



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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MEMORANDUM

TO: State Water Control Board Members

THROUGH: Tom Faha, Director, Northern Regional Office

THROUGH: Bryant Thomas, Regional Water Permits and Planning Manager

FROM: Melissa Porterfield, Office of Regulatory Affairs

DATE: March 4, 2020

SUBJECT: Request to adopt exempt final amendment to Occoquan Policy (9VAC25-410) regulation

Introduction

At the June 29, 2020, meeting of the State Water Control Board (Board), Department of Environmental Quality (DEQ) staff will request the Board to accept final amendments to the Occoquan Policy (9VAC25-410) regulation. This regulatory amendment will be processed using the exempt final regulatory process. Section 2.2-4006 A 3 of the Code of Virginia allows for regulations to be amended to make technical corrections.

Statutory Authority

The State Water Control Board (Board) adopted this regulation "to enforce the general water quality management program of the Board." (§62.1-44.15 (10) of the Code of Virginia). Section 62.1-44.15 (13) of the Code of Virginia authorizes the Board to "establish policies and programs for effective area-wide or basin-wide water quality control and management."

Background

This regulation establishes a comprehensive pollution abatement and water quality management policy for the Occoquan watershed, including stringent requirements for treatment and discharge of wastewater. One goal of this policy was the elimination of smaller treatment plants and the installation of regional high performance waste water treatment plants.

Final Amendments to the Regulation

This amendment corrects citations in §§10 and 20 of the regulation and corrects the name of a regulation in §20. This amendment also corrects the name of the UOSA, formerly known as the Upper Occoquan Sewage Authority, to the current name of Upper Occoquan Service Authority. The attached town hall document further details the proposed change to this regulation.

Staff Recommendation

After making a presentation on the proposed amendment and answering any questions the Board may have, staff will ask the Board for final approval of the amendment to the Occoquan Policy.

Attachments

- Exempt Action Final Regulation Agency Background Document
- Project 6176 - Final exempt amendment -technical corrections to the Occoquan Policy (9VAC25-410 et seq.) regulation for the April 27, 2020 State Water Control Board meeting

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Exempt Action: Final Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC25-410
VAC Chapter title(s)	Occoquan Policy
Action title	Exempt action to update citations and names
Final agency action date	June 29, 2020
Date this document prepared	February 21, 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 amendment is being made as a result of a periodic review conducted for this regulation in 2019. The regulation was last revised in 1990 and the regulation is being amended to make editorial corrections to update the regulation.

Mandate and Impetus

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

This amendment is being made in response to a periodic review conducted for this regulation in 2019. The result of the periodic review was to amend the regulation to make editorial corrections to update the regulation.

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.

UOSA - Upper Occoquan Service Authority

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) the name of the agency taking the action; and 3) the title of the regulation.

On June 29, 2020, the State Water Control Board adopted final amendments to the Occoquan Policy.

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 State Water Control Board (Board) adopted this regulation "to enforce the general water quality management program of the Board." (§62.1-44.15 (10) of the Code of Virginia). Section 62.1-44.15 (13) of the Code of Virginia authorizes the Board to "establish policies and programs for effective area-wide or basin-wide water quality control and management." This regulation establishes a comprehensive pollution abatement and water quality management policy for the Occoquan watershed, including stringent requirements for treatment and discharge of wastewater. One goal of this policy was the elimination of smaller treatment plants and the installation of regional high performance waste water treatment plants.

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 amendment is being made in response to a periodic review conducted for this regulation in 2019. The result of the periodic review was to amend the regulation to make editorial corrections to update the regulation. This amendment contains only editorial corrections and the corrections will assist the reader with understanding the regulation.

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.

This amendment is being made in response to a periodic review conducted for this regulation in 2019. The result of the periodic review was to amend the regulation to make editorial corrections to update the regulation. This amendment contains only editorial corrections.

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.

This amendment contains only editorial corrections and the corrections will assist the reader with understanding the regulation. The corrections benefit the public, regulated community, and the Commonwealth. There are no disadvantages to the public, regulated community or the Commonwealth.

Requirements More Restrictive than Federal

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.

This amendment contains only editorial corrections and does not change any requirements of this regulation.

