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Exempt Action: Proposed Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC25-192 et seq.
VAC Chapter title(s)	Virginia Pollution Abatement (VPA) Regulation and General Permit for Animal Feeding Operations and Animal Waste Management
Action title	2024 Reissue and amend, as necessary, the Virginia Pollution Abatement (VPA) Regulation and General Permit for Animal Feeding Operations and Animal Waste Management
Date this document prepared	November 2, 2023

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The State Water Control Board is proposing this action to reissue and amend, as necessary, the existing Virginia Pollution Abatement (VPA) Regulation and General Permit for Animal Feeding Operations and Animal Waste Management (9VAC25-192-10 et seq.). Section 62.1-44.17:1 of the Code of Virginia, states that the Board shall adopt a general VPA permit to cover animal feeding operations having 300 or more animal units utilizing a liquid manure collection and storage system. The current VPA regulation and general permit expires on November 15, 2024. This regulation governs the pollutant management activities of animal wastes at animal feeding operations not covered by a Virginia Pollutant Discharge Elimination System permit and animal waste utilized or stored by animal waste end-users. These animal feeding operations may operate and maintain treatment works for waste storage, treatment, or recycling and may perform land application of manure, wastewater, compost, or sludges. The general permit is the primary permit mechanism used to cover animal feeding operations which confine livestock, such as, but

not limited to, swine, dairy and beef cattle across the Commonwealth. During this action, language has been amended to update the incorporation by reference date of 40 CFR references in the regulation as necessitated by changes to the Federal Rules.

Mandate and Impetus

Identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

The impetus of the regulatory change is § 62.1-44.15 (5b) of the Code of Virginia, which states, "All certificates issued by the Board under this chapter shall have fixed terms. ... The term of a Virginia Pollution Abatement permit shall not exceed 10 years, except that the term of a Virginia Pollution Abatement permit for confined animal feeding operations shall be 10 years." The general permit issued through this regulation must be reissued in order to meet the requirements of § 62.1-44.17:1 of the Code of Virginia and continue the general permit coverage of confined animal feeding operations. This regulation expires on November 15, 2024, and must be reissued to cover the existing animal feeding operations and any new animal feeding operations. There are currently 110 animal feeding operations covered under the general permit. If the regulation is not reissued in a timely manner, the operations that are covered under the general permit, as well as any new operations that need a permit, will be required to seek an individual VPA permit, which require more time to develop and issue, and impose a greater burden and costs on permittees and increased administrative burden on DEQ.

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.

- AFO - Animal Feeding Operations
- CFR - Code of Federal Regulations
- DCR - Department of Conservation and Recreation
- DEQ or department - Department of Environmental Quality
- NMP - Nutrient Management Plan
- VPA - Virginia Pollution Abatement

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.

In 1994, the Virginia General Assembly passed House Bill 222 (codified at § 62.1-44.17:1 of the Code of Virginia) establishing the general permit for confined animal feeding operations. The Act required the State Water Control Board to adopt the general permit, establish provisions for issuing the general permits and establish criteria for the design and operation of the confined AFOs. Section 62.1-44.17:1 of the Code of Virginia authorizes the State Water Control Board to establish and implement the general permit for confined AFOs having 300 or more animal units utilizing a liquid manure collection and storage

system. The regulation and general permit first became effective on November 16, 1994. Since 1994, the regulation has been reissued two times, the last becoming effective on November 16, 2014. Changes to this chapter of the Virginia Administrative Code are exempt from Article 2 of the Administrative Process Act (§ 2.2-4006 A 8 of the Code of Virginia).

Purpose

Please explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

The purpose of this action is to reissue and amend, as necessary, the existing VPA Regulation and General Permit for Animal Feeding Operations and Animal Waste Management. The general permit expires on November 15, 2024, and must be reissued to cover the existing animal feeding operations and any new animal feeding operations. This action is needed in order to maintain permitting requirements for pollutant management activities of animal wastes at animal feeding operations not covered by a Virginia Pollutant Discharge Elimination System permit and animal waste utilized or stored by animal waste end-users. The goal is to update the regulation and the general permit to be consistent with the VPA Regulation and General Permit for Poultry Waste Management (9VAC25-630) and protect water quality.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the “Detail of Changes” section below.

This action is primarily a reissuance of the existing general permit and does not include significant changes; however, the following items are included in this regulatory proposal:

1. Definitions. The proposal includes the addition of five new defined terms, the inclusion in Section 10 of two already defined terms, and the amendment of five defined terms. The additions and amendments to the definitions section will facilitate a better understanding of the terms used throughout the regulation sections.
2. Groundwater monitoring requirements. The proposal includes two amendments to the groundwater monitoring requirements for the permittee, including:
 - a. Addition of a permit condition describing when a permittee is required to submit a groundwater monitoring action plan; and
 - b. A permit condition amendment outlines which parameters must be analyzed by a laboratory accredited under the Virginia Environmental Laboratory Accreditation Program.
3. Animal Waste Storage Requirements. The proposal includes amendments to conditions applicable to animal waste storage, including:
 - a. Addition of language to clarify which tools are to be used to determine the floodplain when siting waste storage facilities;
 - b. Amended permit conditions outlining what is considered adequate storage of semi-solid and solid waste;
 - c. Addition of a permit condition that addresses situations where animal waste storage can be threatened by emergencies such as fire or flood; and
 - d. Addition of a permit condition that requires notification to the department prior to the closure of a liquid waste storage facility.
4. Nutrient Management Plan (NMP) Submittal. The proposal includes amended permit language to add the requirement for the permittee to submit NMP revisions approved by DCR to the department before the expiration date of the previous NMP.
5. Permit Conditions in Part II of the general permit. The proposal includes amending, re-organizing, and the renumbering the conditions found in Part II of Section 70 (the contents of the general

permit). The amendments to Part II will make this regulation consistent with the VPA Regulation and General Permit for Poultry Waste Management (9VAC25-630-10 et seq.).

- 6. The continuation of permit coverage language will be amended to remove the dates and to make it consistent with language in the VPA Regulation and General Permit for Poultry Waste Management.
- 7. During this action, language will be amended to update the incorporation by reference date of 40 CFR references in the regulation.

Issues

Please identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

The primary advantage of the proposed regulatory action is the reissuance of the regulation that will allow for animal feeding operations to be covered under a general permit instead of each animal feeding operation having to apply for coverage under an individual permit. The general permit contains provisions appropriate for the protection of state waters, while limiting the time and resources required for an animal feeding operation to apply for a permit and the department to issue the permit. This is an advantage for the public, the regulated community, and the Commonwealth. There are no disadvantages of the proposed regulatory action.

Requirements More Restrictive than Federal

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

There are no applicable federal requirements for animal feeding operations that do not discharge or propose to discharge to state waters. The VPA Regulation and General Permit for Animal Feeding Operations and Animal Waste Management is a state program with requirements included in the regulation necessary to meet state statutory requirements.

