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**Final Regulation
Agency Background Document**

Agency name	State Water Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	9 VAC25-32
VAC Chapter title(s)	Virginia Pollution Abatement (VPA) Permit Regulation
Action title	Implementation of Chapter 209 of the 2024 Acts of Assembly (HB 870)
Date this document prepared	February 23, 2026

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), 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, 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 Virginia Pollution Abatement (VPA) Permit Regulation, 9VAC25-32, prescribes conditions for the proper treatment, stabilization, storage, and use of biosolids (treated sewage sludge), that are or will be land applied, marketed, and distributed in Virginia. Chapter 209 of the 2024 Acts of Assembly (HB 870) amended § 62.1-44.19:3 of the Code of Virginia by adding a requirement for the State Water Control Board (Board) to include in its regulations for biosolids that are permitted for land application, marketing, or distribution: "Procedures for addressing administrative, staging, signage, and additional on-site and alternative storage site requirements when routine and on-site storage facility capacity and holding times are anticipated to be exceeded for the purpose of protecting against the release of sewage sludge into state waters, and to account for increased intensity, frequency, and duration of storm events."

This regulatory action will establish standards for additional on-site and alternative storage site requirements the regulated community may choose to include in their permits to address situations when routine and on-site storage facility capacity and holding times are anticipated to be exceeded due to extended periods of precipitation. The standards will account for increased intensity, frequency, and duration of storm events and continue to protect against the release of biosolids into state waters by allowing permit holders to develop and include an emergency management plan, which must be approved by the Department of Environmental Quality (DEQ), in the biosolids management plan required by 9VAC25-32-410.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

- Board: State Water Control Board
- Biosolids: a sewage sludge that has received an established treatment and is managed in a manner to meet the required pathogen control and vector attraction reduction, and contains concentrations of regulated pollutants below the ceiling limits established in 40 CFR Part 503 and 9VAC25-32-356, such that it meets the standards established for use of biosolids for land application, marketing, or distribution in accordance with the VPA Permit Regulation. (9VAC25-32-10).
- CFR: Code of Federal Regulations
- DEQ: Department of Environmental Quality
- HB: House Bill
- NOIRA: Notice of Intended Regulatory Action
- Sewage sludge: any solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works. (9VAC25-32-10).
- O&M manual: Operations and Maintenance manual
- VAC: Virginia Administrative Code
- VAMWA: Virginia Association of Municipal Wastewater Agencies
- VBC: Virginia Biosolids Council
- VPA: Virginia Pollution Abatement
- VPDES: Virginia Pollutant Discharge Elimination System

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

On April 7, 2026, the State Water Control Board adopted the final amendments to the Virginia Pollution Abatement (VPA) Permit Regulation (9VAC25-32 et seq.).

Mandate and Impetus

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding the mandate for this regulatory change, and any other impetus that specifically prompted its initiation. If there are no changes to previously reported information, include a specific statement to that effect.

There are no changes to previously reported information. The mandate for this regulatory change is Chapter 209 of the 2024 Virginia Acts of Assembly (HB 870), approved March 28, 2024, which amended and reenacted § 62.1-44.19:3 of the Code of Virginia by adding a requirement for the Board to include in its regulations for biosolids that are permitted for land application, marketing, or distribution: “Procedures for addressing administrative, staging, signage, and additional on-site and alternative storage site requirements when routine and on-site storage facility capacity and holding times are anticipated to be exceeded for the purpose of protecting against the release of sewage sludge into state waters, and to account for increased intensity, frequency, and duration of storm events.”

Legal Basis

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

The basis for this regulation is Articles 2, 3, 4 and 5 of the State Water Control Law (Chapter 3.1 of Title 62.1 of the Code of Virginia, §§ 62.1-44.2 et seq.). Specifically, § 62.1-44.15 (5) authorizes the Board to issue, revoke, or amend certificates and certificates and land-disturbing permits under prescribed conditions for the discharge of treated sewage, stormwater, industrial wastes and 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 and §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; § 62.1-44.19:3 requires the Board to include in regulation certain requirements pertaining to the land application of biosolids; § 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.

