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Exempt Action Proposed Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation(s)	9VAC25-110
Regulation title(s)	General VPDES Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons per Day
Action title	Amend and Reissue the Existing Regulation
Date this document prepared	May 12, 2015

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Administrative Process Act (APA), the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of The Virginia Register Act, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This regulation amendment will reissue the existing VPDES general permit for domestic sewage discharges of less than or equal to 1,000 GPD (VAG40) that will expire on August 1, 2016. The general permit contains effluent limitations, permit conditions and monitoring requirements for domestic sewage discharges to surface waters from treatment works with a design discharge flow of less than or equal to 1,000 gallons per day on a monthly average. The permit requirements are designed to protect the quality of the waters receiving the treated wastewater discharges.

Amendments are proposed to update and clarify definitions, effective dates, authorization to discharge, registration statement requirements, general permit limits pages, special conditions, and conditions applicable to all permits.

Acronyms and Definitions

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

DEQ: Department of Environmental Quality
 DMR: Discharge Monitoring Report
 D.O.: Dissolved oxygen
 EPA (U.S. EPA): United States Environmental Protection Agency
 GPD: Gallons per day
 NPDES: National Pollutant Discharge Elimination System
 PPRE: Policy for the Potomac River Embayments (9VAC25-415)
 QL: Quantification level
 TMDL: Total Maximum Daily Load
 TRC: Total residual chlorine
 USC: United States Code
 VAC: Virginia Administrative Code
 VDH: Virginia Department of Health
 VPDES: Virginia Pollutant Discharge Elimination System

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including: 1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable; and 2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person’s overall regulatory authority.

The basis for this regulation is § 62.1-44.2 et seq. of the Code of Virginia. Specifically, § 62.1-44.15(5) authorizes the Board to issue permits for the discharge of treated sewage, industrial wastes or other waste into or adjacent to state waters and § 62.1-44.15(7) authorizes the Board to adopt rules governing the procedures of the Board with respect to the issuance of permits. Further, § 62.1-44.15(10) authorizes the Board to adopt such regulations as it deems necessary to enforce the general water quality management program, §62.1-44.15(14) authorizes the Board to establish requirements for the treatment of sewage, industrial wastes and other wastes, § 62.1-44.16 specifies the Board's authority to regulate discharges of industrial wastes, § 62.1-44.20 provides that agents of the Board may have the right of entry to public or private property for the purpose of obtaining information or conducting necessary surveys or investigations, and § 62.1-44.21 authorizes the Board to require owners to furnish information necessary to determine the effect of the wastes from a discharge on the quality of state waters.

Section 402 of the Clean Water Act (33 USC 1251 et seq.) authorizes states to administer the NPDES permit program under state law. The Commonwealth of Virginia received such authorization in 1975 under the terms of a Memorandum of Understanding with the U.S. EPA. This Memorandum of Understanding was modified on May 20, 1991 to authorize the Commonwealth to administer a General VPDES Permit Program.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Describe the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The proposed regulatory action is needed in order to establish permitting requirements for small treatment works treating domestic sewage to protect the quality of state waters. The existing permit expires on August 1, 2016, and the regulatory action is necessary in order to reissue the permit for another five-year term. The goal of the regulatory action is to continue the existence of the general permit that establishes effluent limitations, permit conditions and monitoring requirements for point source discharges from treatment works treating domestic sewage discharges of less than or equal to 1,000 GPD.