Agencies, Localities, and Other Entities Particularly Affected

Please identify any other state agencies, localities, or other entities particularly affected by the regulatory change. "Particularly affected" are those that are likely to bear any identified disproportionate material impact, which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected:

This general permit regulation affects the Virginia Department of Conservation and Recreation since this regulation includes requirements for Nutrient Management Plans. The requirements for developing Nutrient Management Plans fall under the purview of the Virginia Department of Conservation and Recreation.

Localities Particularly Affected:

This general permit regulation affects the entire state; no localities are identified to be particularly affected by this regulatory action.

Other Entities Particularly Affected:

This general permit regulation affects the permitted livestock growers and unpermitted and permitted end-users of animal waste. No other entities are identified to be particularly affected by this regulatory action.

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) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing 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 regulatory change.

Currently, 110 animal feeding operations are covered under this general permit. One alternative to the reissuance of the VPA Regulation and General Permit for Animal Feeding Operations and Animal Waste Management is to issue an individual VPA permit to each animal feeding operation which confines 300 or more animal units utilizing a liquid manure collection and storage system. However, due to the number of animal feeding operations currently required to obtain a VPA permit, it is not practical to issue an individual VPA permit to each animal feeding operation. Operations that do not qualify for coverage under the general permit will be issued an individual VPA permit. This general permit regulation provides the regulated community with a streamlined, less burdensome approach to obtain coverage for conducting a specific regulated activity.

Public Comment Received

Please summarize all comments received during the public comment period following the publication of the NOIRA, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. If no comment was received, enter a specific statement to that effect.

Commenter	Comment	Agency response
James E. Riddell - Virginia Cattleman's Association	Requested to serve on TAC	James E. Riddell was recommended and approved to be a member of the Technical Advisory Committee.
Eric Paulson - Virginia State Dairymen's Association	Requested to serve on TAC	Eric Paulson was recommended and approved to be a member of the Technical Advisory Committee.
Brad Copenhaver - Virginia Agribusiness Council	Requested to serve on TAC	Brad Copenhaver was recommended and approved to be a member of the Technical Advisory Committee and Cliff Williamson to serve as the alternate.

Commenter	Comment	Agency response
Tom Dunlap - James River Association	<p>1. Include technology and protocols that identify and source groundwater contamination; include bacteria monitoring; establish limits on other parameters ammonia nitrogen, nitrate nitrogen, pH, conductivity in impacted groundwater.</p> <p>2. Identify and close unlined earthen waste storage facilities constructed prior to December 1, 1998;</p> <p>3. Re-evaluate freeboard height in light of increased frequency and severity of precipitation events; and schedule the closure or remediation of existing manure impoundments that are in close proximity to surface water or groundwater or that sit in groundwater.</p>	<p>These comments were shared and discussed with the members of the Technical Advisory Committee.</p> <p>The general permit contains design and engineering specifications which must be met by all permittees when constructing a waste storage structure. The specifications for compacted soil structures ensure that the structures are not designed to leak. The date, December 1, 1998, found in permit special conditions related to waste storage is the effective date of amendments that were made to the regulation based on changes to the Code of VA § 62.1-44.17:1. The date was inserted into the regulation to make it clear when certain requirements became effective. The liner thickness and permeability specification requirements were in the regulation prior to the amendments that became effective on December 1, 1998, and therefore were in effect for waste storage structures constructed prior to December 1, 1998.</p> <p>The 25-year, 24-hour storm event rainfall number is determined by NOAA (National Weather Service - NWS) using historic rainfall data. The current language in the regulation allows for any changes made by NOAA based on the precipitation data.</p>
Patrick Fanning - Chesapeake Bay Foundation	<p>1. Requested to serve on TAC;</p> <p>2. DEQ require practices in the 10-year AFO VPA General Permit that will in fact lead to the necessary nitrogen, phosphorus, and sediment reductions for the sector;</p> <p>3. DEQ should include language in the General Permit requiring fencing reporting (reported) to DEQ;</p> <p>4. DEQ should also include provisions that will require operators with 20 or more bovines to adopt stream exclusion systems by 2028 or at least no later than the date that practice becomes mandatory;</p> <p>5. DEQ should consider requiring all six priority practices; (1) nutrient management, (2) animal waste management systems, (3) conservation plans, (4) barnyard runoff control systems, (5) stream</p>	<p>Patrick Fanning was recommended and approved to be a member of the Technical Advisory Committee and Joe Wood to serve as the alternate.</p> <p>These comments were shared and discussed with the members of the Technical Advisory Committee.</p> <p>The Committee discussed the limited scope of this general permit as established by State Water Control Law.</p> <p>This regulation requires that the permittee manage animal waste and nutrients from the activities being covered under the general permit. The regulation includes conditions that require the management of waste on the site to include the livestock confinement area and the nutrients from the waste in storage and in land application. While the regulations do not specifically say that a barnyard runoff control system is required the regulation does</p>

Commenter	Comment	Agency response
	<p>fencing on pastures, and (6) vegetated buffers on pastures;</p> <p>6. DEQ require groundwater monitoring at all liquid waste storage facilities, rather than just those constructed after December 1, 1998;</p> <p>7. DEQ should consider whether the existing parameters for monitoring sufficiently cover the realm of pollutants that could reach state waters through liquid waste storage facilities;</p> <p>8. DEQ should consider requiring groundwater monitoring more frequently than once every three years and the results of such sampling should be reported to DEQ;</p> <p>9. DEQ must incorporate additional mechanisms to dictate necessary thresholds for monitoring and required steps a facility must take in the event of any exceedance;</p> <p>10. modified the permit to require that waste transfer records be submitted to DEQ (see 9 VAC 25-630-50 Part I C 3). DEQ should incorporate the same change here;</p> <p>11. DEQ should also consider adding language to the permit requiring the submission of NMPs to DEQ;</p> <p>12. The terms of the current permit nowhere require that an NMP be unexpired, nor that it be annually re-evaluated; and</p> <p>13. DEQ should address how it intends to resolve these comments related to inspections and enforcement as part of the stakeholder process. (related to 2015 EPA Ag Assessment.</p>	<p>require the permittee to manage runoff so as not to discharge to state waters. Although a conservation plan requirement is outside of the scope of the regulation, if tillage practices are included in the NMP it is necessary to implement the tillage practices. By definition, a pasture is not considered confinement; therefore, stream fencing on pastures, and vegetated buffers on pastures are outside of the scope of this regulation prescribed by the State Water Control Law.</p> <p>The Code of Virginia §62.1-44.17:1 states that ground water shall be monitored at new earthen waste storage facilities constructed to an elevation below the seasonal high water table or within one foot thereof.</p> <p>Currently, DEQ can inspect the waste transfer records and request copies if necessary. There is a method and option for poultry waste transfers to be used to obtain credit for nutrient movement out of the watershed. There is no option for Virginia to obtain credit in the Bay model for other animal waste transfers; therefore, there is no impetus to require the data to be reported to DEQ.</p> <p>The 2015 EPA Ag Assessment comments were related to DEQ timing of inspections during the year, expired NMPs and inconsistent inspection report forms. DEQ and DCR staff determined that the inconsistencies in the reported NMP numbers were due to outdated information being tracked in the DCR NMP database. DEQ staff were already using the report forms with the same information, but at first glance may have appeared different because of things like page borders or the information being on a different page. The following changes have been implemented: new DEQ inspection report forms; DCR is now encouraging the addition of the DEQ permit numbers on the NMPs; and regular updates to the DCR database based on new information provided by DEQ.</p> <p>DEQ's implementation of inspection and enforcement procedures are not components of the regulatory requirements of AFO owners or animal waste end-users and are therefore not in the text of the regulation.</p>

