



townhall.virginia.gov

Exempt Action: Final Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC25 -110
VAC Chapter title(s)	Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Domestic Sewage Discharges Less Than or Equal to 1,000 gallons per day (GPD)
Action title	CH110- 2026 Amendment and Reissuance of the Existing Regulation
Final agency action date	6/30/2025
Date this document prepared	5/1/2025

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), 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 reissuance of the Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day. The existing general permit expires on July 31, 2026. This general permit contains effluent limitations, monitoring requirements and special conditions for discharges of treated domestic sewage to surface waters from individual single family dwellings and buildings or dwellings other than individual single family dwellings that meet the discharge threshold. The changes to the regulation are being made to reissue this general permit and in response to Technical Advisory Committee suggestions and staff recommendations 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). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “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.”

The impetus of this regulatory change is § 62.1-44.15 (5a) of the Code of Virginia which states, "All certificates issued by the Board under this chapter shall have fixed terms. The term of a Virginia Pollutant Discharge Elimination System permit shall not exceed five years." This general permit expires on July 31, 2026, and must be reissued to make coverage available for discharges of treated domestic sewage from treatment works with a design discharge flow of less than or equal to 1,000 gallons per day (GPD) to surface waters after July 31, 2026.

The periodic review of this regulation is mandated by the ORM procedures and § 2.2-4007.1 of the Code of Virginia.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the “Definitions” section of the regulation.

- Board: State Water Control Board
- BOD5: Biochemical Oxygen Demand (5-day)
- CFR: Code of Federal Regulations
- Department or DEQ: Virginia Department of Environmental Quality
- DMR: Discharge Monitoring Report
- DSD: Domestic Sewage Discharges
- FR: Federal Register
- GPD: Gallons Per Day
- NPDES: National Pollutant Discharge Elimination System
- NOIRA: Notice of Intended Regulatory Action
- POTW: Publicly Owned Treatment Works
- TSS: Total Suspended Solids
- U.S. EPA: United States Environmental Protection Agency
- USC: United States Code
- VAC: Virginia Administrative Code
- VDH: Virginia Department of Health
- VPDES: Virginia Pollutant Discharge Elimination System

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has “adopted final amendments” to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, “On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)].”

The State Water Control Board adopted these regulatory amendments to 9VAC25-110 Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Domestic Sewage Discharges

Less Than or Equal to 1,000 gallons per day (GPD) on June 30, 2025 as a final regulation and affirmed that the Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Legal Basis

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 the State Water Control Law, § 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 § 1342) 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 VPDES General Permit Program.

40 CFR Parts 122, 123 and 124 implement the NPDES permit program under § 402. These provisions cover basic U.S. EPA permitting requirements, what a state must do to obtain approval to operate its program in lieu of a federal program and minimum requirements for administering the approved state program, and procedures for the U.S. EPA to process permit applications and appeals. Section 122.2 provides the specific authority for regulating “treatment works treating domestic sewage” where a permit is necessary to protect public health and the environment from the adverse effects of sewage sludge or to ensure compliance with the technical standards for sludge use and disposal developed under § 405(d) of the Clean Water Act (33 USC §1345).

Changes to this chapter of the Virginia Administrative Code are exempt from Article 2 of the Administrative Process Act (§ 2.2-4006 A 8 of the Code of Virginia).

Purpose

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’s intended to solve.

This regulatory action is needed to establish permitting requirements for discharges of treated domestic sewage from treatment works with a design discharge flow of less than or equal to 1,000 GPD to surface waters to protect the health, safety and welfare of citizens. The existing general permit expires on July 31, 2026, and must be reissued to cover existing and new domestic sewage discharges from treatment works with a design discharge flow of less than or equal to 1,000 GPD.

The goal of this 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.

There is no fee required to obtain coverage under this general permit and permit application information is not as detailed as information required for individual permits. Thus, the general permit is the less intrusive and less costly alternative for small businesses and other in-scope entities. General permits also require fewer DEQ staff resources to issue.

Substance

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.

