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Proposed Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC25-720 Primary Chapter 9VAC25-720-50C, 60C, 70C and 120C Secondary Chapters 9VAC25-820
VAC Chapter title(s)	Water Quality Management Planning Regulation General Virginia Pollutant Discharge Elimination System (VPDES) Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia
Action title	Amend Existing Regulations
Date this document prepared	March 9, 2021

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

This regulation includes waste load allocations (WLAs) for dischargers of pollutants to various river basins throughout the Commonwealth of Virginia including total nitrogen (TN) and total phosphorus (TP) waste load allocations necessary for the restoration of water quality in the Chesapeake Bay and its tidal tributaries. DEQ proposes to amend Sections 50.C (Potomac-Shenandoah River Basin), 60.C (James River Basin), 70.C (Rappahannock River Basin), and 120.C (York River Basin) to accomplish three goals:

1. To establish TP WLAs to meet revised water quality criteria for Chlorophyll-a in the tidal James River Basin.
2. To reassign unneeded TN and TP WLAs from industries that have either closed or otherwise eliminated their need for a WLA to the Nutrient Offset Fund for future use.

The proposal also includes amendments to the General Virginia Pollutant Discharge Elimination System (VPDES) Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia (9VAC25-820) that are necessary to implement the Water Quality Management Planning Regulation amendments.

NOTE: No public comment is currently being requested on proposed amendments that address floating WLAs for 36 significant municipal dischargers with design flows greater than or equal to 5 MGD west of the fall line and 3 MGD or greater east of the fall line. The proposed amendments have been superseded by House Bill (HB) 2129 passed by the General Assembly during the 2021 Special Session 1. Amendments to address HB 2129 will be addressed later.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the “Definitions” section of the regulation.

ACSA: Augusta County Service Authority
 APA: Administrative Process Act
 Board: State Water Control Board
 DEQ: Department of Environmental Quality
 EPA (U.S. EPA): United States Environmental Protection Agency
 HRSD: Hampton Roads Sanitary District
 MGD: Millions of gallons per day
 MG/L: Milligrams per liter
 MS4: Municipal Separate Storm Sewer System
 NOIRA: Notice of Intended Regulatory Action
 NPDES: National Pollutant Discharge Elimination System
 POTW: Publicly Owned Treatment Works
 PCP: Pollution Control Plant
 STP: Sewage Treatment Plant
 TMDL: Total Maximum Daily Load
 TN: Total Nitrogen
 TP: Total Phosphorus
 USC: United States Code
 VAC: Virginia Administrative Code
 VAMWA: Virginia Association of Municipal Wastewater Agencies
 VIP: Virginia Initiative Plant
 VPA: Virginia Pollutant Abatement
 VPDES: Virginia Pollutant Discharge Elimination System
 WIP: Watershed Implementation Plan
 WLA: Waste Load Allocation
 WPCP: Water Pollution Control Plant
 WRF: Water Reclamation Facility
 WRRF: water resource recovery facilities
 WWTF: Wastewater Treatment Facility
 WWTP: Wastewater Treatment Plant

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in Executive Order 14

(as amended, July 16, 2018), “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

The State Water Control Law (Code of Virginia) at § 62.1-44.15(10) mandates the Board to adopt such regulations as it deems necessary to enforce the general water quality management program of the Board in all or part of the Commonwealth. In addition, § 62.1-44.15(14) requires the Board to establish requirements for the treatment of sewage, industrial wastes and other wastes that are consistent with the purposes of this chapter. § 62.1-44.19:14.D requires that the Board review, during 2020 and every 10 years thereafter, the basis for allocations granted in the Water Quality Management Planning Regulation (9VAC25-720) and as a result of the review propose for inclusion in the regulation either the reallocation of unneeded allocations to other facilities registered under the general permit or the reservation of such allocations for future use. Further impetus prompting this action includes the Board’s adoption of water quality criteria for Chlorophyll-a in the tidal portion of the James River (approved by EPA and effective 1/9/20), the need to adopt waste load allocations that are protective of the new criteria and the Commonwealth’s commitment to implement Initiative No. 52 in the [Commonwealth of Virginia’s Chesapeake Bay TMDL Phase III Watershed Implementation Plan](#) dated August 23, 2019.

The periodic review of this regulation is mandated by Executive Order 14 (as amended July 16, 2018). <http://TownHall.Virginia.Gov/EO-14.pdf>.

NOTE: No public comment is currently being requested on the proposed amendments that address floating WLAs for 36 significant municipal dischargers with design flows greater than or equal to 5 MGD west of the fall line and 3 MGD or greater east of the fall line. The proposed amendments have been superseded by House Bill (HB) 2129 passed by the General Assembly during the 2021 Special Session 1. Amendments to address HB 2129 will be addressed later.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.

The Commonwealth’s mandate in § 62.1-44.15(10) of the Code of Virginia is the source of legal authority identified to promulgate these amendments. The promulgating entity is the State Water Control Board.

The scope and purpose of the State Water Control Law is to protect and to restore the quality of state waters, to safeguard the clean waters from pollution, to prevent and to reduce pollution and to promote water conservation. Setting the specific effluent limits needed to meet the water quality goals is within the purview of the Board. § 62.1-44.19:14.D requires that the Board review during 2020 and every 10 years thereafter the basis for allocations granted in the Water Quality Management Planning Regulation (9VAC25-720) and as a result of the review propose for inclusion in the regulation either the reallocation of unneeded allocations to other facilities registered under the general permit or the reservation of such allocations for future use. This provision establishes the legal basis for any proposed reallocation of significant industrial discharger allocations. § 62.1-44.19:14.D.3 establishes that review of significant municipal discharger allocations will begin in 2030.

The correlation between the proposed regulatory action and the legal authority identified above is that the amendments being considered are modifications of the current requirements for the treatment of wastewater that will contribute to the protection of Virginia’s water quality.

NOTE: No public comment is currently being requested on the proposed amendments that address floating WLAs for 36 significant municipal dischargers with design flows greater than or equal to 5 MGD

west of the fall line and 3 MGD or greater east of the fall line. The proposed amendments have been superseded by House Bill (HB) 2129 passed by the General Assembly during the 2021 Special Session 1. Amendments to address HB 2129 will be addressed later.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it's intended to solve.

The purpose of this rulemaking is to protect State waters by adopting regulations that establish new or revised limitations on the amount of nutrients (TN and TP) that are discharged to the Chesapeake Bay watershed. Discharges from wastewater treatment plants contribute to the overall loading of nutrients to the Chesapeake Bay and its tributaries. These nutrients have been identified as pollutants causing adverse impacts on large portions of the Bay and its tidal rivers, which are included in the list of impaired waters required under §303(d) of the Clean Water Act and §62.1-44.19:5 of the Code of Virginia. Waters not meeting standards require development of a Total Maximum Daily Load (TMDL), also mandated under the same sections of federal and state law. EPA adopted the Chesapeake Bay TMDL in December 2010, and Virginia is now following a Watershed Implementation Plan to meet the requirements of that TMDL, in part by setting regulatory nutrient WLAs. The proposed amendments to the regulation are meant to accomplish three goals:

1. To incorporate final Chlorophyll-a based TP WLAs for a subset of significant dischargers in the tidal James River Basin. The regulation currently includes WLAs adopted in 2005 that are not consistent with the TMDL for the Chesapeake Bay or the amended water quality criteria for Chlorophyll-a developed in accordance with Appendix X to the Chesapeake Bay TMDL, approved by the Board on June 27, 2019, then approved by EPA and effective on January 9, 2020. DEQ has used the results of updated water quality modeling to establish TP WLAs to meet the recently adopted Chlorophyll-a criteria. This amendment also incorporates additional TN and TP WLAs previously included in 9VAC25-820-80 into 9VAC25-720-60C.
2. To reassign unneeded TN and TP WLAs from industries that have either closed or otherwise eliminated their need for WLAs to the Nutrient Offset Fund for future use. This evaluation and reallocation is required by § 62.1-44.19:14.D of the Code of Virginia.
3. To require additional nutrient reductions from significant municipal wastewater treatment plants in accordance with Initiative No. 52 in the [Commonwealth of Virginia's Chesapeake Bay TMDL Phase III Watershed Implementation Plan](#) dated August 23, 2019.