Commenter	Comment	Agency response
		<p>The proposed regulation includes amendments to the groundwater monitoring section and conditions related to submittal of nutrient management plans. Refer to response to the James River Association's comments.</p>
<p>Stefanie Taillon - Virginia Farm Bureau Federation</p>	<p>1. Requested to serve on TAC 2. Requested that the regulation remain the same</p>	<p>Stefanie Taillon was recommended and approved to be a member of the Technical Advisory Committee and Tony Banks to serve as the alternate.</p>
<p>Mark Frondorf - Shenandoah Riverkeeper and Betsy Nicholas - Potomac Riverkeeper Network</p>	<p>1. Requested for Mark Frondorf to serve on TAC; 2. Must not allow groundwater discharges in this permit; require all General Purpose (GP) covered liquid manure lagoons to conduct routine groundwater monitoring; establish e. coli, Cryptosporidium, ammonium, and other pollutants and pathogens found in dairy and swine manure; 3. Incorporate clean up thresholds and reporting requirements in the event that monitoring data or other information indicates that a manure storage lagoon or, liquid manure spills, or repeated land application has contaminated groundwater or surface water; 4. Setting a schedule for closure or immediate remediation of existing manure impoundments that are in close proximity to surface water or groundwater, or that sit in groundwater; 5. Setting a schedule for closure of manure impoundments that have compacted soil and/or leaking liners; Establish routine liner integrity testing and inspections; 6. Require more frequent (annual or semi-annual) groundwater monitoring and electronic submittal of results to DEQ on e-DMRs; 7. Require groundwater monitoring plans to be certified by a professional engineer or qualified DEQ staff prior to permit reissuance; 8. Increase freeboard heights to account for expected larger rainfall events. The current permit requires 1 foot, up to and including a 25-</p>	<p>Mark Frondorf was recommended and approved to be a member of the Technical Advisory Committee.</p> <p>These comments were shared and discussed with the members of the Technical Advisory Committee.</p> <p>The Committee discussed the limited scope of this general permit as established by State Water Control Law.</p> <p>The regulation contains requirements for reporting spills or any non-compliance, the requirements are found in Part II of the general permit contents (9VAC25-192-70). If there is unusual monitoring data (groundwater, waste, or soils), the permittee may be required to repeat monitoring and could further be required to submit an action plan. Additionally, the regulation contains requirements that if the permittee cannot maintain compliance with the general permit then the permittee may be required to obtain an individual permit.</p> <p>The regulation does not allow for waste storage structures to be built in the 100-year flood plain. Prior to December 1, 1998, the structures could be sited in the 100-year flood plain but had to be protected from inundation.</p> <p>The proposed regulation includes amendments to the groundwater monitoring section and conditions related to submittal of nutrient management plans.</p> <p>The general permit prescribes the conditions by which groundwater wells are to be placed and monitored, thus the regulatory mechanism does not utilize a separate groundwater monitoring plan. If a permittee is</p>

Commenter	Comment	Agency response
	<p>year, 24-hour storm. The Department should evaluate whether higher freeboard requirements will be needed over the 10-year term of the permit, or whether to issue the permit every five years instead;</p> <p>9. Require electronic submission of initial and current nutrient management plans to VDEQ as they are updated;</p> <p>10. Expand the amount of information contained in NMPs to enable the department to determine whether the state is meeting its agriculture-related local and Chesapeake Bay TMDL implementation milestones. To the extent possible, this information should be submitted electronically to enable accurate and efficient analysis by the Department and the Department of Conservation and Recreation; and</p> <p>11. Write the draft AFO Permit in a way that will protect the Chesapeake Bay.</p>	<p>required to obtain an individual permit, more detailed groundwater monitoring requirements are considered.</p> <p>DEQ scans all submitted files for upload into the DEQ electronic filing system. Many of the permittees would not have the capability to submit the NMP in an electronic format.</p> <p>DCR administers the regulation that governs nutrient management plans; thus, requirements for the plan content are outside of the scope of this regulatory action.</p> <p>Refer to the response to the Chesapeake Bay Foundation's and the James River Association's comments.</p>
<p>Robin Broder - Waterkeepers Chesapeake and Gabby Ross - Assateague Coastal Trust</p> <p>(Waterkeepers Chesapeake submits comments on behalf of the Waterkeepers listed on letterhead and supports the comments submitted by Potomac Riverkeeper Network, Shenandoah Riverkeeper, James Riverkeeper, and</p>	<p>1. Requested for Mark Frondorf to serve on TAC;</p> <p>2. Must not allow groundwater discharges in this permit; require all General Purpose (GP) covered liquid manure lagoons to conduct routine groundwater monitoring; establish e. coli, Cryptosporidium, ammonium, and other pollutants and pathogens found in dairy and swine manure;</p> <p>3. Incorporate clean up thresholds and reporting requirements in the event that monitoring data or other information indicates that a manure storage lagoon or, liquid manure spills, or repeated land application has contaminated groundwater or surface water;</p> <p>4. Setting a schedule for closure or immediate remediation of existing manure impoundments that are in close proximity to surface water or groundwater, or that sit in groundwater;</p> <p>5. Setting a schedule for closure of manure impoundments that have</p>	<p>Mark Frondorf was recommended and approved to be a member of the Technical Advisory Committee.</p> <p>These comments were shared and discussed with the members of the Technical Advisory Committee.</p> <p>The Committee discussed the limited scope of this general permit as established by State Water Control Law.</p> <p>The proposed regulation includes amendments to the groundwater monitoring section and conditions related to submittal of nutrient management plans.</p> <p>Refer to the response to the Chesapeake Bay Foundation's, the James River Association's, the Shenandoah Riverkeeper's and Potomac Riverkeeper Network's comments.</p>

