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Exempt Action Final Regulation Agency Background Document

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| Agency name | State Water Control Board |
| Virginia Administrative Code (VAC) citation(s) | 9VAC25-120 |
| Regulation title(s) | General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation For Discharges From Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests |
| Action title | Amend and Reissue Existing Regulation |
| Final agency action date | December 6-7, 2017 |
| Date this document prepared | October 24, 2017 |

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of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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.

The General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Discharges from Petroleum Contaminated Sites, Ground Water Remediation, and Hydrostatic Tests has existed since 1992. This general permit contains effluent limitations, monitoring requirements and special conditions for discharges of petroleum-contaminated wastewater, chlorinated hydrocarbon contaminated wastewater, and wastewater from hydrostatic tests. The proposed changes to the regulation were made to make this general permit similar to other general permits issued recently and in response to Technical Advisory Committee suggestions and staff requests to clarify and update permit limits and conditions.

Substantive changes to the existing regulation include:

Including “associated distribution equipment” as components that can be hydrostatically tested under general permit coverage;

Requiring the permittees to notify a Municipal Separate Storm Sewer System (MS4) owner of the existence of the discharge at the time of registration under the general permit and include a copy of that notification with the registration statement;

Clarification that dewatering projects “shall be managed to control the volume and velocity of the discharge, including peak flow rates and total volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion”.

Requiring that hydrostatic discharge flows “be managed to control the volume and velocity of the discharge, including peak flow rates and total volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion”.

Clarification that total residual chlorine data below the quantification level of 0.1 mg/L shall be reported as “<QL”.

Changes since the proposed stage can be found in Section 60 (C and D), 70 (C and D) and 80 (Part 1 B 12, Part II I, Part II J, and Part II W). The changes clarified existing text and responded to comments received from the U.S. Environmental Protection Agency).

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.

- APA: Administrative Process Act
- BMP: Best Management Practices
- CFR: Code of Federal Regulations
- DEQ: Department of Environmental Quality
- EPA: (U.S. EPA): United States Environmental Protection Agency
- MS4: Municipal Separate Storm Sewer System
- NPDES: National Pollutant Discharge Elimination System
- O&M: Operations and Maintenance
- QL: Quantification Level
- TAC: Technical Advisory Committee
- USC: United States Code
- VAC: Virginia Administrative Code
- 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.

At its meeting on December 6-7, 2017, the State Water Control Board adopted the amendments to the General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation For Discharges From Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests.

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.

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

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.

There were no comments received following the publication of the Notice of Periodic Review. The proposed regulatory action is needed in order to establish appropriate and necessary permitting requirements for discharges of wastewater to surface waters from dischargers covered under the general permit. Protecting water quality in the Commonwealth’s surface waters is necessary to protect the health, safety and welfare of citizens. These discharges are considered to be point sources of pollutants and thus are subject to regulation under the VPDES permit program. The primary issue that needs to be addressed is that the existing general permit expires on February 25, 2018 and must be reissued in order to continue making it available after that date. The regulation does not overlap, duplicate, or conflict with federal or state law or regulation as the State Water Control Board is the delegated authority to regulate point source discharges to surface water. The regulation was evaluated in 2013 when the permit was reissued last permit term.

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 |
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| 9VAC25-120-60 C. Authorization to Discharge | Statement that compliance with the general permit constitutes compliance with the federal Clean Water Act and State Water Control Law. | Clarified the paragraph by explaining compliance is for purposes of enforcement and added the specific sections of the Clean Water Act on which compliance is measured. | Clarifications to match 9VAC25-31-60 (Effect of a Permit) of the permit regulation. |
| 9VAC25-120-60 D. Authorization to Discharge | Provided requirements, with dates, when continuation of permit coverage is allowed. | Revised so that this subsection is generic and not dependent on the dates. Dates were removed but allowances for continuance of permit coverage are the same or can be implemented the same. | The language better follows the permit regulation and the 2014 permit manual. The section allows permit coverage continuance if the registration |

