

**Water Quality Standards Regulation
“Strawman” Amendment Language
For Ammonia Criteria Implementation**

9 VAC 25-260-155. Ammonia surface water quality criteria.

F. Implementation of Ammonia Criteria through VPDES Permits. The ammonia criteria in subsections A through C shall be addressed during individual VPDES permit reissuance for existing dischargers subject to new or more restrictive water quality-based ammonia effluent limits in accordance with the Department’s standard permitting practices except as follows.

1. Notwithstanding any other regulatory requirement, a compliance schedule may be established that exceeds the term of the permit, subject to a demonstration by the permittee that a longer period is necessary to allow a reasonable opportunity to attain compliance with the new or more restrictive ammonia discharge requirements. The Department’s consideration for such a demonstration shall be made on a case-by-case basis, and shall require compliance as soon as possible, but not later than the applicable statutory deadline under the Clean Water Act.
2. Information to be provided under subsection F.1 may include, but is not limited to, such factors as: (i) opportunities to minimize costs to the public or facility owners by phasing in the implementation of multiple projects; (ii) the availability of funding and plans to secure sufficient financing for needed facility upgrades, which may include (subject to eligibility restrictions) use of the Virginia Water Quality Improvement Fund as established in §10.1-2128, the Virginia Water Facilities Revolving Fund as established in §62.1-225, and other financing mechanisms; (iii) time needed for freshwater mussel habitat determinations; and (iv) other relevant factors.
3. If a permit establishes a schedule of compliance which exceeds the term of the permit, the compliance schedule shall set forth interim requirements and the dates for their achievement.
 - a. The time between interim dates shall not exceed one year.
 - b. If the time necessary for completion of any interim requirement is more than one year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.
 - c. The permit shall be written to require that no later than 14 days following each interim date and the final date of compliance, the permittee shall notify the Department in writing of its compliance or noncompliance with the interim or final requirements, or submit progress reports if subdivision 3.b is applicable.
 - d. Any change to an interim compliance date in the schedule of compliance will be deemed to be a Minor Modification of the permit, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement.