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## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	State Water Control Board
<b>Virginia Administrative Code (VAC) citation(s)</b>	9VAC25-110
<b>Regulation title(s)</b>	General VPDES Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons per Day
<b>Action title</b>	Amend and Reissue the Existing Regulation
<b>Final agency action date</b>	January 14, 2016

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA) or an agency's basic statute, the agency is not required, however, is encouraged to provide information to the public on the Regulatory Town Hall using this form. Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

This regulation amendment will reissue the existing VPDES general permit for domestic sewage discharges of less than or equal to 1,000 GPD (VAG40) that will expire on August 1, 2016. The general permit contains effluent limitations, permit conditions and monitoring requirements for domestic sewage discharges to surface waters from treatment works with a design discharge flow of less than or equal to 1,000 gallons per day on a monthly average. The permit requirements are designed to protect the quality of the waters receiving the treated wastewater discharges.

Amendments are proposed to update and clarify definitions, effective dates, authorization to discharge, registration statement requirements, general permit limits pages, special conditions, and conditions applicable to all permits.

### Acronyms and definitions

*Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.*

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DEQ: Department of Environmental Quality  
DMR: Discharge Monitoring Report  
D.O.: Dissolved oxygen  
EPA (U.S. EPA): United States Environmental Protection Agency  
GPD: Gallons per day  
NPDES: National Pollutant Discharge Elimination System  
PPRE: Policy for the Potomac River Embayments (9VAC25-415)  
QL: Quantification level  
TMDL: Total Maximum Daily Load  
TRC: Total residual chlorine  
USC: United States Code  
VAC: Virginia Administrative Code  
VDH: Virginia Department of Health  
VPDES: Virginia Pollutant Discharge Elimination System

### Statement of final agency action

*Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.*

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On DATE the State Water Control Board (state agency action) the amended General VPDES Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons per Day.

### Family impact

*Please assess the impact of this 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.*

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

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**Periodic review/small business impact review report of findings**

*Please (1) summarize all comments received during the public comment period following the publication of the Notice of Periodic Review and (2) indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable. In addition, as required by §2.2-4007.1 E and F, please include a discussion of the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.*

<b>Commenter</b>	<b>Comment</b>	<b>Agency response</b>
NONE	NONE	NONE

No comments were received regarding the Notice of Periodic Review.

This regulation is necessary for the protection of public health, safety, and welfare since it regulates the discharge of treated domestic sewage to state waters which is necessary to protect human health, wildlife and aquatic life.

The regulation is the most efficient, cost effective method of regulating domestic sewage ≤ 1,000 gallons per day. It is a general permit with the same or similar requirements for all covered permittees. It has no fees and reasonable maintenance and monitoring requirements. The alternative would be to issue individual permits to over 2,600 owners, which would not be possible given the existing staff resources. Also, individual permits would have the same or similar requirements as the general permit so the environmental protection would be the same. Furthermore, individual permits also include fees (\$2,000 initial fee, \$714 annual maintenance fees plus the cost of a public notice every 5 years).

The regulations provide clear and understandable requirements for reporting and maintaining these treatment systems. The regulation amendments also included the input of interested parties (including permittees, consultants and the Virginia Department of Health) through a technical advisory committee. The requirements are co-implemented with the Virginia Department of Health and these revisions help to make the two agency requirements even more understandable. The regulation’s level of complexity is appropriate to ensure that the regulated entities are able to meet their legal mandates as efficiently and cost-effectively as possible.

The agency recommends retaining these regulations with the amendments provided herein.

Alternatives for achieving the purpose of the regulation have been considered by the department. The department has determined that the retention of the regulation (the first alternative) is appropriate, as it is the least burdensome and least intrusive alternative that fully meets statutory requirements and the purpose of the regulation. The alternatives considered by the department, along with the reasoning by which the department has rejected any of the alternatives considered, are discussed below. This regulation continues to be needed. It provides sources with the most cost-effective means of fulfilling ongoing state and federal requirements that protect water quality.

The regulation is evaluated every five years and it does not overlap, duplicate, or conflict with federal or state law or regulation.



