VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

UNIFIED REGULATORY PLAN OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE STATE FISCAL YEAR 2023

PREPARED OCTOBER 1, 2022

Revised January 4, 2023

DESCRIPTION OF AGENCY:

The Department of Environmental Quality is authorized to implement all regulations adopted by its three citizen boards (Code of Virginia, Title 10.1, Chapter 11.1, Article 1.) Additionally, the department must promulgate regulations establishing: criteria for recycling equipment, facilities or devices for local taxation purposes (Code of Virginia, Title 58.1, Chapter 36, Article 5); permit by rule or permits by rule for the construction and operation of small renewable energy projects, including such conditions and standards necessary to protect the Commonwealth's natural resources (Code of Virginia, Title 10.1, Chapter 11.1, Article 5); and regulations to implement the Uniform Environmenta l Covenants Act by establishing how activity and use limitations prescribed by an agency pursuant to an environmental response project are to be drafted, recorded and enforced (Code of Virginia, Title 10.1, Chapter 12.2.)

DESCRIPTION OF BOARDS:

The State Air Pollution Control Board
A 7-member citizen board authorized to, among other things, adopt regulations for the control and abatement of air pollution throughout the Commonwealth or in affected areas.

The State Water Control Board
A 7-member citizen board authorized to, among other things, establish standards of quality for state waters, policies and programs for area-wide or basin-wide quality controls, and requirements for treatment of sewage and industrial and other wastes.

The Virginia Waste Management Board
A 7-member citizen board authorized to, among other things, carry out the purposes and provisions of the Virginia Waste Management Act and compatible federal provisions and exercise general supervision and control over waste mana gement activities in the Commonwealth.

Title of Proposed Regulatory Action or Guidance Document Amend list of nonattainment areas (Revision F22)		
Brief Overview On March 26, 2021 (86 FR 16055), the U.S. Environmental Protection Agency (EPA) promulgated air quality designations for the 2010 primary sulfur dioxide (SO_2) National Ambient Air Quality Standard (NAAQS). EPA has determined that a portion of Giles County, Virginia is not meeting the SO_2 NAAQS, and has designated it as a nonattainment area at 40 CFR 81.347. In order to implement the standard, Virginia's list of nonattainment areas (9VAC5-20-204) must be updated accordingly, and the new SO_2 nonattainment area must be added.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☒ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☒ Exempt Rule	☐ Guidance Document
Legal Authority	☒ Action required by federal statute ☐ Action required by state statute	☐ Discretionary action
Deregulatory Component		
Expected Date	October 2022	

Title of Proposed Regulatory Action or Guidance Document Withdrawal of NOIRA for "Emissions Standards for Natural Gas Infrastructure" Action		
Brief Overview There is no underlying legal requirement for this rulemaking; it was purely discretionary. The Regulatory Action Panel (RAP) for this action will be recalled--as an ad hoc group, not a formal RAP--in order to assist with the report to the General Assembly due 7/23. Otherwise, the need for this regulatory action has been overtaken by other events.		
Regulatory Stage (check one box)	☒ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component	Withdraw the NOIRA.	
Expected Date	December 2022	

Title of Proposed Regulatory Action or Guidance Document Withdrawal of NOIRA for "Develop parameters for implementing the site suitability criteria/factors of state law for permits and variances" Action		
Brief Overview There is no underlying legal requirement for this rulemaking; it was purely discretionary. This regulatory action was started because of issues with § 10.1-1307 E of the Code of Virginia, which were subsequently addressed by the General Assembly in Chapter 356 of the 2022 Acts of Assembly. This regulatory action is no longer needed.		
Regulatory Stage (check one box)	☒ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component	Withdraw the NOIRA	
Expected Date	December 2022	

Title of Proposed Regulatory Action or Guidance Document Delete VELAP Air Program Requirements (4967)		
Brief Overview This guidance document has been downgraded to an instructions memo, and is no longer needed.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component	The guidance document is being eliminated.	
Expected Date	December 2022	

Title of Proposed Regulatory Action or Guidance Document Repeal CO_2 Budget Trading Program as required by Executive Order 9 (Revision A22)		
Brief Overview Executive Order 9 (2022), "Protecting Ratepayers from the Rising Cost of Living Due to the Regional Greenhouse Gas Initiative," requires that the department re-evaluate Virginia's participation in the Regional Greenhouse Gas Initiative (RGGI) and immediately begin regulatory processes to end it. Specifically, the order requires that the department develop a regulation for the State Air Pollution Control Board's consideration to repeal the implementing regulation implementing participation in RGGI (Part VII of 9VAC5-140), and take all necessary steps to so that any proposed regulation to the State Air Pollution Control Board can be immediately presented for consideration for approval for public comment in accordance with the board's authority pursuant to § 10.1-1308 of the Code of Virginia.		
Regulatory Stage (check one box)	☒ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component	Removes a regulation that imposes compliance obligations on fossil fuel-fired units that serve an electricity generator with a nameplate capacity equal to or greater than 25 MWe.	
Expected Date	December 2022	

Title of Proposed Regulatory Action or Guidance Document Federal Documents Incorporated by Reference (Rev. C22)		
Brief Overview The regulation amendments update state regulations that incorporate by reference certain federal regulations to reflect the Code of Federal Regulations as published on July 1, 2022. The date of the Code of Federal Regulations book being incorporated by reference is being updated to the latest version. Additionally, references to two new federal standards in other regulations of the board have been updated in order that the federal standards are correctly referenced.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☒ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☒ Exempt Rule	☐ Guidance Document
Legal Authority	☒ Action required by federal statute ☐ Action required by state statute	☐ Discretionary action
Deregulatory Component		
Expected Date	December 2022	

Title of Proposed Regulatory Action or Guidance Document Guidance Memo: Nonpoint Source Nutrient Trading Credit Certification: Delivery Factors for Stream Restoration Projects		
Brief Overview This guidance document will set forth how DEQ calculates delivery factors for stream restoration projects used to generate nonpoint source nutrient credits as directed by Virginia Code § 62.1-44.19:20. Nutrient credits are measured as pounds of nitrogen, phosphorus, or sediment delivered to the Chesapeake Bay, and delivery factors are used to account for the attenuation that occurs between the credit-generating project and tidal waters. This guidance will reduce uncertainty in the nonpoint source nutrient trading program by establishing credit calculation procedures for stream restoration projects. Prior to this guidance, delivery factors have been calculated on a case-by-case basis.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute	☐ Discretionary action
Deregulatory Component		
Expected Date	December 2022	

Title of Proposed Regulatory Action or Guidance Document Deletion of Guidance document 91-004- Permits/Certificates Approved at Board Meetings		
Brief Overview Chapter 356 of the 2022 Acts of Assembly revised the authority of the State Water Control Board (Board). The Board is no longer authorized by state law to issue permits and this guidance document is no longer applicable.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute	☐ Discretionary action
Deregulatory Component	This guidance document is being eliminated due to changes in state law.	
Expected Date	December 2022	

Title of Proposed Regulatory Action or Guidance Document Deletion of Guidance Document- 91-006 - Purchase of Sample Containers		
Brief Overview This guidance contains outdated information concerning the process for the purchase of sample containers. The sizes and material types for containers are specified by procurement contracts and this guidance document is duplicative in nature and is being eliminated.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component	This guidance document is no longer needed and is being eliminated.	
Expected Date	December 2022	

Title of Proposed Regulatory Action or Guidance Document Withdrawal of NOIRA for Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Concentrated Animal Feeding Operations (9VAC25-191)		
Brief Overview This regulation has been repealed and this associated NOIRA to reissue this general permit will be withdrawn because this general permit regulation is no longer needed		
Regulatory Stage (check one box)	☒ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component	This NOIRA is being withdrawn since the regulation has been repealed.	
Expected Date	December 2022	

Title of Proposed Regulatory Action or Guidance Document Deletion of Water Guidance Memo No. 14-2010 Certification Time Restrictions and Provisional Certification Requirements for Stormwater Management and Erosion & Sediment Control		
Brief Overview This guidance document provides information on requirements placed on individuals seeking certification in Stormwater Management (SWM) or Erosion and Sediment Control (ESC) including provisional certification. In 2013, oversight of the Commonwealth's SWM and ESC programs, including SWM and ESC training and certification, were transferred from the Department of Conservation and Recreation to the Department of Environmental Quality. This guidance document was developed to assist in the transition while DEQ developed its SWM and ESC training and certification programs. As a result of legislation enacted following the 2021 General Assembly 2021 Special Session I, Va. Acts Ch. 501, this guidance document is no longer consistent with state law and is therefore being deleted.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component	Deletion of outdated guidance document that is no longer needed.	
Expected Date	December 2022	

Title of Proposed Regulatory Action or Guidance Document Deletion of Water Guidance Memo GM17-2003 – Amendment #1 Interstate Natural Gas Infrastructure Projects - Procedures for Evaluating and Developing Additional Conditions for Section 401 Water Quality Certification Pursuant to 33 USC § 1341		
Brief Overview This guidance document provides staff and project owners of certain large natural gas construction projects regulated by the Federal Energy Regulatory Commission (FERC) with information needed to evaluate whether additional Section 401 conditions may be appropriate to supplement those associated with either a US Army Corps of Engineers (Corps) Permit and/or a Virginia Water Protection (VWP) Permit. This review is intended to supplement, but not replace, the Corps and/or VWP permit processes for such projects. This guidance document also provides the procedures that are applicable to such additional Section 401 conditions if they are found to be necessary. This guidance document is no longer consistent with state law and is being deleted.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute	☐ Discretionary action
Deregulatory Component	Deletion of outdated guidance document that is no longer needed due to changes in state law.	
Expected Date	December 2022	

Title of Proposed Regulatory Action or Guidance Document Guidance Memo: Accelerated Nonpoint Source Nutrient Credit Release for Stream Restoration Projects		
Brief Overview The 2022 General Assembly passed SB 187 authorizing the Department of Environmental Quality (DEQ) to accelerate the release of nutrient credits from stream restoration projects notwithstanding release schedules set out in regulation. This guidance seeks to clarify the changes made to § 62.1-44.19:20 of the Code of Virginia and necessary conditions for requesting the accelerated release.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute	☐ Discretionary action
Deregulatory Component	This guidance will streamline the application process and credit release schedule for applicable stream restoration projects in the nonpoint source nutrient trading program. This guidance will allow for a full credit release to be achieved a year sooner than under the previous standards.	
Expected Date	January 2023	

