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## Exempt Action: Proposed Regulation Agency Background Document

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|---------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Agency name</b>                                            | State Water Control Board                                                                                                                                       |
| <b>Virginia Administrative Code (VAC) Chapter citation(s)</b> | 9VAC25-110                                                                                                                                                      |
| <b>VAC Chapter title(s)</b>                                   | Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day |
| <b>Action title</b>                                           | CH110- 2026 Amendment and Reissuance of the Existing Regulation                                                                                                 |
| <b>Date this document prepared</b>                            | October 22, 2024                                                                                                                                                |

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.*

This action addresses the proposed reissuance of the Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day. The existing general permit expires on July 31, 2026. This general permit contains effluent limitations, monitoring requirements and special conditions for discharges of treated domestic sewage to surface waters from individual single family dwellings and buildings or dwellings other than individual single family dwellings that meet the discharge threshold. The proposed changes to the regulation are being made to reissue this general permit and in response to Technical Advisory Committee suggestions and staff recommendations to revise, update and clarify the permit conditions.

### 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 this regulatory change is § 62.1-44.15 (5a) 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 Pollutant Discharge Elimination System permit shall not exceed five years." This general permit expires on July 31, 2026, and must be reissued to make coverage available for discharges of treated domestic sewage from treatment works with a design discharge flow of less than or equal to 1,000 (GPD) that discharge to surface waters after July 31, 2026.

The periodic review of this regulation is mandated by the ORM procedures and § 2.2-4007.1 of the Code of Virginia.

### 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.*

- 7Q10: the lowest flow averaged over a period of seven consecutive days that can be statistically expected to occur once every 10 years
- Board: State Water Control Board
- CFR: Code of Federal Regulations
- Department or DEQ: Virginia Department of Environmental Quality
- DMR: Discharge Monitoring Report
- DSD: Domestic Sewage Discharges
- FR: Federal Register
- NOIRA: Notice of Intended Regulatory Action
- GPD: Gallons Per Day
- MGD: Million Gallons Per Day
- NPDES: National Pollutant Discharge Elimination System
- U.S. EPA: United States Environmental Protection Agency
- USC: United States Code
- VAC: Virginia Administrative Code
- VDH: Virginia Department of Health
- VPDES: Virginia Pollutant Discharge Elimination System

### 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.*

The basis for this regulation is the State Water Control Law, § 62.1-44.2 et seq. of the Code of Virginia. Specifically, § 62.1-44.15(5) authorizes the Board to issue permits for the discharge of treated sewage, industrial wastes or other waste into or adjacent to state waters and § 62.1-44.15(7) authorizes the Board

to adopt rules governing the procedures of the Board with respect to the issuance of permits. Further, § 62.1-44.15(10) authorizes the Board to adopt such regulations as it deems necessary to enforce the general water quality management program, § 62.1-44.15(14) authorizes the Board to establish requirements for the treatment of sewage, industrial wastes and other wastes, § 62.1-44.16 specifies the Board's authority to regulate discharges of industrial wastes, § 62.1-44.20 provides that agents of the Board may have the right of entry to public or private property for the purpose of obtaining information or conducting necessary surveys or investigations, and § 62.1-44.21 authorizes the Board to require owners to furnish information necessary to determine the effect of the wastes from a discharge on the quality of state waters.

Section 402 of the Clean Water Act (33 USC §1342) authorizes states to administer the NPDES permit program under state law. The Commonwealth of Virginia received such authorization in 1975 under the terms of a Memorandum of Understanding with the U.S. EPA. This Memorandum of Understanding was modified on May 20, 1991, to authorize the Commonwealth to administer a VPDES General Permit Program.

40 CFR Parts 122, 123 and 124 implement the NPDES permit program under § 402. These provisions cover basic U.S. EPA permitting requirements, what a state must do to obtain approval to operate its program in lieu of a federal program and minimum requirements for administering the approved state program, and procedures for the U.S. EPA to process permit applications and appeals. Section 122.2 provides the specific authority for regulating "treatment works treating domestic sewage" where a permit is necessary to protect public health and the environment from the adverse effects of sewage sludge or to ensure compliance with the technical standards for sludge use and disposal developed under § 405(d) of the Clean Water Act (33 USC §1345).

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.*

This proposed regulatory action is needed to establish permitting requirements for discharges of treated domestic sewage from treatment works with a design discharge flow of less than or equal to 1,000 GPD to surface waters to protect the health, safety and welfare of citizens. The existing general permit expires on July 31, 2026, and must be reissued to cover existing and new domestic sewage discharges from treatment works with a design discharge flow of less than or equal to 1,000 GPD.