Substance

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

The most significant changes to the regulation are:

- (1) The addition of a limit set for discharges to receiving waters subject to the Policy for the Potomac River Embayments (9VAC25-415). This was done to allow owners of treatment works subject to this policy to be covered under this general permit.
- (2) Owners of treatment works serving buildings or dwellings other than individual single family dwellings will now be required to submit the monitoring results to DEQ on a Discharge Monitoring Report (DMR) after each monitoring period. Previously the monitoring results were just kept on site and made available during an inspection or upon request. This change will assist the Department with compliance with this permit. (Monitoring results for individual single family dwellings are submitted to the Virginia Department of Health in accordance with 12VAC5-640).
- (3) Owners of treatment works serving buildings or dwellings other than individual single family dwellings will now also be required to maintain a log of all maintenance performed on the treatment works. The log will be required to be submitted to the Department along with the facilities monitoring results. This change will also assist the Department with compliance with this permit and help the Department determine which facilities need more frequent compliance inspections.

Issues

Please identify the issues associated with the proposed regulatory action, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.

The primary advantage to the public and to the agency of implementing the amended provisions are that a VPDES general permit will continue to be available to small domestic sewage treatment works, allowing them an efficient way to be permitted to discharge to surface waters. The regulatory action poses no disadvantages to the public or to the Commonwealth.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

There are no requirements that exceed applicable federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

There are no localities particularly affected by the proposed regulation.

Alternatives

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

There are two alternatives for compliance with the federal and state requirements to permit discharges from domestic sewage treatment works with a design discharge flow of less than or equal to 1,000 GPD. One is to issue individual VPDES permits to the owner of each treatment works. The other is to reissue the general VPDES permit to cover this category of discharger. Due to the magnitude of treatment works that are required to be permitted, it is not practical to issue individual permits to each of these facilities. Individual permits will only be issued to those treatment works that do not qualify to be permitted under the general permit.

Public participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal, the impacts of the regulated community and the impacts of the regulation on farm or forest land preservation.

In addition to any other comments, the Board is seeking comments on the costs and benefits of the proposal, the potential impacts of this regulatory proposal and any impacts of the regulation on farm and forest land preservation. Also, the Board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting,

recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so by mail, email or fax to Allan Brockenbrough, P.O. Box 1105, Richmond, VA 23218, (804) 698-4147 (phone), (804) 698-4032 (fax) or allan.brockenbrough@deq.virginia.gov. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at: <http://www.townhall.virginia.gov>. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

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

Family impact

Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

This regulation will have no direct impact on the institution of the family or family stability.

Periodic review/small business impact review announcement

If you wish to use this exempt proposed stage to announce a periodic review (§ 2.2-4017 & EO-17 (2014)) and a small business impact review (§ 2.2-4007.1) of this regulation, keep the following text. Modify as necessary for your agency. Otherwise, delete this section.

In addition, pursuant to Executive Order 17 (2014) and § 2.2-4007.1 of the Code of Virginia, the agency is conducting a periodic review and small business impact review of this regulation to determine whether this regulation should be terminated, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

Detail of changes

Please list all changes that are being proposed and the consequences of the proposed changes; explain the new requirements and what they mean rather than merely quoting the proposed text of the regulation. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action. If the proposed regulation is intended to replace an emergency regulation, please list separately: (1) all differences between the pre-emergency regulation and this proposed regulation; and 2) only changes made since the publication of the emergency regulation.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
10		"7Q10" definition	Deleted " <i>climatic</i> " from the definition as this term is not needed.
		"Climatic year" definition	Deleted this definition as it is not needed.
			Added definitions of " <i>Board</i> ", " <i>combined application</i> ", " <i>Department</i> ", " <i>individual single family dwelling</i> ", and " <i>receiving water</i> " to clarify these terms for this permit regulation.
	15		Added " <i>Applicability of incorporated references based on the dates that they became effective.</i> " This section was added to update all references to Title 40 Code of Federal Regulations (CFR) within the document to be those published as of July 1, 2014. This was a recommendation from the DEQ Office of Policy so that dates do not need to be added for each CFR reference.
20.C		Effective Date of Permit	Changed the effective (2016) and expiration (2021) dates to reflect the reissuance date of the permit.
60.A.1		Authorization to Discharge	Added: " <i>For an individual single family dwelling the owner may submit a VDH combined application in place of a registration statement.</i> " This allows these owners to submit either form to apply for general permit coverage. Similar changes were made throughout the regulation.
60.B.6		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.	Reworded as follows to match the wording now being used in all general permits: " <i>The discharge is not consistent with the assumptions and requirements of an approved TMDL.</i> "
60.C		"Compliance with this general permit..."	Modified as follows to better mirror the language in the Permit Regulation at 9VAC25-31-60: " <i>Compliance with this general permit constitutes compliance, for purposes of enforcement, with the federal Clean Water Act §§ 301, 302, 306, 307, 318, 403 and 405 (a) through (b), and the State Water Control Law, and applicable regulations under either, with the exceptions stated in 9VAC25-31-60 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</i>

