

WATER RECLAMATION AND REUSE VARIANCE APPLICATION

A. Applicant Information

1. Name of Project: _____
2. Name of Applicant: _____
3. Applicant Contact Information:
 - a. Street or P.O. Box _____
 - b. City or Town _____ c. State ____ d. Zip Code _____
 - e. Phone Number _____ f. Fax Number _____
 - g. E-mail address _____
4. Project Location:
 - a. Street No., Route No., Other Identifier _____
 - b. City / County _____
 - c. Latitude _____ (d) Longitude _____

B. Permitting Information

1. Is this variance application for a project that is excluded from the requirements of the Water Reclamation and Reuse Regulation in accordance with [9VAC25-740-50](#)?
 Yes. Do not complete this variance application. **Note:** While the project may not be subject to the requirements of the Water Reclamation and Reuse Regulation, the project may be subject to the requirements of other regulations with or without an option to request variances.
 No.

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2. Check the most accurate description of the project identified in Section A of this application.
- A new project, or an existing unpermitted project that is being expanded or modified. Submit this application with a [Water Reclamation and Reuse Addendum to an Application for Virginia Pollutant Discharge Elimination System Permit or a Virginia Pollution Abatement Permit](#) (Application Addendum) to the DEQ.
 - An existing permitted water reclamation and reuse project. Indicate the current type of permit coverage for the project and provide the permit number.
 - Virginia Pollutant Discharge Elimination System (VPDES) permit; VPDES Permit No.: _____.
 - Virginia Pollution Abatement (VPA) permit; VPA Permit No.: _____.
 - Administrative authorization associated with an existing VPDES permit; VPDES Permit No.: _____.
 - Emergency authorization associated with an existing VPDES or VPA permit; VPDES or VPA Permit No.: _____.

C. Variance Information

1. Note the specific section and requirement(s) of the Water Reclamation and Reuse Regulation ([9VAC25-740-10, et seq.](#)) from which a variance is requested in this application.

2. Describe the nature and duration of the variance requested.

3. State the hardship to the applicant that would be caused by complying with the requirements of the Water Reclamation and Reuse Regulation specified in item C.1 of this application without a variance.

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4. State the anticipated impacts to public health and welfare or the environment if the variance described in item C.2 of this application is granted.

5. For anticipated detrimental impacts on public health or the environment described in item C.4 of this application, suggest conditions that DEQ might impose on the granting of the variance to limit such impacts.

6. Provide any other pertinent information that DEQ may wish to consider when making a determination to grant or deny the variance requested in this application.

D. Consent to Receive and Certify Receipt of Electronic Mail

The Department of Environmental Quality (DEQ) may deliver permits, certifications and plan approvals to recipients, including applicants or permittees, by electronically certified mail where the recipients notify DEQ of their consent to receive mail electronically (§ [10.1-1183](#)). Check only one of the following to consent to or decline receipt of electronic mail from DEQ as follows:

- Applicant or permittee agrees to receive by electronic mail the permit and any plan approvals associated with the permit that may be issued for the proposed pollutant management activity, and n certify receipt of such electronic mail when requested by the DEQ.
- Applicant or permittee declines to receive by electronic mail the permit and any plan approvals associated with the permit that may be issued for the proposed pollutant management activity.

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E. Signature and Certification Statement

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: _____ Date: _____

Name of person signing above (printed or typed):

Title of person signing above:

Signature: _____ Date: _____

Name of person signing above (printed or typed):

Title of person signing above:

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INSTRUCTIONS

The Department of Environmental Quality (DEQ) has the authority to grant variances to design, construction, operation or maintenance requirements of the Water Reclamation and Reuse Regulation ([9VAC25-740-10 et seq.](#)) for projects involving the production, distribution or reuse of reclaimed water that are not otherwise excluded from the requirements of the regulation per [9VAC25-740-50](#). Any person or entity applying for a variance must demonstrate that:

- Complying with such requirements would be contrary to the purpose of State Water Control Law, specifically § [62.1-44.2](#) of the Code of Virginia,
- The hardship imposed by such requirements, which may be economic, outweighs the benefits of the project, and
- The granting of such variance would not adversely impact public health or the environment.