The goal of the proposed regulation is to continue to make available the general permit, which establishes standard language for control of these point source discharges through effluent limitations, monitoring requirements and special conditions to ensure protection of the environment and public health, safety and welfare.

There is no fee required to obtain coverage under this general permit. Thus, the general permit is the less intrusive and less costly alternative for small businesses and other in-scope entities. General permits also require fewer DEQ staff resources to issue.

## 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.*

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Proposed changes to the general permit regulation include:

- Revising the term of the general permit to August 1, 2026, through July 31, 2031.
- Updating the date of CFR incorporated by reference.
- Removing the word “only” at the end of the first sentence in the definition of “individual single family dwelling.”
- Revising language in the general permit to be consistent with Chapter 356 of the 2022 Acts of Assembly (SB657, changing “Board” to “Department” where the context relates to any action except the adoption of regulations).
- Adjusting the annual monitoring period to match the new permit term.
- Revising the electronic reporting language addressing permit applications to clarify that registration statements are subject to electronic submittal requirements once specified conditions are met.
- Revising electronic reporting language addressing discharge monitoring reporting to clarify that discharge monitoring reports (DMRs) for buildings or dwellings other than individual single family dwellings submitted to DEQ are subject to electronic submittal requirements once specified conditions are met.
- Revising the Policy for the Potomac River Embayment monitoring requirements to clarify that monitoring results for buildings or dwellings other than individual single family dwellings are subject to electronic submission requirements.
- Revising the 24-hour non-compliance reporting requirements to specify online reporting.

## 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.*

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The advantages to the public, permittees and the agency of reissuing this general permit are that a VPDES General Permit for domestic sewage discharges will continue to be available to facilities with eligible discharges, enabling them to discharge to surface waters in a manner that is protective of those waters. In addition, the continued availability of this general permit avoids the increased cost and more complicated application process for permittees associated with issuing an individual VPDES permit and makes permit administration more reasonable for DEQ given the very large number of permittees (approx. 3,000). There are no known disadvantages.

The advantage of (eventual) electronic submission of registration statements and DMRs is that this approach complies with U.S. EPA program requirements for electronic reporting. Once in place, this system will also allow for greater efficiency in the submittal, management, and transfer of program data.

**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.*

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There are no requirements that exceed applicable federal 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.*

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Other State Agencies Particularly Affected:

There are no state agencies particularly affected by the proposed regulation as the regulation applies statewide and does not alter existing VDH requirements for onsite discharging systems.

Localities Particularly Affected:

There are no localities particularly affected by the proposed regulation as the regulation applies statewide and does not alter existing VDH requirements for onsite discharging systems.

Other Entities Particularly Affected:

There are no other entities particularly affected by the proposed regulation as the regulation applies statewide and does not alter existing VDH requirements for onsite discharging systems.

**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.*

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This general permit does not predominantly apply to small businesses, rather, it applies predominantly (80%) to domestic sewage discharges from numerous individual single family dwellings, as well as to many buildings or dwellings other than individual single family dwellings (20%). Some buildings other than individual single family dwellings are small businesses. Nevertheless, the reissuance of this VPDES General Permit for domestic sewage discharges accomplishes the objectives of applicable law and minimizes the application burden and permit implementation costs to affected small business owners.

Without the general permit, a small business owner would be required to obtain an individual permit, which would significantly increase the cost and complexity of a permit application, and potentially increase implementation and compliance costs.

**Periodic Review and  
Small Business Impact Review Report of Findings**

*If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, indicate whether the regulatory change meets the criteria set out in EO 19 and the ORM procedures, e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable. In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (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. Also, discuss why the agency’s decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.*

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State Water Control Law, § 62.1-44.2 et seq. of the Code of Virginia. Specifically, § 62.1-44.15(5) authorizes the Board to issue permits for the discharge of treated sewage, industrial wastes or other waste into or adjacent to state waters and § 62.1-44.15(7) authorizes the Board to adopt rules governing the procedures of the Board with respect to the issuance of permits; thus, the regulation continues to be needed to regulate these discharges through a general permit.

Comments received during the NOIRA comment period did not specifically mention impacts the regulations have on small businesses. Commentors mentioned the need to increase fees related to this general permit, the addition of standards, inspection requirements, and reporting and monitoring requirements.

Minimal revisions are being proposed to the general permit regulation; therefore, it is anticipated there will be limited impact to small businesses. This regulation is clearly written and easily understandable and accomplishes the objectives of applicable law. 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 State Water Control Board last re-issued this regulation in 2021. As part of the reissuance process this regulation has been reviewed for consistency with other general permits and the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9 VAC 25 - 31) as part of the reissuance process.

