



COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

Permit No.: VA0088579
Effective Date:
Expiration Date: [5 years after effective date]

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

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

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

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

Watersheds: Stormwater from Arlington County discharges into four 6th order hydrologic
units: PL23 (Potomac River-Nichols Run-Scott Run), PL24 (Potomac River-
Pimmit Run), PL25 (Potomac River-Fourmile Run), PL26 (Cameron Run)

There are 11 major watersheds: Gulf Branch, Donaldson Run, Potomac
River (A), Windy Run, Spout Run, Colonial Village/Rocky Run, Potomac
River (B), Four Mile Run (contains the following major streams: Lower Long
Branch, Doctor's Branch, Lubber Run, and Upper Long Branch), Little
Pimmit Run, Pimmit Run, and Roaches Run

River Basin: Potomac
Sections: 6, 7, 8
Classes: II, III
Special Standards: b

The authorized discharge shall be in accordance with this cover page, Part I – Authorization, Effluent
Limitations and Monitoring Requirements and Part II - Conditions Applicable To All VSMP Permits, as set
forth herein.

Director, Department of Conservation and Recreation

Date

PART I-AUTHORIZATION, EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. DISCHARGES AUTHORIZED UNDER THIS PERMIT

1. Authorized Discharges

- a) This permit authorizes the discharge of stormwater from all existing and new municipal separate stormwater point source discharges to surface waters from the Municipal Separate Storm Sewer System (MS4) owned or operated by the County of Arlington, Virginia.
- b) The following discharges, whether discharged separately or commingled with municipal stormwater, are also authorized by this permit for discharge through the MS4:
 - 1) Non-stormwater discharges and stormwater discharges associated with industrial activity (defined at 9 VAC 25-31-10) that are authorized by a separate Virginia Pollutant Discharge Elimination System (VPDES) permit;
 - 2) Discharges from construction activities that are regulated under the Virginia Stormwater Management Program (VSMP) (4VAC 50-60-10 et. seq.) and authorized by a separate VSMP permit; and
 - 3) The following non-stormwater discharges unless the State Water Control Board or the Virginia Soil and Water Conservation Board (Board) determines the discharge to be a significant source of pollutants to surface waters:
 - (a) water line flushing;
 - (b) landscape irrigation;
 - (c) diverted stream flows;
 - (d) rising ground waters;
 - (e) uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
 - (f) uncontaminated pumped ground water;
 - (g) discharges from potable water sources;
 - (h) foundation drains;
 - (i) air conditioning condensation;
 - (j) irrigation water;
 - (k) springs;
 - (l) water from crawl space pumps;
 - (m) footing drains;

- 75
76 (n) lawn watering;
77
78 (o) individual residential car washing;
79
80 (p) flows from riparian habitats and wetlands;
81
82 (q) dechlorinated swimming pool discharges;
83
84 (r) street wash water;
85
86 (s) discharges or flows from fire fighting; and,
87
88 (t) other activities generating discharges identified by the Department of
89 Environmental Quality as not requiring VPDES authorization.
90
91 4) Materials from a spill are not authorized unless the discharge of material resulting from a
92 spill is necessary to prevent loss of life, personal injury, or severe property damage. The
93 permittee shall take, or require the responsible party to take, all reasonable steps to
94 minimize or prevent any adverse effect on human health or the environment in
95 accordance with the permittee's program under Part I.B.2.g) (Spill Prevention and
96 Response). This permit does not transfer liability for a spill itself from the party(ies)
97 responsible for the spill to the permittee nor relieve the party(ies) responsible for a spill
98 from the reporting requirements of 40 CFR Part 117 and 40 CFR Part 302. The
99 permittee is responsible for any reporting requirement listed under Part II.G of this permit.

100
101 **2. Permittee Responsibilities**
102

103 This permit establishes the specific requirements applicable to the permittee for the term of this
104 permit. The permittee is responsible for compliance with this permit. The permittee shall implement
105 and refine the MS4 Program Plan (as set forth in Part I.B) to ensure compliance with this permit.
106 The Department has determined that this program reduces the discharge of pollutants to the
107 maximum extent practicable. Where wasteloads have been allocated for pollutant(s) of concern in
108 an approved TMDL, the permittee shall implement the special conditions as set forth in Part I.D of
109 this permit. Compliance with the requirements of this permit shall also constitute adequate progress
110 for this permit term towards complying with the assumptions and requirements of the applicable
111 TMDL wasteload allocations, and such that the discharge does not cause or contribute to violation
112 of the water quality standards.
113

114 The permittee shall clearly define the roles and responsibilities of each of the permittee's
115 departments, divisions or subdivisions in maintaining permit compliance. If the permittee relies on
116 another party to implement portions of the MS4 Program Plan, both parties must document the
117 agreement in writing. The agreement shall be retained by the permittee with the MS4 Program
118 Plan. Roles and responsibilities shall be updated as necessary. Where the permittee relies on
119 another party to implement a portion of this permit, responsibility for compliance with this permit
120 shall remain with the permittee.
121

122 In the event the permittee is unable to meet conditions of this permit due to circumstances beyond
123 the permittee's control, a written explanation of the circumstances that prevented permit compliance
124 shall be submitted to the Department in the annual report. Circumstances beyond the permittee's

control may include abnormal climatic conditions; weather conditions that make certain requirements unsafe or impracticable; or unavoidable equipment failures caused by weather conditions or other conditions beyond the reasonable control of the permittee (operator error and failure to properly maintain equipment are not conditions beyond the control of the permittee). The failure to provide adequate program funding, staffing or equipment maintenance shall not be an acceptable explanation for failure to meet permit conditions. The Board will determine, at its sole discretion, whether the reported information will result in an enforcement action. In addition, the permittee must report noncompliance which may adversely affect surface waters or endanger public health in accordance with Part II.I.

SPECIFIC REPORTING REQUIREMENTS:

- Each annual report shall include a current list of roles and responsibilities..
- Each annual report shall include a list of those episodes of non-compliance.

3. **Legal Authority**

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

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

The permittee shall review and update its ordinances and other legal authorities such as permits, orders, contracts and inter-jurisdictional agreements as necessary to continue providing adequate legal authority to control discharges to and from the MS4.

4. **MS4 Program Resources**

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

SPECIFIC REPORTING REQUIREMENTS:

- **A copy of the fiscal analysis shall be submitted with each annual report.**

5. Permit Maintenance Fees

Permit maintenance fees shall be paid in accordance with Part XIII of the Virginia Stormwater Permitting Program regulations (4VAC50-60-700 et seq.).

SPECIFIC REPORTING REQUIREMENTS:

- **A statement regarding payment of the applicable MS4 permit maintenance fee, including check date and check number shall be included with each annual report. Note: Please do not include copies of checks or other bank records.**

6. MS4 Program Plan

The permittee shall maintain, implement and enforce an MS4 Program Plan accurately documenting the MS4 Program including all additions, changes and modifications. For the purposes of this permit, the MS4 Program Plan is considered a single document, but may actually consist of separate documents including all future annual reports. Policies, ordinances, strategies, checklists, watershed plans and other documents may be referenced provided the latest revision date is included in the reference and all documents are available upon request. Specific reference shall be made to any ordinance more stringent than the VSMP Program regulations (4VAC 50-60-10 et. seq.), the Virginia Erosion and Sediment Control Law (§ 10.1-561 et. seq.) and Regulations (4VAC 50-30-10 et.seq.) and the Chesapeake Bay Preservation Act (§ 10.2100 et. seq.). The most recent MS4 Program Plan shall be posted on the permittee's website, or provided in another location easily accessible to the public. Approvable updates to the MS4 program plan shall be submitted to, reviewed and accepted by the department in accordance with the due dates established by this permit. Unless specifically denied by the Department in writing, updates to the MS4 Program Plan become effective and enforceable 60-days after the date received by the Department.

SPECIFIC REPORTING REQUIREMENTS:

- **Utilizing the fiscal year 2011 annual report as a baseline, the permittee's first annual report submitted under this permit (Initial Report) shall include the necessary updates to describe implementation of this permit and meet the conditions described in this section.**
- **NOTE: For purposes of the next permit cycle, the fourth annual report submitted under this permit will be considered the updated MS4 Program Plan to be reviewed as part of permit reissuance.**

7. MS4 Program Review and Updates

MS4 Program Review: The permittee will review the current MS4 Program annually, in conjunction with the preparation of the annual report required under Part I.E of this permit.

a) MS4 Program Updates and Modifications:

Modifications to the MS4 Program are expected throughout the life of this permit as part of the iterative process to reduce pollutant loading and protect water quality. As such, modifications

225 made in accordance with this permit as a result of the iterative process do not require
226 modification of this permit unless the Department determines the changes meet the criteria
227 referenced in 4VAC50-60-630 or 4VAC50-60-650.
228

229 Updates and modifications to the MS4 Program may be made during the life of the permit in
230 accordance with the following procedures:
231

- 232 1) Adding (but not eliminating or replacing) components, controls, or requirements to the
233 MS4 Program may be made by the permittee at any time. Additions shall be reported as
234 part of the annual report.
235
- 236 2) Updates and modifications to specific standards and specifications, schedules, operating
237 procedures, ordinances, manuals, checklists and other documents routinely evaluated
238 and modified are authorized under this permit provided that the updates and
239 modifications are done in a manner that is consistent with the conditions of this permit,
240 public notice and participation requirements established in this permit are followed, and
241 all changes are documented in the annual report.
242
- 243 3) Replacing, or eliminating without replacement, any ineffective or infeasible strategies,
244 policies and Best Management Practices specifically identified in this permit with
245 alternate strategies, policies and Best Management Practices (BMP) may be requested
246 at any time. Such requests must include the following:
247
 - 248 (a) An analysis of how and / or why the BMP, strategy or policy is ineffective or
249 infeasible (including cost prohibitive);
250
 - 251 (b) Expectations on the effectiveness of the replacement BMP, strategy or policy;
252
 - 253 (c) An analysis of how the replacement BMP is expected to achieve the goals of the
254 BMP to be replaced;
255
 - 256 (d) A schedule for implementing the replacement BMPs, strategies and policies;
257
 - 258 (e) An analysis of how the replacement strategies and policies are expected to improve
259 the permittee's ability to meet the goals of the strategies and policies being replaced;
260 and,
261
 - 262 (f) Requests or notifications must be made in writing to the Department and signed in
263 accordance with 4VAC 50-60-370 of the VSMP Permit Regulations, and must be
264 sent by Certified Mail. Unless specifically denied by the Department in writing,
265 requests for modifications to the MS4 Program Plan become effective 60-days after
266 the date received by the Department. Major modifications to the MS4 Program Plan
267 as defined in 4VAC 50-60-10 may require that the permit be reopened and modified
268 pursuant to 4VAC50-60-630.
269

270 b) ***MS4 Program Updates Requested by the Department of Conservation and Recreation:***
271

272 In a manner and following procedures in accordance with the Virginia Administrative
273 Processes Act, the Virginia Stormwater Management regulations and other applicable State
274 laws, statutes and regulations, the Department may request changes to the MS4 Program to

275 assure compliance with the statutory requirements of the Virginia Stormwater Management Act
276 and associated regulations and to:

- 277
- 278 1) Address impacts on receiving water quality caused by discharges from the MS4;
 - 279
 - 280 2) Include more stringent requirements necessary to comply with new State or Federal
281 statutory or regulatory requirements; or
 - 282
 - 283 3) Include such other conditions necessary to comply with State or Federal statutory or
284 regulatory requirements;
 - 285

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

291
292 **SPECIFIC REPORTING REQUIREMENTS:**

- 293
- 294 • **All modifications and proposed modifications shall be reported in accordance with**
295 **this section of the permit.**
- 296

297 **B. STORMWATER MANAGEMENT**

298 The following subparts describe the requirements for the permittee to implement in its MS4 Program
299 during this permit term:

300

- 301 **1. Planning**
- 302

303 The permittee shall complete the Stream Assessment and Watershed Retrofit planning components
304 of its Stormwater Master Plan by December 31, 2013. The watershed retrofit plans shall evaluate
305 and prioritize retrofit opportunities within the public right-of-way and on County properties.

