



# COMMONWEALTH of VIRGINIA

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STATE HEALTH COMMISSIONER

Department of Health

P. O. BOX 2448  
RICHMOND, VA 23218

June 2, 1993

## MEMORANDUM

GMP #27

To: District Directors  
Environmental Health Managers  
Environmental Health Supervisors  
Environmental Health Specialists

Through: Suzanne Dandoy, M.D., M.P.H., Deputy Commissioner  
Public Health Programs

From: Robert W. Hicks, Director *Robert W. Hicks*  
Office of Environmental Health Services

SUBJECT: Enforcement of 10/10 effluent standards  
Discharge-Enforcement-10/10 limits

In the implementation of the Alternative Discharging Sewage Treatment Regulations for Single Family Dwellings (Regulations) questions have been raised regarding enforcement of the effluent limitations for systems that are required to be designed to meet 10/10 limits (10 mg/l suspended solids and BOD<sub>5</sub>). Specifically, many have asked whether we will enforce the 10/10 limits in the actual operation of systems, and whether the Regulations give the Department the authority to do so. This guidance is intended to establish the Department's policy for enforcement of 10/10 standards.

Throughout the Regulations, there are numerous references to the effluent limitations of the General Permit (e.g. § 2.25, and 2.28). Section 3.5 states that all systems operated under these Regulations shall meet the effluent limitations set forth by the State Water Control Board in the General Permit (30 mg/l suspended solids and BOD<sub>5</sub>). It is clear that the Department has authority only to enforce the effluent limits established in the General Permit. Therefore, only those effluent limits that are specifically included in the General Permit will be enforced as **performance standards**.

The 10/10 requirement is a **design standard** established in the Regulations (§ 3.7.C) to require additional treatment beyond that required by the General Permit. This requirement is intended to reduce the potential for public health and nuisance

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problems associated with discharges to dry ditches and intermittent streams.

**Enforcement action** is to be taken only when violations of the General Permit and other operational factors show that there is a public health or environmental risk. As with all systems governed under these Regulations, corrective actions should first address operational problems. If changes in design or construction are required to obtain compliance with the General Permit, these construction or design changes must be **designed** to produce an effluent quality of 10/10 or better.

Enforcement action involving 10/10 systems should be initiated and accomplished in the same manner as any enforcement action under the Regulations (§ 2.5). If the results of informal or formal testing, or other investigations, show that systems designed for 10/10 are operating in compliance with the General Permit, but are not meeting the 10/10 design standard, it is appropriate to **document** this, and to notify the owner in writing with a copy to Technical Services.

The above policy was developed by the Discharge Regulations Task Force.

pc: Office of Environmental Health Services  
Cal M. Sawyer, Ph.D.