

Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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SUBJECT: Virginia Pollutant Discharge Elimination System (VPDES), 9VAC25-790,
Sewage Collection and Treatment (SCAT) Advisory Committee Meeting Minutes

DATE: November 4, 2024

The Virginia Department of Environmental Quality (DEQ) held the second Sewage
Collection and Treatment (SCAT) Advisory Committee meeting on November 4, 2024, to
review regulation 9VAC-790 at the DEQ Piedmont Regional Office (PRO) located at
4949-A Cox Road, Glen Allen, Virginia 23060. The meeting began at 9:30 am and ended
at approximately 3:30 pm. The committee met to discuss issues and standards concerning
Part I, Article 1, 9VAC25-10 through 9VAC25-790-180 for regulating sewerage systems
and treatment works. The committee's purpose as stated in 9VAC25-790-250, subsection
D is to meet, discuss issues, and make recommendations to the director concerning
policies, procedures, and programs for regulating sewerage systems and treatment works.
The committee's meeting was advertised on Virginia Regulatory Town Hall and open to
the public.

SCAT committee members in attendance:

Table with 3 columns and 4 rows listing SCAT Advisory Committee Members: Charles Bott, Rob Mangrum, Matthew Rembold, Timothy Castillo, Brian Orrock, Christopher Tabor, Glenn Pearson, Jeffrey McBride, Jordan Combs.

The following members were not in attendance: Rebecca Golden – Virginia Society of Professional Engineers

Table with 2 columns and 3 rows listing SCAT Advisory Committee Ex-Officio Members and Alternates: Azra Bilalagic, Erica Duncan, Laura Galli, Joseph Bryan.

Jeanne Puricelli, VPA Permit Writer, Office of Land Application Programs, DEQ	
Ryder Bunce, VDH	

Staff	
Nelson Daniel, Policy Analyst, DEQ	Morgan Emanuel, Regulatory Analyst, Water Division, DEQ
Scott Morris, Director, Water Division, DEQ	Rebecca Johnson, Office of Water Compliance, DEQ
Rebeccah Rochet, Deputy Director, Water Permitting Division, DEQ	Neil Zahradka, Manager, Office of Land Application Programs, DEQ

Interested Members of the Public		
Kevin Parker, Hampton Roads Sanitation District (HRSD)	John Aulbach, AquaVa	

Meeting Opening and Introductions:

DEQ staff opened the meeting with introductions, information on facilities for the meeting site at PRO, purpose and role of the committee, review of public participation guidelines, FOIA reminders, and helpful reminders for contributing to group discussions.

DEQ staff reviewed the agenda and presented overview information of Part I, Article I and II of the SCAT regulation and rulemaking timeline. DEQ also reviewed the regulation development process, tentative schedule, and the role of the Advisory Committee.

Discussion Summary (DEQ):

- Overview of SCAT Regulation, 9VAC25-790
 - Established minimum requirements for the construction and operation of facilities designed to collect and treat sewage wastewaters in Virginia.
 - Adopted by the Virginia Board of Health in 2001, subsequently transferred to the Virginia DEQ in 2003.
 - DEQ held an internal stakeholder meeting in July of 2013 and concluded the SCAT Regulation needed revisions and updates to reflect the following, at a minimum:
 - Advancements in technology.
 - Greater clarity through removing ambiguous phrases and correcting errors; and
 - Address DEQ regulatory needs.
 - Discussed the goal of the committee, which is to remove or update anything that is too narrow or prescriptive while adding similar guardrails for technologies.
 - Discussion on whether that approach is appropriate for biological treatment.

- Known Revisions
 - Regulatory Necessity:
 - To protect human health and the environment.
 - Prevent permit noncompliance resulting in possible violations of water quality standards and costly enforcement actions.
 - Regulatory burden:
 - Are there less burdensome and less intrusive alternatives to achieve the regulation's essential purpose?
 - Improve clarity:
 - Should be clearly written and understandable by individuals affected.
 - Technological standards:
 - Update to reflect current technology in use.

Discussion Summary: (Committee Open Discussion)

The advisory discussion focused on Part I, Article I, 9VAC25-790-10 through Article 2, 9VAC25-790-820 and the following topics were considered for each section:

- 9VAC25-790-10 Definitions
 - Discussed removal of redundant, obsolete, or outdated language.
 - Discussed updating language to reflect changes in DEQ procedures.
 - Discussed changing language to ensure consistency with other regulations.
 - Discussed what the process for moving technology from new technology to conventional could be, and whether that process is appropriate to include in the regulation.
 - Discussed whether to remove definitions that are not used elsewhere in the regulation.
 - Discussed adding language to the following definitions;
 - “Indirect Discharger
 - “Primary Sludge”
 - “Settled Sewage”
 - Discussed adding references to 9VAC25-31-10.
 - Discussed the importance of ensuring that resource recovery is not defined as a pollutant.
 - Discussed removing the following definitions:
 - “Shall” or “Will”
 - “Should”
 - Discussed adding clarifying language to “subsurface disposal”; examples include eliminating potential direct injections and defining depth of subsurface.
 - Discussed updating “Water Quality Standards.”
- Article 2, 9VAC25-790-20 Compliance with the Administrative Process Act
 - No changes were proposed for this section.
- 9VAC25-790-30 Extent
 - No changes were proposed for this section.
- 9VAC25-790-40 Variances