Commenter	Comment	Agency response
Environmental Integrity Project)	<p>compacted soil and/or leaking liners; Establish routine liner integrity testing and inspections;</p> <p>6. Require more frequent (annual or semi-annual) groundwater monitoring and electronic submittal of results to DEQ on e-DMRs;</p> <p>7. Require groundwater monitoring plans to be certified by a professional engineer or qualified DEQ staff prior to permit reissuance;</p> <p>8. Increase freeboard heights to account for expected larger rainfall events. The current permit requires 1 foot, up to and including a 25-year, 24-hour storm. The Department should evaluate whether higher freeboard requirements will be needed over the 10-year term of the permit, or whether to issue the permit every five years instead;</p> <p>9. Require electronic submission of initial and current nutrient management plans to VDEQ as they are updated;</p> <p>10. Expand the amount of information contained in NMPs to enable the department to determine whether the state is meeting its agriculture-related local and Chesapeake Bay TMDL implementation milestones. To the extent possible, this information should be submitted electronically to enable accurate and efficient analysis by the Department and the Department of Conservation and Recreation; and</p> <p>11. Write the draft AFO Permit in a way that will protect the Chesapeake Bay.</p>	
<p>Courtney Bernhardt, Meg Parrish - Environmental Integrity Project;</p> <p>David Reed, Evan Isaacson - Chesapeake Legal Alliance;</p>	<p>1. Requested to serve on TAC; Must not allow groundwater discharges in this permit; require all General Purpose (GP) covered liquid manure lagoons to conduct routine groundwater monitoring; establish e. coli, Cryptosporidium, ammonium, and other pollutants and pathogens found in dairy and swine manure;</p>	<p>The Director appointed members from different industries and sectors and backgrounds to the TAC while maintaining balanced representation and limited the number of members appointed to the TAC to ten members; therefore, Courtney Bernhardt was not appointed to the TAC.</p> <p>These comments were shared and discussed with the members of the Technical Advisory Committee.</p>

Commenter	Comment	Agency response
<p>Mark Frondorf - Shenandoah Riverkeeper; and Betsy Nicholas - Potomac Riverkeeper Network</p> <p>(These comments are submitted on behalf of the Environmental Integrity Project, Chesapeake Legal Alliance, Waterkeepers Chesapeake, the Shenandoah Riverkeeper, and the Potomac Riverkeeper Network)</p>	<p>2. Incorporate clean up thresholds and reporting requirements in the event that monitoring data or other information indicates that a manure storage lagoon or, liquid manure spills, or repeated land application has contaminated groundwater or surface water;</p> <p>3. Setting a schedule for closure or immediate remediation of existing manure impoundments that are in close proximity to surface water or groundwater, or that sit in groundwater;</p> <p>4. Setting a schedule for closure of manure impoundments that have compacted soil and/or leaking liners; Establish routine liner integrity testing and inspections;</p> <p>5. Require more frequent (annual or semi-annual) groundwater monitoring and electronic submittal of results to DEQ on e-DMRs;</p> <p>6. Require groundwater monitoring plans to be certified by a professional engineer or qualified DEQ staff prior to permit reissuance;</p> <p>7. Increase freeboard heights to account for expected larger rainfall events. The current permit requires 1 foot, up to and including a 25-year, 24-hour storm. The Department should evaluate whether higher freeboard requirements will be needed over the 10-year term of the permit, or whether to issue the permit every five years instead;</p> <p>8. Require electronic submission of initial and current nutrient management plans to VDEQ as they are updated;</p> <p>9. Expand the amount of information contained in NMPs to enable the department to determine whether the state is meeting its agriculture-related local and Chesapeake Bay TMDL implementation milestones. To the extent possible, this information should be submitted electronically to enable accurate and efficient analysis by the Department and the</p>	<p>The Committee discussed the limited scope of this general permit as established by State Water Control Law.</p> <p>The proposed regulation includes amendments to the groundwater monitoring section and conditions related to submittal of nutrient management plans.</p> <p>Refer to the response to the Chesapeake Bay Foundation's, the James River Association's, the Shenandoah Riverkeeper's and Potomac Riverkeeper Network's comments.</p>

Commenter	Comment	Agency response
	Department of Conservation and Recreation.	
Hannah Conner - Center for Biological Diversity	<ol style="list-style-type: none"> 1. Requested to serve on TAC; 2. Must not allow groundwater discharges in this permit; require all General Purpose (GP) covered liquid manure lagoons to conduct routine groundwater monitoring; establish e. coli, Cryptosporidium, ammonium, and other pollutants and pathogens found in dairy and swine manure; 3. Incorporate clean up thresholds and reporting requirements in the event that monitoring data or other information indicates that a manure storage lagoon or, liquid manure spills, or repeated land application has contaminated groundwater or surface water; 4. Setting a schedule for closure or immediate remediation of existing manure impoundments that are in close proximity to surface water or groundwater, or that sit in groundwater; 5. Setting a schedule for closure of manure impoundments that have compacted soil and/or leaking liners; Establish routine liner integrity testing and inspections; 6. Require more frequent (annual or semi-annual) groundwater monitoring and electronic submittal of results to DEQ on e-DMRs; 7. Require groundwater monitoring plans to be certified by a professional engineer or qualified DEQ staff prior to permit reissuance; 8. Increase freeboard heights to account for expected larger rainfall events. The current permit requires 1 foot, up to and including a 25-year, 24-hour storm. The Department should evaluate whether higher freeboard requirements will be needed over the 10-year term of the permit, or whether to issue the permit every five years instead; 9. Require electronic submission of initial and current nutrient 	<p>The Director appointed members from different industries and sectors and backgrounds to the TAC while maintaining balanced representation and limited the number of members appointed to the TAC to ten members; therefore, Hannah Connor was not appointed to the TAC.</p> <p>These comments were shared and discussed with the members of the Technical Advisory Committee.</p> <p>The Committee discussed the limited scope of this general permit as established by State Water Control Law.</p> <p>The proposed regulation includes amendments to the groundwater monitoring section and conditions related to submittal of nutrient management plans.</p> <p>All documents pertaining to the permit are subject to the Freedom of Information Act and therefore available.</p> <p>DEQ is working to accommodate for different languages spoken by the permittees. Information being documented related to their preferred language will allow staff to determine if a translator or translated documents are necessary.</p> <p>Refer to the response to the Chesapeake Bay Foundation's, the James River Association's, the Shenandoah Riverkeeper's and Potomac Riverkeeper Network's comments.</p>

Commenter	Comment	Agency response
	management plans to VDEQ as they are updated; 10. Expand the amount of information contained in NMPs to enable the department to determine whether the state is meeting its agriculture-related local and Chesapeake Bay TMDL implementation milestones. To the extent possible, this information should be submitted electronically to enable accurate and efficient analysis by the Department and the Department of Conservation and Recreation; 11. Write the draft AFO Permit in a way that will protect the Chesapeake Bay; 12. Continuing to improve public access to all permitting, compliance, public complaint, and state inspection and violation documents for all AFOs. 13. Improving language access by making all permitting materials available, at a minimum, in both English and Spanish languages.	