306

307 The permittee shall continue to seek public comment in development of the updated plan. A copy
308 of the completed plan shall be placed on the permittee's web-site.

309

310 **SPECIFIC REPORTING REQUIREMENTS:**

311

312 **The permittee shall provide the Department a web link to the stream assessment and**
313 **watershed retrofit planning components of the updated Stormwater Master Plan on or before**
314 **December 31, 2013.**

315

- 316 **2. MS4 Program Implementation**
- 317

318 a) ***Construction Site Runoff***

- 319
- 320 1) The permittee shall continue to implement a local erosion and sediment control program to
321 reduce the discharge of pollutants from land disturbing activities that is consistent with the
322 Virginia Erosion and Sediment Control Law and attendant regulations. If through a
323 Department Erosion and Sediment Control Program Review, the permittee's program is
324 not found to be consistent with the Virginia Erosion and Sediment Control Laws and

325 Regulations, the permittee must implement all required items detailed in an approved
326 Corrective Action Agreement (CAA) with the Board in accordance with the schedule in the
327 CAA.

- 328
- 329 2) The permittee shall require erosion and sediment controls in areas identified by the
330 County as erosion impact areas as defined at § 10.1-560 of the Code of Virginia.
- 331
- 332 3) The permittee shall maintain an accurate list of all stormwater management controls in the
333 MS4 program plan that are more stringent than those required under 4VAC 50-30 et seq.
334 that have been adopted by ordinance in accordance with § 10.1-570 of the Code of
335 Virginia.
- 336
- 337 4) On a monthly basis (or in accordance with an alternative schedule provided in writing by
338 the Department), the permittee shall submit to the Department a list of approved land
339 disturbing activities that are 1) greater than or equal to one acre, 2) part of a common plan
340 of development or sale that results in an overall land disturbance that is greater than one
341 acre or 3) a land disturbance greater than 2,500 square feet occurring in a Resource
342 Management Area or Resource Protection Area as defined at 4VAC 50-90-40. For each
343 land-disturbing activity, the permittee shall submit: the activity's location, total acreage
344 disturbed and land disturber's contact information.
- 345
- 346 5) The permittee shall require that large construction activities and small construction
347 activities as defined at 4VAC 50-60-10 including municipal construction activities have
348 secured separate VSMP authorizations to discharge stormwater.
- 349
- 350 6) The permittee shall require the implementation of appropriate controls to minimize
351 pollutant discharge from non-stormwater discharges, such as wastewater, concrete
352 washout, fuels and oils, and other illicit discharges identified during land disturbing activity
353 inspections.
- 354

355 **SPECIFIC REPORTING REQUIREMENTS:**

- 356
- 357 • **Each annual report shall contain the number of regulated land disturbing activities**
358 **approved and the total number of acres disturbed.**
 - 359 • **Each annual report shall contain the number of inspections conducted and the**
360 **number and type of each enforcement action taken.**
- 361
- 362

363 b) ***Post Construction Runoff from Areas of New Development and Development on Prior***
364 ***Developed Lands***

- 365
- 366 1) The permittee shall continue enforcement of local ordinances related to the control of
367 stormwater runoff from new development and development on prior developed lands.
368 Local ordinances shall be updated as required by statutory or regulatory requirements in
369 order to remain consistent with Virginia Stormwater Management Program Regulations
370 (4VAC 50-60 et. seq.).
- 371
- 372 2) The permittee shall maintain and update as necessary a list of all stormwater
373 management controls in the MS4 program plan that are more stringent than those
374 required under 4VAC 50-60 et seq. that have been adopted by ordinance in accordance

375 with § 10.1-603.7 of the Code of Virginia. The permittee shall continue to approve plans
376 implementing these additional stormwater management controls in areas identified by the
377 County as requiring additional water quality protection under the provisions of the
378 Arlington County Code.
379

380 3) Where the permittee has adopted more stringent requirements or implemented a regional
381 or watershed-wide stormwater management plan, it may request, in writing, that the
382 Department consider these requirements as part of its review of state projects within the
383 County’s jurisdictional boundaries.
384

385 4) The permittee shall maintain and update as necessary a list of all stormwater
386 management controls in the MS4 program plan that are more stringent than those
387 required under 4VAC 50-30-10 et seq. that have been adopted by ordinance in
388 accordance with § 10.1-570 of the Code of Virginia.
389

390 5) The permittee shall continue to require adequate long-term operation and annual
391 maintenance of stormwater management facilities by the responsible party. The permittee
392 shall retain copies of these maintenance instruments for its use.
393

394 Should the permittee choose a strategy other than a maintenance agreement to address
395 long term maintenance of stormwater control measures that are designed to treat
396 stormwater runoff solely from the individual residential lot on which they are located, the
397 permittee shall develop a written strategy no later than 12-months after the effective date
398 of this permit. Such a strategy may include periodic inspections, homeowner outreach
399 and education, maintenance agreements or other methods targeted at promoting the long
400 term maintenance of such facilities.
401

402 6) Stormwater management facilities shall be tracked in accordance with Part I.B.2.i)7) of
403 this permit.
404

405 **SPECIFIC REPORTING REQUIREMENTS:**
406

- 407 • **The initial report shall include the permittee’s strategy to address maintenance of**
- 408 **stormwater management controls that are designed to treat stormwater runoff solely**
- 409 **from the individual residential lot on which they are located.**
- 410
- 411 • **By July 1, 2014, the permittee shall submit to the Department a list of all land**
- 412 **disturbing projects that qualify under the ‘Grandfathering’ provision of the VSMP**
- 413 **regulations found at 4VAC50-60-48.**
- 414
- 415 • **Each annual report shall include a summary of actions taken by the permittee to**
- 416 **implement statutory and regulatory requirements of the Virginia Stormwater**
- 417 **Management Program Regulations.**
- 418

419 c) ***Retrofitting on Prior Developed Lands*** No later than 12-months after the effective date of
420 this permit, the permittee shall identify at least seven (7) retrofit projects from its watershed
421 retrofit plans that will be implemented within the County right-of-way or on specific County
422 properties no later than 60-months after the effective date of this permit. The permittee shall
423 submit a summary of the projects and the schedule for implementation to the Department. The
424 permittee may substitute alternative retrofit projects if opportunity exists provided that similar

425 screening is applied to the substituted project as that in the watershed retrofit plans.

426
427 The permittee shall implement tree planting and replacement programs as follows:

- 428
429 1) Plant a minimum of 2,000 trees on County parkland and County-owned rights-of-way no
430 later than 60-months after the effective date of this permit.
431
432 2) Implement a program designed to distribute a minimum of 2,000 trees to private property
433 owners during the term of this permit.
434

435 The permittee shall track the number of retrofit projects, type of land use being retrofitted, total
436 acreage retrofitted and retrofit type by the watershed identified in the retrofit study and location
437 by latitude and longitude in hours, minutes and seconds.
438

439 The permittee shall implement its StormwaterWise Landscapes program to provide cost-
440 sharing and technical assistance for the installation of small-scale practices to reduce
441 stormwater runoff from private properties. No later than 60-months after the effective date of
442 this permit, the permittee shall have implemented this program at a level funded to
443 accommodate a minimum of 200 potential participants.
444

445 **SPECIFIC REPORTING REQUIREMENTS:**

- 446
447 • **Each annual report shall include a list in an electronic format provided to the**
448 **Department of retrofits completed during the reporting cycle. This list shall include**
449 **the type of retrofit, total acreage controlled, total impervious and pervious acreage**
450 **controlled and latitude and longitude.**
451
452 • **Each annual report shall provide a summary of the StormwaterWise program for the**
453 **year as well as cumulative for the permit cycle, including the program**
454 **announcement information, the number of applicants, the number of participants**
455 **selected, the number of participants with completed projects, the number of**
456 **participants with projects still in progress, and the number of participants who**
457 **chose not to complete projects. The report shall also include documentation that**
458 **the annual and cumulative funding for the program is sufficient to accommodate a**
459 **minimum of 200 potential participants by the end of 60 months after the effective**
460 **date of the permit.**
461
462 • **Each annual report shall provide the total number of trees planted on County**
463 **parkland and County-owned rights-of-way during the reporting cycle and cumulative**
464 **for the permit cycle.**
465
466 • **Each annual report shall include the implementation status of planting trees on**
467 **private property including the total number of trees planted on private property**
468 **during the reporting cycle and cumulative for the permit cycle.**
469
470 d) **Roadways** County streets, roads, and parking lots maintained by the permittee shall continue
471 to be operated and maintained in a manner to minimize discharge of pollutants, including those
472 pollutants related to deicing or sanding activities.
473
474 1) The permittee shall continue to implement its street sweeping program and shall sweep a

475 minimum of 25,000 lane miles during this permit cycle.
476

- 477 2) No later than 36-months after the effective date of this permit, the permittee shall develop
478 and implement written protocols for county road, street, and parking lot maintenance,
479 equipment maintenance and material storage designed to minimize pollutant discharge.
480

481 Materials utilized for deicing and sanding activities shall remain covered from precipitation until
482 application.
483

