from rooftops.</p> <p>Implement a program for removing animal carcasses from roadways and properly</p>
Illicit connections or illicit discharges to the MS4	<p>Implement an enhanced dry weather screening and illicit discharge, detection, and elimination program beyond the requirements of Part I E 3 to identify and remove illicit connections and identify leaking sanitary sewer lines infiltrating to the MS4 and implement repairs.</p> <p>Implement a program to identify potentially failing septic systems.</p> <p>Educate the public on how to determine whether their septic system is failing.</p> <p>Implement septic tank inspection and maintenance program.</p> <p>Implement an educational program beyond any requirements in Part I E 1 through E 6 to explain to citizens why they should not dump materials into the MS4.</p>
Dry weather urban flows (irrigations, carwashing, powerwashing,	<p>Implement public education programs to reduce dry weather flows from storm sewers related to lawn and park irrigation practices, carwashing, powerwashing and other nonstormwater flows.</p> <p>Provide irrigation controller rebates.</p>
	<p>Implement and enforce ordinances or policies related to outdoor (etc.) water waste.</p> <p>Inspect commercial trash areas, grease traps, washdown practices, and enforce corresponding ordinances or policies.</p>
Birds (Canada geese, gulls, pigeons, etc.)	<p>Identify areas with high bird populations and evaluate deterrents, population controls, habitat modifications and other measures that may reduce bird-associated bacteria loading.</p> <p>Prohibit feeding of birds.</p>
Other sources	<p>Enhance maintenance of stormwater management facilities owned or operated by the permittee.</p> <p>Enhance requirements for third parties to maintain stormwater management facilities.</p> <p>Develop BMPs for locating, transporting, and maintaining portable toilets used on permittee-owned sites. Educate third parties that use portable toilets on BMPs for use.</p> <p>Provide public education on appropriate recreational vehicle dumping practices.</p>

- e) Polychlorinated biphenyl (PCB) TMDLs.
 - 1) For each PCB TMDL action plan, the permittee shall include an inventory of potentially significant sources of PCBs owned or operated by the permittee that drains to the MS4 that includes the following information:
 - (a) Location of the potential source;
 - (b) Whether or not the potential source is from current site activities or activities previously conducted at the site that have been terminated (i.e. legacy activities); and
 - (c) A description of any measures being implemented or to be implemented to prevent exposure to stormwater and the discharge of PCBs from the site.
 - 2) If at any time during the term of this permit, the permittee discovers a previously unidentified significant source of PCBs within the permittee's MS4 regulated service area, the permittee shall notify DEQ in writing within 30 days of discovery.
- f) Prior to submittal of the action plan required in Part I.E.2.a), the permittee shall provide an opportunity for public comment proposed to meet the local TMDL action plan requirements for no less than 15 days.
- g) The MS4 program plan as required by Part I.A.6 of this permit shall incorporate each local TMDL action plan. Local TMDL action plans may be incorporated by reference into the MS4 program plan provided that the program plan includes the date of the most recent local TMDL action plan and identification of the location where a copy of the local TMDL action plan may be obtained.
- h) **Specific Reporting Requirements**
 - 1) **For each reporting period, each annual report shall include a summary of actions conducted to implement each local TMDL action plan.**
 - i) The permittee shall identify the best management practices and other steps that will be implemented during the next permit term as part of the permittee's reapplication for coverage as required under Part II.M. The permittee shall also evaluate and modify the estimated end date by either achieving the applicable wasteload allocation or by reducing the pollutants of concern to the maximum extent practicable based on information acquired during the permit cycle.

F. MS4 Program Annual Report

1. The permittee shall submit the annual report to the Department, no later than October 1st of each year. The report shall cover the previous fiscal year from July 1st to June 30th. Following notification from the Department of the start date for the required electronic submission of annual reports as provided for in 9VAC25-31-1020, such reports shall be electronically submitted to the Department in compliance with this section and 9VAC25-31-1020. There shall be at least three months' notice provided between the notification from the Department and the date after which such forms must be submitted electronically.
2. The annual report shall include the following information:
 - a) The permittee and permit number of the program submitting the annual report;
 - b) Any changes to the MS4 program plan as a result of the permit conditions;
 - c) The reporting period for which the annual report is being submitted; and,
 - d) A signed certification as per Part II.K.
3. A summary of the implementation of each of the components established under Parts I.B; I.C; I.D; and I.E and an evaluation of the effectiveness of each component. The permittee should attempt to limit any

component's narrative summary to no longer than two-pages plus any necessary tables and figures.