Changes to the general permit regulation include:

- Revising the term of the general permit to August 1, 2026, through July 31, 2031.
- Updating the date of CFR incorporated by reference.
- Removing the word "only" at the end of the first sentence in the definition of "individual single family dwelling."
- Revising language in the general permit to be consistent with Chapter 356 of the 2022 Acts of Assembly (SB657, changing "Board" to "Department" where the provision addresses permit administration).
- Adjusting the annual monitoring period to match the new permit term.
- Removing the 85% removal requirement for BOD5 and TSS.
- Revising the electronic reporting language addressing permit applications to clarify that registration statements are subject to electronic submittal requirements once specified conditions are met.
- Revising electronic reporting language addressing discharge monitoring reporting to clarify that discharge monitoring reports (DMRs) for buildings or dwellings other than individual single family dwellings submitted to DEQ are subject to electronic submittal requirements once specified conditions are met.
- Revising the Policy for the Potomac River Embayment monitoring requirements to clarify that monitoring results for buildings or dwellings other than individual single family dwellings are subject to electronic submission requirements.
- Revising the 24-hour non-compliance reporting requirements to include online reporting.

Issues

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 DEQ of reissuing this general permit are that a VPDES General Permit for domestic sewage discharges 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 VPDES permit and makes permit administration more reasonable for DEQ given the very large number of permittees (approx. 3,000). There are no known disadvantages. The advantage of (eventual) electronic submission of registration statements and DMRs is that this approach complies with U.S. EPA program requirements for electronic 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

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any requirement of the regulatory change which is more restrictive than applicable federal requirements. If there are no changes to previously reported information, include a specific statement to that effect.

There are no changes to previously reported information. There are no requirements that exceed applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any other state agencies, localities, or other entities that are particularly affected by the regulatory change. If there are no changes to previously reported information, include a specific statement to that effect.

There are no changes to previously reported information.

Other State Agencies Particularly Affected:

There are no state agencies particularly affected by the regulation as the regulation applies statewide and does not alter existing VDH requirements for onsite discharging systems.

Localities Particularly Affected:

There are no localities particularly affected by the regulation as the regulation applies statewide and does not alter existing VDH requirements for onsite discharging systems.

Other Entities Particularly Affected:

There are no other entities particularly affected by the regulation as the regulation applies statewide and does not alter existing VDH requirements for onsite discharging systems.

Public Comment

Summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. Ensure to include all comments submitted: including any 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.

A public comment period was held from February 10, 2025, through April 11, 2025. One comment was submitted during the public comment period through Virginia Regulatory Town Hall. EPA Region 3 comments were received via email as part of the VPDES review process.

Commenter	Comment	Agency response
Carolyn White, Pughsville Civic League and community	My community is located in Chesapeake and Suffolk, Va. We do not have storm water drainage. Both cities have refused to put drainage in. They await for developers to come and they charge them to pike a ditch or make a retention pond just	This general permit regulation (9VAC25-110) applies to domestic sewage point source discharges to surface waters from treatment works with a design discharge flow of less than or equal to 1,000 gallons per day. This general permit does not apply to on-site sewer mounds (i.e., mound systems), which are designed to treat effluent before it enters the natural soil. Elevated sewer mounds are regulated in Virginia under 12VAC5-610-960 (Elevated sand mound). These VDH regulations specify that mound systems receiving septic

