



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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SUBJECT: 2nd Technical Advisory Committee (TAC) Meeting Summary to Discuss the 2022 Reissuance of 9VAC25-193 Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Concrete Products Facilities.
TO: TAC Members and DEQ Staff (listed below)
FROM: Eleanore Daub, Office of VPDES Permits
DATE: September 26, 2022

A TAC meeting was held on August 29, 2022 beginning at 12 PM.

TAC members and staff attending the meeting were:

Industry Representation:

Walter Beck, Vulcan Construction Materials

Cliff Bocchicchio, Titan America

Tom Foley, Vulcan Materials - Mideast Division

DEQ Staff:

Allan Brockenbrough, CO, VPDES Permits

Eleanore Daub, CO, VPDES Permits

Kevin Crider BRRO, VPDES Permits

Amy Dooley NRO, VPDES Compliance

Troy Nipper CO, VPDES Compliance

Kelli Park VRO, Water Compliance

Brad Ricks PRO, Multi-Media Compliance

Matt Stafford CO, VPDES Compliance

Information provided to the TAC and to staff included:

- Agenda
- Regulations with draft amendments VPDES General Permit for Concrete Products Facilities.

Background since Last Meeting (March 9, 2022) and Update

- Previous meeting summary was shared with the TAC and published on Town Hall
- Proposed stormwater amendments were sent to TAC prior to this meeting
- Staff will present a proposed regulation at the next quarterly State Water Control Board meeting (Nov 29th)

Review and Discussion of Draft Amendments

Staff began by discussing amendments to Part II, Stormwater Management since these amendments were not discussed at the March 9, 2022 meeting.

Staff attempted to model the stormwater language after the (Industrial Stormwater General Permit (ISWGP) language, as applicable. Staff would like all the GPs that have stormwater requirements to be similar. Fashioning the GPS after the VPDES ISWGP makes the most sense since that permit covers many industrial sectors. All new requirements per the 2021 EPA Multi-Sector General Permit (MSGP) would be vetted through that TAC since many industries and regional staff are represented in that discussion.

Staff compared the ISWGP contents with the current Concrete General Permit (CGP) contents. Before this meeting, one industry stakeholder had asked if DEQ could try to preserve the current citations within the CGP regulation to ease the burden of rewriting stormwater pollution prevention plans (SWPPP). Staff attempted to do this but it did not easily follow the ISWGP order because new requirements needed to be added. For example, there was no Corrective Actions section in the CGP, so that needed to be inserted. A crosswalk of existing citations and the new citations was presented.

The ISWGP is ordered generally as follows with stricken items either not applicable to concrete (e.g., Chesapeake Bay calculations) or located in Part I of the concrete permit (e.g., inactive sites, adding or deleting outfalls):

A. Effluent limitations and monitoring requirements

1. Types (visual, benchmark, Total Maximum Daily Load (TMDL), effluent limitation guidelines (ELG))
2. Monitoring Instructions (includes representative outfalls)
3. ~~Adverse climatic conditions~~
4. ~~Inactive sites~~
5. ~~Reporting monitoring dates~~
6. Corrective Actions

B. Special Conditions

1. Authorized nonstormwater
2. Hazardous substances
3. ~~Collocated~~
4. ~~Other sources~~
5. ~~No discharge of waste, garbage, etc.~~
6. ~~Other applicable ordinances, etc.~~
7. ~~TMDL measures and controls~~
8. ~~Ches. Bay TMDL~~
9. ~~Ches Bay TMDL and MS4~~
10. ~~Ches Bay and expansions~~
11. ~~Water Quality Standards~~

12. ~~Adding or deleting outfalls~~
13. ~~Antidegradation~~
14. ~~Termination~~

C. SWPPP

Monitoring Requirements Part II A (draft CGP) - The biggest changes are placing the monitoring (benchmark and visual) and inspections at the beginning of Part II A. Benchmark language is copied (and is a duplicate) of language in footnote 2 of Part I A 2 of the CGP draft. Staff noted that a reference to corrective actions was overlooked and possibly needs to be referred in the benchmark monitoring requirements.

Visual monitoring requirements were also moved to Part II A. Later in the meeting, a question was raised as to why the time of visual monitoring was necessary. Staff questioned why this was difficult as it is a standard piece of information collected when monitoring.

Different from ISWGP is the proposed addition of routine facility and nonstormwater discharge annual inspections to proposed Part II A. Staff thought that all that all actions on site (and not just SWPPP contents or SWPPP deadlines) should be placed up front in Part II. Later it was discussed the reason why the ISWGP had routine inspections and nonstormwater inspections under “content of the SWPPP” is because these actions are facility wide and not just outfall specific (like benchmark and visual monitoring). Staff will reconsider the placement of these items in CGP.

Several definitions were added to section 10 (corrective actions and measureable storm event) as these terms are used in the CGP and are defined in the ISWGP.

Reporting requirements (draft Part II A) – Currently the date, duration and rainfall inches of the storm event are recorded on the DMR. This is the same in all ISW permits. The reporting of the duration and inches of the rainfall event were questioned at the March TAC meeting (particularly duration) as well as having to report this on the DMR itself. Staff queried surrounding states and found NC asked for rainfall amount but not duration. This information does not seem to be used by DEQ and often just leads to a warning letter for the DMR if information is missing. The stakeholders still question the reason for this information but staff prefer the discussion of the elimination of this requirement be taken to the ISW TAC. Currently, EPA also requires this information in the MSGP and all VPDES permit regulations must be approved by EPA. (POST NOTE – EPA 2021 MSGP Fact Sheet states that some of the components of a stormwater monitoring program that are sufficient to characterize a discharge and to accommodate the development of numeric effluent limitations include rainfall monitoring (rate and depth)).

