



## Fast Track Proposed Regulation Agency Background Document

<b>Agency name</b>	State Water Control Board
<b>Virginia Administrative Code (VAC) citation</b>	9 VAC 25-720, Sections: <ul style="list-style-type: none"> <li>• 50.C. – Potomac-Shenandoah Basin</li> <li>• 60.C. – James River Basin</li> <li>• 70.C. – Rappahannock River Basin</li> <li>• 110.C. – Chesapeake Bay/Small Coastal/ Eastern Shore Basin</li> <li>• 120.C. – York River Basin</li> </ul>
<b>Regulation title</b>	WATER QUALITY MANAGEMENT PLANNING REGULATION
<b>Action title</b>	Amend selected sections to: <ul style="list-style-type: none"> <li>• Remove obsolete footnotes related to Waste Load Allocation (WLA) deadlines.</li> <li>• As applicable, revise WLAs to reflect consolidation of facilities into one regional system.</li> <li>• Make technical corrections to facility names or permit numbers.</li> <li>• Conform the Regulation to a federal action: revise York River Basin Total Phosphorus WLAs to the EPA-adopted Chesapeake Bay TMDL.</li> <li>• Revise expression of the WLAs for the Alexandria Sanitation Authority facility (d.b.a. “Alexandria Renew Enterprises”), to be consistent with the methodology used to set WLAs for two other facilities also served by combined sewer systems.</li> </ul>
<b>Date this document prepared</b>	September 9, 2013

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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.*

In late 2005 the State Water Control Board adopted amendments to the Water Quality Management Planning Regulation (WQMP; 9 VAC 25-720) that set annual total nitrogen (TN) and total phosphorus (TP) Waste Load Allocations (WLAs) for Significant Dischargers in the Chesapeake Bay watershed. Included in those amendments were numerous footnotes establishing a deadline for certain facilities to secure a Certificate to Operate for expanded design capacity, upon which their WLAs would be based if the deadline was met.

Due to passing of the deadline for “footnoted” facilities, as well as several appeals and settlements under the WQMP Regulation, adoption of EPA’s Chesapeake Bay TMDL (Dec. 2010) and reissuance in 2012 of the Chesapeake Bay Nutrient Discharge Watershed General Permit (9 VAC 25-820-10, et.seq.), there are several Significant Dischargers that must have their WLAs amended in 9 VAC 25-720. Another revision affecting the Alexandria Sanitation Authority facility (d.b.a. “Alexandria Renew Enterprises”) will make expression of their WLAs consistent with two other facilities that also have combined sewer systems.

**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.*

At their September 30, 2013 meeting, the State Water Control Board unanimously approved a staff recommendation to proceed with the proposed amendments to the Water Quality Management Planning Regulation (9 VAC 25-720), which are expected to be noncontroversial and, therefore, being promulgated in accordance with § 2.2-4012.1 of the Code of Virginia as a “fast-track” rulemaking.

**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. The identification should include a reference to the agency/board/person’s overall regulatory authority, as well as a specific provision authorizing the promulgating entity to regulate this specific subject or program; and a description of the extent to which the authority is mandatory or discretionary*

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

The scope and purpose of the State Water Control Law is to protect and to restore the quality of state waters, to safeguard the clean waters from pollution, to prevent and to reduce pollution and to promote water conservation. The State Water Control Law (Code of Virginia) at §62.1-44.15 (10) mandates the Board to adopt such regulations as it deems necessary to enforce the general water quality management program of the Board in all or part of the Commonwealth. In addition, §62.1-44.15 (14) requires the Board to establish requirements for the treatment of sewage, industrial wastes and other wastes that are consistent with the purposes of this chapter. The specific effluent limits needed to meet the water quality goals are discretionary.

The correlation between the proposed regulatory action and the legal authority identified above is that the amendments being considered are modifications of the current requirements for the treatment of wastewater that will contribute to the attainment of the Virginia Water Quality Standards.