Purpose

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.

Chapter 209 of the 2024 Acts of Assembly (HB 870) amended § 62.1-44.19:3 of the Code of Virginia by adding a requirement for the State Water Control Board (Board) to include in its regulations for biosolids that are permitted for land application, marketing, or distribution: “Procedures for addressing administrative, staging, signage, and additional on-site and alternative storage site requirements when routine and on-site storage facility capacity and holding times are anticipated to be exceeded for the purpose of protecting against the release of sewage sludge into state waters, and to account for increased intensity, frequency, and duration of storm events.”

Extended periods of precipitation affect the timing of land-application of biosolids. During 2018-2019, a record-year for precipitation in some parts of the Commonwealth, many biosolids storage facilities reached or exceeded their capacity because biosolids could not be applied on saturated ground or ground with standing water. This regulatory action is needed to establish procedures for addressing administrative, staging, signage, and additional on-site and alternative storage site requirements for biosolids when extreme weather conditions, over an extended period of time, affect routine and on-site storage facility capacity and holding times. Establishing regulatory requirements helps to prevent and protect against the release of biosolids into state waters and accounts for increased intensity, frequency, and duration of storm events.

Substance

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.

Some wastewater treatment plants have short-term storage at their facilities for biosolids, and land application contractors employ various storage options for biosolids to allow for land application during optimal times for nutrient application and uptake and to have sufficient capacity for periods when land application is limited due to typical weather conditions. This regulatory amendment will establish procedures for addressing administrative, staging, signage, and additional on-site and alternative storage site requirements when routine and on-site storage facility capacity and holding times are anticipated to be exceeded due to increased intensity, frequency, and duration of storm events.

During 2018-2019, a record-year for precipitation in some parts of the Commonwealth, many biosolids storage facilities reached or exceeded their capacity. At the time, owners of those facilities applied to DEQ on a case-by-case basis for variances to their permits to store and manage biosolids that could not be land-applied or stored in the usual manner. Processing variances does not provide a timely solution for acute weather-related storage issues. DEQ also has the option to exercise enforcement discretion based on weather related circumstances and where non-compliance would pose minimal risk to the environment and human health. DEQ could initiate enforcement action where non-compliance with storage requirements would result in a discharge to state waters. However, neither variances nor enforcement discretion provide regulatory certainty for the permit holders or the public.

The amendments to the VPA Permit Regulation will provide permit holders regulatory certainty by allowing them to plan in advance for alternative storage and handling solutions when extreme weather conditions result in long periods of time when biosolids cannot be land-applied. This advanced planning is

accomplished through the development and approval of an emergency management plan that 1) summarizes existing biosolids storage capacity, 2) describes procedures and thresholds for initiating the plan, 3) describes recordkeeping and reporting procedures, and 4) describes procedures for concluding implementation of an emergency management plan. The plan may also identify additional biosolids storage sites that may only be used during an emergency, allowable deviations from onsite storage requirements, sign posting requirements, and operational procedures. The permit holder would submit the plan for approval by DEQ and would only initiate the plan if the thresholds for constituting a storage emergency were met. The permit holder would be required to conclude implementation of the plan when the conditions causing limitations to land application cease.

This regulatory action provides an option for permit holders that will protect human health and the environment while providing more flexibility with storage and land application when the amount of biosolids exceeds normal storage facility capacity. It will also reduce or eliminate the need to apply for a variance from the regulation and allow the permit holder to have an approved alternative that can be quickly implemented in the event acute weather-related storage issues arise.

Issues

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 to the public is improved readiness for severe weather events by entities that have permits allowing land application of biosolids, reducing the risk of discharges from inadequately stored biosolids, and thus improved protection of human health and the environment. Permit holders will also benefit from improved operational continuity and additional regulatory certainty during periods when weather conditions pose challenges to routine biosolids management practices.

