



Albemarle County MS4 Program Plan 2023 – 2028

**Coverage Under General Permit for Discharges of Stormwater from Small
Municipal Separate Storm Sewer Systems (General Permit Number VAR040074)**

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Commonly Used Abbreviations

ACAP – Albemarle Conservation Assistance Program
BMP – Best Management Practice
CDD – Community Development Department
DEQ – Virginia Department of Environmental Quality
E&S – Erosion and Sediment Control
EMS – Environmental Management System
GIS – Geographic Information System
IDDE – Illicit Discharge Detection and Elimination
MCM – Minimum Control Measure
MS4 – Municipal Separate Storm Sewer System
NMP – Nutrient Management Plan
RCA – Rivanna Conservation Alliance
RSEP – Rivanna Stormwater Education Partnership
SMF – Stormwater Management Facility
SOP – Standard Operating Procedure
SWPPP – Stormwater Pollution Prevention Plan
TJSWCD – Thomas Jefferson Soil and Water Conservation District
TMDL – Total Maximum Daily Load
UVA – University of Virginia
VDOT – Virginia Department of Transportation
VESCP – Virginia Erosion and Sediment Control Program
VSMP – Virginia Stormwater Management Program
WPO – Albemarle County Water Protection Ordinance

Permit Coverage

Both Albemarle County Local Government and Albemarle County Public Schools are covered by the 2023 – 2028 General Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems (General Permit Number VAR040074). Albemarle County exists and operates under the county executive form of government. By statute, the County Schools Division is a department of the County.

Roles and Responsibilities

The 2023 - 2028 MS4 General Permit's list of program requirements is shown in Appendix 1. The following table shows the Albemarle County departments and divisions responsible for the implementation of the various minimum control measures (MCMs) and other components of the MS4 Program required by the General Permit. The Watershed Stewardship Manager, a position residing in the Environmental Services Division of the Department of Facilities and Environmental Services, serves as the overall coordinator of the MS4 Program.

The Thomas Jefferson Soil and Water Conservation District (TJSWCD) is the only third party that officially supports Albemarle County's MS4 Program. Appendix 2 shows a copy of the current two-year agreement with the TJSWCD which details their contributions to the County's MS4 Program.

Table 1: Albemarle County Departments and Divisions Responsible for MS4 Program

Permit Requirement	Departments and Divisions	Responsibilities
MCM #1) Education and Public Outreach	Facilities and Environmental Services, Environmental Services Division; Albemarle County Public Schools, Department of Building Services; Thomas Jefferson Soil and Water Conservation District (contractee)	<ul style="list-style-type: none"> collaborate with RSEP to implement regional public education plan develop and implement County-specific education initiatives, independent of RSEP periodic program evaluation and adjustment
MCM #2) Public Involvement and Participation	Facilities and Environmental Services, Environmental Services Division	<ul style="list-style-type: none"> posting new programs and plans ensuring proper public notifications ensuring public comments are responded to and recorded ensuring County participation in local activities
MCM #3) Illicit Discharge Detection and Elimination	Facilities and Environmental Services, Environmental Services Division; Thomas Jefferson Soil and Water Conservation District (contractee)	<ul style="list-style-type: none"> dry-weather outfall inspection investigations of minor discharges enforcement IDDE data tracking IDDE-related training
	Albemarle County Fire and Rescue	<ul style="list-style-type: none"> response to emergency discharges and major discharges investigations of major reported discharges enforcement
MCM #4) Construction Site Runoff Control	Community Development, Engineering Division	<ul style="list-style-type: none"> land-disturbing permit issuance erosion and sediment control plan review and approval construction site erosion and sediment control inspection and enforcement
MCM #5) Post-construction Stormwater Management in New Development and Development on Prior-Developed Lands	Community Development, Engineering Division	<ul style="list-style-type: none"> permit issuance BMP design review and approval BMP construction inspection
	Facilities and Environmental Services, Environmental Services Division	<ul style="list-style-type: none"> private BMP inspection and guidance BMP data tracking
	Facilities and Environmental Services; Parks & Recreation Department; Albemarle County Public Schools, Department of Building Services;	<ul style="list-style-type: none"> operator-owned BMP inspection and maintenance
MCM #6) Pollution Prevention and Good Housekeeping	Facilities and Environmental Services; Parks & Recreation Department; Albemarle County Public Schools, Department of Building Services;	<ul style="list-style-type: none"> pollution prevention programs nutrient management plans GH/PP-related training
TMDL Special Conditions	Facilities and Environmental Services, Environmental Services Division	<ul style="list-style-type: none"> TMDL Action Plan implementation & updates Pollutant reduction tracking
BMP Warehouse Reporting	Facilities and Environmental Services, Environmental Services Division	<ul style="list-style-type: none"> Data submittal and updates

MCM #1 – Public Education and Outreach

List of Requirements

The General Permit's list of requirements for MCM #1 is shown in Appendix 1.

Regional Coordination

Albemarle County's public education and outreach on stormwater issues is accomplished largely through participation in the Rivanna Stormwater Education Partnership (RSEP). The RSEP is a collaborative effort among local public entities within the Charlottesville urban area that hold small MS4 permits under the National Pollutant Discharge Elimination System program. The RSEP is dedicated to helping its members achieve the MS4 permit requirements related to education, outreach, and public participation. The MS4 operators comprising RSEP are Albemarle County, the City of Charlottesville, and the University of Virginia. Other members of RSEP are Albemarle County Public Schools, the Albemarle County Service Authority, the Rivanna Water and Sewer Authority, the Rivanna Conservation Alliance, the Thomas Jefferson Planning District Commission, and the Thomas Jefferson Soil and Water Conservation District. The Thomas Jefferson Soil and Water Conservation District (TJSWCD) provides support to RSEP and serves as its coordinating body.

Founded in March 2003, the RSEP meets a minimum of six times a year to plan and implement stormwater education initiatives and share information about each partner's stormwater programs. The development of education initiatives through the RSEP has resulted in a wide variety of projects and has avoided the over-exposure, redundancy, and conflicting messages that might result if each partner were carrying out projects on their own. Campaign materials – including print ads, movie theater ads, and posters on public transit buses, magnets, radio spots, and utility bill inserts – are written in simple, easy to understand language. Many education and outreach materials can be viewed at www.rivanna-stormwater.org. The RSEP website serves as a central portal and point of contact for members of the public wishing to learn about local government stormwater management efforts.

High-Priority Stormwater Issues & Rationale

RSEP's *Public Education and Outreach Plan and Public Involvement and Participation Program* document (for MCMs #1 and #2) can be found at: <https://rivanna-stormwater.org/wp-content/uploads/2024/03/2023-2028-RSEP-Outreach-Plan.pdf>. Much of the content of that plan is reiterated here in this section of the MS4 Program Plan. For the 2023 - 2028 permit cycle, RSEP members have chosen three high-priority stormwater/water quality issues for its outreach and education programming: (1) runoff volume reduction, (2) potential runoff pollutants, and (3) TMDL pollutants. Below is the rationale for selecting each of these stormwater issues and an explanation of how each education or outreach strategy is intended to have a positive impact on stormwater discharges.

1. Runoff Volume Reductions

One of the biggest challenges facing urban waterways is the sheer volume of runoff being transported from impervious surfaces to the streams. In developed areas, rainwater falls on impervious surfaces, such as buildings, parking lots, and driveways which prevent water from infiltrating into the ground and recharging local aquifers. This rainwater flows rapidly across impervious surfaces and into storm sewers, which direct the water to local streams. As a result of this rapid transport to local streams, stream flow volumes and velocities are significantly higher than would be observed under natural conditions. These high, rapid flows can cause stream bank erosion and changes in stream ecosystem habitats. In addition, flooding has become an increasing issue due to the severity and intensity of rainstorms in recent years, combined with concerns about other climate change impacts. Best management practices (BMPs) can be installed to mitigate the impacts of development by slowing down the transport of water from impervious surfaces to local streams.

While localities and developers are required to install BMPs for certain construction projects, maintenance of these BMPs is not always taken into account during their installation. In addition, there are many BMPs

homeowners can implement or install to reduce the runoff volume and velocity from their properties and contribute to healthier streams. RSEP intends to provide education and outreach to both homeowners as well as new and existing BMP owners during the permit period. The goal of this education program will be to educate recipients on the negative impacts of increased stormwater volume and velocity and also provide ideas for ways they can reduce, mitigate, or treat runoff from their property. Example messaging may include information about rain barrel installations, downspout disconnections, or information about local flood resilience planning.

2. Potential Runoff Pollutants

As stormwater flows across roadways, parking lots, and driveways, it picks up pollutants such as sediment, oil, nutrients, bacteria, and trash that are lying on the surface. Sources of these pollutants can be as varied as the pollutants themselves, ranging from pet waste left by a local resident to a diesel fuel spill on a local industrial site to cigarette butts tossed on the ground by passing smokers. Additionally, emerging contaminants that do not yet fall under TMDLs, such as chlorides and PCBs, could be covered in this category if local conditions warrant such coverage.

There are two primary ways to handle potential runoff pollutants. The first is to prevent the potential pollutant from becoming a water quality issue. Educational messaging for this approach may range from reminding restaurants how to properly handle their used cooking oil to information on excess salt usage during the winter to reminding residents to obtain a soil test before applying fertilizer on their lawns. The second way to handle potential runoff pollutants is to try to capture them after they are out in the environment. While this approach is not ideal, it is a necessary component of a comprehensive outreach program. In addition to reducing runoff as previously discussed, certain BMPs can also help trap or absorb these pollutants in the environment and prevent them from reaching local waterways. In addition, the illicit discharge and elimination (IDDE) programs run by the various MS4 permit holders will help to identify and eliminate possible illicit discharges resulting from human activity in the watershed. IDDE outreach and education efforts provided by RSEP have and will continue to warn against storm drain dumping and encourage use of the RSEP Water Pollution Hot Line to report suspected illegal discharges.

3. TMDL Impairments – Bacteria, Sediment, Nitrogen, Phosphorus

The Chesapeake Bay TMDL requires pollution reductions in sources of phosphorus, nitrogen, and sediment loads across the Bay watershed and sets pollution limits needed to achieve desired water quality standards. These TMDL impairments have significant impacts in the local area. Sediment source reductions are also required locally by the Rivanna River Benthic TMDL. TMDLs for many local streams also touch on sediment as a pollutant source, with bacteria as an added pollutant of concern in many of these local streams.

TMDL impairments are logical topics for MS4 outreach and education programs, as most of the streams with TMDLs in the local areas are urban streams and MS4s are concentrated in the urban areas. Of the stream miles assessed within the targeted urban areas, almost 30% have an impaired benthic macro-invertebrate community, as a result of too much sediment in our waterways¹. The *Final Report of the Benthic TMDL Development for the Rivanna River Watershed* submitted to VA DEQ (2008) identifies an existing sediment load from land-based and in-stream erosion from the MS4 point source. Over a quarter (26%) of streams assessed within the targeted urban areas are considered impaired by excessive amounts of bacteria². Bacteria impairments in these streams can be caused by a variety of sources in urban stormwater including pet waste, leaking sewer pipes, wildlife excrement, and agricultural uses. As for nitrogen and phosphorus, the MS4 general permit requires permittees to utilize turf and landscape management plans to minimize nutrient usages, while also prohibiting the usage of deicers containing urea, nitrogen, or phosphorus. Similar messaging is also relevant to local residents and business owners.

¹ *Final 2012 305(b)/303(d) Water Quality Assessment Integrated Report*, VA DEQ, 2014

² *Final 2012 305(b)/303(d) Water Quality Assessment Integrated Report*, VA DEQ, 2014

Outreach and education campaigns focusing on TMDL impairments will include a variety of approaches, strategies, and target audiences. Licensed dog owners in the City and County could be targeted to pick up pet waste to reduce bacteria. Strategies utilized to address reductions in runoff volume could be used to also target sediment. While homeowners, gardeners, and landscape maintenance professionals could be targeted to address fertilizer usage.

Strategies for Communicating High-Priority Issues

Public education and outreach strategies that RSEP plans to use during the 2023-2028 permit cycle are shown in Table 2. This table lists the anticipated time frame/frequency of each strategy, the high-priority issues addressed by each strategy or activity, the target audience, the metric to determine if the activity is beneficial, and whether the activity contributes to MCM #1, MCM #2, or both.

As necessary, RSEP will adjust target audiences and messages to address any observed weaknesses or shortcomings in the public education and outreach program. Educational materials may be developed, modified, or improved to address changing needs. In addition, the messaging or activities described in Table 2 may be altered to appeal to different target audiences or to address different high priority issues than the ones listed. Other methods beyond those currently described in Table 2 are likely to be employed as well.