484 **SPECIFIC REPORTING REQUIREMENTS:**
485

- 486 • **The permittee shall include a description of the permittee's street sweeping program**
487 **including the number of lane miles swept each year and the total swept cumulatively**
488 **since permit issuance in each annual report. The permittee shall report the**
489 **associated total tonnage of debris collected annually and cumulatively for the lane**
490 **miles swept.**
491
 - 492 • **The permittee shall include a copy of the written protocols identified in Part I.B.2.d)2)**
493 **with the next annual report that is due after development of the protocols.**
494
- 495 e) ***Pesticide, Herbicide, and Fertilizer Application*** The permittee shall continue to control the
496 discharge of pollutants related to the storage and application of pesticides, herbicides, and
497 fertilizers applied to County rights of way, parks, and other County property, as follows:
498
- 499 1) The permittee shall develop and implement turf and landscape nutrient management plans
500 that have been developed by a certified nutrient management planner in accordance with §
501 10.1-104.2 of the Code of Virginia on all County lands where nutrients are applied to a
502 contiguous area greater than one acre in accordance with the following schedule:
503
 - 504 (a) No later than 12-months after the effective date of this permit the permittee shall identify
505 all County lands where nutrients are applied to a contiguous area of more than one acre.
506 A latitude and longitude shall be provided for each such piece of County land.
507
 - 508 (b) The permittee shall develop and implement turf and landscape nutrient management
509 plans on all County lands where nutrients are applied to a contiguous area of more than
510 one acre. The following measurable goals are established for the development and
511 implementation of turf and landscape nutrient management plans. The permittee shall
512 not fail to meet the measurable goals for two consecutive years.
513
 - 514 (1) No later than 24-months after the effective date of this permit, not less than 15% of all
515 identified acres will be covered by turf and landscape nutrient management plans.
516
 - 517 (2) No later than 36-months after the effective date of this permit, not less than 40% of all
518 identified acres will be covered by turf and landscape nutrient management plans.
519
 - 520 (3) No later than 48-months after the effective date of this permit, not less than 75% of all
521 identified acres will be covered by turf and landscape nutrient management plans.
522
- 523 (c) The permittee shall annually track the following:
524

- (1) The total acreage of County lands upon which nutrients are applied and controlled using general County guidelines or standard operating procedures;
 - (2) The acreage of County lands where turf and landscape nutrient management plans are required; and,
 - (3) The acreage of County lands covered by turf and landscape nutrient management plans.
- 2) The permittee shall continue to employ good housekeeping / pollution prevention measures in the application, storage, transport and disposal of pesticides, herbicides and fertilizers.
 - 3) The permittee may regulate the use, application, or storage of fertilizers pursuant to §3.2-3602 of the Code of Virginia.
 - 4) The permittee shall not apply any deicing agent containing urea or other forms of nitrogen or phosphorus to parking lots, roadways, and sidewalks or other paved surfaces.

SPECIFIC REPORTING REQUIREMENTS:

- **The initial report shall contain a list of all county lands and applicable acreage on which nutrients are applied to more than one contiguous acre.**
 - **Each annual report shall report on compliance with the turf and landscape nutrient management plan implementation schedule and include a list of the County properties for which turf and landscape nutrient management plans have been implemented during the reporting year and the cumulative total of acreage under turf and landscape nutrient management plans.**
 - **Each annual report shall include the number of acres managed under Integrated Pest Management Plans.**
 - **NOTE: Where an item is not required as part of the annual report, its inclusion in the annual report is unnecessary.**
- f) ***Illicit Discharges and Improper Disposal*** Discharges to the MS4 unauthorized by this permit shall be effectively prohibited.
- 1) In accordance with Part I.A.1.b), certain non-stormwater discharges to the MS4 need not be addressed as illicit discharges or improper disposal. The MS4 Program shall identify any non-stormwater discharges that the permittee has allowed under Part I.A.1.b), along with any conditions placed on such non-stormwater discharges to the MS4. The permittee shall prohibit, on a case-by-case basis, any individual non-stormwater discharge (or class of non-stormwater discharges) otherwise allowed under this paragraph that is determined to be contributing significant amounts of pollutants to the MS4.
 - 2) The permittee shall limit the infiltration of seepage from sanitary sewers into the MS4.
- The permittee shall inspect a minimum of 300,000 linear feet of sanitary sewer during this

575 permit cycle.
576

- 577 3) The permittee will continue to implement a program to reduce the discharge of floatables
578 (e.g. litter and other human-generated solid refuse).
579
- 580 4) The permittee shall prohibit the dumping or disposal of used motor vehicle fluids, household
581 hazardous wastes, sanitary sewage, grass clippings, leaf litter, and animal wastes into
582 separate storm sewers. The permittee shall ensure the implementation of programs to
583 collect used motor vehicle fluids (such as oil and antifreeze) for recycling, reuse, or proper
584 disposal and to collect household hazardous waste materials (including paint, solvents,
585 pesticides, herbicides, and other hazardous materials) for recycling, reuse, or proper
586 disposal. Such programs shall be readily available to all private residents and shall be
587 publicized and promoted on a regular basis not less than twice per year.
588
- 589 5) The permittee shall continue to implement a program to locate and eliminate illicit discharges
590 and improper disposal into the MS4. This program shall include dry weather screening
591 activities to locate portions of the MS4 with suspected illicit discharges and improper
592 disposal, as described in Part I.B.2.m)1) of this permit.
593
- 594 6) The permittee shall require the elimination of illicit discharges and improper disposal
595 practices within 30-days of discovery. Where elimination of an illicit discharge within 30-
596 days is not possible, the permittee shall require an expeditious schedule for removal of the
597 discharge. In the interim, the permittee shall require the operator of the illicit discharge to
598 take all reasonable and prudent measures to minimize the discharge of pollutants to the
599 MS4.
600

601 **SPECIFIC REPORTING REQUIREMENTS:**
602

- 603 • **Each annual report shall include a list of illicit discharges identified, the source, a**
604 **description of follow-up activities and whether the illicit discharge has been**
605 **eliminated.**
606
- 607 g) ***Spill Prevention and Response*** The permittee shall continue to implement its program that
608 coordinates Fire Department and other County staff resources to prevent, contain, and
609 respond to spills that may discharge into the MS4. The spill response program may include a
610 combination of spill response actions by the permittee (and/or another public or private entity),
611 and legal requirements for private entities within the permittee's jurisdiction. The permittee
612 shall continue to implement the Trades Center Integrated Spill Prevention, Control, and
613 Countermeasures / Hazardous Material Management Plan.
614

615 **SPECIFIC REPORTING REQUIREMENTS:**
616

- 617 • **Each annual report shall include a list of spills, the source, a description of follow-up**
618 **activities taken and whether the illicit discharge has been eliminated.**
619
- 620 h) ***Industrial & High Risk Runoff*** The permittee shall implement a program to identify and
621 control pollutants in stormwater discharges to the MS4 from industrial and high risk runoff
622 facilities (e.g., municipal landfills; other treatment, storage, or disposal facilities for municipal
623 waste; hazardous waste treatment, storage, disposal and recovery facilities; facilities that are
624 subject to EPCRA Title III, Section 313) and any other industrial or commercial discharges the

625 permittee determines are contributing a substantial pollutant loading to the MS4.
626

- 627 1) The permittee shall maintain, and update as necessary, a list of all known industrial and
628 high-risk dischargers to the MS4. This list will include VPDES permitted facilities and
629 industrial stormwater facilities granted “no-exposure” certification by DEQ.
630
- 631 2) No later than 12-months after the effective date of this permit, the permittee shall develop
632 and implement a prioritized schedule and procedures to inspect outfalls of VPDES-
633 permitted facilities and facilities granted “no-exposure” certification at the point of
634 connection to the MS4. Prioritization may be based on historical discharges, local water
635 quality impairments, industrial category or other method selected by the permittee. The
636 permittee shall inspect all industrial outfalls connected to its MS4 a minimum of once
637 every five years.
638
- 639 3) The permittee shall review copies of all discharge monitoring reports (DMRs) submitted to
640 the permittee by all VPDES permitted industrial facilities as part of the permittee’s
641 investigations of substantial pollutant loadings. The permittee may conduct additional
642 monitoring, or may require the facility to conduct additional monitoring, of any stormwater
643 discharges it believes may be a source of significant pollutant loadings.
644
- 645 4) The permittee shall coordinate with DEQ on any non-VPDES-permitted industrial facility
646 for which it has evidence that a substantial pollutant load is entering the MS4 system.
647 Facility inspections may be carried out in conjunction with other county programs (e.g.,
648 pretreatment inspections of industrial users, health inspections, fire inspections, etc.), but
649 must include random inspections for facilities not normally visited by the permittee.
650
- 651 5) The permittee shall refer the following facilities to the Department of Environmental
652 Quality, Northern Regional Office, for DEQ compliance review under the Virginia State
653 Water Control Law:
654
- 655 (a) Facilities and operations having non-stormwater discharges that do not have
656 coverage under an existing VPDES permit;
 - 657
 - 658 (b) Facilities and operations identified pursuant to 40 CFR §122.26(b)(14) with
659 manufacturing, processing, or raw materials storage outside that do not have
660 coverage under an existing VPDES Industrial Stormwater Permit.
 - 661
 - 662 (c) Any VPDES-permitted facility where there is evidence of significant pollutant
663 loadings to the MS4 as determined by a continued or regular exceedence of effluent
664 limitations or benchmarks demonstrated by monitoring conducted as a requirement
665 of the VPDES permit.
666
 - 667 (d) Facilities that do not submit signed copies of DMRs to the permittee as required
668 under a VPDES-issued permit.
669
- 670 6) The permittee shall maintain a list of any industrial and / or commercial stormwater
671 dischargers not regulated under the Virginia State Water Control Law that it determines
672 may be contributing a significant pollutant loading to the MS4. This list may be individual
673 discharges or categories of discharges.
674

- 675 (a) Outfalls from these facilities shall be included in the prioritized inspection schedule.
676
677 (b) The list shall include, but not be limited to, major automotive facilities such as repair
678 shops, body shops, auto detailers, tire repair shops and service stations.
679
680 (c) The permittee shall require control measures as necessary and/or appropriate for
681 stormwater discharges from these dischargers.
682

683 **SPECIFIC REPORTING REQUIREMENTS:**
684

- 685 • **The initial report shall include a list of all known industrial and high risk dischargers**
686 **including any non-VPDES regulated industrial and commercial stormwater**
687 **dischargers determined by the permittee as contributing a significant pollutant load**
688 **and that discharge to the MS4 system, a schedule of inspections and procedures for**
689 **inspecting outfalls.**
690
 - 691 • **Each annual report shall report on implementation of the inspection schedule and**
692 **include a list of the facilities inspected during the reporting period.**
693
 - 694 • **Each annual report shall include a document listing DEQ coordination activities.**
695
- 696 i) **Storm Sewer Infrastructure Management** The permittee shall continue to maintain and
697 implement programs to maintain the County's stormwater infrastructure and to update the
698 accuracy and inventory of the storm sewer system.
699
- 700 1) The permittee shall continue its stormwater infrastructure inspection inventory,
701 reinvestment, and rehabilitation program in order to protect the integrity and performance of
702 the existing stormwater drainage system.
703
 - 704 2) The permittee shall continue its catch basin cleaning program and shall inspect 5,000 catch
705 basins over the life of this permit. The permittee shall conduct maintenance, as necessary,
706 based upon the inspection's findings.
707
 - 708 3) The permittee shall continue its storm sewer inspection program and shall inspect 425,000
709 linear feet of system during the term of this permit as described in Part I.B.2.m).
710
 - 711 4) The permittee shall collect contaminated flush water associated with storm sewer
712 maintenance and shall dispose of it in accordance with appropriate law and regulations.
713
 - 714 5) A total of thirty-five outfalls scored a 4 or 5 on a severity scale during the County-wide
715 stream assessment. No later than 60 months after the effective date of this permit, the
716 permittee shall complete a pilot project designed to explore how to overcome access
717 issues and to conduct maintenance on three of these identified outfalls associated with the
718 Windy Run and Donaldson Run stream restoration projects. The pilot will explore aspects
719 of maintenance where barriers are encountered, such as physical and legal constraints to
720 obtain access. As part of the pilot project, the permittee will document where efforts to
721 overcome such barriers are successful or unsuccessful. The County shall submit the
722 results of the pilot project with the applicable annual report. The results of this pilot study
723 should be incorporated into future stream restoration efforts.
724