Title of Proposed Regulatory Action or Guidance Document		
Amendment and Reissuance of: Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Stormwater Associated with Industrial Activity [9VAC25-151]		
Brief Overview This general permit regulation governs all stormwater discharges associated with industrial activity from facilities in any of the industrial activity categories defined in 9VAC25-151-10 (Definitions), through a point source to surface waters, or through a municipal or nonmunicipal separate storm sewer system to surface waters. This regulation also governs stormwater discharges designated by the board for permitting under the provisions of 9VAC25-31-120 A 1 c, or under 9VAC25-31-120 A 7 a (1) or (2) of the VPDES Permit Regulation. The permit expires June 30, 2024. VPDES permits are required for these discharges and rather than DEQ issuing individual permits, the board is re-issuing this general permit regulation to more efficiently cover the entire sector, saving money for both the permittee and the Commonwealth. If the existing general permit is not reissued prior to expiration, no coverage can be extended to newly proposed dischargers. Any new dischargers would be required to wait for reissuance of the general permit or obtain an individual permit.		
Regulatory Stage (check one box)	☐ NOIRA ☒ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☒ Expedited Rule ☒ Exempt Rule	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute	☒ Discretionary action
Deregulatory Component	Reissuance of this general permit provides dischargers under this sector with a streamlined permitting process, greatly reducing the costs and time necessary to obtain permit coverage as well as reducing the administrative costs to the Commonwealth.	
Expected Date	March 2023	

Title of Proposed Regulatory Action or Guidance Document **Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Concrete Products Facilities 9VAC25-193**		
Brief Overview VPDES permits are required for these discharges and rather than DEQ issuing individual permits, the board is reissuing this general permit regulation to more efficiently cover the entire sector, saving money for both the permittee and the Commonwealth. If the existing general permit is not reissued prior to expiration (12/31/2023), no coverage can be extended to newly proposed dischargers. Any new dischargers would be required to wait for reissuance of the general permit or obtain an individual permit. The existing guidance (GM18-2009 Implementation Guidance for Reissuance of the VPDES General Permit for Concrete Products Facilities VAG11) will be revised.		
Regulatory Stage (check one box)	☐ NOIRA ☒ Proposed Rule ☒ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☒ Expedited Rule ☒ Exempt Rule	☒ Guidance Document
Legal Authority	☒ Action required by federal statute ☒ Action required by state statute	☒ Discretionary action
Deregulatory Component	Reissuance of this general permit provides dischargers under this sector with a streamlined permitting process, greatly reducing the costs and time necessary to obtain permit coverage as well as reducing the administrative costs to the Commonwealth.	
Expected Date	November 2022 for AGO review January 2023 for proposed rule publication June 2023 for final rule publication August 2023 for guidance publication	

Title of Proposed Regulatory Action or Guidance Document		
Amendment and Reissuance of: Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Noncontact Cooling Water Discharges of 50,000 Gallons Per Day or Less [9VAC25-196]		
Brief Overview This general permit regulation governs point source discharges of noncontact cooling water of 50,000 gallons per day or less to surface waters and will expire March 1, 2023. VPDES permits are required for these discharges and rather than DEQ issuing individual permits, the board is re-issuing this general permit regulation to more efficiently cover the entire sector, saving money for both the permittee and the Commonwealth. If the existing general permit is not reissued prior to expiration, no coverage can be extended to newly proposed dischargers. Any new dischargers would be required to wait for reissuance of the general permit or obtain an individual permit. An implementation guidance document will also be developed for the general permit reissuance.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☒ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☒ Expedited Rule ☒ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute	☒ Discretionary action
Deregulatory Component	Reissuance of this general permit provides dischargers under this sector with a streamlined permitting process, greatly reducing the costs and time necessary to obtain permit coverage as well as reducing the administrative costs to the Commonwealth.	
Expected Date	AGO Submission: November 2022 Proposed Stage Town Hall publication: December 2022 Guidance Town Hall publication: February 2023	

Title of Proposed Regulatory Action or Guidance Document Reissuance of Virginia Pollutant Discharge Elimination System General Permit for Potable Water Treatment Plants 9VAC25-860		
Brief Overview VPDES permits are required for these discharges and rather than DEQ issuing individual permits, the board is re-issuing this general permit regulation to more efficiently cover the entire sector, saving money for both the permittee and the Commonwealth. If the existing general permit is not reissued prior to expiration (06/30/2023), no coverage can be extended to newly proposed dischargers. Any new dischargers would be required to wait for reissuance of the general permit or obtain an individual permit. The existing guidance (GM18-2003 Implementation Guidance for Reissuance of the General VPDES Permit for Potable Water Treatment Plants VAG64) will be revised.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☒ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☒ Expedited Rule ☒ Exempt Rule	☒ Guidance Document
Legal Authority	☒ Action required by federal statute ☒ Action required by state statute	☒ Discretionary action
Deregulatory Component	Reissuance of this general permit provides dischargers under this sector with a streamlined permitting process, greatly reducing the costs and time necessary to obtain permit coverage as well as reducing the administrative costs to the Commonwealth.	
Expected Date	November 2022 for AGO review January 2023 for final rule publication March 2023 for guidance publication	

Title of Proposed Regulatory Action or Guidance Document Reissuance of General VPDES Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems (9 VAC 25 - 890)		
Brief Overview VPDES permits are required for these discharges and rather than DEQ issuing individual permits, the board is re-issuing this general permit regulation to more efficiently cover the entire sector, saving money for both the permittee and the Commonwealth. If the existing general permit is not reissued prior to expiration on October 31, 2023, no coverage can be extended to newly proposed dischargers. Any new dischargers would be required to wait for reissuance of the general permit or obtain an individual permit. The small municipal separate storm sewer system (MS4) general permit requires government entities operating a MS4 within the 2010 census defined urbanized area, to maintain and implement an MS4 program such that the discharge of pollutants from the MS4 is reduced to the maximum extent practicable (MEP). MEP for the permit term will be established as the implementation of the MS4 program requirements in Part I, the total maximum daily load (TMDL) special conditions in Part II, and the Best Management Practice (BMP) Warehouse Reporting in Part III of the permit. MEP established under this permit constitutes adequate progress in meeting water quality standards and satisfies the appropriate water quality requirements of the State Water Control Law and its attendant regulations for this permit term. New guidance on MS4 program implementation will be developed and the purpose of this guidance is to identify changes that have been made in the reissued general permit, to provide DEQ staff and permittees with guidance on implementation of these changes, and to provide guidance on aspects of the permit that have raised questions.		
Regulatory Stage (check one box)	☐ NOIRA ☒ Proposed Rule ☒ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☒ Expedited Rule ☒ Exempt Rule	☒ Guidance Document
Legal Authority	☒ Action required by federal statute ☒ Action required by state statute	☐ Discretionary action
Deregulatory Component	Reissuance of this general permit provides dischargers under this sector with a streamlined permitting process, greatly reducing the costs and time necessary to obtain permit coverage as well as reducing the administrative costs to the Commonwealth. The proposed general permit clarifies differences between traditional local government permittees and nontraditional government entity permittees with conditions tailored to both permittee types eliminating the need to develop separate MS4 general permits for traditional and nontraditional permittees thereby reducing administrative costs to the Commonwealth. The proposed general permit pauses the standard decennial expansion of government entities automatically designated as requiring MS4 permit coverage thereby preventing many currently nonregulated entities from incurring the expense of obtaining permit coverage and complying with permit conditions.	

	The pause on automatic designation eliminates Commonwealth administrative costs of MS4 designation and program development assistance for new permittees. Lastly, the proposed permit eliminates conditions requiring permittees to maintain an electronic database of all known permittee owned and privately owned stormwater management facilities. These requirements are duplicative of the BMP Warehouse Reporting requirements in Part III and eliminating these requirements reduces administrative costs to the permittee.
Expected Date	Proposed regulation- November 2022 Final regulation- March 2023 Guidance document- June 2023

Title of Proposed Regulatory Action or Guidance Document **Virginia Pollutant Discharge Elimination System (VPDES) Permit Manual**		
Brief Overview This guidance manual outlines the procedural steps for issuing, reissuing, modifying and terminating VPDES individual permits. It also contains templates for permit limits, special conditions, fact sheets, industrial stormwater requirements, transmittal letters and forms. Providing steps for permit writers to follow is necessary to reduce staff time and resources to draft and issue individual permits. It also provides assurance that the permits will be issued legally and with consistent requirements and rationales.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	March 2023	

Title of Proposed Regulatory Action or Guidance Document Re-issuance of VPDES General Permit Regulation for Discharges Resulting From the Application of Pesticides to Surface Waters (9VAC25-800)		
Brief Overview Final reissuance and amendments to the VPDES General Permit Regulation for Discharges Resulting From the Application of Pesticides to Surface Waters (9VAC25-800). The existing general permit expires on 2/29/2024. This final action will authorize a new permit term of 3/1/2024 – 2/28/2024. VPDES permits are required for these discharges and rather than DEQ issuing individual permits, the board is re-issuing this general permit regulation to more efficiently cover the entire sector, saving money for both the permittee and the Commonwealth. If the existing general permit is not reissued prior to expiration, no coverage can be extended to newly proposed dischargers. Any new dischargers would be required to wait for reissuance of the general permit or obtain an individual permit. Minor amendments to the VPDES general permit regulation reflect changes made to the EPA 2021 Pesticide General Permit.		
Regulatory Stage (check one box)	☐ NOIRA ☒ Proposed Rule ☒ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☒ Expedited Rule ☒ Exempt Rule	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component	Reissuance of this general permit provides dischargers under this sector with a streamlined permitting process, greatly reducing the costs and time necessary to obtain permit coverage as well as reducing the administrative costs to the Commonwealth. This general permit has no cost for permit coverage, does not require the submittal of a registration statement, and requires no effluent sampling (visual monitoring only).	
Expected Date	Proposed – November 2022, Final - June 2023	