Public Participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.

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

Anyone wishing to submit written comments for the public comment file may do so by mail or email to Betsy Bowles at P.O. Box 1105, Richmond, VA 23218; betsy.bowles@deq.virginia.gov. Phone: 804-659-1913. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at (<http://www.townhall.virginia.gov>). Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of this stage and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) and on the Commonwealth Calendar website (<https://commonwealthcalendar.virginia.gov/>). Both oral and written comments may be submitted at that time.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. If the regulatory change will be a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory change. Please include citations to the specific section(s) of the regulation that are changing.

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
9VAC25-192-10 (Definitions)	N/A	Introduction to definition section that explains when definitions are pertinent to the regulation.	Amended the introductory language to read: "The following words and terms when used in this regulation shall have the meanings defined in the State Water Control Law and the Virginia Pollution Abatement (VPA) Permit Regulation (9VAC25-32) unless the context clearly indicates otherwise, except that for the purposes of this chapter:" Removed citation for State Water Control Law (since the definition along with the citation are being added to the definition Section); and added the name "Virginia Pollution Abatement (VPA)" to the permit reg regulation. Amended the introduction language for clarification. Made minor changes based on the Style Manual developed by the Registrar's Office.
9VAC25-192-10 (Definitions)	N/A	This definition is currently contained in section 9VAC25-192-10.	Amended "Agricultural stormwater discharge" to add the word "land" to clarify the definition. This addition to the definition section will facilitate a better understanding of the term used throughout the regulation sections.
9VAC25-192-10 (Definitions)	N/A	This definition is currently contained in section 9VAC25-192-10.	Amended "Animal feeding operation" for consistency with the definition in the Code of Virginia § 62.1-44.17:1. Permits for confined animal feeding operations.
9VAC25-192-10 (Definitions)	N/A	This definition is currently contained in section 9VAC25-192-10.	Amended "Confined animal feeding operation" for consistency with the other definitions.
9VAC25-192-10 (Definitions)	N/A	This definition is currently contained in section 9VAC25-192-10.	Amended "Director" for consistency with other regulations.
9VAC25-192-10 (Definitions)	N/A	N/A	Added a definition for "General permit" to clarify the meaning when the term is used throughout the regulation. This addition to the definition section will facilitate a better

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			understanding of the term used throughout the regulation sections.
9VAC25-192-10 (Definitions)	N/A	N/A	Added a definition for “Land application” to clarify the meaning when the term is used throughout the regulation. This addition to the definition section will facilitate a better understanding of the term used throughout the regulation sections.
9VAC25-192-10 (Definitions)	N/A	This definition is currently contained in the conditions located throughout the regulation.	Added a definition for “Local government ordinance form”. Definition was stated in numerous subdivisions within the regulation; it was removed from conditions and moved to the definition section. This addition to the definition section will facilitate a better understanding of the term used throughout the regulation sections.
9VAC25-192-10 (Definitions)	N/A	N/A	Amended definition of Nutrient management plan. Amended “the” to “this” in front of “general permit” for consistency with the rest of the regulation.
9VAC25-192-10 (Definitions)	N/A	N/A	Added a definition for “Permittee” to clarify the meaning when the term is used throughout the regulation. This addition to the definition section will facilitate a better understanding of the term used throughout the regulation sections.
9VAC25-192-10 (Definitions)	N/A	This definition is currently contained in the conditions located in the contents of the general permit (9VAC25-192-70 and 90).	Added “Seasonal high water table” definition. Definition was stated in numerous subdivisions within the regulation; it was removed from conditions and moved to the definition section. This addition to the definition section will facilitate a better understanding of the term used throughout the regulation sections.
9VAC25-192-10 (Definitions)	N/A	N/A	Added a definition for “State Water Control Law” to clarify the meaning when the term is used throughout the regulation. This addition to the definition section will facilitate a better understanding of the term used throughout the regulation sections.
9VAC25-192-10 (Definitions)	N/A	N/A	Added a definition for “Treatment works” to clarify when the term is used in the definition of an animal feeding operation and throughout the regulation. This addition to the

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			definition section will facilitate a better understanding of the term used throughout the regulation sections.
9VAC25-192-10 (Definitions)	N/A	This definition is currently contained in section 9VAC25-192-10.	Moved the definition for “Vegetated buffer” to get the definition in alphabetical order within the Section.
N/A	9VAC25-192-15 (Applicability of incorporated references based on the dates that they became effective)	N/A	Added this section to make it clear which version of the Code of Federal Regulations is effective. The addition of this section will ensure that those subject to this regulation will know which version of the Code of Federal Regulations is pertinent to the cited condition in the regulation.
9VAC25-192-20 (Purpose; effective date of permit)	N/A	The current language outlines what is governed by this regulation. The current regulation became effective on November 16, 2014, and will expire on November 15, 2024.	<p>Amended Section title: Purpose; effective date of the general permit.</p> <p>Amended subsection A: added the title of the regulation and parentheses around the term “general permit” to allow for the use of “general permit” throughout the regulation to mean the VPA regulation and general permit for animal feeding operations and animal waste management. Made additional amendments to clarify who is subject to this regulation.</p> <p>Added “The owners of” and replaced “operate” with “run”. Made changes to language to clarify who is authorized to manage pollutants.</p> <p>Amended subsection B: to read: “This general permit will become effective on November 16, 2024. This general permit will expire on November 15, 2034.” Amended dates to allow for continuation of coverage under the General Permit and allow for the reissuance of the regulation and thereby extend the ability to provide coverage under the general permit for another 10 years.</p>
9VAC25-192-25 (Duty to comply)	N/A	The current language outlines the duty to comply with the regulation.	Amended subsections A and B: A. No person shall operate an animal feeding operation with 300 or more animal units utilizing a liquid manure collection and storage system after July 1, 2000, without having submitted