Disadvantages to the public may include reduced scope of notification for pending land application activities if the permit holder chooses to cite reductions in the amount of time required for 5-day land application notice signs to be placed.

The primary advantage to DEQ and the Commonwealth is reduced time spent on handling case-by-case issues of potential non-compliance and instead working with permit holders to pre-plan for weather emergencies through submittal of emergency management plans. There is a disadvantage in the staff time necessary to review plans; however, this is offset by the value of timely emergency preparedness.

Requirements More Restrictive than Federal

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any requirement of the regulatory change which is more restrictive than applicable federal requirements. If there are no changes to previously reported information, include a specific statement to that effect.

There are no changes to previously reported information. There are no requirements that exceed applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any other state agencies, localities, or other entities that are particularly affected by the regulatory change. If there are no changes to previously reported information, include a specific statement to that effect.

Other State Agencies Particularly Affected

There are no changes to previously reported information. There are no state agencies particularly affected by the proposed regulation as the regulation applies statewide and does not alter existing permitting requirements for biosolids land applications.

Localities Particularly Affected

There are no changes to previously reported information. There are no localities particularly affected by the proposed regulation as the regulation applies statewide and does not alter existing permitting requirements for biosolids land applications.

Other Entities Particularly Affected

There are no changes to previously reported information. There are no other entities particularly affected by the proposed regulation as the regulation applies statewide and does not alter existing permitting requirements for biosolids land applications.

Public Comment

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency's response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

Commenter	Comment	Agency response
anonymous	Please stop building data centers because they use up our water. Pollution from solar farms is a problem too.	Thank you for submitting a comment. The comment is not relevant to this regulatory action.

Commenter	Comment	Agency response
<p>Les Foldesi, MS, CHP Emeritus</p>	<p>Consider the presence of radionuclides in biosolids. There are municipal waste treatment facilities particularly in the District of Columbia (DC) that have no holding capacity, i.e., biosolids are transported off site the same day that they are produced. There are several major medical facilities in DC performing numerous nuclear medicine procedures and research using radioisotopes. These materials may legitimately be discharged to the sanitary sewer. Although most of these radioisotopes have short half lives of hours or a few days, they are nevertheless detectable for a week or so. Most municipal facilities can hold material for 30 days or more. Usually the biosolids are disposed on agriculture fields; however, if it is raining or the fields are muddy, the biosolids go to the landfill. Some landfills have radiation monitoring systems to prevent illegal dumping or radioactive sources. So some effort may be required to resolve the situation.</p>	<p>Thank you for submitting a comment. The requested action is beyond the scope of this regulatory action.</p>
<p>Susan Trumbo, Recyc Systems, Inc</p>	<p>I have been involved in some way with land application of biosolids over thirty-five years. Consequently, I have more experience than most with the biosolids management program. The Fall of 2018 through Spring of 2019 was the most difficult months I have ever experienced due to record precipitation throughout Virginia and the Mid-Atlantic Region. That we were able to manage through this period without any impact on water quality and the environment or impact on operations of sewer plants is testimony to the diligence of the utility professionals.</p> <p>I urge approval and adoption of these regulations which will provide the ability to create a plan to manage biosolids when extreme weather prevents the conforming management of biosolids. Management of biosolids is a task which must be provided regardless of weather, pandemics or other emergencies. These regulations will allow the permittees to be proactive in developing and obtaining VADEQ approval of an emergency plan for extreme conditions.</p> <p>I offer the following specific comment on the draft regulations:</p> <p>Section F.3. Procedural deviations specified in the emergency management plan may not include additional deviations from permit requirements other than those listed in subdivisions F2a through F2d of this section.</p> <p>I object to this restriction as it is shortsighted and creates an unnecessary limitation without providing any benefit. What if other viable deviations are</p>	<p>Thank you for submitting a comment and your overall support for the regulatory action. The amendments to 9VAC25-32-410 and 9VAC25-32-550 address the requirements established in Chapter 209 of the 2024 Acts of Assembly, which directed the Board to include in its regulations procedures for addressing administrative, staging, signage, and additional on-site and alternative storage site requirements when routine and on-site storage facility capacity and holding times are anticipated to be exceeded.</p> <p>The specific procedural deviations identified in the noted subdivisions 9VAC25-32-410 F 2 a through d. match the scope of the legislation, and are those identified and vetted by the Regulatory Advisory Panel for inclusion in the regulatory amendments. Unique deviations could be processed through the modification or reissuance of a permit using the variance</p>

