



Exempt Action Final Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation	9 VAC25-110
Regulation title	VPDES General Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 GPD
Action title	Amend and Reissue the Existing Regulation
Final agency action date	December 9, 2010
Document preparation date	November 4, 2010

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

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, 2011. The significant revisions to the regulation are as follows:

- Added a provision 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.
- For individual single family dwellings (i.e., facilities managed by the VDH), an explanation was added that maintenance contracts are required by VDH regulations at 12VAC5-640-500. For both existing and proposed treatment works, maintenance contracts are required 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. The minimum maintenance contract requirements were also listed in the permit.

Statement of final agency action

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

The State Water Control Board adopted the amendments at its meeting on December 9, 2010.

Changes made since the proposed stage

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

Section number	Requirement at proposed stage	What has changed	Rationale for change
20	No discharge of pollutants from domestic sewage treatment works is allowed except when in compliance with the conditions of this permit.	Deleted the sentence.	Deleted per comment from the Attorney General's Office (AGO) that this sentence is not in statute or regulation.
60, 70 & 80	Department	Changed to "Board" when appropriate throughout the document.	Per AGO comment, the Board is the entity with authority to act.
60 A 3	The owner has not been notified by the department that authorization is denied, in accordance with subsection B of this section.	Changed to: "The board has not notified the owner, in accordance with subsection B of this section, that the discharge is ineligible for coverage under this general permit."	Clarified that authorization would not be denied, but that the owner would not be eligible for coverage under the general permit.
60 B	The department will notify an owner of denial of authorization in the event of any of the following:	Changed to: "The board will notify an owner that the discharge is not eligible for coverage under this general permit in the event of any of the following:..."	Same as above.
60 B 2	...in other board regulations or policies that prohibit such discharges;	Deleted "or policies".	Per AGO comment, deleted because it would be difficult to enforce a prohibition created by policy.
60 B 4	...the Virginia Department of Health has determined that there is technology available to serve that parcel of land with an onsite system;	Changed to: "...the Virginia Department of Health has determined that an onsite system is available to serve that parcel of land;"	Changed because the VDH regulations for Onsite Disposal Systems have changed allowing more innovative onsite systems to be approved.
60 B 6	A TMDL (board adopted, EPA approved, or EPA imposed) contains a WLA for the facility,...	Changed to: "A TMDL (board adopted, EPA approved, or EPA imposed) contains an individual WLA for the facility,..."	Clarified that the TMDL WLA should specifically address the permitted facility for the restriction to apply.
60 D 2	When the facility that was covered under the expiring or expired general permit is not in compliance with the conditions of that permit,	Changed to: "When the owner that was covered under the expiring or expired general permit has violated or is violating the conditions of that permit,..."	Per AGO comment, modified to clarify the intent.