NOTE: No public comment is currently being requested on the proposed amendments that address floating WLAs for 36 significant municipal dischargers with design flows greater than or equal to 5 MGD west of the fall line and 3 MGD or greater east of the fall line. The proposed amendments have been superseded by House Bill (HB) 2129 passed by the General Assembly during the 2021 Special Session 1. Amendments to address HB 2129 will be addressed later.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

Substantive changes to the Water Quality Management Planning Regulation (9VAC25-720) being considered include:

1. New chlorophyll-a based WLAs for TP for eight significant wastewater dischargers addressed in 9VAC25-720-60.C (James River Basin).
2. Reallocating TN and TP WLAs for five significant industrial facilities in Sections 50.C (Potomac-Shenandoah River Basin), 60.C (James River Basin) and 120.C (York River Basin). These are facilities that have closed or otherwise altered their operations so that the allocations are no longer necessary. The proposed amendments will move the WLAs to the DEQ held Nutrient Offset Fund and are in response to a review of current WLAs performed by DEQ staff in accordance with § 62.1-44.19:14.D of the Code of Virginia.

Substantive changes to the General Virginia Pollutant Discharge Elimination System (VPDES) Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia (9VAC25-820) necessary to implement the above changes to the Water Quality Management Planning Regulation (9VAC25-720) include:

1. Removed reference to the Phase I TN and Phase 2 TN and TP limit effective dates; updated the compliance date for compliance plan submittals; and clarified the compliance plan submittal criteria (9VAC 25-820-40.A and 9VAC 25-820-70 Parts I.C.1.a);
2. Updated the dates associated with permittee compliance plan development options (9VAC 25-820-40.A.2.a and b);
3. Updated the schedule of compliance dates for facilities subject to chlorophyll-a based WLAs (9VAC 25-820-70 Part I.C.1), and for the completion of projects contained in compliance plans (previously 9VAC 25-820-70 Part I.C.2.c);
4. Removed the January 1, 2023 schedule of compliance for significant dischargers in the James River Basin to meet aggregate discharged TN and TP WLAs (9VAC 25-820-70 Part I.C.3);
5. Clarified that only facilities listed in section 80 may not rely on the acquisition of credits through payments into the Nutrient Offset Fund in their annual compliance plan updates (9VAC 25-820-70 Part I.D) ; and
6. Updated the list of facilities subject to reduced individual total nitrogen and total phosphorus wasteload allocations to correspond to amendments to the Water Quality Management Planning regulation (9VAC25-720) that introduce new chlorophyll-a based TP WLAs applicable to certain facilities located both within the James River basin, as well as throughout the Chesapeake Bay watershed (9VAC 25-820-80.A and B).

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Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

Regarding the amended TP WLAs for James River significant dischargers to meet chlorophyll a criteria, the primary advantage to the public is protection of the aquatic life designated use through attainment of both the seasonal geometric mean and short-duration summer chlorophyll water quality criteria. Reduced annual TP loads are proposed to be targeted at the dischargers into the Upper James tidal fresh region, which has been shown to be effective through water quality modeling while also limiting the impact to the least number of affected facilities in the river basin. Likewise, the proposed floating WLAs are

advantageous to the Commonwealth by achieving the nutrient load reductions necessary under Virginia’s Phase III WIP in a dependable, timely and cost effective manner. The floating WLA proposal included in Initiative #52 of the Phase III WIP would have potentially impacted 96 significant municipal facilities. In response to input from the regulatory advisory panel, the scope of the proposal has been reduced to 36 or the largest facilities which account for well over 90% of the nutrient load. Limiting the number of facilities subject to chlorophyll-a based TP WLAs and/or floating WLAs and allowing facilities to meet the reductions through Virginia’s nutrient trading program potentially reduces total implementation costs for all of the facilities impacted as well as the Commonwealth’s obligation for cost share funding of POTW capital upgrades under Virginia’s Water Quality Improvement Fund. Reassignment of unneeded industrial WLAs to the Nutrient Offset Fund benefits the Commonwealth by providing opportunity to accommodate future economic development projects.

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Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

None of the requirements of the proposed regulatory changes are more restrictive than applicable federal requirements. The chlorophyll-a based TP WLAs in the James River Basin are necessary to meet the Commonwealth’s commitments under EPA’s 2010 TMDL for Chesapeake Bay.

Agencies, Localities, and Other Entities Particularly Affected

Identify any other state agencies, localities, or other entities particularly affected by the regulatory change. “Particularly affected” are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

There are no other state agencies particularly affected

Localities Particularly Affected

This regulation is applicable throughout the Chesapeake Bay Watershed, which does not affect all Virginia localities. The proposed amendments are expected to impose a disproportionate material financial impact on any locality served by treatment facilities included in the following section that have not otherwise upgraded to meet nutrient concentrations of 4.0 mg/l TN and 0.30 mg/l TP. Whether there is a disproportionate or material water quality impact on the following localities that is not experienced by other localities is questionable as all localities within the Chesapeake Bay Watershed share the water quality impacts. Localities within the Chesapeake Bay Watershed include all or portions of the Counties of Accomack, Albemarle, Alleghany, Amelia, Amherst, Appomattox, Arlington, Augusta, Bath, Bedford, Botetourt, Buckingham, Campbell, Caroline, Charles City, Chesterfield, Clarke, Craig, Culpeper, Cumberland, Dinwiddie, Essex, Fairfax, Fauquier, Fluvanna, Frederick, Giles, Gloucester, Goochland, Greene, Hanover, Henrico, Highland, Isle of Wight, James

City, King and Queen, King William, Lancaster, Loudoun, Louisa, Madison, Mathews, Middlesex, Montgomery, Nelson, New Kent, Northampton, Northumberland, Nottoway, Orange, Page, Powhatan, Prince Edward, Prince George, Prince William, Rappahannock, Richmond, Roanoke, Rockbridge, Rockingham, Shenandoah, Spotsylvania, Stafford, Surry, Warren, Westmoreland, and York; and the Cities of Alexandria, Buena Vista, Charlottesville, Chesapeake, Colonial Heights, Covington, Fairfax, Falls Church, Fredericksburg, Hampton, Harrisonburg, Hopewell, Lexington, Lynchburg, Manassas, Manassas Park, Newport News, Norfolk, Petersburg, Poquoson, Portsmouth, Richmond, Staunton, Suffolk, Virginia Beach, Waynesboro, Williamsburg, and Winchester.

Other Entities Particularly Affected

The following industries and wastewater treatment facilities are particularly affected by the proposed amendments: Augusta County Service Authority Middle River Regional WWTP, North River WWTF, Waynesboro WWTP, Front Royal WWTP, Broad Run WRF, Leesburg WPCF, VA American Prince William Section 1 WWTF, VA American Prince William Section 8 WWTF, H. L. Mooney WWTF, Opequon WRF, Parkins Mill WWTF, Alexandria Renew Enterprises WWTP, Arlington County WPCF, Noman M. Cole R. PCP, Aquia WWTP, Culpeper WWTP, FMC WWTF, Fredericksburg WWTF, Little Falls Run WWTF, Massaponax WWTF, HRSD–York River STP, Totopotomoy WWTP, Lynchburg STP, Moores Creek Advanced WRRF, Falling Creek WWTP, Proctor’s Creek WWTP, Richmond WWTP, South Central Wastewater Authority WWTP, Henrico County WWTP, Hopewell WWTP, HRSD-Boat Harbor STP, HRSD-James River STP, HRSD-Williamsburg STP, HRSD-Nansemond STP, HRSD-Army Basis STP, HRSD-VIP WWTP, HRSD-Chesapeake/Elizabeth WWTP, Philip Morris-Park 500 WWTP, J. P. Salyards-Alma Plant, Plains Marketing LP Yorktown, The Sustainability Park LLC, Dominion Energy Chesterfield Power Station, Tranlin/Vastly, New Kent Chickahominy WWTP, Lower Jackson River STP and Aqua Virginia Inc.’s Lake Monticello WWTP.

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Economic Impact

Pursuant to § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is change versus the status quo.

Impact on State Agencies

<p><i>For your agency:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including:</p> <ul style="list-style-type: none"> a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources 	<p>Minimizing the number of facilities subject to chlorophyll-a based WLAs and allowing the reductions to be achieved through the trading program is expected to minimize the overall costs to the Commonwealth. WQIF commitments to achieve the floating WLAs are expected to be approximately \$26.3M for upgrades at five facilities that were not otherwise already planning upgrades. DEQ does not have an estimate of any additional capital costs associated with the chlorophyll-a based WLAs.</p>
<p><i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the</p>	<p>None</p>

regulatory change, including a delineation of one-time versus on-going expenditures.	
<i>For all agencies:</i> Benefits the regulatory change is designed to produce.	None

Impact on Localities

Projected costs, savings, fees or revenues resulting from the regulatory change.	Of the 36 municipal facilities subject to the proposed WLAs, all but 5 facilities are already planning upgrades or were otherwise able to meet the proposed WLA in 2018. Capital upgrade costs for the 5 incremental facilities is estimated to be \$116.3M with \$26.3M paid for by the Commonwealth's WQIF program.
Benefits the regulatory change is designed to produce.	The primary benefit from TP WLA revisions in the James River is protection of the aquatic life designated use through attainment of both the seasonal geometric mean and short-duration summer chlorophyll water quality criteria.

