



Exempt Action Final Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation	9VAC25-120
Regulation title	General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Discharges from Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests
Action title	Amend and Reissue Existing Regulation
Final agency action date	September 27, 2012
Document preparation date	August 31, 2012

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia 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 14 (2010) 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.

The General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Discharges from Petroleum Contaminated Sites, Ground Water Remediation, and Hydrostatic Tests has existed since 1992. This regulation amendment will reissue the existing general permit which expires on February 25, 2013. This general permit contains effluent limitations, monitoring requirements and special conditions for discharges of petroleum-contaminated wastewater, chlorinated hydrocarbon contaminated wastewater, and wastewater from hydrostatic tests. The general permit regulation is being reissued in order to continue making it available as a permitting option for this type of discharger. The changes to the regulation were made to make this general permit similar to other general permits issued recently and in response to Technical Advisory Committee suggestions and staff requests to clarify and update permit limits and conditions.

The substantive changes to the regulation are: (1) added coverage under the permit for hydrostatic tests of water storage tanks and pipelines; (2) added two reasons why a facility's discharge would not be eligible for coverage under the permit; (3) added language to allow for 'administrative continuance' of

coverage under the general permit; (4) added a provision that allows specified short term projects (14 days or less in duration) and hydrostatic test discharges to be automatically covered under the permit without the requirement to submit a registration statement, and a requirement that the owner notify the department within 14 days of the discharge's completion; (5) consolidated the permit Part I A Effluent Limitations and Monitoring Requirements for "Gasoline Contaminated Discharges" into one limits table, and discharges "Contaminated by Petroleum Products Other Than Gasoline" into one limits table; recalculated the effluent limits in the combined tables to be at the most protective levels for the discharge type and to protect all receiving waters based on an analysis of water quality criteria, toxicity data and best professional judgment; and (6) added permit special conditions for: (a) the required number of significant digits for reporting monitoring results; (b) a requirement to control discharges as necessary to meet water quality standards; (c) the permittee's responsibility to comply with any other federal, state or local statute, ordinance or regulation; (d) a requirement to submit discharge monitoring reports to the owner of the municipal separate storm sewer system (MS4) if the permittee discharges to the MS4; and (e) a requirement to implement measures and controls consistent with a total maximum daily load (TMDL) requirement when the permitted facility is subject to an approved TMDL.

Substantive changes to the regulation since the proposed staged can be found in: Section 70 D - modified to clarify the late registration statement provision and to more clearly define when an owner qualifies for "administrative continuance" of the general permit coverage; Section 80, Part I, Table 2, 3, 4 & 5 - changed the flow reporting units from MGD to GPD; Section 80, Part I, Table 2, Footnote 1 - added the test method reference date back in for EPA SW 846 Method 8021B; Section 80, Part I, Table 2, Footnote 2 - added test method information for ethylene dibromide (EDB) in discharges to public water supplies; Section 80, Part I, Table 2, Footnote 3 - added EPA SW 846 Method 8015C (2000) to the list of acceptable methods for analyzing ethanol; Section 80, Part I, Table 3, Footnote 2 - added EPA SW 846 Method 8015C (2000) to the list of acceptable methods for analyzing TPH; Section 80, Part I, Table 4, Footnote 1 - added EPA SW 846 Method 8015C (2000) to the list of acceptable methods for analyzing TPH; Section 80, Part I, Table 4, Footnote 3 - clarified that the chlorine monitoring and limit only apply where chlorinated water is used for the hydrostatic test; and Documents Incorporated By Reference - put the reference back in for EPA Drinking Water Method 504.1, which goes with the Section 80, Part I, Table 2, Footnote 2, EDB public water supply footnote, and added the reference for EPA SW 846 Method 8015C (2000).

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On September 27, 2012 the State Water Control Board adopted amendments to the regulation 9VAC25-120, General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Discharges from Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar's office, please put an asterisk next to any substantive changes.

