

MEMORANDUM

Department of Environmental Quality
Division of Water Program Coordination

SUBJECT: Guidance Memo No. 01-2020 Implementation of Amendments to the VPDES Permit Regulation and the General VPDES Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day – Local Government Ordinance Form

TO: Regional Directors

FROM: Larry G. Lawson, P.E. 

DATE: July 17, 2001

COPIES: Regional Permit Managers, Regional Compliance and Enforcement Managers, Regional Water Permit Managers, Mary Jo Leugers, Martin Ferguson, OWPP staff

The 2001 General Assembly enacted changes to the State Water Control Law requirement for deeming an application complete, § 62.1-44.15:3. The amended passage of the law is the one that requires local governments to review permit applications before the Board can consider an application to be complete. Previously, this law required the local government review only for new discharges of treated sewage into impoundments. The new language requires the review for any new, individual VPDES permit to discharge sewage, industrial waste or other wastes. It also reduces the time allowed for the locality to review the application from 45 days to 30 days.

This legislative action directly impacts language in the VPDES Permit Regulation and the general permit for sewage discharges. On June 12, the State Water Control Board amended the two regulations to make them conform to the new statutory language. The amendments were adopted as final, without prior public notice, under the public participation exemption provided by the Administrative Process Act § 9-6.14:4.1 C 4 (a). They will be effective 30 days after they are published in the Virginia Register. At that time the revised text of the regulations will be posted on DEQNet. In the meantime, there are procedural changes to permit issuance that the regions must implement as of the July 1 effective date of the statute.

The amended passage of the VPDES Permit Regulation is 9 VAC 25-31-100 E. The reference to the statute in paragraph 2 was deleted and paragraph 3 was changed to reflect the 2001 changes to the law.

"Completeness.....

2. ~~Pursuant to § 62.1-44.15:3 of the Code of Virginia, no~~ No application for a VPDES permit to discharge sewage into or adjacent to state waters from a privately owned treatment works serving, or designed to serve, fifty or more residences shall be considered complete unless the applicant has provided the Department with notification from the State Corporation Commission that the applicant is incorporated in the Commonwealth and is in compliance with all regulations and relevant orders of the State Corporation Commission.

3. No application for a new individual VPDES permit ~~to~~ authorizing a new discharge of sewage into any water impoundment located in the state, industrial wastes, or other wastes shall be considered complete unless it contains notification from the ~~governing body of the~~ governing body of the county, city, or town in which the discharge is to take place that the location and operation of the discharging facility are consistent with applicable ordinances adopted pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2, Code of Virginia. ~~The governing body~~ county, city or town shall inform in writing the applicant and the Board of the discharging facility's compliance or

noncompliance not more than ~~forty-five~~ thirty days from receipt by the chief administrative officer, or his agent, of a request from the applicant. Should the ~~governing body~~ county, city or town fail to provide such written notification within ~~forty-five~~ thirty days, the requirement for such notification is waived. The provisions of this subsection shall not apply to any discharge for which a valid VPDES permit had been issued prior to March 10, 2000....."

This change in the LGOF process takes effect July 1, 2001. Due to delays in receiving EPA approval of the amendments to the VPDES Permit Regulation and the time required to publish the amendment in the Virginia Register, the statutory mandate will be effective before the regulation can be officially changed. Regardless of the status of the regulation, any new, individual VPDES permit application received after July 1 must include the new LGOF. Applications received prior to July 1 that were not deemed complete by that date will also have to have the LGOF.

If the locality does not respond to the applicant's LGOF request within 30 days, the law says the notification requirement is waived. In order to verify that the 30 day time limit has expired, the applicant should send a copy of the LGOF request, which shows the date the request was made, to the regional office with his application. Since the law still requires the Board to notify local governments when an application is received for a new or modified permit, the regional office may want to advise the locality in the application notice letter that the LGOF was not received.

