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Exempt Action: Proposed Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC25-120
VAC Chapter title(s)	Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges From Petroleum Contaminated Sites, Groundwater Remediation, and Hydrostatic Tests
Action title	Amend and Reissue the Existing General Permit Regulation
Date this document prepared	February 17, 2022

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

This action addresses the proposed reissuance of the Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges From Petroleum Contaminated Sites, Groundwater Remediation, and Hydrostatic Tests. The existing general permit contains effluent limitations, monitoring requirements and special conditions for discharges of sites contaminated by petroleum products, chlorinated hydrocarbon solvents, the hydrostatic testing of natural gas storage tanks and pipelines, the hydrostatic testing and dewatering of petroleum storage tank systems and associated distribution equipment, and the hydrostatic testing of water storage tanks and pipelines. The proposed changes would amend the scope to also include non-petroleum contaminated sites, groundwater remediation discharges, and dewatering activities. Two limits have been revised based on updated standards, and 11 metal limits have been added to address dewatering activities with contamination by metals. In addition, hardness-dependent metal limits have been specified in place of the existing formula. The proposed changes to the regulation are being made to reissue this general permit and in response to Technical

Advisory Committee suggestions, public inquiries for expanded coverage, and staff suggestions to revise, update and clarify the permit conditions.

Mandate and Impetus

Identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

This regulation (9VAC25-120) constitutes a VPDES general permit administered by Virginia DEQ, a U.S. EPA authorized permitting authority under CWA § 402(b). Under CWA § 402(b)(1)(B) and 9VAC25-31-240, VPDES permits must be for fixed terms not to exceed five years. The existing general permit expires on February 25, 2023 and must be reissued for another term to remain available to permittees. In addition, internal staff review and TAC meeting input have identified areas where the general permit could be updated and potentially improved.

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.

- APA: Administrative Process Act
- CFR: Code of Federal Regulations
- DEQ: Department of Environmental Quality
- DMR: Discharge monitoring report
- EPA: (U.S. EPA): United States Environmental Protection Agency
- MTBE: methyl tert-butyl ether
- NPDES: National Pollutant Discharge Elimination System
- PWS: Public water supply
- TAC: Technical Advisory Committee
- TPH: Total Petroleum Hydrocarbon
- USC: United States Code
- VAC: Virginia Administrative Code
- VPDES: Virginia Pollutant Discharge Elimination System
- VRP: Voluntary Remediation Program

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.

The basis for this regulation is § 62.1-44.2 et seq. of the Code of Virginia. Specifically, § 62.1-44.15(5) authorizes the Board to issue permits for the discharge of treated sewage, industrial wastes or other waste into or adjacent to state waters and § 62.1-44.15(7) authorizes the Board to adopt rules governing the procedures of the Board with respect to the issuance of permits. Further, § 62.1-44.15(10) authorizes the Board to adopt such regulations as it deems necessary to enforce the general water quality management program, §62.1-44.15(14) authorizes the Board to establish requirements for the treatment of sewage, industrial wastes and other wastes, § 62.1-44.16 specifies the Board's authority to regulate

discharges of industrial wastes, § 62.1-44.20 provides that agents of the Board may have the right of entry to public or private property for the purpose of obtaining information or conducting necessary surveys or investigations, and § 62.1-44.21 authorizes the Board to require owners to furnish information necessary to determine the effect of the wastes from a discharge on the quality of state waters.

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

Purpose

Please explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

This proposed regulatory action is needed in order to amend and reissue the existing VPDES General Permit Regulation for Discharges From Petroleum Contaminated Sites, Groundwater Remediation, and Hydrostatic Tests, which expires on February 25, 2023. The goal of the proposed regulation is to continue to make available the general permit, which establishes standard language for control of these point source discharges through effluent limitations, monitoring requirements and special conditions to ensure protection of the environment and public health, safety and welfare.

