

TAC Meeting Notes

Subject: Technical Advisory Committee (TAC) Meeting to Discuss the 2026 Reissuance of 9VAC25-110 Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day

TO: TAC Members and DEQ Staff (listed below)

FROM: Jeanette Ruiz, Regulatory Analyst, Water Division

Date: 8/5/2024

A Technical Advisory Meeting (TAC) was held on 8/5/2024 at 10:30am at the DEQ Piedmont Regional Office located at 4949-A Cox Road Glen Allen, VA 23060. The following participants attended the meeting:

<u>Name</u>	<u>Organization</u>
Mark Inboden	Inboden Environmental Services
John Burleson	Burleson Engineering
Ivy Ozomon	Hampton roads Planning District Commission
Allie Wagner	Northern Virginia Regional Commission
Lance Gregory	Virginia Department of Health
Tom Dunlap	James River Association
Erica Duncan	DEQ
Jeanette Ruiz	DEQ
Peter Sherman	DEQ
Azra Bilalagic	DEQ
Amy Dooley	DEQ
Charles Kinder	DEQ
Meredith Williams	DEQ
Julie Laferriere	DEQ
Celeste Dufour	DEQ
Megan OGorek	DEQ
Nelson Daniel	DEQ
Shawn Weimer	DEQ
Liz Elliott	DEQ
Rebecca Rochet	DEQ
Richard Shortridge	DEQ
Scott Morris	DEQ

Information provided before the meeting included:

- Regulation with draft amendments and staff comments, VPDES General Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day, 9VAC25-110;
- Role of the TAC

- Board public participation guidelines
- Proposed Agenda

Discussion:

Department of Environmental Quality (DEQ) staff reviewed the agenda and presented background information (slides) regarding the general permit regulation and the rulemaking timeline. The Notice of Intended Regulatory Action was published April 8, 2024. The public comment period ended May 8, 2024, with three comments received. A summary of the comments was reviewed at the meeting and are listed below.

DEQ reviewed the exempt rule process (slides), overview of Domestic Sewage Discharge (DSD) General Permit (GP), tentative schedule, and the advisory role of the TAC. Select background information presented includes:

- Current GP expires 7/31/2026
- Role of TAC:
 - Assist DEQ in crafting a draft regulation
 - Provide diverse, balanced perspectives
 - Seek a draft regulation that is in the best interest of the Commonwealth as a whole
 - Advisory role
- Overview of DSD GP
 - Originally effective 8/1/2001 (last reissued 2021)
 - Covers 3032 permittees
 - 2462 Individual single-family dwellings
 - 570 non-single-family dwellings
 - Sec 10- Definitions
 - Sec 15- applicability of incorporated references
 - Sec 20- Purpose; effective date
 - Sec 60 – Authorization to discharge
 - Sec 70- Registration statement
 - Sec 80- General Permit
 - Forms- Change Ownership; Registration Statement; Combined Application
 - Limits- BOD5, TSS, TRC, Bacteria, pH
 - Core limits-BOD5, TSS, Total residual chlorine (TRC), Bacteria, pH, Dissolved Oxygen (DO)
 - Monitoring- Annual for core limits; Policy for Potomac River Embayments (PPRE) subject to quarterly monitoring
 - Reporting
 - Single Family Dwelling (SFD) -Submit to VDH per 12VAC5-640
 - Non single-family dwelling (NSFD) - Submit discharge monitoring reports (DMRs) to DEQ
 - Operation and maintenance
 - General permit requires the use of a licensed operator
 - Permit specifies permittee and licensed operator responsibilities
 - Most GPs have fees associated with them, but this one does not.
- NOIRA Comments Received (summary)

- 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.
- Public concerns over the administration of discharging sewage treatment system design, operation, inspection and maintenance are not addressed by current regulatory roles at either agency. Recommend renewable permits under charge of private RME, regulations that recognize the role of licensed operators in meeting WQ permit limits, and public notice and inventory of systems.
- Renewal should consider survey of State Agencies, with respect to what works and what does not work to safeguard the public's health and safety.
- DEQ noted that the draft general permit language that was sent out to the TAC members prior to the meeting included limited edits (e.g., permit term dates, electronic-reporting (e-reporting), and certain generic language). The discussion at the TAC meeting addressed the permit language and focused in considerable part on implementation challenges. The general scope of and comments from the meeting are summarized below.
- Challenges
 - Large universe (scope)
 - Non-traditional permittees
 - Interdependencies of two agencies
 - Importance of coordination and communication
- Known Revisions
 - Permit Renewal for a New Term – 8/1/26 to 7/31/31
 - SB 657
 - Clarifying State Water Control Board (SWCB) and DEQ responsibilities
 - E-reporting
 - Focus will be on NSFDs, and will address registration statements and DMRs
 - Combined applications and monitoring submitted by SFDs will continue to be submitted as it is now
 - Definition of “Individual single-family dwelling”
 - Is further clarification needed?
 - Update compliance reporting (Part II, Standard Conditions, I)
 - Revised to address online reporting
 - Internal DEQ items
- VDH Perspective
 - VDH has standards for individual single-family dwellings that address
 - Combined application
 - O&M requirements
 - Monitoring
 - Inspection and enforcement
 - VDH perspective on implementation
 - Overall, the permitting process works well.
 - Definition of single-family dwelling is subject to some interpretation. What is considered single family residence? If a room is rented out, is that a single-family residence?
 - Unique questions arise due to the definition
 - Alignment of DEQ & VDH communication and coordination is important.

