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Proposed Regulation Agency Background Document

Approving authority name	State Water Control Board
Virginia Administrative Code (VAC) citation	9 VAC 25 - 820
Regulation title	General Virginia Pollutant Discharge Elimination System (VPDES) Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia
Action title	Develop new regulation
Document preparation date	February 13, 2006

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.

This regulation establishes the registration and permitting of total nitrogen and total phosphorus loads discharged into the Chesapeake Bay Watershed in Virginia, and establishes procedures by which those loads may be exchanged among those permittees located in the respective Chesapeake Bay tributary watersheds. The regulation includes registration requirements, effluent limitations, compliance plan and schedule requirements, monitoring and reporting requirements, conditions under which nutrient trading is permitted, conditions applicable to new and expanded facilities, and conditions applicable to all facilities covered under this permit. This permit differs from other VPDES general permits in that: 1) the compliance schedule focuses on the aggregate performance of all of the facilities within a tributary watershed as opposed to the individual facilities themselves, 2) the permit will be issued in addition to the individual VPDES permits that the affected facilities are already required to hold, and 3) rather than outlining facilities that may register for permit coverage, it incorporates all VPDES dischargers by rule and requires specific categories of facilities to register for coverage under the general permit and comply with the requirements therein.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

The basis of this regulation is §62.1-44.19:14 of the Code of Virginia as amended in the 2005 session of the General Assembly. As amended, §62.1-44.19:14 directs the State Water Control Board to issue a Watershed General Virginia Pollutant Discharge Elimination System (VDPES) Permit authorizing point source discharges of total nitrogen and total phosphorus to the waters of the Chesapeake Bay and its tributaries. Section 402 of the Clean Water Act (33 USC 1251 et seq.) authorizes states to administer the NPDES permit program under state law. The Commonwealth of Virginia received such authorization in 1975 under the terms of a Memorandum of Understanding with the U.S. EPA. This Memorandum of Understanding was modified on May 20, 1991 to authorize the Commonwealth to administer a General VPDES Permit Program. Legal authority for issuing general permits under State Water Control Law is §62.1-44.15(5), 15(10), and 15(14).

Purpose

Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal, the environmental benefits, and the problems the proposal is intended to solve.

In 2005, the State Water Control Board approved amendments to 9 VAC 25-40 (the Regulation for Nutrient Enriched Waters and Dischargers within the Chesapeake Bay Watershed) and to 9 VAC 25-720 (the Water Quality Management Planning Regulation). These regulatory actions, taken together, established permit limitations for two nutrients -- total nitrogen and total phosphorus -- for certain dischargers within Virginia's portion of the Chesapeake Bay watershed. The resulting permit limitations will be expressed principally as annual loads, and also as technology-based annual average concentrations where appropriate and authorized.

This rulemaking is proposed to provide a permitting framework that fulfills the intent of the aforementioned regulatory actions, in accordance with 2005 amendments to §62.1-44.19:14 of the Code of Virginia; these amendments direct the State Water Control Board to issue a Watershed General Virginia Pollutant Discharge Elimination System Permit authorizing point source discharges of total nitrogen and total phosphorus to the waters of the Chesapeake Bay and its tributaries. The 2000 Chesapeake Bay Agreement and multi-state cooperative and regulatory initiatives establish allocations for nitrogen and phosphorus delivered to the Chesapeake Bay watershed. These initiatives will require public and private point source dischargers of nitrogen and phosphorus to achieve significant reductions of these nutrients to meet the cap load allocations. The Virginia General Assembly found that adoption and utilization of a watershed general permit and market-based point source nutrient credit trading program will assist in meeting these cap load allocations cost-effectively and as soon as possible in keeping with the 2010 timeline and objectives of the Chesapeake 2000 agreement,

accommodating continued growth and economic development in the Chesapeake Bay watershed, and providing a foundation for establishing market-based incentives to help achieve the Chesapeake Bay’s non-point source reduction goals.