- Discussed redefining variance or design exception to clarify between a minor variance and a major variance.
- 9VAC25-790-50 CTCs and CTOs
 - Discussed updating language to make more prescriptive, particularly in the context of the phrase “performance capacity.”
 - Discussed change to overall plant value in regards to either a permit change or a change in capacity.
- 9VAC25-790-60 CTC and CTO waiver
 - Discussed adding language to “larger sewer systems” to include design build guidance.
 - Discussed partial CTC or CTO in the context of how to approach a project when it is split into multiple stages.
 - Discussed replacing the term “area engineer” with updated language to reflect the new process, as area engineer is no longer a position with DEQ.
 - Discussed the fact that “local review program” does not exist in many areas and how this is managed.
- 9VAC25-790-70 Reliability classification
 - Discussed removing “preliminary engineering conference” as these are no longer a part of the process.
 - Discussed the need to ensure that “Reliability Class I” is up to date and consistent with DEQ reliability information.
- 9VAC25-790-80 CTC procedures
 - Discussed the need to update the entirety of the section, and the need for the section to reflect the current way that DEQ operates.
 - Reiterated that the position of area engineer is no longer a position with DEQ.
 - Reiterated that the preliminary engineering conference no longer takes place. Facilities follow a form that outlines requirements. The section should be updated to reflect current DEQ procedures.
 - Discussed updating language to reflect an accurate timeline of how long evaluations take.
- 9VAC25-790-90 CTC application
 - Discussed Updating timeline to be less burdensome on permittees.
- 9VAC25-790-100 Preliminary engineering conference
 - Discussed deleting section entirely. Current DEQ procedures do not include a formal conference.
- 9VAC25-790-110 Preliminary Engineering Proposal
 - PER has replaced the preliminary engineering proposal.
 - Discussed removing 100-year flood evaluation as all drawings will typically include this it may not be necessary to specifically reference.
 - Discussed including a definition of “major project.”
 - Discussed clarifying and updating “preliminary engineering proposal.”
 - Discussed updating “Virginia Revolving Loan” language; these projects are now run by the Water Quality Improvement Fund.

- 9VAC25-790-120 Construction Drawing (plans)
 - Discussed where the appropriate place to house plans is; should they be with the PE, locality/owner, or with DEQ.
 - Discussed updating language to allow for final engineering documents to be housed electronically.
 - Engineering submittals are no longer required. Discussed alternative language to describe current procedures.
 - Discussed including reference to Loan/Grant application language.
 - Reiterated that engineering plans are not required to be submitted, and what sections need to be revised considering this.
 - Discussed including language to convey capacity of existing collection system and know if other areas can handle it.
 - Discussed clarifying language regarding new construction of sewerage systems.
 - Update facility closure plans language; including adding language to reference VPDES regulation.
 - Discussed need for consistency in regards to what percentage increase in a design triggers a substantial increase.
 - Discussed revising facility closure plans to include removal and/or abandonment of structures.
- 9VAC25-790-130 Specifications
 - Discussed renaming section to “Technical Specifications.”
 - Reiterated need to clarify where plans are housed.
 - Reiterated need to revise language referring to “area engineer”
- 9VAC25-790-140 Operation and maintenance manuals
 - Discussed updating language and adding a timeframe for maintaining information on operational changes.
 - Reiterated that area engineer is no longer a position and change needs to be consistent throughout the regulation.
 - Discussed changing language from department will evaluate to department may evaluate.
 - Discussed adding language to clarify that revisions need to be made readily available.
 - Discussed need to update the approval process; specifically, to ensure that the regulation highlights what is needed, how often it needs to be submitted, and the manner by which it should be submitted.
- 9VAC25-790-150 Sludge management plans
 - Discussed need to reference 9VAC25-790-660.
 - Discussed need to include language to clarify when and why a new sludge management plan is needed, and reference back to VPA regulation.
 - Discussed need to update biosolids storage to reflect change from three types to two types.
 - Discussed need to revise “temporary storage” to be consistent with HB 870.
 - Discussed updating approval process to reference VPA and VPDES regulations.

- 9VAC25-790-160 Formal requirements for submission of engineering data
 - Discussed revising title of the section to “Formal requirements for the development of engineering data”, as well as alternative and non-conventional approaches to the approval process.
 - Discussed consolidating submittal requirements.
- 9VAC25-790-170 Processing of plans, specifications, and other engineering documents
 - Discussed need to update timeframes.
- 9VAC25-790-180 CTC
 - Discussed adding language to clarify what is being revised, and who must approve deviations from the approved design.
 - Discussed the need to make capacity language consistent throughout the regulation.
 - Reiterated need to update “area engineer” language.
 - Discussed need to replace “completion of construction” with updated process. Current DEQ process require a Certificate to operate form to be submitted. How much of the process should be enumerated in the regulation 9VAC25-790-190
 - Discussed removing language to streamline process.

Action Items:

- DEQ will review the committee’s suggestions, including updating language, removing language, removing sections, and adding a process for including new technologies and methods.
- DEQ VPDES program staff will work with policy analysts to prepare for further discussions at the next advisory committee meeting.

Next Meeting:

A third advisory committee meeting will be scheduled after a preliminary poll is conducted of members’ availability. Next meeting is 12/10/2024