**Changes made since the proposed stage**

*Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.*

Section number	Requirement at proposed stage	What has changed	Rationale for change
	<p>Added "<u>Applicability of incorporated references based on the dates that they became effective.</u>" This section was added to update all references to Title 40 Code of Federal Regulations (CFR) within the document to be those published as of July 1, 2014. This was a recommendation from the DEQ Office of Policy so that dates do not need to be added for each CFR reference.</p>	<p>July 1, 2014 date has been changed to July 1, 2015.</p>	<p>Update to current year.</p>
<p><b>9VAC25-110-80</b></p>	<p>The authorized discharge shall be in accordance with this cover page, Part I-Effluent Limitations, Monitoring Requirements and Special Conditions, and Part II-Conditions Applicable to All VPDES Permits, as set forth herein.</p>	<p>The authorized discharge shall be in accordance with <u>the information submitted with the registration statement</u>, this cover page, Part I-Effluent Limitations, Monitoring Requirements and Special Conditions, and Part II-Conditions Applicable to All VPDES Permits, as set forth herein.</p>	<p>DEQ made a change to the cover page of individual VPDES permits so that the paragraph that reads, "The authorized discharge shall be in accordance with....." was changed to include "<u>the information submitted with the permit application, ....</u>" and then references this Cover Page, Part I, Part II, etc...</p> <p>This change also needs to be in the general permits, but the cover page should read, "The authorized discharge shall be in accordance with <u>the information submitted with the registration statement</u>, this cover page, Part I, Part II, etc..." As with the information in the applications for individual permits, the information contained on the registration statements for general permits is important to reference. It is the information on which the permit is based.</p>
<p><b>9VAC25-110-80 Part I A 2 and Part I B 2</b></p>	<p><u>Monitoring results for treatment works serving buildings or dwellings other than individual single family dwellings shall be made available to DEQ personnel upon request submitted to the department on a Discharge Monitoring Report (DMR) no later than the 10th of January following the monitoring period. The monitoring period is January 1 through December 31. A copy of the maintenance log required by Part I D 2 b (4) shall also be submitted with the DMR.</u></p>	<p><u>Monitoring results for treatment works serving buildings or dwellings other than individual single family dwellings shall be made available to DEQ personnel upon request submitted to the department on a Discharge Monitoring Report (DMR) no later than the 10th of January September following the monitoring period. The monitoring period is January 1 through December 31 September 1 through August 31. A copy of the maintenance log required by Part I D 2 b (4) shall also be submitted with the DMR.</u></p>	<p>Compliance auditing staff requested the DMR and maintenance log submittal dates be moved off the calendar year to ease workload for compliance staff during January when many other annual reports are due.</p>

**Public Comment**

*Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.*

Commenter	Comment	Agency response
Eugene G. Holsinger Fellowship United Methodist Church	<p>The church uses far less water than 1,000 GPD – more like 5,000 gals per month. He shared information about how infrequently the building is in use. He maintains the Maintenance Manual for the septic system since its inception. All information has been shared with DEQ inspectors. Our chlorination and dechlorination tablet usage has been extremely low and I have found very little discharge from the evaporation pond - not enough to get a sample for testing. We built what appears to be a good pond. We have two willow bushes and many irises and day lillies in a bed containing deep mulch. We built a swale to carry discharged water to a ravine that remains dry except in heavy rains but I have never seen any in the swale below our outlet in the years we have used this system. The ravine runs perhaps a mile to what locals know as "Dry Fork" which in turn empties into Smith Creek which in turn empties into the North Fork of the Shenandoah River.</p> <p>I have given the above comments in hopes that small usage establishments such as ours are not over burdened with reporting requirements in any new permit. I feel the "Operation and Maintenance Manual for Septic Tank Sand Filters" included in materials supplied to us is a bit "heavy" and much of what it is calling for does not fit since ours is a Blue Ox media filter system using pea gravel as the aggregate. If submission of a weekly maintenance report given to us as a part of the above "Operations and . . ." is required I'll tell you for sure it is an overkill. Turnover of personnel make all reporting difficult - - for us as well as you! I would be curious to see what a proposed new periodic report form is being recommended. Our church went through a very expensive exercise in having to install a large exhausting system in our new social hall, and in the 9 years we have been in the building we have yet to heat anything under the elaborate hood other than on an electric stove, and this was primarily for carry-in meals. Along came the septic needs and we once again faced high costs because of DEQ requirements and our inability to get waivers because of our smaller size or usage. We have two 1,000 gal. septic tanks and in a recent check of sludge we had two inches in one dedicated to grease from the kitchen and 4 inches in the other which would include all toilets. In nine years we have used perhaps 40 chlorinating tabs and 60 dechlorinating tabs.</p>	<p>The agency does not intend for the new requirement to overburden the permittees. We are asking for discharge monitoring reports (which are due annually on Sept 10) and the permittee maintenance log for that year. The information we are asking for is what is required by the permit, not the O&amp;M manual someone provided you. The permit says you must log and submit the following: the date and amount of disinfection chemicals added to the chlorinator; if dechlorination is used, the date and amount of any dechlorination chemicals that are added; the date and time of equipment failure and the date and time the equipment was restored to service; the date and approximate volume of sludge removed; and, dated receipts for chemicals purchased, equipment purchased, and maintenance performed. It sounds like you have very little activity in these areas so the log should not be burdensome. Many of these systems operate with little or no discharge. DEQ sees this as a positive thing that the system does not discharge. We will work with our inspection and compliance staff to make sure they also understand the requirements. Thank you for your comments.</p>