Metrics/Measurable Goals

See Table 2 for specific metrics by which each education and outreach strategy/activity will be evaluated. In addition, the following measurable goals apply for MCM #1:

- RSEP will meet at least six times per year
- Through RSEP and/or individually, the County will implement at least two strategies from Table 1 per program year

Table 2. RSEP's Planned Public Education and Outreach and Public Involvement and Participation Strategies

Time Frame - Frequency	Strategy or Activity Description	High Priority Water Quality Issue Addressed			Target Audience / Metric to Determine if Activity is Beneficial to Water Quality	MCM 1	MCM 2
		Runoff Volume	Runoff Pollutants	TMDL Pollutants			
Spring - once during permit cycle	Written Materials - <i>Utility Bill Inserts</i>	✓	✓	✓	Homeowners and residents – number of inserts delivered	✓	
Spring - once during permit cycle	Written Materials – <i>Electronic Utility Bill Inserts</i>	✓	✓	✓	Homeowners and residents – number of electronic recipients	✓	
Fall - once during permit cycle –	Written Materials - <i>Charlottesville Area Transit Bus Ad</i>		✓	✓	Homeowners and residents – number of bus riders during ad period	✓	
Winter Once during permit cycle	Media Materials - <i>Charlottesville Public Access Station PSAs</i>	✓	✓	✓	Homeowners and residents – there is no metric to determine viewership or number of times the ad is shown, however it is still a worthwhile effort that may catch viewers not reached via other methods	✓	
Fall or Spring - 2-3x during permit cycle	Media Materials - <i>Cville Weekly Ads</i>		✓	✓	Homeowners and residents – estimated distribution	✓	
Winter and Summer - Annually	Media Materials - <i>Social Media Promotion</i>	✓	✓	✓	Homeowners and residents – estimated number of followers	✓	
Ongoing	Media Materials – <i>GIS StoryMap</i>	✓	✓	✓	Homeowners and residents – no tracking available, but information is linked from RSEP website and is available to the public	✓	
Spring - Annually	Alternative Materials - <i>Magnets</i>		✓	✓	Homeowners and residents – number of magnets distributed	✓	

Spring - <i>Annually</i>	Alternative Materials - <i>Stickers</i>		✓	✓	Homeowners and residents – number of stickers distributed	✓	
Spring - <i>Annually</i>	Public Education Activities – <i>booth at community event</i>	✓	✓	✓	Homeowners and residents - Number of event attendees	✓	✓
Spring - <i>Annually</i>	Public Education Activities – <i>SOL activities with 4th & 6th grade students</i>	✓	✓	✓	Local students – number of student participants	✓	✓
2-3 Events in Spring or Fall <i>Annually</i>	Public Education Activities - <i>Tabling at Riverfest, Ecofairs, Kidvention, or other events</i>	✓	✓	✓	Homeowners and residents - Number of event attendees	✓	✓
Spring or Fall <i>Annually</i>	Restoration – <i>Stream Clean Up Day</i>		✓	✓	Homeowners and residents - Number of participants or number of bags of trash collected		✓
Spring <i>Once per permit cycle</i>	Pollution Prevention - <i>Participant Workshop</i>	✓	✓	✓	Homeowners and residents - Number of workshop attendees		✓

MCM #2 – Public Involvement and Participation

List of Requirements

The General Permit's list of requirements for MCM #2 is shown in Appendix 1.

Public Reporting of Illicit Discharges, Complaints Regarding Land Disturbing Activities, and Other Stormwater Pollution Concerns

Public reporting of illicit discharges and other stormwater pollution is facilitated through a hotline maintained by RSEP (434-202-4179), the RSEP website <https://rivanna-stormwater.org/report-water-pollution/>, and the Albemarle County Water Resource Protection webpage: <https://www.albemarle.org/government/facilities-environmental-services/environmental-services/water-resource-protection>. Reporting of erosion and sediment control concerns is facilitated through the County's "Report a Concern" webpage (<https://www.albemarle.org/government/community-development/report-a-concern>) or through the County's Complaint Hotline (434) 296-5834.

Public Input on MS4 Program

Albemarle County invites public input on the MS4 Program and related plans via its Water Resource Protection webpage: <https://www.albemarle.org/government/facilities-environmental-services/environmental-services/water-resource-protection>. The current MS4 Permit and coverage letter, MS4 Program Plan, MS4 annual reports, and TMDL Action Plans are all available for download from this webpage, and past plans and reports are made available upon request. New plans and reports (including Chesapeake Bay TMDL implementation annual status reports) will be posted to this webpage within 30 days of submittal to DEQ.

The webpage includes an invitation for public comment to be sent to the Watershed Stewardship Manager's email address. The appropriate County staff will provide a response to any comments received within two business days. The public comment and County response will be saved in the digital folder of the latest or most applicable program plan or annual report.

Public Involvement Activities & Metrics/Measurable Goals

Through RSEP and/or individually, Albemarle County's MS4 Program will offer at least four public involvement opportunities per program year (with at least two different types of activities) to improve water quality and support local restoration and clean-up. See the bottom of Table 2 for a list of the types of activities that may be employed by RSEP, along with their anticipated timing and metric by which each will be evaluated. In addition, the County facilitates numerous other avenues for public involvement in watershed stewardship and pollution reduction, including:

- Funding for Rivanna Conservation Alliance's (RCA) water quality monitoring program. The program engages trained volunteers to collect Level III data. Data are submitted to DEQ annually and are used by DEQ to list and de-list streams on the 303(d) list of Impaired Waters.
 - Time period: Benthic macroinvertebrate samples are collected at 50 sites throughout the Rivanna basin twice yearly. Bacterial samples are collected at over a dozen sites in the Charlottesville-Albemarle urban area on a monthly basis from March and November,
 - Metric: Number of samples or sampling sites
- Guidance for RCA's watershed activities. Albemarle County staff serves on RCA's Science Advisory Committee. Through this association, Albemarle helps guide RCA's water quality monitoring and analysis, illicit discharge tracking, and other watershed improvement efforts.
 - Time period: RCA SAC meetings are held quarterly.
 - Metric: Number of meetings attended

- The Albemarle Conservation Assistance Program (ACAP). ACAP, a program to assist property owners in the financing and installation of water quality best management practices, commences on July 1, 2019. The program will be administered by Thomas Jefferson Soil and Water Conservation District.
 - Time period: Ongoing.
 - Metric: Square footage of BMPs installed
- Watershed Field Experiences for Students. Albemarle funds outdoor, streamside educational programs conducted by TJSWCD and RCA and with help from community members. These programs teach hundreds of elementary and middle school students in fundamentals of watershed processes and stream ecology.
 - Time period: Repeats annually, primarily in spring
 - Metrics: Number of community members involved
- Household Hazardous Waste Collection. Albemarle funds Rivanna Solid Waste Authority's Household Hazardous Waste Collection Program. This program includes amnesty days for receiving certain waste items as well as ongoing waste collection for other items. The waste materials are received at the Ivy Material Utilization Center.
 - Time period: Amnesty days for each of several categories of hazardous waste are offered annually.
 - Metrics: Amount of waste collected.

MCM #3 – Illicit Discharge Detection and Elimination

List of Requirements

The General Permit's list of requirements for MCM #3 is shown in Appendix 1.

MS4 Map and Information Table

The County uses geographic information system (GIS) databases to map the MS4 regulated service. The information table (i.e., attributes table) associated with this map includes the following permit-required items:

- Boundaries of the County's MS4 regulated service area
- Stormwater management facilities owned or operated by the permittee
- MS4 outfalls to surface waters (and/or points of discharge), with the following attributes included in the information table for each:
 - Unique identifier
 - Latitude and longitude
 - Name and 6th Order Hydrologic Unit Code of receiving waters to which it discharges
 - Whether the receiving water is listed as impaired in the Virginia 2022 305(b)/303(d) Water Quality Assessment Integrated Report and the name of any associated EPA-approved TMDLs for which the County is assigned a wasteload allocation
 - The estimated regulated acreage draining to the outfall or point of discharge

By November 1, 2025, the County will submit to DEQ, a format file geodatabase or two shapefiles that contain at a minimum:

- A point feature class or shapefile for outfalls with the attribute table containing the data elements listed above
- A polygon feature class or shapefile for the MS4 service area with an attribute table containing:
 - MS4 operator name
 - MS4 permit number (VAR04)

- MS4 service area total acreage rounded to the nearest hundredth.

The geodatabase feature classes or shapefiles will be submitted to DEQ in the following data format standards:

- Point data in NAD83 or WGS84 decimal degrees global positional system coordinates
- Data projected in Virginia Lambert Conformal Conic format
- Outfall location accuracy represented in decimal degrees rounded to at least the fifth decimal place for latitude and longitude (e.g., 37.61741, -78.15279)
- Metadata that provides a description of each feature class or shapefile dataset, units of measure as applicable, coordinate system, and projection

No later than October 1 of each permit year, the County will update the MS4 map and outfall information table to include any new outfalls constructed and TMDLs approved during the immediately preceding reporting period. The information table and other mapping details required by this permit are maintained by the County's Facilities and Environmental Services Department and are available by request.

The County has also developed a map of the storm sewer system within much of the urban area. The map is updated frequently and consists of a GIS shapefile depicting the location of manholes, pipes, culverts, and channels on both County-owned and private properties. This stormwater infrastructure map and associated data are also available by request.

Physical Interconnections

Most drainage infrastructure within Albemarle's MS4 boundary is not owned or maintained by the County. Though there are interconnections between adjoining MS4s and stormwater conveyances in the County, these do not meet the definition of "physical interconnections" between MS4 systems as defined by the General Permit. Nevertheless, the County does receive and give notification of interconnections. These notifications are kept on file in the Facilities and Environmental Services Department. Copies are provided in Appendix 3. No new notices were issued between the last amendment to the 2018-2023 Program Plan and the completion of the 2023-2028 Program Plan.

Illicit Discharge Detection and Elimination Program

Albemarle County's illicit discharge detection and elimination (IDDE) program is generally comprised of the following:

- maintaining the ordinance prohibiting non-stormwater discharges into the storm sewer system and natural waters (Section 17-700 of the Water Protection Ordinance)
- mapping and maintaining data on storm sewer system and updating annually
- facilitating reporting of suspected illicit discharges by the public and County personnel
- periodic dry-weather screening of outfalls
- investigating reports of suspected discharges discovered during dry-weather screening and effectively eliminating unauthorized discharges

The County's protocols for dry-weather screening and illicit discharge detection and elimination are shown in Appendix 4.

Metrics/Measurable Goals

The following measurable goals apply to the County's MCM #3 activities:

- Update the MS4 map and information table annually
- Conduct dry weather screening of at least 50 outfalls or points of discharge each program year
- Respond to reports of illicit discharges in a timely manner, following protocols for investigation & elimination

- Document all cases of reported illicit discharges to the MS4, following protocols for documentation

MCM #4 – Construction Site Runoff Control

List of Requirements

The General Permit's list of requirements for MCM #4 is shown in Appendix 1.

Local Ordinance Citations

Albemarle County is recognized by DEQ as a local authority of the Virginia Erosion and Sediment Control Program (VЕСP) and implements this program under the authority of Chapter 17 of the County Code, known as the Water Protection Ordinance. [\[LINK\]](#)

Legal Authorities

In addition to the Water Protection Ordinance, the County imposes engineering design standards related to erosion and sediment control to the development community through the Design Standards Manual. [\[LINK\]](#)

Procedures for Implementation of E&S Controls, Inspections, Compliance and Enforcement

Property owners preparing to engage in land-disturbing activities must obtain a permit from the Community Development Department prior to the commencement of land disturbance. The standards and specifications for erosion and sediment control are no different than State regulations except the County has more stringent standards, as follows:

- the land disturbance threshold for small construction activities is 10,000 square feet, as opposed to one acre
- denuded areas must be stabilized with permanent vegetation within nine months after commencing land disturbing activity (with caveats and opportunities for extensions)
- the zoning ordinance limits the use of fill or waste areas to one year
- a 100-foot vegetated buffer on qualifying streams must be designated and maintained in perpetuity where a regulated land disturbing activity occurs

Plan review, inspection, compliance, and enforcement procedures related to construction site runoff control are maintained by Albemarle's Community Development Department and are available by request.

Roles and Responsibilities

The VЕСP is implemented entirely by the Engineering Division, led by the County Engineer, within the Community Development Department.

Metrics/Measurable Goals

The following measurable goals apply to the County's MCM #4 activities:

- Implement the VЕСP consistent with the Virginia Erosion and Sediment Control Law (§ 62.1-44.15.51 et seq. of the Code of Virginia) and Virginia Erosion and Sediment Control Regulations (9VAC25-840)
- Employees and contractors serving as plan reviewers, inspectors, program administrators, and construction site operators maintain the appropriate certifications as required under the Virginia Erosion and Sediment Control Law and its attendant regulations
- Track and report the following information on an annual basis:
 - Number of erosion and sediment control inspections conducted
 - Total number of each type of compliance action and enforcement action implemented

MCM #5 – Post-construction Stormwater Management in New Development and Development on Prior-developed Lands**List of Requirements**

The General Permit's list of requirements for MCM #5 is provided in Appendix 1.

Legal Authorities and Ordinance References

Albemarle County is recognized by DEQ as a local authority of the Virginia Stormwater Management Program (VSMP) – see copy of VSMP authorization letter in Appendix 5. References to the VSMP and demonstration of Albemarle's alignment with the intent and requirements of the VSMP are contained throughout the Water Protection Ordinance (Chapter 17 of the Albemarle County Code) the Water Protection Ordinance [\[LINK\]](#). Specific legal authorities to ensure compliance are established by (but not limited to) the following sections:

- Sec. 17-208 Fees for land disturbing activity under VSMP.
- Sec. 17-302 Land disturbing activities subject to the VSMP.
- Sec. 17-403 Stormwater management plans; form and content.
- Sec. 17-404 Pollution prevention plans; form and content.
- Sec. 17-801 Duty to maintain structures, systems, facilities, and techniques.
- Sec. 17-811 Inspections by the administrator under the VSMP.
- Sec. 17-904 Remedies under the VSMP.

Procedures for Inspection, Compliance, and Enforcement of Post-construction Stormwater Management

All private stormwater management facilities (SMFs) within Albemarle County are inspected at least once every 5 years and County-operated facilities are inspected annually. Procedures and templates used to inspect, and to promote and enforce compliance by owners of both private and County-operated SMFs are available by request. In addition to inspections, County staff often employ strategies such as outreach and education and individual consultations to promote the long-term maintenance of SMFs.

The County maintains a complex database to record inspections and track conditions of the approximately 1,360 SMFs in the County. This database is not accessible to the public. However, the location, facility type, and owners of all SMFs are viewable in the County's public GISWeb (https://gisweb.albemarle.org/gpv_51/Viewer.aspx).

Roles and Responsibilities

The Albemarle County Community Development Department (CDD) is responsible for ensuring that maintenance agreements are developed and recorded for all newly constructed stormwater facilities that are subject to VSMP regulations. CDD also ensures that information for each SMF constructed during land disturbing activities for which the permittee was required to obtain coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities is submitted to the Virginia Construction Stormwater General Permit database.

