



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

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**SUBJECT:** Technical Advisory Committee (TAC) Meeting to Discuss the 2017 Reissuance of 9VAC25-194 Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Vehicle Wash Facilities and Laundry Facilities

**TO:** TAC Members and DEQ Staff (listed below)

**FROM:** Elleanore Daub, Office of VPDES Permits

**DATE:** August 30, 2016

A TAC meeting was held on July 15, 2016 at the DEQ Piedmont Regional Office. The meeting began at 10:00 AM. Participants in this meeting were:

<u>Name</u>	<u>Organization</u>
Sara DeGroot	City of Alexandria
Diana Handy	Arlington County
Trieste Lockwood	VA Conservation Network
Casey Magruder	City of Norfolk
Karl Mertig	Kimley-Horn
Jaime Nester	Southeastern Car Wash Assoc.
Bob Schrum	Flagstop Car Wash
Joe Wood	Chesapeake Bay Foundation
<u>DEQ Staff</u>	<u>DEQ Office</u>
Jaime Bauer	Central Office (CO) MS4
Allan Brockenbrough	CO VPDES
James Allen Cornett	Southwest Regional Office (SWRO) Inspections/Compliance
Elleanore Daub	CO VPDES
Laura Galli	Piedmont Regional Office VPDES
Troy Nipper	CO Inspections/Compliance
David Nishida	SWRO VPDES
Kathleen O'Connell	CO Enforcement
Loan Pham	Tidewater Regional Office VPDES
Matt Richardson	CO VPDES

Information and documents provided either before the meeting or at the meeting were:

- TAC Approval from DEQ Director

- Role of the TAC
- Link to the DEQ web site with the 2012 General Permit Regulation, Registration Statement, Fact Sheet and Operations & Maintenance (O&M) Template
- Regulation with draft amendments
- VA DEQ Guidelines for Charity Car Wash Fund Raisers

## Discussion

DEQ staff provided background on the permit regulation. There are currently 103 Vehicle Wash Permits and 2 also regulate coin operated laundries. All these permittees have stationary locations. Although mobile operators are allowed to register for coverage, so far all that have contacted DEQ have opted to operate as ‘no discharge’ (see Section 50 Authorization to discharge paragraph below). This permit was first adopted in 1997 as a car wash general permit and was combined with the coin operated laundry permit in 2012. EPA considers auto washes and laundries as one point source category and since Virginia only had 2 coin operated laundries in the state, the agency decided to merge these two point source categories during the 2012 reissuance.

The Notice of Intended Regulatory Action (NOIRA) was published January 25, 2016 - February 24, 2016. The NOIRA stated that issues under consideration were clarifying the coverage, requirements or best management practices (BMPs) for mobile car washes, water quality and MS4 concerns surrounding charity car washes, and any other issues that arise as a result of the NOIRA and during the TAC meetings. All existing permittees were mailed a copy of the NOIRA. Comments received included one request to be kept informed of any changes that may occur and several requests to be included on the TAC.

The compliance problems seen over the past five years have been pollution complaints received because of waxes or detergents discoloring streams, failures to submit discharge monitoring reports and a few total suspended solids and oil and grease violations.

DEQ staff briefly went through the amendments drafted to date which opened up discussion.

**Definitions (9VAC25-194-10)** – no changes are yet suggested for the definitions but questions have come up over the years about whether the definition of “Vehicle wash” excluded trailerable recreational boats rinsed off in car washes. DEQ has told permittees that this activity was acceptable. DEQ may want to clarify that in the regulation. The boat exclusion currently in the definition was to ensure that marinas scraping and cleaning boat hulls were excluded. Construction equipment is also excluded, although this sometimes needs clarification.

**Effective Date of the Permit (9VAC25-194-40)** – Effective dates of the permit were changed throughout the permit to reflect the next five year reissuance (2017-2022).

**Authorization to Discharge (9VAC25-194-50)** – The Section has been reformatted to match other general permits but the requirements have not changed. Staff pointed out subsection C which states that *mobile vehicle wash owners shall operate such that there is no discharge to surface waters and storm sewers unless they have coverage under this permit.*

**Registration Statement (9VAC25-194-60)** – The Section has minor changes to reflect new dates and wording in other general permits. Also subdivision 2 b was deleted since it was directed at laundries moving from the coin laundry general permit in 2012 and is no longer needed as they are now grouped under ‘Existing facilities’ in subdivision 2 c. This permit is intended for ‘coin operated’ laundries and not large commercial laundries.

**General Permit Special Conditions (9VAC25-194-70 Part I B)** – No significant changes were presented. There were a number of suggested changes discussed later in the meeting.

**Conditions Applicable to All VPDES Permits (9VAC25-194-70 Part II)** – In condition A (Monitoring), language was added that requires that samples must be analyzed in accordance with the Virginia Environmental Lab Program (VELAP) adopted by the General Assembly in 2009.