A new LGOF is attached to this guidance memo. The regional offices should begin using it immediately. The VPDES permit manual on DEQNet has been updated to reflect this new LGOF. The VPDES Permit Regulation will be updated on DEQNet and the external web site once EPA approves the amendments.

The Water Control Board voted to reissue the general permit for sewage discharges of less than or equal to 1,000 gpd at its March meeting. The effective date of the reissued permit is August 1, 2001. The amendment to the general permit regulation is in the Registration Statement requirements at 9 VAC 25-110-70 B. Prior to July 1, the law did not distinguish between individual or general permits. After July 1, the new statutory language limits the notification requirement only to individual VPDES permits. Therefore, we deleted the requirement from the general permit.

"Registration Statement

The owner shall submit a Registration Statement that contains the following information:.....

8. For the owner of any proposed treatment works or any treatment works which has not previously been issued a valid VPDES permit,.....

~~d. For discharges into any water impoundment, a notification from the governing body of the county, city, or town in which the discharge is to take place that the location and operation of the treatment works are consistent with applicable ordinances adopted pursuant to Chapter 22 (§15.2-2200 et seq.) of Title 15.2 of the Code of Virginia. Should the governing body fail to provide such written notification within 45 days from the receipt of a request from the applicant, the requirement for such notification is waived....."~~

This regulation amendment was filed with the Registrar of Regulations on June 13. It appeared in the Virginia Register on July 2 and will become effective on August 1, 2001 which is the same day the reissued general permit will be effective. Since the permit itself was not amended by the Board action, EPA approval was not required. A revised Registration Statement and instructions are attached to this guidance memo. The regions should begin using it as soon as possible. In the meantime, the earlier version of the registration statement can still be used to renew coverage, disregarding the LGOF requirement.

If you have any questions about this guidance, please call Richard Ayers at 804-698-4075.

DISCLAIMER

This document provides procedural guidance to the permit staff. This document is guidance only. It does not establish or affect legal rights or obligations. It does not establish a binding norm and is not finally determinative of the issues addressed. Agency decisions in any particular case will be made by applying the State Water Control Law and the implementation regulations on the basis of the site specific facts when permits are issued.

Local Government Ordinance Form

SUBJECT: Local and Areawide Planning Requirements

TO: Applicants For A Virginia Pollutant Discharge Elimination System Permit

§62.1-44.15:3 A of the State Water Control Law states:

"No application for a new individual VPDES permit authorizing a new discharge of sewage, industrial wastes, or other wastes shall be considered complete unless it contains notification from the county, city, or town in which the discharge is to take place that the location and operation of the discharging facility are consistent with applicable ordinances adopted pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2, Code of Virginia. The county, city or town shall inform in writing the applicant and the Board of the discharging facility's compliance or noncompliance not more than thirty days from receipt by the chief administrative officer, or his agent, of a request from the applicant. Should the county, city or town fail to provide such written notification within thirty days, the requirement for such notification is waived. The provisions of this subsection shall not apply to any discharge for which a valid VPDES permit had been issued prior to March 10, 2000"

In accordance with this section, applications for a new VPDES permit will not be considered complete until the certification statement is submitted to the Department of Environmental Quality Regional Office. Applicants may use the bottom of this page to transmit the request to the locality. If the locality does not respond to your request within 30 days, submit a copy of this form, showing the date you made the request, with your permit application.

To: _____
(County, City, or Town Administrator/Manager)

Date: _____

I am in the process of completing an application for a new VPDES permit. In accordance with Chapter 22 (§15.2-2200 et seq.) of Title 15.2 of the Code, I request that you sign one of the three statements certifying that the operation described on the attached permit application is or is not consistent with your local ordinances. Please return this form to me at:

(Applicant's address) : _____

PLEASE SEE THE REVERSE SIDE OF THIS FORM FOR CERTIFICATION REQUIREMENTS

LOCAL GOVERNMENT ORDINANCE FORM

For new VPDES permit applications

In reference to the request from: _____
Applicant's Name

For certification of a discharge at:

Name and Location of Facility

I hereby certify,

___ (1) That the proposed location, and operation of the facility is consistent with all ordinances adopted pursuant to Chapter 22 (§15.2-2200 et seq.) of Title 15.2 of the Code of Virginia

OR

___ (2) That no local ordinances are in effect pursuant to Chapter 22 (§15.2-2200 et seq.) of Title 15.2 of the Code of Virginia

OR

___ (3) That the proposed location and operation of the facility is **not** consistent with all ordinances adopted pursuant to Chapter 22 (§15.2-2200 et seq.) of Title 15.2 of the Code of Virginia

Signature

Title

Printed Name

Date

**VIRGINIA DEQ REGISTRATION STATEMENT
GENERAL VPDES PERMIT FOR DOMESTIC SEWAGE DISCHARGES OF
LESS THAN OR EQUAL TO 1,000 GALLONS PER DAY**

Please Type or Print All Information

1. Name of Facility/Residence _____

Address of Facility _____
Street City State Zip

2. Facility owner(s) _____
Last Name First Name M.I.

Last Name First Name M.I.

Address of Owner _____
Street City State Zip

Phone Number(s) _____
Home Work

Is or will the owner be the occupant of the facility? Yes _____ No _____

3. Name of water body receiving the discharge _____

Is the discharge point on a stream that usually flows during dry weather? Yes _____ No _____

4. Amount of discharge (gallons per day) on a monthly average _____

5. Are any pollutants other than domestic sewage to be discharged? Yes _____ No _____

If yes, please explain _____

6. Are central sewage facilities available to this facility? Yes _____ No _____

7. Does this facility currently have a VPDES permit? Yes _____ No _____

If yes, please provide permit number _____

Has the facility been built and begun discharge? Yes _____ No _____

8. The owner of any proposed treatment works or any treatment works which has not previously been issued a valid VPDES permit must submit the following attachments with this registration statement:

- a. A topographic map which indicates the discharge point, the location of the property to be served by the treatment works, and the location of any wells, springs, and other water bodies, or downstream residences within ½ mile downstream from the discharge;
- b. A site diagram of the existing or proposed sewage treatment works, including the property boundaries, the location of the facility/residence to be served, the individual sewage treatment units, the receiving water body, and the discharge line location; and
- c. A notification from the Virginia Department of Health that an onsite sewage disposal system permit has been applied for and that the Virginia Department of Health has determined that there is no technology available to serve that parcel of land with an onsite system.

**VIRGINIA DEQ REGISTRATION STATEMENT
GENERAL VPDES PERMIT FOR DOMESTIC SEWAGE DISCHARGES OF
LESS THAN OR EQUAL TO 1,000 GALLONS PER DAY**

Page 2

9. The owner of any existing treatment works must submit a copy of a valid maintenance contract that provides for the following:
- a. Performance of all testing required in accordance with 9 VAC 25-110-80, Part I A and periodic inspections of the treatment works;
 - b. A written notification to the owner within 24 hours whenever the contract provider becomes aware that maintenance or repair of the owner's treatment works is necessary. The owner is responsible for prompt maintenance and repair of the treatment works including all costs associated with the maintenance and repair. Immediately upon receipt of notice that repair or maintenance is required, the owner shall begin emergency pump and haul of all sewage generated in the dwelling if full and complete repairs cannot be accomplished within 48 hours;
 - c. A log of the following items will be maintained by the contract provider:
 - (1) Results of all tests and sampling;
 - (2) Alarm activation incidents;
 - (3) Maintenance, corrective, or repair activities performed;
 - (4) Recommended repair or replacement items; and
 - (5) Copies of all reports prepared by the contract provider.
 - d. An inspection will be conducted by the contract provider within 48 hours after notification by the owner that a problem may be occurring; and
 - e. A minimum of twenty-four months of consecutive coverage under the maintenance contract.
10. The owner of any existing treatment works may request an exception to the maintenance contract requirement by submitting an Operation and Maintenance Plan to the Department for review and approval. At a minimum, the Plan shall contain the following information:
- a. An up-to-date Operation and Maintenance Manual for the treatment works;
 - b. A log of maintenance performed on the plant, including, but not limited to, the following:
 - (1) The date and amount of disinfection chemicals added to the chlorinator.
 - (2) If dechlorination is used, the date and amount of any dechlorination chemicals that are added.
 - (3) The date and time of equipment failure(s) and the date and time the equipment was restored to service.
 - (4) The date and approximate volume of sludge removed;
 - c. Dated receipts for chemicals purchased, equipment purchased, and maintenance performed;
 - d. Proof of installation of a non-resettable elapsed time meter for electric motor-driven equipment; and
 - e. An effluent monitoring plan in accordance with the requirements of 9 VAC 25-110-80 Part I A.