Once the construction of permanent stormwater management facilities is complete and moves to the operation stage, Environmental Services Division personnel assume the responsibility to inspect and enforce long-term maintenance of both private and County-operated SMFs. Actual maintenance of County-operated SMFs is conducted by the Department of Facilities and Environmental Services, the Department of Parks and Recreation, or Albemarle County Public Schools, depending on the location of the facility.

Metrics/Measurable Goals

The following measurable goals apply to the County's MCM #5 activities:

- Implement the VSMP consistent with the Virginia Stormwater Management Act and VSMP Regulations
- Maintain written inspection and maintenance procedures for adequate long-term operation and maintenance of County-operated SMFs
- Inspect County-operated SMFs at least once a year, following written procedures
- Maintain written inspection and enforcement procedures for adequate long-term operation and maintenance of County-operated SMFs
- Inspect private SMFs at least once every 5 years, following written procedures
- Require owners of private SMFs to develop and record a maintenance agreement with an inspection schedule to ensure long-term operation and maintenance of their SMFs
- Employees and contractors implementing the stormwater program maintain the appropriate certifications as required under the Virginia Stormwater Management Act and its attendant regulations
- Track and report the following information on an annual basis:
 - Number of private SMF inspections
 - Number of enforcement actions and type
 - Number of County-operated SMF inspections
 - Number of significant maintenance, repair, or retrofit activities performed on County-operated SMFs
- Annually report new stormwater management facilities to the DEQ BMP Warehouse, as per Part III B
- Annually report to the DEQ BMP Warehouse the inspection date of stormwater management facilities inspected during the program year

MCM #6 – Pollution prevention and good housekeeping for facilities owned or operated by the permittee within the MS4 service area

List of Requirements

The General Permit's list of requirements for MCM #6 are given in Appendix 1.

Good Housekeeping SOPs

Albemarle County implements stormwater “good housekeeping” in its operations to prevent illicit discharges, properly dispose of waste materials, prevent waste materials from entering the MS4, and minimize the pollutants in stormwater runoff. The County has several existing Standard Operating Procedures (SOPs) that aid in good housekeeping, including:

- Safer Chemical Procedure – application of pesticides, herbicides, and fertilizers
- Integrated Pest Management
- Underground Storage Tanks (UST) & Fuel Spill Procedure
- Spill Response
- Hazardous Conditions

Each department that conducts these types of activities (Facilities & Environmental Services, Parks & Recreation, and Public Schools) has historically kept its own SOPs tailored to their specific work. Some of these existing SOPs will be updated during the term of the MS4 permit and the following new SOPs will be developed to comply with the 2023-2028 MS4 General Permit:

- Road, street, sidewalk, and parking lot maintenance and cleaning (including anti-icing and deicing agent application, transport, and storage)
- Renovation and significant exterior maintenance activities (e.g., painting, roof resealing, and HVAC coil cleaning)
- Discharging water pumped from construction and maintenance activities

- Temporary storage of landscaping materials
- Maintenance of County-owned vehicles and equipment (except at County's Vehicle Maintenance Facility which falls under VPDES Permit # VAG750045)

Any of these SOPs are or will be made available upon request.

High-priority Facilities

Albemarle County does not currently own or operate any high-priority facilities that are required to maintain a Storm Water Pollution Prevention Plan (SWPPP) in accordance with Part I E 6 g of the General Permit. By November 1, 2024, staff will investigate whether any high-priority facilities exist within the expanded MS4 regulated service area that is based on the 2020 US Census urban areas map.

Nutrient Management Plans

Table 3 lists County properties located within the MS4 service area where contiguous areas greater than one acre receive nutrients (i.e., are fertilized) and therefore must have a turf and landscape nutrient management plan (NMP). The County will maintain digital copies of all NMPs in its MS4 Sharepoint Directory (MCM 6) and are available upon request. By November 1, 2024, staff will investigate whether any additional sites requiring NMPs exist within the expanded MS4 regulated service area that is based on the 2020 US Census urban areas map.

Table 3: Albemarle County MS4 properties subject to NMP requirements

Albemarle County MS4 properties subject to NMP requirements ¹	
Location	Fertilized Acres
Hollymead Elementary School*	4.97
Lakeside Middle School*	1.68
Agnor-Hurt Elementary School*	1.67
Baker-Butler Elementary School*	1.66
Burley Middle School ⁺	1.10
Woodbrook Elementary School*	1.10
Monticello High School ⁺	11.70

¹In addition to the properties listed here, the County has chosen to create NMPs for several others that are not located within the MS4 service area and/or do not pass the 1- contiguous-acre threshold.

*This NMP has been submitted to DCR and has an anticipated approval date of May 1, 2024 and anticipated expiration date of April 30, 2027.

⁺As of the date of this report, this NMP is in development by a contractor and is anticipated to be submitted to DCR for approval within the month.

Contractor Compliance

To ensure contractors working on behalf of Albemarle County implement the necessary good housekeeping and pollution prevention procedures, Albemarle County has developed a list of best practices that contractors must acknowledge prior to conducting any activities which may result in illicit discharges. MS4 Program staff are currently working with Procurement staff to incorporate these practices into contract language.

Training Plan

Applicable County employees undergo periodic training – either internally or externally – related to good housekeeping practices, pollution prevention, detecting and eliminating illicit discharges, and other BMPs. Table 4 summarizes the County's training plan in accordance with requirements of Part I E 6 a and b of the MS4 General Permit. While specific training dates are not determined in advance, training is conducted at least biennially and some staff may be subject to more frequent training as needed based on job duties. This training plan may be occasionally adjusted and updated.

Table 4: Good Housekeeping Training Plan

Department Receiving Training	Targeted Staff	Good Housekeeping / Pollution Prevention	Enhanced Training (for applicable staff)		
			Spill Response	VA ESC Law	VA Pesticide Control Act
(frequency)		biennial	(to maintain certification)	(to maintain certification)	(to maintain certification)
Building Services	<ul style="list-style-type: none"> • building maintenance • grounds management • custodians • mechanics • bus drivers • other field staff 	X	X		
Community Development	<ul style="list-style-type: none"> • E&S control inspectors • building inspectors • zoning inspectors 	X		X	
Fire & Rescue	<ul style="list-style-type: none"> • emergency responders 		X		
Police	<ul style="list-style-type: none"> • emergency responders 		X		
Facilities and Environmental Services	<ul style="list-style-type: none"> • building maintenance • grounds management • custodians • roadway maintenance • stormwater staff 	X	X		X
Parks and Recreation	<ul style="list-style-type: none"> • park superintendents • grounds management 	X	X		X

Good housekeeping / pollution prevention training will include the following subject matter, per the General Permit language, while separate training is provided for spill control and response:

- training in the prevention, recognition, and elimination of illicit discharges
- training in good housekeeping procedures

Note that training in SWPPP procedures is not applicable to due to Albemarle County not having any high-priority facilities.

The County will maintain documentation of each training activity conducted to fulfill the requirements of Part I E 6 d for a minimum of three years after training activity completion. The documentation shall include the following information:

- the date when applicable employees have completed the training activity
- the number of employees who have completed the training activity
- the training objectives and good housekeeping procedures required under Part I E 6 a covered by training activity

Metrics/Measurable Goals

The following measurable goals apply to the County's MCM #6 activities:

- Maintain and implement written good housekeeping procedures
- Conduct staff training on good housekeeping procedures, according to training plan
- Investigate expanded 2020 MS4 service area to identify any high-priority facilities that require SWPPPs
- Keep required nutrient management plans up to date

TMDL Special Conditions

Part II of the General Permit includes special requirements/conditions for the MS4 to reduce pollutants associated with the Chesapeake Bay TMDL and local TMDLs. For each special condition, Albemarle County has developed a TMDL Action Plan that addresses how to reduce pollutants associated with the MS4's relevant wasteload allocation (WLA). The latest versions of the following TMDL Action Plans can be found on the County's Water Resource Protection webpage at <https://www.albemarle.org/government/facilities-environmental-services/environmental-services/water-resource-protection>.

- Chesapeake Bay TMDL Action Plan – *last updated in October 2019* (will be updated in 2024)
- Combined Local TMDL Action Plan: Benthic TMDL for the Rivanna River and Bacteria TMDL for the Rivanna River Mainstem, North Fork Rivanna River, Preddy Creek and Tributaries, Meadow Creek, Mechums River, and Beaver Creek Watersheds – *last updated April 30, 2020*
- Local TMDL Action Plan: Sediment TMDLs for Moores Creek, Lodge Creek, Meadow Creek, and Schenks Branch – *last updated April 30, 2021*

Appendix 1 - Each Specific Requirement as Listed in Part I E for each MCM

Instructions in the General Permit (permit number VAR040074) state that this Program Plan must include, as “written items”, “each specific requirement as listed in Part I E [of the Permit] for each MCM.” The italicized passages below are excerpted from the 2023 – 2028 MS4 General Permit and constitute the list of specific Permit requirements. **Note:** *Albemarle County is a “traditional permittee”, therefore clauses referencing non-traditional permittees are not applicable to the County.*

Though this Program Plan meets all Permit requirements, this Appendix 1 and the below language copied from the General Permit does not describe or constitute Albemarle County’s Program Plan. Albemarle’s Program Plan is described in the body of this document.

Specific requirements of MS4 General Permit for MCM #1

1. Public education and outreach.

a. The permittee shall implement a public education and outreach program designed to:

- (1) Increase the public's knowledge of how to reduce stormwater pollution, placing priority on reducing impacts to impaired waters and other local water pollution concerns;
- (2) Increase the public's knowledge of hazards associated with illegal discharges and improper disposal of waste, including pertinent legal implications; and
- (3) Implement a diverse program with strategies that are targeted toward individuals or groups most likely to have significant stormwater impacts.

b. The permittee shall identify no fewer than three high-priority stormwater issues to meet the goal of educating the public in accordance with Part I E 1 a. High-priority issues may include the following examples: Chesapeake Bay nutrients, pet wastes, local receiving water impairments, TMDLs, high-quality receiving waters, litter control, BMP maintenance, anti-icing and deicing agent application, planned green infrastructure redevelopment, planned ecosystem restoration projects, and illicit discharges from commercial sites.

c. The high-priority public education and outreach program, as a whole, shall:

- (1) Clearly identify the high-priority stormwater issues;
- (2) Explain the importance of the high-priority stormwater issues;
- (3) Include measures or actions the public can take to minimize the impact of the high priority stormwater issues; and
- (4) Provide a contact and telephone number, website, or location where the public can find out more information.

d. The permittee shall use two or more of the strategies listed in Table 1 below per year to communicate to the target audience the high-priority stormwater issues identified in accordance with Part I E 1 b, 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, newspaper, or GIS story maps
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
Public education activities	Booth at community fair, demonstration of stormwater control projects, presentation of stormwater materials to schools to meet applicable education Standards of Learning or curriculum requirements, or watershed walks
Public meetings	Public meetings on proposed community stormwater management retrofits, green infrastructure redevelopment, ecosystem restoration projects, TMDL development, climate change's effects on stormwater management, voluntary residential low impact development, or other stormwater issues

e. The permittee may coordinate its public education and outreach efforts with other MS4 permittees; however, each permittee shall be individually responsible for meeting all of its state permit requirements.

f. The MS4 program plan shall include:

(1) A list of the high-priority stormwater issues the permittee will communicate to the public as part of the public education and outreach program;

(2) The rationale for selection of each high-priority stormwater issue and an explanation of how each education or outreach strategy is intended to have a positive impact on stormwater discharges;

(3) Identification of the target audience to receive each high-priority stormwater message;

(4) Nontraditional permittees may identify staff, students, members of the general public, and other users of facilities operated by the permittee as the target audience for education and outreach strategies;

(5) Traditional permittees may identify staff and students as part of the target audience for education and outreach strategies; however, staff shall not be the majority of the target audience;

(6) Staff training required in accordance with Part I E 6 d does not qualify as a strategy for public education and outreach;

(7) The strategies from Table 1 of Part I E 1 d to be used to communicate each high-priority stormwater message; and

(8) The anticipated time periods the messages will be communicated or made available to the public.

g. The annual report shall include the following information:

(1) A list of the high-priority stormwater issues the permittee addressed in the public education and outreach program;

(2) A summary of the public education and outreach activities conducted for the report year, including the strategies used to communicate the identified high-priority issues;

(3) A description of any changes in high-priority stormwater issues, including, strategies used to communicate high-priority stormwater issues or target audiences for the public education and outreach plan. The permittee shall provide a rationale for any of these changes ; and

(4) A description of public education and outreach activities conducted that included education regarding climate change.

Specific requirements of MS4 General Permit for MCM #2

2. Public involvement and participation.

a. The permittee shall develop and implement procedures for the following:

(1) The public to report potential illicit discharges, improper disposal, or spills to the MS4, complaints regarding land disturbing activities, or other potential stormwater pollution concerns;

(2) The public to provide comments on the permittee's MS4 program plan;

(3) Responding to public comments received on the MS4 program plan ; and

(4) Maintaining documentation of public comments received on the MS4 program and associated MS4 program plan and the permittee's response.

b. No later than three months after this permit's effective date, the existing permittee shall update and maintain the webpage dedicated to the MS4 program and stormwater pollution prevention. The following information shall be posted on this webpage:

(1) The effective MS4 permit and coverage letter;

(2) The most current MS4 program plan or location where the MS4 program plan can be obtained;

(3) The annual report for each year of the term covered by this permit no later than 30 days after submittal to the department;

(4) For permittees whose regulated MS4 is located partially or entirely in the Chesapeake Bay watershed, the most current Chesapeake Bay TMDL action plan or location where the Chesapeake Bay TMDL action plan can be obtained;

(5) For permittees whose regulated MS4 is located partially or entirely in the Chesapeake Bay watershed, the Chesapeake Bay TMDL implementation annual status reports for each year of the term covered by this permit no later than 30 days after submittal to the department;

(6) A mechanism for the public to report potential illicit discharges, improper disposal, or spills to the MS4, complaints regarding land disturbing activities, or other potential stormwater pollution concerns in accordance with Part I E 2 a (1);

(7) Methods for how the public can provide comments on the permittee's MS4 program plan in accordance with Part I E 2 a (2) and if applicable, the Chesapeake Bay TMDL action plan in accordance with Part II A 13; and

(8) Federal and state nontraditional permittees with security policies preventing a MS4 program and stormwater pollution prevention webpage from being publicly accessible may utilize an internal staff accessible webpage such as an intranet webpage to meet the requirements of Part 1 E 2 b.

c. Traditional permittees shall implement no fewer than four activities per year from two or more of the categories listed in Table 2 to provide an opportunity for public involvement to improve water quality and support local restoration and clean-up projects.

d. Nontraditional permittees shall implement, promote, participate in, or coordinate on no fewer than four activities per year from two or more of the categories listed in Table 2 to provide an opportunity for public involvement to improve water quality and support local restoration and clean-up projects.