Section number	Requirement at proposed stage	What has changed	Rationale for change
70	B. Late registration statements. Late registration statements will	B. Late registration statements. Late Registration statements will be	Modification to clarify the late registration statement

	be accepted, but authorization to discharge will not be retroactive. Owners described in subdivision C 2 b of this section that submit late registration statements are authorized to discharge under the provisions of 9VAC25-120-60 D if a complete registration statement is submitted on or before February 26, 2013.	accepted <u>after February 26, 2013</u> , but authorization to discharge will not be retroactive. Owners described in subdivision C 2 b of this section that submit late registration statements <u>after January 27, 2013</u> are authorized to discharge under the provisions of 9VAC25-120-60 D if a complete registration statement is submitted on or before March 2, 2013.	provision and to more clearly define when an owner qualifies for "administrative continuance" of the general permit coverage.
80, Part I, Table 2, 3, 4 & 5	Flow (MGD)	Flow (MGD) <u>(GPD)</u>	Changed the flow reporting units from MGD to GPD to reflect the smaller flows that typically are measured at these facilities.
80, Part I, Table 2, Footnote 1	⁽¹⁾ Benzene, Toluene, Ethylbenzene, Total Xylenes and MTBE shall be analyzed according to a current and appropriate EPA Wastewater Method (40 CFR Part 136) or EPA SW 846 Method 8021B	⁽¹⁾ Benzene, Toluene, Ethylbenzene, Total Xylenes and MTBE shall be analyzed according to a current and appropriate EPA Wastewater Method (40 CFR Part 136) or EPA SW 846 Method 8021B <u>(1996)</u>	Put the test method reference date back in for EPA SW 846 Method 8021B, which should not have been removed.
80, Part I, Table 2, Footnote 2	1,2 dichloroethane and EDB shall be analyzed by a current and appropriate EPA SW 846 Method or EPA Wastewater Method from 40 CFR Part 136.	1,2 dichloroethane and EDB <u>ethylene dibromide (EDB)</u> shall be analyzed by a current and appropriate EPA SW 846 Method or EPA Wastewater Method from 40 CFR Part 136. <u>EDB in wastewaters discharged to public water supplies shall be analyzed using EPA SW 846 Method 8011 (1992) or EPA Drinking Water Method 504.1 (1995).</u>	Added test method information for EDB in discharges to public water supplies, which was mistakenly omitted.
80, Part I, Table 2, Footnote 3	⁽³⁾ ...Ethanol shall be analyzed according to EPA SW 846 Method 8015C (2007) or EPA SW 846 Method 8260B (1996).	⁽³⁾ ...Ethanol shall be analyzed according to <u>EPA SW 846 Method 8015C (2000) or EPA SW 846 Method 8015C (2007) or EPA SW 846 Method 8260B (1996).</u>	Added EPA SW 846 Method 8015C (2000) to the list of acceptable methods for analyzing ethanol.
80, Part I, Table 3, Footnote 2	⁽²⁾ TPH shall be analyzed using EPA SW 846 Method 8015C (2007) for diesel range organics,...	⁽²⁾ TPH shall be analyzed using <u>EPA SW 846 Method 8015C (2000) or EPA SW 846 Method 8015C (2007)</u> for diesel range organics,...	Added EPA SW 846 Method 8015C (2000) to the list of acceptable methods for analyzing TPH.
80, Part I, Table 4, Footnote 1	⁽¹⁾ TPH ... to be measured by EPA SW 846 Method 8015C (2007) for gasoline and diesel range organics,...	⁽¹⁾ TPH ... to be measured by <u>EPA SW 846 Method 8015C (2000) or EPA SW 846 Method 8015C (2007)</u> for gasoline and diesel range organics,...	Added EPA SW 846 Method 8015C (2000) to the list of acceptable methods for analyzing TPH.
80, Part I, Table 4, Footnote 3	none	⁽³⁾ <u>Total Residual Chlorine limitation of 0.011 mg/l and chlorine monitoring only apply to discharges of test water that have been chlorinated or come from a chlorinated water supply.</u>	Based on public comment, clarified that the chlorine monitoring and limit only apply where chlorinated water is used for the hydrostatic test.
Documents Incorporated By	none	<u>Methods for the Determination of Organic Compounds in Drinking Water, Supplement III, EPA</u>	Put the reference back in for EPA Drinking Water Method 504.1, which goes

Reference		<u>Publication 600/R-95/131 (August 1995), U.S. Environmental Protection Agency, Office of Research and Development, Washington, D.C. 20460</u> <ul style="list-style-type: none"> • <u>Method 504.1 (August 1995)</u> 	with the Section 80, Part I, Table 2, Footnote 2, EDB public water supply footnote, which had been omitted.
Documents Incorporated By Reference	none	<u>Method 8015C (November 2000)</u>	Added EPA SW 846 Method 8015C (2000) to the list of EPA SW-846 references.