## Purpose

*Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail 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 purpose of this rulemaking is to protect State waters by adopting regulations that are technically correct, necessary and reasonable. Nutrients discharged from wastewater treatment plants contribute to the overall loading of nutrients to the Chesapeake Bay and its tributaries. These nutrients have been identified as pollutants causing adverse impacts on large portions of the Bay and its tidal rivers, which are included in the list of impaired waters required under §303(d) of the Clean Water Act and §62.1-44.19:5 of the Code of Virginia. Waters not meeting standards require development of a Total Maximum Daily Load (TMDL), also mandated under the same sections of federal and state law. EPA adopted the Chesapeake Bay TMDL in December 2010, and Virginia is now following a Watershed Implementation Plan to meet the requirements of that TMDL, in part by setting regulatory nutrient Waste Load Allocations (WLAs).

The amendments that are the subject of this rulemaking are part of the regulatory framework that governs the discharge of total nitrogen and total phosphorus for certain wastewater facilities within Virginia's portion of the Chesapeake Bay watershed. Resulting permit limitations are expressed principally as annual waste load allocations, and also as technology-based annual average concentrations where appropriate and authorized. The proposed amendments are needed to make the WQMP Regulation current by:

- deleting obsolete footnotes and, where appropriate, maintain basin Total WLAs by placing WLA balances resulting from self-enacting footnotes into an Unallocated Reserve,
- making revisions to nutrient WLAs resulting from appeals and settlements under the WQMP Regulation, adoption of EPA's Chesapeake Bay TMDL, and reissuance in 2012 of the Chesapeake Bay Nutrient Discharge Watershed General Permit (9 VAC 25-820-10, et.seq.),
- making technical corrections to facility names or permit numbers, and
- making expression of WLAs consistent for all facilities served by combined sewer systems.

## Rationale for using fast track process

*Please explain the rationale for using the fast track process in promulgating this regulation. Why do you expect this rulemaking to be noncontroversial?*

*Please note: If either an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, or any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules; or the Department finds it necessary, based on public comments or for any other reason, to make any changes to the proposal, the Department shall (i) file notice of the objection/reason with the Registrar of Regulations for publication in the Virginia Register, and (ii) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.*

These revisions are expected to be noncontroversial due to the self-enacting nature of the footnotes, or the fact they are exempt actions (TMDL-related) under the Administrative Process Act (§ 2.2-4006, 4.c.: "Necessary to meet the requirements of federal law or regulations..."). Another revision affecting the Alexandria Sanitation Authority facility (d.b.a. "Alexandria Renew Enterprises") will make expression of their WLAs consistent with two other facilities that also have combined sewer systems, and whose WLAs were adopted without opposition in 2005.

**Substance**

*Please briefly identify and explain new substantive provisions (for new regulations), substantive changes to existing sections or both where appropriate. Note, more detail about all provisions or changes is provided in the “Detail of changes” section.*

- Delete obsolete footnotes and, where appropriate, maintain basin Total WLAs by placing WLA balances resulting from self-enacting footnotes into an Unallocated Reserve.
- Revise TN and/or TP Waste Load Allocations for several facilities as the result of:
  - WQMP Regulation appeals/settlements.
  - EPA adoption of the Chesapeake Bay TMDL. These are exempt actions (TMDL-related) under the Administrative Process Act (§ 2.2-4006, 4.c.: “Necessary to meet the requirements of federal law or regulations...”).
- Make expression of WLAs consistent for all facilities served by combined sewer systems.
- Technical “housekeeping” revisions (e.g., changes to facility name, consolidation of dischargers into a regional system, revised discharge permit numbers).

