



townhall.virginia.gov

Exempt Action: Proposed Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	9 VAC 25-820
VAC Chapter title(s)	General Virginia Pollutant Discharge Elimination System (VPDES) Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia
Action title	2021 Amendment and Reissuance of General Permit Regulation
Date this document prepared	October 27, 2020

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 consists of the reissuance of 9 VAC25-820 General VPDES Watershed Permit for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia. The regulation provides for the permitting of Total Nitrogen and Total Phosphorus discharges in the Chesapeake Bay watershed and allows for trading of nutrient credits to minimize costs to the regulated facilities and allow for future growth.

Amendments are proposed to update and clarify compliance plan requirements, effective dates, consolidation of facilities, schedules of compliance, monitoring frequencies and sample types, registration statement requirements for certain facilities treating domestic sewage, and unit costs of credit acquisitions to the Nutrient Offset Fund.

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."

The mandate of this regulation is §62.1-44.19:14 of the Code of Virginia which directs the State Water Control Board to issue a Watershed General Virginia Pollutant Discharge Elimination System (VDPES) Permit authorizing point source discharges of total nitrogen and total phosphorus to the waters of the Chesapeake Bay and its tributaries.

The impetus of this regulatory change is Virginia Code § 62.1-44.15 (5a) 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 December 31, 2021, and must be reissued in order to make coverage available for discharges from facilities holding individual VPDES permits that discharge or propose to discharge total nitrogen or total phosphorus to the Chesapeake Bay or its tributaries after December 31, 2021. The periodic review of this regulation is mandated by Executive Order 14 (as amended July 16, 2018). <http://TownHall.Virginia.Gov/EO-14.pdf>.

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
 DEQ: Department of Environmental Quality
 EPA (U.S. EPA): United States Environmental Protection Agency
 HRSD: Hampton Roads Sanitary District
 MGD: Millions of Gallons per Day
 mg/L: Milligrams per Liter
 NOIRA: Notice of Intended Regulatory Action
 NPDES: National Pollutant Discharge Elimination System
 STP: Sewage Treatment Plant
 TMDL: Total Maximum Daily Load
 TN: Total Nitrogen
 TP: Total Phosphorus
 USC: United States Code
 VAC: Virginia Administrative Code
 VAMWA: Virginia Association of Municipal Wastewater Agencies
 VPA: Virginia Pollutant Abatement
 VPDES: Virginia Pollutant Discharge Elimination System
 WLA: Wasteload allocation
 WRRF: water resource recovery facilities
 WWTP: Wastewater Treatment Plant

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.

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. Legal authority for issuing general permits under State Water Control Law is §62.1-44.15(5), 15(10), and 15(14).

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 rulemaking is proposed in order to amend and reissue the existing general permit which expires on December 31, 2021. The general permit governs facilities holding individual VPDES permits that discharge or propose to discharge total nitrogen or total phosphorus to the Chesapeake Bay or its tributaries. The facilities are authorized to discharge to surface waters and exchange credits for total nitrogen and/ or total phosphorus.

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.

The most significant changes to the regulation are:

- (1) Removed compliance dates that have since passed (9VAC 25-820-40.A and 9VAC 25-820-70 Parts I.C.1 and C.2);
- (2) Updated the permit effective and expiration dates, as well as the date of timely Registration Statement submittal for continuation of permit coverage (9VAC 25-820-70 and -70.Part I.A);
- (3) Clarified the determination of transferred WLAs for consolidating facilities assigned different delivery factors, or where delivery factors may change at different consolidating facilities in different increments in future years (9VAC 25-820-70 Part I.B.3);
- (4) Clarified monitoring sample type and collection frequencies for industrial facilities whose authorized equivalent loads exceed the upper ranges (350,000 lb/yr TN and 35,000 lb/yr) previously listed (9VAC 25-820-70 Part I.E.1);
- (5) Revised the criteria for facilities treating domestic sewage > 1,000 GPD and ≤ 39,999 GPD to submit a registration statement with the department to more closely conform to criteria established in statute (9VAC 25-820-70 Part I.G.1.c);
- (6) Updated prices of TN and TP credit purchases from the Nutrient Offset Fund (9VAC 25-820-70 Part I.J.3); and
- (7) Updated DEQ contact information for submitting reports required by Part III G, H and I (9VAC 25-820-70 Part III.I).