	<p>In these nine years our only real maintenance cost was to replace a small air line running from an air pump to a pipe extending to the evaporation pond. The person who installed our system is our maintenance man and we have needed him on site very few times in this nine years. I stopped by the site today (Sunday PM, Aug. 2nd) to get some info from our manual for this and as usual the discharge outlet showed no water emission. If we would have had five days of heavy rain, perhaps we would have seen see a trickle at most.</p> <p>A maintenance reporting form will also be a historical document studied by persons within the church when jobs change as well as meeting your needs. We include other sections, mostly instructions, in our manual</p>	
<p>John Fischer 144 Seven Ridges Road Hot Springs, VA</p>	<p>Single-family homes also would gladly provide their monitoring and maintenance logs to DEQ. His treatment works do not appear to generate discharge at all and there is a lack of Department of Professional and Occupational Regulation (DPOR) approved inspectors in their remote area. Suggests when the annual inspection report from the VDH indicates there is no visible flow from the effluent pipe, the aerator is working properly, and the homeowner attests to low usage by declaring the number of permanent household residents, that an Operation &amp; Maintenance service inspection report may be submitted by the homeowner/operator as had been the case a few years ago. This would reduce costs not only for the homeowner but also for the Commonwealth – costs to develop and monitor additional DPOR-certified inspectors would be reduced. Alternatively, if you conclude that homeowners could not be trusted to report, you might consider expanding reporters so that an Operation &amp; Maintenance Service Inspection may be submitted by a licensed plumber who is not necessarily certified by DPOR. While not reducing the costs of the homeowners, the Commonwealth would still save the expense of developing specific DPOR inspectors.</p>	<p>The DEQ is only requiring the non-single family home DMRs and maintenance logs at this time. The VDH governs the single family homes under the VDH Alternative Discharging Sewage Treatment Regulations for Single Family Home Dwellings (12VAC5-640) and submittal of the information to DEQ is duplicative and will likely cause more confusion to the permittees. Also, the DEQ regulation does not require DPOR approved inspections. The requirement is in the VDH regulation mentioned above. VDH requires a minimum of semi-annual inspections to ensure proper operation and maintenance (O&amp;M), but recent modifications to the VDH regulation does expand the type of licensed operators that may perform O&amp;M which hopefully will help with costs and availability The VDH has been forwarded these comments.</p>
<p>Douglas J. Crooks P.O. Box 7783 Fredericksburg, Va. 22404 540-840-0192 WW Operators License # 1965004241</p>	<p>As the co-owner of two small companies (Dabney &amp; Crooks, Inc. and WasteMaster Inc.) that have been providing operation, maintenance, sampling and repair services for these types of systems for over 30 years I have considerable experience in this area. Currently these two companies have over 300 units under contract for operational services under these regulations. What concerns me, and has concerned me for years, is the inclusion of treatment works serving buildings or dwellings other than individual single family homes. As the title of the regulations indicates these regulations were developed for "Domestic Sewage" dischargers. It has been our experience that the wastewater being generated by holders of these permits, that are not single family home units, are discharging wastewater to</p>	<p>DEQ has many non-single family home general permit holders that do not have treatment system problems. DEQ prefers to exercise our authority for problematic systems through our enforcement program or to require an individual permit for those with continuous compliance problems. DEQ thinks it would cause a great burden to the non-single family facilities to revert to a monthly monitoring requirement. The TAC that discussed this thought the submission of maintenance logs was for this reissuance sufficient to determine which facilities were operating properly.</p>

	<p>these treatment systems that is unlike normal domestic sewage. We have found these non-single family home units are receiving raw sewage that is considerably higher in BOD, TSS, Oil &amp; Grease and ammonia concentrations that the systems were designed to treat. These single family home systems were tested by the NSF, and received approval from VDH based upon this testing, utilizing normal domestic sewage as influent and not the stronger waste streams that we typically see from non-single family home users. As a result they struggle to meet discharge standards and more importantly require more frequent maintenance than the regulations require. We are currently working with DEQ-NRO on two non-single family home systems that habitually overflow as a result of trying to treat wastewater that they were not designed to treat. I would like to strongly recommend that under Part 1 of the regulations an additional set of standards be developed for non-single family home unit being permitted by this program. The 1/yr. frequency or even the 1/qtr. frequency for those system subject the Potomac Embayment Standards, in my opinion based upon years of operating experience, is too infrequent to prevent operational issues that lead to overflows or poor effluent quality. I would suggest that monthly site visits and effluent sampling, with submission of an actual DMR, would be more appropriate for these systems. Thank you for your time and consideration.</p>	
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**All changes made in this regulatory action**