- Public comments about fees: annual inspection fees are often a point of contention.
 - Note: There is currently no registration fee for the permit.
- DEQ presented to the group and reviewed the draft revisions to the general permit/ regulation language
 - Discussion on definition of single-family dwelling (Lines 28-32). No revisions in initial draft – issue is whether additional clarification is needed and if so, what would it look like.
 - Participants observed that some terms in the definition are subjective (“family,” “household,” “designed for one family”). Some houses are owned/shared by multiple family members, or a house is inherited.
 - Participant suggested that if there is confusion, perhaps it may help to look at whether there is more than one property owner
 - Another participant agreed that multiple owners or permittees bring confusion and observed that we also have situations where a dwelling is used as a weekend rental, a college rental or an Airbnb.
 - E-reporting – DEQ reviewed edits to the existing e-reporting language that addresses permit application and DMR submittal.
 - In Section 70 (Registration Statement) D (line 233), the new language provides that the electronic submission requirement (applicable after notice to Registration Statements) does not apply to Combined Application forms.
 - In Section 80 (General Permit) Part I A 2 and I B 2, language was added that clarifies that monitoring results for treatment works serving buildings or dwellings other than individual single-family dwellings are subject to DMR e-reporting requirements specified in Part II C (Reporting monitoring results) 1.
 - DEQ noted that the language in Section 80 (General Permit) Part I C 2 *may* need a similar revision, but further research is needed. This is the monitoring for the PPRE limits, and it now requires submittal to DEQ on a DMR.
 - In Section 80, Part II C 1, specified that electronic submission of monitoring results only applies to DMRS submitted to DEQ (i.e., does not apply to monitoring results submitted to VDH).
 - In Section 80, Part II I 3, revised permit language to be consistent with updated online non-compliance reporting protocols.
 - DEQ noted that effluent limits are not changing.
 - There were not significant comments on the draft edits presented.
- General Discussion
 - Issues/concerns
 - Participant noted that this permit deals with small residential systems and often maintenance and monitoring are overlooked. It is difficult to be the go-between the resident and DEQ.
 - Participant indicated these are small systems and that may not discharge for a long time. It is difficult to have an operator there for 72 hours waiting for a discharge sample.
 - Participant explained that twice a year maintenance imposes an expense and burden upon owners.

- Participants mentioned that new homebuyers may not be aware of the permit requirements and may be confused at their first interaction with an operator. Other participants noted that there can be confusion on the owners' part after the first year regarding why they are still having to meet permit requirements. The discussion mentioned that additional educational outreach may be valuable to better inform permit holders of their responsibilities.
 - Participants explained how the educational outreach may help with the difficulties of getting residents to provide maintenance logs that are required by DEQ. There is concern that residents are completing logs at the time of submission and that the logs may not be accurate. Participant suggested that DEQ create guidance through their newsletter and website for homeowner requirements on maintenance and logs.
 - Another participant suggested DEQ should include guidance with change of ownerships documents.
 - Participant requested a discussion of the automatic renewal process. DEQ reviewed the provision. Participant stated that auto renewal permits may not have accurate addresses and a concern that there is no verification of accuracy.
 - Participant indicated that increased communication between VDH and DEQ would be helpful and aid implementation and monitoring. There was discussion amongst participants on how to share documents regionally between two agencies.
 - Participants indicated that they are dealing with the challenges of data gaps and old data. Local operator business is setting up a GIS system of their clients and will share with DEQ.
 - Participant asked how often systems are inspected: VDH inspects 1/year.
 - VDH indicated that operator reports have the most up to date information.
 - One participant asked if there is a standardized process of communication between DEQ and VDH. VDH observed that if there is an update or problem or change of ownership, the VDH district office should communicate that to DEQ.
 - Participant indicated that the Construction General Permit uses the term single-family dwelling (single-family detached residential structure) as a potential example for regulatory language that may help clarify the definition of single-family dwelling.
 - Participant suggested using the DEQ website O & M sample as a place to add permit responsibilities for maintenance (such as a checklist).
- Additional Suggestions
 - Coordination/implementation
 - VDH and DEQ could collaborate on validating records, particularly auto-renewal permits.
 - Participants suggested exploring a method for permittees to validate their name, address and contact information when the auto-renewal process occurs.

Action Items:

- DEQ will examine the utility of clarifying the definition of “single-family dwellings.” DEQ will review other regulatory language utilizing the term including VDH 32.1-163.
- DEQ will examine monitoring cost data as available.
- DEQ, working with VDH, will examine options for improving the quality of permittee contact and status data.
- DEQ will research the language in Part I C 2 regarding monitoring and reporting of PPRE limits and develop e-reporting language.
- DEQ will explore options for additional educational tools for permittees.

Next Meeting:

A second TAC meeting is scheduled for August 19, 2024, at 10:30am.