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>a registration statement as provided in 9VAC25-192-60 or being covered by a Virginia Pollutant Discharge Elimination System (VPDES) permit or an individual Virginia Pollution Abatement (VPA) permit.</p> <p>B. The owner shall comply with all conditions of the general permit and the requirements of this regulation.</p> <p>Amended subsections A and B to be consistent with the language subsection I of the Code of Virginia § 62.1-44.17:1. Permits for confined animal feeding operations.</p>
<p>9VAC25-192-50 (Authorization to manage pollutants)</p>	<p>N/A</p>	<p>The current language outlines who and under what circumstances is subject to the regulation and what is authorized by the permit. The current section refers to the water quality standards regulation but does not cite the regulation.</p> <p>The current regulation allows for the continuation of the general permit coverage.</p>	<p>Amended subsections A, B and C. Made changes to language in subsection A to make it clear who is authorized to manage pollutants. Spelled out acronyms (VPA and VPDES). Added the citation for the specific water quality standards regulation and amended condition language to make it consistent with other regulations. Made the term industrial wastes consistent with term defined in Chapter 32. Deleted the language describing the Local Government Ordinance Form (moved to definition section). Moved subdivision 5 a of subsection A to make the formatting consistent with the other subdivisions in this section. Made minor changes based on the Style Manual developed by the Registrar’s Office. Added “VPA” to places where individual permit is stated. Removed citation in subdivision A 6 and B 2 d related to the training requirements. Subsection C. Added “general” to the tagline. Removed the dates and revised the language for consistency with language in other general permits including the other VPA general permit regulation - VPA Regulation and General Permit for Poultry Waste Management (9VAC25-630-30).</p>
<p>9VAC25-192-60. (Registration statement)</p>	<p>N/A</p>	<p>The current language outlines the requirements to become covered under the general permit and the</p>	<p>Amended language in this section to bring consistency to the terms in the regulation. Replaced “VPA General Permit” with “general permit” (as</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
		<p>information that must be submitted to be considered a complete registration statement (permit application).</p>	<p>defined). This language change allows for the use of “general permit” throughout this section to mean the VPA regulation and general permit for animal feeding operations and animal waste management.</p> <p>In subsection A, deleted “facility” throughout section and replaced with “animal feeding operation.” Deleted the language describing the Local Government Ordinance Form (moved to definition section).</p> <p>In subsection B, deleted “facility” and replaced with “animal waste end-user.” Corrected citation in subsection C.</p> <p>Made minor changes based on the Style Manual developed by the Registrar’s Office. Amended language to provide clarity throughout this section.</p>
<p>9VAC25-192-70. (Contents of the general permit)</p>	<p>N/A</p>	<p>The current language contains the requirements of the general permit. The current regulation will expire on November 15, 2024.</p>	<p>Made minor changes based on the Style Manual developed by the Registrar’s Office. Amended language based on the authority of the State Water Control Board (deleted “board” - replaced with “department” where appropriate) in accordance with Senate Bill 657 as enacted by the 2022 General Assembly.</p> <p>Amended effective date for General Permit to read “November 16, 2024” and expiration date to read “November 15, 2034.” Amended date for reissuance of General Permit. Amending this date will allow for the reissuance of the regulation and thereby extend the ability to provide coverage under the general permit for another 10 years.</p> <p>Amended the name of Part II in the authorization language.</p>
<p>9VAC25-192-70 (Contents of the general permit) Parts I, II and III</p>	<p>N/A</p>	<p>There is inconsistent language in the current regulation.</p>	<p>Replaced “VPA General Permit” with “general permit” (as defined). This language change allows for the use of “general permit” throughout this section to mean the VPA regulation and general permit for animal feeding operations and animal waste management.</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>Replaced “facility” throughout section and replaced with “animal feeding operation.” Amended language to provide clarity throughout this section. Added the word “individual” to VPA permit to clarify the permit type.</p>
<p>9VAC25-192-70 (Contents of the general permit) Part I</p>	<p>N/A</p>	<p>The current section did not have Part I labeled.</p> <p>The tables are in the regulation but not labeled.</p>	<p>Labeled Part I and the name above subsection A. Added this label to facilitate the reader of the contents of the general permit.</p> <p>Added labels and references to the three tables in subsection A of Part I. Added the labels to facilitate the reader of the contents of the general permit.</p>
<p>9VAC25-192-70 (Contents of the general permit) Part I subsection A 6, 7 and Table 1</p>	<p>N/A</p>	<p>The current regulation requires groundwater monitoring at earthen liquid waste storage facilities constructed to a bottom elevation that is below the seasonal high water table.</p>	<p>Added two conditions related to groundwater monitoring. One permit condition describes when a permittee is required to submit a groundwater monitoring action plan. This process is already required by the department; adding it to the permit makes it clear to the permittee in what cases that the action plan is expected.</p> <p>The other condition outlines which parameters must be analyzed by a laboratory accredited under the Virginia Environmental Laboratory Accreditation Program (VELAP) in accordance with 1VAC30-46-20. This requirement is already in place; adding it to the permit conditions makes it clear to the permittee.</p>
<p>9VAC25-192-70 (Contents of the general permit) Part I subsection B</p>	<p>N/A</p>	<p>The overall requirements for storage exist in the current regulation.</p>	<p>Amended subsection tagline to assist with reorganizing the conditions into specific subject matters. New tagline: “Site design, storage, and operation requirements”. The conditions have been separated from the animal waste transfer and utilization and other general conditions to facilitate a clearer understanding of the requirements. Adding the tagline helps distinguish the subsections. This addition also makes this regulation consistent with the other VPA general permit regulation - VPA Regulation and General Permit for Poultry Waste Management (9VAC25-630-50).</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
9VAC25-192-70 (Contents of the general permit) Part I subsection B	N/A	The special conditions exist but are not organized into specific subject areas.	Made the following changes to the subdivisions: B 1 through B 10 were not renumbered Original B 17 is now B 11 Original B 11 is now C 1 Original B 12 is now C 2 Original B 13 is now C 3 Original B 14 is now C 4 New Condition C 5 Original B 15 is now C 6 Original B 16 is now C 7 Original B 18 is now D Conditions are being kept, some were amended, and many were moved to a specific subsection and renumbered. The site conditions have been separated from the animal waste transfer and utilization conditions and the condition related to training to facilitate a clearer understanding of the requirements. These amendments also make this regulation consistent with the other VPA general permit regulation - VPA Regulation and General Permit for Poultry Waste Management (9VAC25-630-50).
9VAC25-192-70 (Contents of the general permit) Part I subsection B 2	N/A	The specifics for determining the 100-year floodplain are not contained in the regulation.	Added clarification as to which tools are to be used to determine the floodplain when siting animal waste storage facilities. Adding the language ensures that the permittee will know what tools must be used to make this determination. This addition also makes this regulation consistent with the other VPA general permit regulation- VPA Regulation and General Permit for Poultry Waste Management (9VAC25-630-50).
9VAC25-192-70 (Contents of the general permit) Part I subsection B 8	N/A	A minimum of 2-ft separation distance to the seasonal high water table required.	No change to the requirement; moved definition of "seasonal high water table" in this section because it was added to the definition section of the regulation.
9VAC25-192-70 (Contents of the general permit) Part I subsection B 8	N/A	Storage requirements are in the existing regulation.	Added language related to the storage of semi-solid and solid waste to clarify what is considered adequate storage.