70 A	Any owner required to submit a registration statement,	Changed to: "Any owner seeking coverage under this general permit, and who is required to submit a registration statement,..."	Per AGO comment, modified to clarify the meaning.
70 A 2 a	...notify the department at least 180 days prior to the expiration date of the individual VPDES permit, and shall submit a complete registration statement at least 60 days prior to the expiration date...	Changed to: " shall notify the department and submit a complete registration statement at least 240 days prior to the expiration date..."	Per AGO comment, modified to allow an individual permit holder adequate time to reapply for an individual permit if the Board determines that the owner is not eligible for coverage under the general permit.
70 A 2 b	...covered under this general permit...	Changed to: "...covered by this general permit..."	Changed for consistency with similar wording in the subsection.
70 A 2 c	c. Any owner of an existing treatment works not currently covered by a VPDES permit who is proposing to be covered by this general permit shall file submit a complete registration statement to the department.	Deleted.	Deleted since the subsection is not clear as to the submittal deadline, and subsection is redundant with the section 70 A opening paragraph.
70 A 3	3. New owners of existing facilities. Any new owner of an existing facility that is covered by this general permit must submit a complete registration statement or a " VPDES Change of Ownership" form to the department within 30 days of the transfer of title.	Deleted.	Unnecessary. Section Y (Transfer of Permits) in Part II (Conditions Applicable to All VPDES Permits) already covers this requirement.
70 B 8 a	A topographic map or computer generated map that indicates the discharge point,	Changed to: "A 7.5 minute USGS topographic map or equivalent (e.g., a computer generated map) that indicates the discharge point,..."	Changed based on public comment from the VDH.
70 B 8 c	...the Virginia Department of Health has determined that there is no technology available to serve that parcel of land with an onsite system.	Changed to: "...the Virginia Department of Health has determined that there is no onsite system available to serve that parcel of land."	Changed for consistency with the change made in section 60 B 4 (see above).
70 B 9 a	For the owner of an existing treatment works serving an individual single family dwelling, provide the name of the individual or company contracted to perform the treatment works maintenance, and the expiration date of the current contract.	Changed to: "For the owner of a treatment works serving an individual single family dwelling, indicate if a valid maintenance contract has been obtained in accordance with the requirements in 12VAC5-640-500, or if a variance to the maintenance contract requirement has been requested and granted by the Virginia Department of Health. Provide the name of the individual or company contracted to perform the treatment works maintenance and the expiration date of the current contract, if applicable. If the treatment works has not been constructed yet, provide the name after construction is complete and prior to starting the treatment plant operation."	Changed based on public comments to clarify that the requirement is based on VDH regulation, and that the VDH can grant the owner a variance from the requirement. Added the last sentence based on VDH comments.
70 B 9 a	none	Added: "Indicate if a monitoring contract has been obtained in accordance with the requirements in 12VAC5-640-490 F, or if the monitoring contract requirement has been waived by the Virginia Department of Health, or if the monitoring requirements are included as part of the maintenance contract. Provide the name of the individual or company contracted to perform the treatment works monitoring and the expiration date of	Added based on comments from the VDH that a monitoring contract is also required by their regulation.

		the current contract, if applicable. If the treatment works has not been constructed yet, provide the name after construction is complete and prior to starting the treatment plant operation;"	
70 B 9 b	For the owner of an existing treatment works...	Changed to: "For the owner of a treatment works..."	Changed to clarify that the maintenance contract requirement applies to all treatment works, not just existing treatment works.
70 B 9 b	none	Added: "If the treatment works has not been constructed yet, provide the name after the certificate to construct (CTC) is issued, and prior to requesting a certificate to operate (CTO)."	Added the sentence based on VDH comments.
70 B 9 b (5)	The maintenance contract shall be valid for a minimum of 24 months of consecutive coverage.	Changed to: "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."	Changed per VDH comment to remind owners of this requirement.
70 B 10	The owner of an existing treatment works...	Changed to: "The owner of a treatment works..."	Changed to clarify that the O & M plan requirement applies to all treatment works, not just existing treatment works.
80, 2 nd paragraph	...board regulations or policies that prohibit such discharges.	Deleted "or policies".	Per AGO comment, deleted because it would be difficult to enforce a prohibition created by policy.
*80, Part I A 1 Table & Part I B 1 Table	E. coli - 126/100 ml enterococci - 35/100 ml	E. coli - 235/100 ml enterococci - 104/100 ml	In the proposed stage, the bacteria effluent limits were lowered to the monthly geometric mean value to address recent changes to the Virginia Water Quality Standards (9 VAC 25-260-170). However, the general permit only requires one annual effluent sample to be taken of the discharge. Therefore, for the final permit, the limits were set to the value in the Standards for cases where there are insufficient data to calculate a monthly geometric mean. This is set as a single sample maximum value, and this conservative approach will protect water quality, since any and all bacteria samples taken will need to meet the limit, and no averaging of multiple samples will be allowed in order for the discharge meet the limit.
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."	Changed based on VDH comments that monitoring for individual single family dwellings is required to be submitted per their regulations.
80, Part I C 2 a	Treatment works serving individual single family dwellings.	Changed to: "Treatment works serving individual single family dwellings. The Virginia Department of Health regulations at 12VAC5-640-500 require maintenance contracts for treatment works serving individual single family dwellings."	Based on public comments, changed to clarify that these requirements are based on VDH regulations.