General permits provide the regulated community with a streamlined, less burdensome approach to obtain coverage for conducting a specific regulated activity. Without this general permit regulation, an individual permit would be required to conduct the 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.*

Three comments were submitted during the public comment period through Virginia Regulatory Town Hall.

| Commenter                                  | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Agency response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| <p>W.C. Oyote</p> <p>Comment ID 222517</p> | <p>Please elevate consideration of fees sufficient to fund inspection and verification of compliance with discharge limits. General permit fees should be sufficient for DEQ or VDH to recover cost of resources required to review applications, issue and periodically confirm compliance prior to renewal. Absent user fees for general permits, the general fund carries expense of monitoring compliance, thus these duties have been unfulfilled. Small businesses including operators/inspectors also merit consideration in drafting regulations which assure compliance.</p> <p>These discharging systems require maintenance to ensure effective treatment.</p> <p>Historically the Commonwealth has failed to protect surface water from residential sewage contamination, both permitted and scofflaw "straightpipe" installations. This notice of intent, and technical advisory committee seems ignorant of the risk to public health and water quality at risk due to non-compliance. Waters of the US, and vested rights of downstream users are under continuous threat absent monitoring, and publishing of compliance reports. Absent stringent standards landowners are likely to violate pollutant limits.</p> | <p>DEQ does not impose a fee for coverage under the VPDES general permit for domestic sewage discharges (DSD) in order to promote permit adoption, implementation, and compliance to the greatest extent possible. This general permit is unique in that it is applicable to a large number of households and to a potential universe of permittees that are often rurally located and in many instances of limited economic means. These permittees already face the cost of installing and operating the discharging treatment works system. DEQ does not want a permit fee to function as a disincentive to environmental compliance. Rather, DEQ uses existing agency funding to cover implementation and compliance activities. Inspection and compliance responsibilities are shared with VDH, which oversees single family dwellings.</p> <p>DEQ has considered operators/ inspectors in developing this general permit. The permit requires the use of a licensed operator to ensure proper operation and maintenance.</p> <p>DEQ is well aware of the risk to water quality posed by the disposal of untreated domestic sewage, and this general permit requires treatment for systems not connected to a publicly owned treatment works and not amenable to use of a septic system.</p> <p>DEQ and VDH also conduct compliance monitoring and inspections that implement permit requirements. For example, available compliance data (numeric values only) for non-single family homes for 8/2021-5/2024 where greater than 1,000 total records exist indicate the following compliance rates: TSS (total suspended solids) – 90%; BOD5 (5-day biological oxygen demand) – 94.6%; and pH – 99.8%. In addition, the median values for E coli, Enterococci and fecal coliform are below permit limits.</p> |

| Commenter                                  | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Agency response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Joe Public</p> <p>Comment ID 222626</p> | <p>Public concerns over the administration of discharging sewage treatment system design, operation, inspection &amp; maintenance are not addressed by current regulatory roles at either agency. VDH has failed to sustain rigorous inspection or monitoring and reporting regimen, DEQ has stood aside from concerns over sister agency inaction and lack of accountability. Suitability for use of certain technologies has not kept up with technological advancements. systems utilizing electrical controls and pump works, may be alarmed and under management by responsible entity &amp;/or active telemetry.</p> <p>Water quality issues resulting from failure to operate systems are a public health threat. Revised standards should include duty of notice, monitoring sufficient to protect interests of downstream landowners, recreational users, or citizens utilizing surface water, and sufficient fees or funding that agencies prioritized their duties of regulation.</p> <p>At minimum we recommend renewable operating permits under charge of private rme, regulations which recognize role of licensed operators in meeting water quality permit limits, and public notice &amp; inventory of systems which are under jurisdiction of agency accountable for determining compliance with permit limits.</p> | <p>Under the existing VPDES General Permit for DSD the treatment works design must be capable of meeting permit discharge limits and operation and maintenance responsibilities for both owners and licensed operators are specified. In addition, both DEQ and VDH conduct inspections consistent with their respective compliance monitoring programs.</p> <p>Technical innovation is used in these treatment works consistent with applicable standards for alternative discharging systems.</p> <p>Permitted system owners are responsible for properly operating and maintaining their systems and DEQ and VDH have enforcement protocols for failure to meet permit requirements.</p> <p>The existing general permit includes discharge monitoring and reporting requirements. DEQ does not impose a fee for coverage under the DSD general permit in order to promote permit adoption, implementation, and compliance to the greatest extent possible (see response above).</p> <p>The existing VPDES General Permit for DSD is a renewable operating permit. Owners are required to engage a licensed operator (who functions as a responsible management entity). DEQ maintains records of all permittees and VDH also maintains records of individual single family dwellings covered under the permit.</p> |
| <p>Anonymous</p> <p>Comment ID 222628</p>  | <p>"We all live downstream."</p> <p>May the actions, decisions, and authorities with respect to this regulatory action, take into account a FOIA (Freedom of Information Act) level inventory of State Agencies, with respect to what works and what does not work to safeguard the public's health and safety.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>This general permit is based on VPDES program requirements and DEQ's knowledge and experience implementing the VPDES program. The permit functions to protect water quality through imposing operation and maintenance requirements as well as effluent limits and monitoring and reporting requirements. It also reflects VDH requirements to protect public health.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