Title of Proposed Regulatory Action or Guidance Document Proposed reissuance and amendments to the VPDES General Permit Regulation for Nonmetallic Mineral Mining (9VAC25-190).		
Brief Overview Proposed reissuance and amendments to the VPDES General Permit Regulation for Nonmetallic Mineral Mining (9VAC25-190). The existing general permit expires on 6/30/2024. This final action will authorize a new permit term of 7/1/2024 – 6/30/2029. VPDES permits are required for these discharges and rather than DEQ issuing individual permits, the board is issuing this general permit regulation to more efficiently cover the entire sector, saving money for both the permittee and the Commonwealth. If the existing general permit is not reissued prior to expiration, no coverage can be extended to newly proposed dischargers. Any new dischargers would be required to wait for reissuance of the general permit or obtain an individual permit. Amendments include conditional electronic reporting language as mandated by federal and state regulation.		
Regulatory Stage (check one box)	☐ NOIRA ☒ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☒ Expedited Rule ☒ Exempt Rule	☐ Guidance Document
Legal Authority	☒ Action required by federal statute ☒ Action required by state statute	☒ Discretionary action
Deregulatory Component	Reissuance of this general permit provides dischargers under this sector with a streamlined permitting process, greatly reducing the costs and time necessary to obtain permit coverage as well as reducing the administrative costs to the Commonwealth.	
Expected Date	May 2023	

Title of Proposed Regulatory Action or Guidance Document Implementation Guidance for the Reissuance of the General VPDES Permit Regulation for Discharges From Groundwater Remediation of Contaminated Sites, Dewatering Activities of Contaminated Sites, and Hydrostatic Tests General Permit		
Brief Overview Update the Implementation Guidance for the Reissuance of the General VPDES Permit Regulation for Discharges From Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests, 9VAC25-120 (2013) to reflect the 2023 final general permit.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component	This guidance will replaced the prior guidance document and reflect current requirements and information.	
Expected Date	January 2023	

Title of Proposed Regulatory Action or Guidance Document Amend Virginia Sewage Collection and Treatment Regulations to incorporate a reporting requirement for all septic systems taken off-line and connected to a sewage collection system.		
Brief Overview This regulatory action will amend provisions of the Virginia Sewage Collection and Treatment Regulations (9VAC25-790) to include a reporting requirement for all septic systems (or other on-site sewage disposal systems) taken off-line and connected to a sewage collection system in accordance with the 2022-2023 Chesapeake Bay Programmatic Milestones for the Phase III Watershed Implementation Plan. Virginia's Phase III WIP acknowledges that the goal of this new regulatory requirement will ensure a more accurate count of nutrient reductions resulting from septic connected to sewer. This action is required to meet the necessary nutrient and sediment reductions set out by EPA's Chesapeake Bay Total Maximum Daily Load.		
Regulatory Stage (check one box)	☒ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☐ Guidance Document
Legal Authority	☒ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document Amend or modify provisions of the regulations to establish a fee schedule for conducting erosion and sediment control plan reviews for solar projects.		
Brief Overview The intent of this regulatory action is to amend or modify provisions of the Erosion and Sediment Control Regulations (9VAC25-840) to establish a fee schedule for conducting Erosion and Sediment Control Plan reviews for solar projects in accordance with Chapter 497 (Senate Bill 1258) and Chapter 552 (Budget Bill, Item 377 N) of the 2021 Acts of Assembly. Chapter 497 of the 2021 Acts of Assembly established that any local VESCP authority that does not operate a regulated MS4 and for which the Department did not administer a VSMP as of July 1, 2020, shall notify the Department if it decides to have the Department provide the local VESCP authority with (i) review of the ESC Plan required by the ESC Law and attendant regulations and (ii) a recommendation on the ESC Plan's compliance with the requirements of the ESC Law and attendant regulations, for any solar project and its associated infrastructure with a rated electrical generation capacity exceeding five (5) megawatts. Furthermore, Chapter 497 directed the Department to adopt a fee schedule and charge fees to applicants for conducting such ESC Plan reviews. Chapter 552 of the 2021 Acts of Assembly directed the Department to convene a working group for the purpose of developing the fee schedule for conducting ESC Plan reviews for solar projects. The working group shall include representatives of (i) private sector companies that own or operate solar energy facilities, (ii) local governments that permit solar facilities, and (iii) other stakeholders determined by the Department to be necessary to the development of the fee schedule.		
Regulatory Stage (check one box)	☐ NOIRA ☒ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute	☐ Discretionary action
Deregulatory Component		
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document Amend Virginia Sewage Collection and Treatment Regulations to incorporate a reporting requirement for all septic systems taken off-line and connected to a sewage collection system.		
Brief Overview This regulatory action will amend provisions of the Virginia Sewage Collection and Treatment Regulations (9VAC25-790) to include a reporting requirement for all septic systems (or other on-site sewage disposal systems) taken off-line and connected to a sewage collection system in accordance with the 2022-2023 Chesapeake Bay Programmatic Milestones for the Phase III Watershed Implementation Plan. Virginia's Phase III WIP acknowledges that the goal of this new regulatory requirement will ensure a more accurate count of nutrient reductions resulting from septic connected to sewer. This action is required to meet the necessary nutrient and sediment reductions set out by EPA's Chesapeake Bay Total Maximum Daily Load.		
Regulatory Stage (check one box)	☒ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☐ Guidance Document
Legal Authority	☒ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document VPDES Permit Regulation 316(b) Update (9VAC25-31-100; 9VAC25-31-165)		
Brief Overview Update of VPDES regulations addressing requirements applicable to cooling water intake structures to add provisions that address existing facilities. The existing regulations under 9VAC25-31-165 includes definitions (Subsection A) and requirements that address new facilities (Subsection B). The requirements that address existing facilities (Subsection C) provides that such facilities must "meet requirements under section 316(b) of the Clean Water Act determined by the department on a case-by-case, best professional judgment (BPJ) basis." This action would replace subsection C with regulatory requirements that reflect the federal CWA section 316(b) existing facility regulation (40 CFR 125 Subpart J). As an authorized NPDES state program, DEQ is required to implement regulations that are as stringent as federal regulations (40 CFR 123).		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☒ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☒ Expedited Rule ☒ Exempt Rule	☐ Guidance Document
Legal Authority	☒ Action required by federal statute ☐ Action required by state statute	☐ Discretionary action
Deregulatory Component	Requirement in 40 CFR 125 Subpart J include pre-approved compliance alternatives that would be more clear and simpler to implement than a case-by-case approach for both permittees and the Commonwealth.	
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document Implementation Guidance for the existing regulatory requirements applicable to cooling water intake structures (9VAC25-31-165).		
Brief Overview Issue implementation guidance addressing cooling water intake structures. Guidance would address implementation issues associated with current new facility regulations (9VAC25-31-165 B) and the implementation of requirements developed on case-by-case, best professional judgment (BPJ) basis (9VAC25-31-165 C).		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component	This guidance will reflect current requirements and information, and would promote consistency and efficiency.	
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document Amend or modify provisions of the regulations to allow for changes in the statewide permit fee schedule supporting the Virginia Stormwater Management Program		
Brief Overview The intent of this regulatory action is to amend or modify provisions of the Virginia Stormwater Management Program Regulation (9VAC25-870) to allow for changes in the statewide permit fee schedule supporting the Virginia Stormwater Management Program in accordance with Chapter 552 (Budget Bill, Item 377 L 2) of the 2021 Acts of Assembly. Chapter 552 of the 2021 Acts of Assembly directs the Department to amend or modify the existing statewide permit fee schedule such that the fees for the VPDES Permit for Discharges of Stormwater from Construction Activities and MS4 permits are set an amount representing no less than 60 percent, not to exceed 62 percent, of the direct costs for the administration, compliance, and enforcement of the aforementioned permits.		
Regulatory Stage (check one box)	☐ NOIRA ☒ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute	☐ Discretionary action
Deregulatory Component		
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document GUIDANCE MEMORANDUM No. 02-2010, Amendment No. 4 Water Compliance Auditing Manual Revisions – Section I.H (Assessment of Unauthorized Discharges, Overflows, and Bypasses of Sanitary Wastewater) and Appendix 1 (Point Assessment Criteria)		
Brief Overview The purpose of this guidance is to revise compliance auditing procedures for unauthorized discharges, overflows and bypasses from facilities covered by a VPDES or VPA permit. Additionally, compliance assessment of overflows from satellite sewage collection systems and unauthorized dry weather discharges from combined sewer systems are included in this guidance. Assessed points are based upon the significance criteria set forth in this guidance. This guidance supersedes Section I.H and Appendix 1 of the Compliance Auditing Manual (GM#02-2010 and its amendments) and will be incorporated into the Compliance Auditing Manual, Guidance Memorandum No. 02-2010.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document
Guidance Memo No. 22-2011 - Streamlined Plan Review for Construction Stormwater Plans and Erosion and Sediment Control Plans submitted by a Professional Engineer and reviewed by a Dual Combined Administrator for Erosion and Sediment Control and Stormwater Management
Brief Overview This guidance document provides for: 1) a streamlined stormwater management (SWM) plan review process in instances where DEQ is the Virginia Stormwater Management Program (VSMP) authority and 2) a streamlined erosion and sediment control (ESC) plan review process where DEQ is the Virginia Erosion and Sediment Control Program (VESCP) authority when the following conditions are met: • The SWM and/or ESC plan is prepared by a professional engineer licensed to engage in practice in the Commonwealth under Chapter 4 of Title 54.1 of the Code of Virginia, • The SWM and/or ESC Plan is pre-reviewed and signed by a person who holds an active certificate as a Dual Combined Administrator for ESC and SWM, and • A completed Plan Submission Checklist is submitted with the SWM and/or ESC Plan on the cover sheet.

Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component	This guidance document will streamline DEQ's process for reviewing stormwater management and erosion and sediment control plans. This will create additional clarity and time savings for those seeking plan approval.	
Expected Date	December 2022	

Title of Proposed Regulatory Action or Guidance Document Guidance Memo No. 22-2012 - Stormwater Management and Erosion & Sediment Control Design Guide		
Brief Overview This guidance document has been developed to assist the public and the development community in determining the policies and procedures that apply to land development in the Commonwealth of Virginia where DEQ serves as the Virginia Stormwater Management Program (VSMP) authority and/or the Virginia Erosion & Sediment Control Program (VESCP) authority. It contains information primarily concerned with the design guidelines for Erosion & Sediment Control Plans and Stormwater Management Plans. This guidance document provides greater clarity to the public and development community on which policies and procedures apply to land development. This will help save time by providing a guide to what DEQ expects in the design of erosion and sediment control and stormwater management plans.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	December 2022	

Title of Proposed Regulatory Action or Guidance Document 2023 Virginia Stormwater Management Handbook		
Brief Overview This guidance will consolidate and update DEQ's existing manuals, technical bulletins, design standards & specifications, and guidance documents related to post-construction stormwater management and erosion & sediment control.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component	This guidance will create additional clarity, consistency, and time savings for design professionals preparing post-construction stormwater management and/ or erosion & sediment control plans by ensuring all programmatic requirements are in a single document. This guidance will also streamline DEQ's process for reviewing stormwater management and/or erosion & sediment control.	
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document		
Amend Virginia Stormwater Management Program Regulation to update the Virginia Runoff Reduction Method and the associated post-construction total phosphorus water quality design standard.		
Brief Overview This action will amend provisions of the Virginia Stormwater Management Program Regulation (9VAC25-870) to incorporate revisions to the Virginia Runoff Reduction Method (VRRM). The VRRM requires updated loading rate calculations to ensure consistency with the Chesapeake Bay Total Maximum Daily Load (TMDL), to accommodate revisions to the Chesapeake Assessment Scenario Tool, and to improve the Commonwealth's climate resiliency by reflecting changes to rainfall amounts and event mean concentration due to climate change. In addition, the VRRM's three land covers do not comprehensively reflect post-construction site conditions. Additionally, the post-construction total phosphorus water quality design standard will be updated, if necessary, in accordance with the 2022-2023 Chesapeake Bay Programmatic Milestones for the Phase III Watershed Implementation Plan. An update would be necessary if the existing water quality design standard does not continue to ensure "nutrient neutral'' for future development under the Chesapeake Bay TMDL.		
Regulatory Stage (check one box)	☒ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☒ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document Amendments to Chapters 20 and 31 under the Consolidation of Virginia Erosion Control and Stormwater Management Programs		
Brief Overview Chapter 758 of the 2016 Acts of Assembly (House Bill 1250 and Senate Bill 673) combines the existing Virginia Stormwater Management Act (VSMA) and Virginia Erosion and Sediment Control Law (VESCL) to create the Virginia Erosion and Stormwater Management Act (VESMA). For this legislation to become effective, the Board is required to initiate a regulatory action to consolidate and clarify program requirements, eliminate redundancies, and correct inconsistencies between the erosion and sediment control and stormwater management program regulations. As part of this effort, DEQ plans to move sections of 9VAC25-870 (Virginia Stormwater Management Program Regulation) into 9VAC25-20 (Fees for Permits and Certificates) and 9VAC25-31 (Virginia Pollutant Discharge Elimination System Permit Regulation). This action will eliminate duplicative language that currently exists in both 9VAC25-870 and 9VAC25-31 and will place all fee schedules into a single chapter in 9VAC25-20. Moving these sections will also allow DEQ to eliminate 9VAC25-870. While connected to the regulatory action for consolidating the Virginia Erosion Control and Stormwater Management Program, this may require an independent regulatory action because the chapters being amended were not identified in the initial NOIRA for the consolidation action.		
Regulatory Stage (check one box)	☒ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute	☐ Discretionary action
Deregulatory Component	This regulatory action's goal of consolidating and clarifying program requirements, eliminate redundancies, and correct inconsistencies will make these regulations easier to navigate for members of the regulated community and local government partners.	
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document Amend Virginia Erosion and Sediment Control Regulations to require nutrient management planning for regulated land disturbing activities.		
Brief Overview This regulatory action will amend provisions of the Virginia Erosion and Sediment Control Regulations (9VAC25-840) to require nutrient management planning for regulated land disturbing activities equal to or greater than one acre in accordance with the requirements of Virginia's Chesapeake Bay TMDL Phase III Watershed Implementation Plan. This action is required to meet the necessary nutrient and sediment reductions set out by EPA's Chesapeake Bay TMDLs. Increases in pollutant runoff impact public water supplies, recreational use, and industry use of state waters by degrading water quality. This regulatory action is essential to implementing requirements of Virginia's Phase III WIP to achieve nutrient and sediment reductions needed to restore the Chesapeake Bay and its tidal tributaries.		
Regulatory Stage (check one box)	☒ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☐ Guidance Document
Legal Authority	☒ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document Amend Virginia Stormwater Management Program Regulation to incorporate the use of future projected design storms for managing stormwater.		
Brief Overview This regulatory action will amend provisions of the Virginia Stormwater Management Program Regulations (9VAC25-870) to incorporate the use of future projected design storms for managing recurrent stormwater flooding and stormwater pollutants in accordance with the 2022-2023 Chesapeake Bay Nutrient & Sediment Reduction Milestones for the Phase III Watershed Implementation Plan. Virginia's Phase III WIP acknowledges that the intensity, frequency, and duration of storm events may lead to changes in how stormwater runoff captures and transports nutrient and sediment runoff to reach the Commonwealth's streams, rivers, and the Bay, as well as causes recurrent flooding. This action is required to meet the necessary nutrient and sediment reductions set out by EPA's Chesapeake Bay TMDLs.		
Regulatory Stage (check one box)	☒ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☐ Guidance Document
Legal Authority	☒ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document CH880- 2024 Amendment and Reissuance of the VPDES Stormwater Construction General Permit Regulation		
Brief Overview This regulatory action is proposed to amend and reissue the existing stormwater construction general permit regulation, which expires on June 30, 2024. This general permit regulation authorizes the discharge of stormwater from construction activities equal to or greater than 1 acre of land disturbance or less than 1 acre of land disturbance within a larger common plan of development or sale. This regulatory action is needed to ensure existing and new construction activities are covered under this general permit regulation. If the existing general permit is not reissued prior to expiration, no coverage can be extended to newly proposed dischargers. Any new dischargers would be required to wait for reissuance of the general permit or obtain an individual permit. In addition to reissuance of the general permit, this action may also require the publication of guidance documents to further assist dischargers in understanding any new permit requirements and assist local government partners in implementation of the new permit.		
Regulatory Stage (check one box)	☐ NOIRA ☒ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☒ Expedited Rule ☒ Exempt Rule	☒ Guidance Document
Legal Authority	☒ Action required by federal statute ☐ Action required by state statute	☐ Discretionary action
Deregulatory Component	Reissuance of this general permit provides dischargers under this sector with a streamlined permitting process, greatly reducing the costs and time necessary to obtain permit coverage as well as reducing the administrative costs to the Commonwealth.	
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document Consolidation of Virginia Erosion Control and Stormwater Management Programs		
Brief Overview Chapter 758 of the 2016 Acts of Assembly (House Bill 1250 and Senate Bill 673) combines the existing Virginia Stormwater Management Act (VSMA) and Virginia Erosion and Sediment Control Law (VESCL) to create the Virginia Erosion and Stormwater Management Act (VESMA). For this legislation to become effective, the Board is required to initiate a regulatory action to consolidate and clarify program requirements, eliminate redundancies, and correct inconsistencies between the erosion and sediment control and stormwater management program regulations. Affected regulations may include the following: • 9VAC25-830 – Chesapeake Bay Preservation Area Designation and Management Regulations • 9VAC25-840 – Erosion and Sediment Control Regulations • 9VAC25-850 – Erosion and Sediment Control and Stormwater Management Certification Regulations • 9VAC25-870 – Virginia Stormwater Management Program Regulation • 9VAV25-880 – General VPDES Permit for Discharges of Stormwater from Construction Activities • 9VAC25-890 – General VPDES Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☒ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☒ Exempt Rule	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute	☐ Discretionary action
Deregulatory Component	This regulatory action's goal of consolidating and clarifying program requirements, eliminate redundancies, and correct inconsistencies will make these regulations easier to navigate for members of the regulated community and local government partners.	
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document Regulations Governing the Discharge of Sewage and Other Wastes from Boats (9 VAC 25-71)		
Brief Overview This amendment will be to update Code of Federal Regulation references as well as to add 38 water bodies in Richmond, Lancaster, Northumberland, and Westmoreland counties to the No-Discharge Zone list. An NDZ creates the area in a waterbody where no discharge of sewage is permitted; vessels would instead use pump-out facilities (often located at marinas) or travel outside of the NDZ to discharge treated sewage. The action to include these additional water bodies is based upon strong support by the localities and other stakeholders in the affected areas. This regulatory action is a final exempt action under the Administrative Process Act (§2.2-4006.A.4.c) as it is necessary to amend the regulations to conform to changes in the federal regulations, namely with EPA's anticipated approval of the NDZs. The NDZs were developed in accordance with Clean Water Act Section 312 and § 62.1-44.33 of the Code of Virginia and will be included in Section 70 of 9 VAC 25-71 as a designated NDZ in Virginia. The NDZ application was subject to public participation during its development. EPA will also seek public comment on its affirmative determination.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☒ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☒ Exempt Rule	☐ Guidance Document
Legal Authority	☒ Action required by federal statute ☒ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document Virginia Water Protection Permit (Water withdrawal) - 9VAC25-210 (Primary) and 9 VAC 25-610 (secondary)		
Brief Overview Statutory changes (Chapter 100 Virginia Acts of Assembly 2021 Special Session 1) directed DEQ to make amendments to the Virginia Water Protection Permit Regulation and the Groundwater Withdrawal Permit Regulation to incorporate the requirement for water audits and leak detection and repair plans. Proposed changes to the regulation were developed through a Regulatory Advisory Panel process and are expected to be presented to the State Water Control Board in November 2022.		
Regulatory Stage (check one box)	☐ NOIRA ☒ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute	☐ Discretionary action
Deregulatory Component	The proposed rule is mandated by state statute. The regulatory Advisory Panel provided significant input into ways to reduce the impact on the regulated community while still meeting the directive of state law.	
Expected Date	November 2022	

Title of Proposed Regulatory Action or Guidance Document Designated Use Modification for a Portion of Virginia's Chesapeake Bay Mainstem (9VAC25-260-185)		
Brief Overview The intent of this rulemaking is to protect designated and beneficial uses of state waters by adopting regulations that are technically correct, necessary and reasonable. Two Chesapeake Bay segments under question (CB6PH and CB7PH) are only designated for the Open Water sub-use of the aquatic life use. This use exists wherever there is water column mixing sufficient enough for oxygen replenishment from surface to bottom. Virginia believes there is evidence that water column stratification occurs strongly enough to cause naturally low bottom dissolved oxygen (DO) in these portions of CB6PH and CB7PH, and the current DO criteria may be overly conservative in these segments. The rulemaking would add areas of Deep Water use alongside the Open Water use in appropriate portions of CB6PH and CB7PH. Designating the correct use for segments is necessary for accurately characterizing and assessing the waterbody.		
Regulatory Stage (check one box)	☒ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	December 2022.	

