



COMMONWEALTH of VIRGINIA

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SUBJECT: 1st Technical Advisory Committee (TAC) Meeting to Discuss the
2014 Reissuance of 9VAC25-190 Virginia Pollutant Discharge Elimination
System (VPDES) General Permit Regulation for Nonmetallic Mineral Mining
TO: TAC Members and DEQ Staff (listed below)
FROM: Eleanore Daub, VPDES DEQ Central Office
DATE: March 27, 2013

A TAC meeting was held on March 20, 2013 at DEQ Piedmont Regional Office. The meeting began at 10:00 AM. Participants attending the meeting were:

Name	Organization
Walter Beck	Vulcan Materials
Tom Bibb	Department of Mines, Minerals and Energy
Mitch Scott	Martin Marietta
Fred Cunningham	DEQ - CO
Eleanore Daub	DEQ - CO
Burt Tuxford	DEQ - CO
Joan Crowther	DEQ - NRO
Mark Kidd	DEQ - TRO
Loan Pham	DEQ - TRO
Melinda Woodruff	DEQ - TRO
Jason McCroskey	DEQ – SWRO by conf. call

Items presented prior to the meeting for discussion were:

- Draft Regulation with amendments 9VAC25-190, VPDES General Permit for Nonmetallic Mineral Mining
- Role of the TAC

Discussion

Staff told the TAC that we are on a tight timeline and working to ask the Board for approval to go to public hearing with draft amendments for the June 2013 Board meeting. This means all Board materials must be done by May. It is anticipated that two TAC meetings (today and perhaps one in April) will suffice. We plan to get final adoption in December 2013.

The TAC discussed the draft proposal as follows:

Definitions – Only adding definitions that are not in the permit regulation. Adding best management practices, MS4, significant spills and TMDL as these are used in the permit. The TAC discussed the definition of significant materials and how much of the definition does not apply to nonmetallic mineral mining (no hazardous materials on site) but eventually decided to keep the definition as is (matches the other general permits (GPs) with storm water requirements) and add ‘significant spills’ since it is also used in the regulation. The definitions are taken from the 2009 industrial storm water general permit (ISWGP) and were also included in the 2013 concrete general permit. The TAC discussed amending the vehicle/equipment washing to match the concrete definition of vehicle or equipment degreasing and take reference to “detergents” out. Discussion about the definition is that it is the process or purpose that is defined (engine work and degreasing). Washing or rinsing the exterior of equipment to remove dirt is not part of this process. However, washing the exterior of equipment is process water in the concrete permit and sometimes will enter the settling basins at the mining sites (more often it seeps into the ground and is not discharged). Regardless, it needs to be recognized as process water so it is clear no vehicle wash permit is needed.

Applicability of incorporated references - A new section 15 is added to reference the most recent 40 CFR publication so the dates do not need to be included with every 40 CFR reference in the regulation.

Purpose, delegation of authority and effective date – Atypical of other GPs, these three sections are combined in NMMM.

Authorization to discharge – This section and the registration statement section are being reformatted in all general permits as they are reissued. Also we are including (per EPA requirement) new reasons that must be considered before authorization to discharge is granted. The discharge must meet the antidegradation policy. Also the TMDL requirement is also simplified to require the discharge be consistent with the assumptions and requirements of an approved total maximum daily load (TMDL). The current assumption in TMDLs is that any loads to impaired waters from discharges covered under general permits are either considered 'insignificant' to the waste load allocation or have been included in the load allocations 'growth factor.' Discharges to waters subject to a TMDL waste load allocation also have a special condition in this permit that requires incorporation of measure and controls into the storm water pollution prevention plan (SWPPP) that are consistent with the assumptions and requirements of the TMDL. If a wasteload allocation applies, the owner must monitor as per part I A 2 of the permit. The authorization to discharge for this industry is more stringent than any other general permit in that the owner must also hold a mineral mining permit from the VA Department of Mines, Minerals and Energy.

The TAC was supportive of the continuation of permit coverage allowance. The dates should reflect the current permit term.

Registration Statement – 45 days was determined to be sufficient lead time for new facilities, 210 days for individual VPDES permittees proposing to be covered by the GP and 90 days for

existing GP holders. The basic premise of paragraph B is that the department does want the registration statements ahead of time (in this case April 1, 2014), but we also want the staff to have the ability to continue permit coverage up until the expiration of the permit in case DEQ is late in reissuing the permits.

The law will change July 1 to allow individual permits to be received by email and DEQ wants to recognize electronic submittal of registration statements in this regulation. Ultimately, the goal is to allow online registration but right now the information technology priorities at DEQ are not focused on that. Logistically, we agree that some form of a common mailbox could be set up for submittal of the electronic registration statements with some form of an acknowledgment of the receipt of the registration (automatic reply, return receipt).

The guidance states that every storm water outfall will be issued an individual DMR. The DMR for each outfall will also list all the substantially identical discharges that may be represented by the submittal of a single DMR for the required reporting period. The guidance is confusing as to what DMR to submit. This guidance also states that permittees should sample a different substantially identical storm water outfall each year. This will remain optional. The representative outfall question on the registration statement asks for activities associated with the outfall and it was noted that there are not many different types of land disturbing activities.

