

TAC Meeting Minutes

Subject: Second 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: 8/19/2024

A Technical Advisory Meeting (TAC) was held on 8/19/2024 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

Technical Advisory Committee Members in Attendance:

John Burleson, Burleson Engineering	Mark Inboden, CEO Inboden Environmental Services
Erica Duncan, DEQ	Ivy Ozomon, Hampton Roads Planning District Commission
Lance Gregory, VDH	Allie Wagner, Northern Virginia Regional Commission

Technical Advisory Committee Members Not in Attendance:

Nathan Thompson, James River Association
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DEQ Staff in Attendance:

Azra Bilalagic, VPDES	Amy Dooley, VPDES	Selena Roark, VPDES & VWP	Jeanette Ruiz, Regulatory
Joseph Bryan, VPDES	Megan Ogorek, VPDES	Jaime Robb	Lynn Wise, VPDES
Nelson Daniel, Policy	Aliya Rakhmebra	Rebecca Rochet	

Information provided before the meeting included:

- Proposed agenda
- Working Draft of General Permit/ Regulation - New proposed change: In Section 80, Part I C 2, DEQ has clarified that for the monitoring results for the PPRE limits, the electronic reporting requirements will only apply to non-single-family dwellings.

Discussion:

Department of Environmental Quality (DEQ) staff member Peter Sherman introduced the meeting minutes from the first TAC meeting held on 8/5/2024 as draft and asked if any

committee members request edits or changes to the minutes. There were no requests for changes, nor any objections noted. DEQ staff announced that the meeting minutes from the first TAC meeting on 8/5/24 will be posted as a final version.

DEQ staff reviewed the action items from the first TAC meeting (slides). The action items address issues from the first TAC meeting on 8/5/2024. The proposed agenda for the second TAC meeting was developed from these five issues and the issues were presented with optional approaches. Select background information presented includes the items below.

- Action items from the first TAC meeting:
 - Issue: Clarifying, if possible, the definition for “individual single-family dwelling”
 - Background
 - Optional Approaches
 1. Option 1: Clarify what an accessory structure is in the individual single-family dwelling definition. DEQ presented a slide of the existing definition including a new sentence that further described an accessory structure.
 - Committee discussion: Committee members and staff did not have any comments on this approach.
 2. Option 2: Develop a new definition for “buildings or dwellings other than individual single-family dwellings.” DEQ presented a slide of a potential new definition.
 - Committee Discussion: No comments from staff or committee members on adopting this approach.
 3. Option 3: No change to the regulatory language but provide guidance for clarifying the existing definition by adding discussion to the fact sheet. Discussion could address aspects of the existing definition including: “accessory structure,” “one family,” “household,” or “designed for one family,” or other useful concepts.
 - Committee Discussion: TAC members, participants, and DEQ staff discussed whether the four options presented clarify or further complicate the definition of single-family dwellings. Group agreed to continue reviewing all options before a decision is made. One participant asked what needs to be clarified, and what is the function of the definition of “individual single-family dwelling.” DEQ responded that the definition establishes the line between certain DEQ and VDH requirements and responsibilities under the permit. One aspect of this is when is an accessory structure should be considered part of the primary dwelling, and when it should be viewed as a separate dwelling.
 4. Option 4: Adapt language from a definition of “single-family home” utilized by the U.S. Census. DEQ presented a slide including possible draft language for consideration and discussion.

DEQ noted that this draft language does not address unattached units on the same lot.

- Committee Discussion: TAC members and participants discussed multiple scenarios where it can be difficult to differentiate between single family homes and non-single-family homes. One participant found this language helpful and indicated that it aligns with what is happening informally for cases with questions. Some questions were discussed regarding different scenarios. One participant suggested that the primary use of the location should determine whether it is an individual single-family dwelling (i.e., whether it is used as a home versus a business).