Impact on Other Entities

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	One VPDES permitted industrial facility would be affected by the proposed TP WLA changes in the James River to meet chlorophyll criteria. This facility may be able to meet the new requirement very cost effectively through the nutrient trading program.
Agency's best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	One VPDES permitted industrial facility would be affected by the proposed TP WLA changes; no small businesses are expected to be affected.
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	DEQ does not have capital upgrade costs for the one industrial facility impacted by the chlorophyll-based WLAs on the James River. The agency estimates that the industry could comply with the new WLA through the trading program at a cost of approximately \$4,000/year. Other entity costs associated with regional authorities are included under the Impact on Localities section above. The agency does not anticipate any financial or compliance impacts on any privately owned municipal treatment facilities.
Benefits the regulatory change is designed to produce.	The primary benefit from TP WLA revisions in the James River is protection of the aquatic life designated use through attainment of both the seasonal geometric mean and short-duration summer chlorophyll water quality criteria.

The projected costs resulting from the floating wasteload allocations are no longer a part of this rulemaking as a result of the passage of House Bill 2129 passed by the General Assembly during the 2021 Special Session 1.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

Alternatives to the proposal have been considered by the Department. The Department has determined that the proposed regulation (the first alternative) is appropriate, as it is the least burdensome, least intrusive and least costly alternative that fully meets statutory requirements and the purpose of the regulation. The alternatives considered by the Department, along with the reasoning by which the Department has rejected any of the alternatives considered, are discussed below.

1. Adopt the proposed regulation without amendment. This option is being selected because the proposed regulation provides the least onerous means of complying with the minimum requirements of the legal mandates.
2. Make alternative regulatory changes to those required by the provisions of the legally binding state and federal mandates, and associated regulations and policies. This option was not selected because it does not meet the state mandate, which could result in the imposition of requirements that place unreasonable hardships on the regulated community without justifiable benefits to public health and welfare.
3. Adopt none of the proposed regulatory requirements. This option was not selected because it does not meet the requirements of the state mandate.

Regulatory Flexibility Analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, 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) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing 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 regulatory change.

DEQ has evaluated a range of alternative regulatory methods to accomplish the objectives of applicable law while minimizing impact on small business.

The TP WLA reductions to meet water quality criteria for chlorophyll-a are the minimum reductions required to meet water quality criteria. The agency evaluated numerous reduction alternatives and selected the alternative that impacted the fewest facilities and no small businesses. This alternative is expected to maximize the return on the Commonwealth’s investment in partially funding nutrient removal upgrades at eligible POTWs under the Water Quality Improvement Fund program.

The compliance deadline of 2026 is consistent with compliance schedules provided in individual VPDES permits as well as the requirements of EPA’s Chesapeake Bay TMDL. Only one small business is subject to reduced WLAs that has not already upgraded to meet the required level of treatment. The reduced WLA in this case is in response to an effort to match WLAs with actual design flows in the James River Basin rather than the implementation of floating WLAs. The business was mistakenly granted WLAs in excess of their design capacity when WLAs were originally established in 2005 and has historically relied of the purchase of nutrient credits. The impact of the regulation will be that the facility would have to purchase additional nutrient credits unless treatment plant performance is improved.

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**Periodic Review and
Small Business Impact Review Report of Findings**

If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, indicate whether the regulatory change meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable.

In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency’s decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

This regulation enhances the Department’s ability to ensure compliance with all applicable federal requirements under the CWA and specific requirements under the Code of Virginia by ensuring nutrient discharges conform to the Chesapeake Bay TMDLs and state regulations. The regulation has been effective in protecting public health, safety, and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth.

This regulation continues to be needed. It provides the necessary requirements for controlling discharges of nutrients into the rivers and tributaries leading to the Chesapeake Bay and for achieving the Chesapeake Bay TMDLs.

No comments were received during the comment period that indicate a need to repeal the regulation. Comments were received during the comment period indicating that the regulation should be revised and that the regulation should not be revised. Revisions are proposed in this regulatory action to ensure that point source nutrient reductions necessary to meet water quality standards are accomplished by January 1, 2026 in accordance with EPA’s Chesapeake Bay TMDL.

The department has determined that the regulation, with the proposed revisions, is clearly written and is easily understandable by the individuals and entities affected. It is written so as to permit only one reasonable interpretation, is written to adequately identify the affected entity, and, insofar as possible, is written in non-technical language.

The regulation’s level of complexity is appropriate and contains adequate flexibility to ensure that the regulated entities are able to meet their legal mandates as efficiently and cost-effectively as possible. This regulation does not overlap, duplicate, or conflict with any state law or other state regulation.

9VAC25-820 was last reviewed in February 2017. 9VAC25-720 was last reviewed in September 2020.

The department, through examination of the current regulation and relevant public comments, has determined that the proposed revision to regulatory requirements minimizes the economic impact of the water quality regulations on small businesses and thereby minimizes the impact on existing and potential Virginia employers and their ability to maintain and increase the number of jobs in the Commonwealth.

Public Comment

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

Commenter	Comment	Agency response
Andrew Parker, AdvanSix	AdvanSix requests membership on the Regulatory Advisory Panel (RAP), is concerned about DEQ singling out industrial dischargers for reductions in “unneeded” wasteload allocations, encourages DEQ to make any changes in wasteload allocations conform to Executive Order 52, questions whether any changes in wasteload allocations are justified and appropriate, and requests that each of the three goals in the Notice of Intended Regulatory Action (NOIRA) be addressed through separate meetings.	Mr. Parker represented AdvanSix as a member of the RAP. AdvanSix’s other concerns are noted and will be shared with the RAP.
Karen Pallansch and Allison Dienes, Alexandria Renew Enterprises (AlexRenew)	AlexRenew requests that DEQ continue to preserve the assumptions in the Phase I Watershed Implementation Plan (WIP) in the regulation; more specifically, to retain certain footnotes in the regulation and add new footnote language to preserve those assumptions. AlexRenew nominates Allison Dienes for membership on the RAP.	Allison Dienes represented AlexRenew on the RAP. AlexRenew’s concerns are noted and will be shared with the RAP.
Phillip Martin, Augusta County Service Authority (ACSA)	ACSA is concerned that the proposed regulatory action would impose new regulatory requirements on wastewater treatment facilities, is unnecessary, and the effort should be discontinued. The WIP contains undisclosed and invalid assumptions that will result in costly changes and inappropriate regulatory actions, and that will increase competition for limited funding and cause delays in other sectors that also need funding to meet the Chesapeake Bay goals. There are more cost-effective alternatives that have been ignored or rejected. ACSA	Tim Castillo represented ACSA on the RAP. ACSA’s concerns are noted and will be shared with the RAP.

	nominates Tim Castillo for membership on the RAP.	
Jamison Brunkow, James River Association (JRA) and Joe Wood, Chesapeake Bay Foundation (CBF)	New chlorophyll-a water quality criteria have been developed to target nutrient reductions and prevent algal blooms in the James River. Those criteria should consider consecutive exceedances and climate change factors in the proposed rulemaking. Disparities between Virginia river basins exist and upgrades at wastewater treatment facilities provide opportunities to resolve those disparities. Implementing floating wasteload allocations provide additional assurance of meeting Bay standards. JRA and CBF nominate Jamison Brunkow and Joseph Wood for membership on the RAP and Anna Killius and Peggy Sanner as alternates.	Jamison Brunkow represented JRA and Joe Wood represented CBF on the RAP (with the requested alternates). The concerns expressed by JRA and CBF are noted and will be shared with the RAP.
George Hayes, Chesterfield County Utilities Department	The intended regulatory action is based upon faulty assumptions in the WIP and would impose costly and unnecessary upgrades on the wastewater sector. Numerous more cost-effective recommendations were recommended in the development of the WIP were rejected and these recommendations should be reexamined. Because the VAMWA B modeling scenario shows attainment with the new chlorophyll-a criteria, no further modifications to the current permit are necessary and the intended regulatory action should be discontinued. Scott Morris is nominated for membership on the RAP.	Scott Morris represented Chesterfield County on the RAP. Other concerns expressed by Chesterfield County will be shared with the RAP.
Mark Olinger, Town Council, Town of Culpeper	The Town of Culpeper is concerned that the 2019 WIP is based upon wrong assumptions; breaks with a long tradition of strong state-local collaboration on wastewater improvement planning that has been very successful in outperforming discharge standards; and will result in costly regulations affecting municipal wastewater facilities, increased competition for funding, and delays in other sectors meeting Bay goals. This intended regulatory action should be suspended while the Governor and General Assembly consider correcting the WIP to resolve these concerns.	The concerns expressed by the Town Council are noted. These concerns will be shared with the RAP.
Jim Hoy, Town of Culpeper Public Services	The 2019 WIP is based upon invalid assumptions and assumes without any basis that declining wastewater loads from wastewater facilities will reverse course and increase. The WIP and this regulatory action call for floating wasteload allocations (WLAs) that will effectively impose new lower concentration limits that will prove costly. This action is inappropriate because other, more cost-effective recommendations were proposed and rejected without explanation.	The concerns of the Culpeper Department of Public Services are noted and will be shared with the RAP.