			<p><i>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 and, for owners of sewage treatment works that serve nonsingle-buildings or dwellings other than individual single family dwellings, the Sewage Collection and Treatment Regulations (9VAC25-790) adopted by the State Water Control Board pursuant to § 62.1-44.4819 of the Code of Virginia."</i></p>
60.D		Continuation of Permit Coverage	<p>Updated the dates and made editorial changes as follows:</p> <p><i>"1. Any owner that was authorized to discharge under the <u>domestic sewage discharges general permit issued in 2006 2011</u>, and who is required to and submits a complete registration statement (or for an individual single family dwelling a combined application) on or before August 1, 2014-2016, is authorized to continue to discharge treated domestic sewage under the terms of the 2006 2011 general permit until such time as the board either:</i></p> <ul style="list-style-type: none"> <i>a. Issues coverage to the owner under this general permit; or</i> <i>b. Notifies the owner that <u>the discharge is not eligible for coverage under this general permit is denied.</u></i> <p><i>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:</i></p> <ul style="list-style-type: none"> <i>a. Initiate enforcement action based upon the <u>2011 general permit which has been continued;</u></i> <i>b. Issue a notice of intent to deny coverage under the new reissued general permit. If the general permit coverage is denied, the owner would then be required to cease the activities discharges authorized by the <u>administratively continued coverage under the terms of the 2011 general permit</u> or be subject to enforcement action for operating without a permit;"</i> <p>These dates are updated with each reissued general permit so permittees can discharge legally and safely if the permit reissuance process is delayed.</p>
70.A		Registration Statement	<p>Made editorial changes as follows:</p> <p><i>"Any owner seeking coverage under this general permit, and who is required to submit a registration statement, shall submit a complete Ggeneral VPDES Ppermit RRegistration Sstatement in accordance with this chapter section, which shall serve as a notice of intent to be covered for coverage under the gGeneral VPDES pPermit for</i></p>

		<p>dDomestic sSewage dDischarges of fLess tThan or eEqual to 1,000 gGallons pPer dDay. For an individual single family dwelling, the owner may submit a VDH combined application in place of the registration statement."</p>
<p>70.A.1&2</p>		<p>Updated the dates and made editorial changes as follows:</p> <p>"1. New facilities-treatment works. Any owner proposing a new discharge shall submit a complete registration statement <u>(or for an individual single family dwelling a combined application)</u> to the department at least 60 days prior to the date planned for commencing operation of the treatment works.</p> <p>2. Existing facilities-treatment works.</p> <p>a. Any owner of an existing treatment works covered by an individual VPDES permit who is proposing to be covered by this general permit shall notify the department and submit a complete registration statement <u>(or for an individual single family dwelling a combined application)</u> at least 240 days prior to the expiration date of the individual VPDES permit.</p> <p>b. Any owner of a treatment works that was authorized to discharge under the general permit issued in 2006 <u>2011</u>, and who intends to continue coverage under this general permit, is automatically covered by this general permit and is not required to submit a registration statement <u>(or for an individual single family dwelling a combined application)</u> if:</p> <p>(1) The ownership of the treatment works has not changed since the registration statement <u>or combined application</u> for coverage under the 2006 <u>2011</u> general permit was submitted, or, if the ownership has changed, a new registration statement <u>(or combined application)</u> or VPDES Change of Ownership form was submitted to the department <u>by the new owner</u> at the time of the title transfer;</p> <p>(2) There has been no change in the design or operation, or both, of the treatment works since the registration statement <u>or combined application</u> for coverage under the 2006 <u>2011</u> general permit was submitted;</p> <p>(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 Virginia Department of Health-VDH objects to the automatic renewal for this treatment works, the owner will be notified by the board in writing; and</p> <p>(4) For treatment works serving nonsingle <u>buildings or dwellings other than individual</u></p>

