

Summary of Public Comments and DEQ Responses

Virginia Pollutant Discharge Elimination System Permit (VPDES) No. VA0025143 Arlington County Water Pollution Control Plant

Two public comment periods were held, the first from September 23, 2025, through October 23, 2025, and the second from December 9, 2025, through January 30, 2026, on the proposed reissuance of VPDES Permit No. VA0025143 for the Arlington County Water Pollution Control Plant (WPCP). Comments were also received orally during the public hearing held on the draft permit on January 15, 2026, at Innovation Elementary School in Arlington, Virginia. During the first comment period, written comments were received from 125 commenters, including environmental, non-governmental organizations, an environmental law agency, and a local government advisory committee. Additionally, 5 comments were submitted after the close of the draft permit comment period. In the second comment period, comments were received from 44 commenters including environmental, non-governmental organizations, a local government, and an environmental law agency. At the public hearing held on January 15, 2026, 20 individuals presented oral comments. See Attachment 1 for a list of those who provided public comments.

All comments received by the Virginia Department of Environmental Quality (DEQ), from both comment periods and the public hearing, are summarized by topic in italicized text below. DEQ's responses to the comments associated with each topic follow the italicized text.

PFAS Permit Limits and Monitoring Requirements of the WPCP Discharge

1. *Commenters voiced concern that the draft permit does not require PFAS monitoring or impose discharge limits, despite WPCP's sampling confirming PFAS in the effluent and influent. (Effluent: Average PFAS ~85 ppt; PFOA ~10.6 ppt; PFOS ~3.3 ppt; Sludge: PFAS >57,000 ppt; PFOA up to 1,190 ppt; PFOS up to 6,410 ppt)*

Commenters contend that the WPCP does not produce PFAS but also does not produce other pollutants it is required to sample for; therefore, lack of production should not justify excluding PFAS monitoring or limits.

Commenters requested the permit be denied unless it is revised to require routine PFAS monitoring of the effluent discharge using U.S. Environmental Protection Agency (EPA) Method 1633 and include enforceable effluent discharge limits for PFAS.

Commenters requested the permit be denied unless it is revised to implement Best Available Technology (e.g., granular activated carbon, ion exchange) for PFAS removal.

Commenters state that DEQ has the authority to regulate toxic substances, such as PFAS, and DEQ should use that authority, citing Clean Water Act and Virginia Water Quality Standards prohibiting toxic discharges and requiring "reasonable potential" analyses for pollutants.

Comments state that DEQ cannot impose PFAS limits without following water quality standards process.

Some commenters support DEQ's reissuance of the draft permit without adding PFAS monitoring or PFAS limits, stating that there is no legal requirement or scientific basis for PFAS monitoring.

Commenters raised concerns that DEQ is not requiring the same PFAS monitoring required by Virginia's 2024 and 2025 laws (e.g., Method 1633) and why DEQ was not taking similar steps that the

General Assembly had seen proper to take, including state law requirements that PFAS effluent limitations be imposed on certain permitted discharges.

Other comments state that the WPCP does not meet criteria for PFAS monitoring under the 2024 and 2025 laws passed by the Virginia General Assembly.

A requirement of any permit issued by DEQ is that the rationale and justification for the permit and the conditions within it be based upon the existing laws, regulation and applicable policy and guidance. Currently, Virginia does not have water quality standards established for PFAS that can be used to evaluate the reasonable potential from an effluent discharge and provide a basis for DEQ to derive a pollutant specific wasteload allocation and establish water quality-based effluent limits (WQBELs) for PFAS in a permit.

Additionally, there currently are no technology-based effluent limits (TBELs) for PFAS at the federal level or at the Virginia state level, and specifically, not for the type of discharge this permit authorizes, which is for treated municipal sewage. As specified in 40 CFR § 125.3, technology-based treatment requirements under § 301(b) of the Clean Water Act (33 U.S. Code § 1311) represent the minimum level of control that must be imposed in National Pollutant Discharge Elimination System (NPDES) permits, or VPDES permits for the Commonwealth of Virginia. More specifically, a TBEL aims to prevent pollution by requiring a minimal level of effluent quality that is attainable using demonstrated technologies of reducing discharges of pollutants into surface waters. These TBELs are developed independently of the potential impact of a discharge on the receiving water; that type of impact is addressed through water quality standards and water quality-based effluent limits derived from those standards.

For publicly-owned treatment works (POTWs), the EPA established TBELs pertain to secondary treatment standards for pH, total suspended solids and biochemical oxygen demand. There are no other applicable TBELs for PFAS that U.S. Environmental Protection Agency (EPA) has established for municipal discharges. In the absence of national guidelines and standards, in accordance with § 125.3(d) of the Clean Water Act, permit writers are to use best professional judgment (BPJ) on a case-by-case basis to develop a TBEL based upon the capabilities of the technologies available to control a specific pollutant in a discharge.

The information DEQ is required to consider in developing BPJ limits on a case-by-case basis include the total cost of the technology, the age of equipment and facilities involved, the process employed, engineering aspects of the application of various types of control techniques, non-water quality environmental impacts (such as energy requirements), and the cost of achieving effluent reductions. At this time, the science and technology for PFAS removal from wastewater and sludge is still evolving. This results in insufficient data upon which to use BPJ to set case-by-case effluent limits in accordance with the requirements of the Clean Water Act.

In absence of established water quality standards or sufficient data to set case-by-case BPJ effluent limits for PFAS, DEQ continues to focus efforts on protecting public water supplies by addressing watersheds that are a raw water source of a public water system with the most risk for elevated PFAS levels in the finished drinking water. This focus was established by the Virginia General Assembly, which directed the focus of both DEQ's and the Virginia Department of Health's efforts, as they pertain to PFAS, to protect public drinking water supplies. VPDES permits authorizing discharges located within those affected areas are the focus of PFAS identification and reduction efforts due to the specific directives of the General Assembly to prioritize protection of human health through exposure from drinking water.