- 725 6) No later than 60 months after the effective date of this permit, the permittee shall
726 summarize the private property and physical access constraints for the remaining outfalls
727 and strategies to perform such maintenance, including possibly in conjunction with the
728 permittee's voluntary long-term stream restoration program. This report shall be submitted
729 with the applicable annual report.
730
- 731 7) The permittee shall track the following for each MS4 outfall:
732
733 (a) An individual identification number, its Arlington County local watershed, HUC and
734 receiving water;
735
736 (b) The latitude and longitude in degrees, minutes and seconds; and
737
738 (c) New outfalls shall be tracked upon their construction.
739
- 740 8) In conjunction with the special condition found in Part I.D.1, the permittee shall identify the
741 following for each Arlington County local watershed, HUC and Chesapeake Bay Segment:
742
743 (a) The number of impervious, pervious and total acres served by the MS4 as of June 30,
744 2009; and
745
746 (b) The number of impervious, pervious and total acres treated by stormwater controls as
747 of June 30, 2009.
748
- 749 9) No later than 54 months of the effective of this permit, the permittee shall update each of
750 the following:
751
752 (a) The number of impervious, pervious and total acres served by the MS4 for each
753 Arlington County local watershed, HUC and Chesapeake Bay segment; and
754
755 (b) The number of impervious, pervious and total acres treated by stormwater controls.
756

757 Note: Acreage from any physically interconnected regulated MS4 shall be excluded from the
758 permittee's delineation of its MS4 service areas.
759

760 **SPECIFIC REPORTING REQUIREMENTS:**
761

- 762 • **Each annual report shall include a progress report on efforts to repair failed storm**
763 **sewer outfalls.**
764
- 765 • **Each annual report shall include the number of catch basins inspected and**
766 **maintained and the linear feet of storm sewers inspected.**
767
- 768 • **The second annual report submitted under this permit shall include the information**
769 **included in Part I. B.2.i)5). The information shall be submitted electronically in excel**
770 **format unless another format is provided by the Department.**
771
- 772 • **Each following annual report shall include an updated list in excel or Department**
773 **provided format of all information requested in Part I. B.2. i) 5).**
774

775 j) **County Facilities** County facilities shall be operated and maintained as follows:
776

777 1) Good Housekeeping
778

- 779 (a) The discharge of county vehicle wash water into the MS4 at county facilities without
780 authorization from a separate VPDES permit shall be prohibited.
781
782 (b) The discharge of wastewater into the MS4 at county facilities without authorization by a
783 separate VPDES permit shall be prohibited.
784
785 (c) The dumping of yard waste and grass clippings into the MS4 shall be prohibited.
786
787 (d) Fluids leaked from municipal vehicles shall be prevented from entering the storm sewer
788 system. Leaked fluids shall be cleaned up and disposed of properly, as soon as
789 possible but no later than 24-hours after discovery.
790
791 (e) No later than 60-months after the effective date of this permit, the permittee shall install
792 and maintain markings on all stormwater inlets located on high priority municipal
793 facilities, as defined at Part I.F, and on County properties with greater than 2-acres of
794 impervious surface.
795

796 2) High Priority Municipal Facilities
797

- 798 (a) The permittee shall continue to implement the stormwater pollution prevention plan for
799 the Arlington County Trades Center.
800
801 (b) The permittee shall identify all additional high priority municipal facilities that do not
802 require a separate VPDES permit no later than 12-months after the effective date of
803 this permit;
804
805 (c) The permittee shall develop and maintain individual stormwater pollution prevention
806 plans for each high-priority municipal facility identified under Part I.B.2.j)2)(b) no later
807 than 36-months after the effective date of this permit. Stormwater pollution prevention
808 plans (SWPPP) shall include:
809
810 (1) A site description that includes a site map identifying all outfalls, direction of flows,
811 existing source controls and receiving water bodies;
812
813 (2) A discussion and checklist of potential pollutants and pollutant sources.
814
815 (3) A discussion of all potential non-stormwater discharges;
816
817 (4) A maintenance schedule for all existing source controls;
818
819 (5) All policies and procedures implemented at the facility to ensure source reduction;
820
821 (6) An inspection schedule and checklist to ensure that all source reductions are
822 continually implemented and all source controls are appropriately maintained;
823
824 (7) Appropriate training as required in Part I.B.2.l);

825
826 (8) Procedures to conduct an annual comprehensive site compliance evaluation;

827
828 (9) Procedures to conduct annual outfall field screening; and

829
830 (10) All modifications made as the result of any release or spill.

831
832 (d) A copy of each SWPPP shall be kept at each high-priority municipal facility and be
833 kept updated.

834
835 **SPECIFIC REPORTING REQUIREMENTS:**

- 836
837 • **The initial annual report shall include a list of all high priority municipal facilities.**
838
839 • **Each annual report shall provide a summary of the County facility retrofit evaluation**
840 **including a list of potential opportunities and schedule for their installation.**

841
842 k) **Public Education** The permittee shall implement a public education program with the goal of
843 increasing the stormwater knowledge of target audiences and changing behavior to result in
844 pollutant reductions. The permittee may fulfill all or part of the requirements of this permit
845 through regional outreach programs involving two or more MS4 localities.

846
847 1) The permittee shall identify, schedule, implement, evaluate and modify, as necessary,
848 public outreach activities designed to meet the following public education and outreach
849 measurable goals:

850
851 (a) Promote, publicize, and facilitate public reporting of the presence of illicit discharges
852 or improper disposal of materials into the MS4;

853
854 (b) Continue to promote individual and group involvement in local water quality
855 improvement initiatives including the promotion of local restoration and clean-up
856 projects, programs, groups, meetings and other opportunities for public involvement;

857
858 (c) Promote, publicize, and facilitate the proper management and disposal of used oil
859 and household hazardous wastes;

860
861 (d) Promote, publicize and facilitate the proper disposal of pet waste and household yard
862 waste;

863
864 (e) Promote, publicize and facilitate the use of the county's recycling program;

865
866 (f) Promote, publicize and facilitate methods for residential car washing that minimize
867 water quality impacts;

868
869 (g) Promote, publicize, and facilitate the proper use, application, and disposal of
870 pesticides, herbicides, and fertilizers by public, commercial, and private applicators
871 and distributors;

872
873 (h) Encourage private property owners to implement retrofits including those described in
874 Part I.B.2.c); and

875
876 (i) Target strategies towards local groups of commercial, industrial, and institutional
877 entities likely to have significant stormwater impacts.
878

- 879 2) The permittee shall post a copy of this permit on its web page no later than 30-days after
880 the effective date of this permit and continue to retain a copy of the permit on-line for the
881 duration of this permit.
882
883 3) The permittee shall post copies of each annual report on its web page no later than 30
884 after the report submittal to the Department and continue to retain copies of the annual
885 reports on-line for the duration of this permit.
886
887 4) The permittee shall make available for public review the most current MS4 Program Plan
888 upon request of interested parties in compliance with all applicable open records
889 requirements.
890

891 **SPECIFIC REPORTING REQUIREMENTS:**
892

- 893 • **Each annual report shall include a list of permittee public outreach and education**
894 **activities and the estimated number of individuals reached through the activities.**
895
- 896 • **Each annual report shall provide a summary of voluntary retrofits completed on**
897 **private property.**
898

899 l) **Training** The permittee shall conduct stormwater training for county employees. The training
900 requirement may be fulfilled all or in part through regional training programs involving two or
901 more MS4 localities; provided, however, that the permittee shall remain individually liable for its
902 failure to comply with the training requirements in this permit. The permittee shall determine
903 the appropriate employees to receive the following types of training based on the specific topic
904 for which training is to be provided:
905

- 906 1) The permittee shall provide annual training to appropriate field personnel in the recognition
907 and reporting of illicit discharges. Documentation of all training events (including agendas
908 and attendance sheets) shall be kept on file for review and all shall be listed in annual
909 reports.
910
- 911 2) The permittee shall provide annual training to appropriate employees in good
912 housekeeping and pollution prevention practices that are to be employed during road,
913 street, and parking lot maintenance. Documentation of all training events (including
914 agendas and attendance sheets) shall be kept on file for review and all events shall be
915 listed in annual reports.
916
- 917 3) The permittee shall provide annual training to appropriate employees in good
918 housekeeping and pollution prevention practices that are to be employed in and around
919 county maintenance and public works facilities. Documentation of all training events
920 (including agendas and attendance sheets) shall be kept on file for review and all events
921 shall be listed in annual reports.
922
- 923 4) The permittee shall ensure that employees, and require that contractors, applying
924 pesticides and herbicides are properly trained or certified per the Virginia Pesticide Control

925 Act (§3.1-249.27 et seq. of the Code of Virginia). The requirements of the Virginia
926 Pesticide Control Act are established by the Virginia Pesticide Control Board.

- 927
- 928 5) The permittee shall ensure that County employees employed as plan reviewers,
929 inspectors, program administrators and construction site operators are trained and obtain
930 the appropriate certifications to the extent required under the Virginia Erosion and
931 Sediment Control Law and attendant regulations.
- 932
- 933 6) The permittee shall ensure that the appropriate County employees receive any required
934 certifications required by the Department to implement the modified stormwater
935 management design criteria.
- 936
- 937 7) The permittee shall provide annual training to appropriate employees in good
938 housekeeping and pollution prevention practices that are to be employed in and around
939 county recreation facilities. Documentation of all training events (including agendas and
940 attendance sheets) shall be kept on file for review and all events shall be listed in annual
941 reports.
- 942
- 943 8) The appropriate emergency response employees shall have training in spill response. A
944 summary of the training/certification program provided to emergency response employees
945 shall be included in the first annual report.

946

947 The permittee shall keep documentation on each training event including the training date, the
948 number of employees attending and the objective of the training event.