5. Committee Discussion of all four Options:

- TAC members and participants discussed multiple scenarios where it can be difficult to differentiate between single family homes and non-single-family homes, including when another house is built on the same property, when a structure is re-purposed, the primary use of the structure, and whether additional structures are added. Participants recognized that changing the existing definition could result in its applicability being less clear. Additionally, discussions included VDH and DEQ clarifying their roles and sharing information to promote consistent implementation of this general permit.
- TAC Decision:
 1. Regulatory Change: In the existing definition of “individual single-family dwelling”, delete the word “only”. No other changes will be made to the definition. DEQ and VDH will coordinate and explore tools to promote a consistent interpretation that supports program objectives.
- Issue: Monitoring costs were identified as a potential concern. DEQ presented a slide that included estimated implementation costs including monitoring.
 - Discussion: TAC Members and participants discussed the monitoring costs and agreed that the cost estimates provided by DEQ were reasonably accurate. A participant noted that UV is slightly more costly than DEQ’s estimate and does not fit as well for small systems – chlorine should be used for those. Another participant observed that permittees have ultimate responsibility for monitoring, and they should check to make sure their system is working or reach out to their operator.
 - DEQ: Suggested no change to current approach. The existing monitoring requirements are based on federal and state standards for domestic sewage and reflect the minimum annual monitoring frequency.
 - TAC Decision: No regulatory change will be made.
- Issue: Improving permittee data quality. DEQ presented several options and some examples.

- Options:
 1. Additional coordination with VDH. Crosswalk DEQ and VDH data to determine whether gaps exist and, if they do, their scope.
 2. Request all permittees to submit/ verify current contact information.
 3. If contact information has changed within past 5 years, have the permittee provide new information.
 4. Consider developing an MOU with VDH to formalize data coordination
- DEQ: Suggested a combination approach: Compare DEQ data with VDH and request additional data as needed
- Committee Discussion: Committee members and participants discussed the need for data validation and the potential for data sharing between DEQ and VDH. The VDH representative indicated he had compiled the VDH data and that a relatively small number had blank addresses or tax map discrepancies (45). VDH offered to share the data and DEQ expressed interest in doing so. There was some discussion of using application program interfaces (APIs) to share the data. DEQ will look at the API options that are available to the agency.
 - TAC Decision: No changes to the regulation are needed. DEQ and VDH will collaborate and compare data sets. Then DEQ will have a better picture of any issues and possible steps.
- Issue: Address e-reporting for PPRE limits. DEQ presented a background slide and a slide including a regulatory edit to Part I C 2.
 - Proposed approach: E-reporting will only required for non-single-family dwellings. This would be new language added to the regulation.
 - Discussion: TAC committee members and participants discussed the PPRE e-reporting requirements. One participant asked what happens to permittees that do not have internet access. DEQ noted that a limited waiver does exist in state regulations (9VAC25-31-1010) but explained that effectively all DMRs must be submitted electronically.
 - TAC Decision: A change to the regulation is needed to include language describing e-reporting requirements. The proposed language was presented in a slide for TAC review and in the version of the regulation shared with the TAC for this meeting.
- Issue: Educational materials.
 - DEQ will develop a user aide/ summary for owner/operator responsibilities under DSD general permit. This aide will be made available on the DEQ VPDES webpage.
 - TAC committee members and participants discussed the need for outreach materials to aide permittees in understanding the process and its requirements. One participant asked if this could be sent out with permit renewal paperwork since there are aspects of this permit that permittees do not fully understand. DEQ responded yes.

- TAC Decision: No change is necessary for the regulation. Educational materials are supplemental materials that will be developed by DEQ as a concise aid for permittees.

Action Items:

Regulatory Changes:

- DEQ will remove the word “only” from the definition of “individual single-family dwelling” in the regulation (Line 30).
- DEQ will add the language describing e-reporting requirements for PPRE limits.

Other:

- DEQ will coordinate and collaborate with VDH on sharing data and comparing permittee data sets.
- DEQ will develop supplemental materials as educational aids for permittees.

Next Meeting:

Given that no additional general permit/ regulatory issues remain for TAC consideration, no additional meetings are necessary. DEQ thanked the TAC members for their participation and input.