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

Commenter	Comment	Agency response
Richard C. Lutz Transcontinental Gas Pipe Line Co. (Transco)	Transco supports the subsection added that grants automatic permit coverage for short term projects (14 days or less in duration) and hydrostatic testing. This provision will streamline the current process of administering the permit program for hydrostatic testing, resulting in increased efficiency both for DEQ staff as well as the regulated community.	None.
	Transco supports the recordkeeping requirement where the owner will maintain the hydrostatic test monitoring records for a period of at least three years from the date of the test, rather than submitting the DMRs. This will reduce the recordkeeping that is currently performed where DMRs are submitted on a monthly basis, for both months where discharges occurred and those where there was no discharge.	None
	Transco offers a comment on the analytical requirements that are specified for hydrostatic testing. Currently monitoring is required for Total Residual Chlorine for all discharges of hydrostatic test water. Transco frequently utilizes water sources for testing that are not chlorinated. Transco suggests using similar language to that which is used in Part I A 2 pertaining to the monitoring for ethanol (ethanol monitoring is only required for gasoline containing greater than 10% ethanol). Suggested language is "Monitoring for Total Residual Chlorine is only required if the test water has been chlorinated or comes from a chlorinated water supply".	Good suggestion. A footnote has been added to address when the TRC limits apply and when chlorine monitoring is required.
	Transco supports the requirement for owners to notify the department within 14 days of the completion of the hydrostatic test discharge, with the owner's name and address, the type of hydrostatic test that occurred, the physical location of the test work, and the receiving stream. Transco offers a comment that small hydrostatic test discharges may not reach a receiving stream if the discharged water infiltrates through the surface of the land prior to reaching a surface water body. Maryland in their hydrostatic test general permit (MDG67) refers to this type of event as a discharge to groundwater. Transco suggests adding language to the notification requirement that in the event that the discharge does not reach a receiving stream, that the discharge is to groundwater.	This general permit is for discharges to surface waters. If the hydrostatic test water is discharged to a dry ditch that eventually leads to a surface water (even if it never makes it to the surface waters), it is considered a discharge to surface waters, and qualifies for coverage under the permit. No change is proposed for this section.

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
10		Definitions	Added a definition for "Department" or "DEQ", being the Dept. of Environmental Quality, and for "Director", being the DEQ director. Added a definition for "Total Maximum Daily Load (TMDL)" - used in section 60 B 5, and in section 80, Part I B 10.
	15	none	Added a section on "Applicability of incorporated references based on the dates that they became effective" to define the applicable date of EPA 40 CFR references used in the regulation.
20		Purpose	Added hydrostatic testing of water storage tanks and pipelines to the list of covered discharges. These discharges are similar in characteristics to the petroleum and natural gas hydrostatic test discharges, and we received a request to add coverage for these to the permit. Reworded the list of activities discharging these wastewaters, and added "hydrostatic testing of water storage tanks and pipelines" to the list, and deleted "purging of groundwater monitoring wells".
50		Effective date of the permit	Changed the effective date to 2/26/2013 and the expiration date to 2/25/2018 to correspond to the new general permit dates (see section 80). Deleted "and receipt of a this general permit" because the owner does not need to receive a copy of the permit for the terms to be effective.
60 A & B	60 B, C & D	Authorization to discharge	Reformatted this section to match the structure of other general permits being issued by the Board at this time.
	60 B 4 & 5	none	Added two additional reasons an owner would not be eligible for coverage under the general permit, per EPA comments on other general permits issued recently. An owner will not be eligible for coverage when the discharge would violate the Water Quality Standards antidegradation policy, or if the discharge is not consistent with the assumptions and requirements of an approved TMDL.
	60 C	Compliance with other statutes, ordinances or regulations	Added the statement: "Compliance with this general permit constitutes compliance with the federal Clean Water Act, the State Water Control Law, and applicable regulations under either, with the exceptions stated in 9VAC25-31-60 of the VPDES Permit Regulation.", per comments from