Commenter	Comment	Agency response
	<p>developed after adoption of these regulations? What purpose is there in limiting deviations to those listed in F2a through F2d? The Emergency Management Plan must be preapproved by VADEQ thus giving VADEQ more than sufficient opportunity to approve the proposed deviation.</p> <p>Thank you for your consideration.</p>	<p>process identified at 9VAC25-32-330. No change was made to the regulatory text in response to this comment.</p>
<p>Mike Gerel, Chesapeake Bay Foundation</p>	<p>A letter of support for the regulation noting it "establishes reasonable standards" and "offers an appropriate means to manage biosolids in the context of more extreme weather in a manner that assures protection of state waters." No changes are requested.</p>	<p>DEQ acknowledges the support for the regulatory amendments.</p>
<p>Tim Mitchell, President. Virginia Association of Municipal Wastewater Agencies (VAMWA)</p>	<p>Letter expressing "overall, pleased with the Regulation as proposed," but requested 3 issues be addressed:</p> <p>1. The [Proposed Regulation Agency Background Document TH-02 7/31/2025] Imprecisely Suggests That POTWs "Typically" Have Several Months' Biosolids Storage Capacity</p> <p>The [TH-02] states: "Typically, wastewater treatment facilities and permitted biosolids land appliers have sufficient capacity to store biosolids for several months, allowing end-users to land-apply during optimal times for nutrient application and uptake; however, extended periods of precipitation affect the timing of land application."</p> <p>Based on VAMWA's expertise, this [TH-02] language is inaccurate. To the contrary, based on their footprint and layout, it is often difficult for POTWs to accommodate storage space for several months' biosolids. Beyond semantics, this inaccuracy is counter to the unquestioned need for the 2024 Law and the Regulation and could thus cause undue confusion in the Regulation's interpretation and application.</p>	<p>Thank you for submitting a comment and your overall support for the regulatory action.</p> <p>1. DEQ acknowledges that the storage capacity located at wastewater treatment facilities is typically much less than the storage capacity located at routine storage sites permitted for use by biosolids land appliers, and that the regulatory amendments seek relief from extraordinary cases when existing storage capacity may be exceeded. This language was used in the Town Hall documents for the regulatory action, not in the text of the regulatory amendments.</p> <p>DEQ addressed this comment by revising the "Substance" section of this final Town Hall agency background document (TH-03).</p> <p>No change was made to the regulatory text in response to this comment.</p>