The TAC discussed other items as follows:

- DEQ explains to mobile and charity car wash organizations the no discharge requirement and that they should use best management practices (BMP) to avoid discharges to surface waters or storm sewers. DEQ also provides them with information about BMPs and technologies available to avoid discharge when they inquire. Some localities in other states provide the charity car wash organizations with BMP equipment. The Town of Ashland provides a BMP handout and ‘permission’ form for charity car washes.
- Other determinations DEQ has made during this permit term were that apartment complex car wash stations were no different than residential car washing (no permit required). Also, one individual wanted permit coverage to wash trash cans in residential areas and DEQ instructed them not to discharge and explained appropriate BMPs. Similar instructions have been provided to residential building power washers.
- Other states have various ways of dealing with car washing (mobile, charity and stationary). North Carolina has guidance on their website that vehicle pressure washing is not allowed but the organizations do not need a permit if they follow certain guidelines (BMPs). West Virginia specifies design requirements for car wash treatment systems and that rinse water without soap or other cleaning products does not require discharge coverage in their general permit. Louisiana includes portable washing operations in their permit but requires a pollution prevention plan. South Carolina provides automatic coverage (no registration or notice to the department) for mobile and charitable car washes. Wisconsin covers a variety of facilities that wash equipment and other objects and specifies BMPs in their permit. (UPDATE: ON July 21, 2016 DEQ staff sent the TAC links to these other states’ car wash general permit web sites.)
- DEQ asked for thoughts on mobile and charity car washes and if more requirements needed to be added to the general permit. The following bullets summarize the conversation:

- Guidelines for operation are always good but enforcement is lacking.
- There is a disparity between the way mobile operators are regulated vs. the stationary car washes (NOTE: in our discussions we also referred to stationary car washes as professional or commercial car washes). Stationary car washes are often required to make changes to operations in response to the locality and MS4 issues.
- One rarely sees mobile or charity car washes capturing water and often they use too much product. Mobile operations in the same place every week can result in significant water quality impacts.
- Charities should be encouraged to work with commercial car washes (make sure it is highlighted in the guidelines). The Southeastern Car Wash Association (13 states) encourage helping charities and Flagstop Car Wash routinely does this also.
- Arlington County has prohibited discharges of charity washes despite public objection to the prohibition. The environmental impact can be great from these activities and staff have had 911 calls because of the impacts. The Fire Chief had to investigate thereby taking critical emergency resources away from the county. They have encouraged partnerships with commercial car washes and other fund raising opportunities that do not use water (interior cleaning).
- Mobile dischargers should be tracked. Localities see many illicit mobile discharges to the MS4 – including fleet washing. Some operations come from out of state and are not licensed. Licensing should be checked. The SCC database does not provide for a list of mobile operators. Consideration should be given to checking yellow pages and, local business license bureaus. A list of BMPs should be provided to these operators or when the mobile operators apply for their business license.
- Consider holding property owners responsible for mobile car washes operating on their property (e.g., parking lots, fleet washing). DEQ responded that enforcement for this is difficult. DEQ said the highest penalty can be \$32,000/day but this has not occurred for this industry. DEQ pollution response team deals a lot with this directly. Enforcement actions and penalties have been taken when pollution complaints have revealed water quality impacts. Even so, there are often water quality impacts, including foam and sediment buildup that can occur from multiple car washing. Perhaps highlight the potential penalty liability.
- Consider notifying both owners of properties that allow mobile washing and mobile operators of the regulations.
- Another concern in some car washes that are connected to sanitary sewer is a prewash area that is located away from the car wash bays and where prewash water can get to the storm sewer. Sometimes these discharges can be even more destructive to water quality through the use of harsher chemicals to clean wheels in the prewash/preparation areas.

The prewash activity should be included in the general permit coverage. Harsher acid chemicals are also used in tractor trailer washing.

- There are concerns with power washing large parking lots and apartment complexes although it was pointed out that residential house and deck washing typically filters to the yard.
- There is concern with ‘automatic’ or blanket coverage for mobile or charity washes because it may tie the hands of the locality, the enforcement is still lacking and the water quality impact can still be significant.
- Perhaps consider the size of the wash tank (amount of discharge) as a factor in determining coverage need or impact. However, some (like charities) will use a hose hook up at a gas station and it’s the property owner who needs to know the regulations.
- Add parameters similar to laundry limits (e.g., total residual chlorine, dissolved oxygen, surfactants) to the car wash permit limits. Comments in response to this suggestion were that no car washes have dechlorination so they couldn’t meet a chlorine limit. There is also no treatment to remove chlorides. A stationary car wash may have an oil/water separator or sand filter. Mobile or charity washes have no treatment at all. The only option for mobile or charity car washes is no discharge. If no “trace amounts of surfactants” can be added to the limits page, perhaps add a requirement for visual monitoring with photo documentation of grease, sediment or foam.
- Arlington County and the City of Alexandria would like to see the registration statements. Currently, the owner is only required to notify the MS4 within 30 days of coverage under the general permit. The localities would like for DEQ to provide the registration statement prior to issuing permit coverage.
- The localities are interested in the requirement to connect to sanitary when ‘reasonably available’ and would like to see that requirement strengthened. The MS4s may be able to provide information as to whether a sanitary connection is available. A suggestion was made to require a site plan with location of sanitary sewer line as part of the registration statement or provide additional guidance on whether it’s more expensive to install treatment or to connect to sanitary sewer. Some reasonableness in requiring a sanitary sewer connection should be given if there is an effective treatment system at the car wash. Consider requiring mobile operators to move to an area where sanitary sewer connection is available. DEQ has required stationary car washes to connect on several occasions. Is there a compliance schedule to connect? What does ‘reasonably available’ mean? NOTE to group: DEQs Guidance Memo No. 12-2002 (this is the implementation guidance for staff for this permit) says that *one example of an unreasonable situation would be if the county has a central sewage (but not required by county to connect) and in order to connect the facility needs to build expensive infrastructure (e.g., a pump station). That would constitute a great expense and be unreasonable. A reasonable situation is if the domestic waste at the facility is already connected to the central sewer and the locality can accept the additional dilution. It is also reasonable to require a*