80, Part I C 2 a (1)	For existing treatment works, the permittee shall keep a maintenance contract in force during the permit term. A copy of the maintenance contract, shall be maintained at the site of treatment works, and shall be made available to DEQ or to the Virginia Department of Health for examination upon request.	Changed to: "For existing treatment works, the permittee shall 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 Virginia Department of Health. A copy of the maintenance contract, if applicable, shall be kept at the site of the treatment works, and shall be made available to DEQ or to the Virginia Department of Health for examination upon request. The permittee is also responsible for ensuring that the local health department has a current copy of a valid maintenance agreement in accordance with 12VAC5-640-500 B."	Based on public comments, clarified that for existing treatment works maintenance contracts are required, unless the VDH grants the owner a variance from the requirement. Also added, per VDH comment, that the permittee has to ensure that the VDH has a copy of the current contract in accordance with VDH regulations.
80, Part I C 2 a (2)	For proposed treatment works, the permittee shall submit a copy of a valid maintenance contract to both DEQ and the Virginia Department of Health prior to operation of the treatment works. The maintenance contract shall be kept in force during the permit term, maintained at the site of treatment works, and shall be made available to DEQ or the Virginia Department of Health for examination upon request.	Changed to: "For proposed treatment works, the permittee shall submit a copy of a valid maintenance contract to both DEQ and the Virginia Department of Health prior to operation of the treatment works, unless the permittee has been granted a variance from the maintenance contract requirement by the Virginia Department of Health. The maintenance contract shall be kept in force during the permit term. A copy of the maintenance contract, if applicable, shall be kept at the site of treatment works, and shall be made available to DEQ or the Virginia Department of Health for examination upon request. The permittee is also responsible for ensuring that the local health department has a current copy of a valid maintenance agreement in accordance with 12VAC5-640-500 B."	Based on public comments, clarified that for proposed treatment works maintenance contracts are required, unless the VDH grants the owner a variance from the requirement. Also added, per VDH comment, that the permittee has to ensure that the VDH has a copy of the current contract in accordance with VDH regulations.
80, Part I C 2 a (3) (a)	Performance of all testing required in the Alternative Discharging Sewage Treatment Regulations...	Changed to: "Performance of all testing required in either Part I A or Part I B of this permit, as appropriate, and in the Alternative Discharging Sewage Treatment Regulations..."	Changed to indicate that the owner must do both the monitoring required by this permit as well as the monitoring required by the VDH regulations.
80, Part I C 2 b (1)	A copy of a valid maintenance contract shall be maintained at the site of treatment works...	Changed to: "A copy of the maintenance contract, if applicable, shall be kept at the site of the treatment works..."	Changed to clarify the intended meaning of the sentence.
80, Part I C 2 b (2)	none	Added: "The maintenance contract shall be kept in force during the permit term. A copy of the maintenance contract shall be kept at the site of treatment works, and shall be made available to DEQ for examination upon request."	Added the two sentences to make this subsection consistent with the requirements in Part I C 2 b (1).

Public comment

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

Commenter	Comment	Agency response
Allen Knapp – VA Dept. of Health (VDH)	There is a lack of nutrient limitations for systems in the Chesapeake Bay Watershed. VDH suggestion: Require new direct discharges in the Chesapeake Bay	The Chesapeake Bay TMDL is still under development at this time. This general permit will be issued in early December, whereas the Bay TMDL will not be finalized until the end of December. Based on the timing of the