**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 public will benefit, as these amendments will result in updating and correcting the Water Quality Management Planning Regulation, which is part of Virginia’s plan to control the discharge of nitrogen and phosphorus from wastewater treatment plants in the Chesapeake Bay watershed. This, in turn, will aid in the restoration of water quality in the Chesapeake Bay and its tributary rivers, and assist in meeting the water quality standards necessary for protection of the living resources that inhabit the Bay, as mandated by the EPA Chesapeake Bay Total Maximum Daily Load. There are no disadvantages to the public or 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.*

When originally promulgated by the State Water Control Board in 2005, the nutrient WLAs in 9 VAC 25-720 were more restrictive than federal requirements in place at the time. Since then, EPA has adopted the Chesapeake Bay Total Maximum Daily Load (TMDL), which includes the nutrient WLAs in 9 VAC 25-

720, so the nutrient discharge limitations in the Water Quality Management Regulation are now consistent with the stringency of the Chesapeake Bay TMDL and 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.*

The amendments update, correct, and provide consistency for the localities/facilities listed below. There are no localities particularly affected by the amendments.

Localities or Public Facilities: Harrisonburg-Rockingham Regional Service Authority, Town of Mount Jackson, Shenandoah County, Frederick-Winchester Service Authority, Town of Purcellville, Loudoun County Service Authority, Culpeper County, Town of Culpeper, Fauquier County Water & Sewer Authority, New Kent County, Town of Cape Charles, Town of Onancock, Spotsylvania County, Town of Broadway, Town of New Market, Town of Leesburg, King George County Service Authority, Caroline County, Town of Gordonsville, Hanover County, Hampton Roads Sanitation District, Alexandria Sanitation Authority (d.b.a. “Alexandria Renew Enterprises”).

Industrial or Private Facilities: Dale Service Corporation, Haymount STP, RockTenn CP LLC – West Point (formerly Smurfit Stone), Plains Marketing, L.P. – Yorktown (formerly Giant Refinery), The Sustainability Park, LLC (formerly R. J. Reynolds).

**Public Participation**

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

In addition to any other comments, the agency is seeking comments on the costs and benefits of the proposal, the potential impacts on the regulated community and on any impacts of the regulation on farm and forest land preservation. Also, the agency 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 reported, 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: Dept. of Environmental Quality  
 P.O. Box 1105  
 Richmond, VA 23218  
 Attn: John Kennedy

Email: [john.kennedy@deq.virginia.gov](mailto:john.kennedy@deq.virginia.gov) (contact phone number: 804-698-4312)

Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at: [www.townhall.virginia.gov](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.

**Economic impact**

*Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirement creates the anticipated economic impact.*

<b>Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures</b>	None.
<b>Projected cost of the <i>new regulations or changes to existing regulations</i> on localities.</b>	None.
<b>Description of the individuals, businesses or other entities likely to be affected by the <i>new regulations or changes to existing regulations</i>.</b>	Selected publicly and privately owned wastewater treatment facilities.
<b>Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</b>	26
<b>All projected costs of the <i>new regulations or changes to existing regulations</i> for affected individuals, businesses, or other entities. Please be specific and include all costs. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses. Specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.</b>	None.
<b>Beneficial impact the regulation is designed to produce.</b>	Aid in the restoration of water quality in the Chesapeake Bay and its tributary rivers, and assist in meeting the water quality standards necessary for protection of the living resources that inhabit the Bay, as mandated by the EPA Chesapeake Bay Total Maximum Daily Load.

**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*

No other less intrusive or costly alternatives identified for achieving the purpose of the regulation. The proposed amendments only affect selected publicly and privately owned wastewater treatment facilities in the Chesapeake Bay watershed, and are not expected to have any direct impact on small businesses.

### 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.*

The proposed amendments only affect selected publicly and privately owned wastewater treatment facilities in the Chesapeake Bay watershed, and are not expected to have any direct impact on small businesses.

### Family impact

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

The proposed amendments are not expected to have any direct impact on the institution of the family and family stability.