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 primary advantages to the public and to the agency of reissuing the general permit include minimizing compliance costs through implementation of nutrient trading and savings associated with the administration of a single watershed general permit. The regulatory action poses no disadvantages to the public or to the Commonwealth.

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:

State agencies with current or pending general permit coverage include George Mason University, the Virginia Department of Corrections, and the Virginia Department of Transportation.

Localities Particularly Affected:

This regulation is applicable throughout the Chesapeake Bay Watershed, which does not affect all Virginia localities. The proposed amendments are not expected to impose a disproportionate material water quality impact on any locality that would not be experienced by the other localities within the watershed. Whether there is a disproportionate or material water quality impact on the following localities that is not experienced by other localities is questionable as all localities within the Chesapeake Bay Watershed share the water quality impacts. Localities within the Chesapeake Bay Watershed include all or portions of the Counties of Accomack, Albemarle, Alleghany, Amelia, Amherst, Appomattox, Arlington, Augusta, Bath, Bedford, Botetourt, Buckingham, Campbell, Caroline, Charles City, Chesterfield, Clarke, Craig, Culpeper, Cumberland, Dinwiddie, Essex, Fairfax, Fauquier, Fluvanna, Frederick, Giles, Gloucester, Goochland, Greene, Hanover, Henrico, Highland, Isle of Wight, James City, King and Queen, King William, Lancaster, Loudoun, Louisa, Madison, Mathews, Middlesex, Montgomery, Nelson, New Kent, Northampton, Northumberland, Nottoway, Orange, Page, Powhatan, Prince Edward, Prince George, Prince William, Rappahannock, Richmond, Roanoke, Rockbridge, Rockingham, Shenandoah, Spotsylvania, Stafford, Surry, Warren, Westmoreland, and York; and the Cities of Alexandria, Buena Vista, Charlottesville, Chesapeake, Colonial Heights, Covington, Fairfax, Falls Church, Fredericksburg, Hampton, Harrisonburg, Hopewell, Lexington, Lynchburg, Manassas, Manassas Park, Newport News, Norfolk, Petersburg, Poquoson, Portsmouth, Richmond, Staunton, Suffolk, Virginia Beach, Waynesboro, Williamsburg, and Winchester.

Other Entities Particularly Affected:

Other entities particularly affected include all dischargers of nutrients in the Chesapeake Bay watershed that are subject to the general permit registration requirements included in Part I.G of the general permit (9VAC25-820)

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.

Committer	Comment	Agency response
Alexandria Renew Enterprises	<p>The Registration Lists should include the following footnote, modeled after footnotes addressing combined sewer systems for Richmond and Lynchburg, and for added clarity in conjunction with the Water Quality Management Planning Regulation footnote in 9VAC25-720-50.C:</p> <p><i>“Wasteload allocations for localities served by combined sewers are based on dry weather flow capacity. Reported discharge loads for the AlexRenew WRRF shall include the loads associated with the first 54 MGD of flow on each day.”</i></p>	Will add the footnote to the Potomac River Basin’s Registration List. The addition to the Registration List will not affect the proposed regulation.
Augusta County Service Authority	The “Owner Bubble” as authorized in the past and current general permit is an effective tool to reach the ultimate goal for protecting the Bay water quality in the future.	The “bubbling” or aggregation of WLAs by an owner or operator of two or more facilities located in the same tributary is retained in the proposed permit reissuance.
Augusta County Service Authority, Chesterfield County, Town of Culpeper, Fairfax County, Henrico County, Hopewell Water Renewal, Town of Leesburg, Louisa County Water Authority, Town of Purcellville, City of Richmond, Spotsylvania County, Upper Occoquan Service Authority, VAMWA	<p>Recommended reissuance of the general permit on the same terms and conditions as the current permit, subject to any updates agreed to by VAMWA.</p> <p>Recommended the individual WLAs assigned to municipal wastewater treatment facilities under the current permit be retained for the next permit cycle.</p>	The reissued general permit must conform to the requirements of statute and other associated regulations. In particular, changes to the Water Quality Management Planning regulation (9VAC 25-720) may need to be incorporated into the terms and conditions of the reissued general permit, and may impact the individual WLAs assigned to municipal wastewater treatment facilities. In addition, there is a demonstrated need to clarify and address select issues identified over the course of the current permit cycle; the resolution of which are anticipated to have minimal or limited impact to the regulated community.