			the Attorney General's Office (AGO) on other recent general permits, in order to recognize that there are some exceptions to compliance with the CWA as stated in the permit regulation.
	60 D	none	Added a provision to allow for "administrative continuance" of coverage under the old expired general permit until the Board either issues coverage under the new permit, or denies coverage to the owner, provided the owner has submitted a timely registration and is in compliance with the expiring permit.
70	70 A, B, C, D, E & F	Registration statement	Reformatted this section to match the structure of other general permits being issued by the Board at this time.
	70 B	none	<p>Added a provision that allows short term projects (14 days or less in duration) and hydrostatic test discharges to be automatically covered under the permit without the requirement to submit a registration statement. Short term projects include: (a) emergency repairs; (b) dewatering projects; (c) utility work and repairs in areas of known contamination; (d) tank placement or removal in areas of known contamination; (e) pilot studies or pilot tests, including aquifer tests; and (f) new well construction discharges of groundwater.</p> <p>Owners have to notify the Department's regional office in writing within 14 days of the completion of the discharge. The notification has to include the owner's name and address, the type of discharge that occurred, the physical location of the discharge work, and the receiving stream.</p> <p>If the discharge is to a municipal separate storm sewer system (MS4), the owner also has to notify the MS4 owner within 14 days of the completion of the discharge.</p> <p>Owners of these types of discharges are not required to submit a notice of termination at the completion of the discharge.</p>
70	70 C 2 a	Registration statement deadlines	Revised the deadline for existing individually permitted facilities to notify the DEQ and submit a registration for general permit coverage to 210 days prior to expiration of the individual permit. This time period allows DEQ time to determine if the owner is eligible for general permit coverage, and if they are not eligible, the permittee still has sufficient time to submit an individual permit application within the required 180 day period before the individual permit expires (AGO comment).
	70 D	none	Added subsection on "Late registration statements" to allow for late registrations, but stated that authorization to discharge will not be retroactive. While the Board will allow late registrations, the permittee needs to know that they could be subject to enforcement action for discharging without a permit.
70	70 E	Registration statement contents	E 2 & 3 - added "email address (if available)" to both the owner's and operator's required

			<p>information.</p> <p>E 5 - added "or chlorinated hydrocarbon solvents" to the type of products that caused the contamination that the permittee must list.</p> <p>E 9 - to the location of the discharge point, added "For linear projects, the location of all the proposed discharge points along the project length and the associated waterbody for each discharge point".</p> <p>E 15 - Specified that the map be a USGS 7.5 minute topographic map or equivalent computer generated map.</p> <p>E 16 - If the discharge is to an MS4, then the owner must notify the MS4 owner in writing and let him know: the name of the facility, a contact person and phone number, the location of the discharge, the nature of the discharge, and the facility's VPDES general permit number. The owner must also copy the Department with the notification.</p>
80, 1st paragraph		"request for coverage under this general permit"	Changed to "registration statement", and added the projects that are "automatically authorized to discharge" to those who are subject to this permit.
80		General permit	Changed the permit effective date to 2/26/2013 and the permit expiration date to 2/25/2018 to correspond to the new reissuance dates.
80, General Permit, 1st paragraph		"at the locations identified in the accepted registration statement" and "or policies"	<p>Deleted "at the locations identified in the accepted registration statement" because registrations are not required for all owners who receive coverage under the general permit.</p> <p>Deleted "or policies" per comment from AGO because it would be difficult to enforce a prohibition created by policy.</p>
80, General Permit, 3rd paragraph		Department of Environmental Quality	Changed to "Board" because the Board is the entity with the authority to act.
80, Part I A 1, 3, 5, & 8	Part I A 2, 3, 4, & 5	Effluent limitations and monitoring requirements - Tables Part I A 1, 3, 5, & 8	Changed the Flow parameter reporting units from MGD to GPD to reflect the actual smaller flows that typically are measured at these facilities.
80, Part I A	Part I A 1	Effluent limitations and monitoring requirements	<p>Added effluent limitations and monitoring requirements for "short term projects". Authorized the following short term projects: emergency repairs; dewatering projects; utility work and repairs in areas of known contamination; tank placement or removal in areas of known contamination; pilot studies or pilot tests, including aquifer tests; and new well construction discharges of groundwater. Effluent limits for short term projects correspond to the type of contamination at the project site, and are given in Tables A 2 through A 5 of the permit. The sampling frequency for these projects is once per project term. Discharge monitoring reports (DMRs) for these projects are not required to be submitted to the Department, but have to be retained by the owner for a period of at least three years from the completion date of the project. Dewatering projects must be managed to ensure that they are discharging to an adequate channel or pipe and do not cause erosion in the receiving stream. Owners have to notify the Department's regional office in</p>