Table 2 Public Involvement Opportunities	
Public involvement opportunities	Examples (provided as example and are not meant to be all inclusive or limiting)
Monitoring	Establish or support citizen monitoring group
Restoration	Stream , watershed, shoreline, beach, or park clean-up day, adopt-a-waterway program, tree plantings, and riparian buffer plantings
Public education activities	Booth at community fair, demonstration of stormwater control projects, climate change's effects on stormwater management, presentation of stormwater materials to schools to meet applicable education Standards of Learning or curriculum requirements, or watershed walks
Public meetings	Public meetings on proposed community stormwater management retrofits, green infrastructure redevelopment, ecosystem restoration projects, TMDL development, voluntary residential low impact development, climate change's effects on stormwater management, or other stormwater issues
Disposal or collection events	Household hazardous chemicals collection, vehicle fluids collection
Pollution prevention	Adopt-a-storm drain program, implement a storm drain marking program, promote use of residential stormwater BMPs, implement pet waste stations in public areas, adopt-a-street program.

e. The permittee may coordinate the public involvement opportunities listed in Table 2 with other MS4 permittees; however, each permittee shall be individually responsible for meeting all of the permit requirements.

f. The permittee may include staff and students in public participation events; however, the activity cannot solely include or be limited to staff participants with stormwater, groundskeeping, and maintenance duties in order for an event to qualify as a public participation event.

g. Staff training required in accordance with Part I E 6 d does not qualify as a public participation event unless the training activity solicits participation from target audiences beyond staff or contractors with stormwater, groundskeeping, and maintenance duties.

h. The MS4 program plan shall include:

(1) The webpage address where mechanisms for the public to report (i) potential illicit discharges, improper disposal, or spills to the MS4, (ii) complaints regarding land disturbing activities, or (iii) other potential stormwater pollution concerns;

(2) The webpage address that contains the methods for how the public can provide input on the permittee's MS4 program; and

(3) A description of the public involvement activities to be implemented by the permittee, the anticipated time period the activities will occur, and a metric for each activity to determine if the activity is beneficial to water quality. An example of metrics may include the weight of trash collected from a stream cleanup or the number of participants in a hazardous waste collection event.

i. The annual report shall include the following information:

(1) A summary of any public comments on the MS4 program received and how the permittee responded;

(2) A summary of stormwater pollution complaints received under the procedures established in Part I E 2 a (1), excluding natural flooding complaints, and how the permittee responded;

(3) A webpage address to the permittee's MS4 program and stormwater website;

(4) Federal and state nontraditional permittees with security policies preventing the MS4 program and stormwater pollution prevention webpage from being publicly accessible utilizing an internal staff accessible website, such as intranet, shall provide evidence of the current internal MS4 program and stormwater pollution prevention webpage;

(5) A description of the public involvement activities implemented by the permittee, including any efforts to reach out and engage all economic and ethnic groups;

- (6) A description of public education and outreach activities conducted that also included education regarding climate change;
- (7) A report of the metric as defined for each activity and an evaluation as to whether or not the activity is beneficial to improving water quality; and
- (8) The name of other MS4 permittees with whom the permittee collaborated in the public involvement opportunities.

Specific requirements of MS4 General Permit for MCM #3

3. Illicit discharge detection and elimination.

a. The permittee shall develop and maintain an accurate MS4 map and information table as follows:

(1) An updated map of the MS4 owned or operated by the permittee within the MS4 regulated service area no later than 24 months after the permit effective date 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 point of discharge location closest to 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 an outfall discharge location represents more than one outfall. This is an option a permittee may choose to use and recognizes 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 required in Part I E 3;

(c) The name and location of receiving waters to which the MS4 outfall or point of discharge discharges;

(d) MS4 regulated service area; and

(e) Stormwater management facilities owned or operated by the permittee.

(2) The permittee shall maintain an outfall information table associated with the MS4 map that includes the following information for each outfall or point of discharge for those cases in which the permittee elects to map the known point of discharge in accordance with Part I E 3 a (1) (a). The outfall information table may be maintained as a shapefile attribute table. The outfall information table shall contain the following:

(a) A unique identifier as specified on the MS4 map;

(b) The latitude and longitude of the outfall or point of discharge;

(c) The estimated regulated acreage draining to the outfall or point of discharge;

(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 2022 305(b)/303(d) Water Quality Assessment Integrated Report; and

(g) The name of any EPA approved TMDLs for which the permittee is assigned a wasteload allocation.

(3) No later than 24 months after permit issuance, the permittee shall submit to DEQ, a format file geodatabase or two shapefiles that contain at a minimum:

(a) A point feature class or shapefile for outfalls with an attribute table containing outfall data elements required in accordance with Part I E 3 a (2); and

(b) A polygon feature class or shapefile for the MS4 service area as required in accordance with Part I E 3 a (1) (d) with an attribute table containing the following information:

(i) MS4 operator name;

(ii) MS4 permit number (VAR04); and

(iii) MS4 service area total acreage rounded to the nearest hundredth.

(4) All file geodatabase feature classes or shapefiles shall be submitted in the following data format standards:

(a) Point data in NAD83 or WGS84 decimal degrees global positional system coordinates;

(b) Data projected in Virginia Lambert Conformal Conic format;

(c) Outfall location accuracy shall be represented in decimal degrees rounded to at least the fifth decimal place for latitude and longitude to ensure point location accuracy (e.g., 37.61741, -78.15279); and

(d) Metadata that shall provide a description of each feature class or shapefile dataset, units of measure as applicable, coordinate system, and projection.

(5) No later than October 1 of each year, the permittee shall update the MS4 map and outfall information table to include any new outfalls constructed or TMDLs approved or both during the immediate preceding reporting period.

(6) The permittee shall provide written notification to any downstream adjacent MS4 of any known physical interconnection established or discovered after the effective date of this permit.

b. The permittee shall prohibit, through ordinance, policy, standard operating procedures, or other legal mechanism, to the extent allowable under federal, state, or local law, regulations, or ordinances, unauthorized nonstormwater discharges into the MS4. Nonstormwater discharges or flows identified in 9VAC25-890-20 D 3 shall only be addressed if they are identified by the permittee as a significant contributor of pollutants discharging to the MS4. Flows that have been identified by the department as de minimis discharges are not significant sources of pollutants to surface water.

c. The permittee shall maintain, implement, and enforce illicit discharge detection and elimination (IDDE) written procedures designed to detect, identify, and address unauthorized nonstormwater discharges, including illegal dumping, to the MS4 to effectively eliminate the unauthorized discharge. Written procedures shall include:

(1) A description of the legal authorities, policies, standard operating procedures, or other legal mechanisms available to the permittee to eliminate identified sources of ongoing illicit discharges, including procedures for using legal enforcement authorities.

(2) Dry weather field screening protocols to detect, identify, and eliminate illicit discharges to the MS4. The protocol shall include:

(a) 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;

(b) If the total number of MS4 outfalls is equal to or less than 50, a schedule to screen all outfalls annually;

(c) If the total number of MS4 outfalls is greater than 50, a schedule to screen a minimum of 50 outfalls annually such that no more than 50% are screened in the previous 12-month period. The 50% criteria is not applicable if all outfalls have been screened in the previous three years;

(d) The permittee may adopt a risk-based approach to dry weather screening identifying observation points based upon illicit discharge risks upstream of an outfall. Observation points may include points of interconnection, manholes, points of discharge, conveyances, or inlets suspected to have a high likelihood of receiving illicit discharges;

(e) Each observation point screened may be counted as one outfall screening activity equivalent and counted towards the requirements of Part I E 3 c (2) (b) or (2) (c); however, at least 50% of the minimum annual screening events must include outfall screening;

(f) Illicit discharges reported by the public and subsequent investigations may not be counted as screening events; however once the resolution of the investigation and the date the investigation was closed has been documented, an observation point may be established for future screening events; and

(g) A checklist or mechanism to track the following information for dry weather screening events:

(i) The unique identifier for the outfall or observation point;

(ii) Time since the last precipitation event;

(iii) The estimated quantity of the last precipitation event;

(iv) Site descriptions (e.g., conveyance type and dominant watershed land uses);

(v) Observed indicators of possible illicit discharge events, such as floatables, deposits, stains, and vegetative conditions (e.g., dying or dead vegetation, excessive vegetative growth);

(vi) Whether or not a discharge was observed;

- (vii) If a discharge was observed, the estimated discharge rate and visual characteristics of the discharge (e.g., odor, color, clarity) and the physical condition of the outfall; and*
- (viii) For observation points, the location, downstream outfall unique identifier, and risk factors or rationale for establishing the observation point.*
- (3) A timeframe upon which to conduct an investigation to identify and locate the source of any observed unauthorized nonstormwater discharge. Priority of investigations shall be given to discharges of sanitary sewage and those believed to be a risk to human health and public safety. Discharges authorized under a separate VPDES or state permit require no further action under this permit.*
- (4) Methodologies to determine the source of all illicit discharges. If the permittee is unable to identify the source of an illicit discharge within six months of beginning the investigation then the permittee shall document that the source remains unidentified. If the observed discharge is intermittent, the permittee shall document that attempts to observe the discharge flowing were unsuccessful.*
- (5) Methodologies for conducting a follow-up investigation for illicit discharges that are continuous or that permittees expect to occur more frequently than a one-time discharge to verify that the discharge has been eliminated except as provided for in Part I E 3 c (4);*
- (6) A mechanism to track all illicit discharge investigations to document the following:*
 - (a) The dates that the illicit discharge was initially observed, reported, or both;*
 - (b) The results of the investigation, including the source, if identified;*
 - (c) Any follow-up to the investigation;*
 - (d) Resolution of the investigation; and*
 - (e) The date that the investigation was closed.*
- d. The MS4 program plan shall include:*
 - (1) The MS4 map and outfall information table required by Part I E 3 a. The map and outfall information table may be incorporated into the MS4 program plan by reference. The map shall be made available to the department within 14 days upon request;*
 - (2) Copies of written notifications of physical interconnections given by the permittee to other MS4s; and*
 - (3) The IDDE procedures described in Part I E 3 c.*
- e. The annual report shall include:*
 - (1) A confirmation statement that the MS4 map and outfall information table have been updated to reflect any changes to the MS4 occurring on or before June 30 of the reporting year;*
 - (2) The total number of outfalls and observation points screened during the reporting period as part of the dry weather screening program; and*
 - (3) A list of illicit discharges to the MS4, including spills reaching the MS4 with information as follows:*
 - (a) The location and source of illicit discharge;*
 - (b) The dates that the discharge was observed, reported, or both;*
 - (c) Whether the discharge was discovered by the permittee during dry weather screening, reported by the public, or other method (describe);*
 - (d) How the investigation was resolved;*
 - (e) A description of any follow-up activities; and*
 - (f) The date the investigation was closed.*

Specific requirements of MS4 General Permit for MCM #4

- 4. Construction site stormwater runoff control.**
 - a. The permittee shall utilize its legal authority, such as ordinances, permits, orders, specific contract language, and interjurisdictional agreements, to address discharges entering the MS4 from regulated construction site stormwater runoff. The permittee shall control construction site stormwater runoff as follows:*
 - (1) If the traditional permittee is a city, county, or town that has adopted a Virginia Erosion and Sediment Control Program (VESCP), the permittee shall implement the VESCP consistent with the Virginia Erosion and Sediment*

Control Law (§ 62.1-44.15.51 et seq. of the Code of Virginia) and Virginia Erosion and Sediment Control Regulations (9VAC25-840);

(2) If the traditional permittee is a town that has not adopted a VESCP, implementation of a VESCP consistent with the Virginia Erosion and Sediment Control Law (§ 62.1-44.15.51 et seq. of the Code of Virginia) and Virginia Erosion and Sediment Control Regulations (9VAC25-840) by the surrounding county shall constitute compliance with Part I E 4 a; such town shall notify the surrounding county of erosion, sedimentation, or other construction stormwater runoff problems;

(3) If the nontraditional permittee is a state agency; public institution of higher education, including community colleges, colleges, and universities; or federal entity and has developed standards and specifications in accordance with the Virginia Erosion and Sediment Control Law (§ 62.1-44.15.51 et seq. of the Code of Virginia) and Virginia Erosion and Sediment Control Regulations (9VAC25-840), the permittee shall implement the most recent department approved standards and specifications; or

(4) If the nontraditional permittee is a state agency; public institution of higher education, including community colleges, colleges, and universities; or federal entity and has not developed standards and specifications in accordance with the Virginia Erosion and Sediment Control Law (§ 62.1-44.15.51 et seq. of the Code of Virginia) and Virginia Erosion and Sediment Control Regulations (9VAC25-840), the permittee shall inspect all land disturbing activities as defined in § 62.1-44.15.51 of the Code of Virginia that result in the disturbance of 10,000 square feet or greater, or 2,500 square feet or greater in accordance with areas designated under the Chesapeake Bay Preservation Act, as follows:

(a) During or immediately following initial installation of erosion and sediment controls;

(b) At least once per every two-week period;

(c) Within 48 hours following any runoff producing storm event; and

(d) At the completion of the project prior to the release of any performance bond.