	Watershed permitted under this permit to install treatment that reduces nitrogen by 50%, such as treatment units that meet the NSF 245 standard.	permit adoption and the Bay TMDL development, we are not proposing to make changes to the permit to include TMDL loading reductions at this time.
Allen Knapp – VA Dept. of Health	How will section 60D (Continuation of permit coverage) affect VDH review of the permits? VDH would like to coordinate the logistics of the review of the permits to be reissued with DEQ so that adequate time is allowed. Facilities originally permitted prior to July 1, 2000, (prior to the latest amendments to the Sewage Handling and Disposal Regulations), but never constructed, are of particular concern.	The Department will coordinate with the local VDH health districts as part of this reissuance. DEQ will supply the VDH with a list of the currently permitted individual single family dwellings and request that the VDH let us know which facilities should be required to submit a Registration Statement for the reissuance. The Department will notify these facilities that they must submit a Registration Statement to reapply for permit coverage. Those facilities that have never been constructed will be instructed regarding the procedures to comply with local health districts requirements for onsite solution reevaluations, which must be done prior to general permit coverage being issued by the Department.
Allen Knapp – VA Dept. of Health	Recent conversations with DEQ have indicated that new single family home facilities must submit both the registration statement and the Combined Application Form. This section does not discuss the Combined Application Form. VDH suggestion: Amend this section to include reference to the Combined Application Form.	New single family homes do not need to submit both the DEQ Registration Statement and the VDH Combined Form to apply for general permit coverage. The VDH needs the information in the combined form in order to properly evaluate single family homes for the program they administer. DEQ only needs the information in the Registration Statement in order to issue permit coverage. However, the Department will accept either the VDH Combined Form or the Registration Statement from owners applying for permit coverage. The Department will work with the VDH to ensure that the Combined Form is current with all the information we need for this reissuance.
Allen Knapp – VA Dept. of Health	Final recordation of property may alter property boundaries and affect a VDH approval of a discharge permit. VDH suggestion: Provide a copy of the recorded plat of the property that shows the discharge point marked.	This detail of information is not needed by the Department in order to issue permit coverage. The VDH does need this information, and we recommend that it be included as a requirement on the Combined Form.
Allen Knapp – VA Dept. of Health	Section 9 VAC 25-110-70.8.a. requires the submission of a topographic or computer generated map. No reference for scale is provided. Consider referencing the 7.5 minute USGS topographical map or equivalent.	The Department agrees, and has modified the section as suggested.
Allen Knapp – VA Dept. of Health	Clarify section 9VAC25-110-70.B.9a (Maintenance Contract) to state that the owner is required to maintain the facility through a maintenance contract throughout the life of the permit. Include the detail of what is to be included for a single family home maintenance contract. Include the statement that a licensed Class IV wastewater operator is required.	The Registration Statement section 9.a is for individual single family dwellings, which are regulated by the VDH under the Alternative Discharging Sewage Treatment Regulations For Individual Single Family Dwellings, 12 VAC 5-640. We have modified this question to ask if the owner has a valid maintenance contract in accordance with 12 VAC 5-640-500, or if they have been granted a variance to this requirement by the VDH. If they have a contract, we ask that they provide the name of the individual or company contracted to provide the maintenance. The details of what is required for the contract are in the VDH regulation, and go beyond the scope of information that is needed in the registration statement in order to issue permit coverage. We have also modified this question to ask if the owner has a valid monitoring contract in accordance with 12 VAC 5-640-490-F, or if they have been granted a waiver to this requirement by the VDH, or if the monitoring requirements are included in the maintenance contract. If they have a contract, we ask that they provide the name of the individual or company contracted to provide the maintenance. The Registration Statement section 9.b is for non-single family dwellings, which are regulated by the Water Control Board. Since we don't have a separate regulation that details the maintenance contract requirements, more