These actions are needed because nutrients discharged from wastewater treatment plants contribute to the overall loading of nutrients to the Chesapeake Bay and its tributaries. These nutrients have been identified as pollutants contributing to adverse impacts on large portions of the Bay and its tidal rivers, which are included in the list of impaired waters required under §303(d) of the Clean Water Act and §62.1-44.19:5 of the Code of Virginia. Waters not meeting standards will require development of a Total Maximum Daily Load (TMDL), also required under the same sections of federal and state law. In May 1999, EPA Region III included most of Virginia's portion of the Chesapeake Bay and extensive sections of several tidal tributaries on Virginia's 1998 impaired waters list. The *Chesapeake 2000 Agreement* commits Virginia to the goal of removing the Chesapeake Bay and its tidal tributaries from the list of impaired waters by 2010. Thus, the development of a TMDL for the entire Chesapeake Bay is not being scheduled until 2010, anticipating that the Chesapeake Bay Program partners can cooperatively achieve water quality standards by that time making a Bay wide TMDL unnecessary. These regulatory actions will help to meet the goals of the *Chesapeake 2000 Agreement*.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (More detail about these changes is requested in the “Detail of changes” section.)

This will be a new general permit regulation. In accordance with §62.1-44.19:14, the general permit will include 1) wasteload allocations for total nitrogen and total phosphorus for each permitted facility expressed as annual mass loads, 2) a schedule requiring compliance with the waste load allocations, 3) monitoring and reporting requirements, 4) a procedure requiring affected owners or operators to secure general permit coverage, 5) a procedure for efficiently modifying the list of facilities covered by the general permit, and 6) such other conditions as the Board deems necessary to carry out the provisions of State and Federal law.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.

1) This proposed general permit complements the previously approved amendments to 9 VAC 25-40 (the Regulation for Nutrient Enriched Waters and Dischargers within the Chesapeake Bay Watershed) and to 9 VAC 25-720 (the Water Quality Management Planning Regulation) and is

intended to provide compliance flexibility to the affected facilities in order to ensure the most cost-effective nutrient reduction technologies are installed within the respective tributary watersheds. As this general permit is subject to 9 VAC 25-20-130.5, facilities required to register for permit coverage shall pay a permitting fee of \$600 in each five-year term of this general permit. Other monitoring and reporting requirements should either replace, or impose minimal additional requirements above, those already in the affected facilities' individual VPDES permits. While it is recognized that more stringent nutrient removal requirements will impose higher costs on the regulated community (which will be passed on to rate-payers and other customers), the cost savings of this market-based approach (as opposed to a traditional regulatory program) will also be realized by the regulated community and presumably passed on as well. The economic benefits of cleaner water are less tangible, but improved water quality in the Chesapeake Bay should result in increased tourism and productivity from the seafood and fisheries industries.

2) When issued, this general permit will, at one time, impose load limits and compliance plan requirements on 127 facilities. In the absence of this general permit, these requirements would have to be individually negotiated and publicly noticed for each of the affected facilities. In addition, providing facilities flexibility in which to manage their aggregate impact on the Chesapeake Bay will reduce DEQ's focus on permit enforcement while still achieving the Commonwealth's environmental objectives. This will enable DEQ to direct its resources toward other issues. It should be noted, however, that the concept of purchasing wasteload allocations from non-point best management practices in order to offset the growth of point source discharges is an area in which the Commonwealth currently has no experience, and it is anticipated that there will be costs to the Commonwealth related to the review, tracking and inspection of these non-point best-management practices.

3) This proposed regulatory action should pose no disadvantages to the public or to the Commonwealth.

Requirements More Restrictive Than Federal

Please identify and describe any requirement of the proposal which are more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

There is currently no federal permit that corresponds to this proposed watershed general permit. The loading limits associated with the facilities that will be subject to this proposed general permit are water-quality based and are derived from modeling conducted by the Environmental Protection Agency's Chesapeake Bay Program office. The Environmental Protection Agency has endorsed the concepts of effluent trading and watershed-based permits as tools in improving water quality.

Locality Particularly Affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

This proposed regulation applies only to localities in the Chesapeake Bay watershed; which implies that these localities will bear an impact not experienced by localities in the Chowan/Dismal Swamp, Roanoke, New, or Tennessee River basins, among others.

Public Participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulation on farm or forest land preservation.

In addition to any other comments, the Department of Environmental Quality is seeking comments on the costs and benefits of the proposal and on any impacts of the regulation on farm and forest land preservation. Also, the Department is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so at the public hearing or by mail, email or fax to Kyle Ivar Winter, P.E., Manager, Office of Water Permit Programs, P.O. Box 10009, Richmond, Virginia 23240; phone number (804) 698-4182, fax number (804) 698-4032, e-mail address kiwinter@deq.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered comments must be received by 5:00 p.m. on the date established as the close of the comment period.

A public hearing will be held and notice of the public hearing can be found in the Calendar of Events section of the Virginia Register of Regulations. Both oral and written comments may be submitted at that time.