	<p>The result of this action would be increased competition for state funding and delays in other sectors to meet Bay goals. Reconsideration of the previously rejected alternatives is recommended.</p>	
<p>Steven Edgemon, Fairfax County Water Authority (Fairfax Water)</p>	<p>The imposition of floating WLAs on the Upper Occoquan Service Authority (UOSA) implementation plan represents a significant change to that plan and requires rigorous scientific study to determine the water quality impact. Absent such a study, Fairfax Water strongly endorses maintaining the current WQMP implementation requirements for UOSA.</p>	<p>The concerns of Fairfax Water are noted and will be shared with the RAP.</p>
<p>Ben Shoemaker, Fauquier County Water and Sanitation Authority (FCWSA)</p>	<p>The 2019 WIP development process that forms the basis for this rulemaking lacked necessary technical information and contained unvalidated assumptions that warrant closer scrutiny. The result of those assumptions is this intended regulatory action that calls for floating WLAs that are effectively new and more restrictive discharge concentration limits. FCWSA is concerned that this action is therefore inappropriate, will increase competition for limited state funding, and will cause delays in other sectors that also need funding, especially since numerous more cost-effective recommendations were submitted to and discussed with DEQ, and rejected without explanation. FCWSA urges DEQ to reconsider those recommendations. FCWSA nominates Ben Shoemaker for membership on the RAP and Cheryl St. Amant as his alternate.</p>	<p>Ben Shoemaker represented FCWSA on the RAP (with the requested alternate). Other concerns expressed by FCWSA are noted and will be shared with the RAP.</p>
<p>Jamie Miller for Michael Newlin, Frederick Water</p>	<p>Frederick Water believes that the intended regulatory action to impose new and unexpected regulatory requirements on municipal wastewater treatment plants is unnecessary and should be discontinued (except for addressing unneeded industrial discharger allocations). The WIP upon which this action is based lacked critical technical information, and contains unvalidated, mistaken assumptions. The result is this intended regulatory action which would impose costly regulations, increased competition for funding, and delays for other sectors. Numerous cost-effective recommendations were submitted to and discussed with DEQ, and rejected without explanation. Frederick Water urges DEQ to reconsider those recommendations, discontinue this action, and update the WIP in light of this information.</p>	<p>The concerns of Frederick Water are noted and will be shared with the RAP.</p>

<p>Halifax County Service Authority</p>	<p>The Phase III WIP wrongly assumes that in 2025 local government wastewater operations that are currently outperforming their discharge requirements will reverse course and spike, and the WIP calls for costly regulations on municipal wastewater facilities. Numerous more cost-effective recommendations were made, but rejected without explanation. Halifax County Service Authority is concerned that unnecessary regulation will delay the availability of funding outside the Chesapeake Bay watershed and believes that the Governor and General Assembly should review the expressed concerns and revise the WIP before this action proceeds any further.</p>	<p>The concerns of Halifax County Service Authority are noted and will be shared with the RAP.</p>
<p>Frank Harksen, Hanover County Board of Supervisors</p>	<p>Hanover County believes that the intended regulatory action to impose new and unexpected regulatory requirements, primarily a new “floating” wasteload allocation, on municipal wastewater treatment plants is unnecessary and should be discontinued at the NOIRA stage (except for revising unneeded industrial discharger allocations). The WIP is based upon the unvalidated premise that wastewater treatment plants (WWTPs) currently outperforming their standards will underperform and degrade prior to 2025. The result is a call for costly regulations that effectively lower concentration limits for municipal WWTPs. Numerous more cost-effective recommendations were made, but rejected without explanation. Hanover County urges DEQ to reconsider those recommendations, discontinue this action, and revise the WIP. Hanover County nominates Frank Harksen for membership on the RAP and Steven Herzog as his alternate.</p>	<p>Frank Harksen, represented the Hanover County Board of Supervisors on the RAP (with the requested alternate). Other concerns expressed by Hanover County are noted and will be shared with the RAP.</p>
<p>Sharon Foley, Harrisonburg-Rockingham Regional Sewer Authority (HRRSA)</p>	<p>HRRSA believes that the intended regulatory action to impose new and unexpected regulatory requirements, primarily a new “floating” wasteload allocation, on municipal wastewater treatment plants is unnecessary and should be discontinued at the NOIRA stage (except for revising unneeded industrial discharger allocations). The WIP is based upon the unvalidated premise that wastewater treatment plants (WWTPs) currently outperforming their standards will underperform and degrade prior to 2025. The result is a call for costly regulations that effectively lower concentration limits for municipal WWTPs. Numerous more cost-effective recommendations were made, but rejected without explanation. HRRSA urges</p>	<p>The concerns of HRRSA are noted and will be shared with the RAP.</p>

	<p>DEQ to reconsider those recommendations, discontinue this action, and revise the WIP.</p>	
<p>Jerry Byerly, Hopewell Water Renewal</p>	<p>The 2019 WIP development process that forms the basis for this rulemaking lacked necessary technical information and contained unvalidated assumptions that warrant closer scrutiny. The result of those assumptions is this intended regulatory action that calls for floating WLAs that are effectively new and more restrictive discharge concentration limits. Hopewell Water Renewal is concerned that this action is therefore inappropriate, will increase competition for limited state funding, and will cause delays in other sectors that also need funding, especially since numerous more cost-effective recommendations were submitted to and discussed with DEQ, and rejected without explanation. Hopewell Renewal urges DEQ to reconsider those recommendations. DEQ's modeling of new chlorophyll-a criteria under the VAMWA B scenario indicates attainment and since the WQMP regulation requires no modification of the 2017 Watershed Permit is necessary to implement such WLAs, this regulatory action should be discontinued. Hopewell Water Renewal nominates Dickie Thompson for membership on the RAP and Jerry Byerly as his alternate.</p>	<p>Dickie Thompson represented the Hopewell Water Renewal on the RAP (with the requested alternate). Other concerns expressed by Hopewell Water Renewal are noted and will be shared with the RAP.</p>
<p>Ted Henifin, HRSD</p>	<p>This NOIRA is at least premature and likely unnecessary. There are viable solutions that can be implemented within the existing regulatory framework that can meet the WIP III objectives with certainty. The WIP III was rushed to completion without exploring all alternatives. One alternative is buying credits or trading with other dischargers in Bay partner jurisdictions. Another is for HRSD to take additional reductions within the HRSD bubble permit. There are other problems with this NOIRA that cause concerns relative to cost effectiveness and efficiency. HRSD requests that a representative of HRSD be included on the RAP. Given these concerns, the board cannot hold that the proposed regulatory action is necessary or essential for the protection of public health, safety and welfare and that it minimizes the economic impact on small businesses. Recommendations to the board include (among others): suspension of all regulatory actions linked to WIP III and establishment of a RAP to evaluate alternatives, develop new alternatives, and accomplish specific tasks to finalize a plan and a regulation based upon</p>	<p>Ted Henifin represented HRSD on the RAP. Mr. Henifin's letter and his concerns are noted and will be shared with the RAP.</p>

