


**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER DIVISION
MELANIE D. DAVENPORT, DIRECTOR**

P.O. Box 1105

Richmond, VA 23218

SUBJECT: Guidance Memo No. 11-2008
Implementation Guidance for Reissuance of the VPDES General Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day

TO: Regional Directors

FROM: Melanie D. Davenport, Director 

DATE: June 15, 2011

COPIES: Regional Water Permit Managers, Regional Compliance and Enforcement Managers, Fred Cunningham, Elleanore Daub

Summary:

The purpose of this guidance is to provide updated information for the implementation of the Domestic Sewage Discharges General Permit (VAG40) based on the amendment of 9 VAC 25-110, which allowed the 2011 reissuance of the general permit. This guidance replaces GM06-2003.

Electronic Copy:

An electronic copy of this guidance in PDF format is available for staff internally on DEQNET, and for the general public on DEQ's website at <http://www.deq.virginia.gov/waterguidance/permits.html>.

Contact Information:

Please contact Burt Tuxford, Office of Water Permits and Compliance Assistance, at (804) 698-4086 or burt.tuxford@deq.virginia.gov with any questions regarding the application of this guidance.

Disclaimer:

This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, it does not mandate any particular method nor does it prohibit any particular method for the analysis of data, establishment of a wasteload allocation, or establishment of a permit limit. If alternative proposals are made, such proposals should be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.

Implementation Guidance for Reissuance of the VPDES General Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day

1. Background

The State Water Control Board (Board) adopted the amended Domestic Sewage Discharges General Permit Regulation, 9 VAC 25-110, on December 9, 2010, which reissued the VPDES General Permit for Domestic Sewage Discharges Less Than or Equal to 1,000 GPD (VAG40) for another five-year term beginning August 2, 2011. Copies of the final regulation, the general permit, the fact sheet, the registration statement with instructions, and associated permit forms are available on DEQNET at /deqnet/documents/water/water_permit/VPDES_permit_program/general_permits/single_family_homes. The general permit should be used to cover domestic sewage discharges of less than or equal to 1,000 gpd, consisting primarily of single-family residential treatment systems, and other small domestic sewage treatment systems, where central sewage treatment facilities are not available to serve the discharge, and onsite disposal is not feasible/possible. The purpose of this guidance is to identify changes that have made to the Regulation (9 VAC 25-110) and General Permit (VAG40), and to provide DEQ staff with guidance on implementation of these changes. This guidance replaces GM06-2003.

2. Significant Changes to the Regulation and General Permit

The significant changes to the Regulation (9 VAC 25-110) and General Permit (VAG40) are as follows:

Section 70 - Registration Statement

A. Deadlines for Submitting Registration Statement

2. Existing Facilities - Added a provision that allows owners of treatment works that were authorized under the expiring general permit, and who intend to continue coverage under this general permit, to be automatically covered without requiring the owner to submit a new Registration Statement. (see **Section 3.a** for more details)

B. Registration Statement

9. a. - Maintenance Contract - Treatment Works Serving Individual Single Family Dwellings. Clarified that the VDH regulations at 12 VAC 5-640-500 require maintenance contracts for these systems. Also clarified that the VDH regulations at 12 VAC 5-640-490 F require monitoring contracts. (see **Section 3.c.1, item #9a**)

Section 80 - General Permit

Part I.A.2 and Part I.B.2 – Effluent Limitations and Monitoring Requirements:

Clarified that monitoring results for individual single family dwellings must be submitted to the VDH in accordance with 12 VAC 5-640.

Part I.C - Special Conditions:

- 2.a. Maintenance Contract - Treatment Works Serving Individual Single Family Dwellings. Clarified that maintenance contracts are required by VDH regulations at 12 VAC 5-640-500, unless the permittee has been granted a variance from the requirement by the VDH, and that the permittee is responsible for ensuring that the local health district has a current copy of a valid maintenance agreement. (see **Section 4.a** for more details)
- 2.b. Maintenance Contract - Treatment Works Serving Non-Single Family Dwellings. Modified the previous permit "maintenance contract" special condition (old Part I.B.3, now Part I.C.2.b) to clarify that it applies to treatment works serving non-single family dwellings. (see **Section 4.b** for more details)
3. Operation and Maintenance Plan - Clarified that this requirement applies to treatment works serving non-single family dwellings. (see **Section 5** for more details)

5. Water Quality Standards - 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.

Part II - Conditions Applicable To All VPDES Permits

M. Duty to Reapply

Modified this section to indicate that permittees that are required to submit a new Registration Statement to reapply for permit coverage must submit the new statement at least 60 days prior to the expiration date of the permit. Also added clarification explaining automatic permit coverage renewal and how a facility qualifies.

Y. Transfer of Permits

Clarified that the automatic transfer provision applies when the current permittee notifies the Department within 30 days of the transfer of property title (previously it was 30 days prior to transfer of property title) (see **Section 7.c**).

A list of all the changes in the regulation and permit are included as Attachment A to this guidance.

3. Registration Statements, Automatic Permit Coverage Renewal, and Limitations on Coverage

a. Existing Permitted Facilities

For this reissuance of the Domestic Sewage Discharges General Permit (DSDGP), we are allowing existing permittees to be automatically covered under the new permit if:

- (1) the ownership of the treatment works has not changed since the Registration Statement for coverage under the 2006 general permit was submitted, or, if the ownership has changed, a new Registration Statement or VPDES Change of Ownership form was submitted to the Department at the time of the title transfer; and
- (2) there has been no change in the design and/or operation of the treatment works since the Registration Statement for coverage under the 2006 general permit was submitted; and
- (3) for treatment works serving individual single family dwellings, the Virginia Department of Health (VDH) has no objection to the automatic permit coverage renewal for this treatment works based on system performance issues, enforcement issues, or other issues sufficient to the Board. If the VDH objects to the automatic renewal for this treatment works, the owner will be notified by the Board in writing and must submit a new Registration Statement to reapply for permit coverage; and
- (4) for treatment works serving non-single family dwellings, the Board has no objection to the automatic permit coverage renewal for this treatment works based on system performance issues, or enforcement issues. If the Board objects to the automatic renewal for this treatment works, the owner will be notified in writing and must submit a new Registration Statement to reapply for permit coverage.

If a facility qualifies for automatic permit coverage renewal, the regional office should send a letter to the owner around the first of July 2011, notifying them that the permit coverage has been renewed for another five years, giving them a link to the electronic copy of the permit and change of ownership form on DEQ's web page, and telling them how to contact the regional office if they need a hard copy of the permit. A sample notification letter is included in Attachment C to this guidance.

All documents associated with providing permit coverage under this amendment of the regulation should be maintained in the DEQ Electronic Content Management (ECM) system. Existing paper files will be maintained according to the Library of Virginia file retention schedule.

b. Existing Permitted Facilities That Are Required To Reapply For Permit Coverage

Owners of existing permitted facilities that do not qualify for automatic permit coverage renewal due to a change in the facility ownership, a change in the design or operation of the treatment works, or the VDH or the Board objection to the automatic coverage renewal based on performance issues, enforcement issues, or other issues sufficient to the Board, must reapply for permit coverage by submitting new a Registration Statement to the Department. The registration statement revisions and procedures are discussed in **Section 3.c.** below.

1) VDH Single Family Dwelling Treatment Works

By mid-May 2011 the regional offices should have coordinated with their respective local health district offices to obtain a list of permitted single family dwelling treatment works that the VDH has identified as requiring submittal of a Registration Statement, and the reason the owner should reapply for permit coverage (i.e., change of ownership; design or operational change to the treatment works; performance or enforcement issues; other issues). The regional office should send a letter to each of these facilities by mid-June informing them that they need to reapply for permit coverage. A sample notification letter is included in Attachment B. While the DSDGP regulation states that the Registration Statement must be submitted to the Department by June 2, 2011, timing issues make that date impossible. Owners should submit the Registration Statement as soon as possible, and probably no later than the middle of July.

For owners that must reapply due to a change of ownership, or a change in the design or operation of the facility, the permit coverage may be provided once a complete application is received, and our review indicates that there are no other "issues" to address with respect to the treatment works (see **Section 3.c.** below for issues that can come up regarding the Registration Statements).

For owners that must reapply due to VDH issues, once a Registration Statement is received from one of these facilities the regional office should notify the VDH that we have received the Registration Statement and then wait for the VDH to tell us when the issues have been resolved.

If the owner does not resolve the issues to the VDH's satisfaction prior to the permit effective date (August 2, 2011), then the regional office should send a warning letter to the owner. A sample warning letter is included in Attachment D. It will be up to the region (WPM / WCM decision) to decide who they want to send this, and who will track it.

Continued failure by the owner to resolve the VDH issues within a reasonable time period (30 to 45 days) should result in an NOV for the owner, unless there are mitigating circumstances, in which case the region can extend the time for the owner to resolve the issues with the VDH.

2) DEQ Non-Single Family Dwelling Treatment Works

By mid-May 2011 the regional office should also have developed a list of non-single family home facilities that the region has identified as requiring submittal of a Registration Statement, and the reason the owner should have to reapply for permit coverage (i.e., change of ownership; design or operational change to the treatment works; performance or enforcement issues; other issues). The regional office should send a letter to each of these facilities by mid-June informing them that they need to reapply for permit coverage. A sample notification letter is included in Attachment B. While the DSDGP regulation states that the Registration Statement must be submitted to the Department by June 2, 2011, timing issues make that date impossible. Owners should submit the Registration Statement as soon as possible, and probably no later than the middle of July.

For owners that must reapply due to a change of ownership, or a change in the design or operation of the facility, the permit coverage may be provided once a complete application is received, and our review indicates that there are no other "issues" to address with respect to the treatment works (see **Section 3.c.** below for issues that can come up regarding the Registration

Statements).

For owners that must reapply due to performance, enforcement or other issues, the regional offices will need to ensure that the issues have been resolved prior to granting permit coverage. If the owner does not resolve the issues to the region's satisfaction prior to the permit effective date (August 2, 2011), then a warning letter should be sent to the owner. A sample warning letter is included in Attachment D. It will be up to the region (WPM / WCM decision) to decide who they want to send this, and who will track it.

Continued failure by the owner to resolve the issues within a reasonable time period (30 to 45 days) should result in an NOV for the owner, unless there are mitigating circumstances, in which case the region can extend the time for the owner to resolve the issues.

c. New Facilities and Facilities Not Previously Permitted Under The General Permit

The Registration Statement may be used by owners requesting coverage under the general permit for treatment works serving individual single family dwellings (i.e., those facilities that the VDH has responsibility for), and treatment works serving non-single family dwellings (i.e., those facilities that DEQ has responsibility for). The VDH Combined Application form may be used by owners of individual single family dwelling treatment works to apply for coverage as long as all of the information required in the Registration Statement is provided. Note that the Combined Form does not currently ask for all the information in our Registration Statement, however, the VDH is now amending their Alternative Discharging Sewage Treatment Regulations, and will address changes to the form during this process.

1) Registration Statement Changes and Items of Note

The Registration Statement (RS) has changed slightly for this reissuance. The RS changes and items of note are as follows:

Regulation Item #1 (RS form #1) - Facility Information. Broke this into two parts:

(a) Now asks if the facility is a single family dwelling, and if not, asks the applicant to describe the facility's use; and

(b) Now asks for the name and street address of the facility (previously we asked for a name and location).

Regulation Item #2 (RS form #2) - Owner Information. Now also asks for the owner's email address (where available). This is not currently on the VDH Combined Application form so we will have to obtain it using other means.

Regulation Item #4 (RS form #4) - Amount of Discharge. Now also asks for the design flow of the treatment works in GPD. This is not currently on the VDH Combined Application form so we will have to obtain it using other means.

Regulation Item #6 (RS form #8) – Availability of Central Sewage Facilities. Changed this question to limit the applicability to proposed treatment works only.

Regulation Item #7 (RS form #9). The owner's indication of whether or not the facility has been built should be used to determine if antibacksliding applies.

Regulation Item #8 (RS form #10) – Required Attachments. This item is for owners of proposed treatment works, and treatment works that have not previously been issued a VPDES permit.

Regulation Item #8a (RS form #10a) – Location Map. Changed this to specify the required map as a 7.5 minute USGS topographic map, or equivalent (e.g., a computer generated map). The map needs to identify the location of the property to be served by the treatment works, discharge point, and water bodies within ½ mile downstream.

Regulation Item #8b (RS form #10b) – Site Diagram. Requires that the site diagram include the property boundaries, the location of the dwelling/facility to be served, the individual sewage treatment units, the discharge line location, and the receiving water body.

Regulation Item #8c (RS form #10c) – VDH Notification. Requires the owner to submit a copy of the notification from the VDH that an onsite sewage disposal system permit has been applied for and that the VDH has determined that there is no onsite system available to serve that parcel of land. Onsite sewage systems treat sewage from homes, businesses, and other structures and distribute the effluent from the treatment process in the soil, usually for additional treatment. Onsite sewage systems include conventional systems (septic tank and drainfield systems), alternative systems, privies and portable toilets, and mass sewage disposal systems.

Statutory changes in 2008 (Virginia Code § 32.1-163.6) now allow licensed professional engineers to design alternative onsite sewage systems (AOSS) that are not required to comply with the Sewage Handling and Disposal Regulations (SHDR). Instead, these designs must be compliant with performance requirements established by the Board of Health. On July 1, 2009, the VDH began regulating the operation and maintenance of AOSS. Interim requirements, such as requiring owners of newly installed alternative systems to record notices in the land records and for owners to operate their alternative systems according to manufacturers' instructions, took effect on July 1, 2009. Emergency Regulations for AOSS took effect on April 7, 2010 and will remain in effect until October, 2011. The Board of Health has proposed replacing the emergency regulations, and the final regulation should be out relatively soon. The Board of Health has also proposed to repeal 12 VAC 5-610, the SHDR, and promulgate a new chapter, 12 VAC 5-611, the Onsite Sewage Regulations. The planned regulatory action will update and re-incorporate much of the current SHDR, including requirements for the location, design, construction, and operation of onsite sewage systems. As a result of these statutory changes it is anticipated that DEQ will be receiving far less new applications for coverage under the general permit for individual single family dwellings.

The VDH may include facilities that have never been built on the list of facilities they would like to see reapply for permit coverage so that these systems can be reevaluated for alternative onsite systems.

Regulation Item #9 (RS form #11, #12, & #13) - Maintenance & Monitoring Contract.

(a) For owners of treatment works serving individual single family dwellings: Asks if a valid Maintenance Contract has been obtained in accordance with the requirements in 12 VAC 5-640-500 (the VDH Alternative Discharging Sewage Treatment Regulations), or if a variance to the Maintenance Contract requirement has been requested and granted by the VDH. If applicable, asks the owner to provide the name of the individual or company contracted to perform the treatment works maintenance and the expiration date of the current contract. Also asks if a Monitoring Contract has been obtained in accordance with the requirements in 12 VAC 5-640-490 F, or if the Monitoring Contract requirement has been waived by the VDH. If applicable, asks the owner to provide the name of the individual or company contracted to perform the treatment works monitoring and the expiration date of the current contract.