Committer	Comment	Agency response
<p>Tim Mitchell, President. Virginia Association of Municipal Wastewater Agencies (VAMWA)</p>	<p>2. The [Department of Planning and Budget Economic Impact Analysis 9/30/2025] states: “According to DEQ, localities, as part of their zoning ordinances, may designate or reasonably restrict the storage of biosolids based on criteria directly related to the public health, safety, and welfare of its citizens and the environment. (§ 62.1-44.19:3 of the Code of Virginia). The current limitations for onsite storage are intended to create a threshold below which storage would not be subject to a local ordinance. If onsite storage during a weather emergency were to extend beyond 45 days, or if stored material were to be land applied on farms other than where the on-site storage facility was located, the applicability of a local ordinance may come into play. However, the proposal does not directly introduce costs for localities.”</p> <p>VAMWA supports locality involvement as ensured by the Regulation as proposed, e.g., localities would be notified of emergency storage sites upon emergency plan approval pursuant to 9VAC25-32-550(F)(1). But the General Assembly’s prioritization of “protecting against the release of sewage sludge into state waters” during extreme weather conditions added to Va. Code § 62.1-44.19:3 as subsection (C)(11) by the 2024 Law supersedes localities’ preexisting subsection (R) general authority to “reasonably restrict the storage of sewage sludge based on criteria directly related to the public health, safety, and welfare of its citizens and the environment.” Restated, and despite subsection (R)’s “notwithstanding any contrary provision of law” provision, the General Assembly preempted any locality subsection (R) determination by setting forth that, preventing sewage sludge from entering state waters during a weather-caused emergency as addressed in the Regulation is of paramount concern for public health, safety, and welfare of citizens and the environment. The preamble should be revised to avoid any confusion that could lead a locality to impede the clear purpose of the 2024 Law and the Regulation.</p>	<p>2. DEQ intends to implement the provisions of the regulatory amendments related to onsite storage as described in 9VAC25-32-410 F 2 b.</p> <p>DEQ makes no assertions regarding the authority of a locality to regulate on-site storage during the implementation of an emergency management plan as described in the regulatory amendments.</p> <p>No change was made to the regulatory text in response to this comment.</p>

Commenter	Comment	Agency response
<p>Tim Mitchell, President. Virginia Association of Municipal Wastewater Agencies (VAMWA)</p>	<p>3. The Regulation Should Clarify That Generators May Submit Emergency Management Plans</p> <p>Of our three recommendations, this recommendation will lead to the largest tangible improvement. The Regulation, perhaps unintentionally, does not expressly accommodate generator emergency management plans. By ensuring that generators can move biosolids to their own emergency storage sites, the Regulation can substantially further reduce the risk of [sewage] sludge entering state waters. [...] VAMWA suggests that the Regulation be clarified so that generators may directly avail themselves of their own available emergency storage sites and transport capabilities without relying on contracted land appliers.</p>	<p>3. The second enactment clause of Chapter 209 of the 2024 Acts of Assembly states that "the State Water Control Board shall update the Virginia Pollution Abatement (VPA) Permit Regulation (9VAC25-32) in accordance with this act."</p> <p>The requested amendments would apply to permits issued under the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation, 9VAC25-31, to generators of biosolids which is beyond the scope of Chapter 209 of the 2024 Acts of Assembly.</p> <p>As discussed during the Regulatory Advisory Panel meetings for this regulatory action, the existing administrative procedures for modifying the sludge management plan for a facility with a VPDES permit (9VAC25-31) can be used to identify and initiate emergency biosolids management procedures.</p> <p>No changes were made to the regulatory text in response to this comment.</p>

Commenter	Comment	Agency response
Kendra Sveum President, Virginia Biosolids Council (VBC)	<p>VBC requests DEQ acknowledge variability in biosolids generation rates and provide flexibility in how emergency plans may be updated to reflect evolving conditions.</p> <p>VBC also requested an extended notice period of 60 days for updating the Department with any changes in the Emergency Management Plan Notice.</p>	<p>Thank you for submitting a comment.</p> <p>9VAC25-32-410 F 7 requires the emergency management plan be kept current.</p> <p>In order to address flexibility for updates in biosolids management, DEQ added a sentence specifying that “changes in the information required by subdivisions F 1 a through F 1 c of this section do not require department approval.” New emergency storage sites or procedural changes would still require DEQ approval prior to initiation of an emergency management plan.</p> <p>In response to this comment, DEQ changed the time period to submit changes in the emergency management plan to DEQ from 30 days to 90 days, which is consistent with the time period specified in existing VPA permits to submit changes in Operations and Maintenance plans to DEQ.</p>

Detail of Changes Made Since the Previous Stage

List all changes made to the text since the previous stage was published in the Virginia Register of Regulations and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. * Put an asterisk next to any substantive changes.