(5) If the nontraditional permittee is a school board or other local government body, the permittee shall inspect those projects resulting in a land disturbance as defined in § 62.1-44.15.51 of the Code of Virginia occurring on lands owned or operated by the permittee that result in the disturbance of 10,000 square feet or greater, 2,500 square feet or greater in accordance with areas designated under the Chesapeake Bay Preservation Act, or in accordance with more stringent thresholds established by the local government, as follows:

(a) During or immediately following initial installation of erosion and sediment controls;

(b) At least once per every two-week period;

(c) Within 48 hours following any runoff producing storm event; and

(d) At the completion of the project prior to the release of any performance bond.

b. The permittee shall require implementation of appropriate controls to prevent nonstormwater 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 nonstormwater discharges other than those identified in 9VAC25-890-20 D through the MS4 is not authorized by this state permit.

c. Employees and contractors serving as plan reviewers, inspectors, program administrators, and construction site operators shall obtain the appropriate certifications as required under the Virginia Erosion and Sediment Control Law and its attendant regulations;

d. The permittee's MS4 program plan shall include:

(1) If the permittee implements an erosion and sediment control program for construction site stormwater runoff in accordance with Part I E 4 a (1), the local ordinance citations for the VESCP program;

(2) If the permittee is a town that does not implement an erosion and sediment control program for construction site stormwater runoff in accordance with Part I E 4 a (2), the county ordinance citations for the VESCP program the town is subject to;

(3) If the permittee implements annual standards and specifications for erosion and sediment control and construction site stormwater runoff in accordance with Part I E 4 a (3):

(a) The most recently approved standards and specifications or if incorporated by reference, the location where the standards and specifications can be viewed; and

- (b) A copy of the most recent standards and specifications approval letter from the department;*
- (4) A description of the legal authorities utilized to ensure compliance with Part I E 4 a for erosion and sediment control and construction site stormwater runoff control, such as ordinances, permits, orders, specific contract language, policies, and interjurisdictional agreements;*
- (5) For traditional permittees, written inspection procedures to ensure VESCP requirements are maintained in accordance with 9VAC25-840-90 A and onsite erosion and sediment controls are properly implemented in accordance with 9VAC25-840-60 B;*
- (6) For nontraditional permittees, erosion and sediment control plans or annual standards and specifications shall be approved by the department in accordance with § 62.1-44.15:55 of the Code of Virginia. Compliance with approved erosion and sediment control plans or annual standards and specifications shall be ensured by the permittee with written inspection procedures that at minimum include the following:*
 - (a) An inspection checklist for documenting onsite erosion and sediment control structures and systems are properly maintained and repaired as needed to ensure continued performance of their intended function; and*
 - (b) A list of all associated documents utilized for inspections, including checklists, department approved erosion and sediment control plans, or the most recently department approved annual standards and specifications, and any other documents utilized;*
- (7) Traditional permittees shall maintain written procedures for requiring VESCP compliance through corrective action or enforcement action in accordance with § 62.1-44.15:58 of the Code of Virginia;*
- (8) Nontraditional permittees shall maintain written procedures for requiring compliance with department approved erosion and sediment control plans and annual standards and specifications through corrective action or enforcement action to the extent allowable under federal, state, or local law, regulation, ordinance, or other legal mechanisms; and*
- (9) The roles and responsibilities of each of the permittee's departments, divisions, or subdivisions in implementing erosion and sediment control and construction site stormwater runoff control requirements in Part I E 4.*
- e. The annual report shall include the following:*
 - (1) Total number of erosion and sediment control inspections conducted;*
 - (2) Total number of each type of compliance action and enforcement action implemented; and*
 - (3) For nontraditional permittees:*
 - (a) A confirmation statement that land disturbing projects that occurred during the reporting period have been conducted in accordance with the current department approved annual standards and specifications for erosion and sediment control; and*
 - (b) If any land disturbing projects were conducted without department approved annual standards and specifications, a list of all land disturbing projects that occurred during the reporting period with erosion and sediment control plan approval dates for each project.*

Specific requirements of MS4 General Permit for MCM #5

- 5. Post-construction stormwater management for new development and development on prior developed lands.**
 - a. The permittee shall address post-construction stormwater runoff that enters the MS4 from the following land disturbing activities by implementing a post-construction stormwater runoff management program as follows:**
 - (1) If the traditional permittee is a city, county, or town, with an approved Virginia Stormwater Management Program (VSMP), the permittee shall implement the VSMP consistent with the Virginia Stormwater Management Act (§ 62.1-44.15:24 et seq. of the Code of Virginia) and VSMP Regulations (9VAC25-870) as well as maintain an inspection and maintenance program in accordance with Part I E 5 b and c;**
 - (2) If the traditional permittee is a town that has not adopted a VSMP, implementation of a VSMP consistent with the Virginia Stormwater Management Act (§ 62.1-44.15:24 et seq. of the Code of Virginia) and VSMP Regulations (9VAC25-870) by the surrounding county shall constitute compliance with Part I E 5 a; such town shall notify the surrounding county of erosion, sedimentation, or other post-construction stormwater runoff problems and maintain an inspection and maintenance program in accordance with Part I E 5 c and d;**

(3) If the traditional permittee is a city, county, or town receiving initial permit coverage during the permit term and must obtain VSMP approval from the department, the permittee shall implement the VSMP consistent with the Virginia Stormwater Management Act (§ 62.1-44.15:24 et seq. of the Code of Virginia) and VSMP Regulations (9VAC25-870) as well as develop an inspection and maintenance program in accordance with Part I E 5 b and c no later than 60 months after receiving permit coverage;

(4) If the nontraditional permittee is a state agency; public institution of higher education, including community colleges, colleges, and universities; or federal entity and has not developed standards and specifications in accordance with the Virginia Stormwater Management Act (§ 62.1-44.15:24 et seq. of the Code of Virginia) and VSMP Regulations (9VAC25-870), the permittee shall implement the most recent department approved standards and specifications and maintain an inspection and maintenance program in accordance with Part I E 5 b;

(5) If the nontraditional permittee is a state agency; public institution of higher education, including community colleges, colleges, and universities; or federal entity, and has not developed standards and specifications in accordance with the Virginia Stormwater Management Act (§ 62.1-44.15:24 et seq. of the Code of Virginia) and VSMP Regulations (9VAC25-870), the permittee shall implement a post-construction stormwater runoff control program through compliance with 9VAC25-870 and with the implementation of a maintenance and inspection program consistent with Part I E 5 b no later than 60 months after receiving permit coverage; or

(6) If the nontraditional permittee is a school board or other local government body, the permittee shall implement a post-construction stormwater runoff control program through compliance with 9VAC25-870 or in accordance with more stringent local requirements, if applicable, and with the implementation of a maintenance and inspection program consistent with Part I E 5 b.

b. The permittee shall implement an inspection and maintenance program for those stormwater management facilities owned or operated by the permittee as follows:

(1) Within six months of the permit effective date, the permittee shall develop and maintain written inspection and maintenance procedures in order to ensure adequate long-term operation and maintenance of its stormwater management facilities. The permittee may use inspection and maintenance specifications available from the Virginia Stormwater BMP Clearinghouse or inspection and maintenance plans developed in accordance with the department's Stormwater Local Assistance Fund (SLAF) guidelines;

(2) Employees and contractors implementing the stormwater program shall obtain the appropriate certifications as required under the Virginia Stormwater Management Act and its attendant regulations;

(3) The permittee shall inspect stormwater management facilities owned or operated by the permittee no less frequently than once per year. The permittee may choose to implement an alternative schedule to inspect these stormwater management facilities based on facility type and expected maintenance needs provided that the alternative schedule and rationale is included in the MS4 program plan. The alternative inspection frequency shall be no less often than once per five years; and

(4) If during the inspection of the stormwater management facility conducted in accordance with Part I E 5 b (2), it is determined that maintenance is required, the permittee shall conduct the maintenance in accordance with the written procedures developed under Part I E 5 b (1).

c. For traditional permittees described in Part I E 5 a (1) , (2), or (3), the permittee shall:

(1) Implement an inspection and enforcement program for stormwater management facilities not owned by the permittee (i.e., privately owned) that includes:

(a) An inspection frequency of no less often than once per five years for all privately owned stormwater management facilities that discharge into the MS4; and

(b) Adequate long-term operation and maintenance by the owner of the stormwater management facility by requiring the owner to develop and record a maintenance agreement, including an inspection schedule to the extent allowable under state or local law or other legal mechanism;

(2) Utilize its legal authority for enforcement of the maintenance responsibilities in accordance with 9VAC25-870-112 if maintenance is neglected by the owner;

(3) The permittee may develop and implement a progressive compliance and enforcement strategy provided that the strategy is included in the MS4 program plan;

(4) The permittee may utilize the inspection reports provided by the owner of a stormwater management facility as part of an inspection and enforcement program in accordance with 9VAC25-870-114 C.

d. The MS4 program plan shall include:

(1) If the permittee implements a VSMP in accordance with Part I E 5 a (1) , (2), or (3):

(a) A copy of the VSMP approval letter issued by the department;

(b) Written inspection procedures and all associated documents utilized in the inspection of privately owned stormwater management facilities; and

(c) Written procedures for compliance and enforcement of inspection and maintenance requirements for privately owned stormwater management facilities;

(2) If the permittee implements a post-development stormwater runoff control program in accordance with Part I E 5 a (4):

(a) The most recently approved standards and specifications or if incorporated by reference, the location where the standards and specifications can be viewed; and

(b) A copy of the most recent standards and specifications approval letter from the department;

(3) A description of the legal authorities utilized to ensure compliance with Part I E 5 a for post-construction stormwater runoff control such as ordinances (provide citation as appropriate), permits, orders, specific contract language, and interjurisdictional agreements;

(4) Written inspection and maintenance procedures and other associated template documents utilized during inspection and maintenance of stormwater management facilities owned or operated by the permittee; and

(5) The roles and responsibilities of each of the permittee's departments, divisions, or subdivisions in implementing the post-construction stormwater runoff control program.

e. The annual report shall include the following information:

(1) If the traditional permittee implements a VSMP in accordance with Part I E 5 a (1) , (2), or (3):

(a) The number of privately owned stormwater management facility inspections conducted; and

(b) The number of enforcement actions initiated by the permittee to ensure long-term maintenance of privately owned stormwater management facilities including the type of enforcement action;

(2) Total number of inspections conducted on stormwater management facilities owned or operated by the permittee;

(3) A description of the significant maintenance, repair, or retrofit activities performed on the stormwater management facilities owned or operated by the permittee to ensure it continues to perform as designed. This does not include routine activities such as grass mowing or trash collection;

(4) For traditional permittees as specified in Part I E 5 a (1), a confirmation statement that the permittee submitted stormwater management facility information through the Virginia Construction Stormwater General Permit database for those land disturbing activities for which the permittee was required to obtain coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities in accordance with Part III B 1 or a statement that the permittee did not complete any projects requiring coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities (9VAC25-880);

(5) A confirmation statement that the permittee electronically reported stormwater management facilities using the DEQ BMP Warehouse in accordance with Part III B 1 and 2; and

(6) A confirmation statement that the permittee electronically reported stormwater management facilities inspected using the DEQ BMP Warehouse in accordance with Part III B 5.

Specific requirements of MS4 General Permit for MCM #6

6. Pollution prevention and good housekeeping for facilities owned or operated by the permittee within the MS4 service area.

a. The permittee shall maintain and implement written good housekeeping procedures for those activities listed in Part I E 6 b at facilities owned or operated by the permittee designed to meet the following objectives:

(1) Prevent illicit discharges;

(2) Ensure permittee staff or contractors properly dispose of waste materials, including landscape wastes and prevent waste materials from entering the MS4;

(3) Prevent the discharge of wastewater or wash water not authorized in accordance with 9VAC25-890-20 D 3 u, into the MS4 without authorization under a separate VPDES permit; and

(4) Minimize the pollutants in stormwater runoff.

b. The permittee shall develop and implement written good housekeeping procedures that meet the objectives established in Part I E 6 a for the following activities:

(1) Road, street, sidewalk, and parking lot maintenance and cleaning:

(a) Within 24 months of permit issuance, permittees that apply anti-icing and deicing agents shall update and implement procedures in accordance with Part I E to include implementation of best management practices for anti-icing and deicing agent application, transport, and storage;

(b) Procedures developed in accordance with Part I E shall prohibit the application of any anti-icing or deicing agent containing urea or other forms of nitrogen or phosphorus;

(2) Renovation and significant exterior maintenance activities (e.g., painting, roof resealing, and HVAC coil cleaning) not covered under a separate VSMP construction general permit. The permittee shall develop and implement procedures no later than 36 months after permit issuance;

(3) Discharging water pumped from construction and maintenance activities not covered by another permit covering such activities;

(4) Temporary storage of landscaping materials;

(5) Maintenance of permittee owned or operated vehicles and equipment (i.e., prevent pollutant discharges from leaking permittee vehicles and equipment);

(6) Application of materials, including pesticides and herbicides shall not exceed manufacturer's recommendations; and

(7) Application of fertilizer shall not exceed maximum application rates established by applicable nutrient management plans. For areas not covered under nutrient management plans where fertilizer is applied, application rates shall not exceed manufacturer's recommendations.

c. The permittee shall require through the use of contract language, training, written procedures, or other measures within the permittee's legal authority that contractors employed by the permittee and engaging in activities described in Part I E 6 b follow established good housekeeping procedures and use appropriate control measures to minimize the discharge of pollutants to the MS4.

d. The written procedures established in accordance with Part I E 6 a and b shall be utilized as part of the employee training program , and the permittee shall develop a written training plan for applicable field personnel that ensures the following:

(1) Applicable field personnel shall receive training in the prevention, recognition, and elimination of illicit discharges no less often than once per 24 months;

(2) Employees performing road, street, sidewalk, and parking lot maintenance shall receive training in good housekeeping procedures required under Part I E 6 b (1) no less often than once per 24 months;