			<p>writing within 14 days of the completion of the project discharge. The notification must include the owner's name and address, the type of discharge that occurred, the physical location of the project work, and the receiving stream. If the discharge is to an MS4, the owner must also notify the MS4 owner within 14 days of the completion of the discharge.</p>
80, Part I A 1, 2 & 6	Part I A 2 (Table 2)	Effluent limitations and monitoring requirements - Tables 1, 2 & 6	<p>Combined "Gasoline Contamination" Tables 1, 2 & 6 into new Table 2 for all receiving waters. The combined table effluent limits were set at the most protective levels for the discharge type and to protect all receiving waters.</p> <p>Footnote (2) - corrected the method to analyze lead to "EPA Wastewater Method (40 CFR Part 136)", and added methods for EDB analysis for discharges to public water supplies, which had been omitted.</p> <p>Footnote (3) - added EPA SW 846 Method 8015C (2000) to the list of acceptable methods for analyzing ethanol, and deleted the "monitoring frequency" portion of the footnote because it was incorporated into new footnote (4).</p> <p>Footnote (4) - added this footnote that describes the monitoring frequency for discharges to (1) fresh waters not listed as public water supplies and saltwater, and (2) fresh waters listed as public water supplies.</p> <p>Deleted old Tables 2 & 6.</p>
80, Part I A 3, 4 & 7	Part I A 3 (Table 3)	Effluent limitations and monitoring requirements - Tables 3, 4 & 7	<p>Combined "Contamination By Petroleum Products Other than Gasoline" Tables 3, 4 & 7 into Table 3 for all receiving waters. The combined table effluent limits were set at the most protective levels for the discharge type and to protect all receiving waters.</p> <p>Footnote (2) - added EPA SW 846 Method 8015C (2000) to the list of acceptable methods for analyzing TPH, and removed the requirement: "If Method 8270D (2007) is used, the lab must report the total of diesel range organics and polynuclear aromatic hydrocarbons".</p> <p>Footnote (3) - added this footnote explaining when monitoring for benzene and MTBE are required, and the methods to be used for their analysis.</p> <p>Footnote (4) - added this footnote that describes the monitoring frequency for discharges to (1) fresh waters not listed as public water supplies and saltwater, and (2) fresh waters listed as public water supplies.</p> <p>Deleted old Tables 4 & 7.</p>
80, Part I A 5	Part I A 4 (Table 4)	Effluent limitations and monitoring requirements - Table 5 (Hydrostatic Test Waters)	<p>Renumbered the table from 5 to 4. Added two notes to the table: (1) The equipment being tested shall be substantially free of debris, raw material, product, or other residual materials, and (2) The discharge flow shall be controlled in such a manner that prevents flooding, erosion, or excessive sediment influx into the receiving water body.</p> <p>Footnote (1) - added EPA SW 846 Method 8015C (2000) to the list of acceptable methods for</p>