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
9VAC25-192-70 (Contents of the general permit) Part I subsection B 11	N/A	Waste storage closure requirements are in the existing regulation.	Moved closure requirements from B.17 and added a notification to the department prior to the closure of a liquid waste storage facility. This notification is an addition to an existing permit condition related to the closure of a waste storage facility. Adding this notification will facilitate the ability for department staff to provide compliance assistance and proper closure procedures to the permittee.
9VAC25-192-70 (Contents of the general permit) Part I (new) subsection C	N/A	The subsection and tagline do not exist. The overall requirements for animal waste use and transfer exist in the current regulation.	Added a new subsection. New tagline: "Animal waste use and transfer requirements". The conditions have been separated from the site design, storage, and operations related to waste storage and the condition related to training to facilitate a clearer understanding of the requirements. Adding the tagline helps distinguish the subsections. This addition also makes this regulation consistent with the other VPA general permit regulation - VPA Regulation and General Permit for Poultry Waste Management (9VAC25-630-50).
9VAC25-192-70 (Contents of the general permit) Part I (new) subsection C 2	N/A	The permittee shall implement an NMP.	Amended new condition (C 2) to add the requirement for the permittee to submit NMP revisions approved by DCR before the expiration date of the previous NMP. The permittee is currently required to provide a copy of the current DCR approved NMP; adding this requirement makes it clear to the permittee of the expectation.
9VAC25-192-70 (Contents of the general permit) Part I (new) subsection C 3	N/A	Waste shall not be land applied with buffer zones. Buffer zone maintenance requirements are specified.	Amended new condition (C 3) to remove the word "permanent" from the condition. "Permanent" is in the definition of the term "vegetated buffer" found in Section 10. This improves clarity and understanding for the permittees.
9VAC25-192-70 (Contents of the general permit) Part I (new) subsection C 5	N/A	The requirement to report unusual or extraordinary discharges is required by the permit.	Added a new condition (new C 5) to clarify requirements in cases of waste storage emergencies such as fire or flood. The new condition provides criteria for the land application of animal waste outside of the land application schedule found in the nutrient management plan, so long as land application information is

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>documented, and the Department is notified. This condition provides permittees with clear requirements related to waste storage and land application when the permittee is faced with an emergency. Added this condition to be consistent with the other VPA general permit regulation - VPA Regulation and General Permit for Poultry Waste Management (9VAC25-630-50).</p>
9VAC25-192-70 (Contents of the general permit) Part I (new) subsection D	N/A	The permittee training requirement is in the existing regulation.	New subsection D. This amendment makes this condition consistent with the rest of the conditions in Section 70.
9VAC25-192-70 (Contents of the general permit) Part II	N/A	Part II of Section 70 contains conditions applicable to VPA permits.	<p>Part II was amended, re-organized and renumbered to be consistent with the other VPA general permit regulation - VPA Regulation and General Permit for Poultry Waste Management (9VAC25-630-50).</p> <p>There are no substantive changes to the conditions that are applicable to the general permit.</p> <p>Made the following changes to Part II: A and B were amended Original C is now B 2 Original D is now A 4 and C 3 & 4 Original E is now F Original F is now H Original G is now F 1 Original H now covered by G Original I is now covered by Q Original J is now covered by Q and R Original K now covered by G Original L is now O Original M is now covered by N Original N is now W Original O is now J Original P is now M Original Q is now V Original R is now covered by S Original S is amended to cover all permit actions Original T was only slightly amended Original U was only slightly amended Original V is now O Original W is now P</p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			<p>Original X is now E</p> <p>New D, I, K, L, and M are conditions that are in 9VAC25-32 which are applicable to all VPA permits.</p> <p>To provide clarity and convenience for owners of animal feeding operations and animal waste end-users who have a general permit, all of the applicable conditions are compiled in Part II.</p>
9VAC25-192-70 (Contents of the general permit) Part III subsection A	N/A	The tables are in the regulation but not labeled.	Added labels and references to the three tables in subsection A of Part III. Added the labels to facilitate the reader of the contents of the general permit.
9VAC25-192-70 (Contents of the general permit) Part III subsection A 6, 7, and Table 1	N/A	The current regulation requires groundwater monitoring at earthen liquid waste storage facilities constructed to a bottom elevation that is below the seasonal high water table.	<p>Added two conditions related to groundwater monitoring. One permit condition describes when a permittee is required to submit a groundwater monitoring action plan. This process is already required by the department; adding it to the permit makes it clear to the permittee in what cases that the action plan is expected.</p> <p>The other condition outlines which parameters must be analyzed by a laboratory accredited under the Virginia Environmental Laboratory Accreditation Program (VELAP) in accordance with 1VAC30-46-20. This requirement is already in place; adding it to the permit conditions makes it clear to the permittee.</p>
9VAC25-192-70 (Contents of the general permit) Part III subsection B	N/A	The overall requirements for storage exist in the current regulation.	Amended subsection tagline to assist with reorganizing the conditions into specific subject matters. New tagline: "Site design, storage, and operation requirements". The conditions have been separated from the animal waste transfer and utilization and other general conditions to facilitate a clearer understanding of the requirements. Adding the tagline helps distinguish the subsections. This addition also makes this regulation consistent with the other VPA general permit regulation - VPA Regulation and General Permit for

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			Poultry Waste Management (9VAC25-630-50).
9VAC25-192-70 (Contents of the general permit) Part III subsection B	N/A	The special conditions exist but are not organized into specific subject areas.	Made the following changes to the subdivisions: B 1 through B 10 were not renumbered Original B 17 is now B 11 Original B 11 is now C 1 Original B 12 is now C 2 Original B 13 is now C 3 Original B 14 is now C 4 New Condition C 5 Original B 15 is now C 6 Original B 16 is now C 7 Original B 18 is now D Conditions are being kept, some were amended, and many were moved to a specific subsection and renumbered. The site conditions have been separated from the animal waste transfer and utilization conditions and other special conditions to facilitate a clearer understanding of the requirements. These amendments also make this regulation consistent with the other VPA general permit regulation - VPA Regulation and General Permit for Poultry Waste Management (9VAC25-630-50).
9VAC25-192-70 (Contents of the general permit) Part III subsection B 2	N/A	The specifics for determining the 100-year floodplain are not contained in the regulation.	Added clarification as to which tools are to be used to determine the floodplain when siting animal waste storage facilities. Adding the language ensures that the permittee will know what tools must be used to make this determination. This addition also makes this regulation consistent with the other VPA general permit regulation- VPA Regulation and General Permit for Poultry Waste Management (9VAC25-630-50).
9VAC25-192-70 (Contents of the general permit) Part III subsection B 8	N/A	A minimum of 2-ft separation distance to the seasonal high water table required.	No change to the requirement; moved definition of "seasonal high water table" from this section because it was added to the definition section of the regulation.
9VAC25-192-70 (Contents of the general permit) Part	N/A	Storage requirements are in the existing regulation.	Added permit language related to the storage of semi-solid and solid waste to clarify what is considered adequate storage.