The General Assembly passed legislation in 2024, 2025, and 2026 that focuses primarily on the protection of human health from exposure to PFAS in drinking water. The 2024 legislation (codified as §§ 62.1-44.34:29 through 62.1-44.34:33 of the Code of Virginia) requires potential sources of PFAS in the raw water source of a public water system where PFAS has been measured in excess of EPA's maximum contaminant levels (MCL) that discharge to a surface water under a VPDES permit or that discharge to a POTW under an industrial pretreatment program permit to report the manufacture or use of PFAS. This legislation also requires potentially significant sources of PFAS in the source water of those public water systems to perform and promptly report results from representative quarterly PFAS discharge monitoring for an initial characterization period of one year. DEQ has identified facilities upstream of public water systems that have measured exceedances of a PFAS MCL and has sent notifications to these facilities to report on PFAS use or manufacture and to perform PFAS monitoring. The WPCP is not located upstream from an impacted public water system and therefore is not subject to the 2024 legislation.

The 2025 legislation (codified at § 62.1-44.34:34 of the Code of Virginia), established PFAS monitoring and if applicable, reduction practices for any facility that: 1) discharges industrial wastewater pursuant to an industrial pretreatment program into the sewer system for a major POTW that discharges into the Occoquan Reservoir, the Occoquan River, Bull Run, or any of their tributaries above the Occoquan Reservoir or 2) discharges industrial wastewater or industrial stormwater pursuant to an individual VPDES permit to the Occoquan Reservoir, Occoquan River, Bull Run or any of their tributaries above the Occoquan Reservoir. The WPCP does not discharge into the Occoquan Reservoir, Occoquan River, Bull Run or any of their tributaries above the Occoquan Reservoir and is not subject to the 2025 legislation.

Monitoring for PFAS at the authorized outfall for discharges of treated municipal wastewater is not included with this permit reissuance as the facility is not located upstream of surface water intake for a public water system or located within the Occoquan River watershed, and as such, not subject to either of the 2024 or 2025 legislation.

In 2026, legislation (Senate Bill 138) enacted by the Virginia General Assembly, effective July 1, 2026, and codified at § 62.1-44.34:32.B of the Code of Virginia, requires every POTWs to require quarterly PFAS discharge monitoring from certain new or industrial users during a one-year characterization period. POTWs were to notify affected industrial users of the requirement to submit initial quarterly monitoring results for PFAS within 30 days of the law's effective date of July 1, 2026. If results submitted by the industrial user from the first two quarters are below the method detection level, the POTW may allow the industrial user to reduce monitoring frequency. Any PFAS detection above the method detection level during this initial year triggers continued quarterly monitoring. POTWs must report these results to DEQ quarterly. This requirement for POTWs to require certain industrial users to conduct PFAS monitoring is being incorporated into VPDES permits upon reissuance. Part I.E of the permit has been revised to include this requirement.

Additionally, in accordance with current agency practice a special condition is included in the draft permit which allows DEQ to reopen the permit to incorporate changes to any applicable standard or requirement, including those related to PFAS, for discharges of pollutants promulgated under § 402 of the Clean Water Act, the State Water Control Law, or 9VAC25-31-10, et seq., of the Virginia Pollutant Discharge Elimination System Permit Regulation.

The VPDES permit, as drafted, conforms with the applicable laws, regulations, policy and guidance.

2. *Comments were received in support of not including limits or monitoring for PFAS in the permit and stated PFAS treatment technologies are unproven, costly, and environmentally questionable and would unfairly burden ratepayers. Commenters cite a Minnesota study that found PFAS effluent treatment costs of \$188 million for a 10-MGD plant and \$93 million for biosolids PFAS removal for facilities producing 10 dry tons/day.*

Commenter suggests Arlington County's high income and tax base gives the County the financial ability and obligation to implement PFAS monitoring and removal technology.

DEQ does not have the authority to require a permittee to install a *particular* treatment technology to meet the effluent limits in their permit. It is the responsibility of the permittee to design and update their treatment system to meet the discharge limits established in their permit.

The financial capability of a permittee as it pertains to monitoring and/or limits in VPDES permits is only considered when applying BPJ on a case-by-case basis to develop TBELs-based upon the capabilities of the technologies available to control a specific pollutant in a discharge in accordance with § 125.3(d) of the Clean Water Act. This approach for effluent limit development is conducted in the absence of national guidelines and standards. One of the criteria used in that consideration is the cost of achieving effluent reductions. There is no other aspect of the VPDES permitting process in which the financial ability of a permittee is considered in permit development. While a permittee may choose to adopt additional voluntary monitoring and treatment beyond what is required by their permit, such actions are at their sole discretion.

3. *Commenters requested increased transparency through public access to monitoring data.*

The permit requires the submittal of monthly Discharge Monitoring Reports (DMRs) in accordance with the requirements of 9VAC25-31-190.L.4. DEQ records, including DMRs, are publicly available upon request under the Virginia Freedom of Information Act (FOIA). Members of the public may obtain DMRs by submitting a FOIA request to DEQ following procedures outlined at: [Freedom of Information Act | Virginia DEQ](#) or by visiting the U.S. Environmental Protection Agency's Enforcement and Compliance History Online (ECHO) website at <https://echo.epa.gov>.

PFAS Permit Limits and Monitoring Requirements of Biosolids

4. *Commenters request that this permit be denied unless revisions are made to the draft permit to include PFAS limits, monitoring and reporting requirements for biosolids.*

Commenters state that no biosolids PFAS limitations currently apply.