**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, DEQ 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. DEQ 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 Jeanette Ruiz, P.O. Box 1105, Richmond, Virginia 23218, [jeanette.ruiz@deq.virginia.gov](mailto:jeanette.ruiz@deq.virginia.gov), phone (804) 494-9636. 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 of this regulatory action.

### 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                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------|-----------------------------------|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9VAC25-110-10 Definitions                              |                                   | Definition of “Combined application”                                                        | Change existing reference to “State Water Control Board” to new reference, “Virginia Department of Environmental Quality,” to implement 2022 Acts of Assembly Chapter 356 (SB657).<br><br>Also changed reference from the “board” to the “department” here and in select provisions throughout the general permit (Sections 60, 70, 80).<br><br>Provides clarity by making the reference(s) consistent with changes required by 2022 Acts of Assembly Chapter 356. |
| 9VAC25110-10 Definitions                               |                                   | Definition of “Individual single family dwelling.”                                          | Deleted the word “only” at the end of the first sentence.<br><br>Removing the term provides greater clarity in the definition.                                                                                                                                                                                                                                                                                                                                     |
| 9VAC25-110-15 Applicability of Incorporated references |                                   | Reference to regulations in 40 CFR is dated July 1, 2021.                                   | Changed the referenced date for 40 CFR to July 1, 2024. This change ensures the most recent effective federal regulations are referenced in the permit.                                                                                                                                                                                                                                                                                                            |
| 9VAC25-110-20 Purpose; effective date                  |                                   | B. Provides that the general permit is effective August 2, 2021, and expires July 31, 2026. | B. Revised the effective date to be August 1, 2026, and expiration date to be July 31, 2031.<br><br>VPDES permits are limited to terms of five years. This will allow the permit to remain available.                                                                                                                                                                                                                                                              |

| Current section number                  | New section number, if applicable | Current requirement                                                                                                                                                                                                                                                                                | Change, intent, rationale, and likely impact of new requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------------------|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9VAC25-110-70<br>Registration statement |                                   | D. Requires submittal of registration statement or combined applications. Includes a conditional requirement for electronic submission of these applications.                                                                                                                                      | D. Revised the language to specify that the registration statement will need to be submitted electronically and that combined applications will not need to be submitted electronically but will continue to be submitted by either postal or electronic mail.<br>This approach is needed because there are two different permit application forms used under this general permit. This is unique among VPDES general permits and presents technical challenges for nForm and CEDS. VDH requires that individual single family dwellings submit the Combined Application, however, VDH does not have a system in place for permittees to submit these applications electronically. |
| 9VAC25-110-80<br>General permit         |                                   | Effective Date: August 2, 2021.<br>Expiration Date: July 31, 2026.                                                                                                                                                                                                                                 | Revised the term of the general permit:<br>Effective Date: August 1, 2026.<br>Expiration Date: July 31, 3031.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 9VAC25-110-80<br>General permit         |                                   | Part I A 2. 7Q10 less than 0.2 MGD. Requires that monitoring data for buildings other than individual single family dwellings must be submitted to DEQ on a DMR, and that monitoring data for individual single family dwellings must be submitted to VDH in accordance 12VAC5-640.                | Part I A 2. Revised language to clarify that monitoring results for treatment works serving buildings or dwellings other than individual single family dwellings, which are submitted to DEQ on a DMR, are subject to the electronic submission requirements specified in Part II C 1. This is not a new requirement. Adjusted the annual monitoring period and DMR submittal date to be consistent with the new permit term.<br><br>E-reporting is required by federal regulation (see 80 FR 64064; 10/22/2015 and 85 FR 69189; 11/2/2020) and state regulation (9VAC25-31-1020).                                                                                                 |
| 9VAC25-110-80<br>General permit         |                                   | Part I B 2. 7Q10 equal to or greater than 0.2 MGD. Requires that monitoring data for buildings other than individual single family dwellings must be submitted to DEQ on a DMR, and that monitoring data for individual single family dwellings must be submitted to VDH in accordance 12VAC5-640. | Part I B 2. Revised language to clarify that monitoring results for treatment works serving buildings or dwellings other than individual single family dwellings, which are submitted to DEQ on a DMR, are subject to the electronic submission requirements specified in Part II C 1. Adjusted the annual monitoring period and DMR submittal date to be consistent with the new permit term.<br><br>E-reporting is required by federal regulation (see 80 FR 64064; 10/22/2015 and 85 FR 69189; 11/2/2020) and state regulation (9VAC25-31-1020).                                                                                                                                |
| 9VAC25-110-80<br>General permit         |                                   | Part I C 2. Limits for discharges subject to the Policy for the Potomac Rover Embayments (9VAC25-415). Requires that all monitoring results be submitted to DEQ on a DMR and that that monitoring data for individual single family dwellings must be submitted to VDH in accordance 12VAC5-640.   | Part I C 2. Revised language to clarify that monitoring results for treatment works serving buildings or dwellings other than individual single family dwellings are subject to the electronic submission requirements specified in Part II C 1.<br><br>E-reporting is required by federal regulation (see 80 FR 64064; 10/22/2015 and 85 FR                                                                                                                                                                                                                                                                                                                                       |