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

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
10		"7Q10" definition	Deleted " <i>climatic</i> " from the definition as this term is not needed.
		"Climatic year" definition	Deleted this definition as it is not needed.
			Added definitions of " <u>Board</u> ", " <u>combined application</u> ", " <u>Department</u> ", " <u>individual single family dwelling</u> ", and " <u>receiving water</u> " to clarify these terms for this permit regulation.
	15		Added " <u>Applicability of incorporated references based on the dates that they became effective.</u> " This section was added to update all references to Title 40 Code of Federal Regulations (CFR) within the document to be those published as of July 1, 2015. This was a recommendation from the DEQ

			Office of Policy so that dates do not need to be added for each CFR reference.
20.C		Effective Date of Permit	Changed the effective (2016) and expiration (2021) dates to reflect the reissuance date of the permit.
60.A.1		Authorization to Discharge	Added: " <u>For an individual single family dwelling the owner may submit a VDH combined application in place of a registration statement.</u> " This allows these owners to submit either form to apply for general permit coverage. Similar changes were made throughout the regulation.
60.B.6		A TMDL (board adopted, EPA approved, or EPA imposed) contains an individual WLA for the facility, unless this general permit specifically addresses the TMDL pollutant of concern and the permit limits are at least as stringent as those required by the TMDL WLA.	Reworded as follows to match the wording now being used in all general permits: " <u>The discharge is not consistent with the assumptions and requirements of an approved TMDL.</u> "
60.C		"Compliance with this general permit..."	Modified as follows to better mirror the language in the Permit Regulation at 9VAC25-31-60: " <u>Compliance with this general permit constitutes compliance, for purposes of enforcement, with the federal Clean Water Act §§ 301, 302, 306, 307, 318, 403 and 405 (a) through (b), and the State Water Control Law, and applicable regulations under either, with the exceptions stated in 9VAC25-31-60 of the VPDES Permit Regulation. Approval for coverage under this general VPDES permit does not relieve any owner of the responsibility to comply with any other applicable federal, state or local statute, ordinance or regulation, including, for owners of sewage treatment works that serve individual single family dwellings, the Alternative Discharging Sewage Treatment Regulations for Individual Single Family Dwellings (12VAC5-640) of the Virginia Department of Health adopted pursuant to §§ 32.1-12, 32.1-163, and 32.1-164 of the Code of Virginia and, for owners of sewage treatment works that serve <del>nonsingle</del> buildings or dwellings other than individual single family dwellings, the Sewage Collection and Treatment Regulations (9VAC25-790) adopted by the State Water Control Board pursuant to § 62.1-44.4<del>819</del> of the Code of Virginia.</u> "
60.D		Continuation of Permit Coverage	Updated the dates and made editorial changes as follows: " <u>1. Any owner that was authorized to discharge under the domestic sewage discharges general permit issued in 2006-2011, and who is required to and submits a complete registration statement (or for an individual single family dwelling a combined application) on or before August 1, 2011-2016, is authorized to continue to discharge treated domestic sewage under the terms of the 2006 2011 general permit until such time as the board either:</u> "



			<p>a. Issues coverage to the owner under this general permit; or</p> <p>b. Notifies the owner that <u>the discharge is not eligible for coverage under this general permit-is denied.</u></p> <p>2. When the owner that was covered under the expiring or expired general permit has violated or is violating the conditions of that permit, the board may choose to do any or all of the following:</p> <p>a. Initiate enforcement action based upon the <u>2011 general permit-which has been continued;</u></p> <p>b. Issue a notice of intent to deny coverage under the <del>new</del> <u>reissued general permit.</u> If the general permit coverage is denied, the owner would then be required to cease the <del>activities discharges</del> authorized by the <u>administratively continued coverage under the terms of the 2011 general permit or be subject to enforcement action for operating without a permit;"</u></p> <p>These dates are updated with each reissued general permit so permittees can discharge legally and safely if the permit reissuance process is delayed.</p>
70.A		Registration Statement	<p>Made editorial changes as follows:</p> <p><u>"Any owner seeking coverage under this general permit, and who is required to submit a registration statement, shall submit a complete</u>  <del>G</del><u>general VPDES P</u><del>permit R</del><u>registration</u>  <del>S</del><u>statement in accordance with this chapter</u>  <u>section, which shall serve as a notice of intent to</u>  <del>be covered for coverage under the g</del><u>General</u>  <del>VPDES p</del><u>Permit for d</u><del>Domestic s</del><u>Sewage</u>  <del>d</del><u>Discharges of</u> <del>Less</del> <del>†</del><u>Than or e</u><del>Equal</del> <u>to 1,000</u>  <del>g</del><u>Gallons p</u><del>Per</del> <del>d</del><u>Day. For an individual single</u>  <u>family dwelling, the owner may submit a VDH</u>  <u>combined application in place of the registration</u>  <u>statement."</u></p>
70.A.1&2			<p>Updated the dates and made editorial changes as follows:</p> <p><u>"1. New <del>facilities-treatment works.</del> Any owner proposing a new discharge shall submit a complete registration statement (or for an individual single family dwelling a combined application) to the department at least 60 days prior to the date planned for commencing operation of the treatment works.</u></p> <p><u>2. Existing <del>facilities-treatment works.</del></u></p> <p>a. <u>Any owner of an existing treatment works covered by an individual VPDES permit who is proposing to be covered by this general permit shall notify the department and submit a complete registration statement (or for an individual single family dwelling a combined application) at least 240 days prior to the expiration date of the individual VPDES permit.</u></p> <p>b. <u>Any owner of a treatment works that was authorized to discharge under the general permit issued in <del>2006</del> 2011, and who intends to continue coverage under this general permit, is</u></p>