Economic impact

Please identify the anticipated economic impact of the proposed regulation.

This proposed general permit complements the previously approved amendments to 9 VAC 25-40 (the Regulation for Nutrient Enriched Waters and Dischargers Within the Chesapeake Bay Watershed) and to 9 VAC 25-720 (the Water Quality Management Planning Regulation) and is intended to provide compliance flexibility to the affected facilities in order to ensure the most cost-effective nutrient reduction technologies are installed within the respective tributary watersheds. This proposed regulation should not impose any additional compliance costs upon regulated entities above and beyond those already imposed by the aforementioned regulatory amendments, and is intended to provide an alternative means of compliance in order to save the regulated entities money.

127 facilities will initially be affected by this regulation, one of which (J.H. Miles) is categorized as a small business.

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

Through a series of meetings with the technical advisory committee formed for the development of this regulation, the Department of Environmental Quality is working in conjunction with other state and federal agencies, the regulated community, other interested stakeholders, and the general public, to develop and evaluate alternatives that are in accordance with state and federal law and regulations governing the discharge of total nitrogen and total phosphorus to state waters. As this regulation pertains to the largest wastewater dischargers in the Commonwealth, it is unlikely that this regulation will impact small businesses.

Regulatory Flexibility Analysis

Please describe the agency's analysis of alternative regulatory methods.

This proposed general permit complements the previously approved amendments to 9 VAC 25-40 (the Regulation for Nutrient Enriched Waters and Dischargers within the Chesapeake Bay Watershed) and to 9 VAC 25-720 (the Water Quality Management Planning Regulation) and is intended to provide compliance flexibility to the affected facilities in order to ensure the most cost-effective nutrient reduction technologies are installed within the respective tributary watersheds. This proposed regulation should not impose any additional compliance costs upon regulated entities above and beyond those already imposed by the aforementioned regulatory amendments, and is intended to provide an alternative means of compliance in order to save the regulated entities money.

127 facilities will initially be affected by this proposed regulation, most of which are publicly owned treatment works or large industrial facilities. One facility (J.H. Miles) is categorized as a small business. In the future, certain smaller new or expanded dischargers are required to register for general permit coverage in accordance with §62.1-44.19:14 C.5 and §62.1-44.19:15 of the Code of Virginia as amended in the 2005 session of the General Assembly. These facilities would also be subject to 9 VAC 25-40 (The Regulation for Nutrient Enriched Waters and Dischargers within the Chesapeake Bay Watershed); again, this proposed general permit should provide these new or expanding facilities compliance flexibility.

Public comment

Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.

Commenter	Comment	Agency response
James Shelton	Would like to see Crab and Oyster populations return to normal, and would like to see Virginia return to its former natural beauty.	None required.
Virginia Conservation Network	<ul style="list-style-type: none"> • Need to define “good faith effort” to be made by facilities prior to making payment to WQIF • Concern about compliance by non-point sellers of pounds to offset new and expanded discharges • Concern about localized pollution issues • Concern about transparency of program 	<ul style="list-style-type: none"> • This requirement has been delineated in the general permit regulation. • The compliance responsibility remains with the facility obtaining the offset as part of their individual VPDES permit. • Trades that would cause local water quality exceedances are prohibited by the permit. • DEQ is working on ways to make the discharge and trading reporting more readily available to the public.
Chesapeake Bay Foundation	<ul style="list-style-type: none"> • Nutrient loading allocations should be in both individual and general permits • Non-point source trading should not be performed to meet the tributary strategy load reductions • Non-point trading should have a ratio to ensure adequate nutrient reductions 	<ul style="list-style-type: none"> • Duplicative loading limits would undermine the purpose of the general permit; modifications to allocations would be unnecessarily complicated. • The permit does not allow non-point source trading for the purpose of meeting the point source tributary strategy goals. • The regulation requires a 2:1 ratio of pounds removed by non-point BMPs to pounds discharged by new and expanding facilities.
Department of Conservation and Recreation	Identification of available non-point source credits for trading will be problematic.	Agreed; DEQ and DCR are working to resolve this concern.
Southern Environmental Law Center	Trading program must be transparent and accountable.	DEQ is working on ways to make the discharge and trading reporting more readily available to the public.
Skip Stiles	<ul style="list-style-type: none"> • Non-point source trading must be above and beyond the non-point source tributary strategy goals. • Non-point BMPs must be permanent. 	<ul style="list-style-type: none"> • The regulation requires this; DEQ and DCR are working on the implementation guidelines to ensure that this occurs. • This isn’t necessary if in any given year, the mass of nutrients removed (by whatever non-point BMPs are verified to be functional)