### Detail of changes

*Please list all changes that are being proposed and the consequences of the proposed changes. 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(s), intent, rationale, and likely impact of proposed requirements
9VAC25-720-50.C		<p>North Fork Regional WWTP (1)                      VPDES Permit #VA0090328                      TN WLA = 9,137 lbs/yr                      TP WLA = 685 lbs/yr</p> <p>NOTE (1): <u>Shenandoah Co. - North Fork Regional WWTP</u> waste load allocations (WLAs) based on a design flow capacity of 0.75 million gallons per day (MGD). If plant is not certified to operate at 0.75 MGD design flow capacity by 12/31/10, the WLAs will be deleted and facility removed from Significant Discharger List.</p>	<p>Delete facility from Section listing. Plant not expanded; still 0.1 MGD design capacity and, therefore, does not meet the definition of Significant Discharger.</p> <p>WLAs become "Unallocated Reserve" in new table listing; no change to basin totals.</p>
9VAC25-720-50.C		<p>Note (2): <u>Harrisonburg-Rockingham Regional S.A.-North River STP</u>: waste load allocations (WLAs) based on a design flow capacity of 20.8 million gallons per day (MGD). If plant is not certified to operate at 20.8 MGD design flow capacity by 12/31/11, the WLAs will decrease to TN = 194,916 lbs/yr; TP = 14,619 lbs/yr, based on a design flow capacity of 16.0 MGD.</p>	<p>Delete note; Certificate to Operate for expanded design capacity issued 12/8/10.</p>
9VAC25-720-50.C		<p>Note (3): <u>Mount Jackson STP</u>: waste load allocations (WLAs) based on a design flow capacity of 0.7 million gallons per day (MGD). If plant is not certified to operate at 0.7 MGD design flow capacity by 12/31/10, the WLAs will decrease to TN = 7,309 lbs/yr; TP = 548 lbs/yr, based on a design flow capacity of 0.6 MGD.</p>	<p>Delete note; Certificate to Operate for expanded design capacity issued 4/13/09.</p>
9VAC25-720-50.C		<p>Note (4): <u>Purcellville-Basham Simms STP</u>: waste load allocations (WLAs) based on a design flow capacity of 1.5 million gallons per day (MGD). If plant is not certified to operate at 1.5 MGD design flow capacity by 12/31/10, the WLAs will decrease to TN = 12,182 lbs/yr; TP = 914lbs/yr, based on a design flow capacity of 1.0 MGD.</p>	<p>Delete note; Certificate to Operate for expanded design capacity issued 9/16/10.</p>
9VAC25-720-50.C		<p>Note (5): <u>Loudoun Co. S.A.-Broad Run WRF</u>: waste load allocations (WLAs) based on a design flow capacity of 11.0 million gallons per day (MGD). If plant is not certified to</p>	<p>Delete note; Certificate to Operate for expanded design capacity issued 5/26/10.</p>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change(s), intent, rationale, and likely impact of proposed requirements
		operate at 11.0 MGD design flow capacity by 12/31/10, the WLAs will decrease to TN = 121,822 lbs/yr; TP = 3,046 lbs/yr, based on a design flow capacity of 10.0 MGD.	
9VAC25-720-50.C		Note (6): <u>Dale Service Corp.-Section 1 WWTF</u> : waste load allocations (WLAs) based on a design flow capacity of 4.6 million gallons per day (MGD). If plant is not certified to operate at 4.6 MGD design flow capacity by 12/31/10, the WLAs will decrease to TN = 36,547 lbs/yr; TP = 2,193 lbs/yr, based on a design flow capacity of 4.0 MGD.	Delete note; Certificate to Operate for expanded design capacity issued 6/29/10.
9VAC25-720-50.C		Note (7): <u>Dale Service Corp.-Section 8 WWTF</u> : waste load allocations (WLAs) based on a design flow capacity of 4.6 million gallons per day (MGD). If plant is not certified to operate at 4.6 MGD design flow capacity by 12/31/10, the WLAs will decrease to TN = 36,547 lbs/yr; TP = 2,193 lbs/yr, based on a design flow capacity of 4.0 MGD.	Delete note; Certificate to Operate for expanded design capacity issued 6/29/10.
9VAC25-720-50.C		Note (8): <u>Frederick-Winchester Service Authority - Parkins Mill STP</u> : waste load allocations (WLAs) based on a design flow capacity of 5.0 million gallons per day (MGD). If plant is not certified to operate at 5.0 MGD design flow capacity by 12/31/10, the WLAs will decrease to TN = 36,547 lbs/yr; TP = 2,741 lbs/yr, based on a design flow capacity of 3.0 MGD.	Delete note; Certificate to Operate for expanded design capacity issued 1/20/10.
9VAC25-720-50.C		<u>North Fork (SIL) WWTF</u> : VPDES Permit #VA0090263 TN WLA = 23,390 lbs/yr TP WLA = 1,754 lbs/yr	Rename facility <u>Broadway Regional WWTF</u> : Same VPDES Permit # TN WLA = 29,481 lbs/yr TP WLA = 2,211 lbs/yr Revised WLAs due to consolidation with New Market STP (now offline).
9VAC25-720-50.C		<u>New Market STP</u> : VPDES Permit #VA0022853 TN WLA = 6,091 lbs/yr TP WLA = 457 lbs/yr	Delete facility from Section listing. Flows have been diverted to Broadway Regional WWTF and plant is now offline.
9VAC25-720-50.C		<u>Alexandria SA WWTF</u> : VPDES Permit #VA0025160 TN WLA = 493,381 lbs/yr	Rename facility <u>Alexandria Renew Enterprises</u> .

