



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Groundwater Remediation of Contaminated Sites, Dewatering Activities of Contaminated Sites and Hydrostatic Tests (9VAC25-120)

Piedmont Regional Office
4949-A Cox Rd., Glenn Allen, VA 23060

May 28, 2026
10:00 AM

(Start Time: 10:12 AM – End Time: 11:42 AM)

Meeting Minutes

Table with 2 columns and 2 rows: Technical Advisory Committee (TAC) Members/Alternates Present. Includes Nich Allen, ECC. Inc. and Joseph Bryan on the left; Avi Hoffer and David L. Wilson on the right.

Table with 2 columns and 3 rows: Technical Advisory Committee (TAC) Members/Alternates Absent. Includes John P. Diehl, Erica Duncan, and Anthony Minnick on the left; Gavin Pelliteri, Harold Powers, and Anna Simon on the right.

Table with 2 columns and 6 rows: Technical Support Staff Present. Lists names and DEQ affiliations for James Bennett, Azra Bilalagic, Owen Dingman, Amy Dooley, Laur Galli, Julie Gilliam, Amy Hagedon, Julia Jenkins, Chris Keehan, William K. Norris, and Jamie Robb.

No members of the public (interested parties) attended the meeting.

## Meeting Minutes

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### **Welcome and Introductions:**

Laura Galli, Guidance and Regulatory Coordinator with the Office of VPDES permits, welcomed members to the Technical Advisory Committee (TAC) for the reissuance of the VPDES General Permit Regulation for Groundwater Remediation of Contaminated Sites, Dewatering Activities of Contaminated Sites and Hydrostatic Tests, sometimes referred to as the Petroleum GP.

### **Purpose, Exempt Regulatory Process and Role of the TAC:**

Ms. Galli gave a brief overview of the purpose of the TAC and how the regulatory process works.

Ms. Galli reviewed the purpose and roles of the TAC, which are to assist DEQ staff in the development of a draft regulation for a general permit.

### **Overview of the Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Groundwater Remediation of Contaminated Sites, Dewatering Activities of Contaminated Sites and Hydrostatic Tests (9VAC25-120)**

Ms. Galli provided an overview of the general permit. The general permit was originally effective on February 24, 1993, and was last reissued on 03/01/2023. The general permit regulation governs the discharge of wastewaters containing the following contaminants: gasoline; petroleum products (other than gasoline); chlorinated hydrocarbon solvents; metals; and other contaminated site cleanup contaminants. There are currently 33 permittees.

The general permit governs the discharge of wastewater from the following activities: groundwater remediation (pumping contaminated groundwater to remove free product); dewatering activities; aquifer test to characterize site conditions; hydrostatic testing of natural gas storage tanks and pipelines; hydrostatic testing and dewatering of petroleum storage tank systems and associated distribution equipment; hydrostatic testing of water storage tanks and pipelines; and specific short terms projects.

### **NOIRA Comments**

No comments were received during the NOIRA Stage.

### **Known Revisions**

Ms. Galli reviewed the proposed revisions to the regulation:

- **Update regulation to reflect a new permit term of 03/01/2028 to 02/28/2033.**

- **Update language in 9VAC25-120-20 (Purpose) to clearly list activities and contaminants covered by this permit and to reduce redundancy.**

**Revisions Proposed:**

- **List contaminants and activities in bullet points, rather than in a descriptive format, as follows:**
  - Discharges resulting from petroleum product, chlorinated hydrocarbon solvents, metals or other contaminated site cleanup;
  - Groundwater remediation (pumping contaminated groundwater to remove free product, discharges resulting from petroleum products, chlorinated hydrocarbon solvent, metals or other contaminated site cleanups);
  - Dewatering activities;
  - Aquifer tests to characterize site conditions;
  - Hydrostatic testing of natural gas storage tanks and pipelines;
  - Hydrostatic testing and dewatering of petroleum storage tank systems and associated distribution equipment; and
  - Hydrostatic testing of water storage tanks and pipelines.