| Current section number       | New section number, if applicable | Current requirement                                                                                                                                                                                            | Change, intent, rationale, and likely impact of new requirements                                                                                                                                                                                                                                                                                                                                        |
|------------------------------|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                              |                                   |                                                                                                                                                                                                                | 69189; 11/2/2020) and state regulation (9VAC25-31-1020).                                                                                                                                                                                                                                                                                                                                                |
| 9VAC25-110-80 General permit |                                   | Part II C 1. Reporting monitoring results. Requires that monitoring results submitted to DEQ must be submitted on a DMR. Sets a conditional requirement for monitoring reports to be submitted electronically. | Part II C 1. Revised language to clarify that the electronic submission requirement only applies to DMRs submitted to DEQ.<br><br>E-reporting is required by federal regulation (see 80 FR 64064; 10/22/2015 and 85 FR 69189; 11/2/2020) and state regulation (9VAC25-31-1020).                                                                                                                         |
| 9VAC25-110-80 General permit |                                   | Part II I 3. Reports of non-compliance. Specifies methods for emergency and 24-hour reports of non-compliance.                                                                                                 | Part II I 3. Revised language to clarify that permittees make 24-hour report to the applicable DEQ regional office. Specified that for reports out of normal working hours permittees use the online portal and included the updated link. Provided an updated contact phone number for emergencies.<br><br>Revised language for consistency and alignment with language used in other general permits. |
| 9VAC25-110-80 General permit |                                   | Part II K 1 a. Signatory requirements; registration statements. For corporation. Specifies signatory requirements.                                                                                             | Changed “assure” to “ensure.”                                                                                                                                                                                                                                                                                                                                                                           |
| 9VAC25-110-80 General permit |                                   | Part II M 2 a and b. Duty to reapply. Includes conditions for automatic permit renewal.                                                                                                                        | Updated the effective date for this reissuance of the general permit from August 2, 2021, to August 1, 2026.                                                                                                                                                                                                                                                                                            |
| 9VAC25-110-80 General permit |                                   | Part II N. Effect of permit. Specifies certain limits on effect of permit.                                                                                                                                     | Made single sentence into two sentences to improve clarity.                                                                                                                                                                                                                                                                                                                                             |
| 9VAC25-110-80 General permit |                                   | Part II O. State law.                                                                                                                                                                                          | Clarified wording. No substantive change.                                                                                                                                                                                                                                                                                                                                                               |
| 9VAC25-110-80 General permit |                                   | Part II W. Inspection and entry.                                                                                                                                                                               | In the last sentence, replaced “herein” with “in this general permit.”                                                                                                                                                                                                                                                                                                                                  |

**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.*

This general permit applies to domestic discharges from individual single family dwellings, as well as to many buildings or dwellings other than individual single family dwellings. Its availability allows for these homes and buildings to operate as residences for families while protecting surface waters in a manner consistent with state law. Such residences are a vital resource that support families and contribute to economic self-sufficiency. This general permit has been designed to minimize burden while achieving a level of water quality protection that is consistent with state and federal requirements.