A commenter asked if the upgrade to the plant for Class A biosolids include PFAS monitoring or elimination.

Commenters state that DEQ must ensure that the biosolid requirement within the VPDES permit are in compliance with Virginia Code §62.1-44 and federal Clean Water Act provisions.

Commenters state that Virginia needs to follow what other states, such as Maine and Michigan, have done to regulate PFAS contamination in biosolids.

Commenters voiced concern that the draft permit does not require PFAS monitoring or impose limits, despite WPCP's own sampling confirming PFAS is present in the sludge (PFAS levels exceeding 57,000 ppt; PFOA up to 1,190 ppt; PFOS up to 6,410 ppt).

Commenters state the WPCP is the second largest source of biosolids in Virginia, with 73,858 dry tons applied in 48 counties from 2018 – 2024.

Commenter states land application extends PFAS impacts beyond the Four Mile Run watershed; eleven of the top twenty localities that drain to the Rappahannock River receive biosolids from this facility.

Commenters expressed concerns about contamination of soil, groundwater, and agricultural products due to land application of PFAS contaminated biosolids.

Commenter states PFAS contaminated sludge is being applied to farmland without requirements to test or disclose PFAS concentrations to farmers; farmers have a right to know about PFAS contamination, risk, and exposure.

Commenters state PFAS detected in the WPCP biosolids far exceed EPA health risk thresholds.

The Virginia General Assembly considered multiple bills in the 2026 legislative session related to PFAS. Specifically related to biosolids, Chapters 853 and 854 of the 2026 Acts of Assembly ([HB1433-Del. Lopez](#); [SB386 - Sen. Stuart](#)) amend § 62.1-44.19:3 of the Code of Virginia to establish PFAS testing and concentration-based management requirements for owners of treatment works and other permit holders that land apply, market, or distribute biosolids in the Commonwealth.

Beginning January 1, 2027, the amendments to 62.1-44.19:3 of the Code of Virginia require all owners of sewage treatment works preparing biosolids for land application or marketing and distribution to implement mandatory PFAS monitoring in accordance with EPA Method 1633 or other EPA-approved analytical methods. Facilities must collect representative biosolids samples and conduct monthly PFAS analyses throughout 2027, with the option to reduce the sampling frequency to quarterly beginning January 1, 2028, upon written approval from DEQ.

The law further requires reporting all biosolids PFAS analytical results, including PFOA, PFOS, and other Method 1633 target analytes, to DEQ and to any person responsible for land application within ten days of receipt, with all records retained for a minimum of five years.

Beginning July 1, 2027, the law establishes concentration-based management tiers governing the land application of biosolids. The three tiers are based on the rolling 12-month average concentration of PFOS or PFOA levels in biosolids:

- Concentrations of 50 µg/kg or above will prohibit land application, marketing, or distribution and require alternative treatment or disposal;
- Concentrations from 25 to 49 µg/kg will restrict land application to a maximum of three dry tons per acre with landowner notification, or the rate established in the nutrient management plan, whichever is less; and
- Concentrations below 25 µg/kg will permit land application at the rate prescribed in the nutrient management plan, also subject to notification, or distribution and marketing in accordance with the permit.

Single-sample exceedances above 75 µg/kg trigger immediate retesting, and if a second test confirms a level above 75 µg/kg, land application or distribution and marketing may not occur until analysis demonstrates PFOA and PFOS concentrations below 50 µg/kg. The law does allow blending of multiple sources of biosolids to meet the concentration tiers.

Effective July 1, 2029, the same tiered structure applies to the combined concentration of PFOA and PFOS rather than to each compound individually, maintaining identical prohibition, retesting, and blending requirements.

The legislation also requires DEQ to update all relevant Virginia Pollution Abatement (VPA) and VPDES permits to incorporate for biosolids PFAS testing, reporting, and land-application requirements as soon as practicable. Additionally, DEQ must convene the PFAS Expert Advisory Committee or establish a PFAS work group to evaluate sampling, treatment, and PFAS-reduction strategies in biosolids, and to report its recommendations to the Governor and applicable legislative committees by November 1, 2027.

DEQ has revised VPDES Permit No. VA0025143 to include the analytical monitoring, reporting, notification, and concentration-based restrictions specified in the amendments to the law. The complete set of applicable requirements is detailed in Part III and Part IV of the permit.

The biosolids processing upgrades currently underway at the WPCP, which are anticipated to be completed by 2029, will enable the facility to produce an Exceptional Quality (EQ) biosolids cake that meets Class A pathogen reduction requirements as specified in [9VAC25-31-710.A](#). The resulting EQ biosolids must comply with the monitoring, reporting, and PFAS concentration tiers established in the amendments to the law pertaining to distribution and marketing of biosolids.

Regarding the information provided to landowners, DEQ requires that land appliers provide a DEQ Biosolids Fact Sheet to the landowner when they agree to have biosolids land applied on their property. The current Biosolids Fact Sheet includes a reference to EPA's work to determine if the presence of other constituents in land applied materials would warrant further testing requirements before land application. The 2026 amendments to the law require land appliers to provide landowners receiving biosolids the results of the PFAS analyses for materials being land applied on their property at least two weeks prior to land application. DEQ also plans to update the Biosolids Fact Sheet to be consistent with additional information related to PFAS.

It is expected that the law and regulation of PFAS will continue to evolve, and as changes resulting from the biennial EPA review of the sewage sludge regulations, EPA's PFAS strategy, future acts of the Virginia General Assembly, or other state or federal action, DEQ has the authority under 9VAC25-31-390 of the VPDES Permit Regulation (see the reopener clause at Part III.B.7 of VPDES Permit VA0025143) to reopen the permit and modify it based on new requirements.