(b) For owners of treatment works serving non-single family dwellings: This is basically what was in the previous permit, with a few tweaks. Under the "valid Maintenance Contract" section, added a note stating that the treatment works should be sampled during normal discharging operations or conditions (i.e., operations that are normal for that facility), and that the owner or maintenance provider should not force a discharge in order to collect a sample. Also added a note under the "maintenance log" stating that if

sampling is attempted, but no sample was taken or possible, the log must show all sampling attempts, and document and explain why no sample was taken or possible. Also clarified that the Maintenance Contract shall be kept in force during the entire permit term, and shall be valid for a minimum of 24 months of consecutive coverage.

Regulation Item #10 (RS form #14) - Operation and Maintenance (O&M) Plan. Clarified that this applies to owners of treatment works serving non-single family dwellings. Under the minimum O&M Plan requirements, added "Results of all tests and sampling" to the log requirement, and added the note that if sampling is attempted, but no sample was taken or possible, the log must show all sampling attempts, and document and explain why no sample was taken or possible. Under the "effluent monitoring plan" requirement, added the note that the treatment works should be sampled during normal discharging operations or conditions (i.e., operations that are normal for that facility), and that the owner or maintenance provider should not force a discharge in order to collect a sample.

2) Additional Items on the Registration Statement

There are two items on the RS form (RS form #6 and #7) that were on the previous Registration Statement form, but are not in the Registration Statement section of the regulation (Section 70 B). These should have been added to the regulation for this reissuance, but due to an oversight they were not. They will be added for the next reissuance.

RS form item #6 asks how the discharge will be disinfected. This is not currently on the VDH Combined Application form so we will have to obtain it using other means. The owner must indicate if they are using chlorination, ultraviolet radiation, or another method in order that the correct monitoring requirements can be determined. See **Section 6** below for further discussion on this item.

RS form item #7 asks if the discharge is within 500 feet of another discharge. See **Section 8** below for further discussion on this item.

3) Limitations on Coverage

The Department needs to notify an owner that his discharge is not eligible for coverage under this general permit in the event of any of the following:

- a) The owner is required to obtain an individual VPDES permit in accordance with the VPDES Permit Regulation at 9 VAC 25-31-170 B 3;
- b) The owner is proposing to discharge to surface waters specifically named in other Board regulations that prohibit such discharges. Discharges into the following waters are not eligible for coverage under this general permit:
 - (1) Tier 3 waters, as designated under the Water Quality Standards at 9 VAC 25-260-30 A.3.c;
 - (2) James River between Boshier and Williams Island Dams;
 - (3) Tuckahoe Creek and its tributaries (no new discharges);
 - (4) Potomac River embayments in Virginia from the fall line at Chain Bridge in Arlington County to the Route 301 bridge in King George County;
 - (5) Chickahominy Watershed above Walker's Dam;
 - (7) The Dulles Watershed when the discharge would violate the Board's policy on treatment plants in that watershed;
 - (8) The Occoquan Watershed when the discharge would violate the Board's policy on treatment plants in that watershed;

(9) Shellfish waters where the discharge will result in condemnation by VDH and the project will have an effect on shellfish use now or in the future.

c) The owner is proposing to discharge to surface waters in an area where there are central sewage facilities reasonably available, as determined by the Board. Previously this was applied to all facilities, existing and proposed. For coverage under this reissuance, this requirement applies only to proposed facilities. If a facility is already built and permitted, and subsequently central sewage facilities become available, the facility is still eligible for general permit coverage.

Determining what is "reasonably available" is somewhat subjective, and will be decided based on case-by-case determinations. Some factors to consider might include: (1) what is a reasonable distance to the nearest conveyance line; (2) will there be considerable financial burden to the applicant due to permit denial; (3) what if permit denial prevents the home construction.

Outside of this permit coverage, a locality may require an owner to hook up to a central sewage facility;

d) The owner of any proposed treatment works or any treatment works that has not previously been issued a VPDES permit has applied to the VDH for an onsite sewage disposal system permit, and the VDH has determined that an onsite system is available to serve that parcel of land. As discussed in **Section 3.c.2** above, the VDH will probably be determining that either an onsite system or an AOSS is available to serve more land parcels;

e) The discharge would violate the Water Quality Standards antidegradation policy stated in 9 VAC 25-260-30; or

f) A TMDL (Board adopted, EPA approved, or EPA imposed) contains an individual WLA for the facility, unless this general permit specifically addresses the TMDL pollutant of concern and the permit limits are at least as stringent as those required by the TMDL WLA. If the TMDL requires limits that are more stringent than those in the general permit, then the owner will be required to be permitted under an individual permit.

The regional permit writers will need to coordinate with their respective TMDL sections to determine if a facility is listed. Each regional office operates a little differently, but generally the regional TMDL section will need to determine how they wish to handle new facilities for a specific TMDL, and to track the additions to the TMDL over the years.

d) Continuation of Permit Coverage

For this reissuance the regulation Section 60 D continues the previous general permit limits and conditions temporarily for owners who submit a complete Registration Statement prior to August 2, 2011. This provision allows the owner to continue to be covered by a VPDES permit, while allowing the region additional time to work through issues that are holding up the permit coverage approval (e.g., the owner resolving performance or compliance issues with the VDH). The regulation condition is as follows:

1) Any owner that was authorized to discharge under the general permit issued in 2006, and who is required to and submits a complete Registration Statement on or before August 1, 2011, is authorized to continue to discharge treated domestic sewage under the terms of the 2006 general permit until such time as the Board either:

a) Issues coverage to the owner under this general permit; or

b) Notifies the owner that coverage under this permit is denied.

2) When the owner that was covered under the expiring or expired general permit has violated or is violating the conditions of that permit, the Board may choose to do any or all of the following:

- a) Initiate enforcement action based upon the general permit which has been continued;
- b) Issue a notice of intent to deny coverage under the new general permit. If the general permit coverage is denied, the owner would then be required to cease the activities authorized by the continued general permit or be subject to enforcement action for operating without a permit;
- c) Issue an individual permit with appropriate conditions; or
- d) Take other actions authorized by the VPDES Permit Regulation (9 VAC 25-31).

e) Compliance With This General Permit

Section 60 C of the regulation states:

Compliance with this general permit constitutes compliance with the Clean Water Act, the State Water Control Law, and applicable regulations under either, with the exceptions stated in 9 VAC 25-31-60 of the VPDES Permit Regulation. Approval for coverage under this general VPDES permit does not relieve any owner of the responsibility to comply with any other applicable federal, state or local statute, ordinance or regulation, including, for owners of sewage treatment works that serve individual single family dwellings, the Alternative Discharging Sewage Treatment Regulations for Individual Single Family Dwellings (12 VAC 5-640) of the VDH and, for owners of sewage treatment works that serve non-single family dwellings, the Sewage Collection and Treatment Regulations (9 VAC 25-790) adopted by the SWCB.

4. Maintenance and Monitoring Contract Requirement

a) Individual Single Family Dwellings (VDH regulated facilities)

The VDH regulations at 12 VAC 5-640-500 require **Maintenance Contracts** for treatment works serving individual single family dwellings. The Registration Statement (item #9a, RS form #11) requires the owner to indicate if a valid Maintenance Contract has been obtained in accordance with the VDH requirements. If the owner answers "Yes", they are asked to provide the name of the Contract provider, and the expiration date of the current Contract. If the treatment works has not been constructed yet, the owner must provide the name after construction is complete and prior to starting the treatment plant operation. A comment should be added to the CEDS DSDGP "Comments" field on the General Information Tab stating that the facility has not been built yet, and that the maintenance contractor name has not been provided yet. Once the facility is constructed, and the owner provides the contractor name, the comment can be deleted. The minimum Maintenance Contract requirements are listed in the general permit in Part I.C.2.a.(3).

If the owner answers "No", they must indicate if a variance to the requirement has been requested from and granted by the VDH. If the owner answers "Yes", then the next section on Monitoring Contracts applies (we do not need to see the variance from the VDH, but the region is free to request it if they wish). If the owner answers "No", then the owner should be notified that permit coverage will not be granted until the owner either obtains a Maintenance Contract, or receives a variance from the VDH.

The VDH regulations at 12 VAC 5-640-490 F require **Monitoring Contracts** for treatment works serving individual single family dwellings. The Registration Statement (item #9a, RS form #12) requires the owner to indicate if a valid Monitoring Contract has been obtained in accordance with the VDH requirements. If the owner answers "Yes", they are asked to provide the name of the Contract provider, and the expiration date of the current Contract. If the treatment works has not been constructed yet, the owner must provide the name after construction is complete and prior to starting the treatment plant operation. A comment should be added to the CEDS DSDGP "Comments" field on the General Information Tab stating that the facility has not been built yet, and that the monitoring contractor name has not been provided yet. Once the facility is constructed, and the owner provides the contractor name, the comment can be deleted.

If the owner answers "No", they are asked to indicate if the requirement has been waived by the VDH, or if the monitoring requirements are included as part of the Maintenance Contract. If the owner answers "Yes" the requirement has been waived, and they have either a Monitoring Contract or a VDH variance to that requirement, then we can issue permit coverage, or if the owner answers "Yes" the requirements are included in the Maintenance Contract, then we can issue permit coverage. If the owner answers "No" to both, then the owner should be notified that permit coverage will not be granted until the owner either obtains a Monitoring Contract, receives a waiver from the VDH, or has the requirements included in a Maintenance Contract.

1) Existing Treatment Works

The permittee must keep a Maintenance Contract in force during the permit term, unless the permittee has been granted a variance from the Maintenance Contract requirement by the VDH. A copy of the Maintenance Contract, if applicable, must be kept at the treatment works site, and be made available to DEQ or to the VDH for examination upon request. The permittee also is responsible for ensuring that the local VDH District has a current copy of a valid maintenance agreement in accordance with 12 VAC 5-640-500 B.

2) Proposed Treatment Works

The permittee must submit a copy of a valid Maintenance Contract to both DEQ and the VDH prior to operation of the treatment works, unless the permittee has been granted a variance from the Maintenance Contract requirement by the VDH. The Maintenance Contract shall be kept in force during the permit term. A copy of the Maintenance Contract, if applicable, must be kept at the treatment works site, and be made available to DEQ or the VDH for examination upon request. The permittee is also responsible for ensuring that the local VDH District has a current copy of a valid maintenance agreement in accordance with 12 VAC 5-640-500 B.

Although formal review and approval of the Maintenance Contract is not required, the Maintenance Contract should be reviewed to verify that it contains all required items specified in the general permit in Part I.C.2.a.(3). If the minimum Maintenance Contract requirements specified in the general permit are not met, or if a valid contract or VDH variance to the requirement is not obtained prior to operation, the facility is not in compliance with the general permit and enforcement action should be considered.

b) Non-Single Family Dwellings (DEQ regulated facilities)

The Registration Statement (item #9b, RS form #13) requires the owner to indicate if a valid Maintenance Contract has been obtained. If the owner answers "Yes", they are asked to provide the name of the Contract provider, and the expiration date of the current contract. If the treatment works has not been constructed yet, the owner must provide the name after the certificate to construct (CTC) is issued, and prior to requesting a certificate to operate (CTO). The minimum Maintenance Contract requirements are listed in the general permit in Part I.C.2.b.(3).

If the owner answers "No", they must indicate if an exception to the requirement has been requested from and granted by the Board. If the owner answers "Yes", then **Section 5** on Operation and Maintenance Plans applies. If the owner answers "No", then the owner should be notified that permit coverage will not be granted until the owner either obtains a Maintenance Contract, or requests an exception to the Maintenance Contract requirement by submitting an operation and maintenance plan to the Board for review and approval.

1) Existing Treatment Works

The owner must keep a Maintenance Contract in force during the permit term, unless an exception to the Maintenance Contract requirement has been requested and granted by the Board (see **Section 5** below). A copy of the Maintenance Contract, if applicable, must be kept at the site of the treatment works and made available to DEQ for examination upon request.

2) Proposed Treatment Works

The owner must submit a copy of a valid Maintenance Contract to DEQ prior to operation of the treatment works, unless an exception to the Maintenance Contract requirement has been requested and granted by the Board (see **Section 5** below). The Maintenance Contract must be kept in force during the permit term. A copy of the Maintenance Contract must be kept at the site of treatment works, and made available to DEQ for examination upon request.

Although formal review and approval of the Maintenance Contract is not required, the Maintenance Contract should be reviewed to verify that it contains all required items specified in the general permit in Part I.C.2.b.(3). If the minimum Maintenance Contract requirements specified in the general permit are not met, or if a valid contract or exception to the requirement is not obtained prior to operation, the facility is not in compliance with the general permit and enforcement action should be considered.

5. Operation and Maintenance Plans (Non-single Family Dwellings Only)

The owner of any treatment works serving a non-single family dwelling may request an exception to the Maintenance Contract requirement by submitting an Operation and Maintenance (O&M) Plan to the Board for review and approval. The minimum O&M Plan requirements are listed in the general permit in Part I.C.3. The permittee may pursue this option anytime during the term of the general permit. Formal DEQ review and approval is required for a plan submitted as an exception to the Maintenance Contract requirement.

If an owner is submitting a Registration Statement to reapply for permit coverage, and an O&M Plan has been previously approved by the Board and remains current and complete, then it does not need to be resubmitted. In such cases, the owner needs to provide on the Registration Statement (item #10, RS form #14) the date of approval of the O&M Plan, and identify any changes that have been made to the approved plan.

The DEQ notice of approval of the O&M Plan, and that an exception has been granted to the Maintenance Contract requirement, should be sent to the owner either (1) in the transmittal letter for general permit coverage (see Attachment C); or, (2) for facilities that pursue this option during the general permit term, in an O&M Plan approval letter from the regional water permit manager (see Attachment C).

Should the permittee fail to implement the approved O&M Plan, or if there are violations of effluent limitations, the permit states that the Board reserves the right to require the permittee to obtain a Maintenance Contract. This requirement would be at the discretion of the regional water permit staff.

In light of the size and process design for systems that treat 1,000 gpd or less of domestic sewage, an exhaustive O&M plan is not expected. Attachment F contains model O&M manuals (Plan), and the maintenance logs for both aerobic treatment units and septic tank/sand filter systems. These documents may be shared with the applicants or permittees to assist them in the development of an O&M Plan.

6. Discharge Categories, Flow Frequency Determination and Dechlorination

a. Discharge Categories and Flow Frequency Determination

There are two discharge categories with associated effluent limits and monitoring requirements for this general permit:

- Category I (permit Part I.A) is for discharges to receiving waters where the 7Q10 flows are less than 0.2 MGD, and
- Category II (permit Part I.B) is for discharges to receiving waters where the 7Q10 flows are equal to or greater than 0.2 MGD.

Based on the receiving water information provided in the Registration Statement, the permit writer should determine the flow frequency in accordance with the flow determination memos for each region (see Attachment G). This will determine which of the two effluent limitation pages is

applicable to the facility. The major difference between the two sets of effluent limits is the way disinfection is handled. Both limit sets require a 1.0 mg/l chlorine residual after the chlorine contact tank.