			<p><u>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, or other issues sufficient to the board.</u></p> <p><u>If the board objects to the automatic renewal for this treatment works, the owner will be notified by the board in writing.</u></p> <p><u>c. Any owner that of a treatment works that was authorized to discharge under the general permit issued in 2011 who does not qualify for automatic permit coverage renewal shall submit a complete registration statement (or for an individual single family dwelling a combined application) to the department on or before June 2, 2011 2016."</u></p>
70.A.3		Late Notifications	<p>Changed section to "<u>Late Registration Statements</u>" and clarified the text as follows:</p> <p><u>"Late rRegistration statements will be accepted by the board (or for individual single family dwellings combined applications) for existing treatment works covered under subdivision 2 b of this subsection will be accepted after August 1, 2016, but authorization to discharge will not be retroactive. Owners described in subdivision 2 b of this subsection that submit registration statements (or combined applications) after June 2, 2016, are authorized to discharge under the provisions of 9VAC25-110-60 D (Continuation of permit coverage) if a complete registration statement (or combined application) is submitted before August 2, 2016."</u></p> <p>What this means is that an owner must apply for coverage before August 2, 2016 or they will be discharging without a permit and may be subject to enforcement action.</p>
70.B		Registration Statement	<p>Made editorial changes to B.1.a & b and B.2.a as follows:</p> <p><u>"1. a. Indicate if the facility-building served by the treatment works is an individual single family dwelling. If the facility-building is not an individual single family dwelling, describe the facility's-use of the building or site served.</u></p> <p><u>b. Name and street address of the facility building or site served by the treatment works.</u></p> <p><u>2. a. Name, mailing address, email address (where available), and work and home telephone numbers of the facility-owner of the treatment works. For a dwelling, indicate if the owner is or will be the occupant of the dwelling or facility served by the treatment works."</u></p>
	70.B.2.b	Registration Statement	<p>Added B.2.b to ask for a contact name if the owner will not be the occupant of the building or dwelling: <u>"b. If the owner is not or will not be the occupant of the dwelling or facility, provide an alternate contact name, mailing address, email address (where available), and</u></p>