Potential Presence and Sources of PFAS

5. *Commenters requested the permit be denied unless it is revised to strengthen the pretreatment program to control industrial PFAS sources (e.g., Ronald Reagan National Washington Airport).*

POTWs that are greater than five (5) million gallons per day (MGD) and which receives discharges from an industrial user are required to establish a pretreatment program in accordance with 9VAC25-31-800. The purpose of a pretreatment program is to protect POTW infrastructure and reduce conventional and toxic pollutant levels discharged by industrial sources into the POTW's collection system.

Arlington County has an established pretreatment program which is subject to the requirements of Part I.F. in the draft permit. Currently, only one (1) non-categorical significant industrial significant user has been identified that requires permitting through the WPCP's pretreatment program, Ronald Reagan National Washington Airport (Airport).

The nature of the flows received by the WPCP under the pretreatment program from the Airport are comprised of wastewater from general airport operations, repair of commercial and private aircraft, and food service. The Airport discharges an average volume of 17,319 gallons per day industrial process water and 37,732 gallons per day consumer process water to the WPCP. The industrial discharge is permitted through the WPCP's pretreatment program and is subject to WPCP's local limits.

The pretreatment program grants the POTW delegated authority to determine which pollutants, and what concentrations of those pollutants, it will accept from its identified industrial users. Although DEQ is limited in its ability to impose pollutant-specific limits on treated wastewater beyond established water quality standards and technology-based effluent limits, the POTW maintains independent authority under its pretreatment program to limit or prohibit the receipt of certain pollutants to the WPCP.

In 2026, legislation (Senate Bill 138) enacted by the 2026 Virginia General Assembly, effective July 1, 2026, and codified at § 62.1-44.34:32.B of the Code of Virginia, requires every POTWs to require quarterly PFAS discharge monitoring from certain new or existing industrial users, including airports, during a one-year characterization period. POTWs were to notify affected industrial users of the requirement to submit initial quarterly monitoring results for PFAS within 30 days of the law's effective date of July 1, 2026. If results submitted by the industrial user from the first two quarters are below the method detection levels, the POTW may allow the industrial user to reduce monitoring frequency. Any PFAS detection above the method detection levels during this initial year triggers continued quarterly monitoring. POTWs must report these results to DEQ quarterly. This requirement for POTWs to require industrial users to conduct PFAS monitoring is being incorporated into VPDES permits upon reissuance. Part I.E of the permit has been revised to include this requirement.

The Airport discharges industrial stormwater into the Potomac River, which is under the jurisdiction of the District of Columbia (D.C.). The surface waters of the Potomac River, beyond the low water mark, are outside of Virginia's regulatory purview and regulated either by Maryland or the D.C. Because D.C. has not been authorized by the federal government to administer the National Pollutant Discharge Elimination System (NPDES) program, the EPA is the permitting authority. As such, the Airport is authorized to discharge industrial stormwater under EPA's Multi-Sector General Permit.

6. *One commenter asks if each permit applicant is required to disclose pollutants present in the discharge in their application and if Arlington County had disclosed PFAS.*

Currently, VPDES permit applications do not require the permittee or applicant to indicate the presence or absence of PFAS in the facility's effluent under state or federal frameworks.

Arlington County did not disclose that it had conducted independent PFAS monitoring, nor did it provide any PFAS-related results to DEQ, as part of this application.

7. *Some commenters are in favor of collaborative research with DEQ, EPA, Virginia Tech, Water Research Foundation, etc.; voluntary, science-based expanded PFAS monitoring and data collection; promoting source control such as reduced PFAS use in consumer products; and following statewide and national legislative frameworks.*

Commenters support collaborative research, expanded PFAS monitoring, improved data collection, and source-control approaches (e.g., reduced PFAS use in consumer products).

DEQ acknowledges receipt of these comments.

8. *Commenters state wastewater treatment plants do not produce PFAS but passively receive PFAS due to widespread industrial and consumer use.*

Comments claim WPCP's wastewater has very low PFAS levels because industrial discharge to the WPCP is minimal.

Any pollutant with an established water quality criteria and reasonable potential to be present in the discharge must be evaluated to determine if an effluent limit may need needed to protect the receiving stream, regardless of whether the facility is the source of that pollutant or the pollutant is in the source water or influent to the facility. However, as discussed in response No. 1, Virginia does not have water quality standards established for PFAS that can be used to evaluate an effluent discharge and provide a basis for DEQ to derive a pollutant specific wasteload allocation and establish water quality-based limits for PFAS in a permit.

To address potential sources of PFAS to POTWs, in 2026, legislation (Senate Bill 138) enacted by the 2026 Virginia General Assembly, effective July 1, 2026 and codified at § 62.1-44.34:32.B of the Code of Virginia, requires every POTWs to require quarterly PFAS discharge monitoring from specified new or existing industrial users during a one-year characterization period. POTWs are to notify affected industrial users of the requirement to submit initial quarterly monitoring results for PFAS within 30 days of the law's effective date. If results submitted by the industrial user from the first two quarters are below the method detection levels, the POTW may allow the industrial user to reduce monitoring frequency. Any PFAS detection above the method detection levels during this initial year triggers continued quarterly monitoring. POTWs must report these results to DEQ quarterly This requirement for POTWs to require industrial users to conduct PFAS monitoring is being incorporated into VPDES permits upon reissuance. Part I.E of the permit has been revised to include this requirement.

Water Quality Standards and Protection of State Waters

9. *One commenter asked if Virginia's narrative or general water quality criteria are applicable to all state waters, including Four Mile Run and downstream waters.*

Unregulated discharge of PFAS to Four Mile Run will violate WQS narrative criteria, which prohibits the creation of conditions that are harmful or inimical to humans or wildlife.

