

Reissuance of the VPDES Industrial Storm Water General Permit Regulation (9 VAC 25-151) - 3rd Technical Advisory Committee (TAC) Meeting Summary

A two-day TAC meeting was held on Wednesday, June 11, and Thursday, June 12, 2008, at the DEQ Piedmont Regional Office in Glen Allen, Virginia. Both meetings began at 9 AM and ended at 4:00 PM.

June 11th Meeting

The following TAC members attended the June 11th meeting:

Mike James (VARA/James Environmental), Ian Whitlock (Joyce Engineering), Lisa Ochsenhirt (VAMWA/Aqualaw), Jud White (Dominion Virginia Power), Susan Mackert (DEQ NVRO), Michelle Hollis (DEQ TRO), Kirk Batsel (DEQ SCRO), Curt Linderman (DEQ PRO), Burt Tuxford (DEQ CO).

Also attending the June 11th meeting were:

John Fowler (Henrico County), Steve Long (DEQ TRO)

The complete draft of the regulation that was e-mailed to the TAC prior to the May 19th meeting was used for the discussion at this meeting. At the meeting Burt Tuxford handed out a page from the 1995 EPA MSGP Fact Sheet which explained why they chose 100 mg/l for the TSS benchmark value, an e-mail with comments and an additional comments sheet from NVRO, and an e-mail with comments from PRO.

The TAC discussion picked up where it left off at the May 19th meeting.

(Note: Additional comments/questions added to the notes are shown in *green italics*.)

9 VAC 25-151-65 - SWGP Part I.A.1.b

Discussion on the possible addition of TSS to all sectors (continued from May 19th)

- Previous question as to where the 100 mg/L benchmark value came from.
 - Selected by EPA based on data from National Urban Runoff Program.
- Concern expressed that the 100 mg/L is a median value and doesn't express magnitude.
 - What does the 100 mg/L value really show us?
 - Should focus on a parameter that we have a WQS for.
- Can we call this a "target value" rather than a benchmark?
 - What would the difference be between a target value and a benchmark value?
 - Decision – No. Remains benchmark value.
- What is the potential cost to facilities if this is added?
 - Infrastructure upgrades to meet this value.
 - Cost of analysis.
- Discussion on adding parameter without placing a benchmark value in permit.
 - Concerns expressed that facilities may interpret benchmark value as a limit.

- Most of the sectors where TSS would be added are already monitoring for something else so they would be familiar with this language.
- Need to give facilities some number to shoot for otherwise how do they know what's a good value.
- Decision – 100 mg/L will appear in permit.
- How will addition of TSS impact those facilities that did not receive an allocation under a TMDL?
 - Will TMDL need to be re-written? If so, this permit may not be reissued on time.
 - After discussion with PRO TMDL staff, it did not appear that this would be an issue. Burt will talk to CO TMDL staff and provide additional info if needed.
- After discussion, three TSS monitoring options presented to committee for final decision:
 - Status quo (as in 2004-2009 permit cycle).
 - As drafted.
 - Add TSS to all sectors covered by SWGP (the way EPA's proposed MSGP has it).
- Final Decision - TSS as written in draft permit with monitoring added to three additional sectors (P, R and AD -- see discussion below).

Benchmark Monitoring Changes

- Sector P – add TSS and TPH.
- Sector R - add TSS.
- Sector S – add COD.
- Sector AD – add TSS.
- Sector U – add benchmark monitoring for SIC Codes 2021 – 2026, with BOD and TSS monitoring.
- Sector N – add Aluminum, Iron, Lead, Zinc, Cadmium and Chromium to the monitoring for "Ship Dismantling, Marine Salvaging and Marine Wrecking".
 - Should TBT and PCBs be added? If so, what levels are appropriate?
 - Does this set precedence for rest of country?
 - Decision – Do not include TBT and PCBs.
- No objection from group to not include EPA proposal to base benchmark values for Cadmium, Copper, Chromium, Lead, Nickel, Silver and Zinc on function of hardness. They will remain as they are now.

Benchmark Monitoring Frequency

- Much discussion on monitoring frequency options presented previously by Burt.
 - How about possible incentives or breaks for E3/E4 facilities?