			<u>telephone number of the dwelling or facility, if available."</u>
70.B		Registration Statement	<p>Made editorial changes to B.4, 6, 7 & 8 as follows:</p> <p>"4. <u>The amount of discharge from the treatment works, in gallons per day, on a monthly average, and the design flow of the treatment works, in gallons per day.</u></p> <p>6. <u>For a proposed treatment works, indicate if there are central sewage facilities available to serve the facility-building or site.</u></p> <p>7. <u>If the facility-treatment works currently has a VPDES permit, provide the permit number. Indicate if the facility-treatment works has been built and begun discharging.</u></p> <p>8. <u>For the owner of any proposed treatment works or any treatment works that has not previously been issued a VPDES permit:</u></p> <p>a. <u>A 7.5 minute U.S. Geological Survey (USGS) topographic map or equivalent (e.g., a computer generated map) that indicates the discharge point, the location of the property to be served by the treatment works, and the location of any wells, springs, other water bodies, and any residences within 1/2 mile downstream from the discharge point;</u></p> <p>b. <u>A site diagram of the existing or proposed sewage-treatment works; to include the property boundaries, the location of the facility or dwelling-building or site to be served, the individual sewage treatment units, the receiving water body, and the discharge line location; and..."</u></p>
70.B.9		Maintenance Contract	<p>Renamed the item to "<u>Operation and Maintenance</u>".</p> <p>In 9.a, removed the detail from the item and specified: "<u>For the owner of a treatment works serving an individual single family dwelling, indicate if a valid operation and maintenance contract has been obtained in accordance with the requirements are specified in the VDH regulations at 12VAC5-640-500.</u>"</p> <p>In 9.b, removed the unnecessary detail from the item (it is specified in the permit itself) and clarified that this applies to: "<u>the owner of a treatment works serving a nonsingle-building or dwelling other than an individual single family dwelling</u>"</p>
70.B.10			<p>Removed the unnecessary detail from the item (it is specified in the permit itself) and clarified that this applies to: "<u>the owner of a treatment works serving a nonsingle-building or dwelling other than an individual single family dwelling</u>"</p>
70.C		Signature Requirements	<p>Clarified that: "<u>The registration statement shall be signed in accordance with the requirements of 9VAC25-31-110 A of the VPDES Permit Regulation.</u>"</p>
	70.D		<p>Added an allowance for the Registration to be</p>

			submitted electronically: <u>"Where To Submit. The registration statement may be delivered to the department by either postal or electronic mail and shall be submitted to the DEQ regional office serving the area where the treatment works is located."</u>
80 Part I		General Permit	Changed the effective and expiration dates to reflect the upcoming permit term.
80 Part I A.1		First Effluent Limits Table	Added footnote (6) to the TRC Final Effluent Instantaneous Maximum limit, and the D.O. Instantaneous Minimum limit. Footnote (6) states: <u>"Does not apply when the receiving stream is an ephemeral stream. "Ephemeral streams" are drainage ways, ditches, hollows, or swales that contain only (a) flowing water during or immediately following periods of rainfall, or (b) water supplied by the discharger. These waterways would normally have no active aquatic community."</u>
80 Part I A.2		Monitoring Data	Changed this to require owners of treatment works serving buildings or dwellings other than individual single family dwellings (i.e., those that report to DEQ) to submit their monitoring results to the Department along with their maintenance logs. This change will assist the Department with compliance with this permit. <u>"Reporting of results to DEQ is not required; however, the monitoring-Monitoring results for treatment works serving buildings or dwellings other than individual single family dwellings shall be made available to DEQ personnel upon request submitted to the department on a Discharge Monitoring Report (DMR) no later than the 10th of January following the monitoring period. The monitoring period is January 1 through December 31. A copy of the maintenance log required by Part I D 2 b (4) shall also be submitted with the DMR."</u>
80 Part I B 1		Second Effluent Limits Table	Changed the Total Residual Chlorine (TRC) limit to break out "After contact tank" and "Final effluent" as two separate entries, to be consistent with the way this is presented in the Part I A Effluent Limits table.
80 Part I B.2		Monitoring Data	Changed this to require owners of treatment works serving buildings or dwellings other than individual single family dwellings (i.e., those that report to DEQ) to submit their monitoring results to the Department along with their maintenance logs. This change will assist the Department with compliance with this permit. <u>"Reporting of results to DEQ is not required; however, the monitoring-Monitoring results for treatment works serving buildings or dwellings other than individual single family dwellings shall be made available to DEQ personnel upon request submitted to the department on a Discharge Monitoring Report (DMR) no later than the 10th of January following the monitoring period. The monitoring period is</u>