Agencies, Localities, and Other Entities Particularly Affected

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.

This amendment contains only editorial corrections and does not change any regulatory requirements; therefore, no agency, locality, or entity is particularly affected.

Detail of All Changes Proposed in this Regulatory Action

*List all changes proposed in this exempt action and the rationale for the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. *Please put an asterisk next to any substantive changes.*

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
10 B		References 9VAC25-300-10.	9VAC25-300-10 is a nonexistent citation. The citation is being corrected to 9VAC25-260-310.
10 C		Background references Upper Occoquan Sewage Authority-UOSA	Correcting the name of UOSA (the Upper Occoquan Service Authority -UOSA, formerly known as the Upper Occoquan Sewage Authority.)
20 B 1		Upper Occoquan Sewage Authority	Updating the name of the Upper Occoquan Service Authority.
20 D 1		References the Commonwealth of Virginia Sewerage Regulations	Corrected language updates the name of the Sewage Collection and Treatment Regulations.
20 F 5 g		References the Virginia Sewerage Regulations	Corrected language updates the name of the Sewage Collection and Treatment Regulations.
20 G 1		References the Virginia Pollutant Discharge Elimination System (VPDES) permit regulation (9VAC25-30-10 et seq.)	Corrected the citation referencing the Virginia Pollutant Discharge Elimination System (VPDES) permit regulation (9VAC25-31-10 et seq.)

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 amendment contains technical corrections and does not change any requirements of the regulation. No alternative regulatory methods were identified that would achieve the goal of the regulation.

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 does not have a direct impact on the family or family stability.

Project 6176 - Final exempt amendment -technical corrections to the Occoquan Policy (9VAC25-410 et seq.) regulation for the April 27, 2020 State Water Control Board meeting

9VAC25-410-10. Introduction.

A. Purpose and authority. To provide a policy that protects the Occoquan watershed from point source pollution. The Occoquan Policy specifically regulates jurisdictional domestic sewage and sets forth requirements for high performance regional treatment plants. The policy was adopted pursuant to authority vested in the State Water Control Board (board) by § 62.1-44.15 of the State Water Control Law.

B. Water quality standard. This "Occoquan Policy" also constitutes special standard "g" in the board's water quality standards for sections 7a, through 7h of the Potomac River Basin's Potomac River Subbasin (9VAC25-260-390), which sections are delineated geographically in the "Basin and Section Description" portion of the water quality standards publication (9VAC25-260-10 et seq.). In addition, the text of this policy is referred to under special standards and requirements (~~9VAC25-300-10~~), (~~9VAC25-260-310~~), entitled "Occoquan Watershed Policy," of the water quality standards (9VAC25-260-10 et seq.).

C. Background. During the 1960s there was a great deal of concern generated about the large amount of treated sewage effluent being discharged in the Occoquan watershed, since the receiving streams feed the Occoquan reservoir, a drinking water supply for over 600,000 people in Northern Virginia.

In response to this, the board commissioned the firm of Metcalf & Eddy to study the problems of the Occoquan reservoir and to recommend a course of action to preserve the Occoquan as a valuable water resource for future generations.

The results of the Metcalf & Eddy study stated that point source pollution was the primary cause of water quality degradation in the Occoquan watershed and that a high degree of waste treatment would be necessary to prolong the life of the drinking water supply.

In 1971 the board adopted a policy for waste treatment and water quality management in the Occoquan watershed (the Occoquan Policy) which outlined a course of action to control point source pollution in the watershed.

The Occoquan Policy provided for the construction of regional high-performance treatment facilities in the watershed and a monitoring program to obtain water quality data both before and after construction of any of the high-performance plants.

The Occoquan Watershed Monitoring Program (OWMP or monitoring program) was established in 1972 which gathered an extensive amount of information and found that water quality problems in the Occoquan watershed were related directly to point source pollution and to non-point source pollution.

In 1978, a regional high-performance treatment facility (the Upper Occoquan Sewage Authority -UOSA) ~~Service Authority -UOSA, formerly known as the Upper Occoquan Sewage Authority~~ was placed in operation. This facility eliminated 11 major point sources of pollution in the watershed.