- If there is a history of sampling results below benchmark monitoring values for a certain period of time, could reduce frequency of monitoring. Conversely, could increase frequency if exceeding benchmark monitoring values.
- Monitor twice per year and, based on results, ratchet down if acceptable.
- Monitoring twice per year allows agency and facility to be aware sooner that there is a problem and can correct sooner.
- Better for environment to monitor twice per year.
- Data not necessarily useful because it's storm water.
- Can we shift due dates of DMRs?
- Would there be consideration to alter quarterly visual frequency?
 - No – Will remain as drafted.
- After discussion, two monitoring frequency options presented to committee for final decision:
 - Twice per year.
 - Once per year.
- Final Decision – Once per year with DMR due thirty days after the close of the monitoring period.
 - The monitoring period for the first year of the permit cycle will be shortened to July 1 – December 31 with DMRs due January 30 (this will provide more data for next TAC to review by getting five DMR submittals vs. four)
 - The remaining monitoring periods will be January 1 – December 31 with DMRs due January 30.

SWGPs Part I.A.1.b(2) - Benchmark Monitoring Waivers

- Change the 3rd sentence as follows: "On ~~both a parameter by parameter and an~~ outfall by outfall basis, ...".
- Add a Section 2(d) stating something to the effect that in order to receive a waiver the facility must also have a favorable history and have no outstanding enforcement actions.
 - The facility should be in compliance with all aspects of the permit, but committee wasn't sure how to incorporate the word "compliance". Poor track record (inspections, etc) would make a facility not eligible.
 - If a facility asks for a waiver, DEQ approval should be based on:
 - Benchmark results are below Benchmark Monitoring Values;
 - Favorable facility compliance history;
 - No outstanding enforcement actions.

- Any issuance of an NOV or enforcement action would cause them to revert back to annual monitoring. *(Does this include WVs? Many places will get repeated WVs but never get to NOV status.)*
- Add wording somewhere within this section "Waivers may be rescinded on a case-by-case basis upon review by DEQ staff" *(Will be added as 2(e)).*
- Question was asked as to what facilities think about waiver at end of permit term.
 - Does the waiver carry forward?
 - Representatives from industry at meeting indicated they interpreted this to mean a new waiver was required with each cycle – essentially a new permit was a clean slate and they had to start over.
- Can monitoring frequency be increased if the facility had a waiver and they receive a NOV?
 - Should this be written in the regulation or in a consent order?
 - Need a lawyers take on this.
 - Committee decided that this would complicate the permit too much. Better to keep it simple, so this will not be added.

SWGP Part I.A.1.b(3) - DMRs

- DMRs will be submitted to the Department.

SWGP Part I.A.1.b(4) - Inactive and Unstaffed Sites

- Discussion as to whether EPA language on "industrial materials or activities exposed to storm water" should be included.
 - Decision – Yes. Include EPA language.

SWGP Part I.A.1.b(5) - Representative Outfalls

- If there is a benchmark exceedance, representative outfall claim should no longer applicable.
 - The facility will need to reinstate sampling at each outfall to identify where the problem is and until they can prove the outfalls are representative once again.
- If a facility wishes to claim representative outfalls, they should submit a request to the agency which includes items (5) a-d of the permit (page 15) and the section of the SWPPP that applies. *(What section of the SWPPP is this? A specific SWPPP section is not actually specified. Appropriate places could include: Part III.B.3 – Summary of Pollutant Sources or Part III.B.5 – Sampling data. Should we specify the section? Seems that the Summary section would be appropriate.)*
- Question was asked concerning "substantially identical effluents, based on similarities of the industrial activities, ...".
 - What is the difference between effluent and activities in this case?
 - Industrial activities would be, for example, in auto salvage areas where car "carcasses" are stored and areas where fluids, batteries, transmissions, etc are removed. These would not be substantially identical effluents even though they are both generated on an auto

salvage yard. The activities (carcasses vs. fluid removal) are not similar so the effluent would not be expected to be identical.

SWGP Part I.A.1.c(3) - TMDL Monitoring

- How will the facility know if they are subject to TMDL?
 - They will be notified by the DEQ regional office.
- Include language "Upon written notification from the Department, facilities subject to TMDL..."
- Burt will work on language and submit to committee for comment.
- Question was asked concerning the facilities listed in a TMDL that is developed.
 - Are all the VPDES GP permit holders listed in the TMDL and given a WLA, or is it just those that have limits for the pollutant of concern in their existing permits?
 - Burt will check with the CO TMDL staff and get back to the committee.

June 12th Meeting

The following TAC members attended the June 12th meeting:

Ian Whitlock (Joyce Engineering), Lisa Ochsenhirt (VAMWA/Aqualaw), Kirk Batsel (DEQ SCRO), Curt Linderman (DEQ PRO), Burt Tuxford (DEQ CO).