			<i>January 1 through December 31. A copy of the maintenance log required by Part I D 2 b (4) shall also be submitted with the DMR."</i>
	80 Part I C		Added a new limits set for discharges to receiving waters subject to the Policy for the Potomac River Embayments (PPRE) (9VAC25-415). This was done to allow owners of treatment works discharging to these waters to be eligible for coverage under this general permit. Presently these facilities must be covered under an individual permit. Monitoring for these dischargers is required quarterly and the limits are based on the PPRE limits and on limits developed for existing individual permits in the PPRE area. Monitoring results for treatment works serving individual single family dwellings in this area are to be submitted to both DEQ and VDH.
80 Part I C	80 Part I D	Special Conditions	Renumbered to accommodate the addition of the new limit set above.
80 Part I D.2		Maintenance Contract	<p>Renamed this special condition to "<u>Operation and Maintenance</u>".</p> <p>In D.2.a, removed the detail from the special condition and specified: "<u>The Operation and maintenance requirements for treatment works serving individual single family dwellings are specified in the Virginia Department of Health regulations at 12VAC5-640-500-require maintenance contracts for treatment works serving individual single family dwellings.</u>"</p> <p>In D.2.b, clarified that this applies to: "<u>Treatment works serving nonsingle buildings or dwellings other than an individual single family dwellings.</u>"</p> <p>In D.2.b(2), changed the requirement for the owner of a proposed treatment works to submit a copy of a valid maintenance contract to have the owner submit a certification that they have a valid maintenance contract.</p> <p>In D.2.b(3)(b), added: "<u>... the owner shall begin emergency pump and haul of all sewage generated from the facility or dwelling or otherwise ensure that no discharge occurs if full and complete repairs cannot be accomplished within 48 hours;</u>"</p> <p>In D.2.b(3)(c), specified that the contract provider log shall be maintained "<u>at the treatment works</u>"</p> <p>Deleted D.2.b(3)(e) that the maintenance contract shall be valid for a minimum of 24 months of consecutive coverage. The section already requires that a maintenance contract be kept in force during the permit term, so this requirement was unnecessary.</p>
	80 Part I D.2.b(4)		<p>Added a requirement for the permittee to keep a maintenance log:</p> <p><u>"(4) The permittee shall keep a log of all maintenance performed on the treatment</u></p>

			<p><i>works including, but not limited to, the following:</i></p> <p><i>(a) The date and amount of disinfection chemicals added to the chlorinator.</i></p> <p><i>(b) If dechlorination is used, the date and amount of any dechlorination chemicals that are added.</i></p> <p><i>(c) The date and time of equipment failure(s) and the date and time the equipment was restored to service.</i></p> <p><i>(d) The date and approximate volume of sludge removed.</i></p> <p><i>(e) Dated receipts for chemicals purchased, equipment purchased, and maintenance performed."</i></p>
80 Part I D.3		Operation and Maintenance Plan	<p>Made editorial changes to Part I D.3:</p> <p>"3. <i>Operation and maintenance plan. The owner of any treatment works serving a nonsingle-building or dwelling other than an individual single family dwelling may request an exception to the maintenance contract requirement by submitting an operation and maintenance plan to the board for review and approval. At a minimum, the operation and maintenance plan shall contain the following information:</i></p> <p><i>3.b(1) The date and amount of disinfection chemicals added to the chlorinator (if applicable).</i></p> <p><i>3.d. An effluent monitoring plan to conform with the requirements of Part I A, Part I B or Part I B-C, as appropriate, including all sample collection, preservation, and analysis procedures. Note: The Discharges from the treatment works should be sampled during normal discharging operations or normal discharging conditions (i.e., operations that are normal for that facility-treatment works). The owner or maintenance provider should not force a discharge in order to collect a sample."</i></p>
80 Part I D.4		Compliance Recordkeeping	<p>Added quantification levels (QL) for cBOD₅ (2 mg/L), Ammonia as N (0.20 mg/L), and Total Phosphorus (0.10 mg/L). These were added parameters under the PPRE limit set (Part I C), so the QLs were needed.</p>
	80 Part II A.4	Monitoring	<p>Added A 4 as follows: "<u><i>Samples taken as required by this permit shall be analyzed in accordance with 1VAC30-45 (Certification for Noncommercial Environmental Laboratories) or 1VAC30-46 (Accreditation for Commercial Environmental Laboratories).</i></u>"</p> <p>This is a new regulatory requirement effective January 1, 2012, and is being added to all general permits as they are reissued.</p>
80 Part II I NOTE		Reports of Noncompliance	<p>Added an online allowance for immediate (24-hour) noncompliance reporting, and a link to the web page.</p>
80 Part II M		Duty to Reapply	<p>Made date changes and editorial changes:</p> <p><i>"M.1. If the permittee wishes to continue an</i></p>