949

950 **SPECIFIC REPORTING REQUIREMENTS:**

- 951
- 952 • **Each annual report shall include a list of training events, the date and the estimated**
953 **number of individuals attending each event.**
 - 954
 - 955 • **The initial report shall include documentation of employee emergency response spill**
956 **response training/certification.**

- 957
- 958 m) **Water Quality Screening Programs** The following screening programs shall be implemented
959 in addition to the monitoring required by Part I.C:

- 960
- 961 1) **Dry Weather Screening Program:** The permittee shall continue ongoing efforts to detect
962 the presence of illicit connections and unauthorized discharges to the MS4. The permittee
963 shall conduct the following screening activities during this permit term:
- 964
- 965 (a) Annual inspection of an average of 85,000 linear feet of the piped stormwater
966 system using CCTV;
 - 967
 - 968 (b) Continued monthly bacteria sampling at eleven (11) locations within the Four Mile
969 Run watershed as described in Part I.C.1.a);
 - 970
 - 971 (c) Targeted bacteria sampling in at least 3 additional watersheds as described in Part
972 I.C. 2.b);
 - 973
 - 974 (d) Annual screening of all outfalls that drain the Shirlington commercial district and the

975 South Four Mile Run Drive industrial area Screening methodology may be modified
976 based on experience gained during actual field screening activities and need not
977 conform to the protocol at 40 CFR 122.26(d)(1)(iv)(D). Sample analysis need not
978 conform to 40 CFR Part 136. Dry weather screening procedures shall be
979 documented in the MS4 Program Plan.
980

- 981 2) **Wet Weather Screening Program:** The permittee shall investigate, and address known
982 areas within its jurisdiction that are contributing excessive levels of pollutants including
983 floatables to the MS4.
984
- 985 (a) No later than 12-months after the effective date of this permit, the permittee shall
986 identify a prioritized list of areas thought to contribute significant pollutant loads
987 during wet weather events and develop a wet weather screening plan for two areas
988 to determine the contribution.
989
- 990 (b) No later than 18-months after the effective date of this permit, the permittee shall
991 implement the wet weather screening plan.
992

993 **SPECIFIC REPORTING REQUIREMENTS:**
994

- 995 • **The initial report shall include the procedures and methodologies and an annual**
996 **schedule for conducting dry weather screening for the Shirlington commercial**
997 **district and the South Four Mile Run Drive industrial area.**
998
- 999 • **The initial report shall include the procedures and methodologies and an annual**
L000 **schedule for conducting wet weather screening.**
L001
- L002 • **Each annual report shall include a list of locations upon which dry weather**
L003 **screening was conducted, the results and any follow-up actions taken as a result of**
L004 **the dry weather screening.**
L005
- L006 • **Each annual report shall include a list of locations upon which wet weather**
L007 **screening was conducted, the results and any follow-up actions taken as a result of**
L008 **the wet weather screening.**
L009

L010 **C. MONITORING REQUIREMENTS**
L011

L012 **1. Bacteriological Monitoring**
L013

- L014 a) *Four-Mile Run Watershed* The permittee shall continue its long term Four-Mile Run
L015 bacteriological monitoring activities to evaluate the effectiveness of its efforts to reduce
L016 bacterial pollutant loadings. This program shall continue to be implemented as follows:
L017
- L018 1) The permittee shall use the Coliscan EasyGel method to analyze in-stream *E. coli*
L019 concentrations.
L020
- L021 2) The permittee shall collect monthly samples at each of the following locations in Four-Mile
L022 Run identified in Table 1:
L023
L024

Table 1: Four-Mile Run Bacteriological Monitoring Locations, Arlington County

<u>Site Number</u>	<u>General Location</u>	<u>Watershed Location</u>
1	Benjamin Banneker Park, below Van Buren St.	Upper Four-Mile Run
2	East Fall Church Park (N. Roosevelt Street)	Upper Four-Mile Run
3	Bluemont Park	Below conf of small trib from I-66
4	Glencarlyn Park, near N. Carlin Springs Road	Above conf. of Lubber Run Tributary
5	Glencarlyn Park	Below conf. of Lubber Run Tributary
6	Glencarlyn Park	Upper Long Branch above dog park
7	Glencarlyn Park	Below conf. of Upper Long Branch
8	Glencarlyn Park	Below conf. w/ small trib at 7 th Street
9	Barcroft Park	Below conf. w/ Doctor's Branch
10	Troy Park	Lower Long Branch Tributary
11	Mt. Vernon Ave bridge	Lower Four Mile Run

- 3) The permittee may rely on community volunteers to conduct bacteriological monitoring.
- 4) The permittee shall analyze the data for relationships with precipitation events including recent (occurred within 24-hours of sampling) and long term (total monthly precipitation).
- 5) The permittee shall review the monitoring results to determine long term trends.
- 6) The permittee shall look for relationships between average *E. coli* concentration and sanitary capital and operational maintenance projects.

b) **Additional Watersheds** The permittee shall develop bacteriological monitoring efforts for three additional watersheds in which bacteriological impairments exist within its jurisdictional limits. The permittee shall:

- 1) No later than 12-months after the effective date of this permit, select the three watersheds and the monitoring locations;
- 2) No later than 12-months after the effective date of this permit, develop the monitoring procedures using the Four Mile Run effort as a template; and,
- 3) No later than 18-months after the effective date of this permit, the permittee shall implement the monitoring procedures in Part I.C.1.b)2).

SPECIFIC REPORTING REQUIREMENTS:

- The initial report shall include a list of the selected watersheds and monitoring locations and a copy of the monitoring procedures to be utilized in monitoring the selected watersheds.
- The annual report shall include a summary of the monitoring results.

2. **Biological Stream Monitoring** The permittee shall continue its biological stream monitoring program to evaluate the health of existing streams and the long term effectiveness of its stormwater management program. With the application for permit reissuance, the permittee shall

provide a detailed analysis of any long-term trends in local stream health identified during this permit. This program shall continue to be implemented as follows:

- a) The permittee shall use a biological stream monitoring protocol based on EPA's Rapid Bioassessment Protocol 2 and shall include habitat assessment, temperature and pH measurements, and an assessment of the benthic macroinvertebrate community. The developed protocol shall be available on the permittee's website.
- b) Monitoring shall be conducted a minimum of twice per year with sampling events occurring between January 1 and June 30 and July 1 and December 31 at each monitoring location.
- c) Monitoring shall continue at the following locations listed in Table 2.

Table 2: Biological Stream Monitoring Locations, Arlington County

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

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

SPECIFIC REPORTING REQUIREMENTS:

- **The annual report shall include a summary of the monitoring results and analyses and an interpretation of that data with respect to long-term patterns/trends.**

3. **Floatables Monitoring** The permittee shall continue to conduct surveys of floatables. The intent of the surveys is to document the effectiveness of the litter control programs for the MS4 and may be accomplished through a volunteer program. Surveys shall be performed in accordance with the following procedures:

- a) Select representative sampling sites in ditches, streams, or channels that discharge to or receive drainage from the MS4. Visually count all floatable material (excluding natural vegetation), trash, and refuse (e.g.: plastic trash bags, bottles, car batteries, shopping carts, etc.) located in the sampling site, visible on the channel bottom, along banks (up to high water mark), or suspended in vegetation located in the sample site. Sites shall be at least 100 feet in length, and sampled during or before any litter pickup.
- b) The permittee shall maintain the following records and include a summary of results and

trends in each annual report: location of the sample site, total site "counts", and months since the last trash and floatables pick-up from the sampled section.

- c) The permittee shall provide a detailed analysis with the application for permit reissuance on any long-term trends identified during this permit cycle including any significant differences found between BMP treatments.

SPECIFIC REPORTING REQUIREMENTS:

- **The annual report shall include a summary of the monitoring results and analyses.**

4. Structural and Source Controls Compliance Monitoring and Tracking

- a) The permittee shall maintain an updated electronic database of all known county owned and privately owned stormwater management (SWM) facilities.

The database shall include the following:

- 1) The SWM facility type, address and latitude, longitude;
- 2) The acres treated for total, pervious and impervious;
- 3) The date brought on line (MMYYYY). If the date is unknown, the permittee shall use June 2005 as the date brought on line for all previously existing SWM facilities;
- 4) The hydrologic unit code (HUC) in which the SWM facility is located;
- 5) The name of any impaired water segments within each HUC listed on the most recent 305(b)/303(d) Water Quality Assessment Integrated Report to which the SWM facility discharges;
- 6) Whether the SWM facility is county owned or privately owned;
- 7) Whether the SWM facility discharges into the MS4;
- 8) Whether a maintenance agreement exists if the SWM is privately owned; and
- 9) The date of last inspection.

An electronic database or spreadsheet of all known SWM facilities brought on line during each reporting year shall be submitted with the appropriate annual report. Upon such time as the Department provides the permittee access to a statewide web-based reporting database, the permittee shall utilize such database to complete the reporting requirements of this permit.

No later than 36-months of the effective date of this permit, the database shall be updated to include the required information for SWM facilities known to exist prior to issuance of this permit. The updated information shall be submitted in electronic format with the fourth annual report.

- b) The permittee shall send notice to privately owned SWM facility owners reminding them of

1152 their inspection and maintenance requirements under their recorded inspection schedule and
1153 maintenance agreements. The permittee shall inspect at least once during this permit cycle
1154 all SWM facilities where the owner has failed at least twice to submit an annual inspection
1155 report. The permittee shall inspect at least once during this permit cycle a random subset of
1156 10 percent of those SWM facilities whose owner's have submitted an annual inspection
1157 report.

- 1158
- 1159 c) Beginning with the effective date of this permit, maintenance agreements may be used but
1160 are not required for stormwater control measures that are designed to treat stormwater runoff
1161 solely from the individual residential lot on which they are located provided that the permittee
1162 has developed and implemented a strategy to address maintenance of such stormwater
1163 management controls. Should the permittee choose a strategy other than a maintenance
1164 agreement, such a strategy shall be in writing no later than 12 months after the effective date
1165 of this permit and may include periodic inspections, homeowner outreach and education, or
1166 other methods targeted at promoting the long term maintenance of such facilities.
1167
- 1168 d) For SWM facilities owned by the permittee, the following conditions apply:
- 1169
- 1170 1) The permittee shall provide for adequate long-term operation and maintenance of its
1171 stormwater management facilities in accordance with written inspection and maintenance
1172 procedures included in the MS4 Program Plan.
1173
- 1174 2) The permittee shall inspect these stormwater management facilities annually. The
1175 permittee may choose to implement an alternative schedule to inspect these stormwater
1176 management facilities based on facility type and expected maintenance needs provided
1177 that the alternative schedule is included in the MS4 Program Plan.
1178
- 1179 3) The permittee shall conduct maintenance on its stormwater management facilities as
1180 necessary.
1181
- 1182 e) Facilities that provide peak flow control as required under Chapter 60 of the Arlington County
1183 Code are excluded from the requirements of this section. Inspection and maintenance
1184 requirements for these facilities shall be governed by Chapter 60.
1185