Comments state that there are no PFAS water quality standards and no PFAS TMDLs that exist for Four Mile Run.

Commenter states Virginia WQS require controls on toxic substances harmful to humans/wildlife; unregulated PFAS discharge and biosolid applications would violate narrative criteria.

Commenters state that Virginia needs to follow what other states, such as Maine and Michigan, have done to regulate PFAS discharges and sludge.

Commenter states that the Virginia WQS require controls on toxic substances which could be harmful to humans and wildlife and interfere with designated uses.

Comments state DEQ cannot impose PFAS limits without following the water quality standards rulemaking process.

Comments emphasize support for a science-based statewide approach and oppose arbitrary or piecemeal PFAS requirements.

Some commenters emphasized approval of a science-based, statewide approach consistent with Virginia law and oppose arbitrary, piecemeal PFAS requirements.

Virginia's Water Quality Standards are applicable to all state waters in Virginia. Water quality standards contain numeric limits for specific physical, chemical, biological or radiological characteristics of water. As not all requirements for water quality protection can be numerically defined, standards also include general and specific descriptions. These statements and numeric limits describe the water quality necessary to meet and maintain uses, such as swimming and other water-based recreation, public water supply, and the propagation and growth of aquatic life.

General criteria represent desired characteristics or conditions of a receiving stream in the form of a statement as opposed to a numeric pollutant concentration or value. General criteria, which are use phrases such as "free from", are commonly used to address parameters such as floating debris, foam, color, and odor.

DEQ may use various translators to evaluate impacts on designated uses when numeric criteria are not established in Virginia's Water Quality Standards. DEQ's water quality programs commonly rely on tools such as biological indices, probabilistic weight-of-evidence assessments, and fish tissue screening values to support the implementation of general criteria. However, because a comparable translator framework does not currently exist for PFAS, general criteria tools specific to PFAS have not yet been adopted by DEQ's water quality programs.

Virginia's Water Quality Standards Regulation (9VAC25-260) is currently undergoing a rulemaking to incorporate updated scientific information. The Commonwealth is proposing to adopt EPA's final recommended freshwater aquatic life criteria for PFOA and PFOS. These criteria are expressed as water column and invertebrate/fish tissue concentrations considered protective of aquatic life survival, growth, and reproduction. Once these criteria are effective, they can be used to evaluate and develop discharge limits in VPDES permits.

In the context of biosolids, the Virginia General Assembly considered multiple bills in the 2026 legislative session related to PFAS. Specifically related to biosolids, Chapters 853 and 854 of the 2026 Acts of Assembly ([HB1433-Del. Lopez](#); [SB386 - Sen. Stuart](#)) amend § 62.1-44.19:3 of the Code of Virginia to establish PFAS testing and concentration-based management requirements for owners of treatment works and other permit holders that land apply, market, or distribute biosolids in the Commonwealth. Details of this legislative initiative are described in Response 4 above. The complete set of applicable requirements associated with biosolids are detailed in Part III and Part IV of the permit.

10. *Commenters state DEQ cannot rely on actions of the current federal administration as it pertains to addressing PFAS because federal priorities allegedly do not reflect the will of Arlington County voters.*

Upon receipt of an application for a VPDES permit, DEQ is required to evaluate and process that application and in accordance with the applicable VPDES Permit Program requirements, which are based on federal authority that the EPA has delegated to DEQ, laws passed by the Virginia General Assembly, and requirements in applicable regulations. In the reissuance of this permit, DEQ has considered its obligations and authorities under the Clean Water Act and State Water Control Law. With respect to PFAS monitoring, testing, and limitations, DEQ is following current federal and state guidelines and requirements.

The permit was revised to incorporate recently enacted 2026 legislation as it pertains to biosolids (Part III and Part IV) and for every POTWs to require quarterly PFAS discharge monitoring from specified new or industrial users during a one-year characterization period (Part I.E).

The VPDES permit, as drafted, conforms with the applicable laws, regulations, policy and guidance.

Environmental and Human Health Concerns

11. *Commenters cite increasing evidence that PFAS exposure is linked to human health risks, with one commenter stating that PFAS is the most impactful pollution threat and risk to public health that they have seen in over 30 years of work in the environmental field.*

Commenters note that PFAS bioaccumulate in fish, wildlife, and crops, threatening food safety and public health.

Commenters maintain that unregulated PFAS discharge from the WPCP risks downstream beneficial uses such as recreation (swimming, boating, fishing), wildlife habitat, and drinking water sources.

Commenters voiced concern that test results for PFAS conducted by Arlington County show that these toxic chemicals are present in the plant discharge, influent and sludge and pose risks to people and wildlife.

A commenter voiced concerns of bioaccumulation of carcinogens in fields and direct exposure through good and groundwater wells due to forever compounds (PFAS) being present in biosolids

A commenter asked how is DEQ protecting their livelihoods and businesses and if DEQ will ensure that the approval of this permit protects businesses.

A commenter asked if unlimited amounts of PFAS in a discharge and in the receiving waters, such as this draft permit could allow, will be harmful or inimical to humans and wildlife.

VPDES permits are prepared in a manner to be protective of the Virginia Water Quality Standards found in 9VAC25-260. The standards define the beneficial uses of specific waterbodies. Included with the standards are criteria that are used to define the physio-chemical parameters needed to meet the defined beneficial uses, including protection of aquatic life and human health in surface waters.

The permit as drafted is designed to protect the water quality of the receiving stream. The permit was prepared in accordance with state and federal regulations and applicable practices and guidance. As such, the permit is protective of the Virginia Water Quality Standards. The receiving waters at the

WPCP's discharge point are not designated as public water supply waterbodies in the Virginia Water Quality Standards (9VAC25-260) as there are no drinking water intakes downstream of the discharge location. DEQ coordinated with the Virginia Department of Health (VDH) – Office of Drinking Water on the reissuance application and VDH did not provide comments.