- If the discharge goes into a stream with a 7Q10 flow less than 0.2 MGD, or the discharge is to a dry ditch, the limits of Part I.A of the permit apply, and the discharge must be dechlorinated to 0.016 mg/l total residual chlorine.
- If the discharge goes into a stream with a 7Q10 flow greater than or equal to 0.2 MGD, the limits of Part I.B of the permit apply, and dechlorination is not required.

b. Dechlorination and Bacteria Limits

In cases where discharges are to tidal fresh waters or lakes, dilution necessary to reduce the chlorine concentration to or below the water quality standard is generally not available. Therefore, dechlorination would be required for all such discharges and the limits of Part I.A of the general permit would apply. If the treatment works is currently covered by the expiring general permit and they have installed dechlorination equipment, then antibacksliding prevents them from discontinuing its use regardless of the 7Q10 of the receiving waters. The choice of dechlorination or not is only applicable to new facilities or to existing ones where the equipment has not been installed.

Amendments to the previous general permit regulation resulted in new *E. coli* limits for non-chlorinated discharges to freshwater, and new enterococci limits for all discharges into saltwater and the transition zone. Amendments to the previous regulation also limited the applicability of Fecal Coliform limits to shellfish waters only. As discussed in **Section 3.c.3.b.(9)** [*Limitations on Coverage*] of this guidance, discharges into shellfish waters that will result in condemnation by the VDH Office of Environmental Health Services, Division of Shellfish Sanitation, and affect shellfish use now or in the future, are not eligible for coverage under this general permit.

c. Compliance Schedule

The previous permit contained a Special Condition (old Part I.B.2) that was a **compliance schedule** that allowed the permittee 180 days after coverage was granted under the general permit to upgrade the treatment works to meet the permit limits. During the Technical Advisory Committee meetings for the general permit reissuance, it was determined that this schedule was no longer necessary, so the special condition was removed. After the permit became final, the regional offices met with the local VDH District offices to begin coordination on the permit reissuance, and a large number of unpermitted facilities were identified. Many of these can be permitted as they are, but some facilities will require the owner to install equipment or unit processes, or make other physical modifications to the treatment works in order for the facility to achieve compliance with the limitations and conditions of the general permit (e.g., installing chlorination equipment).

For any unpermitted existing facility that requires modifications to bring the treatment works up to current requirements, the permit coverage transmittal letter should include the previous permit compliance schedule language. Sample wording is included below, and an example letter is included in Attachment C.

The permittee shall install equipment or unit processes, or make other physical modifications to the treatment works that are necessary to achieve compliance with the limitations and conditions of this permit within 180 days of the date of coverage under the permit. The modifications shall not be initiated until written authorization is first provided by the Virginia Department of Health (*or DEQ, if it is one of our facilities*). The permittee shall submit to the DEQ Regional Office a written notice certifying completion of any necessary modifications on or before the 180-day compliance deadline. If the permittee is unable to meet the deadline, a written notice shall be submitted that shall include the cause of the delay, any actions taken to eliminate the delay, and the projected date for compliance.

7. General Permit

a. Permit Numbers and Permit Pages

Permit numbers for existing facilities that are reissued general permit coverage will remain the same. CEDS will assign new permit numbers for newly permitted facilities, and for existing facilities that are applying for coverage under the general permit for the first time.

For permittees that are being sent either a hard copy or an electronic copy of the permit, individual permit numbers should be entered onto the cover page of the permit. No other changes to the language of the general permit are authorized.

The copy of the general permit that is sent to the permittee should only contain the applicable Part I effluent limitations page, either page Part I.A or page Part I.B. In order to avoid confusion, do not send both pages out to the same discharger.

b. Monitoring Requirement Scenarios

Depending on the information submitted with the registration statement, there are eight possible monitoring requirement scenarios, but only one will apply to each discharge:

- (1) the receiving stream has a 7Q10 flow < 0.2 MGD, is a freshwater, is not a shellfish water; and the method of disinfection is chlorination
- (2) the receiving stream has a 7Q10 flow < 0.2 MGD, is a fresh water, is not a shellfish water; and the method of disinfection is other than chlorination
- (3) the receiving stream has a 7Q10 flow < 0.2 MGD, is a salt water or transition zone, and is not a shellfish water
- (4) the receiving stream has a 7Q10 flow < 0.2 MGD, is a salt water or transition zone, and is a shellfish water
- (5) the receiving stream has a 7Q10 flow ≥ 0.2 MGD, is a freshwater, is not a shellfish water; and the method of disinfection is chlorination
- (6) the receiving stream has a 7Q10 flow ≥ 0.2 MGD, is a fresh water, is not a shellfish water; and the method of disinfection is other than chlorination
- (7) the receiving stream has a 7Q10 flow ≥ 0.2 MGD, is a salt water or transition zone, and is not a shellfish water
- (8) the receiving stream has a 7Q10 flow ≥ 0.2 MGD, is a salt water or transition zone, and is a shellfish water

Attachment H contains a decision tree that can be used by the permit writer to determine the correct monitoring requirements for a discharge. Attachment H also contains monitoring requirements pages for each of the eight scenarios listed above. While the intent of the monitoring requirement pages is to clarify the monitoring requirements for the permittee, these pages are not part of the permit. Use of these pages will be at the discretion of the regional office. However, the pages should not be inserted into the permit, nor should they be indicated to the permittee as part of the permit. For new issuances, and for permittees that request a copy of the general permit, the permit writer can select the appropriate monitoring requirement page to send to the permittee with the general permit.

c. Change of Ownership

The Part II.Y [*Transfer of Permits*] requirement has changed for this permit reissuance. The general permit now requires the permittee to notify the Department within 30 days of the transfer of title to the facility or property. The previous general permit required a notice at least 30 days in advance of the proposed transfer. This change was made to be consistent with the way this provision is now being handled in other recently reissued general permits.

Under Attachment E, there is an example change of ownership agreement form to assist a permittee

engaged in the transfer process. This form will be posted to the DEQ web page (VPDES Permits, Fees and Regulations page), and should be sent to permittees upon request. Any change of ownership should be handled in CEDS per the normal procedure.

d. DSDGP Effective Date

The DSDGP regulation was adopted by the SWCB on December 9, 2010, and the regulation effective date is August 2, 2011. Regional offices will need to coordinate with the local VDH District offices on a list of facilities they would like Registration Statements from, send automatic coverage letters and coverage renewal reminder letters to appropriate permittees (see Attachment A), process the Registration Statements, and issue/reissue general permits. Coverage under the new general permit will not begin until August 2, 2011.

8. Relationship to Other Regulations

There are two source categories of dischargers covered under this general permit: (1) treatment works serving individual single family dwellings, and (2) treatment works serving non-single family dwellings. Discharges from individual single family dwelling treatment works are also regulated by the VDH under the Alternative Discharging Sewage Treatment Regulations for Individual Single Family Dwellings (12 VAC 5-640). Consequently, DEQ permits discharges from these facilities, and the local health district inspects them. Discharges from non-single family dwelling treatment works are also regulated under the DEQ Sewage Collection and Treatment (SCAT) Regulations (9 VAC 25-790). Inspection, as well as permitting, of these facilities is performed only by DEQ.

Both the Alternative Discharging Regulations at 12 VAC 5-640-420 F and the SCAT Regulations at 9 VAC 25-790-450 B contain language requiring a 500-foot separation distance between effluent discharge points of separate treatment systems. If the proposed treatment system utilizes aerobic biological treatment followed by sand filtration, the VDH regulation allows the separation distance to be reduced to 250 feet. VDH is responsible for enforcing the separation distance requirement for discharges from individual single family dwelling treatment works, and DEQ for discharges from non-single family dwelling treatment works. Because VDH has defined criteria to allow the reduction to 250 feet, DEQ will also consider a reduction to 250 feet between discharge points if the design includes aerobic treatment followed by sand filtration as accepted by VDH. Note that the distance between discharge points is measured at the point where the effluent enters state waters - at the stream, at a defined natural channel, or at the point where it leaves the owner's property.

Because the DSDGP regulation does not specify a minimum separation distance between discharges, and most permittees are not familiar with the requirements of the other regulations discussed above, a question has been added to the Registration Statement form requesting the registrant to verify the presence of another VPDES permitted discharge within 500 feet of the discharge identified in the Registration Statement. This information is not required by the DSDGP regulation. Therefore, the Registration Statement may be deemed completed without it. However, for non-single family dwelling treatment works, should the registrant confirm that there is another VPDES permitted discharge within 500 feet of the registrant's discharge, Regional Water Permit Staff should inspect the existing or proposed facility location before issuing permit coverage. For individual single family dwelling treatment works, the regional permit writer should alert the VDH of the registrant's response so that the VDH can inspect the facility for the minimum separation distance if they so choose.

9. CTC and CTO Requirements

The DEQ SCAT Regulations at 9VAC25-790-50 B (CTCs and CTOs) state:

B. Discharges of 1,000 gpd or less. On-site (located within owners property) residential sewage treatment works having a design capacity of 1,000 gallons per day or less may not be governed by this chapter and standards contained in this chapter if the performance reliability of such technology has been established by an approved testing program (9VAC25-790-210). These treatment works are regulated by other applicable regulations of the board (9VAC25-110) and of the Virginia Department

of Health (12VAC5-610 and 12VAC5-640). Owners of such treatment works shall make application in accordance with and obtain the necessary permits from the board or the Virginia Department of Health as appropriate via the application procedures established for such treatment works.

This section of the SCAT Regulation requires that non-single family dwelling treatment works <1000 gpd only need to apply to DEQ for a CTC/CTO if the treatment technology is new or nonconventional. The following links lead to a list of [VDH Generally Approved](#) systems and a complete list of [NSF/ANSI Approved Systems](#) which would not require a CTC/CTO in accordance with 9VAC25-790-210. All other systems would require the owner to follow the requirements of the SCAT Regulations at 9VAC25-790-210 to obtain a CTC and a CTO.

The VDH is responsible for issuing CTCs and CTOs for individual single family dwelling treatment works in accordance with the Alternative Discharging Regulations at 12 VAC 5-640-220. The VDH has indicated that they would prefer not to receive copies of the CTCs and CTOs issued by DEQ for non-single family dwelling treatment works.

10. Coordination with VDH and VMRC

a. Local Health Districts and VDH-ODW Coordination

In addition to the registration coordination with the local health districts discussed in **Section 3.b.1**, the DEQ regional offices will also have contact with the VDH Office of Drinking Water (VDH-ODW) for sewage discharges from treatment works serving individual single family dwellings. The VDH-ODW needs information from DEQ when these permits are issued in order to determine public health impacts. All correspondence with the VDH-ODW will be with the VDH-ODW field offices, not with the central office. The VDH-ODW field offices contact information is provided under Attachment I.

Due to the process for obtaining coverage under this permit, the local health district will be aware of requests for coverage, and they can coordinate with the VDH-ODW as necessary, so no registration statement copies need to be sent to VDH.

A copy of the letter granting coverage for the general permit should be sent to the local health district so they know when an individual single family dwelling treatment works has been covered. The transmittal letter for general permit coverage (Attachment C) has been modified to specify characteristics of the receiving stream, including 7Q10, freshwater or salt/transition zone, and shellfish or non-shellfish water, to indicate what limits apply to the discharge. It is suggested that a copy of the monitoring requirements page discussed under **Section 7.b** above be attached to the copy of the transmittal letter sent to the local health district to further clarify the limits for each discharge.

b. VDH-DSS and VMRC Coordination – Shellfish Waters

For all proposed domestic sewage discharges to, or in near proximity to, shellfish growing areas below the fall zone (except the Chowan Basin), the regional office should send copies of the DSDGP Registration Statements to the VDH-Division of Shellfish Sanitation (VDH-DSS). The VDH-DSS has provided the following to define the areas of the major river basins below which they would like to see Registration Statements:

- Potomac River tributaries - Mathias Point upstream of the US 301 bridge.
- Rappahannock River - Tappahannock Bridge (US 360).
- York River - upstream border of the Town of West Point.
- James River - line connecting Swanns Point on the south bank to Glass House Point on the north bank (upper end of Jamestown Island).

Correspondence with the VDH-DSS should only be with their office in Richmond. Contact information is provided under Attachment I.

VMRC review is necessary for discharges into shellfish waters if the registration is for a new

issuance, or a reissuance that increases the discharge. VMRC contact information is provided under Attachment I.

If the VDH-DSS intends to condemn shellfish beds and VMRC says that the condemned area contains an actual or potential shellfish resource, then the treatment works is not eligible for coverage under the DSDGP. Example transmittal letters to VDH-DSS and VMRC are in Attachment C.

11. Inspection and Compliance

Since the general permit does not require reporting of the monitoring results, no DMR is sent with the permit. The permittee is required to conduct (or have conducted) the permit required monitoring, and to make the results available for inspection by DEQ or the local health district.

For individual single family dwelling treatment works, the permittee must keep a maintenance contract in force during the permit term, unless the permittee has been granted a variance from the maintenance contract requirement by the VDH. A copy of the maintenance contract, if applicable, must be kept at the treatment works site, and be made available to DEQ or to the VDH for examination upon request.

For non-single family dwelling treatment works, a copy of a valid maintenance contract or an approved O&M plan (where an exemption has been granted to the maintenance contract requirement) must be kept at the treatment works site and made available for inspection by DEQ.

As discussed in **Section 8** above, the local health district is responsible for inspections and compliance of individual single family dwelling treatment works, while DEQ is responsible for inspections and compliance of non-single family dwelling treatment works. These facilities should be inspected by the region at least once every five years.

12. CEDS Tracking and DSDGP Changes to CEDS

Each facility covered under the general permit will continue to be tracked in CEDS. Currently there are about 2260 facilities with coverage under the DSDGP. To accommodate the automatic permit coverage provision that is effective for this reissuance, the following CEDS changes will be made:

a. All Active CEDS DSDGP records will be copied by OIS to History (in June), then the Active records will have the event codes changed as follows:

- Permit Effective Date (DTEFF) = 08/02/2011
- Permit Expiration Date (FLED) = 08/01/2016
- Date Permit Signed (DTSIGN) = 08/02/2011

b. All other event code "completed dates" will be deleted where they exist, and the permit "Activity" type will be changed to "Reissuance". All other CEDS information for that facility will remain unchanged.

c. A new "Move to Application" button will be added to the main DSDGP screen. Also, a new field will be added to the main DSDGP screen with the following choices:

- Single Family Home (VDH) (or) Non-Single Family Home (DEQ)

d. For facilities that are NOT required to reapply for general permit coverage, no further action is required by the regional permit writer for this reissuance. If the permit writer makes a change to the Active record for a facility during the permit term, then CEDS will require the PW to answer the SFH/non-SFH question before the changed record will be saved.

e. For facilities that ARE required to reapply for permit coverage, the permit writer needs to go to the Active record for that facility in CEDS and click on the "Move to Application" button. The classification will change from Active to Application, and the DTSIGN event code will be cleared. All other CEDS information for that facility will remain unchanged. The permit writer will then process the Application record for that facility the same as for any other general permit reissuance.

Changes and updates to CEDS that are needed routinely will be submitted to the CEDS Steering

Committee for evaluation and prioritization. Once these changes and updates become effective and/or are functional, OWPCA will provide further notice and CEDS implementation guidance, as needed, to the Regional Water Permit Staff.