Substance

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

Proposed changes to the general permit regulation include:

- Revising the title to reflect the adjusted scope.
- Amending the purpose to address wastewaters from petroleum contaminated sites, non-petroleum contaminated sites, groundwater remediation discharges, dewatering activities, the hydrostatic testing of natural gas storage tanks and pipelines, the hydrostatic testing and dewatering of petroleum storage tank systems and associated distribution equipment, and the hydrostatic testing of water storage tanks and pipelines.
- Revising the term of the general permit to March 1, 2023 through February 29, 2028.
- Making certain language more generic so dates do not have to be changed each reissuance.
- Under registration statement information requirements, replaced location with latitude and longitude of the discharge point.
- Adding VRP information to the registration statement.
- Adding State Corporation Commission entity identification data requirement to the registration statement.
- Adding conditional requirements for the electronic submission of registration statements.
- Adding conditional requirements for the electronic submission of DMRs.
- Amending the benzene limit based on revisions to the state water quality standard.
- Amending the chloroform limit based on revisions to the state water quality standard.
- Adding limits for 12 (total recoverable) metals (Antimony, Arsenic, Cadmium, Chromium, Copper, Lead, Mercury, Nickel, Selenium, Silver, Thallium, and Zinc to address dewatering activity discharges contaminated with metals.
- Removing the hardness based formula for metals and replacing them with numeric limit values.
- Specifying that hardness monitoring is total hardness.

- Amending several limits to express them as two significant figures, consistent with existing guidance.
- Updating certain noncompliance report language to reflect updated DEQ website.

Issues

Please identify the issues associated with the regulatory change, 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, include a specific statement to that effect.

The advantages to the public, permittees and the agency of reissuing this general permit are that a VPDES general permit will continue to be available to facilities with eligible discharges enabling them to discharge to surface waters in a manner that is protective of those waters. In addition, the continued availability of this general permit avoids the increased cost and more complicated application process for permittees associated with issuing an individual permit, and makes permit administration more reasonable for DEQ. There are no known disadvantages.

Expanding the scope of this VPDES general permit offers some projects potential permit coverage as an alternative to seeking costly disposal/ treatment alternatives or seeking an individual VPDES permit, which is much more costly and requires more time to implement.

The advantage of (eventual) electronic submission of registration statements or combined applications and DMRs is that this approach complies with U.S. EPA program requirements for e-reporting. Once in place, this system will also allow for greater efficiency in the submittal, management, and transfer of program data.

Requirements More Restrictive than Federal

Please identify and describe any requirement of the regulatory change that is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and 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 specific statement to that effect.

There are no requirements that exceed applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Please identify any other state agencies, localities, or other entities particularly affected by the regulatory change. "Particularly affected" are those that are likely to bear any identified disproportionate material impact, which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected:

There are no state agencies, localities or other entities particularly affected by the proposed regulation as the regulation applies statewide.

Localities Particularly Affected:
See above.

Other Entities Particularly Affected:
See above.

Regulatory Flexibility Analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing 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 regulatory change.

This general permit does not predominantly apply to small businesses, rather, it applies to discharges from petroleum contaminated sites, groundwater remediation, and hydrostatic tests. Nevertheless, the reissuance of this VPDES general permit accomplishes the objectives of applicable law and minimizes the application burden and permit implementations costs to affected small business owners. Without the general permit, a small business owner would be required to obtain an individual permit, which would increase the complexity of a permit application, implementation and compliance costs.

Public Comment Received

Please summarize all comments received during the public comment period following the publication of the NOIRA, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. If no comment was received, enter a specific statement to that effect.

Commenter	Comment	Agency response
NA	No comments were received on the NOIRA.	NA

Public Participation

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

In addition to any other comments, the Board is seeking comments on the costs and benefits of the proposal, the potential impacts of this regulatory proposal and any impacts of the regulation on farm and forest land preservation. The agency/board is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so by mail, email or fax to Alison Thompson, 13901 Crown Court, Woodbridge, Virginia 22193; Alison.Thompson@deq.virginia.gov ; phone (571) 866 6083; fax (804) 698 4178 (please ensure recipient [Alison Thompson] is on the fax or cover page of the fax). Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at (<http://www.townhall.virginia.gov>). Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

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

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. If the regulatory change will be 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 change. Please include citations to the specific section(s) of the regulation that are changing.

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
Title		VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) GENERAL PERMIT REGULATION FOR DISCHARGES FROM PETROLEUM CONTAMINATED SITES, GROUNDWATER REMEDIATION, AND HYDROSTATIC TESTS	VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) GENERAL PERMIT REGULATION FOR DISCHARGES FROM GROUNDWATER REMEDIATION OF CONTAMINATED SITES, DEWATERING ACTIVITIES OF CONTAMINATED SITES, AND HYDROSTATIC TESTS <i>Struck "petroleum" and added "dewatering activities." Seeking to accommodate common activities that lack general permit coverage now.</i>
9VAC25-120-10 Definitions		Definitions exist for the terms "Board" and "Department."	Struck the definitions of "Board" and "Department," since these are defined in the VPDES permit regulations and the introduction references the existing definitions.
9VAC25-120-20 Purpose		This general permit regulation governs the discharge of wastewaters from sites contaminated by petroleum products, chlorinated hydrocarbon solvents, the hydrostatic	This general permit regulation governs the discharge of wastewaters from petroleum contaminated sites, non-petroleum contaminated sites, groundwater remediation discharges, dewatering activities, the

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		testing of natural gas storage tanks and pipelines, the hydrostatic testing and dewatering of petroleum storage tank systems and associated distribution equipment, and the hydrostatic testing of water storage tanks and pipelines.	<p>hydrostatic testing of natural gas storage tanks and pipelines, the hydrostatic testing and dewatering of petroleum storage tank systems and associated distribution equipment, and the hydrostatic testing of water storage tanks and pipelines.</p> <p><i>Replaced “site contaminated with petroleum products” with “petroleum contaminated sites”, struck “chlorinated hydrocarbon solvents”, and added “non-petroleum contaminated sites, groundwater remediation discharges, dewatering activities.”</i></p> <p><i>In description of wastewaters that may be discharged, added discharges resulting from “metals or other contaminated site” cleanup. Also struck “approved by the board” since VRP cleanups are approved by the director.</i></p> <p><i>Expanding scope to address dewatering and certain cleanups beyond petroleum based on requests for GP coverage.</i></p>
9VAC25-120-50. Effective date of the permit		This general permit will become effective on February 26, 2018. This general permit will expire on February 25, 2023.	<p>This general permit will become effective on March 1, 2023. This general permit will expire on February 29, 2028.</p> <p><i>Amended dates to reflect new 5-year term. Started term at the beginning of the month consistent with DEQ VPDES monitoring policy.</i></p>
9VAC25-120-60. Authorization to discharge		C. Compliance with this general permit constitutes compliance, for purposes of enforcement, with §§ 301, 302, 306, 307, 318, 403, and 405 (a) through (b) of the federal Clean Water Act and the State Water Control Law with the exceptions stated in 9VAC25-31-60 of the VPDES Permit Regulation. Approval for coverage under this	<p><i>Added the phrase, “including compliance with the water withdrawal reporting, 9VAC25-200, and the groundwater permitting program 9VAC25-610,” at the end of the final sentence.</i></p> <p><i>This was added to clarify to registrants that they may need a water withdrawal permit and/or to report groundwater withdrawn to DEQ.</i></p>