Title of Proposed Regulatory Action or Guidance Document Triennial Review of the Water Quality Standards regulation (9VAC25-260 et seq.)		
Brief Overview The intent of this rulemaking is to protect designated and beneficial uses of state waters by adopting regulations that are technically correct, necessary and reasonable. These standards will be used in setting Virginia Pollutant Discharge Elimination System Permit limits and for evaluating the waters of the Commonwealth for inclusion in the Clean Water Act 305(b) report and on the 303(d) impaired waters list. This rulemaking is needed because the agency has to fulfill the legal mandates for a three-year review under the Code of Virginia §62.1-44.15(3a) and federal regulations 40 CFR 131. The last triennial review was completed in July 2017, and new scientific information is available to update the water quality standards. The final amendments were approved by the State Water Control Board at their August 25, 2022, meeting and are undergoing Executive Review. The adopted amendments must be approved by EPA before becoming effective regulations for the Commonwealth. Changes to Water Quality Standards for all States are required to be approved by EPA prior to becoming effective regulation. EPA has 60 days to approve and 90 days to disapprove.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☒ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☐ Guidance Document
Legal Authority	☒ Action required by federal statute ☒ Action required by state statute	☐ Discretionary action
Deregulatory Component		
Expected Date	October 2022	

Title of Proposed Regulatory Action or Guidance Document Designated Ground Water Management Areas (9 VAC 25-600)		
Brief Overview The statute directs the State Water Control Board to conserve, protect and beneficially utilize ground water through the management of ground water withdrawals to ensure the public welfare, safety and health. Changes to the regulation may be needed as a result of the periodic review to fulfill the statutory requirement for periodic reviews of regulations to be conducted every four years as required by §2.2-4007.1 D. The regulations designate specific ground water management areas designed to 1) protect public health and/or welfare with the least possible costs and intrusiveness to the citizens and businesses of the Commonwealth, 2) minimize the impacts of new permitted withdrawals on pre-existing ground water users to be measured by the number of documented reports of unmitigated impacts on existing ground water users attributable to permitted withdrawals, and 3) preserve existing high quality ground water for future beneficial uses to be measured by the number of documented reports of ground water quality decline (specifically increases in chloride concentrations) at permitted withdrawal sites with ground water quality monitoring requirements.		
Regulatory Stage (check one box)	☒ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute	☐ Discretionary action
Deregulatory Component		
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document Total Maximum Daily Load - Waste Load Allocation (9VAC25-720 et seq.)		
Brief Overview The intent of this action is to amend the Water Quality Management Planning Regulation (9VAC25-720 et seq.) to include the Wasteload Allocations (WLA) for the Total Maximum Daily Load clean-up studies developed to address the Polychlorinated Biphenyl (PCB) fish consumption advisory impairments in the Jackson River, the Maury River and the Upper James River, and in the Mountain Run watershed. The intent of this action is to also amend the Water Quality Management Regulation (9VAC25-720 et seq.) to include the Wasteload Allocations (WLA) for the Total Maximum Daily load clean-up studies developed to address aquatic life impairments in Bailey Creek, Beaverdam Creek, Byers Creek, Cedar Creek, Fryingpan Creek, Greenway Creek, Hall Creek, Mill Creek, Moores Creek, Old Town Creek, Proctors Creek, Rohoic Creek, and Swift Creek, and in Nut Tree Branch and Tattle Branch and in James River Tributaries, the Middle Fork Holston River, and the Pigg River and in the Poplar Branch Watershed. TMDLs are developed in accordance with Federal Regulations (40 CFR § 130.7) and are exempt from the provisions of Article II of the Virginia Administrative Process Act. The TMDL reports are subject to the TMDL public participation process and the waste load allocations are adopted as part of 9 VAC 25-720 in accordance with Virginia's "Public Participation Procedures for Water Quality Management Planning".		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☒ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☒ Exempt Rule	☐ Guidance Document
Legal Authority	☒ Action required by federal statute ☒ Action required by state statute	☐ Discretionary action
Deregulatory Component		
Expected Date	March 2023	

Title of Proposed Regulatory Action or Guidance Document Local and Regional Water Supply Planning (9VAC25-780)		
Brief Overview Statutory changes (Chapter 1105 of the 2020 Virginia Acts of Assembly) directed DEQ to make amendments to the Local and Regional Water Supply Planning Regulation. The statute requires the State Water Control Board to develop regulations that define regional planning areas based primarily around river basin, identify the localities that will participate in each planning area, and require localities to submit a single regional plan with other localities within their planning area. The statute also requires localities to invite other stakeholders to participate in plan development and adds a new requirement for water supply plans to identify water supply risks and regional solutions to address them. Proposed changes to the regulation were developed through a Regulatory Advisory Panel process and were presented to the State Water Control Board in June 2022. The Board adopted the proposed regulations and directed staff to hold a public hearing upon completion of the Executive Review process.		
Regulatory Stage (check one box)	☐ NOIRA ☒ Proposed Rule ☒ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute	☐ Discretionary action
Deregulatory Component	The proposed rule is mandated by state statute. The regulatory Advisory Panel provided significant input into ways to reduce the impact on the regulated community while still meeting the directive of state law.	
Expected Date	Proposed – November 2022, Final - June 2023	

Title of Proposed Regulatory Action or Guidance Document Groundwater Withdrawal Permit Regulation - 9VAC25-910 (primary) 9VAC25-610 (secondary)		
Brief Overview Chapter 755 of the Acts of Assembly 2019 Session mandated the development of an incentive for the use of the surficial aquifer in the Eastern Shore Groundwater Management Area. An optional general permit was developed to provide a streamlined permitting option to use the surficial aquifer. The final regulation was approved by the State Water Control Board in December 2021.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☒ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute	☐ Discretionary action
Deregulatory Component	The final general permit rule significantly reduces the overall cost of geotechnical studies and permit fees. In addition, the streamlined permit processing time and reduced reporting required reduces the overall regulatory burden.	
Expected Date	November 2022	

Title of Proposed Regulatory Action or Guidance Document Groundwater Withdrawal Permit Manual		
Brief Overview The purpose of this manual is to provide DEQ water withdrawal permitting staff a framework for processing requests for new, expanded, or modified groundwater withdrawals and is intended to provide the overall process for reviewing and issuing individual groundwater withdrawal permits. This revised manual contains updates and clarifications to the permit processing framework, and supersedes previous manuals for drafting groundwater withdrawal permits.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	January 2023	

Title of Proposed Regulatory Action or Guidance Document PCB Pollution Minimization Plan Guidance		
Brief Overview This guidance document is to establish procedures to develop Pollutant Minimization Plans (PMPs) for implementing Polychlorinated biphenyls (PCB) TMDL Waste Load Allocations. The guidance will include guidelines for DEQ staff to request, review and approve a PMP, as well as track plan implementation and compliance, to measure progress in attaining PCB reductions. The guidance will also assist applicable VPDES permitted facilities listed as PCB sources in a TMDL with preparing a complete and approvable PMP.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document Public Participation Procedures Guidance (Guidance memo 14-2016)		
Brief Overview This is a revision to the existing guidance document 14-2016 that sets forth the process to provide the public and stakeholders with an adequate opportunity to participate in the development and implementation of TMDLs, TMDL modifications, 305(b)/303(d) Integrated Reports, and non-TMDL waste load allocations. The revisions will update and provide clarifications to procedures, and establishes public notice templates to use for public and advisory group meetings.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	January 2023	

Title of Proposed Regulatory Action or Guidance Document Chesapeake Bay Preservation Act Guidance: Implementing Coastal Resiliency Provisions (9VAC25-830-155)		
Brief Overview This Guidance document is to provide additional information and assistance to localities implementing the recent regulatory changes related to climate resiliency and adaptation measures (9 VAC 25-830-155). It provides additional clarity and examples for localities to use.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	January 2023	

Title of Proposed Regulatory Action or Guidance Document Compliance Evaluation and Review Process and Elements (9VAC25-830)		
Brief Overview This Guidance will update existing Guidance and provide additional information on the conducting of locality compliance program reviews for the Chesapeake Bay Preservation Act.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	January 2023	

Title of Proposed Regulatory Action or Guidance Document Chesapeake Bay Preservation Act Guidance: Riparian Buffer Manual (9VAC25-830)		
Brief Overview This Guidance document is to provide significant technical assistance and information to localities on the implementation of the requirements and in particular requirements and provisions related to buffer modifications, alterations, and plantings. It also includes updates related to regulatory changes for the planting of trees and preservation of mature trees which were based upon a statutory change.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	March 2023	

Title of Proposed Regulatory Action or Guidance Document Chesapeake Bay Preservation Act Guidance- Implementing Website Publication Requirements		
Brief Overview This Guidance document is to provide additional information and assistance to localities implementing the recent statutory (Chapter 207 of the 2022 Acts of Assembly) and regulatory changes related to the requirement to post certain program elements to a public website. The regulatory changes were in light of statutory changes requiring the posting by localities of this information. The Guidance is intended to provide clarity on complying with this requirement.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	January 2023	

Title of Proposed Regulatory Action or Guidance Document Fish Kill Investigation Guidance Manual (Guidance memo 02-2002) 62.1-44.15 (11)		
Brief Overview This is a revision to the existing guidance document 02-2002 that establishes the procedures that DEQ staff should follow when investigating fish kills to meet the requirements set forth in State Water Control Law § 62.1-44.15 (11). The revisions will contain updates and clarifications to existing procedures and out dated language related to safety, communications, establishing the cause of the fish kill, determining the number of fish killed, and presenting the data for enforcement action and cost recovery.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	April 2023	

Title of Proposed Regulatory Action or Guidance Document 2024 Water Quality Assessment Guidance Manual (update to Guidance Memo 21-2002) (62.1.44.19:5C)		
Brief Overview This is a revision to existing guidance document (21-2002) that establishes the procedures that DEQ staff will follow for conducting water quality assessments to generate the Virginia's 2024 §305(b)/ §303(d) Water Quality Assessment Integrated Report. Section 62.1-44.19:5 C of the Code of Virginia requires DEQ to develop and publish the procedures used for defining and determining impaired waters and provide for public comment on the procedures. The revisions will contain updates to water quality assessment procedures to account for revisions to water quality standards or to incorporate assessment process improvements.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute	☐ Discretionary action
Deregulatory Component		
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document Water Division Guidance Memorandum No. 22-2013 – Nutrient Management Plans for Irrigation Reuse of Reclaimed Water and Land Treatment of Wastewater		
Brief Overview DEQ is the primary promulgating agency for the guidance identified above. The guidance is associated with the Water Reclamation and Reuse Regulation (9VAC25-740) and the Virginia Pollution Abatement Permit Regulation (9VAC25-32). This guidance is to provide information and instructions to DEQ water permitting staff on existing nutrient management plan (NMP) requirements for irrigation reuse of reclaimed water and land treatment of wastewater authorized by VPDES or VPA permits. The guidance further clarifies the requirements and processes to review and, as applicable, approve such NMPs, which may additionally involve Nutrient Management Program staff in the Department of Conservation and Recreation, Division of Soil and Water Conservation.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☐ Discretionary action
Deregulatory Component	This guidance does not remove or impose any new regulatory requirements, but clarifies existing DEQ procedures and coordination with another agency (DCR) to expedite the review and, as applicable, approval of NMPs required for irrigation reuse of reclaimed water and land treatment of wastewater.	
Expected Date	December 2022	