The CEDS [Domestic Sewage Discharge GP Users Manual](#) is located on DEQNet, and can be accessed directly from the Domestic Sewage Discharge GP permit module in CEDS using the "User Manual" button (to the right of the Permit Number). This manual will be kept updated to include any changes to the DSDGP permit module, and any updates/clarifications to procedures.

ATTACHMENTS

- A All Changes to the Regulation and General Permit
- B Coverage Renewal Reminder Letters
- C Transmittal Letters
- D. Warning Letters
- E. Change of Ownership Agreement Form
- F. Model Operation and Maintenance Plan Manuals and Maintenance Logs
- G. Flow Determination Memos
- H. Monitoring Requirements - Decision Tree and 8 Monitoring Pages
- I. Contact Information for VDH-ODW Field Offices and VDH-DSS

ATTACHMENT A

All Changes to the Regulation and General Permit

Guidance Memo No. 11-2008
Attachment A

Current Section Number	New Section Number, if Applicable	Current Requirement	Change and Rationale
10		Definitions	Added definitions for: "7Q10" (7-day 10-year low flow) - used in section 80, Part I A and B. "Climatic year" - used in the definition of 7Q10. "Total maximum daily load" or "TMDL" - used in section 60 B 6.
20		Effective Date of Permit	Changed the effective date to 8/2/2011 and the expiration date to 8/1/2016 to correspond to the new general permit dates (see section 80). Deleted "and receipt of a copy of the general VPDES permit" from section 20 C because the owner does not need to receive a copy of the permit for the terms to be effective.
60 A, & B	60 A, B & C	Authorization to Discharge	Reformatted this section to match structure of other general permits being issued by the Board at this time.
	60 B 5 & 6	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 additional requirements are needed for the facility to meet a TMDL WLA.
60 B	60 C	Compliance With Other Statutes, Ordinances or Regulations	Added the statement: "Compliance with this general permit constitutes compliance with the 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 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. Also added specific reference to the VDH "Alternative Discharging Sewage Treatment Regulations for Individual Single Family Dwellings" (12VAC5-640) as applicable to these facilities as well.
	60 D	none	Added a provision to allow for "administrative continuances" 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 (if required to do so) and is in compliance with the expiring permit.
70 A 2 a		Registration Deadlines	Revised the deadline for existing individually permitted facilities to notify the DEQ and submit a registration for general permit coverage to 240 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 A 2 b		Automatic Coverage	Modified this subsection to allow owners of currently permitted facilities to be automatically covered under the new permit if: (1) the ownership is the same as when they applied for coverage in 2006, or if it has changed they submitted a new registration or Change of Ownership; (2) there has been no change in the design or operation of the treatment works since they applied for coverage in 2006; (3) for individual single family dwellings, the VDH has no objection to the automatic renewal for this facility; and (4) for non-single family systems, the Board has no objection to the automatic renewal for this facility. Owners who do not qualify for automatic renewal must reapply on or before 6/2/2011.
70 A 3		New Owners of Existing Facilities	Deleted this section because it is unnecessary. Section Y (Transfer of Permits) in Part II (Conditions Applicable to All VPDES Permits) already covers this requirement.

Guidance Memo No. 11-2008
Attachment A

70 A 4	70 A 3	Late Notifications	Modified this subsection 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 B		Registration Statement	Asked the owner to indicate if the facility is a single family dwelling, and if not, for a description of the facility's use. Also asked for the street address of the facility, and the owner's email address (where available). For proposed treatment works, asked for a 7.5 minute USGS topo map or equivalent (e.g., a computer generated map). Also made minor editorial changes to some of the registration information that is requested.
70 B 9	70 B 9 a & b	Maintenance Contract	Broke this into two subsections: a. Individual single family dwellings (i.e., facilities managed by the VDH) - Asked the owner to indicate if he has a valid maintenance contract as required by VDH regulations, or if he has a VDH variance from the requirement. Also asked the owner to indicate if he has a monitoring contract as required by VDH regulations, or a VDH waiver from the requirement, or if the monitoring is included in the maintenance contract. Also asked the owner for the contract providers name(s), if applicable.; b. Non-single family dwellings (i.e., facilities managed by DEQ) - This is what is in the current requirement. Clarified that this part applies to non-single family dwellings, and slightly modified the requirements to match those in subsection "a". Modified the valid maintenance contract requirements to state that the facility should be sampled during normal operating conditions, and that the owner or maintenance provider should not force a discharge in order to collect a sample. Modified the maintenance log subsection to require that all sampling attempts be documented, and that "no sample taken or possible" must be explained. Also added that the maintenance contract must be kept in force for the entire permit term.
70 B 10		O&M Plan	Clarified that this part applies to non-single family dwellings. Modified the operation and maintenance plan requirements to state that all sampling attempts must be documented, and that "no sample taken or possible" must be explained. Also added that the facility should be sampled during normal operating conditions, and that the owner should not force a discharge in order to collect a sample.
80		General Permit	Changed the permit effective date to 8/2/2011 and the permit expiration date to 8/1/2016 to correspond to the new reissuance dates.
80, 2 nd paragraph		"or policies"	Deleted "or policies" per comment from AGO because it would be difficult to enforce a prohibition created by policy.
80, Part I A 1 Tables (2 of these)	80, Part I A 1 Table & Part I B 1 Table	Limits Table Footnotes	Moved the "quantification level" requirement to the Special Conditions section (section 80, Part I C 4). Added information as to where to find the classes of water and boundary designations, and the description of shellfish waters in the Water Quality Standards regulation (9VAC25-260).
80, Part I A 2 (2 of these)	80, Part I A 2 & Part I B 2	"...monitoring results shall be made available to DEQ or Virginia Department of Health personnel upon request."	Changed to: "...monitoring results shall be made available to DEQ personnel upon request. Monitoring results for treatment works serving individual single family dwellings shall be submitted to the Virginia Department of Health in accordance with 12VAC5-640.", based on VDH comments that monitoring for individual single family dwellings is required to be submitted per their regulations.

Guidance Memo No. 11-2008
Attachment A

80, Part I B 2		Special Conditions - Schedule of Compliance	Deleted this subsection because it is no longer used or necessary.
80, Part I B 3	80, Part I C 2	Special Conditions - Maintenance Contract	Broke this into two subsections: a. Individual single family dwellings (i.e., facilities managed by the VDH) - Explained that maintenance contracts are required by VDH regulations at 12VAC5-640-500. For both existing and proposed treatment works, required maintenance contracts to be kept in force for the life of the permit, unless the owner receives a VDH variance from the requirement. The owner is responsible for ensuring that the VDH has a current copy of a valid maintenance agreement for the facility. Set out the minimum maintenance contract requirements. b. Non-single family dwellings (i.e., facilities managed by DEQ) - This is what is in the current requirement. Modified the "existing" and "proposed" subsections to standardize the requirements for each. Modified the maintenance contract requirements to state that the facility should be sampled during normal operating conditions, and that the owner or maintenance provider should not force a discharge in order to collect a sample. Modified the maintenance log subsection to require that all sampling attempts be documented, and that "no sample taken or possible" must be explained.
80, Part I B 4	80, Part I C 3	Special Conditions - O&M Plan	Clarified that this part applies to non-single family dwellings. Modified the maintenance log subsection to require that all sampling attempts be documented, and that "no sample taken or possible" must be explained. Also added that the facility should be sampled during normal operating conditions, and that the owner should not force a discharge in order to collect a sample.
	80, Part I C 4	Compliance Recordkeeping	Added this special condition to list the monitoring quantification levels (QL), how to record data that is below the QL, and the number of significant digits to record the data to.
	80, Part I C 5	Water Quality Standards	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.
80, Part II C		Reporting Monitoring Results	Added a statement that monitoring results are not required to be submitted to the Department, but if the Board requests that the permittee submit monitoring results, the subsections would apply.
80, Part II M		Duty to Reapply	Added information on the automatic permit coverage renewal provision, and how a permittee qualifies for it. Permittees that do not qualify for automatic renewal must submit a new registration to the Department to reapply for coverage at least 60 days before the permit expiration date.
80, Part II Y 2 a		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".

ATTACHMENT B

- (1) Coverage Renewal Reminder Letter – VDH Individual Single Family Dwellings**
- (2) Coverage Renewal Reminder Letter – DEQ Non-Single Family Dwellings**

Guidance Memo No. 11-2008

Attachment B

(1) Coverage Renewal Reminder Letter – VDH Individual Single Family Dwellings

Regional DEQ Letterhead

Date

Owner's Name

Owner's Address

Re: General VPDES Permit for Domestic Sewage Discharges <= 1,000 GPD (VAG40)

Permit No. VAG40 [*insert facility specific GP coverage number*]

Facility Name

Facility Address

Dear Permittee:

This letter is to remind you that your General VPDES Permit coverage will expire on August 1, 2011. If you wish to continue discharging, you must receive coverage under the reissued general permit. The VDH has notified DEQ that there are issues associated with the facility that make the facility ineligible for automatic permit coverage and that coverage cannot be reissued until all issues with VDH are resolved. A complete Registration Statement must be submitted to the Department as soon as possible, but not later than July 15, 2011, for you to reapply for permit coverage. Early submissions are welcome and will better enable us to complete processing before permit expiration. The revised Registration Statement and instructions are enclosed.

The Virginia Department of Health (VDH) regulations at 12VAC5-640-500 require Maintenance Contracts for treatment works serving individual single family dwellings. The permit now requires that you keep a Maintenance Contract in force during the permit term, unless the VDH has granted you a variance from the Maintenance Contract requirement. Contact your Local Health District office if you need help with the Maintenance Contract requirement, or are requesting a variance from the requirement.

The VDH regulations at 12VAC5-640-490 F also require Monitoring Contracts for treatment works serving individual single family dwellings, unless the Monitoring Contract requirement has been waived by the VDH, or if the monitoring requirements are included as part of the Maintenance Contract. Contact your Local Health District office if you need help with the Monitoring Contract requirement, or are requesting a waiver from the requirement.

Please contact this office if you have any questions.

Sincerely,

Water Permit Manager

Enclosure: Registration Statement with instructions

Guidance Memo No. 11-2008

Attachment B

(2) Coverage Renewal Reminder Letter – DEQ Non-Single Family Dwellings

Regional DEQ Letterhead

Date

Owner's Name

Owner's Address

Re: General VPDES Permit for Domestic Sewage Discharges <= 1,000 GPD (VAG40)

Permit No. VAG40 [*insert facility specific GP coverage number*]

Facility Name

Facility Address

Dear Permittee:

This letter is to remind you that your General VPDES Permit coverage will expire on August 1, 2011. If you wish to continue discharging, you must receive coverage under the reissued general permit. A complete Registration Statement must be submitted to the Department as soon as possible, but not later than July 15, 2011, for you to reapply for permit coverage. Early submissions are welcome and will better enable us to complete processing before permit expiration. The revised Registration Statement and instructions are enclosed.

You are required to keep a Maintenance Contract in force during the permit term, unless an exception to the Maintenance Contract requirement has been requested and granted by the Department. Any owner may request an exception to the Maintenance Contract requirement by submitting an Operation and Maintenance Plan (O&M Plan) to the Department for review and approval. If you would like to request an exception to the Maintenance Contract requirement, please submit an O&M Plan to DEQ for review and approval. If you have a previously approved O&M Plan, do not resubmit the Plan, but please note on the Registration Statement any changes that have occurred to the Plan since the time you last applied for coverage under this permit.

Please contact this office if you have any questions.

Sincerely,

Water Permit Manager

Enclosure: Registration Statement with instructions

ATTACHMENT C

- (1) Automatic Permit Coverage Renewal Letter**
- (2) Transmittal Letter for GP Coverage – VDH Single Family Dwelling Treatment Works**
- (3) Transmittal Letter for GP Coverage – DEQ Non-Single family Dwelling Treatment Works**
- (4) Transmittal Letter to VDH-DSS**
- (5) Transmittal Letter to VMRC**
- (6) Non-Single Family Dwelling O&M Plan Approval Letter**

Guidance Memo No. 11-2008

Attachment C

(1) Automatic Permit Coverage Renewal Letter

Regional DEQ Letterhead

Date

Owner's Name

Owner's Address

Re: Automatic Renewal of the General VPDES Permit for Domestic Sewage Discharges <= 1,000 GPD
Permit No. VAG40 [*insert facility specific GP coverage number*]

Facility Name

Facility Address

Dear Permittee:

The State Water Control Board recently reissued the general VPDES permit for the waste water treatment facility located at this address. According to Department records and Virginia Department of Health records your treatment works qualifies for automatic permit coverage renewal as described in 9VAC25-110-70 1.2.b. Your new permit coverage becomes effective on August 2, 2011.

Please continue to operate the treatment works in accordance with the general permit. A copy of the reissued general permit and change of ownership form can be found on DEQ's web page at <http://www.deq.virginia.gov/vpdes/permitfees.html>. If you do not have web access, or would like a paper copy of the general permit sent to you, please contact this office.

Note that the monitoring requirements have not changed for this permit reissuance. You should continue to monitor your discharge as you are presently doing.

If you have any questions concerning this matter, please contact this office for information.

Sincerely,

Water Permit Manager

Guidance Memo No. 11-2008

Attachment C

(2) Transmittal Letter for GP Coverage – VDH Single Family Dwelling Treatment Works

Regional DEQ Letterhead

Date

Owner's Name

Owner's Address

RE: General VPDES Permit for Domestic Sewage Discharges \leq 1,000 GPD

Permit No. VAG40 [*insert facility specific GP coverage number*]

[**Facility Name**]

[**Facility Address**]

[**Receiving Stream**]; 7Q10 [**0.2 MGD or \geq 0.2 MGD**]; [**freshwater or salt/transition zone water**]; [**shellfish or non-shellfish water**]

Dear Permittee:

We have reviewed your Registration Statement and determined that this domestic sewage treatment facility is hereby covered under the referenced General VPDES Permit. A copy of the permit is enclosed. Please read it carefully, because you are responsible for assuring that the treatment facility is operated and maintained in accordance with the limitations and conditions of the General Permit. Also enclosed is a form which may be used to request an ownership transfer for the General VPDES permit. This form can also be found on DEQ's web page at: <http://www.deq.virginia.gov/vpdes/permitfees.html>. If you wish to have the permit ownership transferred, please complete the form and return it to this office accordingly.

Approval for coverage under this general VPDES permit does not relieve any owner of the responsibility to comply with any other applicable federal, state or local statute, ordinance or regulation, including the Alternative Discharging Sewage Treatment Regulations for Individual Single Family Dwellings (12VAC5-640) of the Virginia Department of Health adopted pursuant to §§ 32.1-12, 32.1-163, and 32.1-164 of the Code of Virginia.

[Insert the following paragraph only if the permittee needs a compliance schedule to install equipment or make physical changes to the treatment works to meet the permit conditions]

You shall install equipment or unit processes, or make other physical modifications to the treatment works that are necessary to achieve compliance with the limitations and conditions of this permit within 180 days of the date of coverage under the permit. The modifications shall not be initiated until written authorization is first provided by the Department. A written notice shall be submitted to this DEQ Regional Office certifying completion of any necessary modifications on or before the 180-day compliance deadline. If you are unable to meet the deadline, a written notice shall be submitted that shall include the cause of the delay, any actions taken to eliminate the delay, and the projected date for compliance.

[Insert the following paragraph for proposed facilities] For proposed treatment works, the permit requires you to submit a copy of a valid Maintenance Contract to both DEQ and the VDH prior to operation of the treatment works, unless you have been granted a variance from the Maintenance Contract requirement by the VDH.

If you have any questions, please do not hesitate to contact us.

Sincerely,

Water Permit Manager

Enclosures: Permit No. VAG40

Transfer of Ownership Agreement Form

[Monitoring Requirements for the Discharge from Your Facility (*Optional*)]

cc: Local Health District

Guidance Memo No. 11-2008
Attachment C

(3) Transmittal Letter for GP Coverage – DEQ Non-Single family Dwelling Treatment Works

Regional DEQ Letterhead
Date

Owner's Name
Owner's Address

RE: General VPDES Permit for Domestic Sewage Discharges \leq 1,000 GPD (VAG40)
Permit No. VAG40 [*insert facility specific GP coverage number*]
[Facility Name]
[Facility Address]
[Receiving Stream]; 7Q10 [0.2 MGD or \geq 0.2 MGD]; [freshwater or salt/transition zone water]; [shellfish or non-shellfish water]

Dear Permittee:

We have reviewed your Registration Statement and determined that this domestic sewage treatment works is hereby covered under the referenced General VPDES Permit. A copy of the permit is enclosed. Please read it carefully, because you are responsible for assuring that the treatment facility is operated and maintained in accordance with the limitations and conditions of the General Permit. Also enclosed is a form which may be used to request an ownership transfer for the General VPDES permit. This form can also be found on DEQ's web page at: <http://www.deq.virginia.gov/vpdes/permitfees.html>. If you wish to have the permit ownership transferred, please complete the form and return it to this office accordingly.

[Insert the following paragraph only if the permittee needs a compliance schedule to install equipment or make physical changes to the treatment works to meet the permit conditions] You shall install equipment or unit processes, or make other physical modifications to the treatment works that are necessary to achieve compliance with the limitations and conditions of this permit within 180 days of the date of coverage under the permit. The modifications shall not be initiated until written authorization is first provided by the Department. A written notice shall be submitted to this DEQ Regional Office certifying completion of any necessary modifications on or before the 180-day compliance deadline. If you are unable to meet the deadline, a written notice shall be submitted that shall include the cause of the delay, any actions taken to eliminate the delay, and the projected date for compliance.

[Insert the following paragraph only if the permittee requested an exception to the maintenance contract requirement by submitting an O&M Plan, and the plan was reviewed and approved] Based on the review of the Operation and Maintenance Plan (O&M Plan) submitted with the registration statement, exception to the Maintenance Contract requirement is granted and the O&M Plan submitted with the registration statement is approved. Should you fail to implement the approved O&M Plan, or if there are violations of effluent limitations, the Department reserves the right to require you to obtain a Maintenance Contract.

[Insert the following paragraph only if the permittee has a previously approved O&M Plan and changes to the Plan were noted on the registration statement.] According to our records, your facility has an approved Operation and Maintenance Plan (O&M Plan) in lieu of a valid Maintenance Contract. Changes made to the O&M Plan as noted on your registration statement for permit coverage, have been reviewed and approved and are, hereafter, considered part of the original approved O&M Plan.

If you have any questions, please do not hesitate to contact us.

Sincerely,

Water Permit Manager

Enclosures: Permit No. VAG40
Change of Ownership Agreement Form
[Monitoring Requirements for the Discharge from Your Facility (*Optional*)]

Guidance Memo No. 11-2008

Attachment C

(4) Transmittal Letter to VDH-DSS

Regional DEQ Letterhead

Date

Division of Shellfish Sanitation
Virginia Department of Health
109 Governor Street, Room 614B
Richmond, VA 23219

RE: Issuance/Reissuance of VPDES Permit No. VAG40 [*insert facility specific GP coverage number*]

Dear Sir or Madam:

Enclosed is a copy of a VPDES permit application for your review. A copy has also been sent to the Virginia Marine Resources Commission. Please review this application and provide your comments within 14 calendar days to DEQ identifying the location of any shellfish growing areas that would have to be condemned pursuant to Va. Code § 28.2-807 (i.e., reclassified as restricted or prohibited as defined by the National Shellfish Sanitation Program) as a result of the proposed discharge of pollutants described in the application.

Alternatively, you may respond to DEQ within 14 calendar days of receipt of the application that DSS intends to conduct a further evaluation of the proposed discharge site. If DSS intends to conduct a further evaluation, please provide your comments to DEQ within 30 calendar days after receipt of the application. In the event that DSS anticipates that, due to the complexity of a proposal or the scope of an evaluation, it will not be able to make a determination within 30 calendar days after receipt of the application, please, within 14 days of receipt, inform DEQ of the anticipated time required to further evaluate the application. These deadlines are specified in the agreement between the Director of DEQ and the Commissioner of the Virginia Department of Health to ensure that DEQ can process the permit in a timely manner.

Please also provide a copy of any correspondence relative to this application to the Virginia Marine Resources Commission at the following address:

Virginia Marine Resources Commission
2600 Washington Avenue, 3rd Floor
Newport News, VA 23607

If you have any questions, please do not hesitate to contact me at _____.

Sincerely,

Water Permit Manager

Enclosure: VPDES Permit Application

cc: Virginia Marine Resource Commission

Guidance Memo No. 11-2008

Attachment C

(5) Transmittal Letter to VMRC

Regional DEQ Letterhead

Date

Virginia Marine Resources Commission
2600 Washington Avenue, 3rd Floor
Newport News, VA 23607

RE: Issuance/Reissuance of VPDES Permit No. VAG40 [*insert facility specific GP coverage number*]

Dear Sir or Madam:

Enclosed for your review is a copy of a VPDES permit application for a proposed discharge of pollutants from a point source to state waters adjacent to, or in near proximity to, shellfish growing areas. A copy of this application has also been sent to the Virginia Department of Health Division of Shellfish Sanitation (DSS), and DSS has been requested to copy VMRC on correspondence relative to this application.

Please review the application and DSS correspondence. If DSS notifies you that no condemnation of shellfish growing areas would be necessary as a result of the proposed discharge, then VMRC is not required to take any further action.

If DSS indicates in its correspondence that shellfish growing areas will have to be condemned (i.e., reclassified as restricted or prohibited as defined by the National Shellfish Sanitation Program) as a result of the proposed discharge, please fill out the attached certification form and send it to DEQ within 21 days of receipt of the DSS comments.

Alternatively, VMRC may respond to DEQ that more information is needed and that VMRC either intends to or does not intend to perform a field evaluation. If VMRC notifies DEQ that more information is needed and that it intends to perform a field evaluation, VMRC agrees to certify to DEQ within 30 calendar days after receipt of the notice that the condemnation will or will not have an effect on shellfish use now and in the foreseeable future. If VMRC certifies to DEQ that more information is needed and that it does not intend to perform a field evaluation, DEQ will contact the permit applicant to allow the applicant the option of obtaining a field evaluation of the areas proposed for condemnation. If VMRC receives a field evaluation from the applicant, please review the evaluation and fill out the attached certification form and send it to DEQ within 21 days of receipt of the evaluation.

These deadlines are specified in an agreement between the Director of DEQ and the

Commissioner of VMRC to ensure that DEQ can process the permit in a timely manner. If you have any questions, please do not hesitate to contact me at _____.

Sincerely,

Water Permit Manager

Enclosure: VPDES Permit Application
VMRC Form

Guidance Memo No. 11-2008

Attachment C

VMRC Form

Virginia Marine Resources Commission Evaluation and Certification on the Effects of Proposed Shellfish Condemnation
VPDES Permit Number: Facility Name: Facility Location: Description of the designated area:
Presence or Absence of Shellfish; Identification of Species; Results of Survey:
Commercial Harvest Rates:
Private Oyster Ground Leases/Public Ground Designations:
Physical Parameters:
In accordance with 9 VAC 25-260-270, MRC has reviewed the above information for the VPDES application referenced above, and DSS information on shellfish growing areas that will be condemned (i.e. reclassified as restricted or prohibited as defined by the National Shellfish Sanitation Program) if the VPDES permit is issued for this discharge, and concludes the proposed condemnation will have the following effects on the shellfish use now and in the foreseeable future:
Signed: _____ Title: _____ Date: _____
<i>This certification is intended to provide factual information to DEQ required by 9 VAC 25-260-270. This is not a final determination or case decision under the Virginia Administrative Process Act applicable to the above-mentioned facility or VPDES permit application. The final decision to issue or deny the VPDES permit application is within the discretion of the State Water Control Board.</i>

Guidance Memo No. 11-2008

Attachment C

(6) Non-Single Family Dwelling O&M Plan Approval Letter

Regional DEQ Letterhead

Date

Owner's Name

Owner's Address

RE: General VPDES Permit for Domestic Sewage Discharges \leq 1,000 GPD

Permit No. VAG40 [*insert facility specific GP coverage number*]

Facility Name

Facility Address

Dear Permittee:

In accordance with the referenced permit special condition in Part I. C.3, we have received your request for an exception to the Maintenance Contract requirement and a copy of the Operation and Maintenance Plan for your domestic sewage treatment works. Based on our review, exception to the Maintenance Contract requirement is granted and the Operation and Maintenance Plan is approved through this letter. Should you fail to implement the approved Plan, or if there are violations of effluent limitations, the Department reserves the right to require you to obtain a Maintenance Contract.

If you have any questions, please do not hesitate to contact us.

Sincerely,

Water Permit Manager

ATTACHMENT D

- (1) Warning Letter for VDH Individual Single Family Home Dwellings**
- (2) Warning Letter for DEQ Non-Single Family Home Dwellings**

(1) Warning Letter for VDH Individual Single Family Home Dwellings

Regional DEQ Letterhead

Date

WARNING LETTER

[Owner Name]

[Owner Address]

RE: WL No. *[Insert WL Number]*

VPDES Permit No. VAG40 *[insert facility specific GP coverage number]*

[Facility Name]

Dear Mr. *[Insert Owner Last Name]*:

The Department of Environmental Quality (“DEQ” or “the Department”) has reason to believe that the above referenced facility may be in violation of the State Water Control Law and Regulations.

This letter addresses conditions at the facility named above, and also cites compliance requirements of the State Water Control Law and Regulations. Pursuant to Va. Code § 62.1-44.15 (8a), this letter is not a case decision under the Virginia Administrative Process Act, Va. Code § 2.2-4000 et seq. The Department requests that you respond **within 20 days of the date of this letter**.

OBSERVATIONS AND LEGAL REQUIREMENTS

The following describe the staff’s factual observations and identify the applicable legal requirements:

(1) The owner’s Registration Statement submitted for coverage under the VPDES Domestic Sewage Discharges General Permit (VAG40) has not been accepted by the Board due to unresolved performance and/or enforcement issues with the Virginia Department of Health.

Legal Requirement – 9 VAC 25-110-60 A 1, *Authorization to Discharge*

(2) The owner is not in compliance with the requirements of the expired general permit, specifically the *[Insert requirement that is causing the issue]*.

Legal Requirement – 9 VAC 25-110-60 A 2, *Authorization to Discharge*, and 9 VAC 25-110-80, *General Permit*

ENFORCEMENT AUTHORITY

Va. Code § 62.1-44.23 of the State Water Control Law provides for an injunction for any violation of the State Water Control Law, any State Water Control Board rule or regulation, an order, permit condition, standard, or any certificate requirement or provision. Va. Code §§ 62.1-44.15 and 62.1-44.32 provide for a civil penalty up to \$32,500 per day of each violation of the same. In addition, Va. Code § 62.1-44.15 authorizes the State Water Control Board to issue orders to any person to comply with the State Water Control Law and regulations, including the imposition of a civil penalty for violations of up to \$100,000. Also, Va. Code § 10.1-1186 authorizes the Director of DEQ to issue special orders to any person to comply with the State Water Control Law and regulations, and to impose a civil penalty of not more than \$10,000. Va. Code §§ 62.1-44.32 (b) and 62.1-44.32 (c) provide for other additional penalties.

The Court has the inherent authority to enforce its injunction, and is authorized to award the Commonwealth its attorneys’ fees and costs.

FUTURE ACTIONS

After reviewing this letter, please respond in writing to DEQ **within 20 days of the date of this letter**

detailing actions you have taken or will be taking to ensure compliance with state law and regulations. If corrective action will take longer than 90 days to complete, you may be asked to sign a Letter of Agreement or enter into a Consent Order with the Department to formalize the plan and schedule. *It is DEQ policy that appropriate, timely, corrective action undertaken in response to a Warning Letter will avoid adversarial enforcement proceedings and the assessment of civil charges or penalties.*

Please advise us if you dispute any of the observations recited herein or if there is other information of which DEQ should be aware. In the event that discussions with staff do not lead to a satisfactory conclusion concerning the contents of this letter, you may elect to participate in DEQ's Process for Early Dispute Resolution. If you complete the Process for Early Dispute Resolution and are not satisfied with the resolution, you may request in writing that DEQ take all necessary steps to issue a case decision where appropriate. For further information on the Process for Early Dispute Resolution, please visit the Department's website under "Laws & Regulations" and "DEQ regulations" at: http://www.deq.virginia.gov/regulations/pdf/Process_for_Early_Dispute_Resolution_8260532.pdf or ask the DEQ contact listed below.

Please contact me at *[Insert phone no.]* or email address *[Insert email address]* if you have any questions about the content of this letter or need additional guidance.

Sincerely,

[Insert Regional Compliance Auditor or Manager]

cc: *[Insert Regional PW]*
Local Health District

(2) Warning Letter for DEQ Non-Single Family Home Dwellings

Regional DEQ Letterhead

Date

WARNING LETTER

[Owner Name]

[Owner Address]

RE: WL No. *[Insert WL Number]*

VPDES Permit No. VAG40 *[insert facility specific GP coverage number]*

[Facility Name]

Dear Mr. *[Insert Owner Last Name]*:

The Department of Environmental Quality (“DEQ” or “the Department”) has reason to believe that the above referenced facility may be in violation of the State Water Control Law and Regulations.

This letter addresses conditions at the facility named above, and also cites compliance requirements of the State Water Control Law and Regulations. Pursuant to Va. Code § 62.1-44.15 (8a), this letter is not a case decision under the Virginia Administrative Process Act, Va. Code § 2.2-4000 et seq. The Department requests that you respond **within 20 days of the date of this letter**.

OBSERVATIONS AND LEGAL REQUIREMENTS

The following describe the staff’s factual observations and identify the applicable legal requirements:

(1) The owner's Registration Statement submitted for coverage under the VPDES Domestic Sewage Discharges General Permit (VAG40) has not been accepted by the Board due to unresolved performance and/or enforcement issues with the Department.

Legal Requirement – 9 VAC 25-110-60 A 1, *Authorization to Discharge*

(2) The owner is not in compliance with the requirements of the expired general permit, specifically the *[Insert requirement that is causing the issue]*.

Legal Requirement – 9 VAC 25-110-60 A 2, *Authorization to Discharge*, and 9 VAC 25-110-80, *General Permit*

ENFORCEMENT AUTHORITY

Va. Code § 62.1-44.23 of the State Water Control Law provides for an injunction for any violation of the State Water Control Law, any State Water Control Board rule or regulation, an order, permit condition, standard, or any certificate requirement or provision. Va. Code §§ 62.1-44.15 and 62.1-44.32 provide for a civil penalty up to \$32,500 per day of each violation of the same. In addition, Va. Code § 62.1-44.15 authorizes the State Water Control Board to issue orders to any person to comply with the State Water Control Law and regulations, including the imposition of a civil penalty for violations of up to \$100,000. Also, Va. Code § 10.1-1186 authorizes the Director of DEQ to issue special orders to any person to comply with the State Water Control Law and regulations, and to impose a civil penalty of not more than \$10,000. Va. Code §§ 62.1-44.32 (b) and 62.1-44.32 (c) provide for other additional penalties.

The Court has the inherent authority to enforce its injunction, and is authorized to award the Commonwealth its attorneys' fees and costs.

FUTURE ACTIONS

After reviewing this letter, please respond in writing to DEQ **within 20 days of the date of this letter** detailing actions you have taken or will be taking to ensure compliance with state law and regulations. If

corrective action will take longer than 90 days to complete, you may be asked to sign a Letter of Agreement or enter into a Consent Order with the Department to formalize the plan and schedule. *It is DEQ policy that appropriate, timely, corrective action undertaken in response to a Warning Letter will avoid adversarial enforcement proceedings and the assessment of civil charges or penalties.*

Please advise us if you dispute any of the observations recited herein or if there is other information of which DEQ should be aware. In the event that discussions with staff do not lead to a satisfactory conclusion concerning the contents of this letter, you may elect to participate in DEQ's Process for Early Dispute Resolution. If you complete the Process for Early Dispute Resolution and are not satisfied with the resolution, you may request in writing that DEQ take all necessary steps to issue a case decision where appropriate. For further information on the Process for Early Dispute Resolution, please visit the Department's website under "Laws & Regulations" and "DEQ regulations" at: http://www.deq.virginia.gov/regulations/pdf/Process_for_Early_Dispute_Resolution_8260532.pdf or ask the DEQ contact listed below.

Please contact me at *[Insert phone no.]* or email address *[Insert email address]* if you have any questions about the content of this letter or need additional guidance.

Sincerely,

[Insert Regional Compliance Auditor or Manager]

cc: *[Insert Regional PW]*
Local Health District

ATTACHMENT E
Change of Ownership Agreement Form

Guidance Memo No. 11-2008

Attachment E

Change of Ownership Agreement Form

Note to Permittee: Please submit a completed copy of this form to your local Health Department and to the DEQ Regional Office so that it is received within 30 days of the transfer of the title to the facility or property.

RE: Change of Ownership – General VPDES Permit VAG40 _____
For Domestic Sewage Discharges \leq 1,000 Gallons Per Day
Name of permitted facility: _____
County: _____

TO: Virginia Department of Environmental Quality
Regional Office Address

We, the undersigned, do hereby agree to the transfer of coverage, responsibility, and liability under the General VPDES Permit identified above, to be effective as of _____
Date*

Current Owner(s): I (We) hereby agree to the transfer of ownership modification to the referenced General VPDES Permit.

Printed Name: _____	Printed Name: _____
Address: _____ _____	Address: _____ _____
Telephone # () _____	Telephone # () _____
Signature: _____	Signature: _____
Date: _____	Date: _____

New Owner(s): I (We) hereby agree to the transfer of ownership modification to the referenced General VPDES Permit.

Printed Name: _____	Printed Name: _____
Address: _____ _____	Address: _____ _____
Telephone # () _____	Telephone # () _____
Signature: _____	Signature: _____
Date: _____	Date: _____

ATTACHMENT F

**Model Operation and Maintenance Plan Manuals
and Maintenance Logs**

Operation and Maintenance Plan Manual for Aerobic Treatment Units

_____ **Facility Name**

1. Maintain treatment unit according to the manufacturer's instructions and document all repairs and maintenance on the attached log. A copy of this owner's manual for all units will be maintained by the owner for reference.
2. Inspect unit sludge levels once per 5 years. Pump out sludge when necessary.

Dates of sludge pumping _____, _____, _____

Volume of sludge pumped _____, _____, _____

3. Once per week, check chlorine and dechlorination tablets and add tablets as necessary. Shake down tubes at least weekly, discard and replace disintegrated tablets as needed.
4. Once per week, check all electrical equipment, and document problems, repairs and maintenance on the Maintenance Log.
5. Immediately repair the unit when any alarms are activated and document the problem and repairs on the Maintenance Log.
6. Sample for permit listed parameters once per year in accordance with the instruction from the commercial laboratory to ensure that the sampling and holding requirements are consistent with Part I of the permit. Maintain results of sampling data, including date and time of sampling with the Maintenance Log.
7. Maintain dated receipts for all chemical or equipment purchased, and maintenance performed.
8. Maintain file with name and contact information for mechanical and electrical maintenance contractors, sampling and testing contractors.

Owner Signature

Date

Weekly Maintenance Log Aerobic Treatment Units
 Check boxes or make notes as applicable

Date	Operator Initials	Chlorine Units		Dechlorination Unit		Electrical Pumps, Motors Operating	Alarm Activated--Repairs Made	Note any other problems, problems, repairs and maintenance with system and the visual quality of the discharge
		Problems Noted	Tablets Added	Problems Noted	Tablets Added			

Operation and Maintenance Plan Manual for Septic Tank Sand Filters

Facility Name

1. Maintain all manufacturer's instructions and document all repairs and maintenance on the attached log. A copy the owner's manuals will be maintained for all treatment units by the owner for reference.
2. Inspect septic tank sludge levels once per 5 years. Pump septic tank sludge when necessary.

Dates of septic tank inspection _____, _____, _____

Dates of septic tank pumping _____, _____, _____

Volume of septic tank pumping _____, _____, _____
3. Once per week, check chlorine and dechlorination tablets and document on Maintenance Log. Shake down tablets, discard and replace disintegrated tablets as needed.
4. Rake sand, as needed, if the sand filter is open to the atmosphere.
5. Once per week, check all electrical equipment and document problems, repairs and maintenance on the Maintenance Log.
6. Once per year, sample for permit listed parameters in accordance with the instruction from the commercial laboratory to ensure that the sampling and holding requirements are consistent with Part I of the permit. Maintain results of sampling data, including date and time of sampling with the Maintenance Log.
7. Maintain dated receipts for all chemical or equipment purchased, and maintenance performed.
8. Maintain file with name and contact information for mechanical and electrical maintenance contractors, sampling and testing contractors

Owner Signature

Date

**Weekly Maintenance Log Septic Tank Sand Filters
Check boxes or make notes as applicable**

Date	Operator Initials	Chlorine Units		Dechlorination Unit		Rake Sand Filter	Electrical Pumps, Motors Operating	Note any other problems, problems, repairs and maintenance with system and the visual quality of the discharge
		Problems Noted	Tablets Added	Problems Noted	Tablets Added			

ATTACHMENT G
Flow Determination Memos

MEMORANDUM

DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER DIVISION
Water Quality Assessments and Planning
629 E. Main Street P.O. Box 10009 Richmond, Virginia 23240

SUBJECT: General Permit Development
Critical Drainage Area and Runoff Rate - PRO

TO: Lily Choi, OWPP

FROM: Paul E. Herman, P.E., WQAP

DATE: March 30, 2001

COPIES: Durwood Willis, File

When reviewing the vast number of VPDES General Permits to be reissued and stream flows are needed in order to establish effluent limits, the following procedures should be considered prior to assigning flow frequencies to the receiving stream.

1. Locate the discharge point(s) on the topo map(s) and determine whether the receiving stream is perennial (solid blue line), tidal (evidence of tidal flats on the topo), intermittent (dotted/dashed blue line), or a dry ditch (no blue line).
2. If the discharge is to an intermittent stream or a dry ditch the flow frequencies are 0.0 cfs for the 1Q10, 7Q10, 30Q5, high flow 1Q10, high flow 7Q10, and harmonic mean. Use dilution ratios for tidal waters.
3. If the discharge enters a perennial stream, determine the major river basin to which the stream drains. The rivers considered as such for PRO are the Potomac, Rappahannock, Chesapeake Bay, York, Middle James/Appomattox, Lower James, Nottoway/Meherrin, Blackwater, and Roanoke.
4. Once the river basin has been identified, determine the drainage area above the discharge point and multiply it by the runoff rate established for the basin. Basin runoff rates are listed below:

<u>River Basin</u>	<u>7Q10 Runoff Rate (cfs/mi²)</u>
Potomac	0.0499
Rappahannock	0.0324
Chesapeake Bay	0.0433
York	0.0220
Middle James/Appomattox	0.0064
Lower James	0.0771
Nottoway/Meherrin	0.0049
Blackwater	0.0
Roanoke	0.0823

5. Using the established runoff rates provides an estimate of the receiving streams **7Q10**.
6. For a critical flow of 0.2 MGD (0.31 cfs) a critical drainage area has been established for each basin and is listed below:

<u>River Basin</u>	<u>Critical Drainage Area (mi²)</u>
Potomac	6.21
Rappahannock	9.57
Chesapeake Bay	7.16
York	14.09
Middle James/Appomattox	48.44
Lower James	4.02

Guidance Memo No. 11-2008
(1) PRO Flow Determination Memo

Nottoway/Meherrin	62.96
Blackwater	-----
Roanoke	3.76

The runoff rates for each basin were determined using data published in the USGS Water Supply Paper 2374 entitled "Low-Flow Characteristics of Streams in Virginia". The publication lists the low flow measurement sites in each basin and provides the sites drainage area and 2Q10 and 7Q10, and provides the continuous record gage used during the correlation.

The drainage area and 7Q10 for each low flow site in the portion of the basin encompassed by PRO's borders was used in establishing the runoff rates for the basin. For example, there are 24 low flow sites listed in the publication where a 7Q10 value was provided for a stream in the Nottoway/Meherrin River Basin. Of the 24, 11 lie within the PRO's borders. The runoff rates were determined for each of the 11 sites in PRO and an average runoff rate was calculated for the Nottoway/Meherrin Basin. The same procedure was used to establish the runoff rates for the remaining basins in PRO with one exception. A very small portion of the Roanoke Basin is within PRO's borders and there were no sites in this portion. Therefore, the runoff rates and critical drainage area calculated for the sites in the Roanoke Basin within SCRO's borders were used for PRO.

The runoff rates listed above for the basins lying wholly or partially within PRO may be used for estimating 7Q10 flows for VPDES General Permits whose receiving stream(s) lie within the specific basin. The material provided herein shall not be used for any purpose other than screening acceptability of VPDES General Permits for discharge flows less than or equal to 1000 gallons per day.

MEMORANDUM

DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER DIVISION
Water Quality Assessments and Planning
629 E. Main Street P.O. Box 10009 Richmond, Virginia 23240

SUBJECT: General Permit Development
Critical Drainage Area and Runoff Rate - SCRO

TO: Lily Choi, OWPP

FROM: Paul E. Herman, P.E., WQAP

DATE: April 2, 2001

COPIES: Durwood Willis, File

When reviewing the vast number of VPDES General Permits to be reissued and stream flows are needed in order to establish effluent limits, the following procedures should be considered prior to assigning flow frequencies to the receiving stream.

1. Locate the discharge point(s) on the topo map(s) and determine whether the receiving stream is perennial (solid blue line), intermittent (dotted/dashed blue line), or a dry ditch (no blue line).
2. If the discharge is to an intermittent stream or a dry ditch the flow frequencies are 0.0 cfs for the 1Q10, 7Q10, 30Q5, high flow 1Q10, high flow 7Q10, and harmonic mean.
3. If the discharge enters a perennial stream, determine the major river basin to which the stream drains. The rivers considered as such for SCRO are the James, Appomattox, Nottoway/Meherrin, Roanoke, and Smith/Dan.
4. Once the river basin has been identified, determine the drainage area above the discharge point and multiply it by the runoff rate established for the basin. Basin runoff rates are listed below:

<u>River Basin</u>	<u>7Q10 Runoff Rate (cfs/mi²)</u>
James	0.0562
Appomattox	0.0341
Nottoway/Meherrin	0.0142
Roanoke	0.0823
Smith/Dan	0.0745

5. Using the established runoff rates provides an estimate of the receiving streams **7Q10**.
6. For a critical flow of 0.2 MGD (0.31 cfs) a critical drainage area has been established for each basin and is listed below:

<u>River Basin</u>	<u>Critical Drainage Area (mi²)</u>
James	5.52
Appomattox	9.09
Nottoway/Meherrin	21.83
Roanoke	3.77
Smith/Dan	4.16

The runoff rates for each basin were determined using data published in the USGS Water Supply Paper 2374 entitled "Low-Flow Characteristics of Streams in Virginia". The publication lists the low flow measurement sites in each basin and provides the sites drainage area and 2Q10 and 7Q10, and provides the continuous record gage used during the correlation.

The drainage area and 7Q10 for each low flow site in the portion of the basin encompassed by SCRO's borders was used in establishing the runoff rates for the basin. For example, there are 24 low flow sites

Guidance Memo No. 11-2008
(2) BRRO-L (SCRO) Flow Determination Memo

listed in the publication where a 7Q10 value was provided for a stream in the Nottoway/Meherrin River Basin. Of the 24, 7 lie within the SCRO's borders. The runoff rates were determined for each of the 7 sites in SCRO and an average runoff rate was calculated for the Nottoway/Meherrin Basin. The same procedure was used to establish the runoff rates for the remaining basins in SCRO.

The runoff rates listed above for the basins lying wholly or partially within SCRO may be used for estimating 7Q10 flows for VPDES General Permits whose receiving stream(s) lie within the specific basin. The material provided herein shall not be used for any purpose other than screening acceptability of VPDES General Permits for discharge flows less than or equal to 1000 gallons per day.

MEMORANDUM

DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER DIVISION
Water Quality Assessments and Planning
629 E. Main Street P.O. Box 10009 Richmond, Virginia 23240

SUBJECT: General Permit Development
Critical Drainage Area and Runoff Rate - SWRO

TO: Lily Choi, OWPP

FROM: Paul E. Herman, P.E., WQAP

DATE: March 30, 2001

COPIES: Durwood Willis, File

When reviewing the vast number of VPDES General Permits to be reissued and stream flows are needed in order to establish effluent limits, the following procedures should be considered prior to assigning flow frequencies to the receiving stream.

1. Locate the discharge point(s) on the topo map(s) and determine whether the receiving stream is perennial (solid blue line), intermittent (dotted/dashed blue line), or a dry ditch (no blue line).
2. If the discharge is to an intermittent stream or a dry ditch the flow frequencies are 0.0 cfs for the 1Q10, 7Q10, 30Q5, high flow 1Q10, high flow 7Q10, and harmonic mean.
3. If the discharge enters a perennial stream, determine the major river basin to which the stream drains. The rivers considered as such for SWRO are the Yadkin, New, Clinch, Powell, Holston, and Big Sandy.
4. Once the river basin has been identified, determine the drainage area above the discharge point and multiply it by the runoff rate established for the basin. Basin runoff rates are listed below:

<u>River Basin</u>	<u>7Q10 Runoff Rate (cfs/mi²)</u>
Yadkin	0.1567
New	0.2094
Holston	0.1453
Clinch	0.0462
Powell	0.0660
Big Sandy	0.0133

5. Using the established runoff rates provides an estimate of the receiving streams **7Q10**.
6. For a critical flow of 0.2 MGD (0.31 cfs) a critical drainage area has been established for each basin and is listed below:

<u>River Basin</u>	<u>Critical Drainage Area (mi²)</u>
Yadkin	1.98
New	1.48
Holston	2.13
Clinch	6.71
Powell	4.70
Big Sandy	23.31

The runoff rates for each basin (except the Holston) were determined using data published in the USGS Water Supply Paper 2374 entitled "Low-Flow Characteristics of Streams in Virginia". This publication lists the low flow measurement sites in each basin and provides the sites drainage area and 2Q10 and 7Q10, and provides the continuous record gage used during the correlation. The publication listed only two sites for the entire Holston basin. Therefore, site specific measurement data collected at VPDES

Guidance Memo No. 11-2008
(3) SWRO Flow Determination Memo

permit sites in the basin were used in addition to the available data from the publication. The site specific measurements were correlated with continuous record gages in the basin and the 7Q10 for each site was determined from the regression line.

The drainage area and 7Q10 for each low flow site in the portion of the basin encompassed by SWRO's borders was used in establishing the runoff rates for the basin. For example, there are 15 low flow sites listed for the New River Basin in the publication. Of the 15, 10 lie within the SWRO's borders. The runoff rates were determined for each of the 10 sites in SWRO and an average runoff rate was calculated for the New Basin. The same procedure was used to establish the runoff rates for the remaining basins in SWRO with two exceptions. The first is the Holston Basin which was addressed above. The second is the Yadkin Basin which is based on only one site due to the size of its watershed in Virginia.

The runoff rates listed above for the basins lying wholly or partially within SWRO may be used for estimating 7Q10 flows for VPDES General Permits whose receiving stream(s) lie within the specific basin. The material provided herein shall not be used for any purpose other than screening acceptability of VPDES General Permits for discharge flows less than or equal to 1000 gallons per day.

MEMORANDUM

DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER DIVISION
Water Quality Assessments and Planning
629 E. Main Street P.O. Box 10009 Richmond, Virginia 23240

SUBJECT: General Permit Development
Critical Drainage Area and Runoff Rate - TRO

TO: Lily Choi, OWPP

FROM: Paul E. Herman, P.E., WQAP

DATE: April 2, 2001

COPIES: Durwood Willis, File

When reviewing the vast number of VPDES General Permits to be reissued and stream flows are needed in order to establish effluent limits, the following procedures should be considered prior to assigning flow frequencies to the receiving stream.

1. Locate the discharge point(s) on the topo map(s) and determine whether the receiving stream is perennial (solid blue line), tidal (evidence of tidal flats on topo), intermittent (dotted/dashed blue line), or a dry ditch (no blue line).
2. If the discharge is to an intermittent stream or a dry ditch the flow frequencies are 0.0 cfs for the 1Q10, 7Q10, 30Q5, high flow 1Q10, high flow 7Q10, and harmonic mean. Use dilution ratios if the stream is tidal.
3. If the discharge enters a perennial stream, determine the major river basin to which the stream drains. The rivers considered as such for TRO are the Lower James, Nottoway/Meherrin, Blackwater, Dismal Swamp and points south and east, Chesapeake Bay, and Eastern Shore.
4. Once the river basin has been identified, determine the drainage area above the discharge point and multiply it by the runoff rate established for the basin. Basin runoff rates are listed below:

<u>River Basin</u>	<u>7Q10 Runoff Rate (cfs/mi²)</u>
Lower James	0.0626
Nottoway/Meherrin	0.000132
Blackwater	0.0
Dismal Swamp	0.0
Chesapeake Bay	0.0
Eastern Shore	0.0758

5. Using the established runoff rates provides an estimate of the receiving streams **7Q10**.
6. For a critical flow of 0.2 MGD (0.31 cfs) a critical drainage area has been established for each basin and is listed below:

<u>River Basin</u>	<u>Critical Drainage Area (mi²)</u>
Lower James	4.95
Nottoway/Meherrin	2,348
Blackwater	----
Dismal Swamp	----
Chesapeake Bay	----
Eastern Shore	4.09

The runoff rates for each basin were determined using data published in the USGS Water Supply Paper 2374 entitled "Low-Flow Characteristics of Streams in Virginia". The publication lists the low flow measurement sites in each basin and provides the sites drainage area and 2Q10 and 7Q10, and provides

Guidance Memo No. 11-2008
(4) TRO Flow Determination Memo

the continuous record gage used during the correlation.

The drainage area and 7Q10 for each low flow site in the portion of the basin encompassed by TRO's borders was used in establishing the runoff rates for the basin. For example, there are 24 low flow sites listed in the publication where a 7Q10 value was provided for a stream in the Nottoway/Meherrin River Basin. Of the 24, 6 lie within the TRO's borders. The runoff rates were determined for each of the 6 sites in TRO and an average runoff rate was calculated for the Nottoway/Meherrin Basin. The same procedure was used to establish the runoff rates for the remaining basins in TRO with one exception. The Dismal Swamp Basin and the area south and east did not have any sites listed in the publication. Due to the swampy and/or tidal nature of this portion of the State, the runoff rate was set to 0.0 cfs/mi².

The runoff rates listed above for the basins lying wholly or partially within TRO may be used for estimating 7Q10 flows for VPDES General Permits whose receiving stream(s) lie within the specific basin. The material provided herein shall not be used for any purpose other than screening acceptability of VPDES General Permits for discharge flows less than or equal to 1000 gallons per day.

MEMORANDUM

DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER DIVISION
Water Quality Assessments and Planning
629 E. Main Street P.O. Box 10009 Richmond, Virginia 23240

SUBJECT: General Permit Development
Critical Drainage Area and Runoff Rate - VRO

TO: Lily Choi, OWPP

FROM: Paul E. Herman, P.E., WQAP

DATE: April 2, 2001

COPIES: Durwood Willis, File

When reviewing the vast number of VPDES General Permits to be reissued and stream flows are needed in order to establish effluent limits, the following procedures should be considered prior to assigning flow frequencies to the receiving stream.

1. Locate the discharge point(s) on the topo map(s) and determine whether the receiving stream is perennial (solid blue line), intermittent (dotted/dashed blue line), or a dry ditch (no blue line).
2. If the discharge is to an intermittent stream or a dry ditch the flow frequencies are 0.0 cfs for the 1Q10, 7Q10, 30Q5, high flow 1Q10, high flow 7Q10, and harmonic mean.
3. If the discharge enters a perennial stream, determine the major river basin to which the stream drains. The rivers considered as such for VRO are the North Fork Shenandoah, South Fork Shenandoah, Shenandoah, Rappahannock, and James. Discharges to the Upper Potomac should be included in the North Fork Shenandoah.
4. Once the river basin has been identified, determine the drainage area above the discharge point and multiply it by the runoff rate established for the basin. Basin runoff rates are listed below:
5. Using the established runoff rates provides an estimate of the receiving streams **7Q10**.

<u>River Basin</u>	<u>7Q10 Runoff Rate (cfs/mi²)</u>
N.F. Shenandoah	0.0861
S.F. Shenandoah	0.0255
Shenandoah	0.1404
Rappahannock	0.0183
James	0.0661

6. For a critical flow of 0.2 MGD (0.31 cfs) a critical drainage area has been established for each basin and is listed below:

<u>River Basin</u>	<u>Critical Drainage Area (mi²)</u>
N.F. Shenandoah	3.60
S.F. Shenandoah	12.2
Shenandoah	2.21
Rappahannock	16.9
James	4.69

The runoff rates for each basin were determined using data published in the USGS Water Supply Paper 2374 entitled "Low-Flow Characteristics of Streams in Virginia". This publication lists the low flow measurement sites in each basin and provides the sites drainage area and 2Q10 and 7Q10, and provides the continuous record gage used during the correlation.

The drainage area and 7Q10 for each low flow site in the portion of the basin encompassed by VRO's

Guidance Memo No. 11-2008
(5) VRO Flow Determination Memo

borders was used in establishing the runoff rates for the basin. For example, there are 69 low flow sites listed in the publication where a 7Q10 value was provided for a stream in the James Basin. Of the 69, 15 lie within the VRO's borders. The runoff rates were determined for each of the 15 sites in VRO and an average runoff rate was calculated for the James Basin. The same procedure was used to establish the runoff rates for the remaining basins in VRO. Discharges to streams in a basin not listed above will be handled on a case-by-case basis.

The runoff rates listed above for the basins lying wholly or partially within VRO may be used for estimating 7Q10 flows for VPDES General Permits whose receiving stream(s) lie within the specific basin. The material provided herein shall not be used for any purpose other than screening acceptability of VPDES General Permits for discharge flows less than or equal to 1000 gallons per day.

MEMORANDUM

DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER DIVISION
Water Quality Assessments and Planning
629 E. Main Street P.O. Box 10009 Richmond, Virginia 23240

SUBJECT: General Permit Development
Critical Drainage Area and Runoff Rate - WCRO

TO: Lily Choi, OWPP

FROM: Paul E. Herman, P.E., WQAP

DATE: March 30, 2001

COPIES: Durwood Willis, File

When reviewing the vast number of VPDES General Permits to be reissued and stream flows are needed in order to establish effluent limits, the following procedures should be considered prior to assigning flow frequencies to the receiving stream.

1. Locate the discharge point(s) on the topo map(s) and determine whether the receiving stream is perennial (solid blue line), intermittent (dotted/dashed blue line), or a dry ditch (no blue line).
2. If the discharge is to an intermittent stream or a dry ditch the flow frequencies are 0.0 cfs for the 1Q10, 7Q10, 30Q5, high flow 1Q10, high flow 7Q10, and harmonic mean.
3. If the discharge enters a perennial stream, determine the major river basin to which the stream drains. The rivers considered as such for WCRO are the Yadkin, New, James, Roanoke, and Smith/Dan.
4. Once the river basin has been identified, determine the drainage area above the discharge point and multiply it by the runoff rate established for the basin. Basin runoff rates are listed below:

<u>River Basin</u>	<u>7Q10 Runoff Rate (cfs/mi²)</u>
Yadkin	0.1567
New	0.1542
James	0.0736
Roanoke	0.0822
Smith/Dan	0.2557

5. Using the established runoff rates provides an estimate of the receiving streams **7Q10**.
6. For a critical flow of 0.2 MGD (0.31 cfs) a critical drainage area has been established for each basin and is listed below:

<u>River Basin</u>	<u>Critical Drainage Area (mi²)</u>
Yadkin	1.98
New	2.01
James	4.21
Roanoke	3.77
Smith/Dan	1.21

The runoff rates for each basin were determined using data published in the USGS Water Supply Paper 2374 entitled "Low-Flow Characteristics of Streams in Virginia". This publication lists the low flow measurement sites in each basin and provides the sites drainage area and 2Q10 and 7Q10, and provides the continuous record gage used during the correlation.

The drainage area and 7Q10 for each low flow site in the portion of the basin encompassed by WCRO's borders was used in establishing the runoff rates for the basin. For example, there are 15 low flow sites

Guidance Memo No. 11-2008
(6) BRRO-R (WCRO) Flow Determination Memo

listed for the New River Basin in the publication. Of the 15, 5 lie within the WCRO's borders. The runoff rates were determined for each of the 5 sites in WCRO and an average runoff rate was calculated for the New Basin. The same procedure was used to establish the runoff rates for the remaining basins in WCRO with one exception. The Yadkin Basin is based on only one site due to the size of its watershed in Virginia.

The runoff rates listed above for the basins lying wholly or partially within WCRO may be used for estimating 7Q10 flows for VPDES General Permits whose receiving stream(s) lie within the specific basin. The material provided herein shall not be used for any purpose other than screening acceptability of VPDES General Permits for discharge flows less than or equal to 1000 gallons per day.

MEMORANDUM

DEPARTMENT OF ENVIRONMENTAL QUALITY - WATER DIVISION
Water Quality Assessments and Planning
629 E. Main Street P.O. Box 10009 Richmond, Virginia 23240

SUBJECT: General Permit Development
Critical Drainage Area and Runoff Rate - NRO

TO: Lily Choi, OWPP

FROM: Paul E. Herman, P.E., WQAP

DATE: April 2, 2001

COPIES: Durwood Willis, File

When reviewing the vast number of VPDES General Permits to be reissued and stream flows are needed in order to establish effluent limits, the following procedures should be considered prior to assigning flow frequencies to the receiving stream.

1. Locate the discharge point(s) on the topo map(s) and determine whether the receiving stream is perennial (solid blue line), tidal (evidence of tidal flats on the topo), intermittent (dotted/dashed blue line), or a dry ditch (no blue line).
2. If the discharge is to an intermittent stream or a dry ditch the flow frequencies are 0.0 cfs for the 1Q10, 7Q10, 30Q5, high flow 1Q10, high flow 7Q10, and harmonic mean. Use dilution ratios for discharges to tidal waters.
3. If the discharge enters a perennial stream, determine the major river basin to which the stream drains. The rivers considered as such for NRO are the Upper Potomac (HUC 02070008), Lower Potomac (HUC 02070010, 02070011), Upper Rappahannock, York, and James.
4. Once the river basin has been identified, determine the drainage area above the discharge point and multiply it by the runoff rate established for the basin. Basin runoff rates are listed below:

<u>River Basin</u>	<u>7Q10 Runoff Rate (cfs/mi²)</u>
Upper Potomac	0.0134
Lower Potomac	0.0061
Rappahannock	0.015426
York	0.015434
James	0.0131

5. Using the established runoff rates provides an estimate of the receiving streams **7Q10**.
6. For a critical flow of 0.2 MGD (0.31 cfs) a critical drainage area has been established for each basin and is listed below:

<u>River Basin</u>	<u>Critical Drainage Area (mi²)</u>
Upper Potomac	23.13
Lower Potomac	50.82
Rappahannock	20.096
York	20.086
James	23.66

The runoff rates for each basin were determined using data published in the USGS Water Supply Paper 2374 entitled "Low-Flow Characteristics of Streams in Virginia". The publication lists the low flow measurement sites in each basin and provides the sites drainage area and 2Q10 and 7Q10, and provides the continuous record gage used during the correlation.

