



COMMONWEALTH of VIRGINIA

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SUBJECT: 2nd Technical Advisory Committee (TAC) Meeting to Discuss the 2016 Reissuance of 9VAC25-110, the General VPDES Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons per Day
TO: TAC Members and DEQ Staff (listed below)
FROM: Burt Tuxford, Office of VPDES Permits
DATE: April 28, 2015

A TAC meeting was held on April 21, 2015 at the DEQ Piedmont Regional Office. The meeting began at 10:00 am. Participants attending the meeting were:

<u>Name</u>	<u>Organization</u>
<u>(TAC Members)</u>	
Rick Blackwell	VSPE
Joel Pinnix	ACEC
Joe Wood	CBF
Marcia Degen	VDH
Scott Fincham	VDH
Charles Evins	Private Citizen
Elleanore Daub	DEQ-CO
Burt Tuxford	DEQ-CO
<u>(DEQ Staff Technical Liaison)</u>	
Kathleen O'Connell	DEQ-CO
Loan Pham	DEQ-TRO
Sarah Mundy	DEQ-VRO
Adam Eller	DEQ-PRO (by Phone)
Susan Edwards	DEQ-BRRO (by Phone)
Clairise Shaheen	DEQ-SWRO (by Phone)
<u>(Other Attendees)</u>	
Walter Bailey	VDH

TAC Members not in attendance: Donnie Christian (Terra Tech), Jason Weakley (VDH), Tim Hughes, Allan Brockenbrough (DEQ-CO)

Information provided before the meeting:

- VPDES General Permit Regulation for Domestic Sewage Discharges of Less Than or Equal to 1,000 GPD (9VAC25-110) – 2nd Draft, dated March 25, 2015;
- Four "correction" pages to the draft regulation based upon comments received prior to the 2nd TAC meeting; and
- TAC meeting agenda.

Agenda

- (1) Discussion of the DSD General Permit - 2nd Draft of the Proposed Regulation.
- (2) Potential DSD GP Permittee Education Discussion.
- (3) Other Items?
- (4) Next Steps.

(1) Discussion of the DSD General Permit - 2nd Draft of the Proposed Regulation

Some comments were received on the second draft (dated March 25th) and four sheets with corrections were sent out yesterday (April 20th) along with the meeting agenda.

Regulation Section 10 – Definitions. Added a definition for "Board", referring to the State Water Control Board (SWCB). This is referred to a lot in this regulation, and we need to distinguish the SWCB from the VDH Board.

Added a definition for "combined application" - - this is not the same as the VDH definition. This was added so we could add some text later on that refers to this.

Added a definition for "receiving water" from EPA's web site. KO suggested we add "and their tributaries", but BT thinks it's generic enough as is.

Added a definition for "single family home" or "single family dwelling". There is no standard definition for this. We looked on web at about five definitions and combined them to make this definition.

RB – What if you have a house with outbuildings (garage or woodshop) and they want to add another bathroom to the garage or woodshop or metalworking shop (small business). VDH said it's not a SFH, it's a business. Then it's permitted by DEQ and not VDH. A TAC member thought the idea may be pertinent for the definition of SFH. BT – would be more pertinent for the FS and for guidance. MD thought that would be helpful.

SM – Would like to try to define SFH to make it all residential (VDH) and all commercial (DEQ). Take away grey areas. SM said that Brandon K. (*VRO Water Permit Manager*) wants to just make residential VDH, and Commercial DEQ. If we do that, then two or more residences serving by single treatment system with common outfall would still be a VDH system. MD looked at the VDH regulation and thinks the regulation forbids that. BT agreed. SM – This often happens because of the 500 feet separation VDH rule. Sometimes one neighbor is a 'bad' actor, and sometimes the second person is not on the permit so the first person gets all the costs.

A question was raised about putting a bathroom in a garage or barn...and connected or not connected to the house. KO - garages/barns are ancillary to the main house so SFH. What about if a business is inside the house? Commercial, would be DEQ's.

JW - thinks some non commercial language in the definition would help.

RB - these businesses are the only ones using the bathroom so they look at it as residential. Suggest adding in the definition that ancillary buildings are part of the residential system.

JP - Looked at the regulation definition of individual single family dwelling and it's clear that it's a VDH system. MD agreed.

CE - thinks there is no conflict. Other TAC members said yes there is with localities often.

JW - why is it separated between VDH/DEQ? BT says it's the way the regulation was set up (VDH regulation). MD – the VDH regulation was written in 1992, and at that time the VDH was okay with that. KO – VDH used to do all the STPs – then they came back to DEQ, and now are shared with VDH.

RB – sometimes it's advantageous to be with DEQ vs. VDH. Depends on the situation.

BT we will work on some additional wording to make it clear to everybody.

Regulation Section 60

In 60 A.1 – clarified that the VDH combined application can be submitted by a SFH in place of a registration statement (RS).

In 60 C – added language suggested by KO for the Seafood Processing GP.

In 60 D - mentioned the VDH combined application again.

SM – Brandon said that in D the combined application language sounded like that was the only thing allowed rather than an option. BT - for what they submit to DEQ a SFH can use either the VDH combined application or the RS.