4. The Specific Reporting Requirements as identified in this permit.

G. Definitions

Definitions contained in the Virginia Stormwater Management Act, Part I (9VAC25-870-10) and Federal NPDES rules, 40 CFR Part 122, apply where a definition is not specified below. Unless otherwise specified in this permit, additional definitions or words or phrases used in this permit are as follows:

1. "Best management practice" or "BMP" means schedules of activities, prohibitions of practices, including both structural and nonstructural practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.
2. "Board" means the State Water Control Board
3. "Date brought online" means the date when the permittee determines that a new stormwater management facility is properly functioning to meet its designed pollutant load reduction.
4. "DEQ" or "Department" means the Department of Environmental Quality.
5. "High priority municipal facility" means facilities owned and operated by the permittee that actively engage in one or more of the following activities: (i) composting; (ii) equipment storage and maintenance; (iii) materials storage; (iv) pesticide storage; (v) storage for public works; (vi) recycling; (vii) salt storage; (viii) solid waste handling and transfer; and, (ix) vehicle storage and maintenance.
6. "Industrial land use" means land utilized in connection with manufacturing, processing, or raw materials storage at facilities identified under 40 CFR Part 122.26(b)(14).
7. "Maintenance" means maintenance on the MS4 and associated structural stormwater controls including, but not limited to, activities such as inspections of basins and ponds; repair and replacement of failed controls, mowing grass filter strips; regular removal of litter and debris from dry ponds, forebays and water quality inlets; periodic stabilization and revegetation of eroded areas; periodic removal and replacement of filter media from infiltration trenches and filtration ponds; periodic removal of trash and sediment; deep tilling of infiltration basins to maintain capacity; vacuuming or jet hosing of porous pavement or concrete grid pavements; and, removal of litter and debris from wet weather conveyances.
8. "Permittee" means Arlington County.
9. "Physically interconnected" means that one MS4 is connected to a second MS4 in such a manner that it allows for direct discharges to the second system.

"Retrofit" means the modification of existing stormwater management facilities, as defined herein, including flood control structures, through construction and/or enhancement in order to address water quality improvements. Retrofit also means the installation or implementation of source reductions to provide water quality improvements on previously developed land where no stormwater source reductions previously existed.

PART II - CONDITIONS APPLICABLE TO ALL VSMP MS4 PERMITS

A. MONITORING

1. Samples and measurements taken for the purpose of monitoring 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 calibrate and perform maintenance procedures on all monitoring and analytical instrumentation to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device 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. Monitoring records/reports shall include:
 - a) The date, exact place, and time of sampling or measurements;
 - b) The individual(s) who performed the sampling or measurements;
 - c) The date(s) and time(s) analyses were performed;
 - d) The individual(s) who performed the analyses;
 - e) The analytical techniques or methods used; and
 - f) The results of such analyses.
2. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation; copies of all reports required by this permit; and records of all data used to complete the permit application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or request for coverage. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the 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 with the annual report unless another reporting schedule is specified elsewhere in this permit.
2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the Department; or in any format provided that the date, location, parameter, method, and result of the monitoring activity are included.
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 the DMR or reporting form specified by the department.
4. Calculations for all limitations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Department, within a reasonable time, any information that the Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this 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 its discharge on the quality of surface waters, or such other information as may be necessary to accomplish the purposes of the Clean Water Act and Virginia Stormwater Management Act. 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 STORMWATER DISCHARGES

Pursuant to § 62.1-44.15:26 of the Code of Virginia, except in compliance with a permit issued by the board, it shall be unlawful to cause a stormwater discharge from a MS4.

G. REPORTS OF UNAUTHORIZED DISCHARGES

Any operator of a regulated MS4 who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance or a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110 , 40 CFR Part 117 or 40 CFR Part 302 that occurs during a 24-hour period into or upon surface waters; or who discharges or causes or allows a discharge that may reasonably be expected to enter surface waters, shall notify the Department the discharge immediately upon discovery of the discharge, but in no case later than within 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department, 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 "bypass" or "upset", as defined at Parts II.U and II.V herein, should occur from a facility and the discharge enters or could be expected to enter surface waters, the permittee shall promptly notify, in no case later than 24 hours, the Department after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse effects on aquatic life and the known number of fish killed. The permittee shall produce a written report and submit it to the Department within

five days of discovery of the discharge in accordance with Part II.1.2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

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

I. REPORTS OF NONCOMPLIANCE

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

1. An oral report shall be provided within 24 hours to the Department from the time the permittee becomes aware of the circumstances. The following shall be included as information, which shall be reported within 24 hours under this paragraph:
 - a) Any unanticipated bypass; and
 - b) Any upset which causes a discharge to surface waters.
2. A written report shall be submitted within 5 days and shall contain:
 - a) A description of the noncompliance and its cause;
 - b) The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
 - c) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Board or its designee may waive the written report on a case-by-case basis for reports of noncompliance under Part II.1 if the oral report has been received within 24 hours and no adverse impact on surface waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Part II.1.2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II.1.2.

NOTE: 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 <https://portal.deq.virginia.gov/prep/Report/Create>. 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.