Virginia's Water Quality Standards Regulation (9VAC25-260) is currently undergoing triennial review to incorporate updated scientific information. As part of the current rulemaking, the Commonwealth is proposing to adopt EPA's final recommended freshwater aquatic life criteria for PFOA and PFOS. These criteria are designed to safeguard aquatic life by reducing exposure to these contaminants. If these criteria are adopted, Virginia will establish numeric standards for protecting freshwater aquatic life, which can then be used to evaluate and develop discharge limits in VPDES permits.

As it pertains to biosolids, the Virginia General Assembly considered multiple bills in the 2026 legislative session related to PFAS. Specifically related to biosolids, Chapters 853 and 854 of the 2026 Acts of Assembly ([HB1433-Del. Lopez](#); [SB386 - Sen. Stuart](#)) amend § 62.1-44.19:3 of the Code of Virginia to establish PFAS testing and concentration-based management requirements for owners of treatment works and other permit holders that land apply, market, or distribute biosolids in the Commonwealth.

12. *A commenter asked DEQ to explain how it protects the annulus striped bass and sturgeon spawns in the Potomac.*

During the application review for the WPCP discharge to Four Mile Run, a search of the Virginia Fish and Wildlife Information Service (VaFWIS) indicated the presence of a species of conservation concern under the National Marine Fisheries Service (NMFS) within the National Oceanic and Atmospheric Administration's jurisdiction. This finding prompted DEQ to initiate coordination with the NMFS. As part of this process, NMFS received the permit application and was given the opportunity to review, comment, and raise any concerns regarding the reissuance of the VPDES permit. After reviewing the reissuance application, NMFS did not provide any comments.

Attachment 1: Commenter Listing

Table 1: Comments Received During the Draft Permit Public Comment Period

Draft Permit Public Comment Period September 23, 2025 – October 23, 2025				
Comment #	Name / Organization	Method	Date Received	Request for Hearing
1	Kate Mallek	Email	10/8/2025	Yes
2	Rebecca Rubin	Email	10/9/2025	Yes
3	Calandra Waters Lake <i>Wild Virginia</i>	Email	10/9/2025	Yes
4	Ryan Wagener	Email	10/13/2025	Yes
5	Kelly Hart	Email	10/14/2025	Yes
6	Matthew Rainoff	Email	10/14/2025	Yes
7	Susan Elfstrom	Email	10/14/2025	Yes
8	James McConnell	Email	10/14/2025	Yes
9	Ann Jurczyk	Email	10/14/2025	Yes
10	Kelly Eigler	Email	10/14/2025	Yes
11	William Wendell	Email	10/14/2025	Yes
12	Heidi Ananthakrishnan	Email	10/14/2025	Yes
13	Brian Collins	Email	10/14/2025	No
14	Scott Brainard	Email	10/15/2025	Yes
15	Sydney Smith	Email	10/15/2025	Yes
16	Michael Lightfoot	Email	10/15/2025	Yes
17	Susan Land	Email	10/16/2025	Yes
18	The Rev. Annabelle Markey	Email	10/16/2025	Yes
19	Judy Johnson	Email	10/16/2025	Yes
20	Julia Carr	Email	10/16/2025	Yes
21	"Families" Beal	Email	10/16/2025	No
22	B. Sidney Smith	Email	10/16/2025	Yes
23	Julia Carr	Email	10/16/2025	*
24	Ellen Valentine	Email	10/16/2025	No
25	William Scott Smullen	Email	10/16/2025	Yes
26	Rosemarie Jowdy	Email	10/16/2025	Yes
27	Lisa Mendis	Email	10/16/2025	Yes
28	Priscilla Masters	Email	10/16/2025	Yes
29	Chris Lavery	Email	10/16/2025	Yes
30	Eileen Merritt	Email	10/16/2025	Yes
31	Dominique Ridgewell	Email	10/16/2025	Yes
32	Brittany Henley	Email	10/17/2025	No
33	Jenny Childress	Email	10/17/2025	Yes
34	Kirk Lavery	Email	10/17/2025	Yes
35	Penny Fuller	Email	10/17/2025	Yes
36	Robin Broder <i>Waterkeepers Chesapeake</i>	Email	10/17/2025	Yes

Draft Permit Public Comment Period September 23, 2025 – October 23, 2025				
Comment #	Name / Organization	Method	Date Received	Request for Hearing
37	Elena Tillman	Email	10/17/2025	No
38	Kat Dyers Ochs	Email	10/17/2025	Yes
39	Jennifer Valentine	Email	10/17/2025	Yes
40	Tim DiChiara	Email	10/17/2025	Yes
41	Marcia Woolman <i>Goose Creek Association</i>	Email	10/18/2025	Yes
42	Marcia Woolman <i>Goose Creek Association</i>	Email	10/18/2025	*
43	Julie Waters	Email	10/18/2025	Yes
44	Catherine Orescan	Email	10/18/2025	Yes
45	Kayla Hinrichs	Email	10/19/2025	Yes
46	Katy Marchello	Email	10/20/2025	No
47	Paul Hughes	Email	10/20/2025	Yes
48	Paul Hughes	Email	10/20/2025	*
49	Elizabeth Lonoff <i>US League of Women Voter Climate Interest Group</i>	Email	10/20/2025	Yes
50	Katy Barber	Email	10/20/2025	Yes
51	Betsy Southerland <i>Environmental Protection Network</i>	Email	10/20/2025	Yes
52	Betsy Southerland <i>Environmental Protection Network</i>	Email	10/20/2025	*
53	Joseph Barnes	Email	10/20/2025	Yes
54	Laura Anderko	Email	10/20/2025	Yes
55	Tina Strealy-Colom	Email	10/20/2025	Yes
56	Amy Ulland <i>Loudoun Wildlife Conservancy</i>	Email	10/20/2025	Yes
57	Celia White	Email	10/20/2025	Yes
58	Greg Singleton	Email	10/21/2025	Yes
59	Amy Schneckenburger	Email	10/21/2025	Yes
60	David Hunke <i>Potomac Riverkeeper Network</i>	Email	10/21/2025	Yes
61	Karole Fristensky	Email	10/21/2025	Yes
62	Don McCown <i>Piedmont Environmental Council</i>	Email	10/21/2025	Yes
63	Carlie Smith <i>Potomac Riverkeeper Network</i>	Email	10/21/2025	Yes
64	G. Lindemann	Email	10/21/2025	Yes
65	Lauren Caughey	Email	10/21/2025	Yes
66	Glenda Booth <i>Friends of Dyke Marsh</i>	Email	10/21/2025	No