	better information that will provide the certainty.	
Amy Wyks, Town of Leesburg	The Town of Leesburg believes that the intended regulatory action to impose new and unexpected regulatory requirements is unnecessary and should be discontinued at the NOIRA stage (except for revising unneeded industrial discharger allocations). The WIP development process lacked necessary technical information and the WIP is based upon the unvalidated premise that wastewater treatment plants (WWTPs) currently outperforming their standards will underperform and degrade prior to 2025. The result is a call for costly regulations that implement “floating” WLAs that effectively lower concentration limits for most municipal WWTPs. Numerous, more cost-effective recommendations were made but were rejected without explanation. The Town of Leesburg urges DEQ to reconsider those recommendations and suspend this regulatory action pending review and reconsideration by the Governor and General Assembly to correct the WIP and resolve their concerns.	The concerns expressed by the commenter and by the Town Council are noted. These concerns will be shared with the RAP.
Jewell Lilly, for the Loudoun Water Board of Directors (Loudoun Water)	The WIP is based upon mistaken assumptions and assumes without explanation that declining wastewater loads from wastewater facilities will reverse course and increase. The WIP and this regulatory action call for costly regulations on municipal WWTPs, which will increase competition for limited state funding and potentially cause delays in other sectors. Numerous other, more cost-effective recommendations were proposed and rejected without explanation. The result of this action would be increased competition for state funding and delays in other sectors to meet Bay goals. Loudoun Water supports immediate review and reconsideration by the Governor and General Assembly to correct the Phase III WIP, and that all regulatory efforts imposing new restrictions be suspended in the interim.	The concerns expressed by Loudoun Water Board of Directors are noted. These concerns will be shared with the RAP.
Carla Burleson, Loudoun Water	Loudoun Water believes that the intended regulatory action to impose new and unexpected regulatory requirements is unnecessary and should be discontinued at the NOIRA stage. The WIP development process lacked necessary technical information and the WIP is based upon the unvalidated premise that wastewater treatment plants (WWTPs) currently outperforming their standards will underperform and degrade prior to 2025. The	The concerns expressed by Loudoun Water are noted. These concerns will be shared with the RAP.

	<p>result is a call for costly regulations that implement “floating” WLAs that effectively lower concentration limits for most municipal WWTPs. Numerous, more cost-effective recommendations were made but were rejected without explanation. Loudoun Water urges DEQ to reconsider those recommendations and discontinue this regulatory action.</p>	
<p>Pamela Baughman, Louisa County Water Authority</p>	<p>Louisa County Water Authority believes that the intended regulatory action to impose new and unexpected regulatory requirements is unnecessary and should be discontinued at the NOIRA stage. The WIP development process lacked necessary technical information and the WIP is based upon the unvalidated premise that wastewater treatment plants (WWTPs) currently outperforming their standards will underperform and degrade prior to 2025. The result is a call for costly regulations that implement “floating” WLAs that effectively lower concentration limits for most municipal WWTPs. Numerous, more cost-effective recommendations were made but were rejected without explanation. Louisa County Water Authority urges DEQ to discontinue this regulatory action and update the WIP in light of this information.</p>	<p>The concerns expressed by Louisa County Water Authority are noted. These concerns will be shared with the RAP.</p>
<p>Garland Nuckols, Town of Louisa</p>	<p>The Town of Louisa is concerned that the 2019 WIP is based upon wrong assumptions; breaks with a long tradition of strong state-local collaboration on wastewater improvement planning that has been very successful in outperforming discharge standards; and will result in additional costly regulations affecting municipal wastewater facilities, increased competition for funding, and delays in other sectors meeting Bay goals. Numerous more cost-effective recommendations were made, but were rejected without explanation. All regulatory or other efforts that impose new restrictions on local WWTPs should be suspended while the Governor and General Assembly consider correcting the Phase III WIP to resolve these concerns.</p>	<p>The concerns expressed by the Town of Louisa are noted. These concerns will be shared with the RAP.</p>
<p>Mark Menafee, The Lycra Company</p>	<p>The NOIRA describes a reallocation process for WLAs for facilities that have ceased operations, changed the use of their facilities to make discharges unnecessary, ceased discharge and become unlikely to resume discharges, or changed production to render impossible or significantly diminish the likelihood of resuming of previous discharges. Industrial facilities exist in a changing</p>	<p>The concerns expressed by The Lycra Company are noted. These concerns will be shared with the RAP.</p>

	<p>environment and need the ability to respond quickly to market opportunities. Lycra requests that consideration be given to updating allocations not only based upon historical discharge levels, but also considering design capacity in developing any changes in allocations. Lycra recommends using maximum design flow with maximum monthly nutrient concentrations from 2012 to 2019. This will produce a significant reduction in the total nutrient allocation and leave Lycra with the ability to respond to positive market cycle in an efficient manner.</p>	
<p>Timothy Mitchell, Town of Lynchburg Water Resources</p>	<p>Town of Lynchburg believes that the intended regulatory action to impose new and unexpected regulatory requirements is unnecessary and should be discontinued at the NOIRA stage. The WIP development process lacked necessary technical information and the WIP is based upon the unvalidated premise that wastewater treatment plants (WWTPs) currently outperforming their standards will underperform and degrade prior to 2025. The result of that mistaken assumption is a call for costly regulations that implement “floating” WLAs that effectively lower concentration limits for most municipal WWTPs. This action also impacts the highly successful Nutrient Credit Exchange. These changes are inappropriate and would also increase competition for limited state funding and cause delays in other sectors that also need limited state funding. Numerous, more cost-effective recommendations were made but were rejected without explanation. The Town of Lynchburg urges DEQ to reconsider those rejected recommendations, discontinue this regulatory action, and update the WIP in light of this information. In addition, since chlorophyll-a modeling indicates attainment with the James River criteria under the VAMWA B scenario, the WQMP regulation requires no further modification to implement such WLAs, so the regulatory action to amend the WQMP regulation as to James River facilities should be discontinued. The Town of Lynchburg nominates Timothy Mitchell for membership on the RAP and Greg Poff as his alternate.</p>	<p>Timothy Mitchell represented the Town of Lynchburg on the RAP (with the requested alternate). The concerns expressed by the Town of Lynchburg are noted. These concerns will be shared with the RAP.</p>
<p>Adil Godrej, Occoquan Watershed Monitoring Laboratory</p>	<p>Mr. Godrej fully supports the request of the Upper Occoquan Service Authority (UOSA) in that current operational procedures were adopted with due consideration of the science and the particular behavior of the Occoquan system, and any changes should be made</p>	<p>The concerns expressed by Mr. Godrej (and attached documents) are noted. These concerns (and attachments) will be shared with the RAP.</p>

	<p>with equal due diligence. To impose new restrictions without due determination and discussion could inadvertently cause a catastrophic disruption in the natural system. But with a bit of creative thinking backed by solid science, a win-win scenario is very much possible. Until an alternative strategy is explored and some assurance obtained that it is at least as effective as the current strategy, it is strongly recommended that the current status continue.</p>	
<p>Doyle Barton, Pepper's Ferry Regional Wastewater Treatment Authority (PFRWRA)</p>	<p>The Phase III WIP wrongly assumes without explanation that declining wastewater loads from wastewater facilities will reverse course and increase. The WIP and this regulatory action call for additional costly regulations on municipal WWTPs, which will increase competition for limited state funding. Numerous other, more cost-effective recommendations for meeting the same water quality goals were proposed. Unnecessary regulation of municipal wastewater treatment facilities within the watershed will delay funding to assist localities in the third of Virginia outside the watershed. PFRWTA supports immediate review and reconsideration by the Governor and General Assembly to correct the Phase III WIP and suspension of efforts to impose regulations unnecessary for meeting water quality goals, and preservation of funds for grants to localities throughout Virginia.</p>	<p>The concerns expressed by the PFRWTA resolution are noted. These concerns will be shared with the RAP.</p>
<p>Dean Dickey, Prince William County Service Authority (PWCSA)</p>	<p>The PWCSA is concerned about the proposed "floating" WLAs. Because of significant investments to reduce nutrient discharges, PWCSA is a net credit seller in the Virginia Nutrient Credit Exchange Association, which helps PWCSA recoup the investments made on behalf of its customers. The NOIRA proposes to base "floating" WLAs on average daily flow, which will in effect punish wastewater treatment facilities for going above and beyond their required nutrient reductions. If implemented, it will also have a chilling effect on creative solutions and local government coordination. Other proposals in the NOIRA may similarly affect Virginia's nutrient credit market. PWCSA recommends the DEQ consider addressing each of the NOIRA topics in separate meetings so that each issue is thoroughly discussed by the most affected stakeholders. PWCSA nominates Dr. Evelyn Mahieu for membership on the RAP.</p>	<p>Dr. Mahieu represented PWCSA and was subsequently replaced by Theresa O'Quinn. The concerns expressed by PWCSA are noted. These concerns will be shared with the RAP.</p>
<p>Tim Clemons, Rapidan</p>	<p>The Phase III WIP wrongly assumes without explanation that declining wastewater loads</p>	<p>The concerns expressed by the Rapidan Service Authority</p>