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change(s), intent, rationale, and likely impact of proposed requirements
		TP WLA = 29,603 lbs/yr	<p>WLA's remain unchanged.</p> <p>Add note: <u>Waste load allocations for localities served by combined sewers are based on dry weather design flow capacity. During wet weather flow events the discharge shall achieve a TN concentration of 4.0 mg/l and a TP concentration of 0.18 mg/l.</u></p>
9VAC25-720-50.C		<u>Leesburg WPCF:</u> Permit # MD0066184	Revise permit number to VPDES #VA0092282.
9VAC25-720-50.C		<u>King George Co. Service Authority-Fairview Beach:</u> Permit # MD0056464	Revise permit number to VPDES #VA0092134.
9VAC25-720-50.C			<p>Insert new row in WLA Table above "TOTALS":</p> <p><u>Unallocated Reserve WLA:</u> <u>TN WLA = 9,137 lbs/yr</u> <u>TP WLA = 685 lbs/yr</u></p>
9VAC25-720-60.C		<u>R. J. Reynolds:</u> VPDES Permit #VA0002780	Rename facility <u>The Sustainability Park, LLC</u>
9VAC25-720-60.C		<u>Clifton Forge STP:</u> VPDES Permit #VA0022772 TN WLA = 36,547 lbs/yr TP WLA = 3,046 lbs/yr	Delete facility from Section listing. Flows have been diverted to Lower Jackson River STP and plant is now offline.
9VAC25-720-60.C		<u>Lower Jackson River STP:</u> VPDES Permit #VA0090671 TN WLA = 27,410 lbs/yr TP WLA = 2,284 lbs/yr	Revise WLA's to: TN WLA = 63,957 lbs/yr TP WLA = 5,330 lbs/yr Revised WLA's due to consolidation with Clifton Forge STP (now offline).
9VAC25-720-70.C		Note (1): <u>Town of Culpeper WWTP</u> waste load allocations (WLA's) based on a design flow capacity of 4.5 million gallons per day (MGD). If plant is not certified to operate at 4.5 MGD design flow capacity by 12/31/10, the WLA's will decrease to TN = 36,547 lbs/yr; TP = 2,741 lbs/yr, based on a design flow capacity of 3.0 MGD.	Delete note; Certificate to Operate for expanded design capacity of 6.0 MGD issued 4/22/10.  Revise WLA's to: TN WLA = 73,093 lbs/yr TP WLA = 5,483 lbs/yr Revised WLA's due to consolidation with a portion of WLA's assigned to Culpeper Co.-Mountain Run STP, which will not be constructed. Mountain Run was to be a 2.5 MGD facility; 1.5 MGD of this capacity has been consolidated into Culpeper STP.
9VAC25-720-70.C		Note (2): <u>Culpeper Co.-Mountain Run STP:</u> waste load allocations (WLA's) based on a design flow capacity of 2.5 million gallons per	Delete facility from Section listing. Facility will not be built and a portion of the WLA's assigned to this discharge