			<p>activity regulated by this permit after the expiration date of this permit, and the permittee does not qualify for automatic permit coverage renewal, the permittee shall submit a new registration statement (<u>or for an individual single family dwelling a VDH combined application</u>) at least 60 days before the expiration date of the existing permit, unless permission for a later date has been granted by the board. The board shall not grant permission for registration statements (<u>or combined applications</u>) to be submitted later than the expiration date of the existing permit.</p> <p>M.2. A permittee qualifies for automatic permit coverage renewal and is not required to submit a registration statement (<u>or for an individual single family dwelling a VDH combined application</u>) if:</p> <p>M.2.a. The ownership of the treatment works has not changed since this general permit went into effect on August 2, 20112016, or, if the ownership has changed, a new registration statement (<u>or for an individual single family dwelling a VDH combined application</u>) or VPDES Change of Ownership form was submitted to the department <u>by the new owner</u> at the time of the title transfer;</p> <p>M.2.b. There has been no change in the design or operation, or both, of the treatment works since this general permit went into effect on August 2, 20112016;</p> <p>M.2.d. For treatment works serving nonsingle buildings or dwellings other than 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, <u>or other issues sufficient to the board</u>. If the board objects to the automatic renewal for this treatment works, the permittee will be notified <u>by the board</u> in writing.</p> <p>M.3. Any permittee that does not qualify for automatic permit coverage renewal shall submit a new registration statement (<u>or for an individual single family dwelling a VDH combined application</u>) in accordance with Part II M 1."</p>
80 Part II V		Upset	Clarified that the term "upset" is defined in 9VAC25-31-10 (the VPDES Permit Regulation).
80 Part II Y		Transfer of Permits	Revised this subsection so that the Board may waive the automatic transfer timing requirement (i.e., 30 days in advance of proposed transfer). Permittees are rarely able to meet this requirement and the staff thinks they need some flexibility with this. Also, the references to modifications and revocations and reissuances have been removed because these events are not appropriate for coverage

			<p>under general permits.</p> <p>"4. Permits are not transferable to any person except after notice to the department. Except as provided in Part II Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.</p> <p>2. As an alternative to transfers under Part II Y 1, Coverage under this permit may be automatically transferred to a new permittee if:</p> <p>a1. The current permittee notifies the department within 30 days of the transfer of the title to the facility or property, unless permission for a later date has been granted by the board;</p> <p>b2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and</p> <p>e3. The board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue deny the new permittee coverage under the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II Y 2-b. "</p>
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Regulatory flexibility analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

The agency is proposing to lessen the reapplication burden on all existing permittees by continuing to allow owners to be automatically covered under the reissued permit without the need to resubmit a registration statement. An owner would be automatically covered under the new general permit provided that: (1) the ownership of the treatment works hasn't changed since the last registration, or if the ownership has changed, the agency was notified; (2) there has been no change to the design and/or operation of the treatment works; (3) neither the agency nor the Virginia Department of Health objects to the automatic reissuance based on facility performance or enforcement issues. The agency is also proposing to continue the provision that allows the continuance of permit coverage in instances where an owner has submitted a timely reapplication registration (if they are required to submit a registration) and is

in compliance with their existing permit. This will allow the permittee to legally discharge if permit coverage is not granted by the agency prior to the expiring permit's expiration date.