Shortly after UOSA began operations, costs and charges for sewage treatment in systems tributary to UOSA increased rather sharply. To date a significant part of those high costs have been associated with large amounts of infiltration and inflow being sent by the user jurisdictions to the regional facility for treatment.

In an attempt to control non-point source pollution the Commonwealth of Virginia adopted an erosion and sediment control law in 1973. In accordance with this law, all of the watershed jurisdictions have adopted erosion and sediment control ordinances. In addition, a number of best

management practices (BMP) handbooks were written and published in 1979 by the board. In mid-1980 Fairfax County adopted a BMP ordinance.

In 1978, the board contracted the firm of Camp Dresser & McKee (CDM) to reevaluate certain aspects of the Occoquan Policy. Their report was presented to the board and to the local communities in 1980 and recommended that few changes be made to the policy.

As a result of the CDM report, input from the local communities and the board's staff, an updated version of the Occoquan Policy was drafted.

D. References.

1. A Comprehensive Pollution Abatement Program for the Occoquan Watershed, Metcalf & Eddy Engineers, March 18, 1970.

2. Record of public hearing on March 31, 1971, concerning State Water Control Board's Occoquan Policy.

3. Occoquan Policy Reevaluation, Phase III Report, Camp Dresser & McKee, June 1980.

4. Record of public hearing on November 20, 1980, concerning amendments to the Occoquan Policy.

9VAC25-410-20. Long-range policy.

A. Number and general location of regional treatment plants.

1. The number of high-performance regional plants which shall be permitted in this watershed is not more than three, but preferably two, generally located as follows:

a. One plant in the Fauquier County/Warrenton area.

b. One plant in the Manassas area to serve the surrounding area in Prince William, Fairfax, and Loudoun counties.

2. All point source discharges of treated sewage effluent will preferably be located at least 20 stream miles above the Fairfax County Water Authority's raw water intake. In no case shall a plant be located less than 15 miles above the raw water intake.

3. The provisions of 9VAC25-410-20 A 1 and 2 shall not limit the consideration of land disposal systems for waste treatment in the watershed, provided such systems shall have no point source discharge to state waters and shall have the approval of the State Water Control Board.

B. Regional plant capacity allocations for the Occoquan basin.

1. The initial allotment of plant capacity for the Upper Occoquan Sewage Service Authority treatment facility was approximately 10 MGD, based on all effluent being from high-performance plants meeting the requirements of subsections D, E and F below and all those treatment facilities belonging to the City of Manassas, the City of Manassas Park, the Greater Manassas Sanitary District, and Sanitary District 12 of Fairfax County being abandoned.

2. Incremental increases in the regional plant capacity may be approved by the board based on the results of a monitoring program which shows that current and projected discharges from the high-performance plants do not create a water quality or public health problem in the reservoir. The board advises that since severe infiltration/inflow stresses the performance reliability of the regional treatment plants, jurisdictions must pursue I/I correction within their individual systems.

C. Prerequisites for preliminary plant approval. Prerequisites before the board gives approval to preliminary plans for a regional high-performance plant are:

1. A monitoring program for the receiving waters shall be in effect; and

2. The authority who is to operate the proposed plant shall enter into a written and signed agreement with the board that the authority shall meet the administrative requirements of subsection F of this section.

D. Design concept for high-performance plants on the Occoquan.

1. Plant design requirements are:

- a. The design of the high-performance sewage treatment plants discharging to the Occoquan Watershed shall meet all the requirements specified here as well as those specified in the most recent edition of the Commonwealth of Virginia Sewerage Sewage Collection and Treatment Regulations; and
- b. The basic sewage plant design concept for the regional plants discharging to the Occoquan watershed shall be based on the Upper Occoquan Sewage Service Authority Wastewater Reclamation Facility.

2. Changes in plant design requirements will be made according to these criteria:

- a. Changes to the plant design described here shall only be acceptable if the change does all of the following:
 - (1) Improves or equals the plant performance and final effluent quality;
 - (2) Increases or equals plant reliability and maintainability; and
 - (3) Has a demonstrated performance in a plant of at least 5 to 10 MGD size for an operating period of not less than one, but preferably two years.
- b. Before such changes are incorporated in the plant, specific written approval shall be obtained from the board; and
- c. Changes to the plant design solely to reduce cost and which jeopardize plant performance and reliability will not be approved.