Also attending the June 12th meeting were:

John Fowler (Henrico County), Steve Long (DEQ TRO)

The TAC discussion picked up at the TMDL section where it left off the day before.

SWGP Part I.A.1.c(3) - TMDL Monitoring (continued)

- CO TMDL staff response - All the VPDES GP permit holders are listed in the TMDL that is developed, and given a WLA if they have the potential to discharge the pollutant of concern.

SWGP Part I.A.2 - Monitoring Instructions

- Monitoring year - define as per discussion 6/11.
- Question was asked about "30 minutes of discharge".
 - Sample must be taken within 30 min (not for 30 min).
- Add new section 2.d
 - Documentation of inability to get a sample, or no rain event, or no "measurable" event must be maintained with the SWPPP.

SWGP Part I.A.4 - Reporting Monitoring Results

- Change to "due Jan 30th" for both the EL and Benchmark monitoring.
- Question was asked if any sectors have EL monitoring more frequent than annual. Burt will check on this. *(No they do not.)*
- Add a "Significant Digits" discussion/paragraph to the end of this section. *(It will be added to the end of this section and will be similar to the language in other GPs.)*

SWGP Part I.B - Special Conditions

- B.1 - Allowable non-storm water discharges
 - Add specific language that lists the non-storm water discharges that are prohibited (these should be the ones listed in the permit Part IV sector specific sections -- e.g., vehicle washing, equipment washing, pressure washing, etc.)
 - change 1.d to add: "(excluding air compressors)".
- B.2 - Non-storm water certification
 - Delete from Special Conditions section. Add requirement for non-storm water evaluation every year into the Comprehensive Site Compliance Evaluation (Part III E).
- B.7 - Salt Storage Piles
 - Do we add additional requirements for these? Impervious surface for storage, runoff collected in impervious basin, no direct discharge to groundwater or surface water?
 - Suggestion to add wording that they be housed on impervious surface and must protect groundwater. If drains go to basins, basins must be lined.
 - Burt will discuss further with OWPCA and get back to the TAC.
 - Kirk Batsel will also send Burt something for the TAC to consider.
- B.8 - TMDL
 - The NVRO suggested some changes to the TMDL wording (handout). These will be considered after discussing the section and proposed wording with CO TMDL staff. Burt will get back to the TAC with proposed language.
 - The Department (DEQ Regional Office) shall notify permittees that a TMDL is applicable to them.
- Add a Special Condition
 - Need to add an SC that discusses adding/deleting outfalls, as well as changes to the facility (e.g., changing SIC; adding SIC codes). SC should authorize these changes. SWPPP must be updated. *(Add as SC #10)*

E3/E4 Facilities

- What carrot can we offer them?
 - Probably none for the monitoring.
 - How about the quarterly visual monitoring or the monthly routine inspections... ? Probably not for inspections, but maybe.
 - Burt will draft something up and get back to the TAC.

9 VAC 25-151-80 - SWGP Part II - Conditions Applicable to All VPDES Permits

- II.M - Duty to Reapply
 - Change the period to submit a new registration statement from 180 days to 90 days.

9 VAC 25-151-80 - SWGP Part III - SWPPP

- Opening paragraph, 2nd sentence - delete "economically".
- B.2.b - General Location Map
 - Keep the "within one mile of the facility" requirement. Also, in the Registration Statement (9 VAC 25-151-60) item 8, along with the site map, require that the permittee submit a copy of this General Location Map.
- B.2.c - Site Map
 - (3) change as follows: "...including ditches, pipes, ~~and~~ swales, and inlets, and the..."
 - (5) delete "within 1 mile of the site"; add ", including wetlands".
- B.2.d - Wetlands
 - VWP has a restriction that untreated discharges to wetlands are not allowed. Is this in their permits only or in regulation?
 - Burt will discuss with the VWP folks and get back to the TAC.
- B.5 - Sampling Data
 - Change as follows: "...discharge sampling data ~~previously~~ taken at the facility."
- B.6 - Storm Water Controls
 - B.6.a - Add subsection a(10) as follows: "The selection of BMPs shall optimize the quantity and quality of storm water discharges from the site".
 - B.6.b - Change 1st sentence as follows: "...unless it can be demonstrated, and documented that such controls...".