	<p>for the areas they build on. In 2019 there arose on-site sewer mounds in our highly water table area. I contacted Richmond Health Department. I was told these must be cleaned out more regularly than sewers underground. When checking with VDH, I was told none built in my community were listed. So who is monitoring this new growth of errors in this high water table, sea level rise, no storm water area to help our community?</p>	<p>effluent shall be designed and constructed in accordance with the Wisconsin Mound Soil Absorption System Siting, Design and Construction Manual prepared by the Small Scale Waste Management Project, School of Natural Resources, College of Agricultural and Life Sciences, University of Wisconsin-Madison dated January 2000. Drip dispersal or low pressure distribution shall be used (960 B). In addition, such systems must meet additional criteria in 12VAC5-610-960 C and, where applicable, 960 D. VDH regulations provide for enforcement of applicable regulation under 12VAC5-610-170.</p>
<p>Ms. Jennifer Fulton Chief, Clean Water Branch US EPA Mid-Atlantic Region</p>	<p>Part I, Effluent Limitations Table, of the draft permit specifies the sample type for flow as "estimate." We recommend that an explanation/definition for how to calculate this value is included.</p>	<p>Since effluent flows can be estimated using various methods (e.g., flow meter, water meter, recirculation pump and data logger, per resident assumptions, etc.), the permit does not specify a particular approach, allowing flexibility for the permittee and/ or operator to choose the most appropriate method based on available data and the configuration of the system. No change has been made to the proposed general permit/ regulation in response to this comment.</p>
<p>Ms. Jennifer Fulton Chief, Clean Water Branch US EPA Mid-Atlantic Region</p>	<p>The draft permit allows for automatic transfer of coverage to a new permittee if the current permittee notifies the department within 30 days of the transfer of the title to the facility or property. This permit condition appears to be inconsistent with 40 CFR 122.61(b)(1) which requires the permittee to notify the Director at least 30 days in advance of the proposed transfer date. EPA recommends DEQ revisit the automatic transfer of coverage condition and ensure it is consistent with the regulations.</p>	<p>Ownership changes vary from the federal regulation (30 days within transfer vs 30 day prior to transfer) because most real estate transactions are agreed upon only days before transfer (the significant majority of permittee facilities subject to this general permit are individual single-family homes). For a permittee to expect a new owner to take full responsibility of permit requirements 30 days prior to an ownership transfer is burdensome on the permittee and is contrary to the industry standard process for these real estate transactions. It is also problematic for DEQ because if the 30 day transfer timeline is not met, there is no regulatory alternative to change ownership for general permits except to terminate the original permit and issue new permit coverage for the new owner or process an automatic ownership change that is not in compliance with the due date specified in the regulation. Requiring 30 days within transfer is more likely to occur without raising concerns.</p> <p>No change has been made to the proposed general permit/ regulation in response to this comment.</p>
<p>Ms. Jennifer Fulton</p>	<p>40 CFR 124.8(b)(6) & (7) require fact sheets</p>	<p>Consistent with the comment, DEQ has added the following language to the fact sheet:</p>

<p>Chief, Clean Water Branch US EPA Mid-Atlantic Region</p>	<p>to incorporate a description for reaching a final decision, i.e. comment period and public hearing request information, and contact info. The draft fact sheet does not incorporate these requirements. Please adjust the fact sheet accordingly or provide an explanation as to how these requirements are addressed in the permit record.</p>	<p>“The process for issuing or amending a VPDES general permit regulation includes publication of a Notice of Intended Regulatory Action (NOIRA) with a 30-day comment period, forming and meeting with a Technical Advisory Committee (TAC), presenting the proposed regulation to the State Water Control Board (SWCB), publication of a Notice of Public Comment (NOPC) with a 60-day public comment period, holding a public hearing, and adoption of the final regulation by the SWCB.”</p> <p>“The NOPC 60-day comment period is published in a newspaper, the Virginia Register, the Virginia Regulatory Town Hall (https://townhall.virginia.gov/L/ViewBoard.cfm?BoardID=103), and is provided to an open mailing list. The NOPC specifies the methods and appropriate contacts for commenting, as well as the date, time and place for the public hearing.”</p>
<p>Ms. Jennifer Fulton Chief, Clean Water Branch US EPA Mid-Atlantic Region</p>	<p>Page 7 of the draft fact sheet explains that discharges covered under this general permit are required to attain no less than 85% removal of the 30-day average BOD5 and TSS. Please clarify how the 85% removal requirement will be verified.</p>	<p>DEQ agrees that there is currently no mechanism in the general permit to verify the 85% removal condition. Upon further review, DEQ determined that the 85% removal requirement is not necessary in this general permit given that the permittees' facilities are not considered Publicly Owned Treatment Works subject to the Secondary Treatment Regulations. The U.S. EPA's NPDES Permit Writers Manual (pg. 5-11) notes that the 85% removal requirements were established to achieve two objectives, encouraging municipalities to remove high quantities of infiltration and inflow, and to prevent intentional dilution of influent wastewater. Neither of those are concerns for the small volume private treatment systems addressed under this general permit. As such, DEQ has removed the 85% removal requirement from the general permit/ regulation in response to EPA's comment. DEQ has also revised the Fact Sheet to reflect this change.</p>
<p>Ms. Jennifer Fulton Chief, Clean Water Branch US EPA Mid-Atlantic Region</p>	<p>Page 10 of the draft fact sheet includes the following language: “However, an owner is allowed to continue to discharge under the terms of their previous permit until the department either issues coverage to the owner under this permit, or notifies the owner that coverage under this permit is denied, provided the owner has submitted a complete registration statement (if the owner is required to submit a registration statement -</p>	<p>The Fact Sheet has been revised in accordance with the comment. The last sentence of the relevant paragraph has been edited to add language that states, “This is also known as an administrative continuance <u>and such a continuance is only available until the effective date of the reissued permit.</u>” (Underline indicates language that is being added).</p>