			<p>automatically covered by this general permit and is not required to submit a registration statement <u>(or for an individual single family dwelling a combined application) if:</u></p> <p>(1) The ownership of the treatment works has not changed since the registration statement <u>or combined application</u> for coverage under the <del>2006</del> 2011 general permit was submitted, or, if the ownership has changed, a new registration statement <u>(or combined application) or VPDES Change of Ownership form</u> was submitted to the department <u>by the new owner</u> at the time of the title transfer;</p> <p>(2) There has been no change in the design or operation, or both, of the treatment works since the registration statement <u>or combined application</u> for coverage under the <del>2006</del> 2011 general permit was submitted;</p> <p>(3) For treatment works serving individual single family dwellings, the <del>Virginia Department of Health</del> VDH has no objection to the automatic permit coverage renewal for this treatment works based on system performance issues, enforcement issues, or other issues sufficient to the board. If the <del>Virginia Department of Health</del>-VDH objects to the automatic renewal for this treatment works, the owner will be notified by the board in writing; and</p> <p>(4) For treatment works serving <del>non</del>single buildings or dwellings other than individual single family dwellings, the board has no objection to the automatic permit coverage renewal for this treatment works based on system performance issues, <del>or</del> enforcement issues, <u>or other issues sufficient to the board</u>. If the board objects to the automatic renewal for this treatment works, the owner will be notified <u>by the board in writing</u>.</p> <p>c. Any owner <del>that</del> of a treatment works that was <u>authorized to discharge under the general permit issued in 2011 who does not qualify for automatic permit coverage renewal shall submit a complete registration statement (or for an individual single family dwelling a combined application) to the department on or before June 2, 2014 2016.</u>"</p>
70.A.3		Late Notifications	<p>Changed section to "<u>Late Registration Statements</u>" and clarified the text as follows:  <del>"Late r</del>Registration statements <del>will be accepted by the board</del> <u>(or for individual single family dwellings combined applications) for existing treatment works covered under subdivision 2 b of this subsection will be accepted after August 1, 2016, but authorization to discharge will not be retroactive. Owners described in subdivision 2 b of this subsection that submit registration statements (or combined applications) after June 2, 2016, are authorized to discharge under the provisions of 9VAC25-110-60 D (Continuation of permit coverage) if a complete registration statement (or combined application) is submitted before August 2, 2016.</u>"</p> <p>What this means is that an owner must apply for</p>

			coverage before August 2, 2016 or they will be discharging without a permit and may be subject to enforcement action.
70.B		Registration Statement	<p>Made editorial changes to B.1.a &amp; b and B.2.a as follows:</p> <p><i>"1. a. Indicate if the <u>facility-building</u> served by the treatment works is an <u>individual</u> single family dwelling. If the <u>facility-building</u> is not an <u>individual</u> single family dwelling, describe the <u>facility's-use of the building or site served</u>.</i></p> <p><i>b. Name and street address of the <u>facility-building</u> or <u>site</u> served by the treatment works.</i></p> <p><i>2. <u>a</u>. Name, mailing address, email address (where available), and <del>work and home</del> telephone numbers of the <u>facility-owner of the treatment works</u>. <del>For a dwelling, indicate if the owner is or will be the occupant of the dwelling or facility served by the treatment works.</del>"</i></p>
	70.B.2.b	Registration Statement	<p>Added B.2.b to ask for a contact name if the owner will not be the occupant of the building or dwelling: <i>"<u>b</u>. If the owner is not or will not be the <u>occupant of the dwelling or facility</u>, provide an <u>alternate contact name, mailing address, email address (where available), and telephone number of the dwelling or facility, if available.</u>"</i></p>
70.B		Registration Statement	<p>Made editorial changes to B.4, 6, 7 &amp; 8 as follows:</p> <p><i>"4. The amount of discharge from the <u>treatment works</u>, in gallons per day, on a monthly average, and the design flow of the treatment works, in gallons per day.</i></p> <p><i>6. For a proposed treatment works, indicate if there are central sewage facilities available to serve the <u>facility-building or site</u>.</i></p> <p><i>7. If the <u>facility-treatment works</u> currently has a VPDES permit, provide the permit number. Indicate if the <u>facility-treatment works</u> has been built and begun discharging.</i></p> <p><i>8. For the owner of any proposed treatment works or any treatment works that has not previously been issued a VPDES permit:</i></p> <p><i>a. A 7.5 minute <u>U.S. Geological Survey (USGS)</u> topographic map or equivalent (e.g., a computer generated map) that indicates the discharge point, the location of the property to be served by the treatment works, and the location of any wells, springs, other water bodies, and any residences within 1/2 mile downstream from the discharge point;</i></p> <p><i>b. A site diagram of the existing or proposed <del>sewage</del>-treatment works; to include the property boundaries, the location of the <u>facility or dwelling building or site</u> to be served, the individual sewage treatment units, the receiving water body, and the discharge line location; and..."</i></p>
70.B.9		Maintenance Contract	<p>Renamed the item to "<u>Operation and Maintenance</u>".</p> <p>In 9.a, removed the detail from the item and</p>