Commenter	Comment	Agency response
	<ul style="list-style-type: none"> • These regulations should not encourage transport of wastewater out of the Bay watershed as an alternative to treatment. 	<p>exceeds the mass of nutrients discharged by new and expanding facilities.</p> <ul style="list-style-type: none"> • The enabling legislation did not contemplate such restrictions; should a discharger attempt this, the discharge will be evaluated in accordance with the appropriate regulations and agency guidance.
Hampton Roads Planning District Commission	<ul style="list-style-type: none"> • This regulation must be consistent with the “Regulation for Nutrient Enriched Waters and Dischargers within the Chesapeake Bay Watershed” (9 VAC 25-40-10 et seq.) and the “Water Quality Planning Regulation” (9 VAC 25-720-10 et seq.) • As the waste load allocations for the James and York Rivers are interim and incomplete (as of the comment period for the NOIRA), it is necessary for public comment and participation before finalizing these numbers. 	<ul style="list-style-type: none"> • The regulation has been drafted with consideration of these other regulations, and agency guidance is being developed to ensure consistent application of the requirements imposed therein. • The WLA’s for the James and York Rivers were approved by the SWCB on November 21, 2005.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The direct impact resulting from the development of a watershed VPDES general permit for the discharge of total nitrogen and total phosphorus from wastewater treatment plants is for the protection of public health and safety and the environment. In the short term, the adoption of this general permit may increase the cost of wastewater treatment, thereby increasing the user charges paid by residential and commercial customers, potentially decreasing the disposable

family income. However, as facilities subject to this permit begin to modify their wastewater treatment facilities in response to market forces, it is possible that the cost of wastewater treatment may decrease in the long term. In any event, this market-based program should have less impact on the family than would a traditional regulatory approach to nutrient reduction.

Detail of changes

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

9 VAC 25-820-10, Definitions: Incorporates the definitions from §62.1-44.19:13 of the Code of Virginia, with some additional language added to clarify some terms. This section contains the following significant new definitions:

“Offset” means to acquire an annual waste load allocation of total nitrogen or total phosphorus by a new or expanding facility to ensure that there is no net increase of nutrients into the affected tributary of the Chesapeake Bay.

“Permitted design capacity” or “permitted capacity” means the annual mass load of total nitrogen or total phosphorus discharged by a non-significant discharger, that does not have a wasteload allocation listed in Subsection C of Sections 50, 60, 70, 110 and 120 of the Water Quality Management Planning Regulation (9 VAC 25-720) as of January 11, 2006. This mass load is calculated based on the design flow and installed nutrient removal technology (for sewage treatment works, or equivalent discharge from industrial facilities) at a facility that has either commenced discharge, or has received a Certificate to Construct (for sewage treatment works, or equivalent DEQ approval for discharges from industrial facilities) prior to July 1, 2005. This mass load is used for (i) determining whether the expanding facility must offset additional mass loading of nitrogen and phosphorus and (ii) determining whether the facility must acquire credits at the end of a calendar year.

“Registration list” means a list maintained by the Department indicating all facilities that have registered for coverage under this general permit, by tributary, including their waste load allocations, permitted design capacities and delivery factors as appropriate.

9 VAC 25-820-20, Purpose, delegation of authority: cites enabling legislation for this regulatory action, describes facilities to whom this proposed general permit applies and delegates to the Director the authority to perform any act of the Board provided under this regulation, except as limited by § 62.1-44.14 of the Law.

9 VAC 25-820-30, Relation to Existing VPDES Permits Issued in accordance with 9 VAC 25-31: describes the general permit’s supersession of those effluent limits, monitoring requirements and compliance schedules in the facilities’ individual permits where these requirements are based upon standards, criteria, waste load allocations, policy, or guidance established to restore or protect the water quality and beneficial uses of the Chesapeake Bay or its tidal tributaries.

Also describes where site-specific or local water quality issues may result in the individual permits taking precedence over the general permit.

9 VAC 25-820-40, Compliance Plans: requires the submittal by permittees to DEQ, either individually or through the Virginia Nutrient Credit Exchange Association, plans sufficient to comply with the individual and combined waste load allocations of all the permittees in the tributary as soon as possible. Facilities capable of continued compliance with their individual waste load allocations upon the issuance of this general permit have the option of accepting responsibility for compliance with these waste load allocations immediately, and will be eligible to generate and exchange credits immediately.

