



Exempt Action Proposed Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation	9 VAC 25-196
Regulation title	General Virginia Pollutant Discharge Elimination System (VPDES) Permit For <u>Non-Contact Cooling Water Discharges of 50,000 Gallons Per Day or Less</u>
Action title	Amend Existing Regulation
Document preparation date	July 30, 2007

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This regulation will reissue the existing VPDES cooling water general permit which expires on March 1, 2008. The general permit will establish limitations and monitoring requirements for point source discharges of non-contact cooling water. The significant changes to the regulation are as follows:

Changed the title of the regulation to "General Virginia Pollutant Discharge Elimination System (VPDES) Permit For Non-Contact Cooling Water Discharges of 50,000 Gallons Per Day or Less" to indicate the coverage restrictions.

Changed both the Registration Statement item #6, and permit Special Condition #3 to require either an engineering analysis, or a technical evaluation of the active ingredients of the chemical additives proposed to be used, to determine the concentration in the discharge. Previously the regulation only required an estimate of the concentration in the discharge.

Clarified Footnote #3 of the permit Part I, Effluent Limitations and Monitoring Requirements section to indicate that the ammonia monitoring only applies where the source of the cooling water is disinfected using chloramines.

Added permit Special Condition item #7 to allow a permittee to apply for reduced monitoring if they have a geothermal system using groundwater and no chemical additives, and their monitoring data shows they are in full compliance with their effluent limitations. The Department must authorize the reduced monitoring, and any subsequent enforcement action will require the permittee to resume the full permit monitoring requirements.

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, the potential impacts of the regulation on the regulated community and the impacts of the regulation on farm or forest land preservation.

In addition to any other comments, the Board is seeking comments on the costs and benefits of the proposal, the potential impacts on the regulated community and on any impacts of the regulation on farm and forest land preservation. Also, the Board is 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 at the public hearing or by mail, email or fax to Burt Tuxford, Office of Water Permit Programs, Department of Environmental Quality, P.O. Box 1105, Richmond, VA. 23218, telephone 804/698-4086, fax 804/698-4032, email brtuxford@deq.virginia.gov. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at: 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 5:00 p.m. on Friday, October 19, 2007.

A public hearing will be held and notice of the public hearing can be found on the Virginia Regulatory Town Hall web site and in the Virginia Register of Regulations. Both oral and written comments may be submitted at that time.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability, including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

It is not anticipated that this regulation will have a direct impact on the institution of the family or family stability.