



COMMONWEALTH of VIRGINIA

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SUBJECT: 1st Technical Advisory Committee (TAC) Meeting
9VAC25-120, General VPDES Permit Regulation for Discharges From Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests (VAG83)
TO: TAC Members
FROM: Burt Tuxford, Office of Water Permits and Compliance Assistance
DATE: September 29, 2011

A meeting of the VPDES Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests GP Technical Advisory Committee (TAC) was held on August 31, 2011 at DEQ Central Office. The meeting began at 1:00 PM. The members of the TAC attending the meeting were:

<u>Name</u>	<u>Organization</u>
Michelle Wharton	Kimley-Horn & Associates, Inc.
LaJuana Chambers	MPC VCU MPA Program
Loraine Schroeder	VCU MPA Program
James Barnett	DEQ - CO, OSRR
Fred Cunningham	DEQ - CO, OWPCA
Elleanore Daub	DEQ - CO, OWPCA
Burton Tuxford	DEQ - CO, OWPCA
Joey Daniel	DEQ - BRRO-Lynchburg (by phone)
Kevin Harlow	DEQ - BRRO-Roanoke (by phone)
Douglas Frasier	DEQ - NVRO (by phone)
Dawn Woodard	DEQ - NVRO (by phone)
Amy Webster	DEQ - TRO (by phone)

TAC members not in attendance were:

Trevor Wallace DEQ - VRO

Items presented for information and discussion prior to the meeting were:

- Meeting Agenda
- 9VAC25-196 NOIRA; "The Role of the TAC" document; List of TAC Members
- 9VAC25-120, General VPDES Permit Regulation for Discharges From Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests (VAG83) - Preliminary Draft Regulation with initial proposed changes.
- 2008 Petroleum GP Fact Sheet

The TAC discussed the draft regulation and registration statement and the preliminary changes that were presented:

Section 10 - Definitions

- Added the definition of TMDL since this is now referenced in section 60.
- The TAC suggested that we also add the definition of "Department".

Section 20 - Purpose

- A question came up from a consultant prior to the TAC meeting regarding hydrostatic testing, and whether we could expand the GP coverage to include other types of hydrostatic testing. The Regional representatives on the TAC were polled, and they have only issued coverage for a few of these over the last several permits. (*Editor's note: Of the 75 active Petroleum GPs, 11 are for hydrostatic testing, mostly in SWRO*). Staff will look at this some more and see if this is something that we could easily incorporate.

Section 50 - Effective Date of the Permit

- Changed the effective date to February 26, 2013, and the expiration date to February 25, 2018.

Section 60 - Authorization to Discharge

- This section has been rearranged and reworded to be consistent with the way all GPs are now being written. Subsection B has been added to discuss reasons why an owner would not be eligible for permit coverage - - required to obtain an individual permit; discharging within five miles upstream of a public water supply or to prohibited waterways; central wastewater treatment facilities are reasonably available; discharge violates antidegradation; a TMDL applies to the discharge and has pollutants of concern not addressed in the permit. A suggestion was made to address the antidegradation review for this permit in guidance. Subsection D has also been added to allow continuation of permit coverage if the permittee files a complete renewal RS prior to permit expiration. There was a question about why the RS due date for continuation of coverage was the permit expiration date and not the regular due date for the registration statement (30 days prior to permit expiration). This was done to give the staff maximum flexibility for allowing continuations if the Board cannot renew the facility's permit coverage until after the old permit has expired.

Section 70 - Registration Statement

- This section has also been rearranged and reworded to be consistent with the way all GPs are now being written.

Section 80 - General Permit

Part I A - Effluent Limitations and Monitoring Requirements discussion.

- Part I A 1, Footnote 2 - - This footnote is incorrect. The second sentence should have ended after "...(40 CFR Part 136, 2007)."
- The TAC suggested that we change the Hardness "Instantaneous Maximum" from "NA" to "NL".
- TAC discussed the effluent limits and what they were based on. Staff will need to review EPA data to see if we need to update any of the limits.
- Part I A 2, Ethylene Dibromide - - the suggestion was made that the limit for this should be listed in the table as "0.169".

- Part I A 1 and I A 2, Footnote 2. There is a minimum hardness listed in the permit. Shouldn't we also list the WQS maximum of 400? Staff will check on this and get back to the TAC.
- CFR references. TAC suggested that we check with Cindy Berndt to see how Policy wants us to list these in the GPs now.
- VELAP and analytical methods. Staff needs to check the methods listed in the permit to make sure we match up with VELAP. There is nothing in the VELAP regulations that would keep us from using our methods in this permit.
- Sampling Frequency. The TAC discussed the permit sampling frequencies and how these were developed. A question came up relative to linear projects with multiple outfalls, and the monthly sampling of different areas (different sources) discharging to the same outfall. The permittee is moving the remediation areas within an outfall - - may be "hot" one time, and not the next. The TAC suggested that we may want to sample more frequently for these. One thought was that the systems should be designed for the "worst case" situation.
- Shorter term discharges. A question was asked whether any consideration has been given to including coverage for shorter term discharges in the permit - - couple of days at the most. We would need to allow for a shorter approval process and a simplified RS... maybe a "permit by rule" type of approach for these.
- Along those same lines, the TAC asked if any thought had been given to a "city-wide" permit or a "blanket" permit for a city for discharges of remediated ground water, primarily discharging to the MS4. Suggestion was, again, for a streamlined/simplified process where they just notify us. There would be specific restrictions on what they are pulling (tank) and what they can do under the permit. Would need a quick turn-around from DEQ and get more of these permitted (rather than having the work done without a permit). This approach would save time for the DEQ Regional staff.
- Staff will get back to the TAC on both of these.

Part I B - Special Conditions

- This section was modified to add "standard" conditions that we have been adding to all GPs - - significant digits condition; water quality standards condition; responsibility to comply condition.
- Part I B 7 - Notice of Termination. The TAC suggested that staff check the wording of this condition to make sure it is consistent with "Termination" language we are now putting in all GPs.
- A suggestion was made that we move the newly added subsections B8, B9 and B10 in front of B7.

Part II A - Monitoring.

- A requirement was added that all analysis done for compliance with the permit effluent limits be in accordance with the VELAP laboratory certification/accreditation requirements. This requirement will be reworded for the next draft to conform to the new standard language that has recently been developed for this condition.

Part II Y - Transfer of Permits

- Subsection Y 2 a was modified to require the notification to DEQ "within 30 days of the transfer", instead of the previous "at least 30 days in advance of the proposed transfer" language. This is now standard language we are adding to all GPs.

Registration Statement Form

- TAC requested that we add MS4 notification to the RS form for those discharges that go to an MS4. Also suggested that we add a permit condition to have the permittee send DMR data to both DEQ and the MS4 operator.
- Facility owner may be different from the permit owner. TAC suggested that we need clarification in the RS instructions on exactly who can and can't sign the RS. Consultants are signing the form saying they will be the permit owner.
- In the signature section, TAC suggested we add "Company Name" above the "Title" line.
- In the "Department Use" section, TAC asked that we add a line for "Topo Number".