			<p>specified: <i>"For the owner of a treatment works serving an individual single family dwelling, <del>indicate if a valid operation and maintenance contract has been obtained in accordance with the requirements</del> are specified in the VDH regulations at 12VAC5-640-500."</i></p> <p>In 9.b, removed the unnecessary detail from the item (it is specified in the permit itself) and clarified that this applies to: <i>"the owner of a treatment works serving a <del>nonsingle building or dwelling</del> other than an individual single family dwelling"</i></p>
70.B.10			<p>Removed the unnecessary detail from the item (it is specified in the permit itself) and clarified that this applies to: <i>"the owner of a treatment works serving a <del>nonsingle building or dwelling</del> other than an individual single family dwelling"</i></p>
70.C		Signature Requirements	<p>Clarified that: <i>"The registration statement shall be signed in accordance with <del>the requirements of</del> 9VAC25-31-110.A of the VPDES Permit Regulation."</i></p>
	70.D		<p>Added an allowance for the Registration to be submitted electronically: <i>"Where To Submit. The registration statement may be delivered to the department by either postal or electronic mail and shall be submitted to the DEQ regional office serving the area where the treatment works is located."</i></p>
80		The authorized discharge shall be in accordance with this cover page, Part I-Effluent Limitations, Monitoring Requirements and Special Conditions, and Part II-Conditions Applicable to All VPDES Permits, as set forth herein.	<p>The authorized discharge shall be in accordance with <u>the information submitted with the registration statement</u>, this cover page, Part I-Effluent Limitations, Monitoring Requirements and Special Conditions, and Part II-Conditions Applicable to All VPDES Permits, as set forth herein.</p> <p>DEQ made a change to the cover page of individual VPDES permits so that the paragraph that reads, "The authorized discharge shall be in accordance with...." was changed to include <i>"the information submitted with the permit application, ...."</i> and then references this Cover Page, Part I, Part II, etc...</p> <p>This change also needs to be in the general permits, but the cover page should read, "The authorized discharge shall be in accordance with <u>the information submitted with the registration statement</u>, this cover page, Part I, Part II, etc..."</p> <p>As with the information in the applications for individual permits, the information contained on the registration statements for general permits is important to reference. It is the information on which the permit is based.</p>
80 Part I		General Permit	<p>Changed the effective and expiration dates to reflect the upcoming permit term.</p>
80 Part I A.1		First Effluent Limits Table	<p>Added footnote (6) to the TRC Final Effluent Instantaneous Maximum limit, and the D.O. Instantaneous Minimum limit. Footnote (6) states: <i>"Does not apply when the receiving stream is an ephemeral stream. "Ephemeral streams" are</i></p>