9 VAC 25-820-50, Transfer of permit coverage: provides additional requirements to account for the possibility that multiple facilities under common ownership or operation may apply for an aggregated waste load allocation when registering for permit coverage. Transfer of ownership of these facilities must be carefully documented.

9 VAC 25-820-60, Termination of permit coverage: as facilities must hold an individual VPDES permit to be eligible for coverage under this general permit, any termination of the associated individual permit will result in the termination of coverage under this general permit.

9 VAC 25-820-70, General permit: consists of the following requirements:

Part I, Special conditions applicable to all facilities:

A. Authorized activities

1. Authorization for facilities required to register
2. Authorization for facilities not required to register

B. Waste load allocations

1. Allocations in Registration List are enforceable as annual load limits
2. Multiple facilities under common ownership or operation, discharging to the same tributary, may apply for aggregated allocation
3. Conditions applying to the consolidation of multiple dischargers into a single regional facility
4. Allowance for determination of net load from discharger
5. Allowance for determination of bioavailable load from discharger

C. Schedule of Compliance

1. Tributary-wide compliance dates
2. Individual compliance dates

D. Annual update of Compliance Plan (that was required in 9 VAC 25-820-40)

E. Monitoring requirements

1. Parameters monitored and the frequencies thereof
2. Location of sample to be identical to that for individual permit monitoring
3. Requirement to use approved sampling and analytical methods
4. Monthly reporting requirements

F. Annual reporting

1. Annual loading report, including credits to be acquired or exchanged.

G. Registration requirements and exclusions

1. Facilities required to register for coverage under this general permit
 - a. Existing significant dischargers
 - b. New and expanded facilities with flows $\geq 40,000$ gallons per day or equivalent nutrient load discharged

2. Exclusion of all other categories of dischargers
- H. Registration Statement
 1. Contents
 2. Submittal to DEQ-Office of Water Permit Programs
 3. Conditions under which amended registration statement is required
- I. Public notice requirements for modified or new waste load allocations or delivery factors
 1. Public notice contents
 2. Requirement to provide information relevant to activity requiring public notice
 3. 30 day public comment period
- J. Compliance with Waste Load Allocations
 1. Methods of compliance
 - a. Discharge load less than or equal to Waste Load Allocation
 - b. Acquire sufficient credits to meet compliance requirements
 - c. Payment into Water Quality Improvement Fund
 2. Conditions under which credits may be exchanged
 - a. Credit generation and application must be contemporaneous
 - b. Credits are generated by permitted facilities in the same tributary
 - c. Credit exchange does not result in localized water quality exceedance
 - d. Credits acquired no later than June 1 immediately following the calendar year in which the credits are applied
 - e. Credits are generated by constructed (as opposed to proposed) facility
 - f. Credit acquisition is certified by June 1
 3. Credit acquisition from Water Quality Improvement Fund
 4. Publicly owned treatment works may develop and implement trading programs among industrial users in accordance with pretreatment regulations and individual permits held by such POTWs.

Part II, Special Conditions Applicable to New and Expanded Facilities:

- A. Offsetting mass loads discharged by new and expanded facilities
 1. Facilities subject to offset requirements
 2. Calculation of "base" load when determining offset requirements
- B. Acquisition of waste load allocations
 1. Means of allocation acquisition
 - a. From existing permitted facilities
 - b. From non-point source load allocations using a trading ratio of two pounds removed for each pound discharged
 - c. Payment into the Water Quality Improvement Fund
 - d. Other means as approved by DEQ on case-by-case basis
 2. Condition under which allocations may be acquired:
 - a. Allocation generation and application must be contemporaneous
 - b. Allocations are generated in the same tributary
 - c. Allocation acquisition does not result in localized water quality exceedance
 - d. Allocations are authenticated in accordance with the facility's individual VPDES permit and reported no later than February 1

- immediately following the calendar year in which the allocation is applied
- e. Allocations are generated by constructed (as opposed to proposed) facility
- f. Allocation acquisition is certified by June 1
- 3. Priority of allocation acquisition options
- 4. Acquisition of allocations from Water Quality Improvement Fund

Part III, Conditions Applicable to all VPDES Permits; with exception of conditions that would have no applicability to this general permit (e.g., biosolids handling and reporting), these conditions are comparable to those in all other VPDES permits, including general permits.