E. Plant performance requirements.

1. The plant performance requirements for high performance plants discharging to the Occoquan watershed are given in Table I.

2. Operation of the nitrogen removal facilities is required when the ambient nitrate concentration (as N) is 5.0 mg/l or higher in the Occoquan reservoir in the vicinity of the Fairfax County Water Authority intake point. The owner of the regional sewage authority is responsible for knowing ambient results of nitrate and when operation of nitrogen removal facilities is necessary.

TABLE I.

MINIMUM EFFLUENT QUALITY REQUIREMENTS* FOR ANY REGIONAL SEWAGE TREATMENT PLANT IN THE OCCOQUAN WATERSHED.

FINAL EFFLUENT REQUIREMENTS

COD mg/1 - 10.0

Suspended solids mg/1 - 1.0

Nitrogen mg/1 - 1.0**

Phosphorus mg/1 - 0.1

MBAS mg/1 - 0.1

Turbidity NTU - 0.5***

Coliform per 100 ml Sample - less than 2.0

* As measured on a monthly average unless otherwise noted. Since these are minimum requirements, the normal average would be expected to be substantially better.

** Unoxidized nitrogen (as TKN) Refer to 9VAC25-410-20 E 2 for further information.

*** Measured immediately prior to chlorination.

F. Administrative and technical requirements for the control of the sewer system tributary to a regional, high-performance plant in the Occoquan watershed.

1. The owner to whom the permit is issued for operation of a regional plant shall meet the general and administrative requirements covered below. These requirements shall also be contractually passed on by the owner to any parties or jurisdictions with which the owner may contract for the processing of wastewater.

These requirements are applicable to regional sewage treatment plants.

2. The high-performance regional treatment plant shall be manned by an appropriate number of trained and qualified operating, maintenance and laboratory personnel and manned continuously 24 hours a day, seven days a week throughout the year.

3. The owner shall include, as part of his preliminary and final plans and specifications submitted to the board for approval, a detailed statement indicating how each of the technical and administrative requirements in this policy has been met. Any proposed deviation from any of these requirements shall be clearly identified and technically justified, and shall require formal board approval. These submittals shall also include:

a. Simplified fluid system diagrams which clearly identify the following:

- (1) The average and peak capacity of each unit;
- (2) The number of units of each type needed to handle the normal average flow and the peak of flow; and
- (3) The number of spare units and their capacity for both average and peak flow cases shall also be identified.

In addition, a brief narrative summary description shall be submitted to identify what has been done to ensure that each unit and major subsystem can be maintained and expanded without release of effluent that does not meet the minimum standards.

b. A simple one-line power distribution system diagram showing how outside power is brought into the plant and how power is distributed within the plant proper shall be submitted. This diagram shall also show as a minimum:

- (1) Ratings and characteristics of electrical components such as transformers, circuit breakers, motor controllers, etc., making up the system;
- (2) Protective devices such as thermal overloads, under frequency, or under voltage relays;
- (3) Voltages supplied by all fuses;
- (4) Normal circuit breaker and switch conditions (Notes shall also be provided as required to cover abnormal, casualty, and emergency operating modes); and
- (5) How electrical loads are combined into switch gear and load center. (The use of cubicle outlines in phantom or dotted line is suggested.)

4. The final submittal of plans and specifications for the plant to the board shall include a systematic failure mode and effects analysis on the mechanical and electrical portions of the plant so as to demonstrate that a single failure of a mechanical or electrical component will not interrupt the plant operations which are necessary to meet the effluent requirements of Table I of this policy.

5. Pumping stations on the collection systems which are located in the Occoquan watershed and are tributary to a regional treatment works shall:

- a. Have stand-by pumping units;
- b. Have at least one "on-site" backup power supply;
- c. Have at least one "off-site" power supply;
- d. Be designed so that no single failure of a mechanical or electrical component could degrade pumping capability;

- e. Have pumps and valves arranged so that these units can be removed and replaced without the by-passing of sewage;
- f. Have flow measure devices with provisions for recording flow; and
- g. Have retention basins of a minimum one-day capacity.