1186 **SPECIFIC REPORTING REQUIREMENTS:**
1187

- 1188 • **Each annual report shall include a copy of the updated database in electronic format.**
- 1189
- 1190 • **Each annual report shall include a summary of the program to ensure maintenance of**
1191 **private stormwater management facilities.**
- 1192
- 1193 • **Each annual report shall include a summary of the program to ensure maintenance of**
1194 **stormwater management facilities owned by the permittee.**
- 1195
- 1196 • **The third annual report submitted under this permit shall include an updated list of**
1197 **stormwater management facilities existing prior to issuance of this permit.**
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1199 **D. TMDL ACTION PLAN AND IMPLEMENTATION**
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1201 1. **Chesapeake Bay Special Condition**

The Commonwealth in its Phase I and Phase II Chesapeake Bay TMDL Watershed Implementation Plans (WIP) committed to a phased approach for MS4s affording MS4s permittees up to three full five-year permit cycles to implement necessary reductions. This permit is consistent with the Chesapeake Bay TMDL and the Virginia Phase I and II WIPs to meet the Level 2 (L2) scoping run for existing developed lands as it represents an implementation of 5% of L2 as specified in the 2010 Phase I WIP. Conditions of future permits will be consistent with the TMDL or WIP conditions in place at the time of permit issuance.

a) **Definitions** The following definitions apply to this permit for the purpose of the Special Condition for Discharges in the Chesapeake Bay Watershed:

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

b) **Chesapeake Bay Watershed TMDL Planning**

- 1) No later than 24-months after the effective date of this permit, the permittee shall develop and submit to the Department for its review and acceptance an approvable phased Chesapeake Bay TMDL Action Plan that includes:
 - (a) A review of the current MS4 program including existing legal authorities and the permittee's ability ensure compliance with this special condition;
 - (b) Identifies any new or modified legal authorities, such as ordinances, permits, orders, contracts and inter-jurisdictional agreements, implemented to meet the requirements of this special condition;
 - (c) The means and methods utilized to address discharges into the MS4 from new sources.
 - (d) An estimate of the annual POC loads discharged from the existing sources as of June 30, 2008 based on the 2009 progress run. The permittee shall utilize Table 3 and multiply the total existing acres served by the MS4 on June 30, 2009 and the 2009 Edge of Stream (EOS) Loading Rate.

Table 3: Calculation Sheet for Estimating Existing Source Loads for the Potomac River Basin

(Based on Chesapeake Bay Program Watershed Model Phase 5.3.2)

<u>Subsource</u>	<u>Pollutant</u>	<u>Total Existing Acres Served by MS4 (6/30/09)</u>	<u>2009 EOS Loading Rate (lbs/ac)</u>	<u>Estimated Total POC Load Based on 2009 Progress Run</u>
Regulated Urban Impervious	Nitrogen		16.86	

Regulated Urban Pervious			10.07	
Regulated Urban Impervious	Phosphorus		1.62	
Regulated Urban Pervious			0.41	
Regulated Urban Impervious	Total Suspended Solids		1,171.32	
Regulated Urban Pervious			175.8	

- (e) A determination of the total pollutant load reductions necessary to reduce the annual POC existing loads using Table 4 by multiplying the total existing acres served by the total reduction required during the first permit cycle.

Table 4: Calculation Sheet for Determining Total POC Reductions Required During this Permit Cycle for the Potomac River Basin				
(Based on Chesapeake Bay Program Watershed Model Phase 5.3.2)				
<u>Subsource</u>	<u>Pollutant</u>	<u>Total Existing Acres Served by MS4 (6/30/09)</u>	<u>First Permit Cycle Requiring Reduction in Loading Rate (lbs/ac)</u>	<u>Total Reduction Required During First Permit Cycle (lbs)</u>
Regulated Urban Impervious	Nitrogen		0.08	
Regulated Urban Pervious			0.03	
Regulated Urban Impervious	Phosphorus		0.01	
Regulated Urban Pervious			0.001	
Regulated Urban Impervious	Total Suspended Solids		11.71	
Regulated Urban Pervious			0.77	

- (f) The means and methods, such as the management practices and retrofit programs that will be utilized to meet the required reductions identified in Part I.D.1.b (e) and a schedule to achieve those reductions. The schedule should include annual benchmarks to demonstrate the on-going progress in meeting the reductions.
- (g) The means and methods to offset the increased loads from new sources initiating construction between July 1, 2009 and June 30, 2014 that disturb greater than one acre as a result of the utilization of an average land cover condition greater than 16% impervious cover for the design of post development stormwater management facilities. The permittee shall utilize Table 4 to develop the equivalent pollutant load for nitrogen and total suspended solids. The permittee shall offset 5% of the calculated increased

load from these new sources during the permit cycle.

- (h) The means and methods to offset the increase loads from grandfathered projects that disturb greater than one acre that being constructed after July 1, 2014 where the project utilized an average land cover condition greater than 16% impervious cover in the design of post development stormwater management facilities. The permittee shall utilize Table 5 to develop the equivalent pollutant load for nitrogen and total suspended solids.

Table 5: Ratio of Phosphorus Loading Rate to Nitrogen and Total Suspended Solids Loading Rates for Chesapeake Bay Basins (Based on Chesapeake Bay Program Watershed Model Phase 5.3.2)			
<u>Ratio of Phosphorus to Other POCs (Based on All Land Uses 2009 Progress Run)</u>	<u>Phosphorus Loading Rate (lbs/ac)</u>	<u>Nitrogen Loading Rate (lbs/ac)</u>	<u>Total Suspended Solids Loading Rate (lbs/ac)</u>
Potomac River Basin	1.0	6.9	469.2

- (i) A list of future projects and associated acreage that qualify as grandfathered in accordance with 4VAC50-60-48.
 - (j) An estimate of the expected cost to implement the necessary reductions during the permit cycle;
 - (k) An opportunity for receipt and consideration of public comment the draft Chesapeake Bay TMDL Action Plan; and,
 - (l) A list of all comments received as a result of public comment and any modifications made to the draft Chesapeake Bay Action Plan as a result of the public comments.
 - (m) Unless specifically denied by the Department in writing, the Chesapeake Bay TMDL Action Program Plan becomes effective and enforceable 60-days after the date received by the Department.
- 2) As part of development of the Chesapeake Bay TMDL Action Plan, the permittee shall consider use of the following:
- (a) Implementation of BMPs on unregulated urban lands provided the baseline reduction is subtracted from the total reduction prior to application of the reduction towards meeting the required reductions.
 - (b) Utilization of stream restoration projects provided the credit applied to the required POC load reduction is prorated based on the ratio of regulated urban acres to total drainage acres upstream of the restored area.
 - (c) Establishment of a memorandum of understanding (MOU) with other MS4 permittees that discharge to the same river basin to implement BMPs collectively. The MOU shall include a mechanism for dividing the POC reductions created by BMP implementation between the cooperative MS4s.

(d) Utilization of any pollutant trading or offset program in accordance with §10.1-603.15:1 et seq. of the Code of Virginia governing trading and offsetting.

3) The permittee shall address any modification to the TMDL or watershed implementation plan that occurs during the term of this permit as part of its permit reapplication.

c) Chesapeake Bay TMDL Action Plan Implementation

1) The permittee shall implement the TMDL action required in Part I.D.1.b.1 of this permit according to the schedule therein. Compliance with this requirement represents adequate progress for this permit term towards achieving TMDL wasteload allocations consistent with the assumptions and requirements of the TMDL and shall be included in annual reports subsequent to the submission of the Chesapeake Bay Action Plan.

2) For the purposes of this permit, the implementation of the following represents the minimum requirements of the TMDL action plan:

(a) Implementation of turf and landscape nutrient management plans in accordance Part I.B.2.e);

(b) Implementation of Part I.B.2.a) in accordance with this permit shall address discharges from transitional sources;

(c) Implementation of the means and methods to address discharges from new sources in accordance with Part I.B.2.b) and in order to offset 5% of the total increase in POC loads between July 1, 2009 and June 30, 2014. Increases in the POC load from grandfathered projects initiating construction after July 1, 2014 must be offset prior to completion of the project; and,

(d) Implementation of means and methods sufficient to meet required reductions of POC loads from existing sources defined in this permit in accordance with the Chesapeake Bay TMDL Action Plan.

d) Annual Reporting Requirements

1) In accordance with Part I D.1.b)1), the permittee shall submit the Chesapeake Bay Action Plan.

2) Each subsequent annual report shall included a list of control measures implemented during the reporting period and the cumulative progress toward meeting the compliance targets for total nitrogen, phosphorus, and total suspended soils.

3) Each subsequent annual report shall include a list of control measures, in an electronic format provided by the department, that were implemented during the reporting cycle and the estimated reduction achieved by the control. For stormwater management controls, the report shall include the information required in Part I.C.4.a).and shall include whether an existing stormwater management control was retrofitted, and if so, the existing stormwater management control type retrofit used.

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- 4) Each annual report shall include a list of control measures that are expected to be implemented during the next reporting period and the expected progress toward meeting the compliance targets for total nitrogen, phosphorus, and total suspended solids.
 - 5) No later than 54-months after the effective date of this permit, the permittee shall submit the following to the Department:
 - (a) Documentation that sufficient control measures have been implemented (or documentation detailing that implementation will be complete by the expiration date of this permit) to meet the compliance target identified in this Special Condition. If temporary credits or offsets have been purchased in order to meet the compliance target, the list of temporary reductions utilized to meet the 5% reduction in this permit and a schedule of implementation to ensure a permanent 5% reduction must be provided; and,
 - (b) A draft second phase Chesapeake Bay TMDL Action Plan designed to reduce the existing pollutant of concern loads by an additional seven times the required reductions in loading rates using Table 4 of Part I.D.1.b. of this permit unless alternative calculations have been provided by the Commonwealth. The total required reductions of pollutants of concern does not need to exceed an overall total of eight times the required reductions in loading rates when combining this the required reductions of this permit and the reductions of the draft second phase.

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2. TMDL Action Plans other than the Chesapeake Bay TMDL

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a) **TMDL Action Plan Development**

The permittee shall maintain an updated MS4 Program Plan that includes TMDL Action Plans for pollutants in which wasteloads have been allocated to the MS4 in approved TMDLs. Approved TMDLs as of the effective date of this permit are included in Attachment A of this permit. TMDL Action Plans may be implemented in multiple phases over more than one permit cycle using the adaptive iterative approach provided adequate progress is made to reduce pollutant discharges in a manner that is consistent with the assumptions and requirements of the applicable TMDL wasteload allocations. Progress shall be demonstrated by representative and adequate monitoring or other methods (e.g. modeling) as described in Part I.D.2.b) 5) below. These TMDL Actions Plans shall identify the best management practices and other interim milestone activities to be implemented during the remaining term of this permit.—The plan shall include an estimated end date for achieving the applicable wasteload allocations and, for planning purposes, a projection of BMPs and other implementation steps expected to address the WLA, outside of the permit term, as applicable.