Draft Permit Public Comment Period September 23, 2025 – October 23, 2025				
Comment #	Name / Organization	Method	Date Received	Request for Hearing
67	James Fowler	Email	10/21/2025	Yes
68	David Flores <i>Potomac Riverkeeper Network</i>	Email	10/21/2025	Yes
69	Stuart Overbey	Email	10/21/2025	Yes
70	Carrie Fox <i>Pamunkey Tribal Citizen</i>	Email	10/22/2025	Yes
71	Merry Bateman	Email	10/22/2025	Yes
72	Charles Pearson	Email	10/22/2025	Yes
73	Nancy Armour	Email	10/22/2025	Yes
74	Alyson Borowczyk <i>Goose Creek Association</i>	Email	10/22/2025	Yes
75	Deborah Povich	Email	10/22/225	Yes
76	Samuel Lake	Email	10/22/2025	Yes
77	Amy White	Email	10/22/2025	Yes
78	Christine Lofgren	Email	10/22/2025	Yes
79	Pegah Payandeh	Email	10/22/2025	Yes
80	Jane Rhudy	Email	10/22/2025	No
81	Sandra Wisco	Email	10/22/2025	Yes
82	Anika Gupta	Email	10/22/2025	Yes
83	Robert Wood	Email	10/22/2025	Yes
84	Erin O'Dowd	Email	10/22/2025	Yes
85	Rebecca Lowry-Eastridge	Email	10/22/2025	Yes
86	Coda Cavalier	Email	10/22/2025	Yes
87	Patricia Oppenheimer	Email	10/22/2025	Yes
88	Cecelia Kope	Email	10/22/2025	Yes
89	Kylie McLatchy	Email	10/22/2025	Yes
90	Ann Mallek <i>Local Government Advisory Committee</i>	Email	10/22/2025	Yes
91	Amee Shah	Email	10/22/2025	Yes
92	Helen Smith	Email	10/22/2025	Yes
93	Kerry Gilpin	Email	10/22/2025	Yes
94	Willow Pemberton	Email	10/22/2025	Yes
95	Aileen Rivera	Email	10/23/2025	Yes
96	Amelia Williams	Email	10/23/2025	Yes
97	Deborah Woodcock	Email	10/23/2025	Yes
98	<i>WhoPoo App</i>	Email	10/23/2025	Yes
99	Beth Medvedev	Email	10/23/2025	Yes
100	Cheryl Vosburg	Email	10/23/2025	Yes
101	Ann Murray	Email	10/23/2025	Yes
102	Jane Morriss	Email	10/23/2025	Yes

Draft Permit Public Comment Period September 23, 2025 – October 23, 2025				
Comment #	Name / Organization	Method	Date Received	Request for Hearing
103	Joanna Landrum	Email	10/23/2025	Yes
104	Joanna Salidis	Email	10/23/2025	Yes
105	Barbara Walsh <i>Rockbridge Conservation</i>	Email	10/23/2025	Yes
106	Jaquelline Carter	Email	10/23/2025	Yes
107	Galen Staengl	Email	10/23/2025	Yes
108	Leslie Utley	Email	10/23/2025	Yes
109	Claire Pascocello	Email	10/23/2025	Yes
110	John Fox	Email	10/23/2025	Yes
111	Leora Vincenti	Email	10/23/2025	Yes
112	Carroll Courtenay <i>Southern Environmental Law Center</i>	Email	10/23/2025	Yes
113	Brent Hunsinger <i>Friends of the Rappahannock</i>	Email	10/23/2025	Yes
114	Tabitha King	Email	10/23/2025	Yes
115	Matthew Pascocello	Email	10/23/2025	Yes
116	Lisa Pyle	Email	10/23/2025	Yes
117	Tristan Cleveland	Email	10/23/2025	Yes
118	Alisha Reaves	Email	10/23/2025	Yes
119	Jennifer Valentine	Email	10/23/2025	No
120	Brian Bowen	Email	10/23/2025	No
121	Elizabeth Bosch	Email	10/23/2025	Yes
122	David Sligh <i>Wild Virginia</i>	Email	10/23/2025	Yes
123	Edie Juno	Email	10/23/2025	Yes
124	Christina Salidis	Email	10/23/2025	Yes
125	Brynne Pemberton	Email	10/23/2025	Yes
<u>Comments Received after the Close of the Comment Period</u>				
126	Therese Smith	Email	10/24/2025	Yes
127	Jeff Williams	Email	10/24/2025	Yes
128	George Waters	Email	10/24/2025	No
129	Dr. Chris Turner	Email	10/24/2025	Yes
130	Rob Whitehead	Email	10/24/2025	Yes