BT - In the Combined Application, the reference to the Local Government Ordinance (part of Title 15.1) needs to come out as that was changed in 1996. MD stated that they changed the language to just reference the requirements of Title 15.1. BT will work with MD to be sure it reads properly.

Regulation Section 70 A – VDH combined application reference added in multiple places.

In 70 B 2 – clarified that if the owner will not be the occupant of the dwelling, that we want an alternate contact name and info.

SE – we are asking for a work and home number – just make it telephone number. CE - said make it "valid contact number". BT – we will just make it "telephone number".

In 70 B 9 – changed to O&M and referred to VDH regulation instead of spelling out all the requirements.

CE – asked where the certification came from. BT – came from the VPDES Permit Regulation, but this certification is a slightly modified version that grants authorized agents from DEQ

permission to enter the property where the treatment works is located. This allows DEQ to come at any reasonable time to the property.

Regulation Section 80 – General Permit

In Part I A - Effluent Limits for receiving streams where the 7Q10 is < .2 MGD - added that certain limits (DO and Final Effluent TRC) do not apply to dry ditch discharges. Proposed a definition of "dry ditch" which got a little involved. We already had a definition of "ephemeral stream" in GM91-002 which we feel more clearly states what we are looking for here. That was provided on page 2 of the "correction pages" that we sent with the meeting agenda. We propose to use that definition instead of the dry ditch definition.

JW – In the definition it states "flowing water during or immediately following periods of rainfall" - - how far after rainfall? Intermittent streams are groundwater fed/ephemeral streams are stormwater fed. CBF is concerned that there could be overlap.

CE – you proposed to change monitoring frequency for non-SFHs - - why? BT from a suggestion from DEQ RO inspectors. CS - has a big concern about that and the DMR submittals.

TAC discussed forced discharge and how will they deal with that if they are hiring someone to come out and there is no discharge. CE - It's \$300 to have someone come out and sample. Forced discharge question from CBF - how will they sample? Can they say "no discharge"? SM – is against twice per year sampling.

RB – when he sees no evidence of discharge he puts zero for flow. Doesn't matter what BOD is because flow is zero. Key is that it's recorded on DMR, which is the documentation that needs to be turned in.

CE – is against the cost. SM – a lot of people not getting the first sample. It's a free permit, but we still want compliance. Maintenance logs are most important. Just having a contract is not enough to maintain compliance.

JW – we already have 1/year monitoring so why say 'start with 1/year'? TAC - Currently they don't submit DMRs. MD - having the submittal of the data 1/year to DEQ is a change that can help us track performance. SE agreed.

JW – if they are not able to get a discharge, and have to 'force' a discharge, why have twice per year if you are just going out there to check?

JW and NRO think increased monitoring is good and are in favor of it. The rest of the TAC favored once per year.

CS - how are we going to track it?

Question for TAC – Should we have them submit the maintenance log with the DMR? SM thought she could handle it. BT – would be a tremendous load for CEDS entry (compliance) staff. SM thinks it would make the permit more valuable.

BT read Doug Frasier's (NRO) email.

SM – suggested start with 1/year and then go to 2/year.

CE – is there any way to make them do more as part of the permit? KO - No – unless and individual permit is issued. TAC - If there is an enforcement issue can't we make them do more? Can we write that into the permit?

RB – during routine inspections if deficiencies are found – that's a yellow flag. If sampled and samples are unsatisfactory – lots of times they aren't maintaining the system – the flags show you when to go to enforcement. KO – there is not an enforcement policy on how to handle these. VDH inspector goes out 1/year, and lots of time a private inspector goes out also 1/year. Homeowner is told to correct the deficiencies. So there is documentation of movement to correct. DEQ inspection frequency is 1/5years, which is a little too much of a gap. However, if we can't go out more frequently because of budget reasons, at some point we need to say fix the problem! SM – if there is a sample problem, we will request new sample results and have them submit documentation that they have it fixed. MD - VDH does have the option to increase monitoring when they are out of compliance. KO – thinks we can invoke more sampling when out of compliance. It's in the permit in the "Duty to Provide Information" Part II condition. DEQ is hesitant to start enforcement actions to cease a discharge – this would mean they can't live there anymore. This needs better to be handled through inspections.

MD - Homeowners have a maintenance contract inspection requirement. SFH is 2/year for standard systems.

RB – what is the reporting requirement now? BT – SFH reports to VDH. Non-SFH – currently is not required to submit a DMR – the proposed revision now says to turn in the DMRs.

RB – agrees sending in DMRs now to DEQ is a good idea. Need to show some level of compliance and having responsibility to submit paperwork is a wise thing.

BT – we have a risk based inspection strategy.

JP – have them send in the DMR 1/year – if it's not sent in maybe red flag it and we go out to inspect at that point.

JW – we seem to agree that everyone is okay with the submittal of the DMRs. The VDH regulation allows for increased sampling - - can't DEQ do that too? KO said we'd have to do it for all regulations. It's a bigger issue than you think. ED – asked how that is different from a reduced monitoring Special Condition we use in other permits. That would require them to increase monitoring if they have violations. KO - still certain this is a bigger issue for all permits - - must be a concept added to all permits if we go this route. BT - the reason for no corrective action in this permit is because we did not require reporting. So now we have them submit data and we possibly have a segway for an inspection or corrective action. The TAC agreed that they should submit the DMR and maybe submit the maintenance log also.