		<p>information is included in this section for the owner. We have modified this section to state that the maintenance contract must be kept in force for the entire permit term.</p> <p>The Class IV wastewater operator is a VDH requirement, and not a requirement of this permit regulation. We will include information in the Registration Statement instructions reminding owners of this VDH requirement.</p>
Allen Knapp – VA Dept. of Health	9 VAC 25-110-80 (General Permit), Part I A.2. states that monitoring results are to be made available to VDH upon request. VDH requires the monitoring results to be submitted. VDH suggestion: Modify the language to state that monitoring results for single family homes shall be submitted to VDH in accordance with 12 VAC 5-640.	We have modified the permit as suggested.
Allen Knapp – VA Dept. of Health	9 VAC 25-110-80 (General Permit), Part I.C.2. states that the maintenance contract shall be made available to VDH upon request. VDH requires that maintenance contracts be submitted. VDH suggestion: Modify the language to state that maintenance contracts for single family homes shall be submitted to VDH in accordance with 12 VAC 5-640.	We have modified the permit to state that the permittee is responsible for ensuring that the local health department has a current copy of a valid maintenance agreement in accordance with 12 VAC 5-640-500 B.
Wendell Dingus - Homeowner, Wise, VA	Having a government mandated contract only puts money in a testing facility's pocket and puts a financial hardship on the household. I am strongly against the maintenance contract.	<p>This general permit covers domestic sewage discharges less than or equal to 1,000 gpd. It is a VPDES permit, and therefore, per the VPDES Permit Regulation, has a maximum 5-year term. All permittees must renew coverage under the permit every 5 years. This general permit expires on August 1, 2011, and coverage must be renewed prior to the permit's expiration. The Department sent a letter to all existing permittees informing them of the pending reissuance of the permit, the proposed changes, and soliciting any comments they had.</p> <p>One of the proposed changes to the permit is clarification of the requirement that individual single family home treatment systems have a maintenance contract in force for the life of the permit. This is a Virginia Department of Health (VDH) requirement and is specified in their Alternative Discharging Sewage Treatment Regulations For Individual Single Family Dwellings, 12 VAC 5-640.</p> <p>DEQ is authorized to issues VPDES permits for discharging domestic sewage systems in Virginia. While the VDH is responsible for overseeing the construction and operation of sewage systems for individual single family dwellings in Virginia, they do not have VPDES permitting authority. Therefore, DEQ issues all the permits for these systems, but the VDH handles all the rest of the administration, inspections and compliance for these individual single family systems. DEQ is responsible for the non-single family dwellings under this permit. The maintenance contract requirement is not a new VDH or DEQ requirement, and has been in the VDH regulation since it's adoption in 1993. The VDH does give variances from this requirement to owners on a case-by-case basis. The purpose of including the proposed maintenance contract language in the draft permit is to remind owners of the requirement, and to make the requirement an enforceable provision of this permit.</p> <p>Based on the many comments received from permittees on the issue, staff is modifying the language to clarify that this requirement is based on VDH regulations in 12 VAC 5-640-500, and that they are required to have the contract unless the VDH grants them a variance from the requirement.</p>
Dolores Andrews - Homeowner, Millboro, VA	I would just like to express my extreme concern over the proposed new regulations for a maintenance requirement. Do you have a list of Maintenance Contract people in Bath County Virginia or Millboro, Va.? What is the cost of this Maintenance Contract? Exactly what do they do on the Jet Aerobic System? Will the Virginia Department of Health in Staunton, Va. still come out once a year and check my system also as they do now?	
Carl Haines - Homeowner, Frederick County	My comment to the permit revision is that; if a permittee has a waiver to the requirement for a maintenance contract and has been in compliance with maintenance requirements a grandfather clause should be allowed for the current original owner/permittee in lieu of being required to obtain a contract.	
John F. Hawse III - Homeowner, Winchester, VA	I have a comment on part of the new permit which requires a Maintenance Contract for single family dwellings. As long as I meet your standards I should not have to pay someone else to do so on my behalf, not to mention the \$\$\$\$ cost involved. I certainly hope I will be able to do my own maintenance in the future and will show my maintenance records to anyone that requests to see them.	
David Demsky - Homeowner, Rockbridge County	Does not agree with the maintenance contract requirement in the DSD GP Regulation. He wanted to know why the maintenance contract requirement now, since he has had a permit for years.	
Beverly A. Evans - Homeowner,	We have a sand filtering system at our resident which we have maintained for over	