If these pumping stations are remote and unmanned, an alarm system shall be provided at manned stations to indicate that problems are developing and to direct maintenance assistance to the affected pumping station. The owner of each pumping station shall be required to obtain a State Water Control Board certificate.

A waiver may be sought from requirement g above, particularly in new collection systems exhibiting no I/I problems. However, the jurisdiction requesting such a waiver must submit documentation to the board for review that the sewer system tributary to the pump station meets the criteria established by the most recent edition of the Virginia Sewerage Sewage Collection and Treatment Regulations (9VAC25-790-10 et seq.) for infiltration/inflow, and any other such information that the board may require.

6. The major junctions in the collection system (e.g., at least at the 1 to 2 MGD collection points) shall have continuous recording flow measuring devices to help in the early identification of problem portions of a collection system in the event of unexplainable high flows (e.g., excessive infiltration). Also, such flow measuring devices and isolation valves shall be provided between jurisdictions as well as any others contracting for the services of the regional plant. The flow measuring devices and isolation valves between jurisdictions shall be under the control and responsibility of the owner to whom a plant certificate is issued.

7. Each sewage treatment plant shall have a pretreatment program approved by the board.

8. Waste being processed in any existing small plants shall have the first priority on treatment capacity and such capacity shall be specifically reserved for them in the new high-performance regional plants. New developments are to have second priority.

9. If any of the various administrative procedures of the owner of the regional treatment plant or of jurisdictions served by the plant prove ineffective under actual operating conditions, the board shall have the right to place new requirements on the owner and jurisdictions and to require any necessary action by these parties to physically correct the damage done to the reservoir due to ineffective implementation of the administrative requirements covered here.

10. The owner's interceptor and collection systems of the jurisdictions in the Occoquan watershed shall be designed, installed, inspected, and tested by the respective owner to limit infiltration to 100 gal/inch-dia/mile/day as a maximum. The test results shall be certified and submitted to the board.

11. Whenever the owner enters into an agreement with a jurisdiction for services of a regional plant, the owner shall be responsible for seeing that such jurisdictions have ordinances and rules to meet all the applicable requirements covered by this policy. These ordinances and rules shall meet the owner's approval and the owner shall monitor and spot-check to see that the jurisdictions are effectively implementing their ordinances and rules to meet the requirements covered here. The board, at its discretion, can request the owner to submit to the board for its approval the ordinances and rules that will be used to meet the board's requirements covered here.

Further, any time a user violates any of the administrative or technical requirements of the contract between the user and the owner which can affect the plant operations, hydraulic loading, or effluent quality or which affect the reservoir's water quality due to urban run-off (e.g., siltation), the owner shall not allow the user to discharge additional wastewater to the owner's plant until the problem has been resolved to the owner's satisfaction.

12. Up-to-date "as-built" drawings and manuals shall be available at least once a year for board inspection and review. These documents shall include as a minimum:

- a. Up-to-date as-built electrical and fluid system diagrams;
- b. Detailed as-built and installed drawings; and
- c. Normal operating and casualty procedures manual. The documents shall be updated at least once a year to reflect all changes and modifications to the plant.

13. The design engineer shall have the responsibility of meeting the proposed effluent quality as shown in Table I. To demonstrate that the plant as designed by the engineer can meet the effluent standards, the plant is to be operated under the supervision of the design engineer for a minimum of one year of continuous operation after the "debugging" period.

G. Other point source discharges.

1. Point sources other than regional plants will be permitted as regulated or required by the Virginia Pollutant Discharge Elimination System (VPDES) permit regulation (~~9VAC25-30-10 et seq.~~ 9VAC25-31-10 et seq.)

2. VPDES permits may be issued for single family homes with failing septic tanks, stormwater, pollution remediation projects, and minor industries. The permitting of major discharges (as defined in 40 CFR Part 122) other than regional sewage treatment plants is strictly prohibited with the exception of pollution remediation projects which are shown to be feasible and no other alternatives are available.

3. No permit as authorized in subdivisions 1 and 2 above shall be issued or reissued unless the applicant demonstrates that it is not feasible to connect to a regional plant and that there is not a feasible alternative except to discharge.