**Discussions:** TAC members suggested the following:

- That it would be clearer if this section specified that the regulation governs the discharge of wastewaters containing identified contaminants under a section A and discharges from the regulated activities under a section B.
  - The possibility of addressing “other emerging contaminants” such as PFAS in other sections of the regulation or by including a reference to capture other contaminants and activities not currently addressed in this general permit.
  - The inclusion of “short term projects” in the list of activities.
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- **Revised 9VAC25-120-70 C (Deadlines for Submitting Registration Statements) to change the deadline to submit registration statements from 30 days to 60 days prior to the expiration date of the existing permit. (9VAC25-120-70 C 2 b): This revision is consistent with the time for submittal of registration statements in DEQ’s other General Permit Regulations.**
  - **Revised 9VAC25-120-70 H (Incomplete Registration Statements) to add a new condition to address incomplete Registration Statement submittals.**

**Discussions:** The TAC identified that there are no fees associated with a registration fee for this general permit. The following revised language was suggested to include the requirement for a new Registration Statement.

*H. Incomplete registration statements: An incomplete registration statement for coverage under this general permit may be closed as incomplete by the department for failure to provide the required information within 30 calendar days from the date of the latest written information request made by the department. Where a registration statement is closed as incomplete, or withdrawn by the applicant, a new registration statement will be required for coverage.*

- **Revised 9VAC25-120-80 Part I A 6 (Dewatering Activities with Contamination by Metals – All Receiving Waters) to update effluent limitations for total recoverable antimony from 5.6 ug/L to 5.3 ug/L, and total recoverable thallium from 0.24 ug/L to 0.22 ug/L, in accordance with current Water Quality Standards (human health criteria, 9VAC25-260).**
- **Updated 9VAC25-120-80 Part II I (Reports of Noncompliance) to revise provisions to address online reporting to be consistent with other general permit requirements.**
- **Updated 9VAC25-120-80 Part II Y (Transfer of Permit Coverage) to amend Part II Y 2 for consistency with the VPDES Regulation (9VAC25-31-380. Transfer of Permits) and 40 CFR 122.61(b)(1).**

**Open Discussions Items included the following:**

- **The General Permit Fact Sheet:**

A brief overview of the basis for the parameters limitations was provided as described in the Fact Sheet. Open discussion on any limitation concerns was offered by DEQ staff, in particular, on metals.

- **Metals (9VAC25-120-80 Part I A 6):**
  - Most issues of non-compliance during the last permit term have been associated with metals. Naturally occurring metals may also contribute to this.
  - Metals were added to the general permit during the last reissuance to address metals associated with Voluntary Remediation Program (VRP) projects. Issues are usually associated with short-term projects (redevelopment projects).
  - DEQ staff mentioned the possibility to add limits for human health criterion for non-public water supplies when available, TAC members concurred that it would be a good addition.

- A TAC member suggested that information on the derivation of metals limits for public and non-public water supplies from the Virginia Water Quality Standards could be provided as a link to a webpage/website in lieu of including it in a static regulation. It could also be included as an attachment to the fact sheet.
- **Compliance Review:**
  - There is always a lag associated with compliance review.
  - A TAC member asked if there are DEQ Fact Sheets on the Compliance Review Process. DEQ staff noted that there is a Compliance Auditor’s Manual.
- **Hardness:**
  - DEQ staff noted that the hardness value used to derive the metals criteria for the existing permit was 70 mg/L based on the 10<sup>th</sup> percentile of Electronic Discharge Monitoring Reporting (e-DMR )data during the previous reissuance process. Review of recent e-DMR data showed a current 10<sup>th</sup> percentile of 62 mg/L. For comparison, a hardness of 100 mg/L is used for the Industrial Stormwater General Permit.
  - Units – a TAC member noted that the permit requires monitoring for hardness in mg/L while the e-DMR system asks for µg/L. This can cause issues with misreporting values.
    - DEQ staff noted that this can be flagged to update the database for this revision to correct this inconsistency.
- **GP Language: Designated Public Water Supplies:**
  - The sentence in the Authorization paragraph at the beginning of the general permit (9VAC25-120-80) reads “...the owner is authorized to discharge to surface waters...except to designated public water supplies or waters specifically named in other board regulations which prohibit such discharges.” However, the general permit contains reference to discharges to public water supplies. Should this be “specifically designated” public water supplies? “Waters specifically named in other board regulations” does not refer to public water supplies but to other waters, i.e., the Occoquan, that are spelled out in regulation and policies.
  - Was there some language change historically that created this apparent disconnect? Previous versions of the regulatory text need to be examined to see if there was a basis for this language. This is probably a relic of past regulatory revisions.
  - DEQ staff noted that the Authorization to Discharge section (9VAC25-120-60) states that discharges are not eligible for coverage if the owner is proposing to discharge within five miles upstream of a public water supply intake. Further, the

Registration Statement section (9VAC25-120-70) requires identification of public water supplies within 5 miles of the discharge point. Staff will investigate whether a revision to the language in 9VAC25-120-80 is necessary.