Commenter	Comment	Agency response
<p>Chesapeake Bay Foundation & James River Association</p>	<p>Urged DEQ to incorporate the impacts of climate change to attaining chlorophyll a criteria within this rulemaking.</p> <p>JRA and CBF support performance incentive programs, when coupled with stringent permit limits. However, given the broad precedent of effluent limits set at 4 mg N L⁻¹ in Virginia and Maryland, using incentive programs above 4 mg N⁻¹ would be inappropriate and inequitable.</p> <p>JRA and CBF strongly support Initiative 52 of the phase III WIP, which calls for additional reductions within the James River basin equivalent to an effluent treatment standard of 4.0 mg/L TN and 0.30 mg/L TP across all tributaries, and for equitable levels of effort by all stakeholders across Virginia’s Chesapeake Bay watershed.</p> <p>JRA and CBF believe it is important for wastewater reductions to be a regulatory requirement as proposed by this NOIRA; additional pollution reductions achieved under the floating waste load allocations will be a necessary component of meeting the new chlorophyll a water quality criteria for the James River.</p> <p>JRA and CBF urge the reconsideration of alternative “special circumstance” standards for Richmond, Lynchburg, and Hopewell, given recent upgrades and the potential for each facility to comply with more stringent limits now and in the future.</p>	<p>These comments are more germane and pertinent to proposed amendments to the Water Quality Management Planning regulation (9VAC 25-720), rather than to this proposed rulemaking.</p>

Commenter	Comment	Agency response
<p>Hampton Roads Sanitation District</p>	<p>Through the Technical Advisory Committee, dischargers should be consulted before changes are proposed to clarify reporting requirements when parameters are reported less than the respective quantification level to avoid different nutrient load conclusions between the General Permit and site-specific VPDES permits.</p> <p>HRSD believes it premature for the NOIRA to suggest that waste load allocations will change, as the Commonwealth has not reviewed the options put forth in public comments on how best to comply with the TMDL plan. A reliable basis for change to point source allocations has not been provided in the state’s Notice; therefore, changes should not be considered as part of the General Permit review.</p> <p>This NOIRA is exempt from APA Article II if specific requirements are met; including formation of a TAC within 30 days of the publication of the associated NOIRA comment period. This exemption also requires that written notice of changes be provided to the public and the Commonwealth receive oral and written comments on the proposed changes. HRSD supports this process given these and other applicable legislative and regulatory requirements are met.</p> <p>The NOIRA does not address all applicable Executive Orders of the Governor, nor does it require that the review of this General Permit meet those orders. Any changes to the General Permit must be a function of the Commonwealth’s best efforts to maximize cost effectiveness and overall environmental benefit while using the best available science across all point sources. The General Permit should meet the Governor’s expectations for effectiveness, efficiency, and environmental benefit.</p>	<p>DEQ consulted with the Technical Advisory Committee, providing an opportunity for input in addressing general permit reporting requirements.</p> <p>TMDLs and WLAs are established via the Water Quality Management Planning regulation (9VAC 25-720), which is undergoing a concurrent rulemaking process. The NOIRA was published in terms of addressing “potential” WLA changes to provide contingent flexibility should amendments to the Water Quality Management Planning regulation occur.</p> <p>Formation of the TAC was in conformance with <u>Code of Virginia</u> (§2.2-4006.A.8) requirements. DEQ intends for this rulemaking process to comply with the provisions of the APA.</p> <p>DEQ intends for this rulemaking process to comply with established administrative procedures and expectations.</p>

Commenter	Comment	Agency response
Hanover County	Requested the load allocations and delivery factors that became effective 1/1/2021 under the current general permit be maintained for the full 5-years of the next permit cycle.	Comments addressing wasteload allocations are more germane to the Water Quality Management Planning regulation (9VAC 25-720) rulemaking process. DEQ proposes to incorporate new delivery factors from EPA's Chesapeake Bay watershed model in the 4 th year of the permit term to minimize impact to the Virginia Nutrient Credit Exchange Association's existing trade agreements.
<u>Virginia Association of Municipal Wastewater Agencies</u>	<p>The unassigned, and now obsolete, aggregate James River waste load allocation stated in the permit should be deleted.</p> <p>VAMWA notes its objection to initiative 52 of Virginia's Chesapeake Bay TMDL Phase III Watershed Implementation Plan (Aug. 2019) as well as its alternative recommendations as detailed in VAMWA's February 19, 2020 comments submitted to DEQ.</p>	These comments are more germane to the Water Quality Management Planning regulation (9VAC 25-720) rulemaking process.