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| | | | is complete and turned in on time unless the board authorizes a later submittal date (but not before expiration). Registration statements can come in after expiration but coverage is not retroactive. This new language should transition well from term to term without needing date changes |
| 9VAC25-120-70 C. Registration Statement | Provided due dates for submittal of registration statements. | Revised so that due match the "Duty to reapply" language in Part II "Conditions applicable to all permits," which says exiting owners must submit registration statements at least 30 days prior to the expiration date of the existing permit or a later submittal established by the board. | Clarification and to make more generic. This new language should transition well from term to term without needing date changes. |
| 9VAC25-120-70 D. Registration Statement | Allowance for existing owners that submit registration statements after January 27, 2018, that the facility is authorized to discharge under the continuance of permit coverage provisions of 9VAC25-120-60 D if a complete registration statement is submitted on or before February 26, 2018. | Removed the sentence. However, in the revised language in 70 D allows for later registration statement submittals if a later date is established by the board. | Language with all the dates was confusing and the more generic format will still allow the board to accept registration statements after the due date but not after the expiration date. This new language should transition well from term to term without needing date changes. |
| 9VAC25-120-80. General permit. Part 1 B 12 | None | Requirement to notify the department when pollutants discharged change. Does not apply to pollutants already limited or pollutants specified elsewhere in the permit. § 122.42(a)(1) | Language added to comply with EPA comments that the section was missing from the permit and to be consistent with other general permit regulations. |
| 9VAC25-120-80. General permit Part II I | Condition that describes when reports of noncompliance must be provided. | Added a new paragraph 3 that states "Where the permittee becomes aware that it failed to submit any relevant facts in a permit registration statement, or submitted incorrect information in a permit registration statement or in any report to the department, it shall promptly submit such facts or information." | EPA commented that this paragraph was missing in this section. This language is present in the NPDES permit regulation. |
| 9VAC25-120-80. General permit Part II J | Requirement to notify the department when pollutants discharged change. Does not apply to pollutants already limited or pollutants specified elsewhere in the permit. | Same requirement except the section where pollutants are specified elsewhere in the permit is cited (Part I B 12). | EPA commented on this and it is a clarification. |
| 9VAC25-120-80. General permit Part II W | The permittee shall allow the director, or an authorized representative to enter the facility. | Added that an authorized contractor acting as a representative of the administrator also has authority to enter the facility. | EPA commented that this paragraph was missing in this section. This language is present in the NPDES permit regulation. |

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 |
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| EPA, Region 3, Joel Blanco- | The language for inspection and entry was not as stringent as the | We will add this language in Part II W of the permit, when it is submitted for final approval to |

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| Gonzales | standard condition contained at 40 CFR § 122.41(i). The standard condition lacked, “(including an authorized contractor acting as a representative of the Administrator).” | the State Water Control Board, as follows: (including an authorized contractor acting as a representative of the administrator). |
| EPA, Region 3, Joel Blanco-Gonzales | The bypass condition lacked the definition of “severe property damage” contained in 40 CFR § 122.41(m)(1)(ii) and the upset standard condition lacked the definition of “upset” contained in 40 CFR § 122.41(n)(1). | These definitions are in the individual VPDES Permit Regulation at 9VAC25-31-10 and are included by reference in the proposed general permits in section 10. Virginia has always only included definitions in the general permits that are not in the individual permit regulation. No change made. |
| EPA, Region 3, Joel Blanco-Gonzales | The notice of planned changes standard condition lacked the phrase “nor to notification requirements under § 122.42(a)(1)” contained in 40 CFR § 122.41(l)(1)(ii). | We will add similar language in Part II J (which is equivalent to 122.41(l)(1)(ii)) as follows: “nor to notification requirements under Part I B 12.” Part I B 12 are equivalent to 122.42(a)(1). |
| EPA, Region 3, Joel Blanco-Gonzales | The reports of noncompliance condition lacked the phrase “Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in the permit to be reported within 24 hours” contained in 40 CFR § 122.41(l)(6)(ii)(C). | The Director has determined that no pollutants need to be listed for 24-hour reporting as per 40 CFR 122.44(g). The addition of this language will be confusing to our permittees without specific toxic pollutants listed. No change. |
| EPA, Region 3, Joel Blanco-Gonzales | The other information standard condition language contained in 40 CFR § 122.41(l)(8) was missing from the reporting requirements. | We will add this language in Part II I as follows: “Where the permittee becomes aware that it failed to submit any relevant facts in a permit registration statement, or submitted incorrect information in a permit registration statement or in any report to the department, it shall promptly submit such facts or information.” This is equivalent to 40 CFR § 122.41(l)(8). |
| EPA, Region 3, Joel Blanco-Gonzales | The civil and administrative penalty language contained in 40 CFR § 122.41(a), Duty to comply, was not included. | <p>The conditions in 40 CFR § 122.41(a) (2) is not included in the general permit regulations because this administrative penalty language is in state statute at § 62.1-44.32. Permittees are reminded on the back of the DMR (instructions) that failure to report or failure to report truthfully can result in civil penalties of \$32,500 per violation, per day and felony prosecutions which can carry a 15 year term.</p> <p>As for the requirements in 40 CFR § 122.41(a) (3), §62.1-44.15 of the state statute does allow the agency to unilaterally assess administrative penalties of up to \$100,000 per case, under certain conditions. The statue also allows the agency to assess, with the consent of the regulated party, administrative penalties of up to \$32,500 per day per violation.</p> <p>This covers all the administrative penalty</p> |