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- 1) No later than 24 months after the effective date of this permit, the permittee shall update the MS4 Program Plans to address any new or modified requirements established under this Special Condition for pollutants identified in TMDL wasteload allocations approved prior to July 8, 2008.
 - 2) No later than 24 months after the effective date of this permit, the permittee shall update the MS4 Program Plan to incorporate Action Plans that identify the best management practices and other implementation steps that will be implemented during the remaining term of this

permit for pollutants identified in TMDL wasteload allocations approved either on or after July 8, 2008 and prior to issuance of this permit.

- 3) No later than 24 months after the approval of a TMDL which allocates a pollutant wasteload to the permittee, the permittee shall update the MS4 Program Plan with TMDL Action Plans that identify the best management practices and other steps that will be implemented during the remaining term of this permit for pollutants identified in TMDL wasteload allocations approved after issuance of this permit for impairment listed on 2012 303(d)/305(b) list and for which a TMDL schedule identifies its development as occurring during this permit cycle.
- 4) Unless specifically denied by the Department in writing, TMDL Action Plans become effective and enforceable 60-days after the date received by the Department.

b) **TMDL Action Plan Content** The permittee shall:

- 1) Develop and maintain a list of its legal authorities such as ordinances, permits, order, specific contract language, and inter-jurisdictional agreements applicable to reducing the pollutant identified in a WLA;
- 2) Identify and maintain an updated list of all additional management practices, control techniques and system design and engineering methods, beyond those identified in Section I B, that have been implemented as part of the MS4 Program Plan that are applicable to reducing the pollutant identified in the WLA;
- 3) Enhance the public education and outreach and employee training programs to also promote methods to eliminate and reduce discharges of the pollutants identified in the WLA;
- 4) Assess all facilities of concern owned or operated by the permittee that are not covered under a separate VPDES permit and identify all municipal facilities that may be a significant source of the identified pollutant. For the purpose of this assessment, significant source is identified as facilities of concern where the pollutant discharge is expected to be greater than that average expected existing discharge for the land use identified in the TMDL. For example, the discharge of bacteria would be expected to be greater at a dog park than at other recreational facilities where dogs are prohibited.
- 5) Develop and implemented a method to assess TMDL Action Plans for their effectiveness in reducing the pollutants identified in the WLAs. The evaluation shall use any newly available information, water quality monitoring results or modeling tools to estimate pollutant reductions for the pollutant(s) of concern from implementation of the MS4 Program Plan. Monitoring may include BMP, outfall, or in-stream monitoring, utilize existing data, establish partnerships, or collaborate with other or other third parties, as appropriate. This evaluation shall include assessment of the facilities identified in d above. The methodology used for assessment shall be described in the TMDL Action Plan.

3. **Monitoring** Analytical methods for any monitoring shall be conducted according to procedures approved under 40 CFR Part 136 or alternative methods approved by the Environmental Protection Agency (EPA). Where an approved 40 CFR Part 136 method does not exist, the permittee shall use

L446 a method consistent with the TMDL.
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- L448 4. The permittee is encouraged to participate as a stakeholder in the development of any TMDL
L449 implementation plans applicable to their discharge. The permittee may incorporate applicable best
L450 management practices identified in the TMDL implementation plan in the MS4 Program Plan or may
L451 choose to implement BMPs of equivalent design and efficiency provided that the rationale for any
L452 substituted BMP is provided and the efficiency provided that the rationale for any substituted BMP is
L453 provided and the substituted BMP is consistent with the assumptions and requirements of the TMDL
L454 WLA.
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L456 **5. Annual Reporting Requirements**
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- L458 a) The permittee shall submit the required TMDL Action Plans for its review and acceptance with the
L459 appropriate annual report associated schedule identified in this permit.
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L461 b) The permittee shall report on the implementation of the TMDL Action Plans and associated
L462 evaluation including the results of any monitoring conducted as part of the evaluation.
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L464 6. The permittee shall identify the best management practices and other steps that will be implemented
L465 during the next permit term as part of the permittee's reapplication for coverage as required under
L466 Section II.M. The permittee shall also evaluate and modify the estimated end date for achieving the
L467 applicable wasteload based on information acquired during the permit cycle.
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L469 **E. Annual Reporting**
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L471 The permittee shall submit the annual report to the Department of Conservation and Recreation, no
L472 later than October 1 of each year. The report shall cover the previous fiscal year from July 1 to June
L473 30 and include the following separate sections:
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- L475 1. Background Information
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L477 a) The permittee and permit number of the program submitting the annual report;
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L479 b) Any modifications to the MS4 Program Plan as a result of the annual report;
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L481 c) The reporting dates for which the annual report is being submitted; and,
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L483 d) Certification as per Part II.K.
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L485 2. A summary of the implementation of each of the components established under Part I.B. and an
L486 evaluation of the effectiveness of each component. The permittee should attempt to limit any
L487 component's narrative summary to no longer than two-pages plus any necessary tables and
L488 figures.
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L490 3. A summary report of the monitoring programs listed under Part I.C.
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L492 4. A summary of the implementation of each component listed under Part I.D.
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L494 5. The Specific Reporting Requirements identified in this permit.

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L497 **F. DEFINITIONS**
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L499 Definitions contained in the Virginia Stormwater Management Act, Part I (4VAC50-60-10) and Federal
L500 NPDES rules, 40 CFR Part 122, apply where a definition is not specified below. Unless otherwise
L501 specified in this permit, additional definitions or words or phrases used in this permit are as follows:
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- L503 1. "Best management practice" or "BMP" means schedules of activities, prohibitions of practices,
L504 including both structural and nonstructural practices, maintenance procedures, and other
L505 management practices to prevent or reduce the pollution of surface waters and groundwater
L506 systems from the impacts of land-disturbing activities.
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- L508 2. "Board" means the Virginia Soil and Water Conservation Board
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- L510 3. "Date brought on line" means the date when the permittee determines that a new stormwater
L511 management facility is properly functioning to meet its designed pollutant load reduction.
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- L513 4. "DCR" or "Department" means the Department of Conservation and Recreation.
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- L515 5. "DEQ" means the Department of Environmental Quality
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- L517 6. "High priority municipal facility" means any facility owned and operated by the permittee or
L518 regulated under this permit that performs fleet maintenance; recycling activities, outdoor equipment
L519 and machinery storage; or the unloading, loading or storage of erodible, floatable or soluble
L520 materials or chemicals without protection from exposure to precipitation.
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- L522 7. "Industrial land use" means land utilized in connection with manufacturing, processing, or raw
L523 materials storage at facilities identified under 40 CFR §122.26(b)(14).
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- L525 8. "Maintenance" means maintenance on the MS4 and associated structural stormwater controls
L526 including, but not limited to, activities such as inspections of basins and ponds; repair and
L527 replacement of failed controls, mowing grass filter strips; regular removal of litter and debris from
L528 dry ponds, forebays and water quality inlets; periodic stabilization and revegetation of eroded areas;
L529 periodic removal and replacement of filter media from infiltration trenches and filtration ponds;
L530 periodic removal of trash and sediment; deep tilling of infiltration basins to maintain capacity;
L531 vacuuming or jet hosing of porous pavement or concrete grid pavements; and, removal of litter and
L532 debris from wet weather conveyances.
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- L534 9. "Permittee" means Arlington County.
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- L536 10. "Physically interconnected" means that one MS4 is connected to a second MS4 in such a manner
L537 that it allows for direct discharges to the second system.
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- L539 11. "Retrofit" means the modification of existing stormwater management facilities, as defined herein,
L540 including flood control structures, through construction and/or enhancement in order to address
L541 water quality improvements. Retrofit also means the installation or implementation of source
L542 reductions to provide water quality improvements on previously developed land where no
L543 stormwater source reductions previously existed.
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L546 **PART II-CONDITIONS APPLICABLE TO ALL VSMP MS4 PERMITS**
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L548 **A. MONITORING**
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- L550 1. Samples and measurements taken for the purpose of monitoring shall be representative of the
L551 monitored activity.
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L553 2. Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 or
L554 alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures
L555 have been specified in this permit.
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L557 3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and
L558 analytical instrumentation at intervals that will ensure accuracy of measurements.
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L560 **B. RECORDS**
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- L562 1. Monitoring records/reports shall include:
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L564 a) The date, exact place, and time of sampling or measurements;
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L566 b) The individual(s) who performed the sampling or measurements;
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L568 c) The date(s) and time(s) analyses were performed;
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L570 d) The individual(s) who performed the analyses;
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L572 e) The analytical techniques or methods used; and
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L574 f) The results of such analyses.
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L576 2. The permittee shall retain records of all monitoring information, including all calibration and
L577 maintenance records and all original strip chart recordings for continuous monitoring
L578 instrumentation; copies of all reports required by this permit; and records of all data used to
L579 complete the registration statement for this permit, for a period of at least 3 years from the date of
L580 the sample, measurement, report or request for coverage. This period of retention shall be
L581 extended automatically during the course of any unresolved litigation regarding the regulated activity
L582 or regarding control standards applicable to the permittee, or as requested by the Board.
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L584 **C. REPORTING MONITORING RESULTS**
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- L586 1. Monitoring results shall be submitted as part of the annual report unless otherwise specified in this
L587 permit to the Department of Conservation and Recreation, Division of Soil and Water
L588 Conservation, Stormwater Permitting, 203 Governor Street, Suite 206, Richmond, VA 23219.
L589
L590 2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided,
L591 approved or specified by the Department. For the purposes of this permit, the permittee may report
L592 the results of any monitoring in any format provided that the date, location, parameter, method, and
L593 result of the monitoring activity are included.
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- L595 3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than
L596 required by this permit using test procedures approved under 40 CFR Part 136 or using other test
L597 procedures approved by the U.S. Environmental Protection Agency or using procedures specified in
L598 this permit, the results of this monitoring shall be included in the calculation and reporting of the data
L599 submitted in the DMR or reporting form specified by the Department.
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- L601 4. Calculations for all limitations other than those calculated for bacteria that require averaging of
L602 measurements shall utilize an arithmetic mean unless otherwise specified in this permit.
L603 Calculations for calculated for bacteria limitations that require averaging of measurements shall
L604 utilize a geometric mean unless otherwise specified in this permit.
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L606 **D. DUTY TO PROVIDE INFORMATION**

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L608 The permittee shall furnish to the Department, within a reasonable time, any information which the
L609 Board may request to determine whether cause exists for modifying, revoking and reissuing, or
L610 terminating this permit or to determine compliance with this permit. The Board may require the
L611 permittee to furnish, upon request, such plans, specifications, and other pertinent information as may
L612 be necessary to determine the effect of the wastes from this discharge on the quality of surface waters,
L613 or such other information as may be necessary to accomplish the purposes of the Virginia Stormwater
L614 Management Act. The permittee shall also furnish to the Department upon request, copies of records
L615 required to be kept by this permit.
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L617 **E. COMPLIANCE SCHEDULE REPORTS**

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L619 Reports of compliance or noncompliance with, or any progress reports on, interim and final
L620 requirements contained in any compliance schedule of this permit shall be submitted no later than 14
L621 days following each schedule date.
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L623 **F. UNAUTHORIZED STORMWATER DISCHARGES**

L624
L625 Pursuant to § 10.1-603.2:2 (A) of the Code of Virginia, except in compliance with a permit issued by the
L626 board, it shall be unlawful to cause a stormwater discharge from a MS4.
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L628 **G. REPORTS OF UNAUTHORIZED DISCHARGES**

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L630 Any operator of a regulated MS4 who discharges or causes or allows a discharge of sewage, industrial
L631 waste, other wastes or any noxious or deleterious substance or a hazardous substance or oil in an
L632 amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40
L633 CFR Part 117 or 40 CFR Part 302 that occurs during a 24-hour period into or upon surface waters; or
L634 who discharges or causes or allows a discharge that may reasonably be expected to enter surface
L635 waters, shall notify the Department of Environmental Quality of the discharge immediately upon
L636 discovery of the discharge, but in no case later than within 24 hours after said discovery. A written
L637 report of the unauthorized discharge shall be submitted to the Department of Environmental Quality
L638 and the Department, within five days of discovery of the discharge. The written report shall contain:
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- L640 1. A description of the nature and location of the discharge;
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L642 2. The cause of the discharge;
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L644 3. The date on which the discharge occurred;

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

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Discharges reportable to the Department of Environmental Quality and the Department under the immediate reporting requirements of other regulations are exempted from this requirement.

