



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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David L. Bulova
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director

**Virginia Pollutant Discharge Elimination System (VPDES) General Permit
Regulation for Noncontact Cooling Water Discharges of 50,000 Gallons per
Day or Less (9VAC25-196)**

**Piedmont Regional Office
4949-A Cox Rd, Glenn Allen, Va 23060**

**September 11, 2026
10:00 am**

MEETING MINUTES

Technical Advisory Committee (TAC) Members Present	
Joseph Bryan, VPDES Permits Manager, Department of Environmental Quality (DEQ)	Kevin Rideout – Atlantic Strategic Minerals
Shannon Orcutt – James River Association	Dan Swanson – Laird and Company

The following TAC members were absent from the meeting: Kenneth Roko – Roko Residence

TAC Members Designee Present	
Jonathan Wolfson – Fulcrum Foundation	

Technical Support Staff Present	
Katherine Heitz - DEQ	Laura Galli - DEQ
Nelson Daniel – DEQ	Jaime Robb – DEQ
Morgan Emanuel – DEQ	

Interested Parties	
Curt Linderman	

Meeting Notes

Welcome and Introductions:

Katherine Heitz, Water Program Coordinator with the Office of VPDES Permits, welcomed members to the Technical Advisory Committee (TAC) meeting for the reissuance of the VPDES General Permit Regulation for Noncontact Cooling Water Discharges of 50,000 gallons per Day or Less (9VAC25-196).

Purpose, Regulatory Process and Role of the TAC:

Ms. Heitz gave a brief overview of purpose of the TAC and how the regulatory process works. The general permit will expire on March 31, 2028, and must be reissued and amended for another five-year permit term. A Notice of Intended Regulatory Action (NOIRA) was published on June 15, 2026, and ran through July 15, 2026. One comment was received during the public comment period.

Ms. Heitz reviewed the purpose and roles of the TAC, which is to assist DEQ staff in development of a draft regulation for a general permit. The TAC's role is advisory only, with the goal being to reach a consensus on a draft of the general permit regulation that staff will use to develop a proposed regulation that they will recommend to DEQ management and the State Water Control Board (Board). Neither DEQ nor the Board are obligated to accept the TAC's recommendation. The Board will decide if they support the recommendation before the proposed general permit is published for public comment.

Overview of the General Permit

Ms. Heitz provided an overview of the general permit. The regulation establishes limitations, monitoring requirements, and other special conditions for point source discharges of noncontact cooling water of 50,000 gallons per day or less to surface waters in order to maintain surface water quality. The permit was originally issued on March 1, 1998, and was last reissued on April 1, 2023. The permit covers 17 permittees.

Known Revisions

Ms. Heitz covered the proposed revisions to the regulation;

- Updated 9VAC25-196-10 to remove the definition for “Board”, “Department” and “Director”, as these definitions are already defined by reference in 9VAC25-31-10.
- Updated 9VAC25-196-15 to change the date to indicate that incorporated references are based on the Code of Federal Regulations published as of July 1, 2026.
- Revised 9VAC25-186-40 to reflect the updated permit term to an effective date of April 1, 2028, and expiration date of March 31, 2033.
- Updated 9VAC25-196-60 to add new language to address incomplete registration statement submittals.
- Revised 9VAC25-196-70 Part I B II to include new language clarify discharge control.

- Revise transfer of permit coverage language in 9VAC25-196-70 Part II Y 2 to address when permits may be administratively transferred.

Open Discussion

Ms. Heitz opened the floor for discussion on the proposed revisions to the regulation.

One committee member discussed the possibility of using AI to assist with reviewing permit applications. DEQ staff noted that DEQ is the process of rolling out a program to use AI tools to review permit applications, however the program will not be ready for the reissuance of this permit. Another member asked for clarification on how DEQ handles permit transfer where a new owner is proposing changes to the discharge amount. DEQ staff explained if a new owner is proposing to increase flow rates they would have to submit a Registration Statement, and depending on the amount of increase would potentially need to apply for an individual permit.

The TAC received two comments from an interested party. The first was on the clarity of the deadline to notify the department of administrative transfer, and the second was on the relationship between § 316(b) of the Clean Water Act and cooling water intake structures regulated by 9VAC25-196.

A committee member noted that the state level regulations on entrainment are more protective than federal regulations.

NOIRA Comment

One comment was received on the NOIRA during the public comment period from Caleb Taylor on behalf of the Fulcrum Foundation. Mr. Taylor's comment recommended several policy options for DEQ to consider;

- Establish review deadlines for complete registration statements.
- Implement automated completeness review within the electronic permitting system
- Adopt performance-based monitoring requirements for compliant facilities.
- Simplify processing of minor administrative amendments.
- Allow incorporation by reference of previously submitted technical information.

The comment noted that the permit served a relatively narrow class of discharges, and proposed considering expanding the threshold to include more facilities.

DEQ staff explained that they had done a review of available information to determine if expanding the threshold would provide more flexibility to facilities that currently have individual permits. Based on the available information, expanding the threshold is not an action DEQ intends to take at this time.

Next Steps:

Ms. Heitz covered the steps in the reissuance of the general permit regulation:

- DEQ staff will review comments and notes from the TAC to determine if a second TAC meeting is necessary.
- Staff will present a proposed regulation to the State Water Control Board to request approval to go to a public comment period and a hearing;
- With Board's approval conduct a 60-day public comment period.
- Present a final regulation to the Board for approval in August 2027.
- Complete the regulatory action such that the effective date of the new general permit regulation will be April 1, 2028.

Adjournment:

Ms. Heitz noted that all relevant material from meetings, including the meeting minutes, would be posted on Townhall. Ms. Heitz thanked all the TAC members and adjourned the meeting at approximately 10: 57 a.m.