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		general permit does not relieve any owner of the responsibility to comply with any other applicable federal, state, or local statute, ordinance, or regulation.	
9VAC25-120-60. Authorization to discharge		D.1. Permit coverage shall expire at the end of its term....	D.1. Permit coverage shall expire at the end of the applicable permit term.... <i>Replaced "its" with "the applicable permit".</i>
9VAC25-120-70. Registration statement		A. Any owner seeking coverage shall submit a complete VPDES general permit registration statementwhich shall serve as a notice of intent for coverage under the general VPDES permit	<i>Replaced "general VPDES permit" with "VPDES general permit", which is a wording correction being made to all general permits, and revised text to reflect new title of the general permit.</i> <i>This "VPDES general permit" wording was also revised in other locations in the general permit.</i>
9VAC25-120-70. Registration statement		Under B, short term projects "are authorized to discharge under this permit immediately upon the permit's effective date of February 26, 2018."	<i>Under B, revised the permit's effective date to be March 1, 2023.</i>
9VAC25-120-70. Registration statement		Under C.1, new facilities must submit a complete registration statement 30 days prior to commencing operation.	<i>Under C.1, added "or a later submittal date established by the board", which is consistent with other general permits and provides flexibility to address submittals later than 30 days prior to operation.</i>
9VAC25-120-70. Registration statement		C.2.a. Any owner covered by an individual VPDES permit who is proposing to be covered by this general permit shall submit a complete registration statement at least 210 days prior to the expiration date of the individual VPDES permit	<i>Changed "210 days" to "240 days" to be consistent with other general permits.</i>
9VAC25-120-70. Registration statement		C.2.b. Any owner that was authorized to discharge under the petroleum contaminated sites.... general VPDES permitand that intends to continue coverageshall submit a complete registration statement to the	<i>Inserted "expiring" prior to "petroleum contaminated sites...". VPDES general permit.</i>

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		board at least 30 days prior to the expiration date of the existing permit or a later submittal established by the board.	
9VAC25-120-70. Registration statement		E.9. Requires the location of the discharge point, or all proposed discharge points for linear project.	<i>Replaced "location" with "latitude and longitude in decimal degrees (six digits - ten-thousandths place)." This information is required by EPA for electronic reporting (e-reporting).</i>
9VAC25-120-70. Registration statement		E.19. The registration statement must include any pollution complaint number associated with the project.	<i>After "number" added "or Voluntary Remediation Program (VRP) information." Many of the projects seeking permit coverage are VRP projects, and this information characterizes the nature of the project and the discharge.</i>
9VAC25-120-70. Registration statement		None.	<i>Added (in place of existing 21) a requirement that registration statements include State Corporation Commission entity identification number if a facility is required to obtain an entity identification number by law. This provision is being added to all general permits. It ensures the facility is able to conduct business in Virginia and aides potential enforcement.</i>
9VAC25-120-70. Registration statement	E.22.	E.21. Certification statement.	<i>Re-numbered existing certification statement (E.21) as new subsection E.22.</i>
9VAC25-120-70. Registration statement		G. The registration statement shall be delivered by either postal or electronic mail to the DEQ regional office serving the area where the facility is located.	Added the following contingent e-reporting language: "Following notification from the department of the start date for the required electronic submission of Notices of Intent to discharge forms (i.e., registration statements), as provided for in 9VAC25-31-1020, such forms submitted after that date shall be electronically submitted to the department in compliance with this section and 9VAC25-31-1020. There shall be at least three months' notice provided between the notification from the department and the date after

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			<p>which such forms must be submitted electronically.”</p> <p><i>E-reporting is required by federal regulation (see 80 FR 64064; 10/22/2015 and 85 FR 69189; 11/2/2020) and state regulation (9VAC25-31-1020).</i></p>
<p>9VAC25-120-80. General permit</p>		<p>Effective and expiration dates, and title.</p>	<p><i>Revised as indicated above.</i></p>
<p>9VAC25-120-80. General permit. Part I A 2</p> <p>Discharges of hydrostatic test waters</p>		<p>TPH limit – 15.0 mg/l.</p>	<p>TPH limit – 15 mg/l.</p> <p><i>Limit expressed as two significant figures in accordance with agency guidance.</i></p>
<p>9VAC25-120-80. General permit. Part I A 3</p> <p>Gasoline contamination</p>		<p>Limits:</p> <p>Benzene – 12.0 ug/l.</p> <p>Toluene – 43.0 ug/l.</p> <p>Total Xylenes – 33.0 ug/l.</p> <p>MTBE (freshwater not PWS and saltwater) – 440.0 ug/l.</p> <p>MTBE (freshwater listed as PWS) – 15.0 ug/l.</p> <p>Lead (total recoverable) – Hardness-based formula.</p> <p>Ethylene Dibromide (freshwater listed as PWS) – 0.161 ug/l.</p> <p>Ethanol – 4100.0 ug/l.</p> <p>Monitoring Only: Hardness (mg/l CaCO₃)</p>	<p>Limits:</p> <p>Benzene limit – 5.8 ug/l. <i>Based on revised WQS.</i></p> <p>Toluene – 43 ug/l.</p> <p>Total Xylenes – 33 ug/l.</p> <p>MTBE (freshwater not PWS and saltwater) – 440 ug/l.</p> <p>MTBE (freshwater listed as PWS) – 15 ug/l.</p> <p>Lead (total recoverable) – 7.2 ug/l.</p> <p>Ethylene Dibromide (freshwater listed as PWS) – 0.16 ug/l.</p> <p>Ethanol – 4100 ug/l.</p> <p><i>Limits expressed in two significant figures per agency guidance memorandum GM06-2016.</i></p> <p><i>For lead, the existing hardness-based formula in the general permit has been complex for permittees to understand and implement and has resulted in poor discharge monitoring reporting and unclear compliance. DEQ has replaced the formula with numeric metals limits calculated based on the 10th percentile of hardness as indicated in available state data. The new metals limits in I A 6 have been calculated in the same manner.</i></p>