* Duplicate comment

Table 2: Comments Received During the Draft Permit Public Comment Period

Draft Permit Public Hearing Comment Period December 9, 2025 – January 30, 2026					
Comment #	Name / Organization	Method	Date Received	Public Hearing Comment Period	Public Hearing
1	Heidi Ananthakrishnan	Email	12/14/2025	☒	☐
2	Shirley Chirch	Email	12/22/2025	☒	☐
3	Anne Lusby-Denham	Email	12/22/2025	☒	☐
4	Larry Zaragoza	Email	12/22/2025	☒	☐
5	Kristin Swenson	Email	12/22/2025	☒	☐
6	Karen Klick	Email	12/22/2025	☒	☐
7	Elaine Becker	Email	12/23/2025	☒	☐
8	Anne Lusby-Denham	Email	12/22/2025	☒	☐
9	Kristin Swenson	Email	12/22/2025	☒	☐
10	Peter Allen	Email	12/22/2025	☒	☐
11	Margaret Marangione	Email	12/24/2025	☒	☐
12	Larry Zaragoza	Email	12/30/2025	☒	☐
13	Jennifer Valentine	Email	12/30/2025	☒	☐
14	Sydney Smith	Email	1/6/2026	☒	☐
15	Kavita Khanna	Email	1/6/2026	☒	☐
16	Carla Briceno	Email	1/6/2026	☒	☐
17	Greg Singleton	Email	1/6/2026	☒	☐
18	Emma Hensch	Email	1/10/2026	☒	☐
19	Natalie Auer	Email	1/8/2026	☒	☐
20	Madeleine Green	Email	1/12/2026	☒	☐
21	Julia Balsley <i>Arlington County Dept. of Human Services</i>	Email	1/13/2026	☒	☐
22	Bryan Wood	Email	1/14/2026	☒	☐
23	Marguerite Clark	Email	1/14/2026	☒	☐
24	Monica Small	Email	1/14/2026	☒	☐
25	John Clark	Email	1/14/2026	☒	☐
26	Cab Grayson	Email	1/14/2026	☒	☐
27	Mashaell Abedy	Email	1/15/2026	☒	☐
28	Michael Lightfoot	Email	1/16/2026	☒	☐
29	Tina Gwilliam	Email	1/16/2026	☒	☐

Draft Permit Public Hearing Comment Period December 9, 2025 – January 30, 2026					
Comment #	Name / Organization	Method	Date Received	Public Hearing Comment Period	Public Hearing
30	Jennifer Valentine	Email	1/16/2026	☒	☐
31	Varun Chilukuri	Email	1/19/2026	☒	☐
32	Jeffrey Bournes	Email	1/16/2026	☒	☐
33	Lincoln Eberly	Email	1/18/2026	☒	☐
34	Maryann Greenfield	Email	1/20/2026	☒	☐
35	Sharon Hockenberry <i>Clean Action Air Group</i>	Email	1/23/2026	☒	☐
36	David Sligh <i>Wild Virginia</i>	Email	1/29/2026	☒	☐
37	Don McCown <i>The Piedmont Environmental Council</i>	Email	1/29/2026	☒	☐
38	Nancy Armour	Email	1/29/2026	☒	☐
39	Ross Phillips <i>AquaLaw + VAMWA</i>	Email	1/30/2026	☒	☐
40	Nancy Hwa <i>Four Mile Run Conservancy</i>	Email	1/30/2026	☒	☐
41	Don McCown <i>The Piedmont Environmental Council</i>	Email	1/30/2026	☒	☐
42	Greg Emanuel <i>Arlington County Dept. of Environmental Services</i>	Email	1/30/2026	☒	☐
43	Mary Taylor <i>Back River Community Action Group</i>	Email	1/30/2026	☒	☐
44	Kyle Kosmack	Email	1/30/2026	☒	☐
45	Mashaell Abedy	Oral	1/15/2026	☐	☒
46	Laura Anderko	Oral	1/15/2026	☐	☒
47	Nancy Armour	Oral	1/15/2026	☐	☒
48	Jeff Bournes	Oral	1/15/2026	☐	☒
49	Robin Broder	Oral	1/15/2026	☐	☒
50	Mike Collins <i>Arlington County</i>	Oral	1/15/2026	☐	☒
51	Carroll Courtenay <i>Southern Environmental Law Center</i>	Oral	1/15/2026	☐	☒
52	Jennifer Economos	Oral	1/15/2026	☐	☒
53	Carrie Fox <i>Pamunkey Tribal Citizen</i>	Oral	1/15/2026	☐	☒

Draft Permit Public Hearing Comment Period December 9, 2025 – January 30, 2026					
Comment #	Name / <i>Organization</i>	Method	Date Received	Public Hearing Comment Period	Public Hearing
54	Paul Hughes	Oral	1/15/2026	☐	☒
55	Brent Hunsinger <i>Friends of the Rappahannock</i>	Oral	1/15/2026	☐	☒
56	Kyle Kosmac	Oral	1/15/2026	☐	☒
57	Anne Little <i>Tree Fredericksburg</i>	Oral	1/15/2026	☐	☒
59	Dean Naujoks <i>Potomac River Keeper Network</i>	Oral	1/15/2026	☐	☒
60	Betsy Nicholas <i>Potomac River Keeper Network</i>	Oral	1/15/2026	☐	☒
61	Avis Renshaw <i>Loudoun County Farm Bureau</i>	Oral	1/15/2026	☐	☒
62	David Sligh <i>Wild Virginia</i>	Oral	1/15/2026	☐	☒
63	Helen Smith	Oral	1/15/2026	☐	☒
64	Ryan Wagener	Oral	1/15/2026	☐	☒
65	Robert Wood	Oral	1/15/2026	☐	☒