*facility to connect if a sewer line runs right next to the facility. However, all situations will have to be analyzed case by case. The new registration statement asks registrants to evaluate the ability to connect if central sewage is available.*

- There is interest in a requirement to upgrade the car wash treatment systems. Discharge without treatment should not be allowed.
- A suggestion was made to require additional sampling at the car wash if there are complaints.
- Consider increased monitoring to twice a year for all car washes.
- Consider changing from volume (less than or greater than 5,000 GPD) to a number of vehicles per day for application of permit limits.
- Consider expanding the information on the charity wash flyer about partnering with the stationary (commercial) car washes.
- The exclusion for construction equipment should be reconsidered.
- Golf cart washing operations are allowed to apply for coverage but electric vs. gas golf carts should be treated differently.
- Concerns about no sediment treatment and the burden of sediment removal falling on locality's MS4.
- Fleet washing needs to be allowed under the MS4 permit SWPPP where BMPs can be addressed there. The non-stormwater authorizations under MS4 regulations are very specific and need to be reviewed to determine if this is an option. Private fleet washing must get coverage under the general permit or connect to sanitary sewer. Fleet should be defined (e.g., number of cars).
- The registration statement question that asks if detergents contain more than 0.5% phosphorus by weight and if so, how many gallons are used per month is asked so the agency can find out whether nutrient inputs are significant in the vehicle wash industry. Can phosphate free detergents be required? The DEQ response was that there is no DEQ authority to ban phosphate detergent use for car washes.
- Special condition #1 asks for an operational log. Clarify if this is part of the operations and maintenance manual requirement (special condition #12).
- Special condition #2 requires no discharge of floating solids or visible foam in other than trace amounts. Define trace amounts. If detergents are used, there will be visible foam.
- Special condition #5 requires reuse or recycle of wastewater whenever feasible. Define feasible.

- Special condition #6 requires a solids management plan for basins. Many facilities have no basin or method to capture solids.
- Special condition #7 requires no washing of vehicles containing toxic chemicals. Define toxic. Where should these materials be disposed? It also says these chemicals should not go into the wastewater treatment system. Is the wastewater treatment system the sanitary sewer, the MS4, the oil water separator? What if there is no treatment system?
- Special condition #8 requires an amended registration statement if the wash water flow increases over 5,000 GPD. The limit page for less than 5,000 should say less than or equal to 5,000 GPD and not NL (which means no limit, just monitoring). Overall, DEQ should reconsider lowering this value as 5,000 GPD is a lot of water. NOTE: the above discussion of changing from volume to cars per day.
- Special condition #9 requires a permittee to notify the MS4 owner of the existence of the discharge within 30 days of coverage under the general permit. The MS4s request notification ahead of time (at registration) so they know whether to require a connection to sanitary if available.
- Special condition #11 requires monitoring of various toxic pollutants. How can a car wash report these if they are not monitoring for them? DEQ stated this is a standard boilerplate condition but acknowledges it predates the adoption of water quality criteria for toxic pollutants. All criteria are considered for permit limits if they have the potential to be discharged. These toxic pollutants are not expected in car wash discharges.
- Special condition #12 requires an operation and maintenance manual for the treatment works. Is the treatment works the sanitary sewer, the MS4, the oil water separator? What if there is no treatment system? Special condition #12 b requires a discussion of BMPs, if applicable. BMPs should always be applicable especially if there is no treatment. Update the operations and maintenance plan template to match permit requirements, especially solids or sludge management.
- Provide educational or public outreach to targeted audiences that do charity washes (schools, band boosters, boy scouts, etc...). Provide educational materials to localities to distribute.
- Send out a questionnaire on stormwater listserver asking how other localities are handling mobile and charity car washes.

It was decided by the TAC that a meeting July 22 was unnecessary. Subsequently, DEQ also cancelled the July 29, 2016 meeting. DEQ emailed a summary of several other states' permit requirements to the group on July 21, 2016. DEQ will email the meeting minutes and another draft of the regulation based on today's comments to the TAC.

Thanks to all the TAC members for their service.