Certification: "I hereby grant to duly authorized agents of the Department of Environmental Quality, upon presentation of credentials, permission to enter the property where the treatment works is located for the purpose of determining compliance with or the suitability of coverage under the General Permit. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

Signature(s): _____ Date: _____

_____ Date: _____

For Department of Environmental Quality Use Only

Accepted/Not Accepted by: _____ Date: _____

Basin _____ Subbasin _____ Stream Class _____ Section _____

Special Standards _____

**REGISTRATION STATEMENT INSTRUCTIONS
GENERAL VPDES PERMIT FOR DOMESTIC SEWAGE DISCHARGES OF
LESS THAN OR EQUAL TO 1,000 GALLONS PER DAY**

General

A Registration Statement must be submitted by the owner of a domestic sewage discharge with a design flow of less than or equal to 1,000 gallons per day on a monthly average, requesting coverage under this general permit. Contact the nearest DEQ regional office if you have questions about filing this form.

Section 1 Facility Information

Provide the name and address of the facility/residence.

Section 2 Owner Information

Provide the name(s), mailing address and telephone number(s) of the owner(s) of the facility. Indicate if the owner is the occupant of the facility.

Section 3 Receiving Water Information

Provide the name of the water body that receives the discharge. Indicate if the receiving water flows during dry weather.

Section 4 Discharge Quantity

Provide amount of discharge in gallons per day on a monthly average.

Section 5 Other Pollutants

Indicate if any pollutants other than domestic sewage are discharged from this facility. Provide further explanation if applicable.

Section 6 Central Sewage Facilities

Indicate if central sewage facilities are available to this facility.

Section 7 VPDES Permit Information

Indicate if this facility is currently covered under any VPDES permit. Provide the permit number if applicable. Also indicate if this facility has been built and begun discharge.

Section 8 Proposed Facility or Any Facility That Has Never Been Covered Under A VPDES Permit

Item a. Map should be legible and of sufficient scale to show the required features clearly marked.

Item b. A site diagram should be legible to show the proposed or existing treatment works. Identify individual treatment units and other required features.

Item c. For treatment works serving single family dwellings, contact the respective local health department and obtain the required notification.

Section 9 Maintenance Contract Requirements

For any existing treatment works, the owner must submit a copy of a valid maintenance contract that meets the specified requirements with a complete registration statement. For proposed treatment works, the owner must submit a copy of a valid maintenance contract prior to operation.

Section 10 Operation and Maintenance Plan

In lieu of obtaining a maintenance contract per Section 9 above, the owner of any existing treatment works may submit an Operation and Maintenance Plan with the registration statement to the Department for review and approval. The Plan must meet all specified requirements. For proposed treatment works, the owner must submit the Plan to and receive an approval from the DEQ prior to operation.

Section 11 Certification

The certification must bear an original signature in ink; photocopies are not acceptable. State statutes provide for severe penalties for submitting false information on this Registration Statement. State regulations require this Registration Statement to be signed as follows:

For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.