Guidance Memo No. 11-2008
(7) NVRO Flow Determination Memo

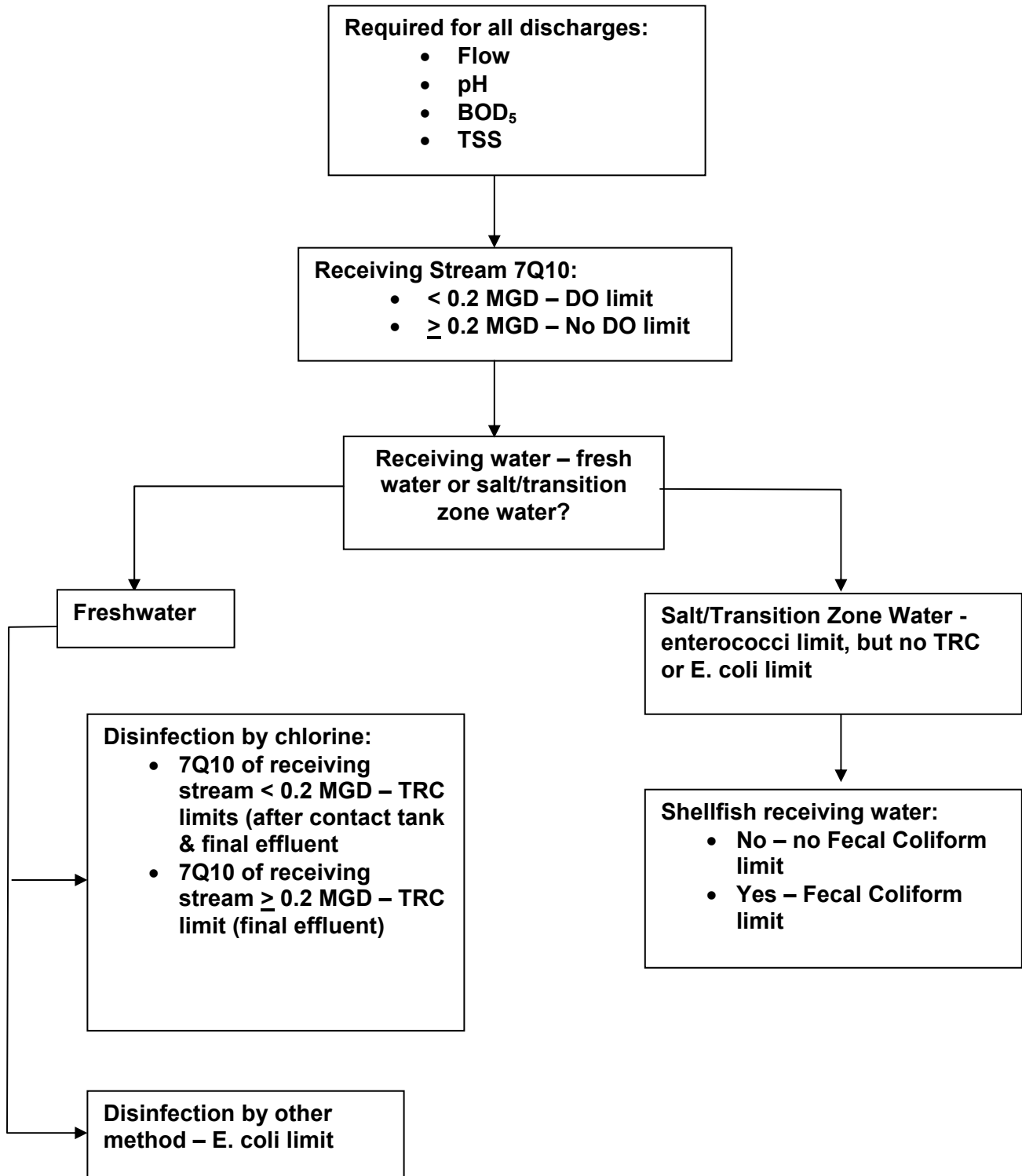
The drainage area and 7Q10 for each low flow site in the portion of the basin encompassed by NRO's borders was used in establishing the runoff rates for the basin. For example, there are 25 low flow sites listed for the York River Basin in the publication. Of the 25, 14 lie within the NRO's borders. The runoff rates were determined for each of the 14 sites in NRO and an average runoff rate was calculated for the York Basin.

The runoff rates listed above for the basins lying wholly or partially within NRO may be used for estimating 7Q10 flows for VPDES General Permits whose receiving stream(s) lie within the specific basin. The material provided herein shall not be used for any purpose other than screening acceptability of VPDES General Permits for discharge flows less than or equal to 1000 gallons per day.

ATTACHMENT H
Monitoring Requirements – Decision Tree
and 8 Monitoring Pages

VPDES General Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 GPD

Monitoring Requirements



Guidance Memo No. 11-2008

The purpose of this page is to provide you the monitoring requirements specific to the discharge from your facility based on information provided in your registration statement for the VPDES General Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day. You are not required to submit your monitoring results to the Department of Environmental Quality, but you are required to maintain them with your other facility records for inspection. Refer to Part I.A. 1-3 of the general permit for more specific information regarding effluent monitoring requirements.

These monitoring requirements apply when the receiving stream has a 7Q10 flow < 0.2 MGD, is a freshwater and is not a shellfish water; and the method of disinfection is chlorination.

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow *	NA	NL	1/year	Estimate
pH (Standard Units)	6.0	9.0	1/year	Grab
BOD₅	NA	30 mg/l	1/year	Grab
Total Suspended Solids	NA	30 mg/l	1/year	Grab
Dissolved Oxygen	5.0	NA	1/year	Grab
Total Residual Chlorine - After Contact Tank	1.0 mg/l	NA	1/year	Grab
Total Residual Chlorine - Final Effluent	NA	0.016 mg/l	1/year	Grab

* The design flow of your treatment facility is less than or equal to 1,000 gallons per day.

Guidance Memo No. 11-2008

The purpose of this page is to provide you the monitoring requirements specific to the discharge from your facility based on information provided in your registration statement for the VPDES General Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day. You are not required to submit your monitoring results to the Department of Environmental Quality, but you are required to maintain them with your other facility records for inspection. Refer to Part I.A. 1-3 of the general permit for more specific information regarding effluent monitoring requirements.

These monitoring requirements apply when the receiving stream has a 7Q10 flow < 0.2 MGD, is a fresh water and is not a shellfish water; and the method of disinfection is other than chlorination.

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow *	NA	NL	1/year	Estimate
pH (Standard Units)	6.0	9.0	1/year	Grab
BOD₅	NA	30 mg/l	1/year	Grab
Total Suspended Solids	NA	30 mg/l	1/year	Grab
Dissolved Oxygen	5.0	NA	1/year	Grab
E. coli	NA	235/100 ml	1/year	Grab

* The design flow of your treatment facility is less than or equal to 1,000 gallons per day.

Guidance Memo No. 11-2008

The purpose of this page is to provide you the monitoring requirements specific to the discharge from your facility based on information provided in your registration statement for the VPDES General Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day. You are not required to submit your monitoring results to the Department of Environmental Quality, but you are required to maintain them with your other facility records for inspection. Refer to Part I.A. 1-3 of the general permit for more specific information regarding effluent monitoring requirements.

These monitoring requirements apply when the receiving stream has a 7Q10 flow < 0.2 MGD, is a salt water or transition zone, and is not a shellfish water.

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow *	NA	NL	1/year	Estimate
pH (Standard Units)	6.0	9.0	1/year	Grab
BOD₅	NA	30 mg/l	1/year	Grab
Total Suspended Solids	NA	30 mg/l	1/year	Grab
Dissolved Oxygen	5.0	NA	1/year	Grab
enterococci	NA	104/100 ml	1/year	Grab

* The design flow of your treatment facility is less than or equal to 1,000 gallons per day.

Guidance Memo No. 11-2008

The purpose of this page is to provide you the monitoring requirements specific to the discharge from your facility based on information provided in your registration statement for the VPDES General Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day. You are not required to submit your monitoring results to the Department of Environmental Quality, but you are required to maintain them with your other facility records for inspection. Refer to Part I.A. 1-3 of the general permit for more specific information regarding effluent monitoring requirements.

These monitoring requirements apply when the receiving stream has a 7Q10 flow < 0.2 MGD, is a salt water or transition zone, and is a shellfish water.

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow *	NA	NL	1/year	Estimate
pH (Standard Units)	6.0	9.0	1/year	Grab
BOD₅	NA	30 mg/l	1/year	Grab
Total Suspended Solids	NA	30 mg/l	1/year	Grab
Dissolved Oxygen	5.0	NA	1/year	Grab
enterococci	NA	104/100 ml	1/year	Grab
Fecal coliform Bacteria	NA	200/100 ml	1/year	Grab

* The design flow of your treatment facility is less than or equal to 1,000 gallons per day.

Guidance Memo No. 11-2008

The purpose of this page is to provide you the monitoring requirements specific to the discharge from your facility based on information provided in your registration statement for the VPDES General Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day. You are not required to submit your monitoring results to the Department of Environmental Quality, but you are required to maintain them with your other facility records for inspection. Refer to Part I.A. 1-3 of the general permit for more specific information regarding effluent monitoring requirements.

These monitoring requirements apply when the receiving stream has a 7Q10 flow \geq 0.2 MGD, is a freshwater and is not a shellfish water; and the method of disinfection is chlorination.

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow *	NA	NL	1/year	Estimate
pH (Standard Units)	6.0	9.0	1/year	Grab
BOD₅	NA	30 mg/l	1/year	Grab
Total Suspended Solids	NA	30 mg/l	1/year	Grab
Total Residual Chlorine - Final Effluent	1.0	2.0 mg/l	1/year	Grab

* The design flow of your treatment facility is less than or equal to 1,000 gallons per day.

Guidance Memo No. 11-2008

The purpose of this page is to provide you the monitoring requirements specific to the discharge from your facility based on information provided in your registration statement for the VPDES General Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day. You are not required to submit your monitoring results to the Department of Environmental Quality, but you are required to maintain them with your other facility records for inspection. Refer to Part I.A. 1-3 of the general permit for more specific information regarding effluent monitoring requirements.

These monitoring requirements apply when the receiving stream has a 7Q10 flow \geq 0.2 MGD, is a fresh water and is not a shellfish water; and the method of disinfection is other than chlorination.

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow *	NA	NL	1/year	Estimate
pH (Standard Units)	6.0	9.0	1/year	Grab
BOD₅	NA	30 mg/l	1/year	Grab
Total Suspended Solids	NA	30 mg/l	1/year	Grab
E. coli	NA	235/100 ml	1/year	Grab

* The design flow of your treatment facility is less than or equal to 1,000 gallons per day.

Guidance Memo No. 11-2008

The purpose of this page is to provide you the monitoring requirements specific to the discharge from your facility based on information provided in your registration statement for the VPDES General Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day. You are not required to submit your monitoring results to the Department of Environmental Quality, but you are required to maintain them with your other facility records for inspection. Refer to Part I.A. 1-3 of the general permit for more specific information regarding effluent monitoring requirements.

These monitoring requirements apply when the receiving stream has a 7Q10 flow \geq 0.2 MGD, is a salt water or transition zone, and is not a shellfish water.

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow *	NA	NL	1/year	Estimate
pH (Standard Units)	6.0	9.0	1/year	Grab
BOD₅	NA	30 mg/l	1/year	Grab
Total Suspended Solids	NA	30 mg/l	1/year	Grab
enterococci	NA	104/100 ml	1/year	Grab

* The design flow of your treatment facility is less than or equal to 1,000 gallons per day.

Guidance Memo No. 11-2008

The purpose of this page is to provide you the monitoring requirements specific to the discharge from your facility based on information provided in your registration statement for the VPDES General Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day. You are not required to submit your monitoring results to the Department of Environmental Quality, but you are required to maintain them with your other facility records for inspection. Refer to Part I.A. 1-3 of the general permit for more specific information regarding effluent monitoring requirements.

These monitoring requirements apply when the receiving stream has a 7Q10 flow \geq 0.2 MGD, is a salt water or transition zone, and is a shellfish water.

<u>EFFLUENT CHARACTERISTICS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS</u>	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow *	NA	NL	1/year	Estimate
pH (Standard Units)	6.0	9.0	1/year	Grab
BOD₅	NA	30 mg/l	1/year	Grab
Total Suspended Solids	NA	30 mg/l	1/year	Grab
enterococci	NA	104/100 ml	1/year	Grab
Fecal coliform Bacteria	NA	200/100 ml	1/year	Grab

* The design flow of your treatment facility is less than or equal to 1,000 gallons per day.

ATTACHMENT I

**Contact Information for the VDH-ODW Field Offices,
the VDH-DSS, and the VMRC**

Contact Information for the VDH and the VMRC

VDH - Office of Drinking Water (ODW) Field Offices

Field Office

ABINGDON (Field Office #1)
454 East Main Street
Abingdon, VA 24210
Telephone: (276) 676-5650
Fax: (276) 676-5659

CULPEPER (Field Office #6)
400 South Main St, 2nd Floor
Culpeper, VA 22701
Telephone: (540) 829-7340
Fax: (540) 829-7337

DANVILLE (Field Office #5)
211 Nor Dan Drive
Danville, VA 24540
Telephone: (434) 836-8416
Fax: (434) 836-8424

LEXINGTON (Field Office #2)
131 Walker Street
Lexington, VA 24450-2431
Telephone: (540) 463-7136
Fax: (540) 463-3892

EAST CENTRAL (Field Office #4)
300 Turner Road
Richmond, VA 23225
Telephone: (804) 674-2880
Fax: (804) 674-2815

SOUTHEAST (Field Office #3)
830 Southampton Ave., Rm. 2058
Norfolk, VA 23510
Telephone: (757) 683-2000
Fax: (757) 683-2007

Counties and Cities Served

Counties: Bland, Buchanan, Carroll, Dickinson, Floyd, Giles, Grayson, Lee, Montgomery, Pulaski, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe
Cities: Bristol, Galax, Norton, Radford

Counties: Arlington, Caroline, Culpeper, Fairfax, Fauquier, King George, Loudoun, Madison, Orange, Prince William, Rappahannock, Spotsylvania, Stafford
Cities: Alexandria, Fairfax, Falls Church, Fredericksburg, Manassas, Manassas Park

Counties: Amelia, Amherst, Appomattox, Bedford, Buckingham, Brunswick, Campbell, Charlotte, Cumberland, Franklin, Halifax, Henry, Lunenburg, Mecklenburg, Nottoway, Patrick, Pittsylvania, Prince Edward
Cities: Bedford, Danville, Lynchburg, Martinsville

Counties: Albemarle, Alleghany, Augusta, Bath, Botetourt, Clarke, Craig, Frederick, Fluvanna, Greene, Highland, Louisa, Nelson, Page, Roanoke, Rockbridge, Rockingham, Shenandoah, Warren
Cities: Buena Vista, Charlottesville, Covington, Harrisonburg, Lexington, Roanoke, Salem, Staunton, Waynesboro, Winchester

Counties: Charles City, Chesterfield, Essex, Gloucester, Goochland, Hanover, Henrico, King and Queen, King William, Lancaster, Mathews, Middlesex, New Kent, Northumberland, Powhatan, Richmond, Westmoreland
Cities: Richmond

Counties: Accomack, Dinwiddie, Greensville, Isle of Wight, James City, Northampton, Prince George, Southampton, Surry, Sussex, York
Cities: Chesapeake, Colonial Heights, Emporia, Franklin, Hampton, Hopewell, Newport News, Norfolk, Petersburg, Poquoson, Portsmouth, Suffolk, Virginia Beach, Williamsburg

VDH - Office of Environmental Health Services

Dr. Robert Croonenberghs, Director
Division of Shellfish Sanitation
109 Governor Street, 5th Floor
Richmond, VA 23219
Telephone: (804) 864-7480
Fax: (804) 864-7475

Virginia Marine Resources Commission (VMRC)

Virginia Marine Resources Commission
2600 Washington Avenue, 3rd Floor
Newport News, VA 23607
Telephone: (757) 247-2200