Change last sentence as follows: "The ~~permittee must keep abreast of~~ SWPPP must incorporate, as appropriate, new BMPs or new applications of existing BMPs for the most effective means of achieving water quality protection ~~and shall include these in the SWPPP as appropriate~~."
 - B.6.b(5) - Routine Facility Inspections
 - 1st "**TAC to discuss**" section: TAC decided to go with the language in the 1st option, but to change the frequency to monthly, and change the end of the sentence to read: "monthly, unless written approval is received from the Department for less frequent intervals."
 - Add after the end of the sentence above: "This requirement is waived for facilities that have maintained an active E3/E4 status."
 - 2nd "**TAC to discuss**" section: TAC decided to undelete the struck-through wording.
 - Change the last sentence as follows: "The results of the inspections must be documented in the SWPPP, along with the date(s) and description(s) of any corrective..."
 - Question was asked whether the last sentence was in the original document or should have been "blue underlined". (*It was in the original document.*)

- B.6.b(6) - Employee Training
 - Add the following to the end of the subsection: "The SWPPP shall include a summary of any training performed."
- B.6.b(7) - Sediment and Erosion Control
 - Change the 2nd sentence as follows: "The permittee must identify and implement structural, vegetative, and/or stabilization BMPs to prevent or control on-site [and off-site](#) erosion and..."
- B.6.b(8) - Management of Runoff
 - After "§ 404 of the CWA", add: "and Virginia Water Protection Permit Program Regulation (9 VAC 25-210)"
- C. Maintenance
 - Move the following sentences up from the "Comprehensive Site Compliance Evaluation" section E.1 (the last two sentences): "Storm water BMPs identified in the SWPPP must be observed during active operation (i.e., during a storm water runoff event) to ensure that they are functioning correctly. Where discharge locations are inaccessible, nearby downstream locations must be observed." Then add: "The observations shall be documented in the SWPPP.", and start a new paragraph.
 - Next sentence: delete the word "required".
 - Next paragraph: after "required by Part III B 6 b (5)", add: "(Routine Facility Inspections)". After "or Part III E", add: "(Comprehensive Site Compliance Evaluation)".
 - Change the last sentence of the above paragraph as follows: "In the interim, back-up measures must be ~~in place to ensure that the quality of storm water discharged from the facility is not diminished~~ [employed and documented in the SWPPP until repairs or maintenance is complete.](#)"
- E. Comprehensive Site Compliance Evaluation
 - First sentence, delete "(facility inspections)". Second sentence, change "inspections" to "evaluations".
 - E.1 - Scope of the compliance evaluation
 - First sentence, change "Inspections" to "Evaluations". Second sentence, change "Inspectors" to "The personnel".
 - Add subsection: "g. Review of training performed, inspections completed, maintenance performed, quarterly visual examinations, and effective operation of BMPs."
 - Add subsection: "h. Non-storm water evaluation and certification." Move this from the "Special Conditions" section (SWGP Part I.B.2).
 - E.2 "**TAC to discuss**" section - TAC decided to keep this section and undelete the struck-through wording. Change "inspections" to "evaluations" (2 instances).

Change "two weeks" to "14 days". Change "12 weeks" to "60 days". Change "director" to "department".

- E.3 - Compliance Evaluation Report.
 - Return section number to "E.3" again. First sentence, change "inspection" to "evaluation" (3 instances).
 - Change the last sentence as follows: "The report shall be signed in accordance with Part II K;and maintained with the SWPPP."
- E.4.3. Delete this subsection.
- G. Maintaining an updated SWPPP
 - G.1 - SWPPP review and amendment
 - Add subsection: "f. Upon notification from the department that a TMDL has been developed and applies to this facility."
 - G.2 - "TAC to discuss" section. TAC decided to keep this.

9 VAC 25-151-90 to 370 - SWGP Part IV - Sector Specific SWPPP Requirements

- TAC did not recommend any additional changes to these sections.

Miscellaneous Discussion/Changes

- 9 VAC 25-151-65 - Termination of Permit Coverage
 - Change the 2nd sentence as follows: "The notice of termination ~~shall~~ may be filed ~~within 30 days~~ after one or more of the following conditions have been met:"
- 9 VAC 25-151-70 - SWGP, Part I.A.1.b - Benchmark Monitoring
 - 2nd paragraph, 3rd sentence (in yellow highlight). Change the end of the sentence as follows: "...it does signal that modifications to the SWPPP ~~may be~~ are necessary, unless justification is provided in the Comprehensive Site Compliance Evaluation (Part III E)."
- Suggestion - put a strikethrough/underline version of the SWPPP on the DEQ web site to help permittees to see the changes.

Next TAC Meeting

The next TAC meeting will probably be scheduled for the end of July, beginning of August.