Corrective Actions Part II A 6 – A stakeholder questioned if a corrective action signals that a modification to the SWPPP is necessary or more appropriate wording would be “may” signal a SWPPP modification because a change may not be necessary, but effectiveness should be evaluated. For example, a problem may be noted and indicate that routine maintenance is due;

however, changes to the SWPPP are not necessary. Also, a large rain event in a short period of time may cause a benchmark exceedance but best management practices (BMPs) are not designed to handle an extraordinary rain event so changes to the SWPPP are not appropriate. It was pointed out that language exists to indicate changes are not required (e.g., in draft Part II A 1 it states “modifications to the SWPPP are necessary, unless justification is provided... and draft Part II A 6 states “the permittee shall review the SWPPP and modify it as necessary to address any deficiencies...” Staff will review this language again to determine if changes are necessary.

There was also concerns raised that corrective actions in Part II A 6 must be signed by a corporate individual per Part III K even if no modifications to the SWPPP are needed. Note that Part II A 6 states that corrective actions shall be documented and retained with the SWPPP and that reports of corrective actions shall be signed in accordance with Part III K. Part III K individuals (corporate signatories) are generally not present on site and employees can make day to day decisions. Discussion ensued as to whether or not that meant a Part III K official had to sign day to day activities or sign at a later time when changes to the SWPPP had occurred (i.e., within 60 days after discovery of the event requiring SWPPP modification). Also staff pointed out that delegations to individuals at each site may be made per Part III K but it was countered that this level of management (i.e. to make financial decisions per the Part III K definition) was frequently not at the site. Staff indicated that the signature is for documentation of the SWPPP evaluation and any changes made. Staff also pointed out this was a requirement at all industrial stormwater sites per the ISWGP and seemed to be implemented without concern elsewhere. Staff asked if using an electronic signature would ease the concern. Staff will consider the wording in Part II A 6 and Part II F (Signature and SWPPP review) wording and whether it needs to be clarified and made consistent or explained in guidance what is required.

Nonstormwater Discharges Part II A 4 – It was questioned why these items are even needed when most of them do not apply to concrete sites. Staff responded that it was standard language in all stormwater permits (including per EPA MSGP).

Collection and analysis of samples Part II A 5 – This was modified to more closely match the ISWGP language.

Stormwater Pollutions Prevention Plans requirements Part II D – Modifications were made throughout this section to more closely match the ISWGP language.

Site map - A question was raised as to why spills and leaks need to be identified on the site map as it may not be useful if something had changed or moved following a spill to correct the reason for the spill (e.g., moved or removed a fuel tank). Staff responded that it’s meant as a point of emphasis to the permittee in order to highlight an area of risk. It may be duplicative of the previous requirement for the site map which requires that areas of potential pollutant sources also be identified on the site map which includes areas of potential spills and leaks.

Control measure considerations – This is a new section to the CGP that is also from the ISWGP. The only requirement is that certain items must be taken into consideration in selecting control measures. Nothing is written or submitted to DEQ.

Good Housekeeping – These measures have been revised per the ISWGP. A question was raised about why stormwater discharges of plastics is needed for this industry.

Good Housekeeping (Eliminating and Minimizing Exposure) – This is another new requirement for good housekeeping (as practicable) to put industrial activities and materials indoors (as feasible). What does “as feasible” mean for this industry? What would DEQ look for or expect from the addition of this language? Does DEQ expect each item to be addressed or for the permittee to just list what measures are followed?

Dust Suppression – A new paragraph was added from ISWGP to implement control measures to minimize dust and off-site tracking. Dust suppression is also discussed in good housekeeping procedures and Part I B special condition 14. The new paragraph also references the use of potable water for dust suppression without discharge but potable water is an allowable non-stormwater discharge (if no contact with the raw materials). No ponding or direct runoff from dust suppression (potable water often used for spraying stockpiles) is also discussed in special condition 14. The TAC discussed whether a discharge of water from dust suppression into a stormwater basin would constitute a direct discharge. Staff will review requirements for duplication and inconsistencies.

Part I Discussion – Staff then went back to Part I to discuss some amendments made after as a result of the March 9, 2022 TAC meeting discussion.

TMDL Requirements Part I 16 – This additional language is similar to the Nonmetallic Mineral Mining TMDL language; however this particular condition in NMMM seems to be directed to stormwater only. Staff thinks it’s important to expand on this condition so that general permit coverage is not denied because of a pollutant of concern in an approved TMDL that is not covered under this general permit. One example is the upcoming total dissolved solids TMDL currently being developed in Sand Branch in northern VA.

Compliance Reporting Part I B 15 – The TAC discussed the QL for TSS which can change can fluctuate depending on the volume of sample that can be filtered in the required ten minute filtration window (per 40 CFR Part 136). Staff is proposing to delete the QL of 1.0 for TSS. If 1000mLs of sample can be filtered within the ten minute window, then the sample will have a reporting limit of 1.0 mg/L. If only 900 mLs of sample can be filtered within the ten minute window, then the sample will have a reporting limit of 1.1 mg/L.

Electronic DMR – EDMR may be available for this reissuance. The rollout of the EDMR for the public will be staggered starting with individual permits, industrial stormwater general permits

and the watershed (nutrient) general permit. The other general permits will likely follow in the order of when they are due for reissuance.

Next Steps

Staff will finalize the language and share the proposed regulation prior to submission to the Board. TAC members can comment during the public comment period. A 3rd TAC meeting is not anticipated.