Title of Proposed Regulatory Action or Guidance Document Water Division Guidance Memorandum No. 22-2014 – Virginia Pollution Abatement (VPA) Permit Manual		
Brief Overview DEQ is the primary promulgating agency for the guidance identified above. The guidance is specifically associated with the Virginia Pollution Abatement Permit Regulation, 9VAC25-32. This regulatory activity involves updating and consolidating existing agency guidance in the VPA Permit Manual related to (i) the processing of all types of VPA permit actions, including permit issuances, reissuances, modifications, revocations and reissuances, and termination; and (ii) technical issues affecting the processing of VPA permits. This activity is necessary to: • Make changes to the Manual that are consistent with recent amendments to State Water Control Law and subsequently to the VPA Permit Regulation in accordance with SB 657 (2022); • Streamline VPA permit processing by providing the bulk of the technical and procedural information for permit actions in one document; and • Ensure more consistent VPA permit content, and uniform and efficient processing by DEQ water permitting staff among all regions of the agency.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☐ Discretionary action
Deregulatory Component	This guidance does not remove or impose any new regulatory requirements, but updates and consolidates existing agency procedures that are consistent and in conformance with the VPA Permit Regulation (9VAC25-32), the Sewage Collection and Treatment Regulations (9VAC25-790), and the Water Reclamation and Reuse Regulation (9VAC25-740).	
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document Reissuance of the Virginia Pollution Abatement (VPA) Regulation and General Permit for Animal Feeding Operations and Animal Waste Management (9VAC25-192-10 et seq.)		
Brief Overview The State Water Control Board is purposing this action to reissue and amend, as necessary, the existing VPA Regulation and General Permit for Animal Feeding Operations and Animal Waste Management (9VAC25-192-10 et seq.). Section 62.1-44.17:1, states that the Board shall adopt a general VPA permit to cover animal feeding operations having 300 or more animal units utilizing a liquid manure collection and storage system. The current VPA regulation and general permit expires on November 15, 2024. This regulation governs the pollutant management activities of animal wastes at animal feeding operations not covered by a Virginia Pollutant Discharge Elimination System permit. The general permit is the primary permit mechanism used to cover animal feeding operations which confine livestock such as, but not limited to, swine, dairy and beef cattle across the Commonwealth. If the regulation is not reissued the operations that are covered under the general permit as well as any new operations that need a permit will be required to seek coverage under an individual VPA permit. Consequently, if the regulation expires before this action is complete and until the regulation becomes effective, farms currently covered under the general permit will not be able to expand their operations and coverage cannot be provided to any new operations. A delay or halt in this process may place a financial burden on an owner of an operation currently covered or seeking coverage under the general permit. During this action, language will be amended to update the incorporation by reference date of 40 CFR references in the regulation as necessitated by changes to the Federal Rules. This general permit is exempt from the Administrative Process Act (Section 2.2-4006 A 8 of the Code of Virginia).		
Regulatory Stage (check one box)	☒ NOIRA ☒ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☒ Expedited Rule ☒ Exempt Rule	☐ Guidance Document
Legal Authority	☒ Action required by federal statute ☒ Action required by state statute	☐ Discretionary action
Deregulatory Component	Reissuance of this general permit provides the regulated community with a streamlined approach to obtain permit coverage and reduces regulatory requirements and costs on the regulated community. Conversely, a delay or halt in this process may place a financial burden on an owner of an operation currently covered or seeking coverage under the general permit.	
Expected Date	(NOIRA) November 2022, (Proposed Rule) June 2023	

Title of Proposed Regulatory Action or Guidance Document Guidance for Implementation of VPA Regulation and General Permit for Poultry Waste Management Amendments, VPG2 (9VAC25-630)		
Brief Overview The State Water Control Board is initiating the development of a new guidance document to identify significant changes that have been made to the VPA Regulation and General Permit for Poultry Waste Management (9VAC25-630-10 et seq.) during the most recent regulatory action. It will also provide DEQ staff with guidelines on the implementation of the changes and clarify certain aspects of the permit process.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☐ Discretionary action
Deregulatory Component	This guidance document will allow for the elimination of two outdated guidance documents.	
Expected Date	December 2022	

Title of Proposed Regulatory Action or Guidance Document Risk Based Inspection Strategy (RBIS) For Underground Storage Tanks #LPR-SRR-2018-2A		
Brief Overview This guidance document explains the Risk Based Inspection Strategy (RBIS) for Underground Storage Tanks (USTs). This strategy is intended to evaluate alternative targeting methods for establishing annual inspection schedules.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component	The agency will be revising the existing guidance document this year to adjust the criteria used to establish facility risk levels which determine inspection frequency. The expected impact of the changes will be to decrease inspection frequency for some UST facilities.	
Expected Date	January 2023	

Title of Proposed Regulatory Action or Guidance Document **Storage Tank Technical Manual – Volume 2: Release Reporting Requirements**		
Brief Overview This guidance manual is currently being updated from the 2011 version. The updated version will eliminate obsolete links and processes as well as provide better procedural clarification for staff and stakeholders regarding when and how to report releases to DEQ. This document is an internal job aid for tank remediation staff that provides a standard framework for handling release reporting consistently administratively statewide. The document will also expand on language from the 2011 document to provide clarity to all stakeholders.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document **Storage Tank Technical Manual – Volume 4: Site Work and Pre-Approval and Verification Process**		
Brief Overview This guidance manual is currently being updated from the 2011 version. The updated version will eliminate obsolete links and processes as well as provide better procedural clarification for staff and stakeholders. This includes how to manage scope of work and facilitate the reimbursement of site costs through pre-approval and verification of site work where applicable. This document is an internal job aid for tank remediation staff that introduces electronic documentation as well as administrative troubleshooting. The guidance will be streamlined from the current version for procedural clarity.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component	The guidance will be streamlined from the current version for procedural clarity.	
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document **Storage Tank Technical Manual – Volume 5: Release Investigation and Corrective Action**		
Brief Overview This guidance manual is currently being updated from the 2011 version to incorporate subsequent additional guidances such as Alternate Water Supply and Case Closure of Sites with Free Product. The updated version will eliminate obsolete links and processes as well as provide better procedural clarification for staff. This document is an internal job aid for tank remediation staff that provides a standard framework for handling release investigation and corrective action measures more consistently administratively statewide. Several independent guidances and policies issued after 2011 will be incorporated into a single volume. The document will also expand provide clarity to all stakeholders which should assist both staff and consultants in site cleanup activities.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component	As part of the revision to this guidance document, several independent guidances and policies issued after 2011 will be incorporated into a single guidance document, which will reduce the number of guidance documents.	
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document		
Aboveground Storage Tank: Risk-Based Inspections (RBIS)		
Brief Overview		
This guidance in new and will assist DEQ tank inspection staff with prioritizing inspections for Petroleum AST facilities that have a higher risk of impacting receptors and/or have a history of non-compliance, making them more at risk for petroleum leaks. Due to the size of tanks regulated, releases tend to be large and have the potential for a catastrophic impact to communities and waterways. This guidance document will be loosely modeled after the RBIS for UST compliance, using facility risk levels for determining inspection frequency.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document Solid Waste Management Regulations Amendment 9		
Brief Overview After consideration of public comments on the proposed amendment that was published in February 2022, a final rule is expected to be presented to the Virginia Waste Management Board for approval and submission to the Attorney General in the second quarter of the fiscal year, which will result in final amendments to 9 VAC 20-81 (Solid Waste Management Regulations). The amendments, developed with a Regulatory Advisory Panel in Summer 2021, improve standards for the siting, operation and monitoring of landfills and revise the open burning exemptions to be more protective of human health and the environment.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☒ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component	Additional exemptions from permitting have been added to the regulation for certain composting activities on farms as well as composting activities performed in conjunction with a public/private event or festival. The requirement for compost facilities to conduct routine parasite testing is also being removed as historical data has demonstrated that parasites have not posed issues with final compost quality.	
Expected Date	November 2022	

Title of Proposed Regulatory Action or Guidance Document Regulated Medical Waste Management Regulations Amendment 3		
Brief Overview After consideration of public comments on the proposed amendment that was published in January 2022, a final rule is expected to be presented to the Virginia Waste Management Board for approval and submission to the Attorney General in the second quarter of the fiscal year, which will result in final amendments to 9 VAC 20-120 (Regulated Medical Waste Management Regulations). The amendments, developed with a Regulatory Advisory Panel, streamline and modernize the standards for general handling and treatment of regulated medical waste based on current industry best management practices.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☒ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component	The requirement to shred regulated medical waste is no longer a standard industry practice or necessary component of effective treatment and is therefore being eliminated. In addition, the requirement for permit renewal every 10 years is being eliminated. Permits will now be valid for the life of the facility.	
Expected Date	November 2022	

Title of Proposed Regulatory Action or Guidance Document Hazardous Waste Regulations Annual Update 2022		
Brief Overview The Virginia Hazardous Waste Management Regulations, 9 VAC 20-60, include citations and requirements in the form of federal regulatory text at Title 40 of the Code of Federal Regulations (CFR) which is incorporated by reference. This regulatory amendment, Annual Update 2022, will bring the citations up to date and incorporate the 2022 Annual edition of Title 40 of the CFR published on July 1, 2022 with the exception of the EPA rule promulgated on October 31, 2021 "Conforming Changes to Canada-Specific Hazardous Waste Import-Export Recovery and Disposal Operation Codes". Conforming state regulations to those of the EPA is necessary to maintain federally granted authority to implement the national program.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☒ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☒ Expedited Rule ☒ Exempt Rule	☐ Guidance Document
Legal Authority	☒ Action required by federal statute ☐ Action required by state statute	☐ Discretionary action
Deregulatory Component	Incorporation to include a change in waste status of aerosol cans to meet universal waste requirements, which are less onerous on the generators, with reduced on-site management requirements, as well as longer accumulation periods of wastes at the generator site.	
Expected Date	November 2022	