SM – lets' have an official form... or an unofficial form. SM will do it.

In Part I A 2 – This was another change on page 2 of the "correction pages" that we sent with the meeting agenda. We corrected this to require the permittee to submit the monitoring results - - NOT THE SAMPLES!

RB – some people may submit an actual sample – be prepared for that. These people also don't know what a DMR is. Be patient at first.

In Part I A – Effluent Limitation Table B – based on the pervious discussion, we will change this back to 1/year monitoring frequency. Also in this table, for the TRC parameter, we added "After contact tank" to make this table like the other table.

In Part I B 2 – Same change as in Part I A 2 to have them submit the monitoring results - - not the samples.

Part I C – This is a special Effluent Limits table that was added for the NRO office so that facilities that discharge to receiving waters subject to the Policy for the Potomac River Embayments (PPES) could be covered under this general permit. These special standards apply from Chain Bridge to the Route 301 bridge in King George Co, plus tributaries (but not the Occoquan basin area). Right now discharges in this area have to be covered under individual permits (there are a total of 3 of these now).

A question was asked as to where the weekly average came from? How do they do this if they are only sampling quarterly? Basically it is worthless to have this column. BT - We (DEQ) realize this... it's done all the time in permits.

JW - asked about the PPES background. KO – Noman Cole, (SWCB chairman – late 60's-early 70's) championed these limits because he found a plant at Lake Tahoe that could meet these stringent levels, and he wanted this stringency in the PEs and in the Occoquan. (The Occoquan facility was known as "Tahoe East" for awhile).

JP – the WQS regulation does not have monthly average. BT – We will check with Allan B. on if/why we need this.

Part I C 2 – Changed this as shown on page 4 of the "correction pages" that we sent with the meeting agenda. Note that for this monitoring we are proposing to have the results sent to both DEQ and the VDH.

Part I D 2 – Changed "Maintenance Contract" to "Operation and Maintenance" as suggested by VDH. Also reference the permittee to the VDH regulations.

CE - D 2 b certification comes from who? BT – the permittee.

Part I D 2 b (3) (b) MD – Now states that "emergency pump and haul" should be initiated for non-compliant discharge when repairs can't be made within 48 hours. Initiating pump and haul should be done as necessary. MD will send language for D 2 b (3) (b).

Part I D 4 - should say Part I C also.

Additional Comments On The Draft?

AE - Submittal of DMR data – specify that the DMR due date is Jan 10 the following year and the monitoring period is January 1 – December 31. PRO puts in a table. Put in cover letter as well.

JP – go back to definitions of SFH or SFD – inconsistent use of terms. We sometimes say 'individual' SFH or 'individual SFD'. Use the term consistently for VDH permits and everything else is 'all others'. Use the VDH terminology which is 'individual SFH or SFD'

LP - suggested a definition for Non-SFH – this would be difficult because there are so many scenarios. We could say 'everything that is NOT an 'individual SFH or SFD' that is <1,000 GPD.

RB - one house has 24 people. KO – if over 1,000 GPD can't have this permit.

(2) Discussion of Potential DSD GP Permittee Education.

SM - education – explain diseases that can happen if you don't maintain the system. A flyer sent out with the permit would be good. Also could serve as a component to educate realtors about conventional vs. alternate systems. Explain how maintenance is important and is a big deal. JW-CBF wants an environmental component included to list the potential degradations. He will write something up about that. VDH has a disease list we can use. SM handed out a flyer from American Rivers.

BT – alternative systems - - are these defined as onsite systems or discharging systems? Answer: - Both.

SF - likes the handout and supports education because people tend to forget about the system. He likes the reach out to realtors also.

MD – should also address safety issues (hatches).

SM – the UST program does a realtor seminar.

KO – should also post on the DEQ website with the information

SM – educate maintenance contractors also, especially on SFH vs. Non-SFH. SM will work on a handout.

(3) Other Items.

BT – JW, CBF submitted a comment 'Where are the DEQ reporting requirements citation in the VDH regulation? VDH citation at 500 hard enough to find and follow. Clarify specific reporting requirements.' MD thinks it's clarified in the new VDH regulations, which are still at the Governor's Office.

LP – has the combined application VDH removed the local govt. ordinance requirement?
Answer: Yes

RB – will the new Combined Application be two parts? MD – yes 1. You get your permit 2. Then you get your construction permit.

(4) Next Steps.

BT – This is the last face-to-face TAC meeting. All future draft work will be done through emails. We will take the final draft regulation to the SWCB at their June for them to authorize a public comment period and a public hearing. We need to be finished about a month before that (end of May probably), so we will be moving right along quickly. The Board will authorize a 60-day public comment period and a public hearing. Final revisions will be based on the public comments. The TAC is still free to comment during the comment period and hearing. Plan to take the final regulation to the Board for adoption in December.

Thanks to everyone for their participation on the TAC.