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change(s), intent, rationale, and likely impact of proposed requirements
		day (MGD). If plant is not certified to operate at 2.5 MGD design flow capacity by 12/31/10, the WLAs will decrease to TN = 18,273 lbs/yr; TP = 1,371 lbs/yr, based on a design flow capacity of 1.5 MGD.	(based on 1.5 MGD of a total 2.5 MGD design capacity) have been consolidated into the Town of Culpeper STP.  Balance of WLAs (1.0 MGD of unbuilt capacity) becomes part of "Unallocated Reserve" in new table listing; no change to basin totals.
9VAC25-720-70.C		Note (3): <u>Fauquier Co. W&amp;SA-Remington STP</u> : waste load allocations (WLAs) based on a design flow capacity of 2.5 million gallons per day (MGD). If plant is not certified to operate at 2.5 MGD design flow capacity by 12/31/10, the WLAs will decrease to TN = 24,364 lbs/yr; TP = 1,827 lbs/yr, based on a design flow capacity of 2.0 MGD.	Delete note; facility not expanded. Revise WLAs to: TN WLA = 24,364 lbs/yr TP WLA = 1,827 lbs/yr  Balance of WLAs (0.5 MGD of unbuilt capacity) becomes part of "Unallocated Reserve" in new table listing; no change to basin totals.
9VAC25-720-70.C		Note (4): <u>Culpeper Co.-Clevengers Corner STP</u> : waste load allocations (WLAs) based on a design flow capacity of 0.9 million gallons per day (MGD). If plant is not certified to operate at 0.9 MGD design flow capacity by December 31, 2010, the WLAs will decrease to TN = 7,309 lbs/yr; TP = 548 lbs/yr, based on a design flow capacity of 0.6 MGD.	Delete note; Certificate to Operate for expanded design capacity issued 8/26/10.  Rename facility <u>Clevengers Village WWTP</u>
9VAC25-720-70.C		Note (5): <u>Haymount STP</u> : waste load allocations (WLAs) based on a design flow capacity of 0.96 million gallons per day (MGD). If plant is not certified to operate at 0.96 MGD design flow capacity by 12/31/10, the WLAs will decrease to TN = 7,066 lbs/yr; TP = 530 lbs/yr, based on a design flow capacity of 0.58 MGD.	Delete note; 0.96 MGD design capacity not constructed. Revise WLAs to minimum allowance: TN WLA = 7,066 lbs/yr TP WLA = 530 lbs/yr  Balance of WLAs (0.38 MGD of unbuilt capacity) becomes part of "Unallocated Reserve" in new table listing; no change to basin totals.
9VAC25-720-70.C		<u>Spotsylvania Co.-Massaponax STP</u> : VPDES Permit #VA0025658 TN WLA = 97,458 lbs/yr TP WLA = 7,309 lbs/yr	TN WLA = 114,505 lbs/yr TP WLA = 8,405 lbs/yr Revised WLAs due to consolidation with a portion of WLAs assigned to Spotsylvania Co.-FMC STP, which was not expanded. FMC STP was to be a 5.4 MGD facility (up from 4.0