A question about whether the discharge goes to an MS4 is added and what the permittee should do if they discharge to an MS4 (notify the MS4 owner and copy DEQ). This question is added to all GPs as they are reissued. It was suggested the DEQ clarify that 'the discharge' means a permitted outfall or discharge and not just, for example, drainage to a VDOT ditch from the facility entrance-way. It was noted some permittees may not know that VDOT ditches are MS4s but that VDOT is usually involved up front when quarries or mines are established due to traffic or road changes.

A question was added to the registration about vehicle or equipment degreasing activities that are performed and if there is any process wastewater generated.

The existing certification statement is appropriate. The concrete certification has a statement that DEQ has permission to enter the property when needed. This is not needed for this permit and the requirement is already in Part III 'Conditions Applicable to All Permits.'

Termination of Permit Coverage - This section was moved to a special condition in the permit so the permittee can see what needs to be done to terminate coverage.

General Permit Limits Pages - A suggestion was made to put the footnotes in order and move the pH footnote after the effluent characteristic (pH (standard units)) and not by the discharge limits (6.0 and 9.0). Also the statement in current footnote (1) '*pH effluent limits may be adjusted within the 6 to 9 S.U. range*' should say '*those effluent limits shall be the maximum and the minimum*' because the alternate pH standards can go outside this range. The reference in current footnote (2) (TPH limit requirement for vehicle or equipment degreasing activities) to oil/water separators is not needed because some may not have an oil/water separator and the

reference to equipment degreasing is sufficient. Also, most oil/water separators do not discharge except in extreme events.

The TPH analysis references are updated and it was confirmed the reference to just diesel range organics is appropriate. Do not need to include gasoline range organics as the fuel used onsite is diesel.

The solids and foam requirement in this section should be moved to a special condition.

The storm water monitoring requirements were moved to Part II Storm Water Management.

General Permit Special Conditions - #6 - delete and also in Part III L. This is not relevant to general permits. We don't modify general permits. #9 - take out the reference to 'ponding.' #11 - this is not needed as it is just a repeat of the definition of vehicle or equipment degreasing with no corresponding requirement. However, the registration statement questioning if vehicle or equipment degreasing occurs, should be clear as to what that means. #13 - if the TSS concentration exceeds 100 mg/L, this leads to another routine facility inspection. No changes proposed. #14 - The SWPPP incorporates the measures and controls consistent with an *'approved'* TMDL. Delete the reference to a TMDL *'established by the board and approved by EPA'*. The reference only needs to be an *approved TMDL*. #16 - Notice of termination moved from section 65.

Storm Water Management Part II - There was a lot of discussion about the need for and the appropriateness of the 72-hour interval from the previous event and grab taken during the first 30 minutes. Why can't the information be on the DMR itself? Why does DEQ need it in the first place? Why can't the information be kept on site? Some inspectors do look at it before visiting a site. These timing requirements were designed to get at the worst case scenario but in reality, for these sites with large storm water management structures the end of the discharge event is the worst case. The industry did not think that taking the sample directly out of the storm water management structure was appropriate. DEQ thinks they discussed the timing requirements during the last reissuance but EPA may have disagreed. NOTE - After the meeting staff found the EPA comment letter from 2009 that confirms this. DEQ will provide a rationale in the Fact Sheet as to why the timing requirements and the rainfall information are not necessary or appropriate for these sites.

The DMRs for the representative outfalls all have to be changed if an outfall is added or anything related to outfall numbering changes. Discussion indicates that the DMR process for representative outfalls is burdensome.

Remove the phrase 'visual monitoring' from sampling waivers.

Consider moving the inactive and unstaffed site allowance to special conditions per the 2013 concrete general permit. Except sector J is exempted from the requirement that "no industrial material or activities are exposed to storm water" in the MSGP. DMRs are not needed for inactive and unstaffed sites. It was thought the MSGP might require an annual evaluation at inactive and unstaffed sites.

The deadlines for plan compliance were discussed. It was determined that the deadlines were not an issue at these sites since DMME requires this information before the DMME permit can be issued.

Consider making the "Keeping plans current" language similar to the 2009 ISWGP.

Staff will go through the remainder of the storm water section and compare with concrete and see what needs to be incorporated into this permit

Try to keep the numbering the same in the storm water section.

A request was made to incorporate the Chickahominy special standards from the Water Quality Standards regulation (9VAC25-260-310 m.) into this permit.

In Part III, Conditions Applicable to All Permits, paragraph M (Duty to reapply) needs to reflect the new 90 day requirement for a new registration statement. Paragraph Y (Transfer of permits) will remove references to modifications or revoke and reissue since these are not done with general permit coverage and give the board an opportunity to waive the 30 day advance notification for ownership changes.

Another meeting may be needed in April after staff has made changes and the TAC has had an opportunity to review them.

Thanks to all the TAC members for their continued service.