Title of Proposed Regulatory Action or Guidance Document Regulations Governing the Transportation of Hazardous Materials Annual Update 2022		
Brief Overview Each year, the U.S. Department of Transportation (DOT) makes several changes to the federal rules regarding the transportation of hazardous materials in Title 49 of the Code of Federal Regulations. Since Virginia's regulations for transportation of hazardous materials (9 VAC 20-110) incorporate the federal regulations, with certain exceptions, it is necessary to update 9 VAC 20-110-110, which specifies the date of the federal regulations that are incorporated into Virginia's regulations. This update includes federal changes from October 1, 2019, to September 30, 2022. Conforming state regulations to those of the DOT is necessary to maintain federally granted authority to implement the national program.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☒ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☒ Expedited Rule ☒ Exempt Rule	☐ Guidance Document
Legal Authority	☒ Action required by federal statute ☐ Action required by state statute	☐ Discretionary action
Deregulatory Component		
Expected Date	November 2022	

Title of Proposed Regulatory Action or Guidance Document Voluntary Remediation Regulations Amendment Addressing Eligibility and Fees		
Brief Overview After consideration of public comments on the proposed amendment that was published in January 2022, a final rule is expected to be presented to the Virginia Waste Management Board at a future meeting for approval and submission to the Attorney General, which will result in final amendments to 9 VAC 20-160 (Voluntary Remediation Regulations). The amendments, developed with a Regulatory Advisory Panel that convened in February 2020, require all sites continuing to participate in the Voluntary Remediation Program pay annual fees, as well as increases in registration fees in order to support the continuance of the program.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☒ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document Waste Tire End User Reimbursement Regulation		
Brief Overview A periodic review of the regulations completed in July 2020 reflected a need to amend 9VAC20-150 (Waste Tire End User Reimbursement Regulation) to clarify and update the requirements to be met by end users of waste tires or a representing facility to receive reimbursement from the Waste Tire Trust Fund. This regulation is exempt from Article 2 of the Administrative Process Act and Executive Branch Review; however, staff intend to hold a comment period on proposed changes prior to finalizing.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☒ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☒ Exempt Rule	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	May 2023	

Title of Proposed Regulatory Action or Guidance Document Solid Waste Management Permit Action Fees and Annual Fees (9 VAC 20 -90) Amendment 2		
Brief Overview In 2021, the Department of Environmental Quality (DEQ) prepared a report to the General Assembly reflecting the recommendations of the Nonhazardous Solid Waste Fee Study Working Group (Working Group) formed by DEQ pursuant to § 1 of Chapter 275 of the 2021 Special Session 1, Acts of Assembly (SB 1210). The Working Group recommended an increase of solid waste permit fees, annual fees, and the adjustment of permit fees for Consumer Price Index. In addition, the current fee regulations are up for periodic review in 2022 and DEQ may receive comments from stake holders to amend the fee regulations.		
Regulatory Stage (check one box)	☒ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document Incorporation by Reference of Amendments to EPA's Disposal of Coal Combustion Residuals from Electric Utilities into Virginia's Solid Waste Management Regulations		
Brief Overview Section 2301 of the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act amended Section 4005 of the Resource Conservation & Recovery Act (RCRA) to allow states to develop CCR permit programs and granted EPA authority to approve state programs or implement a federal permit program in non-participating states. Prior to this action, 9 VAC 20-81 (Solid Waste Management Regulations, VSWMR) was amended to incorporate EPA's 2015 Disposal of Coal Combustion Residuals (CCR) from Electric Utilities final rule and establish permit requirements for applicable CCR units. The VSWMR was subsequently amended to incorporate the 2016 amendment applicable to inactive CCR surface impoundments. Separately, state statutes (§10.1-1402.03 and §10.1-1402.04) define additional closure requirements for CCR units. Virginia drafted a state package for EPA program approval and was informed that CCR Rule amendments finalized since 2016 needed to be addressed in 9 VAC 20-81.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☒ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☒ Expedited Rule ☒ Exempt Rule	☐ Guidance Document
Legal Authority	☒ Action required by federal statute ☒ Action required by state statute	☐ Discretionary action
Deregulatory Component	EPA's amendments provide additional time for electric utilities to comply with closure requirements, allow for alternate groundwater protection standards in lieu of background for constituents without MCLs, and remove requirements vacated by the court as a result of legal challenges.	
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document Hazardous Waste Permit Manual		
Brief Overview This guidance document was created to be used by hazardous waste permit writers at DEQ in order to guide them through the permitting process, and to house all the EPA and DEQ guidance on permit writing in one location. This document is an internal job aid for hazardous waste permit writers.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	December 2022	

Title of Proposed Regulatory Action or Guidance Document Updated Hazardous Waste Inspector Handbook		
Brief Overview This guidance document was created to be used by hazardous waste inspectors at DEQ in order to guide them through the inspection process, and to house all the guidance on inspections in one location. This guidance is already on Town Hall but is being updated to incorporate additional issues that have occurred as a result of new regulations that impact HW generators being promulgated. Inspection checklists, provided in Appendix A to the Manual, are also being revised. This document is an internal job aid for hazardous waste inspectors.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	January 2023	

Title of Proposed Regulatory Action or Guidance Document Guidance on the Use of Portable Incinerators and Sequestration Devices for Pharmaceuticals and Other Hazardous Wastes by Law Enforcement Officials and Healthcare Facilities		
Brief Overview We have received numerous inquiries from both law enforcement and hospitals regarding the ability to burn confiscated illicit drugs on site, or to render hazardous waste pharmaceuticals and controlled substances irretrievable through chemical digestion on site. The Hazardous Waste Pharms rule that established the need for this guidance document was already adopted by DEQ. This document will make it easier for the public to understand how to comply.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☐ Discretionary action
Deregulatory Component		
Expected Date	February 2023	

Title of Proposed Regulatory Action or Guidance Document State-Wide Variance Guidance Memo No. LPR-SW-04-2012 Management and Reuse of Contaminated Media Update		
Brief Overview Update to the 2012 Management and Reuse of Contaminated Media to address issues for use and implementation of the state-wide self-implemented variance for facilities.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component	The updated guidance document will allow for greater flexibility and updated applicable risk numbers by conforming our guidance to be consistent with EPA's regional screening levels and removing the requirement to implement land use restrictions.	
Expected Date	May 2023	

Title of Proposed Regulatory Action or Guidance Document Submission Instructions No. 30: Guidelines for Landfill Topographic Survey Submissions		
Brief Overview This guidance will provide landfill permittees instruction on submission of annual/biennial landfill topographic surveys. Guidance corresponds with regulatory changes proposed with Amend 9 of 9VAC20-81 (Solid Waste Management Regulations). This is a guidance document that will be used by DEQ staff and permitted landfills to assist with submission of the annual/biennial landfill topographic survey.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	January 2023	

Title of Proposed Regulatory Action or Guidance Document Solid Waste Permit Manual		
Brief Overview The Virginia Waste Management Act requires all solid waste management facilities (SWMFs) to obtain a permit from the Department. This permit manual describes the procedures for processing solid waste management facility permits and other regulatory submittals to ensure the requirements of the Virginia Waste Management Act and the Virginia Solid Waste Management Regulations are being met. An outdated version of this guidance is on Town Hall, but an updated version is being finalized to address regulatory and procedural updates. This document is an internal job aid for solid waste permit writers.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document Solid Waste Compliance Program Inspection Manual (Revision 6)		
Brief Overview The Virginia DEQ Solid Waste Compliance Program conducts periodic inspections of waste management facilities subject to the Virginia Waste Management Act and its associated waste regulations. This manual provides procedural guidance on how to conduct a legally defensible inspection and is designed to promote uniformity and consistency among DEQ Regional Offices. Procedures include pre-inspection preparation, on-site inspection protocols, and post-inspection procedures for report preparation and responding to observations of compliance and non-compliance. This manual is an existing guidance document (LPR-SW-02-2010) on Virginia Regulatory Town Hall and is being updated for consistency with Amendment 9 to the Virginia Solid Waste Management Regulations (9VAC20-81). This document is an internal job aid for solid waste inspectors and provides a standard framework for agency staff to evaluate compliance with waste-related regulations in order to maintain consistency around the state.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document Clarification of Landfill Gas Regulatory Requirements		
Brief Overview This guidance document was developed to clarify regulatory requirements applicable to landfill gas monitoring and remediation under the Virginia Solid Waste Management Regulations (9VAC20-81). This is an existing guidance document (LPR-SW-2017-01) on Virginia Regulatory Town Hall and is being updated for consistency with Amendment 9 to the Solid Waste Regulations (9VAC20-81). This document provides risk-based strategies that landfills can utilize to maintain compliance with the applicable landfill gas monitoring and remediation requirements as well as provides a standard framework for agency staff to evaluate compliance with the landfill gas requirements of the solid waste regulations in order to maintain consistency around the state.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document Submission Instruction 13 - Landfill Gas Management, Remediation, and Odor Plans for Solid Waste Disposal Facilities		
Brief Overview This Submission Instruction provides guidance for solid waste disposal facilities to submit a Landfill Gas Management Plan, Landfill Gas Remediation Plan, and Odor Management Plan in compliance with the Virginia Solid Waste Management Regulations (9VAC20-81). This is an existing guidance document (LPR-SW-SI-13) on Virginia Regulatory Town Hall and is being updated for consistency with Amendment 9 to the Solid Waste Regulations. This document provides a template for permit applicants and permit holders to submit information required by the solid waste regulations in order to streamline review by agency staff.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document Regulated Medical Waste Management Regulations Crosswalk of 9VAC20-120 v. 9VAC20-121		
Brief Overview This guidance provides the regulated community and internal staff with a crosswalk of the Virginia Regulated Medical Waste Management Regulations (9VAC20-121), to clarify the new location of each part and section compared to the previous chapter (9VAC20-120) corresponding with Amend 3.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	November 2022	

Title of Proposed Regulatory Action or Guidance Document Solid Waste Management Plan 5-year Update Guidance		
Brief Overview This guidance document was developed to clarify regulatory requirements applicable to solid waste planning units under the Virginia Solid Waste Planning and Recycling Regulations (9VAC20-130). This is an existing guidance document (Guidance Memo # 04-2009) on Virginia Regulatory Town Hall and is being updated for consistency with the 2019 amendment to the solid waste planning regulations.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document Revisions to Public Comment guidance document		
Brief Overview These guidance documents establish public participation procedures for regulatory actions and certain case decisions and set out the times for the public to provide appropriate comment to DEQ's citizen boards for their consideration. Revisions are needed to incorporate changes mandated by CH356 of the 2022 Acts of Assembly.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute	☐ Discretionary action
Deregulatory Component		
Expected Date	October 2022	