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
III subsection B 8			
9VAC25-192-70 (Contents of the general permit) Part III subsection B 11	N/A	Waste storage closure requirements are in the existing regulation.	Moved closure requirements from B.17 and added a notification to the department when the permittee closes a liquid waste storage facility. This notification is an addition to an existing permit condition related to the closure of a waste storage facility. Adding this notification will facilitate the ability for department staff to provide compliance assistance and proper closure procedures to the permittee.
9VAC25-192-70 (Contents of the general permit) Part III subsection B	N/A	Waste storage closure requirements are in the existing regulation.	Added a notification to the department prior to the closure of a liquid waste storage facility. This notification is an addition to an existing permit condition related to the closure of a waste storage facility. Adding this notification will facilitate the ability for department staff to provide compliance assistance and proper closure procedures to the permittee.
9VAC25-192-70 (Contents of the general permit) Part III (new) subsection C	N/A	The subsection and tagline do not exist. The overall requirements for animal waste use and transfer exist in the current regulation.	Added a new subsection. New tagline: "Animal waste use and transfer requirements". The conditions have been separated from the site design, storage, and operations related to waste storage and the condition related to training to facilitate a clearer understanding of the requirements. Adding the tagline helps distinguish the subsections. This addition also makes this regulation consistent with the other VPA general permit regulation - VPA Regulation and General Permit for Poultry Waste Management (9VAC25-630-50).
9VAC25-192-70 (Contents of the general permit) Part III (new) subsection C 2	N/A	The permittee shall implement an NMP.	Amended new condition (C 2) to add the requirement for the permittee to submit NMP revisions approved by DCR before the expiration date of the previous NMP. The permittee is currently required to provide a copy of the current DCR approved NMP; adding this requirement makes it clear to the permittee of the expectation.
9VAC25-192-70 (Contents of the general permit) Part	N/A	The requirement to report unusual or extraordinary discharges is required by the permit.	Added a new condition to clarify requirements in cases of waste storage emergencies such as fire or flood. The new condition provides

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
III (new) subsection C 5			<p>criteria for the land application of animal waste outside of the land application schedule found in the nutrient management plan, so long as land application information is documented, and the Department is notified. This condition provides permittees with clear requirements related to waste storage and land application when the permittee is faced with an emergency. Added this condition to be consistent with the other VPA general permit regulation - VPA Regulation and General Permit for Poultry Waste Management (9VAC25-630-50).</p>
9VAC25-192-70 (Contents of the general permit) Part III (new) subsection C 5	N/A	Waste shall not be land applied within buffer zones. Buffer zone maintenance requirements are specified.	Amended new condition (C 3) to remove the word “permanent” from the condition. Permanent is in the definition of the term “vegetated buffer” found in Section 10. This improves clarity and understanding for permittees.
9VAC25-192-70 (Contents of the general permit) Part III (new) subsection D	N/A	The permittee training requirement is in the existing regulation.	New subsection. This amendment makes this condition consistent with the rest of the conditions in Section 70.
9VAC25-192-80 (Tracking and accounting requirements for animal waste end-users)	N/A	The regulation contains the recordkeeping requirements for animal waste end-users.	Amended language in this section to bring consistency to the terms in the regulation. Added the different permit types to subsection A. Made the entity plural in subdivisions A 1 a and A 2 a. Made minor changes based on the Style Manual developed by the Registrar’s Office. Amended language based on the authority of the State Water Control Board (deleted “board”- replaced with “department”, where appropriate) in accordance with Senate Bill 657 enacted by the 2022 General Assembly.
9VAC25-192-90 (Utilization and storage requirements)	N/A	The regulation contains the utilization and storage requirements for animal waste end-users.	Amended Section title to: Storage and land application requirements for transferred animal waste. Added the different permit types to subsections A, B, and C. Amended language in this section to bring consistency to the terms in the regulation.

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
9VAC25-192-90 (Utilization and storage requirements)	N/A	The regulation currently contains conditions for waste storage.	Changed animal waste to semi-solid and solid waste in subdivision in B 1 to clarify the storage requirements and make it consistent with the requirements in Section 70.
9VAC25-192-90 (Utilization and storage requirements)	N/A	The definition exists in the current regulation.	Removed definition of “seasonal high water table” from this section because it was added to the definition section of the regulation.
9VAC25-192-90 (Utilization and storage requirements)	N/A	The regulation currently contains conditions for waste storage.	Added language related to the storage of semi-solid and solid waste to clarify what is considered adequate storage.
9VAC25-192-90 (Utilization and storage requirements)	N/A	The specifics for determining the 100-year floodplain are not contained in the regulation.	Added clarification as to which tools are to be used to determine the floodplain when siting animal waste storage facilities. Adding the language ensures that the regulated end-user will know what tools must be used to make this determination. This addition also makes this regulation consistent with Section 70 of this regulation and the other VPA general permit regulation- VPA Regulation and General Permit for Poultry Waste Management (9VAC25-630-50).
9VAC25-192-90 (Utilization and storage requirements)	N/A	The table in Section 90 does not have a label	Added a label and reference to the table in subsection C. Added the label to facilitate the reader of this Section.
9VAC25-192-90 (Utilization and storage requirements)	N/A	The requirements for buffer zones exist in Section 90.	Amended new condition (C 3) to remove the word “permanent” from the condition. “Permanent” is in the definition of the term “vegetated buffer” found in Section 10.
9VAC25-192-90 (Utilization and storage requirements)	N/A	The current language in Section 90 does not provide options during an emergency.	Added a new condition (new C 4) to clarify requirements in cases of waste storage emergencies, such as fire or flood. The new condition provides criteria for the land application of animal waste outside of the land application schedule found in the nutrient management plan, so long as land application information is documented and the Department is notified. This condition provides permittees with clear requirements related to waste storage and land application when the regulated end-user is faced with an emergency. Added this condition to be consistent with Section 70 of this regulation and

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
			the other VPA general permit regulation - VPA Regulation and General Permit for Poultry Waste Management (9VAC25-630-50).
9VAC25-192-90 (Utilization and storage requirements)	N/A	The current section refers to the water quality standards regulation but does not cite the regulation. The current section refers to the State Water Control Law and includes the specific citation.	Subsection E: Added the citation for the specific water quality standards regulation and amended condition language for consistency with the rest of this regulation and other regulations. Removed citation for State Water Control Law (since the definition along with the citation are being added to the definition Section) and to make it consistent with the rest of this regulation.
9VAC25-192-90 (Utilization and storage requirements)	N/A	The requirement refers to the Board instead of the department.	Subsection F: Amended language based on the authority of the State Water Control Board (deleted "board"-replaced with "department", where appropriate) Board Bill consistent with Senate Bill 657 enacted by the General Assembly in 2022.
FORMS	N/A	The current effective forms are consistent with the current regulation.	Revised forms and Animal Waste Fact Sheet for consistency with the changes made to 9VAC25-192-60, 9VAC25-192-80 and 9VAC25-192-90. Revising the registration statements and the Animal Waste Fact Sheet will provide forms consistent with the changes made to sections previously mentioned.

Family Impact

In accordance with § 2.2-606 of the Code of Virginia, please assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

It is not anticipated that an amendment to this regulation will have any impacts on the family and family stability.