			<u>drainage ways, ditches, hollows, or swales that contain only (a) flowing water during or immediately following periods of rainfall, or (b) water supplied by the discharger. These waterways would normally have no active aquatic community."</u>
80 Part I A.2		Monitoring Data	Changed this to require owners of treatment works serving buildings or dwellings other than individual single family dwellings (i.e., those that report to DEQ) to submit their monitoring results to the Department along with their maintenance logs. This change will assist the Department with compliance with this permit. <u>"Reporting of results to DEQ is not required; however, the monitoring results for treatment works serving buildings or dwellings other than individual single family dwellings shall be made available to DEQ personnel upon request submitted to the department on a Discharge Monitoring Report (DMR) no later than the 10<sup>th</sup> of September following the monitoring period. The monitoring period is September 1 through August 31. A copy of the maintenance log required by Part I D 2 b (4) shall also be submitted with the DMR."</u>
80 Part I B 1		Second Effluent Limits Table	Changed the Total Residual Chlorine (TRC) limit to break out "After contact tank" and "Final effluent" as two separate entries, to be consistent with the way this is presented in the Part I A Effluent Limits table.
80 Part I B.2		Monitoring Data	Changed this to require owners of treatment works serving buildings or dwellings other than individual single family dwellings (i.e., those that report to DEQ) to submit their monitoring results to the Department along with their maintenance logs. This change will assist the Department with compliance with this permit. <u>"Reporting of results to DEQ is not required; however, the monitoring results for treatment works serving buildings or dwellings other than individual single family dwellings shall be made available to DEQ personnel upon request submitted to the department on a Discharge Monitoring Report (DMR) no later than the 10<sup>th</sup> of September following the monitoring period. The monitoring period is September 1 through August 31. A copy of the maintenance log required by Part I D 2 b (4) shall also be submitted with the DMR."</u>
	80 Part I C		Added a new limits set for discharges to receiving waters subject to the Policy for the Potomac River Embayments (PPRE) (9VAC25-415). This was done to allow owners of treatment works discharging to these waters to be eligible for coverage under this general permit. Presently these facilities must be covered under an individual permit. Monitoring for these dischargers is required quarterly and the limits are based on the PPRE limits and on limits developed for existing individual permits in the PPRE area. Monitoring results for treatment works serving individual single family dwellings in this area are to

			be submitted to both DEQ and VDH.
80 Part I C	80 Part I D	Special Conditions	Renumbered to accommodate the addition of the new limit set above.
80 Part I D.2		Maintenance Contract	<p>Renamed this special condition to "<u>Operation and Maintenance</u>".</p> <p>In D.2.a, removed the detail from the special condition and specified: "<u>The Operation and maintenance requirements for treatment works serving individual single family dwellings are specified in the Virginia Department of Health regulations at 12VAC5-640-500-require</u> <del>require</del> <u>maintenance contracts for treatment works serving individual single family dwellings.</u>"</p> <p>In D.2.b, clarified that this applies to: "<u>Treatment works serving <del>nonsingle buildings or dwellings</del> other than an individual single family dwellings.</u>"</p> <p>In D.2.b(2), changed the requirement for the owner of a proposed treatment works to submit a copy of a valid maintenance contract to have the owner submit a certification that they have a valid maintenance contract.</p> <p>In D.2.b(3)(b), added: "<u>... the owner shall begin emergency pump and haul of all sewage generated from the facility or dwelling or otherwise ensure that no discharge occurs if full and complete repairs cannot be accomplished within 48 hours;</u>"</p> <p>In D.2.b(3)(c), specified that the contract provider log shall be maintained "<u>at the treatment works</u>"</p> <p>Deleted D.2.b(3)(e) that the maintenance contract shall be valid for a minimum of 24 months of consecutive coverage. The section already requires that a maintenance contract be kept in force during the permit term, so this requirement was unnecessary.</p>
	80 Part I D.2.b(4)		<p>Added a requirement for the permittee to keep a maintenance log:</p> <p><u>"(4) The permittee shall keep a log of all maintenance performed on the treatment works including, but not limited to, the following:</u></p> <p><u>(a) The date and amount of disinfection chemicals added to the chlorinator.</u></p> <p><u>(b) If dechlorination is used, the date and amount of any dechlorination chemicals that are added.</u></p> <p><u>(c) The date and time of equipment failure(s) and the date and time the equipment was restored to service.</u></p> <p><u>(d) The date and approximate volume of sludge removed.</u></p> <p><u>(e) Dated receipts for chemicals purchased, equipment purchased, and maintenance performed."</u></p>
80 Part I D.3		Operation and Maintenance Plan	<p>Made editorial changes to Part I D.3:</p> <p><u>"3. Operation and maintenance plan. The owner of any treatment works serving a <del>nonsingle building or dwelling</del> other than an individual single family dwelling may request an exception to the maintenance contract requirement by submitting</u></p>