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| | language EPA is referring to. No change. |
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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 |
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| | | The title of the regulation is "General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation For Discharges From Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests | Changed the title to "Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation For Discharges From Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests" to be consistent with other VPDES General Permits titles. |
| 9VAC25-120-10. Definitions. | | | Added definition of "Board" means the State Water Control Board |
| 9VAC25-120-10. Definitions. | | Requirement is fundamentally the same as the 2013 regulation | Deletion of "or both" to be consistent with Virginia Register of Regulations <i>Form, Style and Procedure manual for Publication of Virginia Regulations</i> |
| 9VAC25-120-15. Applicability of incorporated references based on the dates that they became effective. | | This section updates all Title 40 Code of Federal Regulations (CFR) within the document to be those published as of July 1, 2012. This is a recommendation from the DEQ Office of Policy so dates do not need to be added for each CFR reference. | Simplified this paragraph to match other general permits and changed the date to July 1, 2017. |
| 9VAC25-120-20. Purpose | | This section detailed the discharges governed by this regulation. | Added "associated distribution equipment" to petroleum storage tank systems to clarify that those components were eligible for hydrostatic testing. Made other minor clarifications which assist the regulated community in determining what equipment is covered for hydrostatic testing. |
| 9VAC25-120-50. Effective date of the permit. | | Effective dates of the permit are for the expiring permit term (2013 – 2018). | Effective dates updated throughout regulation (2018-2023). |
| 9VAC25-120-60. Authorization to discharge. Subsection D. | | Requirement is the same as the 2013 regulation. | Revised so that this subsection is generic and not dependent on the dates. Dates were removed but allowances for continuance of permit coverage are the same or can be implemented the same. The language better follows the permit regulation and the 2014 permit manual. The section allows permit coverage continuance if the registration is complete and turned in on time unless the board authorizes a later submittal date (but not before expiration). Registration statements can come in after expiration but coverage is not retroactive. This new language should transition well from term to term without needing date changes |
| 9VAC25- | | Statement that compliance with | Clarified the paragraph by explaining compliance is for |