<p>Service Authority</p>	<p>from wastewater facilities will reverse course and increase. The WIP and this regulatory action call for additional costly regulations on municipal WWTPs, which will increase competition for limited state funding and potentially cause delays in other sectors. Numerous other, more cost-effective recommendations for meeting the same water quality goals were proposed, but were rejected without written explanation. Loudoun Water supports immediate review and reconsideration by the Governor and General Assembly to correct the Phase III WIP, and that all regulatory efforts imposing new restrictions on local wastewater treatment facilities be suspended in the interim.</p>	<p>resolution are noted. These concerns will be shared with the RAP.</p>
<p>Grace LeRose and Calvin Farr, City of Richmond Department of Public Utilities (Richmond DPU)</p>	<p>The intended regulatory action is unnecessary to properly protect water quality and should be discontinued at the NOIRA stage. The WIP development process lacked necessary technical information. The presumed need or benefit is premised upon an unvalidated assumption that the performance of WWTPs would significantly degrade between now and 2025. As a result of that mistaken assumption, this regulatory action calls for additional costly regulations that limits nutrient concentrations for most municipal WWTPs. Not only is this inappropriate because of the proved track record of the WWTPs, it would increase competition for limited state funding and cause delays in other sectors. Numerous other, more cost-effective recommendations for meeting the same water quality goals were proposed and rejected without explanation. Because the VAMWA B modeling scenario shows attainment with the new chlorophyll-a criteria, no further modifications to the current permit are necessary and the intended regulatory action should be discontinued. Grace LeRose is nominated for membership on the RAP with Patrick Fanning as her alternate.</p>	<p>Grace LeRose represented the Richmond DPU on the RAP (with the requested alternate). The concerns expressed by the Richmond DPU are noted. These concerns will be shared with the RAP.</p>
<p>Patrick Felling, Shenandoah County Department of Public Services</p>	<p>The WIP development process lacked necessary technical information. The presumed need or benefit is premised upon an unvalidated assumption that the performance of WWTPs would significantly degrade between now and 2025, contrary to a decade-long demonstrated track record. As a result of that mistaken assumption, this regulatory action calls for additional costly regulations. Not only is this inappropriate for the reason state above, it would also increase competition for limited state funding and</p>	<p>The concerns expressed by Shenandoah County DPS are noted. These concerns will be shared with the RAP.</p>

	<p>cause delays in other sectors. Numerous other, more cost-effective recommendations for meeting the same water quality goals were proposed and rejected without explanation. DEQ should closely review the concerns above, discontinue this regulatory action, and update the WIP in light of this information.</p>	
<p>Robert Wilson, South Central Wastewater Authority (SCWWA)</p>	<p>The intended regulatory action is unnecessary to properly protect water quality and should be discontinued at the NOIRA stage. The WIP development process lacked necessary technical information. The presumed need or benefit is premised upon an unvalidated assumption that the performance of WWTPs would significantly degrade between now and 2025, contrary to a decade-long demonstrated track record. As a result of that mistaken assumption, this regulatory action calls for additional costly regulations that limits nutrient concentrations for most municipal WWTPs. Not only is this inappropriate because of the proved track record of the WWTPs, it would increase competition for limited state funding and cause delays in other sectors. Numerous other, more cost-effective recommendations for meeting the same water quality goals were proposed and rejected without explanation. Because the VAMWA B modeling scenario shows attainment with the new chlorophyll-a criteria, no further modifications to the current permit are necessary and the intended regulatory action should be discontinued.</p>	<p>The concerns expressed by SCWWA are noted. These concerns will be shared with the RAP.</p>
<p>Aimee Mann for the Spotsylvania County Board of Supervisors</p>	<p>The Phase III WIP wrongly assumes without explanation that in 2025, the current declining wastewater loads from wastewater facilities will reverse course and spike up contrary to a decade-long demonstrated track record. The WIP calls for additional costly regulations on municipal WWTPs, which will increase competition for limited state funding and potentially cause delays in other sectors. Numerous other, more cost-effective recommendations for meeting the same water quality goals were proposed, but were rejected without written explanation. Spotsylvania County supports immediate review and reconsideration by the Governor and General Assembly to correct the Phase III WIP, and that all regulatory or other efforts imposing new restrictions on local wastewater treatment facilities be suspended in the interim.</p>	<p>The concerns expressed by the resolution of the Spotsylvania County Board of Supervisors are noted. These concerns will be shared with the RAP.</p>
<p>Chris Edwards for the Stafford</p>	<p>The Phase III WIP wrongly assumes without explanation that in 2025, the wastewater loads from wastewater facilities will reverse</p>	<p>The concerns expressed by the resolution of the Stafford County Board of Supervisors are noted.</p>

<p>County Board of Supervisors</p>	<p>course and spike up contrary to a decade-long demonstrated track record of declining discharges. The WIP calls for additional costly regulations on municipal WWTPs, which will increase competition for limited state funding and potentially cause delays in other sectors. Numerous other, more cost-effective recommendations for meeting the same water quality goals were proposed, but were rejected without written explanation. The Stafford County Board of Supervisors supports immediate review and reconsideration by the Governor and General Assembly to correct the Phase III WIP to resolve these concerns, and in the interim, suspend all regulatory or other efforts imposing new restrictions on local wastewater treatment facilities.</p>	<p>These concerns will be shared with the RAP.</p>
<p>Mike Kearns for the Sussex Service Authority</p>	<p>Local government wastewater operations are outperforming their Chesapeake Bay TMDL requirements. The Phase III WIP wrongly assumes without explanation that in 2025, they will reverse course and spike up contrary to a decade-long demonstrated track record of declining discharges. The WIP calls for additional costly regulations on municipal WWTPs, which will further limit the ability of the Fund to assist localities outside the Chesapeake Bay watershed. Numerous other, more cost-effective recommendations for meeting the same water quality goals were proposed, but were rejected without written explanation. Sussex Service Authority supports immediate review and reconsideration by the Governor and General Assembly to correct the Phase III WIP, suspend efforts to impose new restrictions on local wastewater treatment facilities for meeting water quality goals, and preserve state funds for potential grants to localities throughout Virginia.</p>	<p>The concerns expressed by the resolution of the Sussex Service Authority are noted. These concerns will be shared with the RAP.</p>
<p>Charles Boepple, Upper Occoquan Service Authority (UOSA)</p>	<p>UOSA is very appreciative that the final WIP document and the NOIRA are recognizing that “facilities with special circumstances could be assigned alternative floating waste load allocation or possibly no waste load allocation.” UOSA’s TN load limit is based upon a not to exceed annual load limitation designed to be protective of the Occoquan Reservoir. Researchers and stakeholders are reticent to make changes unless rigorous scientific evidence supports that such changes will be protective of the Reservoir. UOSA respectfully requests that regulations recognize the successes of the current TN limitations for UOSA and the risks associated</p>	<p>The concerns expressed by UOSA are noted. These concerns will be shared with the RAP.</p>

	with a transition to and untested floating waste load allocation based regulation, and based upon that recognition excuse USA from the imposition of a floating waste load allocation.	
Mike McEvoy, Virginia Association of Municipal Wastewater Agencies, Inc. (VAMWA)	The rulemaking should be discontinued for the 84 reasons stated in the attachment to the VAMWA letter to Gary Graham, DEQ dated February 19, 2020 as to municipal WWTP regulatory issues. If a RAP is to be convened VAMWA requests the opportunity to participate as a member and nominates Chris Pomeroy as VAMWA’s representative.	Chris Pomeroy represented VAMWA on the RAP. The concerns expressed in the VAMWA letter of February 19, 2020 and attachments are noted. These concerns will be shared with the RAP.
Brooks Smith, Troutman Sanders, Virginia Manufacturers Association (VMA)	VMA is concerned with several aspects of the NOIRA, including DEQ’s proposal to single out industrial dischargers for wasteload allocation reductions that are “unnecessary.” VMA helped prepare a report pursuant to Executive Order 52 that recommended a periodic review of wasteload allocations, but the report did not limit this review to industrial dischargers. The report recommended the review be undertaken under guidance developed by DEQ, but no such guidance has been developed, Finally, the report recommended that the review be limited to “the most dramatic changed circumstances.” VMA urges DEQ to conform the NOIRA to the recommendations of the Executive Order 52 work group. VMA understands that DEQ’s studies on chlorophyll-a have shown that there is no need for additional wasteload allocation reductions to address chlorophyll-a in the tidal James River beyond the allocations to meet the Chesapeake Bay TMDL goals. Finally VMA recommends that DEQ address each of the proposed goals in the NOIRA through separate meetings so that the most affected stakeholders are able to effectively participate. VMA nominates Andrew Parker for membership on the RAP and Andrea Wortzel as his alternate.	Andrew Parker represented VMA on the RAP (with the requested alternate). The concerns expressed by VMA are noted. These concerns will be shared with the RAP.
Randall Phelps, Town Council, Town of Warsaw	The Phase III WIP wrongly assumes without explanation that in 2025, the wastewater loads from wastewater facilities will reverse course and spike up contrary to a decade-long demonstrated track record of declining discharges. The WIP calls for additional costly regulations on municipal WWTPs, which will increase competition for limited state funding and potentially cause delays in other sectors. Numerous other, more cost-effective recommendations for meeting the same water quality goals were proposed, but were rejected without written explanation. The Town of Warsaw supports close review by the	The concerns expressed by the resolution of the Town Council of Warsaw are noted. These concerns will be shared with the RAP.