Current chapter-section number	New chapter-section number, if applicable	New requirement from previous stage	Updated new requirement since previous stage	Change, intent, rationale, and likely impact of updated requirements
9VAC25-32-410	This action adds subsection F, Emergency Management Plan.	Subsection F establishes requirements for an emergency management plan. The emergency management plan is optional and may be included in the permit holder's biosolids management plan.	Changes were made to use consistent terminology throughout subsection F to clarify when an emergency management plan requires approval and to differentiate between plan initiation and plan implementation.	Use of consistent terms improves clarity of requirements and improves readability and understanding of the requirements.
9VAC25-32-410	9VAC25-32-410.F.6	Subsection F.6 establishes which type of changes require department approval.	Changes in the information required by subdivisions F.1.a through F.1.c of this section do not require department approval. Changes to procedures or the addition of emergency storage sites shall be approved by the department prior to initiation of a revised emergency management plan.	The updated requirement adds clarifying language explaining which type of changes would require department approval.

9VAC25-32-410		Subsection F 6 establishes time requirements for submitting changes to the Department when there are changes in biosolids management.	The emergency management plan shall be kept current and submitted to the Department within 90 days of changes in biosolids management.	DEQ extended the time period to submit changes in the emergency management plan to 90 days, which is consistent with the time period specified in existing VPA permits to submit changes in Operations and Maintenance plans.
9VAC25-32-550 F		Subsection 550 F establishes the ability to add department-approved emergency storage sites to an emergency management plan during a permit term.	Emergency storage sites may be added to an emergency management plan at any point during the permit term with the approval of the department.	The updated requirement adds clarifying language explaining emergency sites may be added to a plan any point during the permit term following procedures in 9VAC25-32-410.
9VAC25-32-410 F 4	9VAC25-32-410 F 6			Section was moved from subsection F 4 to F 6 to improved understanding and better align sequencing
9VAC25-32-410 F 6	9VAC25-32-410 F 4			Section was moved from subsection F 6 to F 4 to improve understanding and better align sequencing
9VAC25-32-410 F 7	9VAC25-32-410 F 4 f	Subsection F 4 f establishes the conclusion of an emergency management plan.	Emergency management plan implementation shall conclude when the conditions causing limitations to land application cease.	410 F 7 was incorporated into 410 F 4 f for improved clarity and understanding.

Detail of All Changes Proposed in this Regulatory Action

List all changes proposed in this action and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. * Put an asterisk next to any substantive changes.

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of updated requirements
9VAC25-32-410	F. Emergency Management Plan	None	<p>This regulatory action allows permittees to submit an emergency management plan as part of their biosolids management plan and sets out the requirements for the plan, these requirements include:</p> <ul style="list-style-type: none"> • Essential components of the plan • Procedures for deviating from permit requirements during an emergency • Requirements to keep the plan current • Plan initiation procedures and • Approval, implementation, and conclusion of plan implementation procedures <p>This action increases opportunities for permittees to plan for emergencies and communicate the plan with DEQ by offering permittees the option to add an emergency management plan to their biosolids management plan. This gives permittees the ability to address administrative, staging, signage, and additional on-site and emergency storage site requirements when routine and on-site storage facility capacity and holding times are anticipated to be exceeded due to storm events. In response to a comment, DEQ revised the time period to submit changes in the emergency management plan to DEQ from 30 to 90 days, which is consistent with the time period specified in existing VPA permits to submit changes in Operations and Maintenance plans.</p>

9VAC25-32-550	F. Emergency Storage	None	This section describes the requirements for the emergency storage site including approval, notifications and reporting. This pre-planning process provides certainty to the regulated community and the public concerning how emergency storage of biosolids will be conducted in response to extreme weather events.
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Minor changes were made to use consistent terminology throughout Section 410 and 550. These changes improve clarity of requirements and improve the readability and understanding of the requirements. The content of the proposed subsections in 9VAC25-410 F 4 – F 7 were revised to group similar requirements and improve chronological alignment.