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| 120-60 C. Authorization to Discharge | | the general permit constitutes compliance with the federal Clean Water Act and State Water Control Law. | purposes of enforcement and added the specific sections of the Clean Water Act on which compliance is measured. |
| 9VAC25-120-70. Registration statement. Subdivision B. | | Requirement is the same as the 2013 regulation | Made clarification that short term projects were projects 14 <u>consecutive</u> days or less in duration. Added that “distribution system components” are included in equipment eligible for hydrostatic testing. Updated proposed effective date to 2018. Clarified that sort term project dischargers are not required to submit a notice of termination <u>of permit coverage</u> . |
| 9VAC25-120-70. Registration statement. Subdivision C. | | Requirement is the same as the 2013 regulation | Revised so that due match the “Duty to reapply” language in Part II “Conditions applicable to all permits,” which says exiting owners must submit registration statements at least 30 days prior to the expiration date of the existing permit or a later submittal established by the board. Clarification and to make more generic. This new language should transition well from term to term without needing date changes. |
| 9VAC25-120-70. Registration statement. Subdivision D. | | Requirement is the same as the 2013 regulation | Allowance for existing owners that submit registration statements after January 27, 2018, that the facility is authorized to discharge under the continuance of permit coverage provisions of 9VAC25-120-60 D if a complete registration statement is submitted on or before February 26, 2018. Removed the sentence. However, in the revised language in 70 D allows for later registration statement submittals if a later date is established by the board. Language with all the dates was confusing and the more generic format will still allow the board to accept registration statements after the due date but not after the expiration date. This new language should transition well from term to term without needing date changes. |
| 9VAC25-120-70. Registration statement. Subdivision E. | | Registration statement information includes the requirement to notify the owner of an MS4 within 30 days of coverage under the general permit. | Made effective date changes and minor clarifications to language. Required that estimates of both <u>average and maximum</u> flow rates be provided. Required that <u>all related</u> analytical data be provided with any characterization of wastewater or contamination. Requirement changed so that the notification to the MS4 owner occurs at the time of registration under the permit and that notification must be included with the registration. Clarified that any pollution complaint number <u>associated with the project</u> be provided. |
| 9VAC25-120-70. Registration statement. Subdivision G | | | Added provision to registration statement to be sent to appropriate regional DEQ office. |
| 9VAC25-120-80. General permit. | | Effective dates of the permit are for the expiring permit term (2013 – 2018). | Updated the permit dates to 2018- 2023 |
| 9VAC25-120-80. General permit. | | Stated that “[d]ischarge shall be in accordance with this cover page, Part I - Effluent Limitations and Monitoring Requirements and Part II - Conditions Applicable to All VPDES Permits, as set forth herein.” | Updated language to be consistent with other general permits to: “[d]ischarge shall be in accordance with <u>the information submitted with the registration statement</u> , this cover page, Part I - Effluent Limitations and Monitoring Requirements and Part II - Conditions Applicable to All VPDES Permits, as set forth <u>herein in this general permit.</u> ” |
| 9VAC25- | | Requires Effluent Limitations and | Clarified that short term projects are 14 <u>consecutive</u> |

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| <p>120-80. General permit. Part I A 1.</p> | | <p>Monitoring Requirements for short term projects</p> | <p><u>calendar</u> days in duration or less.</p> <p>Changed sampling frequency requirement from once per “project term” to once per “discharge”</p> <p>Replaced requirement that dewatering projects shall be managed to “ensure that they are discharging to an adequate channel or pipe and do not cause erosion in the receiving stream” with “control the volume and velocity of the discharge, including peak flow rates and total volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion”.</p> |
| <p>9VAC25-120-80. General permit. Part I A 2.</p> | | <p>Requirement is fundamentally the same as the 2013 regulation</p> | <p>Reformatted subsection numbering.</p> <p>Replaced requirement that hydrostatic testing projects shall be managed to “ensure that they are discharging to an adequate channel or pipe and do not cause erosion in the receiving stream” with “control the volume and velocity of the discharge, including peak flow rates and total volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion”.</p> <p>Replaced “initiation” with “execution” as requested by enforcement staff</p> <p>Updated referenced EPA Method dates.</p> <p>Clarification that total residual chlorine data below the quantification level of 0.1 mg/L shall be reported as “<QL”.</p> |
| <p>9VAC25-120-80. General permit. Part I A 3.</p> | | <p>Requirement is fundamentally the same as the 2013 regulation</p> | <p>Reformatted subsection numbering.</p> <p>Updated referenced EPA Method dates.</p> <p>Replaced “first year” with “first twelve months of permit coverage” to clarify requirements.</p> <p>Replaced “initiation” with “execution” as requested by enforcement staff</p> <p>Added “in each year of permit coverage” to clarify requirements.</p> <p>Changed wording from “shall” to “may” to allow flexibility in relaxing monitoring frequency for demonstrating full compliance with effluent limitations.</p> |
| <p>9VAC25-120-80. General permit. Part I A 4.</p> | | <p>Requirement is fundamentally the same as the 2013 regulation</p> | <p>Reformatted subsection numbering.</p> <p>Updated referenced EPA Method dates.</p> <p>Replaced “first year’s results” with “first twelve months of permit coverage results” to clarify requirements.</p> <p>Replaced “initiation” with “execution” as requested by enforcement staff</p> <p>Changed wording from “shall” to “may” to allow flexibility in relaxing monitoring frequency for demonstrating full compliance with effluent limitations.</p> |
| <p>9VAC25-120-80. General permit. Part I</p> | | <p>Requirement is fundamentally the same as the 2013 regulation</p> | <p>Replaced “first year” with “first twelve months of permit coverage” to clarify requirements.</p> <p>Replaced “initiation” with “execution” as requested by</p> |