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 State Water Control 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 Curtis Linderman, Department of Environmental Quality, Office of VPDES Permits, PO Box 1105, Richmond VA 23218; (804) 698-4468 (phone), (804) 698-4178 (fax) or Curtis.Linderman@deq.virginia.gov. 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
40.A		Requires submittal of a compliance plan by July 1, 2017 for facilities identified in 9VAC25-820-80 and subject to a limit effective date after January 1, 2017 as defined in 9-VAC25-820-70 I C 1.	Removed. Compliance dates are in the past.
40.B	40	Requires submittal of an annual compliance plan update.	Renumbered.
70		Effective date of permit	Updated the effective (2022) and expiration (2026) dates to reflect the reissuance date of the permit.
70.I.A.1.a		Authorization to discharge for owners of facilities that submit a timely Registration Statement.	Updated the date of timely Registration Statement submittal from November 1, 2016 to November 1, 2021 to reflect a new reissuance cycle of the general permit.
70.I.A.3.a		Continuation of permit coverage to owners of facilities that submit a timely Registration Statement.	Updated the date of timely Registration Statement submittal from November 1, 2016 to November 1, 2021 to reflect a new reissuance cycle of the general permit.
70.I.A.3.b.(1) 70.I.A.3.b.(2)		Continuation of permit coverage – board choices when an owner of an expiring or expired permit has violated or is violating the conditions of that permit.	Updated the year citation of the effective date of the previous cycle general permit (from 2012 to 2017).
70.I.B.3		Authorizes two or more consolidating facilities to receive aggregated mass nutrient load limits.	Deleted the word “delivered” preceding both “total nitrogen” and “total phosphorus” to read, “... <i>may apply for and receive an aggregated mass load limit for delivered total nitrogen and an aggregated mass load limit for delivered total phosphorus, subject to the following conditions:</i> ” The change (in conjunction with subdivision 70.I.B.3.a, below) addresses situations where consolidating facilities may be assigned different delivery factors, or where delivery factors may change at different consolidating facilities in different increments in future years. Aggregated mass loads are to be applied end-of-pipe to discharged loads.

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
	70.I.B.3.a	Calculation of aggregated mass nutrient load limits for consolidating facilities.	<p>Added:</p> <p><i><u>“a. Aggregate mass limits will be calculated accounting for delivery factors in effect at the time of the consolidation.”</u></i></p> <p>See subdivision 70.I.B.3, above. Addresses situations where consolidating facilities may be assigned different delivery factors, or where delivery factors may change at different consolidating facilities in different increments in future years. Clarifies the calculation of aggregated mass loads are to account for delivery factors at the time of consolidation.</p>
70.I.B.3.a	70.I.B.3.b	Conditions for calculating aggregate mass load limits if <u>all</u> of the affected consolidating facilities have wasteload allocations in 9VAC25-720-50 C , 9VAC25-720-60 C , 9VAC25-720-70 C , 9VAC25-720-110 C , and 9VAC25-720-120 C of the Water Quality Management Planning Regulation.	Renumbered.
70.I.B.3.b	70.I.B.3.c	Conditions for calculating aggregate mass load limits if <u>any, but not all</u> of the affected consolidating facilities have wasteload allocations in 9VAC25-720-50 C , 9VAC25-720-60 C , 9VAC25-720-70 C , 9VAC25-720-110 C , and 9VAC25-720-120 C of the Water Quality Management Planning Regulation.	Renumbered.
70.I.B.3.b.(3)	70.I.B.3.c.(3)	Formulae for calculating aggregated wasteload allocations.	<p>Corrected the time period associated with loading units, and added clarifying units for flow to read:</p> <p>Nitrogen Load (lbs/dayyear) = flow (MGD) x 8.0 mg/l x 8.345 x 365 days/year</p> <p>Phosphorus Load (lbs/dayyear) = flow (MGD) x 1.0 mg/l x 8.345 x 365 days/year</p>
70.I.B.3.c	70.I.B.3.d	Conditions for calculating aggregate mass load limits if <u>none</u> of the affected consolidating facilities have wasteload allocations in 9VAC25-720-50 C , 9VAC25-720-60 C , 9VAC25-720-70 C , 9VAC25-720-110 C , and 9VAC25-720-120 C of the Water Quality Management Planning Regulation.	Renumbered.