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			MGD). The proposed 1.4 MGD expansion has been consolidated into Massaponax STP, instead.
9VAC25-720-70.C		<u>Spotsylvania Co.-FMC STP:</u> VPDES Permit #VA0068110 TN WLA = 65,784 lbs/yr TP WLA = 4,934 lbs/yr	TN WLA = 48,737 lbs/yr TP WLA = 3,655 lbs/yr Figures revised due to consolidation of a portion of WLAs with Spotsylvania Co.-Massaponax STP. FMC STP was not expanded from 4.0 to 5.4 MGD as proposed; the 1.4 MGD expansion has been constructed at Massaponax STP.
9VAC25-720-70.C			Insert new row in WLA Table above "TOTALS": <u>Unallocated Reserve WLA:</u> <u>TN WLA = 22,904 lbs/yr</u> <u>TP WLA = 1,900 lbs/yr</u>
9VAC25-720-110.C		Note (1): <u>Cape Charles STP:</u> waste load allocations (WLAs) based on a design flow capacity of 0.5 million gallons per day (MGD). If plant is not certified to operate at 0.5 MGD design flow capacity by 12/31/10, the WLAs will decrease to TN = 3,046 lbs/yr; TP = 228 lbs/yr, based on a design flow capacity of 0.25 MGD.	Delete note; facility not expanded. Revise WLAs to: TN WLA = 3,046 lbs/yr TP WLA = 228 lbs/yr  Balance of WLAs (0.25 MGD of unbuilt capacity) becomes "Unallocated Reserve" in new table listing; no change to basin totals.
9VAC25-720-110.C		Note (2): <u>Onancock STP:</u> waste load allocations (WLAs) based on a design flow capacity of 0.75 million gallons per day (MGD). If plant is not certified to operate at 0.75 MGD design flow capacity by 12/31/11, the WLAs will decrease to TN = 3,046 lbs/yr; TP = 228 lbs/yr, based on a design flow capacity of 0.25 MGD.	Delete note; Certificate to Operate for expanded design capacity issued 8/23/11.
9VAC25-720-110.C			Insert new row in WLA Table above "TOTALS": <u>Unallocated Reserve WLA:</u> <u>TN WLA = 3,045 lbs/yr</u> <u>TP WLA = 229 lbs/yr</u>
9VAC25-720-120.C		<u>Caroline Co. STP:</u> TP WLA = 1,066 lbs/yr	Revise TP WLA to 609 lbs/yr in accordance with EPA Chesapeake Bay TMDL. <u>Action exempt from Administrative Process Act - necessary to meet the requirements of federal law or regulations.</u>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change(s), intent, rationale, and likely impact of proposed requirements
9VAC25-720-120.C		<u>Gordonsville STP:</u> TP WLA = 2,004 lbs/yr	Revise TP WLA to 1,145 lbs/yr in accordance with EPA Chesapeake Bay TMDL. <u>Action exempt from Administrative Process Act – necessary to meet the requirements of federal law or regulations.</u>
9VAC25-720-120.C		<u>Ashland WWTP:</u> TP WLA = 4,264 lbs/yr	Revise TP WLA to 2,436 lbs/yr in accordance with EPA Chesapeake Bay TMDL. <u>Action exempt from Administrative Process Act – necessary to meet the requirements of federal law or regulations.</u>
9VAC25-720-120.C		<u>Doswell WWTP:</u> TP WLA = 2,132 lbs/yr	Revise TP WLA to 1,218 lbs/yr in accordance with EPA Chesapeake Bay TMDL. <u>Action exempt from Administrative Process Act – necessary to meet the requirements of federal law or regulations.</u>
9VAC25-720-120.C		<u>Bear Island Paper Co.:</u> TP WLA = 12,791 lbs/yr	Revise TP WLA to 10,233 lbs/yr in accordance with EPA Chesapeake Bay TMDL. <u>Action exempt from Administrative Process Act – necessary to meet the requirements of federal law or regulations.</u>
9VAC25-720-120.C		<u>Giant Yorktown Refinery:</u> TP WLA = 22,111 lbs/yr	Rename facility <u>Plains Marketing, L.P. – Yorktown</u>  Revise TP WLA to 17,689 lbs/yr in accordance with EPA Chesapeake Bay TMDL. <u>Action exempt from Administrative Process Act – necessary to meet the requirements of federal law or regulations.</u>
9VAC25-720-120.C		<u>HRSD-York STP:</u> VPDES Permit #VA0081311 TN WLA = 274,100 lbs/yr TP WLA = 31,978 lbs/yr	TN WLA = 275,927 lbs/yr TP WLA = 18,395 lbs/yr  Revised TN WLA due to consolidation with HRSD-Mathews Courthouse STP (now offline).  Revised TP WLA due to consolidation with HRSD-Mathews Courthouse STP (now offline), then further revised to 18,395 lbs/yr in accordance with