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			<p><i>Specified that hardness (monitoring only) is total.</i></p> <p><i>In footnote 2, deleted “The minimum hardness concentration that will be used to determine the lead effluent limit is 25 mg/l” since the hardness-based formula was removed.</i></p>
<p>9VAC25-120-80. General permit. Part I A 4</p> <p>Contamination by petroleum products other than gasoline</p>		<p>Limits:</p> <p>Benzene 12.0 ug/l.</p> <p>TPH – 15.0 mg/l.</p> <p>MTBE – 15.0 ug/l.</p>	<p>Limits:</p> <p>Benzene limit – 5.8 ug/l. <i>Based on revised WQS</i></p> <p>TPH – 15 mg/l.</p> <p>MTBE – 15 ug/l.</p> <p><i>Limits expressed in two significant figures per agency guidance memorandum GM06-2016.</i></p>
<p>9VAC25-120-80. General permit. Part I A 5.</p> <p>Contamination by chlorinated hydrocarbon solvents</p>		<p>Limits:</p> <p>Chloroform – 80.0 ug/l.</p> <p>cis-1,2 Dichloroethylene – 70.0 ug/l.</p> <p>trans 1,2 Dichloroethylene – 100.0 ug/l.</p> <p>1,1,1 Trichloroethane – 54.0 ug/l.</p> <p>1,2 Dichlorobenzene – 15.8 ug/l.</p>	<p>Limits:</p> <p>Chloroform – 60.0 ug/l. <i>Based on revised WQS.</i></p> <p>cis-1,2 Dichloroethylene – 70 ug/l.</p> <p>trans 1,2 Dichloroethylene – 100 ug/l.</p> <p>1,1,1 Trichloroethane – 54 ug/l.</p> <p>1,2 Dichlorobenzene – 16 ug/l.</p> <p><i>Limits expressed in two significant figures per agency guidance memorandum GM06-2016.</i></p>
	<p>9VAC25-120-80. General permit. Part I A 6 Dewatering activities with contamination by metals</p>	<p>None.</p> <p>(A lead limit is included in I A 3 as a hardness based formula).</p>	<p>Limits: (metals are all total recoverable)</p> <p>Antimony – 5.6 ug/l.</p> <p>Arsenic – 10 ug/l.</p> <p>Cadmium – 0.55 ug/l.</p> <p>Chromium – 11 ug/l.</p> <p>Copper – 6.6 ug/l.</p> <p>Lead – 7.2 ug/l.</p> <p>Mercury – 0/77 ug/l.</p> <p>Nickel – 15 ug/l.</p> <p>Selenium – 5.0 ug/l.</p> <p>Silver – 1.9 ug/l.</p> <p>Thallium – 0.24 ug/l.</p> <p>Zinc – 87 ug/l.</p> <p>pH – 6.0 to 9.0 standard units.</p> <p>Monitoring only:</p>

