

## **Main Points of EPA's General Comments Regarding Draft VSMP Regulations**

1. Noted that “this is an exciting and innovative product...”
2. Expressed concern with language allowing permittees to pay an in-lieu fee if infeasibility to meet regulations is determined.
3. Concerned with the lack of a direct reference to Water Quality Standards with which permittees must comply.
4. Emphasized that while localities may be authorized to perform program administration, final responsibility for the approving coverage under the general permit must remain with DCR. Referenced the Pennsylvania and Michigan programs as examples of states where permit issuance remains a responsibility of the state while local entities are authorized to perform program administration. Discussed differences between program “delegation” and “authorization”
5. Noted the need to ensure that all requirements for a “qualifying local program” under 40 C.F.R. § 122.44(s) are included in Part III.
6. Requested the removal of “maximum extent practicable,” as found in the draft 4VAC50-60-63(A)(4) [subsection related to impaired waters], and the substitution of other suitable language in order to avoid confusion due to the MEP concept being used in other portions of state and federal law and regulations.