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
70.I.B.3.d	70.I.B.3.e	Conditions for facilities consolidated under common ownership or operation that were previously authorized by a Virginia Pollutant Abatement (VPA) permit issued before July 1, 2005.	Renumbered.
70.I.B.3.e	70.I.B.3.f	Conditions for facilities that become regional facilities that were previously authorized by a VPA permit issued before July 1, 2005.	Renumbered.
70.I.C.1		Schedules of compliance pertaining to the TN and TP load allocations that apply to facilities listed in section -80.	Removed. The previous permit cycle's compliance deadlines will need to be met by the January 1, 2022 effective reissuance date of the general permit.
70.I.C.2		Registration List individual dates of compliance with WLAs.	Removed. All compliance schedules will need to be completed by the January 1, 2022 effective reissuance date of the general permit.
70.I.C.3	70.1.C	January 1, 2023 schedule of compliance for significant dischargers in the James River Basin to meet aggregate discharged TN and TP WLAs.	Renumbered.
70.I.E.1 [Table]		Effluent TN and TP load limits for industrial facilities.	Changed the Effluent TN field to read, " \geq 100,000 350,000 lb/yr" and the Effluent TP field to read, " \geq 10,000 35,000 lb/yr. Industrial facility load limits are based on "equivalent" rather than STP design flows. Industrial facilities currently exist whose authorized equivalent loads exceed the upper ranges previously listed.
70.I.G.1.c		Criteria for facilities treating domestic sewage > 1,000 GPD and \leq 39,999 GPD to submit a registration statement with the department.	Added, "...and is subject to offset requirements in accordance with Part II A 1 c of this general permit..." to more closely conform to the criteria established in <u>Code of Virginia</u> §§62.1-44.19:14.C.5. and 15.A.5.
70.I.H.2		The registration statement shall be submitted to the DEQ Central Office, Office of VPDES Permits.	Added that once the 9VAC25-31-1020 (Electronic Reporting) date is established for this permit sector, registration statements shall be submitted electronically. Three months' notice shall be given by the department about this requirement. Some impact because once electronic reporting dates are established and technology is developed at the department, the permittees will have no choice but to file registrations statements electronically. No impact to the permittee is anticipated from this modification intended to comply with EPA's e-Reporting Rule and 9VAC25-31-1020..

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
70.I.J.3		Payment amounts to the Nutrient Offset Fund per pound of TN and TP	Updated based on staff judgement of an increase in unit costs relative to the previous permit cycle. The unit TN price increased from \$4.60 to \$5.08 per pound, and the unit TP price increased from \$10.10 to \$11.15 per pound.
70 Part III Conditions Applicable to All VPDES Permits		Part III contains conditions applicable to all permits.	<p>Added under Part III I (Reports of noncompliance), a permittee shall promptly submit any facts or incorrect information submitted with a registration statement or any report to the department. This wording is being added at reissuance for all general permits for consistency with the VPDES and NPDES regulations. Minor impact since permittees need to be aware of this new requirement if they discover an error on any report submitted or registration statement on which permit coverage was based.</p> <p>In Part III W (Inspection and entry) added "The permittee shall allow the director or an authorized representative; <u>(including an authorized contractor acting as a representative of the administrator)</u>, upon presentation of credentials and other documents as may be required by law, to:</p> <ol style="list-style-type: none"> 1. Enter... 2. Have access to... 3. Inspect...and 4. Sample... <p>For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours and or whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.</p> <p>This wording is being added at reissuance for all general permits for consistency with the VPDES and NPDES regulation. No impact.</p> <p>Other changes made in Part III are minor and were done to be consistent with other general permits. No impact.</p>

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