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change(s), intent, rationale, and likely impact of proposed requirements
			EPA Chesapeake Bay TMDL. <u>Action exempt from Administrative Process Act - necessary to meet the requirements of federal law or regulations.</u>
9VAC25-720-120.C		<p><u>Parham Landing WWTP:</u> TP WLA = 4,264 lbs/yr</p> <p>Note (1): <u>Parham Landing WWTP:</u> waste load allocations (WLAs) based on a design flow capacity of 2.0 million gallons per day (MGD). If plant is not certified to operate at 2.0 MGD design flow capacity by 12/31/10, the WLAs will decrease to TN = 10,416 lbs/yr; TP = 1,215 lbs/yr, based on a design flow capacity of 0.57 MGD.</p>	<p>Revise TP WLA to 2,436 lbs/yr in accordance with EPA Chesapeake Bay TMDL. <u>Action exempt from Administrative Process Act - necessary to meet the requirements of federal law or regulations.</u></p> <p>Delete note; Certificate to Operate for expanded design capacity issued 12/20/10.</p>
9VAC25-720-120.C		<p><u>Smurfit Stone – West Point:</u> TP WLA = 70,048 lbs/yr</p>	<p>Rename facility <u>RockTenn CP LLC – West Point</u></p> <p>Revise TP WLA to 56,038 lbs/yr in accordance with EPA Chesapeake Bay TMDL. <u>Action exempt from Administrative Process Act – necessary to meet the requirements of federal law or regulations.</u></p>
9VAC25-720-120.C		<p><u>Totopotomoy WWTP:</u> TP WLA = 21,319 lbs/yr</p>	<p>Revise TP WLA to 12,182 lbs/yr in accordance with EPA Chesapeake Bay TMDL. <u>Action exempt from Administrative Process Act – necessary to meet the requirements of federal law or regulations.</u></p>
9VAC25-720-120.C		<p><u>West Point STP:</u> TP WLA = 1,279/yr</p>	<p>Revise TP WLA to 731 lbs/yr in accordance with EPA Chesapeake Bay TMDL. <u>Action exempt from Administrative Process Act – necessary to meet the requirements of federal law or regulations.</u></p> <p>Rename facility <u>HRSD-West Point STP</u></p>
9VAC25-720-120.C		<p><u>HRSD-Mathews Courthouse STP:</u> VPDES Permit #VA0028819 TN WLA = 1,827 lbs/yr TP WLA = 213 lbs/yr</p>	<p>Delete facility from Section listing. Flows have been diverted to HRSD-York STP and plant is now offline.</p>
9VAC25-720-120.C		<p><u>TOTALS:</u></p>	<p>No change to TN WLA Total.</p>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change(s), intent, rationale, and likely impact of proposed requirements
		<u>TN WLA = 1,060,939 lbs/yr</u> <u>TP WLA = 173,469 lbs/yr</u>	To conform with EPA-approved Chesapeake Bay TMDL, revise TP WLA Total to: <u>TP WLA = 123,112 lbs/yr</u>

**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.*

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- APA = Administrative Process Act
  - CP = Corrugated Packaging
  - d.b.a. = doing business as
  - EPA = Environmental Protection Agency
  - HRSD = Hampton Roads Sanitation District
  - lbs/yr = Pounds per Year
  - LLC = Limited Liability Company
  - L.P. = Limited Partnership
  - MGD = Million Gallons per Day
  - mg/l = milligrams per liter
  - STP = Sewage Treatment Plant
  - TMDL = Total Maximum Daily Load
  - TN = Total Nitrogen
  - TP = Total Phosphorus
  - VAC = Virginia Administrative Code
  - VPDES = Virginia Pollutant Discharge Elimination System
  - WLA = Waste Load Allocation
  - WPCF = Water Pollution Control Facility
  - WQMP = Water Quality Management Planning
  - WRF = Water Reclamation Facility
  - WWTF = Wastewater Treatment Facility
  - WWTP = Wastewater Treatment Plant