(3) Employees working in and around facility maintenance, public works, or recreational facilities shall receive training in applicable Part I E 6 a and b good housekeeping procedures required no less often than once per 24 months;

(4) Employees working in and around high-priority facilities with a stormwater pollution prevention plan (SWPPP) shall receive training in applicable site specific SWPPP procedures no less often than once per 24 months;

(5) Employees whose duties include emergency spill control and response shall be trained in spill control and response. Emergency responders, such as firefighters and law-enforcement officers, trained on the handling of spill control and response as part of a larger emergency response training shall satisfy this training requirement and be documented in the training plan; and

(6) Employees and contractors hired by the permittee who apply pesticides and herbicides shall be trained and 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. Contracts for the application of pesticide and herbicides executed after the effective date of this permit shall require contractor certification.

e. The permittee shall maintain documentation of each training activity conducted by the permittee to fulfill the requirements of Part I E 6 d for a minimum of three years after training activity completion. The documentation shall include the following information:

- (1) The date when applicable employees have completed the training activity;*
- (2) The number of employees who have completed the training activity; and*
- (3) The training objectives and good housekeeping procedures required under Part I E 6 a covered by training activity.*

f. The permittee may fulfill the training requirements in Part I E 6 d, in total or in part, through regional training programs involving two or more MS4 permittees; however, the permittee shall remain responsible for ensuring compliance with the training requirements.

g. Within 12 months of permit coverage, the permittee shall identify any new high-priority facilities located in expanded 2020 census urban areas with a population of at least 50,000.

h. Within 36 months of permit coverage, the permittee shall implement SWPPPs for high-priority facilities meeting the conditions of Part I E 6 i and which are located in expanded 2020 census urban areas with a population of at least 50,000.

i. The permittee shall maintain and implement a site specific SWPPP for each high-priority facility as defined in 9VAC25-890-1 that does not have or require separate VPDES permit coverage, 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:

- (1) Areas where residuals from using, storing, or cleaning machinery or equipment remain and are exposed to stormwater;*
- (2) Materials or residuals on the ground or in stormwater inlets from spills or leaks;*
- (3) Material handling equipment;*
- (4) Materials or products that would be expected to be mobilized in stormwater runoff during loading or unloading or transporting activities (e.g., rock, salt, fill dirt);*
- (5) Materials or products stored outdoors (except final products intended for outside use where exposure to stormwater does not result in the discharge of pollutants);*
- (6) 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;*
- (7) Waste material except waste in covered, nonleaking containers (e.g., dumpsters);*
- (8) Application or disposal of process wastewater (unless otherwise permitted); or*
- (9) 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.*

j. Each SWPPP as required in Part I E 6 g shall include the following:

- (1) A site description that includes a site map identifying all outfalls, direction of stormwater flows, existing source controls, and receiving water bodies;*
- (2) A description and checklist of the potential pollutants and pollutant sources;*
- (3) A description of all potential nonstormwater discharges;*
- (4) A description of all structural control measures, such as stormwater management facilities and other pollutant source controls, applicable to SWPPP implementation (e.g., permeable pavement or oil-water separators that discharge to sanitary sewer are not applicable to the SWPPP), such as oil-water separators, and inlet protection designed to address potential pollutants and pollutant sources at risk of being discharged to the MS4;*
- (5) A maintenance schedule for all stormwater management facilities and other pollutant source controls applicable to SWPPP implementation described in Part I E 6 h (4);*
- (6) Site specific written procedures designed to reduce and prevent pollutant discharge that incorporate by reference applicable good housekeeping procedures required under Part I E 6 a and b;*
- (7) A description of the applicable training as required in Part I E 6 d (4);*

(8) An inspection frequency of no less often than once per year and maintenance requirements for site specific source controls. The date of each inspection and associated findings and follow-up shall be logged in each SWPPP;

(9) A log of each unauthorized discharge, release, or spill incident reported in accordance with Part IV G including the following information:

(a) Date of incident;

(b) Material discharged, released, or spilled; and

(c) Estimated quantity discharged, released, or spilled;

(10) A log of modifications to the SWPPP made as the result of any unauthorized discharge, release, or spill in accordance Part I E 6 j or changes in facility activities and operation requiring SWPPP modification; and

(11) The point of contact for SWPPP implementation.

k. No later than June 30 of each year, the permittee shall annually review any high-priority facility owned or operated by the permittee for which an SWPPP has not been developed to determine if the facility meets any of the conditions described in Part I E 6 g. If the facility is determined to need an SWPPP, the permittee shall develop an SWPPP meeting the requirements of Part I E 6 h no later than December 31 of that same year. The permittee shall maintain a list of all high-priority facilities owned or operated by the permittee not required to maintain an SWPPP in accordance with Part I E 6 g and this list shall be available upon request.

l. The permittee shall review the contents of any site specific SWPPP no later than 30 days after any unauthorized discharge, release, or spill reported in accordance with Part IV G to determine if additional measures are necessary to prevent future unauthorized discharges, releases, or spills. If necessary, the SWPPP shall be updated no later than 90 days after the unauthorized discharge.

m. The SWPPP shall be kept at the high-priority facility and utilized as part of employee SWPPP training required in Part I E 6 d (4). The SWPPP and associated documents may be maintained as a hard copy or electronically as long as the documents are available to employees at the applicable site.

n. If activities change at a facility such that the facility no longer meets the definition of a high-priority facility , the permittee may remove the facility from the list of high-priority facilities with a high potential to discharge pollutants.

o. If activities change at a facility such that the facility no longer meets the criteria requiring SWPPP coverage as described in Part I E 6 g, the permittee may remove the facility from the list of high-priority facilities that require SWPPP coverage.

p. The permittee shall maintain and implement turf and landscape nutrient management plans that have been developed by a certified turf and landscape nutrient management planner in accordance with § 10.1-104.2 of the Code of Virginia on all lands owned or operated by the permittee where nutrients are applied to a contiguous area greater than one acre. If nutrients are being applied to achieve final stabilization of a land disturbance project, application shall follow the manufacturer's recommendations.

q. Within 12 months of permit coverage, the permittee shall identify contiguous areas greater than one acre located in expanded 2020 census urban areas with population of at least 50,000 and within the permittee's MS4 service area requiring turf and landscape nutrient management plans.

r. Within 36 months of permit coverage, the permittee shall implement turf and landscape nutrient management plans on contiguous areas greater than one acre located in expanded 2020 census urban areas with a population of least 50,000 and within the permittee's MS4 service area.

s. If nutrients are being applied to achieve final stabilization of a land disturbance project, application shall follow the manufacturer's recommendations. For newly established turf where nutrients are applied to a contiguous area greater than one acre, the permittee shall implement a nutrient management plan no later than six months after the site achieves final stabilization.

t. Nutrient management plans developed in accordance with Part I E 6 n shall be submitted to the Department of Conservation and Recreation (DCR) for approval.

u. Nutrient management plans that are expired as of the effective date of this permit shall be submitted to DCR for renewal within six months after the effective date of this permit. Thereafter, all nutrient management plans shall

be submitted to DCR at least 30 days prior to nutrient management plan expiration. Within 36 months of permit coverage, no nutrient management plans maintained by the permittee in accordance with Part I E 6 n shall be expired due to DCR documented noncompliance with 4VAC50-85-130 provided to the permittee.

v. Nutrient management plans may be maintained as a hard copy or electronically as long as the documents are available to employees at the applicable site.

w. Nontraditional permittees with lands regulated under § 10.1-104.4 of the Code of Virginia, including state agencies, state colleges and universities, and other state government entities, shall continue to implement turf and landscape nutrient management plans in accordance with this statutory requirement.

x. The MS4 program plan shall include:

(1) A list of written good housekeeping procedures for the operations and maintenance activities as required by Part I E 6 a and b;

(2) A list of all high-priority facilities owned or operated by the permittee required to maintain an SWPPP in accordance with Part I E 6 g that includes the facility name, facility location, and the location of the SWPPP hardcopy or electronic document being maintained. The SWPPP for each high-priority facility shall be incorporated by reference;

(3) A list of locations for which turf and landscape nutrient management plans are required in accordance with Part I E 6 n and s, including the following information:

(a) The total acreage covered by each nutrient management plan;

(b) The DCR approval date and expiration date for each nutrient management plan;

(c) The location of the nutrient management plan hardcopy or electronic document being maintained;

(4) A summary of mechanisms the permittee uses to ensure contractors working on behalf of the permittees implement the necessary good housekeeping and pollution prevention procedures, and stormwater pollution plans as appropriate; and

(5) The written training plan as required in Part I E 6 d.

y. The annual report shall include the following:

(1) A summary of any written procedures developed or modified in accordance with Part I E 6 a and b during the reporting period;

(2) A confirmation statement that all high-priority facilities were reviewed to determine if SWPPP coverage is needed during the reporting period;

(3) A list of any new SWPPPs developed in accordance Part I E 6 i during the reporting period;

(4) A summary of any SWPPPs modified in accordance with Part I E 6 j, 6 l, or 6 m;

(5) The rationale of any high-priority facilities delisted in accordance with Part I E 6 l or m during the reporting period;

(6) The status of each nutrient management plan as of June 30 of the reporting year (e.g., approved, submitted and pending approval, and expired);

(7) A list of the training activities conducted in accordance with Part I E 6 d, including the following information:

(a) The completion date for the training activity;

(b) The number of employees who completed the training activity; and

(c) The objectives and good housekeeping procedures covered by the training activity.

Appendix 2 – Agreement with TJSWCD

AGREEMENT

THIS AGREEMENT (“Agreement”) is made in duplicate this **October 10, 2022**, by and between the **COUNTY OF ALBEMARLE**, a political subdivision of the Commonwealth of Virginia, hereinafter referred to as the “**COUNTY**,” and the **THOMAS JEFFERSON SOIL AND WATER CONSERVATION DISTRICT**, a political subdivision of the Commonwealth of Virginia organized under Code of Virginia §§ 10.1-506 *et seq.*, hereinafter referred to as the “**DISTRICT**” (individually, a “Party” and collectively, the “Parties”).

WHEREAS, the COUNTY is required under its General Permit # VAR040074 (effective 11/01/2018 - 10/31/2023) for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems (“MS4”) permit to provide several program elements including (i) public education and outreach on stormwater impacts, (ii) public involvement and participation, (iii) and illicit discharge detection and elimination; and

WHEREAS, the DISTRICT is willing and able to help provide the program elements described above.

WITNESS:

IN CONSIDERATION of the mutual premises stated in this Agreement, the COUNTY and the DISTRICT agree as follows:

ARTICLE 1: CONTRACT DOCUMENTS

§ 1.1 The DISTRICT’s Proposal entitled “Support for Albemarle County’s MS4 Program, FY 2023 & FY 2024” is attached hereto as Attachment 1 and referred to herein as the “Proposal.” The Proposal is incorporated and made a part of this Agreement. In the event of any conflict or ambiguity between this Agreement and the Proposal, this Agreement controls.

ARTICLE 2: THE WORK TO BE PERFORMED

§ 2.1 The DISTRICT shall perform the activities listed in the Proposal.

ARTICLE 3: DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

§ 3.1 The term of this Agreement is from **July 1, 2022 until June 30, 2024**. The Parties may extend the term of this Agreement as provided in § 12.1.

§ 3.2 Work shall commence immediately and shall continue without interruption during the term of this Agreement.

ARTICLE 4: COMPENSATION AND PAYMENT

- § 4.1 The amount to be paid by the COUNTY to the DISTRICT for the work to be performed pursuant to this Agreement shall not exceed sixty thousand dollars (**\$60,000**). The amount to be paid by the COUNTY to the DISTRICT in the first year of performance of this Agreement shall not exceed \$36,000.
- § 4.2 Payments shall be made as follows:
- A. No deposit, nor advance sums, shall be paid.
 - B. The DISTRICT shall invoice the COUNTY on a quarterly basis for work performed by the DISTRICT under this Agreement. The DISTRICT's invoice shall identify each task completed during the quarterly billing period or, if the task has not yet been completed, the degree to which the task has been completed as required to be performed pursuant to the Proposal.
 - C. The COUNTY may request additional information from the DISTRICT about the status of the task or tasks prior to making payment. Payment shall be made within thirty (30) days of the date of receipt by the COUNTY of the invoice from the DISTRICT. If payment is made by mail, the postmark date shall be the payment date.
 - D. Each invoice shall include the **Purchase Order** number assigned to this Agreement.

ARTICLE 5: INDEMNIFICATION AND HOLD HARMLESS

- § 5.1 To the extent permitted by law, the DISTRICT hereby agrees to indemnify and hold harmless the COUNTY, its officers, agents designated by the board of supervisors, and all employees and volunteers, from any and all claims for bodily injury, and personal injury and/or property damage, including cost of investigation, all expenses of litigation, including reasonable attorney fees, and the cost of appeals arising out of any claims or suits which result from errors, omissions, or negligent acts of the DISTRICT, its subcontractors and their agents and employees.

ARTICLE 6: SUBMISSION OF REPORTS

- § 6.1 During the term of this Agreement, the DISTRICT shall provide to the COUNTY or its designee all oral or written reports either required by or pertaining to matters which are within the Proposal as the COUNTY or its designee may reasonably require.

ARTICLE 7: COOPERATION

- § 7.1 The COUNTY and the DISTRICT understand and agree that the DISTRICT is performing the program elements identified in the Proposal on behalf of the COUNTY, and that they will cooperate with one another to assure that the program elements are

adequately and successfully implemented in accordance with all MS4 permit requirements.

ARTICLE 8: NOTICE

§ 8.1 Any notice, request, invoice or other communication to either Party by the other concerning the terms and conditions of this Agreement, including, without limitation, the provisions of Articles 3 and 4, shall be in writing and shall be deemed given only (i) when actually received by the addressee or (ii) sent postage prepaid, by certified or registered United States mail, return receipt requested, addressed as follows:

- A. COUNTY: Laurel Williamson
Watershed Stewardship Manager
Department of Facilities and Environmental Services
401 McIntire Road, Room 420
Charlottesville, VA 22902-4596
- B. DISTRICT: Anne Coates, Executive Director
TJSWCD
705 Dale Ave.
Charlottesville VA 22903

§ 8.2 The persons and the places to which notices are to be mailed to either Party may be changed from time to time by notice given in accordance with the provisions of this article.