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H. REPORTS OF UNUSUAL OR EXTRAORDINARY DISCHARGES

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If any unusual or extraordinary discharge including “bypass” or “upset”, as defined herein, should occur from a facility and the discharge enters or could be expected to enter surface waters, the permittee shall promptly notify, in no case later than 24 hours, the Department of Environmental Quality and the Department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall produce a written report and submit it to the Department of Environmental Quality and the Department within five days of discovery of the discharge in accordance with Part II.I.2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

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

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I. REPORTS OF NONCOMPLIANCE

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

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1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information, which shall be reported within 24 hours under this paragraph:
 - a) Any unanticipated bypass; and
 - b) Any upset which causes a discharge to surface waters.
 2. A written report shall be submitted within 5 days and shall contain:

- a) A description of the noncompliance and its cause;
- b) The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- c) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

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

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

NOTE: The immediate (within 24 hours) reports required in Parts III G, H and I may be made to the Department of Environmental Quality's Regional Office. Reports may be made by telephone or by fax. For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.

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

J. NOTICE OF PLANNED CHANGES

- 1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - a) The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:
 - 1) After promulgation of standards of performance under Part 306 of the Clean Water Act that are applicable to such source; or
 - 2) After proposal of standards of performance in accordance with Section 306 of the Clean Water Act that are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal.
 - b) The permittee plans alteration or addition that would significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to effluent limitations in this permit; or
- 2. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements.

K. SIGNATORY REQUIREMENTS

1. Registration Statement. All registration statements shall be signed as follows:

- a) For a corporation: by a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- b) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
- c) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a public agency includes:
 - 1) The chief executive officer of the agency, or
 - 2) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part II.K.1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- a) The authorization is made in writing by a person described in Part II.K.1;
- b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the operator. A duly authorized representative may be either a named individual or any individual occupying a named position that has been submitted to the Department; and
- c) The written authorization is submitted to the Department.

3. Changes to authorization. If an authorization under Part II.K.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II.K.2 shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.

4. Certification. In accordance with 4VAC50-60-370, person signing a document under Parts II.K.1 or 2 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my

L795 direction or supervision in accordance with a system designed to assure that qualified personnel
L796 properly gather and evaluate the information submitted. Based on my inquiry of the person or
L797 persons who manage the system, or those persons directly responsible for gathering the
L798 information, the information submitted is, to the best of my knowledge and belief, true, accurate, and
L799 complete. I am aware that there are significant penalties for submitting false information, including
L800 the possibility of fine and imprisonment for knowing violations."
L801

L802 **L. DUTY TO COMPLY**

L803
L804 The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a
L805 violation of the Virginia Stormwater Management Act and the Clean Water Act, except that
L806 noncompliance with certain provisions of this permit may constitute a violation of the Virginia
L807 Stormwater Management Act but not the Clean Water Act. Permit noncompliance is grounds for
L808 enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a
L809 permit renewal application.
L810

L811 The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of
L812 the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these
L813 standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not
L814 yet been modified to incorporate the requirement.
L815

L816
L817 **M. DUTY TO REAPPLY**

L818
L819 If the permittee wishes to continue an activity regulated by this permit after the expiration date of this
L820 permit, the permittee shall submit a completed EPA Form 1, an updated MS4 Program Plan including
L821 benchmarks and milestones for the next permit cycle and the second phase of the Chesapeake Bay
L822 TMDL action plan, at least 180 days before the expiration date of the existing permit, unless permission
L823 for a later date has been granted by the Board. The Board shall not grant permission for registration
L824 statements to be submitted later than the expiration date of the existing permit.
L825

L826 **N. EFFECT OF A PERMIT**

L827
L828 This permit does not convey any property rights in either real or personal property or any exclusive
L829 privileges, nor does it authorize any injury to private property or invasion of personal rights, or any
L830 infringement of federal, state or local law or regulations.
L831

L832 **O. STATE LAW**

L833
L834 Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve
L835 the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state
L836 law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as
L837 provided in permit conditions on "bypassing" (Part II.U), and "upset" (Part II.V) nothing in this permit
L838 shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.
L839

L840 **P. OIL AND HAZARDOUS SUBSTANCE LIABILITY**

L841
L842 Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the
L843 permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject
L844 under Sections 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law or section 311 of

the Clean Water Act.

Q. PROPER OPERATION AND MAINTENANCE

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

R. DISPOSAL OF SOLIDS OR SLUDGES

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

S. DUTY TO MITIGATE

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

T. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

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

U. BYPASS

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II.U.2 and U.3.
2. Notice
 - a) Anticipated Bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass.
 - b) Unanticipated Bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II.I.
3. Prohibition of bypass.
 - a) Bypass, as defined in 4VAC50-60-10, is prohibited, and the Board or its designee may take enforcement action against a permittee for bypass, unless:
 - 1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property

L895 damage;

L896
L897 2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment
L898 facilities, retention of untreated wastes, or maintenance during normal periods of
L899 equipment downtime. This condition is not satisfied if adequate back-up equipment
L900 should have been installed in the exercise of reasonable engineering judgment to prevent
L901 a bypass which occurred during normal periods of equipment downtime or preventive
L902 maintenance; and

L903
L904 3) The permittee submitted notices as required under Part II.U.2.

L905
L906 b) The Board or its designee may approve an anticipated bypass, after considering its adverse
L907 effects, if the Board determines that it will meet the three conditions listed above in Part II.U.3
L908 a.

L909
L910 **V. UPSET**

L911
L912 1. An upset, as defined in 4VAC50-60-10, constitutes an affirmative defense to an action brought for
L913 noncompliance with statutory based permit effluent limitations if the requirements of Part II V 2 are
L914 met. A determination made during administrative review of claims that noncompliance was caused
L915 by upset, and before an action for noncompliance, is not a final administrative action subject to
L916 judicial review.

L917
L918 2. An upset does not include noncompliance to the extent caused by operational error, improperly
L919 designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or
L920 careless or improper operation.

L921
L922 3. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through
L923 properly signed, contemporaneous operating logs, or other relevant evidence that:

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L925 An upset occurred and that the permittee can identify the cause(s) of the upset;

L926 a) The permitted facility was at the time being properly operated;

L927
L928 b) The permittee submitted notice of the upset as required in Part II.I; and

L929
L930 c) The permittee complied with any remedial measures required under Part II.S.

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L932 4. In any enforcement preceding the permittee seeking to establish the occurrence of an upset has the
L933 burden of proof.
L934

L935
L936 **W. INSPECTION AND ENTRY**

L937
L938 The permittee shall allow the Director as the Board's designee, or an authorized representative
L939 (including an authorized contractor acting as a representative of the Director), upon presentation of
L940 credentials and other documents as may be required by law, to:

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L942 1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or
L943 where records must be kept under the conditions of this permit;
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2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the Virginia Stormwater Management Act, any substances or parameters at any location.

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

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X. PERMIT ACTIONS

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

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Y. TRANSFER OF PERMITS

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

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Z. SEVERABILITY

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

Attachment A: Total Maximum Daily Load Reports with Wasteload Allocations to VAR0088579-Arlington County

TMDL Project	TMDL Pollutant(s)	Final Report	EPA Approval Date	SWCB Approval Date	Wasteload Allocation	Consolidated Wasteload
TMDL Report: Bacteria TMDLs for the Hunting Creek, Cameron Run and Holmes Run Watersheds						
Hunting Creek	E. Coli	http://www.deq.virginia.gov/tmdl/apptmdls/potrivr/huntingec.pdf	11/10/2010	8/4/2011	3.68E11 cfu/yr	Yes
TMDL Report: Bacteria TMDL for the Tidal Four Mile Run Watershed						
Tidal Four Mile Run	E. Coli	http://www.deq.virginia.gov/tmdl/apptmdls/potrivr/tidalfourmile.pdf	6/14/2010	9/30/2010	2.23E13 cfu/yr	Yes
TMDL Report: Fecal Coliform TMDL (Total Maximum Daily Load) Development for Four Mile Run, Virginia						
Four Mile Run	Fecal Coliform	http://www.deq.virginia.gov/portals/0/DEQ/Water/TMDL/apptmdls/potrivr/fourmlrn1.pdf	5/31/2002	6/17/2004	2.04E13 cfu/yr	Yes
TMDL Report: Chesapeake Bay Total Maximum Daily Load for Nitrogen, Phosphorus and Sediment						
POTTF_DC	Nitrogen	http://www.epa.gov/reg3wapd/tmdl/ChesapeakeBay/tmdlexec.html	12/29/2010	-	69,035.49 lbs/yr	*
	Phosphorus				7,050.92 lbs/yr	*
	Sediment				2,801,683.02 lbs/yr	*
POTTF_VA	Nitrogen	http://www.epa.gov/reg3wapd/tmdl/ChesapeakeBay/tmdlexec.html	12/29/2010	-	56,247.82 lbs/yr	*
	Phosphorus				9,110.41 lbs/yr	*
	Sediment				2,427,655.13 lbs/yr	*
TMDL Report: Potomac River Total Maximum Daily Loads of Polychlorinated Biphenyls (PCBs) for Tidal Portions of the Potomac and Anacostia Rivers in the District of Columbia, Maryland, and Virginia						
Potomac River	PCB	http://www.epa.gov/waters/tmdldocs/TidalPotomac_PCB_TMDL_10-31-07.pdf	10/31/2007	4/11/2008	See TMDL Report	Yes
<p>* The Chesapeake Bay TMDL established wasteload allocations specific to VA0088579 but based the wasteload allocations on all MS4s located in the jurisdiction. As such, the TMDL essentially consolidated the wasteloads of all regulated MS4 stormwater in the jurisdiction but allocated the entire wasteload to the Arlington County MS4.</p>						