- **Short-Term Projects:**

- 9VAC25-120-70 B 1 c.
- The qualifying language of “in areas of known contamination” is used for some of the items listed but not for all of them.
- It was suggested that the phrase should be added to all of the short-term project types listed or removed from the individual items and included in the first sentence to qualify short term projects.
- Suggested language as follows:

“B. Owners of the following types of proposed or existing discharges are not required to submit a registration statement to apply for coverage under this general permit:

1. Short term projects (14 consecutive calendar days or less in duration) in areas of known contamination, including:

- a. Emergency repairs;
- b. Dewatering projects;
- c. Utility work and repairs ~~in areas of known contamination~~;
- d. Tank placement or removal ~~in areas of known contamination~~;
- e. Pilot studies or pilot tests, including aquifer tests; and
- f. New well construction discharges of groundwater.”

- What was the original driver for use inclusion of the category of Emergency repairs? There may be information in the Fact Sheet to address this question.

- **9VAC25-120-80 Part I B Special Conditions – Operation and maintenance (O&M) manual:**

- DEQ staff pointed out that normally there is language related to the calculation of flow and how pH was determined, etc. in the O&M section of a general permit. Why is that information not included here in this general permit? How is this language structured in other general permits? What are the specific requirements normally required in an O&M manual? What was the rationale for inclusion of these streamlined requirements?
- DEQ staff will look into the language used in different general permits for the O&M manual requirements (where applicable).

**ACTION ITEMS:**

- Staff will review and revise the data related to metals associated with this general permit and public water supplies and non-public water supplies with the TAC.

- Staff will provide an access link to the Compliance Auditor’s Manual. (The Number for the Compliance Auditor’s Manual is 02-2010 and is available on the Town Hall Website.) ([Virginia Regulatory Town Hall View Guidance Document](#)).
- Staff will investigate updating the “hardness” reporting unit inconsistencies in the database.
- Staff will investigate whether a revision to the language in 9VAC25-120-80 is necessary to address discharges to public water supplies.
- Staff will look into the rationale for inclusion of the generic term “emergency repairs” in the list of short term projects in 9VAC25-120-70 B 1 a.
- Staff will look into the wording of the O&M sections in other general permits to identify any additional language that could be included to clarify the requirements or the rationale for including streamlined requirements in this general permit.
- Staff will provide a link to the regulation on Town Hall. ([Virginia Regulatory Town Hall View Chapter](#))

**Next Steps:**

Ms. Galli covered the steps in the reissuance of the general permit regulation:

- Present a proposed regulation to the Board to request approval to go to public comment and a hearing;
- With the Board’s approval, conduct a 60-day public comment period and hold a public hearing during the comment period;
- Consider any comments received and develop a final regulation;
- Present a final regulation to the Board for approval;
- With the Board’s approval, complete a 30-day final notice period; and
- Complete the regulatory action such that the effective date of the new general permit regulation will be March 1, 2028.

Ms. Galli asked the TAC if a second meeting of the TAC is needed or desired.

- The TAC expressed interest in meeting again to discuss any changes to the draft regulation that may result from this meeting and from any research conducted by staff.
- DEQ proposed that the second meeting of the TAC be scheduled for late July or early August 2026.
- DEQ will follow up with the TAC members shortly with a Doodle Poll to schedule the second meeting.

**Public Forum:**

No members of the public attended the TAC meeting.

**Adjournment:**

Ms. Galli noted that all relevant material from this meeting, including the meeting minutes, would be posted on Townhall.

Ms. Galli thanked all the TAC members and adjourned the meeting at approximately 11:42 a.m.