



Virginia
Regulatory
Town Hall

Exempt Action Final Regulation Agency Background Document

Agency Name:	State Water Control Board
VAC Chapter Number:	9 VAC 25-110-10 et seq.
Regulation Title:	General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day
Action Title:	Amendments to Existing Regulation
Date:	April 23, 2001

Where an agency or regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file with the Registrar and publish their regulations in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

This agency background document may be used for actions exempt pursuant to § 9-6.14:4.1(C) at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar at the proposed stage.

In addition, agency actions exempt pursuant to § 9-6.14:4.1(B) of the APA are not subject to the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and therefore are not subject to publication. Please refer to the *Virginia Register Form, Style and Procedure Manual* for more information.

Summary

Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Amendments to the General VPDES Permit Regulation for Domestic Sewage Discharges of Less Than or Equal To 1,000 Gallons Per Day will allow reissuance of the general permit VAG40 which expires August 1, 2001.

This general permit regulation sets forth guidelines for the permitting of discharges of treated wastewaters from small volume sources of domestic sewage. These plants are typically installed at individual homes, duplexes, churches, gas stations, etc. when central sewer is not available and the soil conditions prohibit the use of onsite disposal methods such as septic tanks and drainfields. The general permit consists of limitations and monitoring requirements on discharges to surface waters for the following parameters: flow, less than or equal to 1,000 gallons per day; pH, 6.0 minimum, 9.0 maximum; biochemical oxygen demand, 30 mg/l maximum; total suspended solids, 30 mg/l maximum; total residual chlorine, 1.0 mg/l minimum, 2.0 mg/l or non-detectable maximum; fecal coliform bacteria, 200/100ml maximum; and dissolved oxygen, 5.0 mg/l minimum. Effluent limitations and monitoring requirements are established for two subcategories depending upon the amount of dilution provided by the waters into which the treated effluent is discharged. The regulation also sets forth the minimum information requirements for all requests for coverage under the general permit. No discharge may be covered by the general permit unless the Department of Health certifies that there are no onsite sewage disposal options available to the lot owner.

The amended regulation contains two significant changes to the existing permit. A maintenance contract is required in order to ensure that the treatment works are properly operated and maintained. In lieu of obtaining a maintenance contract, the owner may opt to submit an Operation and Maintenance Plan to DEQ for approval. Due to the recent change in the Water Quality Standards (9 VAC 25-260-5 et seq.) regarding chlorine, the two subcategories of discharges have been redefined.

Several changes were made to the regulation after it was published for public comment. An alternative water quality standard for pH has been deleted from and the 85 percent removal rate for BOD₅ and total suspended solids has been added to the effluent monitoring page, Part I.A. This is consistent with 40 CFR Part 133.102. Additional conditions have been added to the maintenance contract requirement, Part I. B.3. The signatory requirements for the registration statement from a corporation have been changed in order to be consistent with the VPDES Permit Regulation (9 VAC 25-31-10 et seq.)

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency .including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

On March 26, 2001 the State Water Control Board voted unanimously to amend 9 VAC 25-110-10 et seq., General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Domestic Sewage Discharges of Less Than or Equal To 1,000 Gallons Per Day.

Additional Information

Please indicate that the text of the proposed regulation, the reporting forms the agency intends to incorporate or use in administering the proposed regulation, a copy of any documents to be incorporated by reference are attached.

Please state that the Office of the Attorney General (OAG) has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law. Note that the OAG's certification is not required for Marine Resources Commission regulations.

If the exemption claimed falls under § 9-6.14:4.1(C) (4)(c) of the APA please include the federal law or regulations being relied upon for the final agency action.

The text of the amended regulation and the Registration Statement are attached. The Attorney General's Office has certified that the Board has the statutory authority to promulgate this general permit regulation and that the rulemaking qualifies for an exemption under § 9-6.14:4.1C.12 of the APA.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which 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.

This regulation will have no direct impact on the institution of the family or family stability.