<p>Broadway, VA [Director of Operations, Jeffrey S. Evans & Associates, Harrisonburg, VA]</p>	<p>20 years, so why do we have to have a maintenance contract with a company that is just checking the tablets and keeping a log like we do now.</p> <p>The letter from the Commonwealth of Virginia stated we are not required to do anything at this time, but I'm very worried over what the final outcome will be so that is why I'm checking into contracts and requirements by DEQ. I hope there is a grandfather clause in this matter.</p>	
<p>Louise Brown - Homeowner, Winchester, VA</p>	<p>Ms. Brown would like DEQ to know she is against the maintenance contract requirement in the proposed regulation. Ms. Brown advised that she was given a waiver by the VDH so she would not need to purchase a maintenance contract. The waiver was given by VDH inspector Daley on 9/21/06.</p>	
<p>Don Lockwood - Homeowner, Verona, VA</p>	<p>I would like to ask that some provision be made in the General VPDES Permit for sewage treatment works, to allow for the homeowner to do their own maintenance and not require a Maintenance Contract.</p>	
<p>Willard Heatwolf - Homeowner, Rockingham County</p>	<p>Mr. Heatwolf called about the public notice for the DSD GP Regulation. He feels that item 1 and item 4 of the DSD GP regulation public notice contradict each other. It was explained to Mr. Heatwolf that item 1 addressing automatic renewal of coverage is what DEQ is proposing in the permit, and item 4 modifying the existing Duty to Reapply section is currently what exists in the permit.</p>	<p>The public notice listed significant changes that the Board is considering for the amended regulation. Item (1) stated: "Added a provision to allow owners of treatment works to automatically renew coverage under the general permit without submitting a new Registration Statement, provided qualifying criteria are met". Item (4) stated: "Modified the Duty to Reapply section of the permit to require submittal of a new registration statement at least 60 days prior to the expiration date of the permit". The public notice was confusing in that Item (4) should have stated that this 60-day reapplication provision was for owners who do not qualify for automatic renewal of coverage. The permit does state this, so no changes are necessary.</p>
<p>Barbara A. Inboden, Inboden Environmental Services, Inc.</p>	<p>Please define "force"! Does the definition of "force" include tipping a float to activate a pump, inserting a hose in a tank or sand filter, switching HOA to hand position, running water inside the house?</p>	<p>For the purposes of this permit, "force" refers to actions by the owner or maintenance provider that cause an artificial discharge to occur (such as continuously flushing a toilet) that will not be representative of an actual discharge from the facility. All samples taken of the discharge should be representative of actual operating conditions at the facility.</p>
<p>Barbara A. Inboden, Inboden Environmental Services, Inc.</p>	<p>How many "attempts" are required in order to be satisfactory that the system can not be sampled and no results are able to be provided? Will the permittee be in violation if there is no sample results in a year? How will flow be measured and is no flow measurement also to be logged as an attempt and will the permittee be in violation for no flow measurement?</p>	<p>For purposes of this permit, there is no fixed number of attempts to sample that are required by the permit. If a system does normally discharge, then sampling should be attempted during normal operations. If the system does not normally discharge, or multiple sampling was attempted but no results were able to be obtained, the permittee will not be in violation of the permit as long as they document all sampling attempts in the maintenance log. Flow measurements and attempted measurements should also be logged, and the permittee will not be in violation of the permit for "no flow measurement". Note that for individual single family dwellings, the VDH monitoring requirements at 12 VAC 5-640-490 must also be followed.</p>

All changes made in this regulatory action

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

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
10		Definitions	<p>Added definitions for:</p> <p>"7Q10" (7-day 10-year low flow) - used in section 80, Part I A and B.</p> <p>"Climatic year" - used in the definition of 7Q10.</p> <p>"Total maximum daily load" or "TMDL" - used in section 60 B 6.</p>
20		Effective date of permit	<p>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.</p>
60 A, & B	60 A, B & C	Authorization to discharge	<p>Reformatted this section to match structure of other general permits being issued by the Board at this time.</p>
	60 B 5 & 6	none	<p>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.</p>
60 B	60 C	Compliance with other statutes, ordinances or regulations	<p>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.</p>
	60 D	none	<p>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.</p>
70 A 2 a		Registration deadlines	<p>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).</p>
70 A 2 b		Automatic coverage	<p>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</p>

			<p>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.</p>
70 A 3		New owners of existing facilities	<p>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.</p>
70 A 4	70 A 3	Late notifications	<p>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.</p>
70 B		Registration statement	<p>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.</p>
70 B 9	70 B 9 a & b	Maintenance contract	<p>Broke this into two subsections:</p> <p>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.;</p> <p>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.</p>
70 B 10		O&M Plan	<p>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.</p>
80		General Permit	<p>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.</p>
80, 2 nd paragraph		"or policies"	<p>Deleted "or policies" per comment from AGO because it would be difficult to enforce a prohibition created by policy.</p>
80, Part I A 1 Tables (2 of these)	80, Part I A 1 Table & Part I B 1 Table	Limits table footnotes	<p>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</p>

			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.
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".
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Regulatory flexibility analysis

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

Enter statement here

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

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