Title of Proposed Regulatory Action or Guidance Document Procedural Rule No. 1 - Public and Formal Hearing Procedures [9 VAC 25 - 230]		
Brief Overview This regulation sets forth the administrative procedures to be followed by the State Water Control Board and the Department of Environmental Quality staff for the conduct of public and formal hearings. Revisions are needed to the regulation to make it consistent with other board regulations in response to CH356 of the 2022 Acts of Assembly. This regulatory action will consider the removal of requirements related to public hearings since that information is now found in other regulations.		
Regulatory Stage (check one box)	☒ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☐ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute	☒ Discretionary action
Deregulatory Component	In response to CH 356 of the 2022 Acts of Assembly, other Board regulations were revised to include public hearing requirements for permits. This regulatory action will consider the removal of requirements related to public hearings since that information is now found in other regulations.	
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document Revisions to Regulatory Guidance Development guidance document		
Brief Overview This guidance document was issued in 2006 and establishes guidance on issuing regulations and implementation guidance at the same time. The guidance is outdated and needs to be revised to be consistent with the current regulatory development and guidance development process.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☐ Discretionary action
Deregulatory Component		
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document The Procedure Manual – Environmental Impact Review of Major State Facilities		
Brief Overview The Procedure Manual – Environmental Impact Review of Major State Facilities was prepared according to the requirements of VA Code §10.1-1191, which directs the Virginia Department of Environmental Quality (DEQ) to develop procedures governing the preparation and evaluation of required environmental impact reports for state projects.VA Code §10.1-1188 requires state agencies to prepare and submit an environmental impact report (EIR) for each major state project. Changes are anticipated to address changes to § 10.1-1183 of the Code of Virginia to address climate change and environmental justice and the Virginia Environmental Justice Act requiring all state agencies to address environmental justice. This action replaces an outdated manual with an updated manual.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute	☒ Discretionary action
Deregulatory Component	This action replaces an outdated manual with an updated manual.	
Expected Date	June 2023	

Title of Proposed Regulatory Action or Guidance Document Guidance Document 4967 dated 6/9/2011		
Brief Overview This guidance document supports the implementation of 1 VAC 30, Chapter 45 (Certification for Noncommercial Environmental Laboratories), and 1 VAC 30, Chapter 46 (Accreditation for Commercial Environmental Laboratories). The guidance document will be converted to staff instructions.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component		
Expected Date	Second quarter 2023	

Title of Proposed Regulatory Action or Guidance Document ASOP-13		
Brief Overview This update will supersede ASOP-13 (11/22/2004) and ASOP-13 Amendment (1/23/2009). It includes changes to the tax statute (§58.1-3660). The changes to the statute allows political subdivisions to self-certify pollution control equipment to the Department of Taxation.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute	☐ Discretionary action
Deregulatory Component		
Expected Date	By the end of the first quarter 2023	

Title of Proposed Regulatory Action or Guidance Document The Commonwealth of Virginia Manual for Processing Information Requests Pursuant to the Virginia of Information Act		
Brief Overview The manual is a guidance document that communicates to the public how the Agency will process FOIA requests. The manual also outlines the type of information the Agency will and will not release. It will be updated to reflect recent statutory changes.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☒ Action required by state statute	☐ Discretionary action
Deregulatory Component		
Expected Date	October 2022	

Title of Proposed Regulatory Action or Guidance Document

- General Compliance Procedures: Town Hall, Document ID: CEM-00
- Civil Enforcement Manual - Chapter 1- Enforcement Policy: Town Hall, Document ID: CEM-02
- Civil Enforcement Manual - Chapter 2 - General Enforcement Procedures: Town Hall, Document ID: CEM-04
- Civil Enforcement Manual - Chapter 3 - Appropriate, Consistent, and Timely Enforcement: Town Hall, Document ID: 7143
- Civil Enforcement Manual - Chapter 4 - Civil Charges and Civil Penalties: Town Hall, Document ID: CEM-07
- Civil Enforcement Manual - Chapter 5 - Incentives for Identifying and Resolving Violations: Town Hall, Document ID: CEM-09
- Civil Enforcement Manual - Chapter 6 - APA Adversarial Proceedings: Town Hall, Document ID: 7144
- Process for Early Dispute Resolution of Notices of Alleged Violation and Notices of Deficiency: Town Hall, Document ID: 2672

Brief Overview

- Document ID: CEM-00. This chapter addresses procedures that DEQ staff use to notify responsible parties of alleged violations of enforceable environmental requirements.
- Document ID: CEM-02. This chapter addresses the procedures that DEQ staff use to notify responsible parties alleged violations of enforceable environmental requirements, and referring cases for enforcement action.
- Document ID: CEM-04. This chapter provides guidance on the procedures that DEQ staff use to address alleged violations of enforceable environmental requirements.
- Document ID: 7143. This chapter addresses the enforcement procedures to help ensure an appropriate, timely, and consistent response to alleged noncompliance.
- Document ID: CEM-07. This chapter addresses the specific procedure and criteria used by DEQ to calculate civil penalties in administrative enforcement actions.
- Document ID: CEM-09. This chapter addresses: (1) incentives for Responsible Parties to identify and disclose their own violations through voluntary environmental assessments; and (2) criteria and procedures for DEQ and the Responsible Party to include Supplemental Environmental Projects (SEPs) in consent orders and consent decrees.
- Document ID: 7144. This chapter addresses how to prepare for and conduct informal fact-finding proceedings, formal hearing, and Section 10.1-1186 special order proceedings.
- Document ID: 2672. Establishes a Process for Early Dispute Resolution in order to afford an additional informal process that can assist in resolution of disagreements with DEQ concerning the issuance of notices of alleged violation.

Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component	All guidance documents listed are to be removed except for Chapter 4. Chapter 4 will be revised. Anticipated that changes will reduce internal processing times and provide clarity to the regulated community.	
Expected Date	January 2023	

Title of Proposed Regulatory Action or Guidance Document

- Document ID 4012: Division of Enforcement Case Referrals
- Document ID CEM-08: Civil Enforcement Manual - Chapter 5 - Incentives for Identifying and Resolving Violations - Revision 2 Cover Memorandum
- Document ID CEM-12-EGMNo.1-2011- Civil Enforcement Manual - Chapter 8 - Access to Private Property for Inspections and Investigations, Denial of Access, and Obtaining Administrative Inspection Warrants
- Document ID CEM-07A: Civil Enforcement Manual - Chapter 4 Addendum - Renewable Energy Program Civil Charge Guidance

Brief Overview

These current guidance documents are being proposed to be removed for the following reasons:

- Document ID 4012: This document includes the procedure for DEQ staff to refer an enforcement action to an administrative proceeding. These procedures have been incorporated into other procedure documents.
- Document ID CEM-08: This document is a cover memo that accompanied a guidance document that is no longer on Town Hall.
- Document ID CEM-12-EGMNo.1-2011: This document includes the procedures for DEQ staff when accessing private property to conduct environmental investigations and inspections.
- Document ID CEM-07A: This document includes the procedure for DEQ staff for calculating a civil charge when violations involve the renewable energy program. These procedures have been incorporated into other procedure documents.

Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule Document ☐ Exempt Rule	☒ Guidance
Legal Authority	☐ Action required by federal statute action ☐ Action required by state statute	☒ Discretionary
Deregulatory Component	All of these documents listed are to be removed from Town Hall and will no longer be classified as guidance doucments.	
Expected Date	January 2023	

Title of Proposed Regulatory Action or Guidance Document Instructional Guide on Disclosure Statements (DEQ Forms DISC-01, DISC-02, and DISC-03)		
Brief Overview This new guidance document will provide solid waste management facilities and DEQ staff with instructions on submission of Disclosure Statements required by the Virginia Solid Waste Management Regulations, 9 VAC 20-81.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component	This new guidance document will clarify that permit applicants who have previously conducted waste operations in Virginia are subject to less comprehensive disclosure requirements than permit applicants who have not previously conducted waste operations in Virginia.	
Expected Date	March 2023	

Title of Proposed Regulatory Action or Guidance Document Alternate Operational Cover Guidance for Landfills		
Brief Overview Under certain circumstances, the Virginia Solid Waste Management Regulations, 9 VAC 20-81, allow for the use of alternate operational cover strategies in lieu of the default landfill operational cover requirements, if approved by the DEQ Director following a demonstration that the proposed alternative serves the same purpose and meets the same performance standards of the specified type of operational cover. This new guidance document will provide solid waste landfills and their consultants a guide to requesting and demonstrating the use of such alternate operational cover strategies. The information and procedures will apply to requests for alternatives to daily cover, progressive cover, weekly cover, and intermediate cover.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component	This new guidance document will standardize the procedures for requests and approvals of alternate operational cover strategies at solid waste landfills.	
Expected Date	March 2023	

Title of Proposed Regulatory Action or Guidance Document Guidance 5094 (Citizen Nominations for Monitoring to be Included in the Annual Monitoring Plan)		
Brief Overview This guidance document provides detailed guidance on implementation of § 62.1-44.19:5.F of the Code of Virginia, the section of the Water Quality Monitoring, Information and Restoration Act that provides for requests from the public regarding specific segments that should be included in the Virginia Department of Environmental Quality's (DEQ) annual Water Quality Monitoring Plan.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component	The guidance document can be removed because it is out of date.	
Expected Date	January 2023	

Title of Proposed Regulatory Action or Guidance Document Guidance 91-007 Sample Volumes for Nonmetals Lab		
Brief Overview This guidance document details the required sample volumes for cyanide analysis and TSS, BOD, or TSS. This document was mistakenly denoted as a guidance document instead of an internal sample collection procedure.		
Regulatory Stage (check one box)	☐ NOIRA ☐ Proposed Rule ☐ Final Rule	☐ Emergency Rule ☐ Fast-Track Rule
Additional Description	☐ Expedited Rule ☐ Exempt Rule	☒ Guidance Document
Legal Authority	☐ Action required by federal statute ☐ Action required by state statute	☒ Discretionary action
Deregulatory Component	This guidance document should be removed as it is not guidance and is a dated internal procedure for sample volumes only.	
Expected Date	January 2023	