ARTICLE 9: TERMINATION OF AGREEMENT

§ 9.1 The COUNTY may terminate this Agreement at any time with or without cause by giving thirty (30) days' written notice to the DISTRICT, in which event the COUNTY's sole obligations shall be to compensate the DISTRICT for work actually performed and reimbursable expenses incurred up to the date of termination, and all expenses actually incurred by the DISTRICT for future work to be performed pursuant to this Agreement.

§ 9.2 The DISTRICT may terminate this Agreement at any time with or without cause by giving thirty (30) days' written notice to the DISTRICT.

§ 9.3 In no event will the total compensation paid to the DISTRICT, including the amount paid to compensate the DISTRICT in § 9.1, exceed the compensation provided for in Article 4.

§ 9.4 Upon termination, the DISTRICT shall promptly provide to the COUNTY all work products, whether completed or not, prepared by the DISTRICT pursuant to this Agreement.

ARTICLE 10: CONFIDENTIALITY OF REPORTS AND WRITTEN MATERIALS

- § 10.1 Any and all reports or other written materials created by the DISTRICT for the COUNTY concerning the work to be performed pursuant to this Agreement, or any portions thereof, shall be the exclusive property of the COUNTY and shall not be used by the DISTRICT for any purpose whatsoever without the prior written permission of the COUNTY.
- § 10.2 The DISTRICT shall not publish, copyright, or otherwise disclose or permit to be disclosed or published, the results of any reports created by the DISTRICT for the COUNTY concerning the work to be performed pursuant to this Agreement, or any particulars thereof, including forms or other materials developed exclusively for the COUNTY in connection with the performance by the DISTRICT of its services hereunder during the period of this Agreement, without the prior written permission of the COUNTY.
- § 10.3 Notwithstanding sections 10.1 and 10.2, the DISTRICT may use for marketing or otherwise make available to the public any report or other written materials concerning the work to be performed pursuant to this Agreement after the report or written materials are completed and have been accepted by the COUNTY.
- § 10.4 The DISTRICT agrees to protect the confidentiality of information it acquires pursuant to this Agreement if:
- A. The information acquired from the COUNTY is designated by the COUNTY to be privileged or proprietary except to the extent that (i) the information enters the public domain, (ii) the information is obtained by the DISTRICT from independent third parties not subject to any confidentiality or similar agreement with the COUNTY, or (iii) disclosure of the information is required by law, rule or regulation or the valid order of a court or administrative agency.
 - B. The information acquired in its performance of the work pursuant to this Agreement is confidential and the confidentiality of the information is required by law to be maintained.
- § 10.5 The provisions of this article shall not be construed so as to make private or confidential, or to require that permission be obtained from the COUNTY prior to disclosure, of any report or other written materials that would be public records under the Virginia Freedom of Information Act or that are otherwise required to be produced by law, rule or regulation or the valid order of a court or administrative agency.

ARTICLE 11: CONFLICTS OF INTEREST

- § 11.1 During the term of this Agreement, the DISTRICT shall not, without the prior written permission of the COUNTY, accept from other clients any assignments or tasks which substantially conflict with the objectives of this Agreement, or add persons to work on the tasks identified in the Proposal whose interests may conflict with interests of the COUNTY.

- § 11.2 The DISTRICT shall give written notice to the COUNTY with respect to any such assignments, tasks, or additional persons. The notice shall set forth in reasonable detail the services the DISTRICT would undertake to perform in connection with such assignments or tasks, or the tasks to be performed by the additional person.
- § 11.3 The COUNTY agrees to grant or deny its consent to the DISTRICT's acceptance of the assignments or tasks, or additional persons, within ten (10) days after the notice is given. The COUNTY shall be deemed to have granted its consent if it takes no action within the ten (10) day period.

ARTICLE 12: GENERAL

- § 12.1 Modifications: This Agreement or any part thereof may not be modified, except by written agreement of the Parties signed by the duly authorized officers of the Parties.
- § 12.2 No waiver: Omission or delay by either Party to this Agreement at any time to enforce any right or remedy reserved to it, or to require performance of any of the terms of this Agreement, shall not be a waiver of any right or remedy to which either Party is entitled, and shall not in any way affect the right of either Party to enforce the provisions thereafter. However, this section shall not be construed to be a waiver or a tolling of an applicable statute of limitations, or to prevent either Party from raising the statute of limitations as a defense in any proceeding.
- § 12.3 Applicable law: This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia. The Parties agree that proper venue, in the event of litigation concerning this matter, shall be in Albemarle County, Virginia.
- § 12.4 Severability: If any provisions of this Agreement shall be held to be invalid, illegal or unenforceable, the validity of all other provisions hereof shall in no way be affected thereby.
- § 12.5 Successor and assignees: Neither Party shall assign or transfer this Agreement or any of its respective rights hereunder without the prior written permission of the other Party.
- § 12.6 Force majeure: In the event that performance by either Party of any of its obligations or undertakings pursuant to this Agreement shall be interrupted or delayed by any occurrence not occasioned by the conduct of either Party hereto, whether the occurrence is an act of nature such as lightning, earthquakes, floods or other like causes, the common enemy, the result of war, riot, strike, lockout, civil commotion, sovereign conduct, explosion, fire or the act or conduct of any person or persons not a Party to or under the direction or control of a Party hereto, then the performance shall be excused for the period of time as is reasonably necessary after the occurrence to remedy the effects thereof.
- § 12.7 Entire agreement: This Agreement constitutes the entire agreement between the Parties and supersedes all previous agreements and understandings relating to the work to be performed under this Agreement.

§ 12.8 Non-appropriation: If funds are not appropriated by the board of supervisors of the COUNTY or otherwise made available to support continuation of performance of this Agreement in a subsequent fiscal year, this Agreement shall be immediately canceled. In that event, the COUNTY's sole obligations shall be to compensate the DISTRICT for work actually performed and reimbursable expenses incurred up to the date of cancellation. In no event will the total compensation paid to the DISTRICT, including the amount paid to compensate the DISTRICT pursuant to this section, exceed the compensation provided for in Article 4. Upon cancellation, the DISTRICT shall promptly provide to the COUNTY all work products, whether completed or not, prepared by the DISTRICT pursuant to this Agreement.

§ 12.9 Cross-references: References herein to sections and articles are to sections and articles of this Agreement.

WITNESS the following signatures and seals in agreement with the above terms:

COUNTY OF ALBEMARLE, VIRGINIA

By: 

Title: Chief Procurement Officer

**THOMAS JEFFERSON SOIL AND WATER
CONSERVATION DISTRICT**

By: Anne Coates

Title: Executive Director

Attachment 1:

Proposal:

Support for Albemarle County's MS4 Program, FY 2023 & FY 2024

The Thomas Jefferson Soil and Water Conservation District ("the District") agrees to provide the following services to the County of Albemarle ("County") in support of the County's Municipal Separate Storm Sewer System ("MS4") program in Fiscal Years 2023 and 2024. The tasks described in this scope of work will support several MS4 program areas: public education and outreach on stormwater impacts, public involvement and participation, and illicit discharge detection and elimination.

1. Public Education, Outreach, and Participation

- a. *Serve as coordinating body for RSEP* – District staff will continue to serve as administrative coordinator of the regional Rivanna Stormwater Education Partnership ("RSEP"). This will include preparing agendas, facilitating, and compiling minutes for the group's quarterly or monthly meetings. District staff will also track the group's progress in achieving the goals of RSEP's Outreach and Education Plan.
- b. *Maintain & enhance RSEP website* – District staff will ensure that RSEP's website is up-to-date and will upload new educational materials to the website as needed.
- c. *Develop & distribute stormwater-related materials for target audiences* – District staff will participate in the process of developing some of RSEP's educational materials and will help distribute those materials to relevant online and in-person venues.
- d. *Watershed Education Programming* – District staff and seasonal employees will assist Albemarle County Public Schools with providing watershed education experiences for students and teachers. These educational activities can be delivered virtually and/or in-person, as conditions allow at the time.

The estimated combined cost of the above tasks for the two-year period is \$54,664.

2. Illicit Discharge Detection and Elimination

- a. *Administer Pollution Hotline/IDDE Report Form* – TJSWCD staff will manage the water pollution reporting hotline and online reporting form which is advertised on the RSEP website. This task involves ensuring that the phone number and online

form are working properly and listening to/reading incoming messages in a timely manner and immediately sharing any reports that are relevant to Albemarle County with Environmental Services Division (or Fire Marshal) staff right away.

The estimated combined cost of the above tasks for the two-year period is \$960.

3. Other

- a. *Assistance/research as needed* – District staff may be asked by County staff to provide assistance with other elements of the MS4 program, as needed. Potential issues may include finding solutions for failing septic systems, watershed assessments in Chris Greene Lake watershed, or other topics in line with the expertise of District staff.

The estimated cost of this task for the two-year period is \$2,120.

4. Administration

- a. *Prepare quarterly reports* – District staff will prepare a total of eight (8) quarterly reports to the County describing and quantifying the measurable outcomes achieved in each of the above tasks during the quarter. Examples of measurable outcomes include: the number of RSEP meetings, the number of students reached through MWEE activities, etc.

The estimated cost of this task for the two-year period is \$1,600.

The total cost of providing all these services for the two-year period shall not exceed \$60,000 (sum rounded up).

Appendix 3 – Notifications of Physical Interconnections



COUNTY OF ALBEMARLE
Facilities and Environmental Services
Environmental Services Division
401 McIntire Road, Room 420
Charlottesville, Virginia 22902-4596

Phone (434) 296-5816

Fax (434) 293-0294

June 30, 2017

Chris Swanson
State MS4/Stormwater Management Engineer
VDOT - Location & Design Division
1401 East Broad Street, Richmond, VA 23219

Dear Mr. Swanson,

Per our MS4 General Permit and as instructed by the Virginia Department of Environmental Quality, we are required to notify neighboring jurisdictions of interconnections between our respective stormwater systems. Please accept this letter as Albemarle County's official notification to the City of Charlottesville that conveyances that lie within our MS4 area flow into Charlottesville's MS4 system.

Because most stormwater conveyances in Albemarle are not owned or maintained by the County, we may have very few (or zero) interconnections between our MS4 system, *per se*, and your MS4 system. Nevertheless, as always, we stand ready to share available information regarding stormwater conveyances, irrespective of ownership or regulatory mandates.

Sincerely,

A handwritten signature in blue ink, which appears to read "John Murphy".

John Murphy
MS4 Program Manager
Albemarle County



COUNTY OF ALBEMARLE
Facilities and Environmental Services
Environmental Services Division
401 McIntire Road, Room 420
Charlottesville, Virginia 22902-4596

Phone (434) 296-5816

Fax (434) 293-0294

June 30, 2017

Rebecca Parkhill
Administrative Assistant
Finance & Administrative Services
Piedmont Virginia Community College

Dear Ms. Parkhill,

Per our MS4 General Permit and as instructed by the Virginia Department of Environmental Quality, we are required to notify neighboring jurisdictions of interconnections between our respective stormwater systems. Please accept this letter as Albemarle County's official notification to the Piedmont Virginia Community College that conveyances that lie within our MS4 area flow into PVCC's MS4 system.

Because most stormwater conveyances in Albemarle are not owned or maintained by the County, we may have very few (or zero) interconnections between our MS4 system, per se, and your MS4 system. Nevertheless, as always, we stand ready to share available information regarding stormwater conveyances, irrespective of ownership or regulatory mandates.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Murphy".

John Murphy
MS4 Program Manager
Albemarle County



COUNTY OF ALBEMARLE
Facilities and Environmental Services
Environmental Services Division
401 McIntire Road, Room 420
Charlottesville, Virginia 22902-4596

Phone (434) 296-5816

Fax (434) 293-0294

June 30, 2017

Jeffrey Sitler
Environmental Programs Manager and Associate Directory – Environmental Resources
Facilities Management
University of Virginia

Dear Mr. Sitler,

Per our MS4 General Permit and as instructed by the Virginia Department of Environmental Quality, we are required to notify neighboring jurisdictions of interconnections between our respective stormwater systems. Please accept this letter as Albemarle County's official notification to the City of Charlottesville that conveyances that lie within our MS4 area flow into Charlottesville's MS4 system.

Because most stormwater conveyances in Albemarle are not owned or maintained by the County, we may have very few (or zero) interconnections between our MS4 system, *per se*, and your MS4 system. Nevertheless, as always, we stand ready to share available information regarding stormwater conveyances, irrespective of ownership or regulatory mandates.

Sincerely,

A handwritten signature in blue ink, which appears to read "John Murphy".

John Murphy
MS4 Program Manager
Albemarle County



COUNTY OF ALBEMARLE
Facilities and Environmental Services
Environmental Services Division
401 McIntire Road, Room 420
Charlottesville, Virginia 22902-4596

Phone (434) 296-5816

Fax (434) 293-0294

June 30, 2017

Kristel Riddervold
Office of Environmental Sustainability
Department of Public Works
City of Charlottesville

Dear Ms. Riddervold,

Per our MS4 General Permit and as instructed by the Virginia Department of Environmental Quality, we are required to notify neighboring jurisdictions of interconnections between our respective stormwater systems. Please accept this letter as Albemarle County's official notification to the City of Charlottesville that conveyances that lie within our MS4 area flow into Charlottesville's MS4 system.

Because most stormwater conveyances in Albemarle are not owned or maintained by the County, we may have very few (or zero) interconnections between our MS4 system, per se, and your MS4 system. Nevertheless, as always, we stand ready to share available information regarding stormwater conveyances, irrespective of ownership or regulatory mandates.

Sincerely,

A handwritten signature in blue ink, reading "John Murphy".