Where the Water Reclamation and Reuse Regulation references the Sewage Collection and Treatment Regulations ([9VAC25-790-10 et seq.](#)) for design, construction, operation, or maintenance requirements affecting components of a project to produce, distribute, or reuse reclaimed water, an application for a variance to such requirements shall be in accordance with variance procedures described in [9VAC25-790-10 et seq.](#)

WHO MAY APPLY FOR A VARIANCE

Any person or entity wishing to initiate a project for the production, distribution or reuse of reclaimed water that is not excluded from the requirements of the Water Reclamation and Reuse Regulation per [9VAC25-740-50](#), may apply for a variance to design, construction, operation, or maintenance requirements of the regulation. A variance application may be submitted for only projects applying for or holding a valid VPDES permit, VPA permit, administrative authorization associated with an existing VPDES permit, or emergency authorization associated with an existing VPDES or VPA permit to produce, distribute or reuse reclaimed water.

WHERE TO FILE A VARIANCE APPLICATION

The completed variance application must be submitted to the DEQ Regional Office covering the area where the project will be located. Regional Office information is available at <http://www.deq.virginia.gov/Locations.aspx> or can be obtained by calling the DEQ Central Office in Richmond, Virginia at (804) 698-4000.

GENERAL INSTRUCTIONS

Complete all items or enter "NA" for "not applicable". Enter requested information on the lines or spaces and in the boxes provided in the application. When using attachments to provide requested information for specific items of the application, note on the application the title of the attachment and, if applicable, the location within the attachment (e.g., page number, appendix, etc.) where this information can be found.

DEQ may need information in addition to that initially submitted with the application to make a determination to grant or deny a variance. Applicants for a variance are responsible for providing additional information requested by DEQ. When an applicant does not provide the requested information or provides insufficient information, the variance may be denied.

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INSTRUCTIONS

INSTRUCTIONS SPECIFIC TO SECTIONS OF THE APPLICATION

The following are instructions specific to Sections A, B, C, D and E of the application.

A. Applicant Information

Section A must be completed to provide information about the applicant and the project for which the variance application is being submitted. The applicant will, in most cases, be the owner of the project, and the same person or party applying for or holding a valid VPDES permit, VPA permit, administrative authorization associated with an existing VPDES permit, or emergency authorization associated with an existing VPDES or VPA permit to produce, distribute or reuse reclaimed water. Project information must include the name, and physical address and location of the project.

B. Permitting Information

Section B must be completed to determine (i) the eligibility of the project for a variance, (ii) the need to be submit the [Water Reclamation and Reuse Addendum to an Application for Virginia Pollutant Discharge Elimination System Permit or a Virginia Pollution Abatement Permit](#) with the variance application, and (iii) any existing permit coverage of the project related to water reclamation and reuse. Note that a variance application may be submitted for only projects applying for or holding a valid VPDES permit, VPA permit, administrative authorization associated with an existing VPDES permit, or emergency authorization associated with an existing VPDES or VPA permit to produce, distribute or reuse reclaimed water.

C. Variance Information

Section C must be completed to provide information on the variance being requested for the project. This information will be evaluated by DEQ in a decision to grant or deny the requested variance, and should be clear, relevant and detailed. If needed to complete items C.1 through C.6 of the application, additional information may be attached. See “**General**” above for more instructions regarding application attachments.

D. Consent to Receive and Certify Receipt of Electronic Mail

Consent or decline to receive and certify receipt of certified mail electronically in Section D. DEQ will deliver the decision to grant or deny a variance to the applicant by certified mail. Certified mail may be delivered electronically only where the applicant agrees to the terms of electronic mail delivery in Section D.

E. Signature and Certification Statement

Complete the information and have the appropriate signatory authority or authorities sign the application in Section E. For a water reclamation and reuse project that is or will be covered by a VPDES permit, or an administrative or emergency authorization associated with an existing VPDES permit, the appropriate signatory authorities are as specified in [9VAC25-31-110](#) of the VPDES Permit Regulation. For a similar project that is or will be covered by a VPA permit, or an emergency authorization associated with an existing VPA permit, the appropriate signatory authority are as specified in [9VAC25-32-70](#) of the VPA Permit Regulation.