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			<p>Flow. Total Hardness (as CaCO₃ in mg/l).</p> <p><i>Metals are being added to address dewatering projects that are not sufficiently covered by the existing general permit, and thereby provide a more efficient general permit option for such projects.</i></p>
	<p>9VAC25-120-80. General permit. Part I A 6 Dewatering activities with contamination by metals.</p> <p>Footnotes.</p>		<p>(1) Metals analyzed per 40 CFR 136. (2) Collect total hardness concurrent with the metals. (3) Monitoring frequency 1/ month for discharges into freshwaters not listed as PWS and into saltwaters. The frequency is 2/ month for freshwaters listed as PWS (if compliance in the first 12 months of coverage the permittee can request a frequency of 1/ month [1/quarter for ethanol]. Frequency reverts if warning letter, NOV or enforcement action).</p>
<p>9VAC25-120-80. General permit. Part II C Reporting and Monitoring Results</p>		<p>2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the department.</p>	<p>Added the following contingent e-reporting language:</p> <p>“Following notification from the department of the start date for the required electronic submission of monitoring reports, as provided for in 9VAC25-31-1020, such forms and reports submitted after that date shall be electronically submitted to the department in compliance with this section and 9VAC25-31-1020. There shall be at least three months’ notice provided between the notification from the department and the date after which such forms and reports must be submitted electronically.”</p> <p><i>E-reporting is required by federal regulation (see 80 FR 64064; 10/22/2015 and 85 FR 69189; 11/2/2020) and state regulation (9VAC25-31-1020).</i></p>

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
9VAC25-120-80. General permit. Part II D Duty to Provide Information		The permittee shall furnish to the department, within a reasonable time, any information which the board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit.	Struck “modifying, revoking and reissuing”. <i>General permits are issued as regulations and are not modified, revoked and reissued. Global edit for all general permits.</i> <i>Also replaced “his discharge” with “the permittee’s discharge” in the second sentence.</i>
9VAC25-120-80. General permit. Part II G Reports of Unauthorized Discharges		Reports of unauthorized discharges.	With regard to immediate notification of the department, added reference to Part II I 3. <i>Facilitates the use of online reporting.</i>
9VAC25-120-80. General permit. Part II H Reports of Unusual or Extraordinary Discharges		Reports of unusual or extraordinary discharges.	Struck “in no case later than 24 hours” and “by telephone” and added reference to Part II I 3. <i>Facilitates the use of online reporting.</i>
9VAC25-120-80. General permit. Part II I Reports of Noncompliance		3. Where the permittee becomes aware that it failed to submit any relevant facts in a permit registration statement or submitted incorrect information in a permit registration statement or in any report to the department, it shall promptly submit such facts or information. NOTE: The immediate (within 24 hours) reports required in Part II G, H and I may be made to the department's regional office. Reports may be made by telephone, FAX, or online at http://www.deq.virginia.gov/Programs/PollutionResponsePreparedness/PollutionReportingForm.aspx .	<i>Existing 3 renumbered to be new 4.</i> <i>Renumbered the existing “NOTE” to be item 3. Also updated reporting link to be: https://www.deq.virginia.gov/get-involved/pollution-response</i>
9VAC25-120-80. General permit.		Duty to comply.	Struck “or standards for sewage sludge use or disposal.”

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Part II L Duty to Comply			<i>This general permit does not address sewage sludge.</i>

Family Impact

In accordance with § 2.2-606 of the Code of Virginia, please assess the potential 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.

This general permit applies to discharges from petroleum contaminated sites, groundwater remediation, and hydrostatic tests. It is being revised to address dewatering from contaminated sites. Its availability allows for these discharges and associated cleanups to be conducted efficiently while protecting surface waters in a manner consistent with state law. This permit does not directly impact families, however, facilitating cleanups and development could promote economic interests generally, and indirectly support families and contribute to economic self-sufficiency. This general permit has been designed to minimize burden while achieving a level of water quality protection consistent with state and federal requirements.