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| A 5. | | | enforcement staff Changed wording from “shall” to “may” to allow flexibility in relaxing monitoring frequency for demonstrating full compliance with effluent limitations. |
| 9VAC25-120-80. General permit. Part I B 6. | | Special Conditions | Replaced “municipal separate storm water system” with “MS4” |
| | 9VAC25-120-80. General permit. Part 1 B 12 | None | Requirement to notify the department when pollutants discharged change. Does not apply to pollutants already limited or pollutants specified elsewhere in the permit. § 122.42(a)(1). Language added to comply with EPA comments that the section was missing from the permit and to be consistent with other general permit regulations. |
| 9VAC25-120-80. General permit. Part II H | | Requirement the same as the 2013 Regulation | Made grammatical change for “affects” to “effects” |
| 9VAC25-120-80. General permit Part II I | | Condition that describes when reports of noncompliance must be provided. | Added a new paragraph 3 that states “Where the permittee becomes aware that it failed to submit any relevant facts in a permit registration statement, or submitted incorrect information in a permit registration statement or in any report to the department, it shall promptly submit such facts or information.” EPA commented that this paragraph was missing in this section. This language is present in the NPDES permit regulation. |
| 9VAC25-120-80. General permit Part II J | | Requirement to notify the department when pollutants discharged change. Does not apply to pollutants already limited or pollutants specified elsewhere in the permit. | Same requirement except the section where pollutants are specified elsewhere in the permit is cited (Part I B 12). EPA commented on this and it is a clarification. |
| 9VAC25-120-80. General permit. Part II J 1 c | | Requirement the same as the 2013 Regulation | Changed wording from “application” to “registration” for clarification. |
| 9VAC25-120-80. General permit. Part II K 1 a | | Requirement the same as the 2013 Regulation | Changed wording from “application” to “registration” for clarification. |
| 9VAC25-120-80. General permit. Part II L | | Requirement is fundamentally the same as the 2013 regulation | Made clarification of language as requested by enforcement staff |
| 9VAC25-120-80. General permit. Part II W | | Inspection and entry. Regulation stated that “[t]he time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging.” | Changed wording from “and” to “or”. “[t]he time for inspection shall be deemed reasonable during regular business hours, and <u>or</u> whenever the facility is discharging.” Added that an authorized contractor acting as a representative of the administrator also has authority to enter the facility. |
| 9VAC25-120-80. General permit. Part II X. | | Requirement is fundamentally the same as the 2013 regulation | Made clarification of language as requested by enforcement staff |
| 9VAC25-120-80. General permit. Part II Y. | | Requirement is fundamentally the same as the 2013 regulation | Made clarification of language as requested by enforcement staff |

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| 9VAC25-120 Documents Incorporated By Reference | | | Updated referenced website and document dates. |
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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.

The reissuance of this general permit accomplishes the objectives of applicable law and, compared to an individual permit, simplifies the application process and minimizes the costs to a small business owner. Without the general permit, a small business owner would be required to obtain an individual VPDES permit which would increase the cost and complexity of the permit application, and the cost to maintain the permit itself.

The regulation allows owners of "short term" projects (14 days or less in duration) and hydrostatic test discharges to be automatically covered under the permit without the requirement to submit a registration statement. Short term projects include emergency repairs; dewatering projects; utility work and repairs in areas of known contamination; tank placement or removal in areas of known contamination; pilot studies or pilot tests, including aquifer tests; and new well construction discharges of groundwater. The owners are required to notify the Department within 14 days of the completion of the discharge. Discharge monitoring reports are not required to be submitted to the Department, but are required to be kept by the owner for three years following the completion of the project.

The amended regulation includes an allowance for continuance of permit coverage in instances where a permittee has submitted a timely registration statement and is in compliance with their existing permit. This will allow the permittee to legally and safely discharge if the permit is not reissued on time by the Department.