

## Meeting Summary - 1<sup>st</sup> Technical Advisory Committee (TAC) Meeting for the Reissuance of the VPDES Industrial Storm Water General Permit Regulation (9 VAC 25-151)

A TAC meeting was held at 1 PM on Thursday, February 28, 2008 at the DEQ Piedmont Regional Office in Glen Allen, Virginia. The following TAC members attended the meeting:

Mike James (VARA/James Environmental), John Roland (VAA), Andy Kassoff (EEE Consulting), Jud White (Dominion), Bill Purcell (VMA/Omega Proteins), Ian Whitlock (Joyce Engineering), Elizabeth Dietzmann (VAMWA/Aqualaw), Michelle Hollis (DEQ TRO), Susan Mackert (DEQ NVRO), Curt Linderman (DEQ PRO), Kirk Batsel (DEQ SCRO), Burt Tuxford (DEQ CO).

Also attending the meeting were:

John Fowler (Henrico County), Rick Woolard (Dominion), Steve Long (DEQ TRO)

Burt Tuxford opened the meeting and briefly discussed the purpose of the TAC, handed out a copy of the comment that was received during the NOIRA comment period and a copy of the Executive Summary from Washington State's Industrial SW GP evaluation, and discussed some corrections and changes that were needed in the existing regulation (these will be shown in the "red line" draft that will be sent out for the next meeting).

Next followed questions/comments/suggestions and discussion by the TAC:

- Sampling - what equipment is OK for sampling? Does DEQ put a stamp of approval on equipment?
  - *No. Facilities are free to select any appropriate equipment. Does not have to be DEQ approved.*
- Michelle Hollis (TRO) Handout and discussion - Analysis of compliance in Tidewater Region w/ GP requirements. Many facilities are out of compliance with the SWPPP requirements, and the monitoring requirements. Some don't have any SWPPP.
- Universe of covered facilities -- we are still missing many facilities that should be covered under the storm water program.
  - How do we find unpermitted facilities?
  - Suggestion to cross reference SCC / DMV records to establish a list.
- Registration Statement (RS)
  - Question - is it possible to remove requirement that SWPPP be prepared prior to receiving permit?
    - How does the permittee know what needs to be in SWPPP until they get permit?
  - RS needs to be clarified to require the development of a "written" SWPPP.
    - For entities with multiple facilities, electronic signature issues pose a hurdle to having SWPPPs in electronic format.
  - Landfills - could we add what type of landfill it is (CDD vs. MSWLF)? We also need to know which outfalls receive contaminated storm water (numeric limits apply).

- Lumber sector - could we add whether they have wet deck vs. dry deck storage? We also need the to know which outfalls receive the wet deck discharges.
- SWPPP site map - Suggestion to have the map, with drainage patterns depicted, submitted w/ RS.
- General Discussion
  - Suggestion - have the Annual Site Compliance Evaluation submitted to DEQ.
    - who would track?
    - who would enforce?
    - those who violate permit anyway won't submit & those who comply will.
  - A question was asked about industries and permitting/inspections. The question related to the DCR MS4 permitting program requirements and how they tie into the DEQ industrial storm water permitting requirements.
  - Comment - we need incentives for reduced inspections to give credit for good operation.
  - Comment - disincentives for non-compliance are still important.
  - Comment - we probably do not want to go the way either Washington State or Texas are going with their storm water programs. Florida has a "green yard" program for auto salvage yards that is good.
- Monitoring - How often? Submitted? Allow for reduced monitoring?
  - Question/suggestion - could we go to no monitoring?
    - *DEQ response - NO.*
  - If we must do sampling - what frequency?
    - Suggestion - monitor annually for five year permit cycle & submit all DMR data with next permit application. Increase monitoring frequency to twice per year.
      - DEQ regions have concerns with having to review five years of data when all applications due at the same time.
      - will need to be some criteria and/or agency guidance
    - Suggestion - reinstate DMR submittals to DEQ, as was required in the 1999 general permit, and monitor in select years such as second & fourth year of permit, or for "X" number of consecutive years from initial coverage.
      - concerns aired as to confusion with this when a permit application is received after beginning of cycle.
    - Suggestion - provide some sort of incentive for compliance such as reduction in monitoring frequency (similar to what we have now).
      - concerns about the fairness to those who comply without prospect of incentive.
      - compliance should be minimum expectation.

- those who already comply will comply & those who fail to comply will continue path of non-compliance.
- waiver for reduced monitoring already exists in GP.
- Suggestion - if monitoring values exceed benchmark monitoring cut-off value then increase monitoring frequency.
  - needs to be some sort of criteria and/or agency guidance on what constitutes an exceedance.
  - may be problems with regional consistency with implementation.
- Comment - we need to have a ratcheted approach to monitoring frequencies if benchmarks are missed/consistently met. We could consider waiving monitoring requirements for E3/E4 designated facilities.
- Suggestion - if benchmark monitoring values are exceeded, submit a report to DEQ of the planned SWPPP corrective actions that will be undertaken, and resample after BMPs are upgraded to fix problem.
- Suggestion – keep once a year monitoring.
- Suggestion - if we sample for pH, allow it to be a laboratory analysis, not field.
  - *Response - that won't work for pH.*
  - Can we have the permittee provide pH of the rain event on DMR?
    - need for facilities to obtain pH meter
    - taking to lab vs. hold time requirements
- Can we have the permittees submit DMRs electronically (e-DMR)?
  - difficult as some smaller facilities may not have computers
  - e-DMR program can not accommodate general permits yet
- Economic advantage for those facilities that can comply with an increase in monitoring vs. smaller “mom & pop” facilities.
- Question regarding landfill effluent limitation sampling. If you take one sample, how do you get a 30-day average (the maximum monthly average)?
- Need to lay out a series of monitoring options and let the TAC discuss.
- Permit organization
  - Comment/suggestion - some items (e.g., employee training, etc.) need to be moved to the permit from the SWPPP.
  - Comment - facility personnel are getting confused with monitoring, inspections and site compliance evaluation. Need to reword/explain better to help with understanding.
  - Comment - need to clarify when storm water becomes a process water.

- If a facility treats its storm water (lime, pH adjustment) in order to not violate benchmark cutoffs does the water now become a process water?
- Comment - permit is not easy to follow. Need simplification of language. Example - non-storm water discharges section -- very confusing to the permittees.
- Impaired Waters & TMDLs - we need to include specific TMDL limits for some industries in the GP. In the WCRO area (Roanoke river basin), they have sediment limits due to benthic impairment. How do we address this in the permit?

Burt Tuxford will put together a "red line" draft of the regulation for the TAC to review prior to the next meeting. A table of monitoring frequency alternatives, ranging from no sampling to weekly was also requested. A suggestion was also made that the table should include the purpose of sampling (e.g., to determine if the program is working, if the SWP3 is being implemented and bringing the site into meeting water quality, etc.)

The next TAC meeting is scheduled for Tuesday, April 15<sup>th</sup> at 1 PM at the Piedmont Regional Office (in the Training Room).

The meeting adjourned at 4 PM.