	Governor and General Assembly of the Town's concerns and to correct the Phase III WIP before any regulatory actions restricting local wastewater treatment facilities proceed further.	
Kerri Mellott for the City of Winchester Common Council	The Phase III WIP, despite local government wastewater operations outperforming their TMDL requirements, wrongly assumes, without explanation, that in 2025, their wastewater loads will reverse course and spike up contrary to a decade-long demonstrated track record. The WIP calls for additional costly regulations on municipal WWTPs, which will increase competition for limited state water quality funding and potentially cause delays in other sectors. Numerous other, more cost-effective recommendations for meeting the same water quality goals were recommended, but were rejected without written explanation. The City of Winchester supports close review by the Governor and General Assembly of the City's concerns and to revise the Phase III WIP before any regulatory actions restricting local wastewater treatment facilities proceed further.	The concerns expressed by the resolution of the Common Council of the City of Winchester are noted. These concerns will be shared with the RAP.
Patrick Calvert, Virginia Conservation Network (VCN)	With the goal to help the Commonwealth develop the Watershed General Permit, the Virginia Conservation Network nominates Patrick Calvert for membership on the RAP.	Patrick Calvert represented VCN on the RAP.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.

In addition to any other comments, the Board is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the Board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include: 1) projected reporting, recordkeeping and other administrative costs; 2) probable effect of the regulation on affected small businesses; and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so by mail, email or fax to Gary Graham, Regulatory Analyst, Department of Environmental Quality, P.O. Box 1105, Richmond, Virginia, 23218, fax (804) 698-4178, email gary.graham@deq.virginia.gov. In order to be considered, all comments submitted by fax must include the first and last names of the intended recipient, the sender's name, and the sender's personal contact phone number. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall (<http://www.townhall.virginia.gov>). Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will be held following the publication of this stage, and notice of the hearing will be posted on the Virginia Regulatory Town Hall (<http://www.townhall.virginia.gov>) and on the Commonwealth Calendar (<https://commonwealthcalendar.virginia.gov/>). Both oral and written comments may be submitted at that time.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

Table 1a: Changes to Existing VAC Chapter 9VAC25-720

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
720-50.C Potomac Basin	N/A	TN and TP wasteload allocations for the protection of Chesapeake Bay	<ul style="list-style-type: none"> • Transferred TN and TP WLAs from the former Pilgrims Pride Alma facility to the DEQ held Nutrient Offset Fund. The poultry processing facility which was originally granted these WLAs has permanently closed and no process wastewater is discharged from the facility. This allocation is being moved to the Nutrient Offset Fund in accordance with § 62.1-44.19:14.D and will be made available for future economic development. • Updating TN and TP WLAs for the North River WWTF to address the consolidation with the McGaheysville STP. • Eliminating a footnote requiring Merck to acquire nutrient credits, if available, for loads over their original WLA. This footnote provision was approved by the Board when it previously approved increased WLAs for Merck not knowing whether adequate capacity existing under the TMDL. All TMDL modeling scenarios in recent years have included the increased WLAs approved by the Board so there is no longer a need for the outdated credit purchase requirement.

<p>720-60.C James Basin</p>	<p>N/A</p>	<p>TN and TP wasteload allocations for the protection of Chesapeake Bay</p>	<ul style="list-style-type: none"> • Updated numerous facility names. • Establishing chlorophyll-a based TP WLAs for 8 facilities located in the tidal fresh section of the James River Basin. These allocations cut the existing allocations by approximately 50%. • Incorporated TN and TP WLAs previously included in 9VAC25-820-80. These WLAs were previously established within the watershed general permit regulation to address additional nutrient reductions necessary to meet dissolved oxygen criteria under the terms of Appendix X of EPA's 2010 Chesapeake Bay TMDL. This consolidation ensures that all of the WLAs are included in the same regulation. These same WLAs will be deleted from 9VAC25-820-80 as noted below. • Moved excess TN and TP WLAs for two facilities to the Nutrient Offset Fund. The original WLAs for these two facilities were based upon design flows greater than the design flow of the treatment plants actually constructed and moving the excess portions of the WLAs provides for more equitable WLAs and allows for additional economic development. • Transferred TN and TP WLAs from The Sustainability Park LLC to the DEQ held Nutrient Offset Fund. This allocation was originally granted for a cigarette manufacturing facility which closed prior to the 2010 Chesapeake Bay TMDL. This allocation is being moved to the Nutrient Offset Fund in accordance with § 62.1-44.19:14.D and will be made available for future economic development. • Transferred TN WLA from Tranlin/Vastly to the DEQ held Nutrient Offset Fund. This allocation was originally obtained by Tranlin/Vastly from Dominion Chesterfield for the construction of a proposed paper mill in Chesterfield County. The proposed mill was never
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			<p>constructed. This allocation is being moved to the Nutrient Offset Fund in accordance with § 62.1-44.19:14.D and will be made available for future economic development.</p> <ul style="list-style-type: none"> • Established a condition that will result in the automatic transfer of TN and TP WLAs for the Dominion Chesterfield Power Station to the DEQ held Nutrient Offset Fund as of January 1st following the retirement of the last coal fired generating unit. This allocation was originally granted account for the nutrient loads generated by planned air pollution control equipment on Dominion’s coal fired power units. The last of the coal fired units is expected to be retired in the coming years and facility will no longer have a need for the WLAs. This allocation is being moved to the Nutrient Offset Fund in accordance with § 62.1-44.19:14.D and will be made available for future economic development. A footnote designating these WLAs as “net” WLAs has been removed. Additionally, the proposed regulation notes that a portion of the TN WLA may be made available for a future treatment plant capacity constructed at the Proctor’s Creek WWTP. This provision was included in recognition of an existing agreement between Dominion and Chesterfield County in which the county retained a right of first refusal in Dominion were to ever sell any of their WLA • Moved 28,937 lbs/yr of TN WLA from Dominion to the Falling Creek WWTP in recognition of a previous trade agreement which accommodated a rerating of the Falling Creek WWTP design flow. • Deleted WLAs for the Chickahominy WWTP in New Kent County. This facility has gone offline and the existing WLAs were not included in the water quality model runs used to establish chlorophyll-a based WLAs.
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			<ul style="list-style-type: none"> • Designated the former J.H. Miles TN and TP WLAs for use by HRSD to meet nutrient trade commitments with regional MS4 jurisdictions. HRSD previously obtained the J. H. Miles WLAs when the facility closed. HRSD also signed agreements to provide nutrient credits to numerous MS4 jurisdictions. These agreements could be jeopardized by the proposed floating WLAs under which the number of credits generated by HRSD will be reduced significantly. Under the floating WLA proposal the J. H. Miles WLAs could not otherwise be used by HRSD. The J.H. Miles WLAs are approximately equivalent to the previous MS4 trade agreements. • Added a provision under which the TN and TP WLAs for the HRSD Chesapeake-Elizabeth STP are transferred to the Nutrient Offset Fund as of January 1, 2023. HRSD plans to divert nearly 100% of the flows from the facility to the Atlantic STP outside of the Chesapeake Bay watershed by early 2022. This will be made available for future economic development. • Updated numerous facility names
720-70.C Rappahannock Basin	N/A	TN and TP wasteload allocations for the protection of Chesapeake Bay	<ul style="list-style-type: none"> • Updated numerous facility names • Assigned "Unallocated Reserve WLA" to the Nutrient Offset Fund.
720-120.C York Basin	N/A	TN and TP wasteload allocations for the protection of Chesapeake Bay	<ul style="list-style-type: none"> • Transferred TN and TP WLAs from the former Plains Marketing L.P. Yorktown refinery to the DEQ held Nutrient Offset Fund. The refinery facility which was originally granted these WLAs has permanently closed and no longer generates significant nutrient loads. This allocation is being moved to the Nutrient Offset Fund in accordance with § 62.1-44.19:14.D and will be made available for future economic development. • Updated numerous facility names

Table 1b: Changes to Existing VAC Chapter 9VAC25-820 – The intent and rationale for the following changes are to implement the amendments to 9VAC25-720 outlined above in a cost effective manner. The likely impacts are increased costs to one industrial facility subject to a proposed chlorophyll-a based TP WLA and five municipal facilities that were not otherwise in the process of planning facility upgrades.