John Murphy
MS4 Program Manager
Albemarle County

Appendix 4 – IDDE Procedures

Illicit Discharge Response and Dry Weather Outfall Screening Procedures, Version 4.0 **Albemarle County Environmental Services Division,** **Department of Facilities and Environmental Services** *Last updated 4/29/2024*

Section 1 – Illicit Discharge Detection & Elimination

This guidance document references Virginia’s General VPDES Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4 permit). All Albemarle illicit discharge events are subject to this guidance, whether or not the event occurs within the boundaries of the MS4 area.

Legal Authority:

Illicit discharges are defined in and governed by Albemarle County’s Code, Chapter 17 (Water Protection Ordinance), [Article VII](#).

Overview:

Albemarle County investigates and begins mitigation procedures (when possible) within, at most, 24 hours of observing or receiving reports of possible illicit discharges. Serious discharges, including sanitary sewer discharges and discharges posing an immediate threat to human health or the environment, are prioritized and handled with all due speed. The following procedures are used:

- a) Serious and moderate events are defined as those events which threaten human health or the environment with an urgency and impact considered significant according to staff’s professional judgment.
- b) Except for sediment discharges, serious and moderate illicit discharges are reported immediately to the Albemarle County Fire Marshal through Emergency Communications Center’s non-emergency phone number (434-977-9041). Ask for Fire Marshal on-duty to call our cell phone about an illicit discharge – usually within 10 minutes. If a discharge requires very immediate response, call 911. In the case of sewage discharge, Albemarle County Service Authority (434-977-4511) or Rivanna Water and Sewer Authority (434-977-2970) are also notified.
- c) For crucial after-hour questions that Fire Marshal might have, may call Greg Harper on cell phone (434-996-0880). Greg will be liaison with others in FES as-needed.
- d) In the case of sediment discharges due to land-disturbing events, the office of the Albemarle County Engineer is notified. The County Engineer’s office then handles all further investigation, enforcement, and records management for the incident.
- e) Illicit discharge response tasks include, without limitation, tracing the discharge source, application of mitigation measures, compilation of data and information pertinent to the event, reporting to Virginia Department of Environmental Quality and other appropriate government agencies, testing of discharge and/or waterways, communications with witnesses and responsible parties, and communications with media and the public. Respective incident management roles among County’s Environmental Services Division (ESD) staff, Fire Marshal, and Engineering staff can vary, and are discussed and arranged among the responding parties, case-by-case.

- f) Discharges that are not considered serious or moderate do not require Fire Marshal notification. However, ESD or Engineering staff are required to attempt to find the source of the discharge and take measures to stop it – as described below.

Methods to determine source of illicit discharge:

Depending on if the potential illicit discharge is observed in field by ESD staff during outfall screening or reported to ESD staff by an outside party, the following protocols apply.

a) Observed by ESD Staff During Outfall Screening:

- i) Walk towards the suspected origin of the pipe to locate any obvious source, such as a drop inlet or a stormwater management facility.
- ii) If the pipe is part of a more complex network of pipes, the following procedures will be implemented:
 - (1) Consult the map of stormwater and sewer infrastructure to determine connections and possible sources.
 - (2) Take visual observations down manholes within the pipe network to determine if there is any obvious source of discharge, observing direction of flow.
 - (3) Take samples (follow procedures needed by the laboratory, complete chain of custody, preserve sample, and ship accordingly) from manhole(s) to better determine the source of discharge. Determine parameters for sample to be analyzed based on observations. For example, test for sewage based on odor, floatables, etc.
 - (4) Visually observe land use in area draining to the pipe to look for likely sources of discharge. For example, detergents from a car wash or chlorine from a swimming pool.
- iii) No source identified: If the County is unable to identify the source of an illicit discharge within *six months* of beginning the investigation, then document that the source remains unidentified. If the illicit discharge appears to occur intermittently, document that attempts to observe the discharge flowing were unsuccessful.

b) Reported to County Staff:

- i) Illicit discharge incidents are typically reported to County staff by phone call or email. Community members may also report discharges through the Rivanna Stormwater Education Partnership's [online reporting form or hotline](#) and forwarded to ESD staff. When receiving a report of a potential illicit discharge, ESD staff attempt to gather the following information:
 - Description of suspected pollutant
 - Location, date, and time of incident and/or observation
 - Nearest body of water that could be impacted
 - Incident details that might help a responder locate the site and know what to look for
 - Contact information (optional)
 - Photographs, if available

Any County staff receiving an illicit discharge report should immediately contact the following ESD staff on their cell phones: Laurel Williamson (434-962-0096) or David Lockledge (434-989-6929). *In order to ensure the discharge is addressed quickly, do not rely solely on sharing report by email or MS Teams.*

- ii) Response protocol: The appropriate County staff (as determined by the description of the discharge), will travel directly to the location of the suspected discharge as soon as possible, and within 24 hours of receiving the report.

iii) Source-tracking protocol:

(1) *If discharge found in a storm drain:*

- (a) Perform a visual observation of the drain and surrounding area
- (b) Take sample from inside the drain and within the stream into which the drain discharges
- (c) After source has been identified and appropriate interventions have been implemented, follow the discharge downstream through the system to determine if a stream or other waterbody has been affected.

(2) *If discharge found in a stream/waterway:*

- (a) Walk upstream to first find a pipe or direct dumping, etc. If the discharge is not determined to be coming out of a pipe or is not observed at the time, consider taking a sample directly from the stream where the pollution is observed.
- (b) If the discharge is coming out of a pipe, follow these procedures:
 - (i) Walk towards the suspected origin of the pipe to locate any obvious source, such as a drop inlet or a stormwater management facility.
 - (ii) If the pipe is part of a more complex network of pipes, the following procedures will be implemented:
 - 1. Consult the map of stormwater and sewer infrastructure to determine connections and possible sources.
 - 2. Take visual observation down manholes within the pipe network to determine if there is any obvious source of discharge, observing direction of flow.
 - 3. Take samples (follow procedures needed by the laboratory, complete chain of custody, preserve sample, and ship accordingly) from manhole(s) to better determine the source of discharge. Determine parameters for sample to be analyzed based on observations for example, test for sewage based on observations of smell, floatables, etc.
 - 4. Visually observe land use in area draining to the pipe to look for likely sources of discharge. For example, detergents from a restaurant or chlorine from a swimming pool.
- (c) No source identified: If an illicit discharge is found, but within *six months* of the beginning of the investigation the discharge has not re-occurred or the source has not been identified, the operator shall document such in accordance with MS4 Permit guidelines. If the illicit discharge appears to occur intermittently, the operator must document that a minimum of *three separate investigations* were made in an attempt to observe the discharge when it was flowing. If these attempts are unsuccessful, the operator shall document such in accordance with MS4 Permit guidelines.
- (d) Discharges authorized under a separate VPDES or state permit require no further action under the County's MS4 permit

Methods to eliminate identified sources of discharges including description of policies and procedures for when and how to use legal authorities:

- a) Contact the individual(s) responsible for discharge and discuss their obligations under County and state codes and regulations. Contact ACSA/RWSA if their sanitary sewer system is involved.
- b) Arrange a site visit with the responsible party to inspect the source of the pollution and recommend solutions to eliminate the identified discharge.
- c) Provide a follow up letter to confirm the discussion points, note the codes and regulations, and procedures for eliminating the discharge and a timeline for completion and the necessity for a follow up inspection. The County will allow for up to 30-days to complete the outlined procedures.
- d) Arrange for a follow up visit to confirm that the steps were completed and the discharge was eliminated.
- e) If the follow up inspection yields a negative result, the County will seek the remedies under [Sec. 17-904, Remedies under the VSMP](#), outlined in the Water Protection Ordinance.

Methods for conducting follow-up investigation:

For illicit discharges found to be within its jurisdiction and that are continuous or frequent, Albemarle County staff will do any of the following when conducting a follow-up investigation, depending on the situation:

- a) Interview parties concerned
- b) Take visual observations
- c) Take a sample(s)
- d) Perform an unannounced site visit

Documentation:

The County tracks and files all IDDE incident reports in a SharePoint folder and in a geodatabase. The following information is recorded:

- a) Dates discharge initially observed and reported
- b) Investigation results
- c) Follow up efforts
- d) Resolution of Investigation
- e) Date investigation closed

Section 2 – Annual Dry Weather Outfall Screening

In accordance with our MS4 General Permit, Albemarle County must attempt to proactively detect and eliminate illicit discharges by screening a minimum of 50 stormwater outfalls annually within the MS4 area. The County's dry weather screening protocol is generally described below.

Prioritized Outfalls & Screening Schedule

Through a GIS exercise, ESD staff identify outfalls that have higher potential of receiving an illicit discharge based on the nature of their drainage areas. Criteria used to determine illicit discharge potential include:

- Amount of stormwater infrastructure in drainage area
- Number of locations in drainage area where sanitary sewer and stormwater pipe cross over/under each other
- Age of neighborhood
- Zoning/business type (e.g., commercial, residential, industrial) in drainage area
- Active construction in drainage area

Outfalls that score high in illicit discharge potential are considered "high priority". Prior to starting annual outfall screening field work, a set of at least 50 outfalls is selected. Approximately 25% of the selection is comprised of high priority outfalls and the remainder is comprised of outfalls that have not been visited in at least 2 years.

Outfall Screening

A customized ArcGIS [Survey123 app](#) is used to collect outfall screening data in the field. All the observations and photos entered into the Survey123 field app are retained in the relevant [Survey123 ArcGIS dashboard](#). Prior to beginning field work, the Survey123 app and map is pre-populated with existing outfall description data for each outfall in the selection (e.g., outfall ID #, material type, outfall shape, number and size of pipe openings). Outfall screening may only proceed if it has been at least 48-hours since the last precipitation event of greater than 0.1 inch.

The following protocols apply for each visual outfall inspection, using the **Survey123 app** in the field:

- a) Record time since last precipitation event and quantity of last precipitation event, based on the nearest Weather Underground (www.wunderground.com) station or other local weather stations.
- b) Record the rate of flow in the outfall: none, trickle, moderate, substantial
- c) Record flow odor: none, sewage, rancid/sour, petroleum/gas, sulfide
- d) Record flow color: clear, brown, gray, yellow, green, orange, red, other
- e) Record turbidity of flow: clear, mild, medium, dark
- f) Record presence of floatable materials: none, sewage, suds, petroleum, other
- g) Note any damage to the outfall pipe(s): spalling, cracking, chipping, peeling paint, corrosion
- h) Note any stains on inside of outfall pipe: none, oily, flow line, paint
- i) Characterize vegetation growth in or below the outfall pipe: normal, excessive (e.g., algae), inhibited
- j) Record any indicators of poor water quality in the pool below the outfall: odors, colors, floatables, oil sheen, suds, excessive algae
- k) Characterize any pipe benthic growth: none, brown, orange, green
- l) As needed, record any additional relevant Notes such as land uses/activities in drainage area
- m) Record overall outfall characterization: unlikely, potential, suspect, obvious

- n) Take at least one photo of each outfall
- o) If an illicit discharge is suspected, appropriate measures are taken as described in Section 1, above.

Appendix 5 – VSMP Authorization Letter



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
Street address: 629 East Main Street, Richmond, Virginia 23219
Mailing address: P.O. Box 1105, Richmond, Virginia 23218
Fax: 804-698-4019 - TDD (804) 698-4021
www.deq.virginia.gov

Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

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

June 17, 2014

Thomas Foley, County Executive
Albemarle County
401 McIntire Road
Charlottesville, VA 22902

Dear Mr. Foley:

In accordance with §62.1-44.15:27 G of the Virginia Stormwater Management Act (Act), Department of Environmental Quality (DEQ) has completed the review of Albemarle County's final Virginia Stormwater Management Program (VSMP) application package submitted on January 15, 2014. Based on this review, DEQ has determined that Albemarle County's VSMP is consistent with the Act, the VSMP regulation and the General VPDES Permit for Discharges of Stormwater from Construction Activities.

In light of this determination, DEQ approves Albemarle County's VSMP and the County is authorized to operate a VSMP beginning on July 1, 2014. Please note that this approval is based on the content of the application package. Any changes made to the documents in the package after the approval date, including changes to the adopted ordinance, may necessitate DEQ evaluation as part of its compliance review of your approved VSMP.

Thank you for your cooperation in developing a VSMP. We look forward to continuing to assist the County with the implementation of its VSMP.

Sincerely,

A handwritten signature in black ink, appearing to read "David K. Paylor".

David K. Paylor

cc: Melanie Davenport, Director, Water Division
Frederick Cunningham, Director, Office of Water Permits
Joan Salvati, Manager, Local Government Stormwater Programs

Appendix 6 – List of Documents Incorporated by Reference/Available by Request

- Albemarle County MS4 Outfall Inspections dashboard (dated November 29, 2022 or most recent version)
- Albemarle County Stormwater map (dated February 9, 2024 or most recent version)
- Nutrient Management Plan for Agnor-Hurt Elementary School (dated May 1, 2024)
- Nutrient Management Plan for Baker-Butler Elementary School (dated May 1, 2024)
- Nutrient Management Plan for Burley Middle School (dated May 1, 2024)
- Nutrient Management Plan for Hollymead Elementary School (dated May 1, 2024)
- Nutrient Management Plan for Lakeside Middle School (dated May 1, 2024)
- Nutrient Management Plan for Monticello High School (dated May 2024)
- Nutrient Management Plan for Woodbrook Elementary School (dated May 1, 2024)
- Procedures Manual for the Inspection of Stormwater Management Facilities (dated December 2014; update pending in 2024)
- Procedures for Water Protection Ordinance Plan Review and Construction Inspections (dated October 2, 2014, update pending in 2024)
- SOP – Hazardous Conditions (dated December 8, 2010)
- SOP – Integrated Pest Management (dated June 24, 2010)
- SOP – Safer Chemical Procedure (dated October 14, 2019)
- SOP – Spill Response (dated November 1, 2010)
- SOP – Underground Storage Tanks (UST) & Fuel Spill Procedure (dated December 13, 2006)