			<p>an operation and maintenance plan to the board for review and approval. At a minimum, the operation and maintenance plan shall contain the following information:</p> <p>3.b(1) The date and amount of disinfection chemicals added to the chlorinator (if applicable).</p> <p>3.d. An effluent monitoring plan to conform with the requirements of Part I A, Part I B or Part I B-C, as appropriate, including all sample collection, preservation, and analysis procedures. Note: <del>The Discharges from the treatment works</del> should be sampled during normal discharging operations or normal discharging conditions (i.e., operations that are normal for that <del>facility-treatment works</del>). The owner or maintenance provider should not force a discharge in order to collect a sample."</p>
80 Part I D.4		Compliance Recordkeeping	<p>Added quantification levels (QL) for cBOD<sub>5</sub> (2 mg/L), Ammonia as N (0.20 mg/L), and Total Phosphorus (0.10 mg/L). These were added parameters under the PPRE limit set (Part I C), so the QLs were needed.</p>
	80 Part II A.4	Monitoring	<p>Added A 4 as follows: "<u>Samples taken as required by this permit shall be analyzed in accordance with 1VAC30-45 (Certification for Noncommercial Environmental Laboratories) or 1VAC30-46 (Accreditation for Commercial Environmental Laboratories).</u>"</p> <p>This is a new regulatory requirement effective January 1, 2012, and is being added to all general permits as they are reissued.</p>
80 Part II I NOTE		Reports of Noncompliance	<p>Added an online allowance for immediate (24-hour) noncompliance reporting, and a link to the web page.</p>
80 Part II M		Duty to Reapply	<p>Made date changes and editorial changes:</p> <p>"M.1. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, and the permittee does not qualify for automatic permit coverage renewal, the permittee shall submit a new registration statement (or for an individual single family dwelling a VDH combined application) at least 60 days before the expiration date of the existing permit, unless permission for a later date has been granted by the board. The board shall not grant permission for registration statements (or combined applications) to be submitted later than the expiration date of the existing permit.</p> <p>M.2. A permittee qualifies for automatic permit coverage renewal and is not required to submit a registration statement (or for an individual single family dwelling a VDH combined application) if:</p> <p>M.2.a. The ownership of the treatment works has not changed since this general permit went into effect on August 2, <del>2011</del>2016, or, if the ownership has changed, a new registration statement (or for an individual single family dwelling a VDH combined application) or VPDES Change of Ownership form was submitted to the department</p>

			<p><i>by the new owner at the time of the title transfer;</i></p> <p><i>M.2.b. There has been no change in the design or operation, or both, of the treatment works since this general permit went into effect on August 2, <del>2011</del>2016;</i></p> <p><i>M.2.d. For treatment works serving <del>nonsingle</del> buildings or dwellings other than single family dwellings, the board has no objection to the automatic permit coverage renewal for this treatment works based on system performance issues, <del>or enforcement issues, or other issues sufficient to the board.</del> If the board objects to the automatic renewal for this treatment works, the permittee will be notified <u>by the board in writing.</u></i></p> <p><i>M.3. Any permittee that does not qualify for automatic permit coverage renewal shall submit a new registration statement <u>(or for an individual single family dwelling a VDH combined application)</u> in accordance with Part II M 1."</i></p>
80 Part II V		Upset	Clarified that the term "upset" is defined in 9VAC25-31-10 (the VPDES Permit Regulation).
80 Part II Y		Transfer of Permits	<p>Revised this subsection so that the Board may waive the automatic transfer timing requirement (i.e., 30 days in advance of proposed transfer). Permittees are rarely able to meet this requirement and the staff thinks they need some flexibility with this. Also, the references to modifications and revocations and reissuances have been removed because these events are not appropriate for coverage under general permits.</p> <p><del>"4. 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 State Water Control Law and the Clean Water Act.</del></p> <p><del>2. As an alternative to transfers under Part II Y 1, Coverage under this permit may be automatically transferred to a new permittee if:</del></p> <p><del>a1. The current permittee notifies the department within 30 days of the transfer of the title to the facility or property, unless permission for a later date has been granted by the board;</del></p> <p><del>b2. 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</del></p> <p><del>e3. The board does not notify the existing permittee and the proposed new permittee of its intent to <del>modify or revoke and reissue</del> deny the new permittee coverage under 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. "</del></p>



### Regulatory flexibility analysis

*Pursuant to § 2.2-4007.1B of the Code of Virginia, please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.*

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The agency is proposing to lessen the reapplication burden on all existing permittees by continuing to allow owners to be automatically covered under the reissued permit without the need to resubmit a registration statement. An owner would be automatically covered under the new general permit provided that: (1) the ownership of the treatment works hasn't changed since the last registration, or if the ownership has changed, the agency was notified; (2) there has been no change to the design and/or operation of the treatment works; (3) neither the agency nor the Virginia Department of Health objects to the automatic reissuance based on facility performance or enforcement issues. The agency is also proposing to continue the provision that allows the continuance of permit coverage in instances where an owner has submitted a timely reapplication registration (if they are required to submit a registration) and is in compliance with their existing permit. This will allow the permittee to legally discharge if permit coverage is not granted by the agency prior to the expiring permit's expiration date.

There are several small businesses covered under this permit. Domestic sewage must be properly treated and permitted and the use of a general permit with no fee has minimal impact on these small businesses.

These alternatives are consistent with health, safety, environmental, and economic welfare, and will accomplish the objectives of applicable law while minimizing the adverse impact on small business.