	<p>see below) before the expiration date of the existing permit.” It should be clarified that an administrative continuance is only allowable until the effective date of the reissued general permit. EPA recommends including the statement, “only until the effective date of the reissued permit”, in the sentence above.</p>	
--	---	--

Details of Changes Made Since the Previous Stage

List all changes made to the text since the previous stage was published in the Virginia Register of Regulations and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. * Put an asterisk next to any substantive changes.

Changes since proposed are described below:

Current chapter-section number	New chapter-section number, if applicable	New requirement from previous stage	Updated new requirement since previous stage	Change, intent, rationale, and likely impact of updated requirements
9VAC25-110-80 General permit			Deleted the requirement to remove 85% of BOD5 and TSS in Part I.A.3, Part I.B.3 and Part I.C.3.	The 85% removal provision is part of federal secondary treatment requirements and applicable to POTWs. None of the facilities covered under this permit are POTWs, and the provision would not serve any of its intended purposes. No impact is expected.
9VAC25-110-80 General permit		Under Part II I.1 (specifically 24-hour noncompliance reporting), Requirement to provide “A” report within 24 hours.	Under Part II I.1 (specifically 24-hour noncompliance reporting), changed “A report” to “An oral or online report.”	This achieves consistency with recently added capabilities to submit noncompliance reports online and DEQ’s stated preference for online reporting. This should make reporting easier.

Details of All Changes Proposed in this Regulatory Action

List all changes proposed in this action and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. * Put an asterisk next to any substantive changes.

Changes to the general permit regulation are described below:

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
9VAC25-110-10 Definitions		Definition of "Combined application"	Change existing reference to "State Water Control Board" to new reference, "Virginia Department of Environmental Quality," to implement 2022 Acts of Assembly Chapter 356 (SB657). Also changed reference from the "board" to the "department" here and in select provisions throughout the general permit (Sections 60, 70, 80). Provides clarity by making the reference(s) consistent with changes required by 2022 Acts of Assembly Chapter 356. This change implements 2022 Acts of Assembly Chapter 356 (SB657).
9VAC25110-10 Definitions		Definition of "Individual single family dwelling."	Deleted the word "only" at the end of the first sentence. Removing the term provides greater clarity in the definition.
9VAC25-110-15 Applicability of Incorporated references		Reference to regulations in 40 CFR is dated July 1, 2021.	Changed the referenced date for 40 CFR to July 1, 2024. This change ensures the most recent effective federal regulations are referenced in the permit.
9VAC25-110-20 Purpose; effective date		B. Provides that the general permit is effective August 2, 2021, and expires July 31, 2026.	B. Revised the effective date to be August 1, 2026, and expiration date to be July 31, 2031. VPDES permits are limited to terms of five years. This will allow the permit to remain available.
9VAC25-110-70 Registration statement		D. Requires submittal of registration statement or combined applications. Includes a conditional requirement for electronic submission of these applications.	D. Revised the language to specify that the registration statement will need to be submitted electronically and that combined applications will not need to be submitted electronically but will continue to be submitted by either postal or electronic mail. This approach is needed because there are two different permit application forms used under this general permit. This is unique among VPDES general permits and