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
820-40.A		Requires submittal of a compliance plan by July 1, 2017 for facilities identified in 9VAC25-820-80 and subject to a limit effective date after January 1, 2017 as defined in 9-VAC25-820-70 I C 1.	Removed references to compliance plan requirements completed during the previous permit cycle and replaced with a new compliance plan submittal deadline of July 1, 2022 for every facility subject to reduced TN and TP WLAs as identified in 9VAC25-820-80. Outdated compliance deadlines in Part C.1.a have been deleted.
820-40.A.2.a		Establishes a permittee compliance plan development option to <i>“demonstrate that the additional capital projects anticipated by subdivision 1 of this subsection are necessary to ensure continued compliance with these allocations by the applicable deadline for the tributary to which the facility discharges (Part I C of the permit)...”</i>	Removed reference to Part I.C.1 of the permit, as the Phase I TN and Phase 2 TN and TP limit effective dates will be in the past upon the effective date of the renewed general permit cycle. Updated the deadline for compliance with new reduced WLAs to January 1, 2026 to reflect a 4-year schedule of compliance under the renewed general permit cycle
820-40.A.2.b		Establishes a permittee compliance plan development option for their individual WLAs to become effective on January 1, 2017.	Updated the effective date from January 1, 2017 to January 1, 2022 to reflect the reissuance date of the renewed general permit cycle.
820-70.I.C.1		Schedules of compliance pertaining to the TN and TP load allocations that apply to facilities listed in section - 80.	Removed references to schedule of compliance elements completed during the previous permit cycle and established a new January 1, 2026 deadline for compliance with new reduced TN and TP WLAs established in 9VAC25-820-80.
820-70.1.C.1.a		Compliance schedules to achieve compliance with the Phase I Total Nitrogen and Phase 2 Total Nitrogen and Total Phosphorus.	Removed completed compliance schedule elements from previous permit term.
820-70.1.C.1.b	820-70.I.C.2	Board re-evaluation of the subdivision 1.a schedule of compliance.	Renumbered.

820-70.I.C.2	820-70.I.C.3	Registration List individual dates of compliance with WLAs.	Renumbered.
820-70.I.C.2.b.		Established January 1, 2017 compliance date for facilities that waived their compliance schedules under A.2.b of the previous permit cycle	Replaced January 1, 2017 deadline with January 1, 2022 for facilities that waive their compliance schedules under A.2.b of the new permit cycle.
820-70.1.C.2.c.	820-70.I.C.3.c	Established individual compliance dates based on completion of facility upgrades but no later than the schedule previously listed in 70.I.C.1.a.	The former schedule in 70.I.C.1.a is outdated and has been removed. The “no later than” reference to the schedules 70.I.C.1.a has been replaced by “not later than January 1, 2026”.
820-70.I.C.3		January 1, 2023 schedule of compliance for significant dischargers in the James River Basin to meet aggregate discharged TN and TP WLAs.	Removed, as corresponding amendments to the Water Quality Management Planning regulation’s (9VAC 25-720) WLAs and compliance dates will supersede this subdivision.
820-70.I.D		Required annual updates of compliance plans from all facilities and stipulated that annual updates could not rely on the acquisition of credits through payments to the Nutrient Offset Fund	<p>Implementation of floating WLAs and the transfer of WLAs from closed industries to the Nutrient Offset Fund will result in the removal of a significant amount of nutrient credits from the market. As a result, there is a possibility that some facilities that have relied on the acquisition of credits may have to rely on purchases from the Nutrient Offset Fund as a backup. This section has been revised for this permit cycle to stipulate that the prohibition of relying on purchases from the Nutrient Offset Fund in the annual compliance plan updates only applies to facilities subject to reduced WLAs as identified in 9VAC25-820-80. This section has been revised as follows:</p> <p><i>“....Compliance plans for owners of facilities that were required to submit a registration statement with the department under Part I G 1 a may rely on the acquisition of point source credits in accordance with Part I J of this general permit, but not the acquisition of credits through payments into the Nutrient Offset Fund, to achieve compliance with the individual and combined wasteload allocations in each tributary. Annual compliance plan updates for facilities subject to reduced wasteload allocations and listed in 9VAC25-820-80 shall not rely on the acquisition of</i></p>

			<u>credits through payments into the Nutrient Offset Fund.</u>
N/A	820-70.1.E.6	N/A	Establishes monitoring requirements for facilities with approved reclamation and reuse programs that choose to base their floating WLAs on treated flow This condition implements a provision of the floating WLAs that allows the WLA to be established by total treated flow rather than discharged flow. This provision is intended to provide incentive for reclamation and reuse programs. Added: <u>“Facilities with approved reclamation and reuse programs that choose to base their floating wasteload allocations on treated flow shall measure and report the total annual flow discharged to the reuse distribution system.”</u>
N/A	820-70.H.1.g	N/A	Adds a Registration Statement provision for a facility to identify if they choose to base their floating WLAs on total treated flow rather than discharged flow. If this option is chosen, there is a need to properly account for the amount of treated flows reported (see subdivision 70.I.E.6, above). This subdivision requires owners of such facilities to submit a flow schematic and other descriptive information to support flow measurement protocols to account for the amount of treated flows to be reported. This provision is intended to provide incentive for reclamation and reuse systems. Added: <u>“For facilities subject to a floating wasteload allocation as listed in 9VAC25-820-80 with an approved reclamation and reuse system, an indication of whether the allocation should be based on discharged flow or treated flow. Facilities choosing to base their floating wasteload allocation on treated flow shall provide a water reclamation and reuse flow schematic and a description of how total flows discharged to the reuse distribution system will be measured.”</u>
820-80	820-80.A and B	Facilities Subject to Reduced Individual Total Nitrogen and Total	Upon the January 1, 2022 effective date of the proposed amendments to the watershed general permit (9VAC25-820), all of the previous

		<p>Phosphorus Wasteload Allocations.</p> <p>This section previously included a list of significant facilities in the James River Basin along with reduced TN and TP WLAs necessary to meet water quality criteria for dissolved oxygen. These WLAs were implemented in accordance with Appendix X to EPA's 2010 Chesapeake Bay TMDL.</p>	<p>schedules of compliance for dissolved oxygen-based WLAs will have been completed. Upon adoption of the proposed amendments to the Water Quality Management Planning Regulation (9VAC25-720), all of the dissolved oxygen-based WLAs previously listed in Section 80 will have been incorporated in 9VAC25-720 or replaced by new chlorophyll-a based WLAs in 9VVAC25-720. The WLAs previously listed in Section 80 have been deleted and replaced by lists of facilities subject to new floating WLAs (Section 80.A) and chlorophyll-a based WLAs (Section 80.B). Section 80 now serves as a reference to determine which facilities are subject to the compliance plan requirements in 9VAC25-820-40.A and the schedule of compliance requirements in Part I.C. of the general permit (9VAC25-820-70).</p>
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NOTE: No public comment is currently being requested on the proposed amendments that address floating WLAs for 36 significant municipal dischargers with design flows greater than or equal to 5 MGD west of the fall line and 3 MGD or greater east of the fall line. The proposed amendments have been superseded by House Bill (HB) 2129 passed by the General Assembly during the 2021 Special Session 1. Amendments to address HB 2129 will be addressed later.

Family Impact

In accordance with § 2.2-606 of the Code of Virginia, please assess the potential impact of the proposed 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.

The proposed regulatory amendments are not expected to 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; or 3) strengthen or erode the marital commitment. The proposed amendments may result in increased sewer rates in some jurisdictions which could result in a minor decrease in disposable family income.