			<p>analyzing TPH, and removed the requirement: "If the combination of Methods 8260B and 8270D is used, the lab must report the total of gasoline range organics, diesel range organics and polynuclear aromatic hydrocarbons".</p> <p>Footnote (2) - added this footnote that DMRs are not required to be submitted to the Department, but must be kept for at least three years from the completion of the hydrostatic test. Also added that owners must notify the Department in writing within 14 days of the completion of the hydrostatic test discharge.</p> <p>Footnote (3) - added this footnote, based on public comment, clarifying that the chlorine monitoring and limit only apply where chlorinated water is used for the test.</p>
80, Part I A 8	Part I A 5 (Table 5)	Effluent limitations and monitoring requirements - Table 8 (Chlorinated Hydrocarbon Solvent Contamination)	<p>Renumbered the table from 8 to 5. Corrected the effluent limits for chloroform from 100.0 to 80.0, 1,1 dichloroethane from 4.0 to 2.4, 1,1,1 trichloroethane to 112.0 to 54.0, carbon tetrachloride from 2.5 to 2.3, and chlorobenzene from 3.0 to 3.4.</p> <p>Added 2/month monitoring frequency for Flow parameter monitoring for discharges into public water supplies.</p> <p>Footnote (2) - clarified that the monitoring frequency for discharges into surface waters listed as public water supplies is 2/month for the first year of permit coverage.</p>
80, Part I B 6		MS4 notification special condition	<p>Added that the required notification include the location of the discharge, and that it include the VPDES general permit number. Also added the requirement that any DMRs required by the permit be submitted to both the Department and the MS4 owner. This will assist the MS4 owner with tracking who is discharging to the MS4, and what is being discharged.</p>
80, Part I B 7	80, Part I B 11	Termination of coverage special condition.	<p>Renumbered this special condition, and changed "Department" to "Board" because the Board is the entity with the authority to act.</p>
	80, Part I B 7		<p>Added this special condition to specify the number of significant digits to be used to report monitoring results to be consistent with the requirement of other general permits issued by the Board.</p>
	80, Part I B 8		<p>Added this special condition requiring discharges authorized by this permit to meet water quality standards. While it is not expected that these facilities will discharge parameters other than those that are limited in the permit, it is a good reminder to the permittee that other pollutants should not be discharged.</p>
	80, Part I B 9		<p>Added this special condition that states that approval for coverage under this general permit does not relieve any owner of the responsibility to comply with any other federal, state, or local statute, ordinance, or regulation.</p>
	80, Part I B 10		<p>Added this special condition to require the permittee to implement measures and controls</p>

			consistent with a TMDL requirement when the facility is subject to an approved TMDL.
80, Part II A	80, Part II A 4	Monitoring	Added clarification that samples taken as required by the permit must be analyzed in accordance with 1VAC30-45, Certification for Noncommercial Environmental Laboratories, or 1VAC30-46, Accreditation for Commercial Environmental Laboratories.
80, Part II I, NOTE		Reports of noncompliance	Added that reports may be made online and listed the web address for reporting.
80, Part II M		Duty to reapply	Modified the time period prior to permit expiration that a permittee has to submit a new registration statement to reapply for permit coverage from 90 days to 30 days to be consistent with the requirement in Section 70 C (Registration statement).
80, Part II Y		Transfer of permits	Modified the condition to state that the permit may be automatically transferred to a new permittee if the current permittee notifies the Department within 30 days of the transfer of title to the property. Previously it was "at least 30 days in advance of the proposed transfer".
Documents Incorporated By Reference		Documents incorporated by reference	Clarified the cites for the EPA methods documents incorporated by reference.

Regulatory flexibility analysis

Please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

The reissuance of the general VPDES permit accomplishes the objectives of applicable law and minimizes the costs to a small business owner and simplifies the application process. Without the general permit, a small business owner would be required to obtain an individual permit which would increase the complexity of a permit application and permit costs.

The amended regulation allows owners of "short term" projects (14 days or less in duration) and hydrostatic test discharges to be automatically covered under the permit without the requirement to submit a registration statement. Short term projects include emergency repairs; dewatering projects; utility work and repairs in areas of known contamination; tank placement or removal in areas of known contamination; pilot studies or pilot tests, including aquifer tests; and new well construction discharges of groundwater. The owners are required to notify the Department within 14 days of the completion of the discharge. Discharge monitoring reports are not required to be submitted to the Department, but are required to be kept by the owner for three years following the completion of the project.

The amended regulation includes an allowance for continuance of permit coverage in instances where a permittee has submitted a timely registration statement and is in compliance with their existing permit. This will allow the permittee to legally and safely discharge if the permit is not reissued on time by the Department.

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.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

AGO - Attorney General's Office
CFR - Code of Federal Regulations
CWA - Clean Water Act
DEQ - Department of Environmental Quality
DMR - discharge monitoring report
EDB - ethylene dibromide
EPA - Environmental Protection Agency
GPD - gallons per day
MGD - million gallons per day
MS4 - municipal separate storm sewer system
MTBE - methyl tert-butyl ether
QL - quantification level
SW - solid waste
TMDL - total maximum daily load
TRC - total residual chlorine
USGS - United States Geological Survey
VPDES - Virginia Pollutant Discharge Elimination System