

M E M O R A N D U M

VIRGINIA WATER CONTROL BOARD

OFFICE OF WATER RESOURCES MANAGEMENT

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**SUBJECT:** OWRM GUIDANCE MEMO NO. 92 - 018  
Virginia Pollution Abatement (VPA) Permit Program

**TO:** Regional Directors

**FROM:** Larry G. Lawson, P. E.   
Director - Office of Water Resources Management

**DATE:** August 28, 1992

**COPIES:** Bob Burnley, John Roland, Dave Paylor, Alan Anthony, Martin Ferguson, Ron Gregory, Regional Office Water Resource Managers, OWRM Permit Staff

I have been receiving some questions regarding the Virginia Pollution Abatement (VPA) Permit program (i.e. What is the VPA permit?, What is the VPA permit to be used for?, Who needs a VPA permit?, etc.). Thus, the purpose of this memorandum is to provide you with some background information on the VPA permit program and guidance on where a VPA is applicable or who may be required to have a VPA permit.

The concept for a VPA type permit originated in the middle 1970's in the Tidewater area of the State. At that time there were concerns that the State shellfish industry was being threatened partially because of animal operations that were located adjacent to state waters. In these situations, whenever it rained the rainwater and whatever pollutants were involved went directly into state waters. In addition, the animals all had direct access to the state waters. Thus, we needed a regulatory mechanism to address these type problems to ensure that state waters were protected. The No Discharge Certificate program was developed with the interpretation of "no discharge" being no point source discharge of pollutants to surface or ground water. The No Discharge Certificate regulation became effective in 1980 as Procedural Rule No. 2.

The No Discharge Certificate program gradually began to be used on a state wide basis to address potential animal waste problems as well as other types of municipal and industrial operations that had the potential to discharge pollutants to state waters. The major use of this program was to permit the land application of animal wastes and sludges.

In 1988, the Board promulgated the Permit Regulation which accomplished the following:

1. Combined the No Discharge Certificate program (Procedural Rule No. 2) and the NPDES permit program (Regulation No. 6) into one regulation,
2. Renamed the NPDES permit to VPDES permit to recognize Virginia as the permitting authority,
3. Renamed the No Discharge Certificate to the Virginia Pollution Abatement Permit to recognize there is no such thing as "no discharge" and to more clearly define the applicability of the VPA permit program, and
4. Updated both the VPDES and the VPA permit programs.

Section 1.1 of the Permit Regulation defines Virginia Pollution Abatement Permit (VPA) as a

"document issued by the Board, pursuant to this Regulation, authorizing, under prescribed conditions management of pollutants or activities that are not prohibited by Section 1.5 of this regulation and not authorized by VPDES permits. VPA permits may be utilized to authorize land application of sewage, sludge, or industrial waste or the complete reuse and recycle of wastewater."

Section 1.5 of the Permit Regulation states:

A. No owner shall discharge any pollutant, including sewage, industrial wastes or other wastes, into, or adjacent to State waters or otherwise alter the physical, chemical, or biological properties of State waters, except as authorized pursuant to a VPDES or VPA permit.

B. Point source discharges of pollutants to surface waters may be authorized by a VPDES permit. The management of pollutants that are not point source discharges to surface waters may be authorized by a VPA permit. In addition, the Board may require an owner to obtain a VPA permit under Section 62.1-44.16 and 17 of the Law for storage or recycle facilities.

As you can see from these sections of the Permit Regulation VPA permits were intended to authorize the management of pollutants not authorized by VPDES permits.

The original concept of the No Discharge Certificate program was carried forward in the VPA program in that the envisioned use of these permits was primarily for the land application of municipal wastewater, industrial wastewater, municipal and industrial sludges, and animal waste. We considered these permitting activities as involving the management of pollutants and being the reuse/recycle of wastewaters. However, we also included in the Permit Regulation the possibility of using a VPA permit for the reuse and recycle of wastewaters that did not involve land application.

The use of the VPA permit for animal waste operations and for sludges is fairly well defined in the Permit Regulation and the procedures manuals and I don't plan to discuss these programs in additional detail at this time. I do plan to discuss the use of VPA permits for reuse/recycle of wastewaters.

The language included in the Permit Regulation authorizes the use of VPA permits for the reuse and recycle of wastewaters. The question regarding this use of the VPA permit is where is it applicable. In theory, pursuant to this Permit Regulation authorization, wherever there are wastewaters generated, no matter the quantity, and where the wastewaters are reused or recycled, then a VPA permit could be issued. This authorization was never envisioned to be used to address all the reuse/recycle operations in the State. It was envisioned that a VPA permit would be utilized where there is a reasonable potential of an adverse water quality effect occurring if a discharge occurs from these type operations.

We have generally left it up to the Regional Offices discretion to evaluate and determine the need for a VPA permit on a case-by-case basis where the wastewaters are reused or recycled. When asked what should be considered in making this case-by-case decision I have recommended considering (1) the location of the operation relative to state waters, (2) the quantity and nature of pollutants with the reasonable potential of reaching state waters, and (3) the treatment/control methods used in the recycle/reuse operations. I prefer to keep the guidance in the form of this general concept rather than trying to get very specific regarding where a VPA permit should or shouldn't be issued. If there are questions regarding the need for a VPA permit for a reuse/recycle wastewater operation please feel free to discuss it with OWRM.