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
			presents technical challenges for nForm and CEDS (respectively, U.S. EPA's and DEQ's electronic databases). VDH requires that individual single family dwellings submit the combined application, however, VDH does not have a system in place for permittees to submit these applications electronically.
9VAC25-110-80 General permit		Effective Date: August 2, 2021. Expiration Date: July 31, 2026.	Revised the term of the general permit: Effective Date: August 1, 2026. Expiration Date: July 31, 3031.
9VAC25-110-80 General permit		Part I A 2. 7Q10 less than 0.2 MGD. Requires that monitoring data for buildings other than individual single family dwellings must be submitted to DEQ on a DMR, and that monitoring data for individual single family dwellings must be submitted to VDH in accordance 12VAC5-640.	Part I A 2. Revised language to clarify that monitoring results for treatment works serving buildings or dwellings other than individual single family dwellings, which are submitted to DEQ on a DMR, are subject to the electronic submission requirements specified in Part II C 1. This is not a new requirement. Adjusted the annual monitoring period and DMR submittal date to be consistent with the new permit term. 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).
9VAC25-110-80 General permit		Part I B 2. 7Q10 equal to or greater than 0.2 MGD. Requires that monitoring data for buildings other than individual single family dwellings must be submitted to DEQ on a DMR, and that monitoring data for individual single family dwellings must be submitted to VDH in accordance 12VAC5-640.	Part I B 2. Revised language to clarify that monitoring results for treatment works serving buildings or dwellings other than individual single family dwellings, which are submitted to DEQ on a DMR, are subject to the electronic submission requirements specified in Part II C 1. Adjusted the annual monitoring period and DMR submittal date to be consistent with the new permit term. 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).
9VAC25-110-80 General permit		Part I C 2. Limits for discharges subject to the Policy for the Potomac Rover Embayments (9VAC25-415). Requires that all monitoring results be submitted to DEQ on a DMR and that that monitoring data for individual single family dwellings must be submitted to VDH in accordance 12VAC5-640.	Part I C 2. Revised language to clarify that monitoring results for treatment works serving buildings or dwellings other than individual single family dwellings are subject to the electronic submission requirements specified in Part II C 1. 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).
9VAC25-110-80 General permit		I.A.1.3, I.B.1.3 and I.C.1.3. require 85% removal of BOD5 and TSS.	Deleted the requirement to remove 85% of BOD5 and TSS. The requirement is part of federal secondary treatment regulations applicable to POTWs, and no facilities under this permit are POTWs.

Current section number	New section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
9VAC25-110-80 General permit		Part II C 1. Reporting monitoring results. Requires that monitoring results submitted to DEQ must be submitted on a DMR. Sets a conditional requirement for monitoring reports to be submitted electronically.	Part II C 1. Revised language to clarify that the electronic submission requirement only applies to DMRs submitted to DEQ. 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).
9VAC25-110-80 General permit		Part II I. Reports of noncompliance. Under I.1.a (24-hour noncompliance reporting), requires oral report be submitted. Also, a.3 allows for waiver of follow-up written report if oral report submitted and indicates no adverse impact.	Changed "oral report" to "oral or online report." This achieves consistency with recently added capabilities to submit noncompliance reports online and DEQ's stated preference for online reporting. This should make reporting easier.
9VAC25-110-80 General permit		Part II I 3. Reports of non-compliance. Specifies methods for emergency and 24-hour reports of non-compliance.	Part II I 3. Revised language to clarify that permittees make 24-hour report to the applicable DEQ regional office. Specified that for reports out of normal working hours permittees use the online portal and included the updated link. Provided an updated contact phone number for emergencies. Revised language for consistency and alignment with language used in other general permits.
9VAC25-110-80 General permit		Part II K 1 a. Signatory requirements; registration statements. For corporation. Specifies signatory requirements.	Changed "assure" to "ensure."
9VAC25-110-80 General permit		Part II M 2 a and b. Duty to reapply. Includes conditions for automatic permit renewal.	Updated the effective date for this reissuance of the general permit from August 2, 2021, to August 1, 2026.
9VAC25-110-80 General permit		Part II N. Effect of permit. Specifies certain limits on effect of permit.	Made single sentence into two sentences to improve clarity.
9VAC25-110-80 General permit		Part II O. State law.	Clarified wording. No substantive change.
9VAC25-110-80 General permit		Part II W. Inspection and entry.	In the last sentence, replaced "herein" with "in this general permit."

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 primarily apply to small businesses, rather, it applies predominantly (81%) to domestic sewage discharges from numerous individual single family dwellings, as well as to many buildings or dwellings other than individual single family dwellings (19%). Some buildings other than individual single family dwellings are small businesses. Nevertheless, the reissuance of this VPDES general permit for domestic sewage discharges accomplishes the objectives of applicable law and minimizes the application burden and permit implementation costs to affected small business owners. Without the general permit, a small business owner would be required to obtain an individual permit, which would significantly increase the cost and complexity of a permit application and potentially increase implementation and compliance costs.

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 domestic discharges from individual single family dwellings, as well as to many buildings or dwellings other than individual single family dwellings. Its availability allows for these homes and buildings to operate as residences for families while protecting surface waters in a manner consistent with state law. Such residences are a vital resource that 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 that is consistent with state and federal requirements.