4. Whenever the permittee becomes aware of a failure to submit any relevant facts, or submitted incorrect information in any report to the Department, it shall promptly submit such facts or information.

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 the Clean Water Act that are applicable to such source; or

- 2) After proposal of standards of performance in accordance with § 306 of the Clean Water Act that are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal.
 - b) The permittee plans alteration or addition that would significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to effluent limitations in this permit; or
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. Permit Applications. All permit applications shall be signed as follows:
 - a) For a corporation: by a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - b) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - c) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a public agency includes:
 - 1) The chief executive officer of the agency, or
 - 2) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
2. Reports, etc. All reports required by 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 operator. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
 - c) The written authorization is submitted to the Department.
3. Changes to authorization. If an authorization under Part II.K.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II.K.2 shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.
4. Certification. Any person signing a document under Parts II.K.1 or 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 Virginia Stormwater Management Act and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the Virginia Stormwater Management Act but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

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

M. DUTY TO REAPPLY

The permittee shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for applications to be submitted later than the expiration date of the existing permit. The application shall include Form 1, an updated MS4 program plan, and an updated draft Chesapeake Bay TMDL action plan in accordance with Part I.E.1.o.5) of this permit. The permittee shall also identify the best management practices and other steps that will be implemented in the next permit cycle for local TMDL action plans in accordance with Part I.E.2.i) of this 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 Sections § 62.1-44.34:14 through § 62.1-44.34:23 of the State Water Control Law or Section 311 of the Clean Water Act.

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 surface waters.

S. DUTY TO MITIGATE

The permittee shall take all reasonable steps to minimize or prevent any discharge 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," as defined in 9VAC25-870-10, means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II.U.2 and U.3.

2. Notice

- a) Anticipated Bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least 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 or its designee 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 that 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 or its designee 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, as defined in 9VAC25-870-10, constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part II.V.3 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.
- 2. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

3. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

An upset occurred and that the permittee can identify the cause(s) of the upset;

- a) The permitted facility was at the time being properly operated;
 - b) The permittee submitted notice of the upset as required in Part II.I; and
 - c) The permittee complied with any remedial measures required under Part II.S.
4. 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 as the Board's designee, or an authorized representative (including an authorized contractor acting as a representative of the administrator) upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the 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 Virginia Stormwater Management Act, any substances or parameters at any location.

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

X. PERMIT ACTIONS

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

Y. TRANSFER OF PERMITS

1. Permits are not transferable to any person except after notice to the Department. Except as provided in Part II.Y.2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the Virginia Stormwater Management Act and the Clean Water Act.
2. As an alternative to transfers under Part II.Y.1., this permit may be automatically transferred to a new permittee if:
 - a) The current permittee notifies the Department at least two days in advance of the proposed transfer of the title to the facility or property;
 - b) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

- c) The Board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II.Y.2.b.

Z. SEVERABILITY

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

Attachment A: Total Maximum Daily Load Reports with Wasteload Allocations to VA0088579 - Arlington County						
TMDL Project	TMDL Pollutant(s)	Final Report	EPA Approval Date	SWCB Approval Date	Wasteload Allocation	Consolidated Wasteload
TMDL Report: Bacteria TMDLs for the Sugarland Run, Mine Run, and Pimmit Run in Arlington, Fairfax, and Loudoun Counties						
Sugarland Run, Mine Run, Pimmit Run	E. Coli	Report is available for review, please see contact information below. ¹	9/26/2013	4/4/2014	2.35E+11cfu/yr	Yes
TMDL Report: Bacteria TMDLs for the Hunting Creek, Cameron Run and Holmes Run Watersheds						
Hunting Creek, Cameron Run, Holmes Run	E. Coli	Report is available for review, please see contact information below. ¹	11/10/2010	8/4/2011	3.68E11 cfu/yr	Yes
TMDL Report: Bacteria TMDL for the Tidal Four Mile Run Watershed						
Tidal Four Mile Run Watershed	E. Coli	Report is available for review, please see contact information below. ¹	6/14/2010	9/30/2010	2.23E13 cfu/yr	Yes
TMDL Report: Fecal Coliform TMDL (Total Maximum Daily Load) Development for Four Mile Run, Virginia						
Four Mile Run Watershed	Fecal Coliform	Report is available for review, please see contact information below. ¹	5/31/2002	6/17/2004	2.04E13 cfu/yr	Yes
TMDL Report: Potomac River Total Maximum Daily Loads of Polychlorinated Biphenyls (PCBs) for Tidal Portions of the Potomac and Anacostia Rivers in the District of Columbia, Maryland, and Virginia						
Potomac River	PCB	Report is available for review, please see contact information below. ¹	10/31/2007	4/11/2008	See TMDL Report	Yes
¹ All reports are available for review by contacting the Northern Regional Office TMDL Coordinator at the following link: https://www.deq.virginia.gov/water/water-quality/tmdl-development/approved-tmdls						