



COMMONWEALTH of VIRGINIA

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SUBJECT: 1st Technical Advisory Committee (TAC) Meeting regarding 9
VAC 25-190, General Virginia Pollutant Discharge Elimination System (VPDES)
Permit for Non-Metallic Mineral Mining

TO: TAC Members

FROM: George Cosby

DATE: April 16, 2008

A TAC meeting was held on March 27, 2008 at DEQ Piedmont Regional Office. The meeting began at 10 am and adjourned at 12:45 pm. The TAC members and others attending the meeting were:

Sam Hollins	VTCA
Walter Beck	VTCA (Vulcan)
Mitch Scott	VTCA (Martin Material)
Joan Crowther	DEQ
Mark Trent	DEQ
Kirk Batsel	DEQ
Holly Williams	DEQ
George Cosby	DEQ

Comments and items presented at the meeting were as follows:

1. Have there been guidance revisions from EPA that would affect the NMMM GP?

Response: The TAC has not been advised of any EPA rule changes since the last issuance of the GP.

2. What violations were attributed to facilities covered by this GP? DEQ staff has suggested a bench mark monitoring be established of 100ml TSS to show performance. Industry disagreed indicating; show us we have a problem before implementing this type of change.

What types of violations accrued?

Industry representatives indicate the only violations are maintenance issues such as paperwork and possibly debris removal. And in general the GP appears to be fine.

Response: Attached are lists of violations that have occurred during the NMMM general permit cycle for your review in Excel format. We will decide how the violations will affect the issuance at the next TAC meeting.

3. A question was raised regarding storm water data and how accurate it is? The example given was information provided by the Culpeper operation about air pollution caused by dust.
4. Is there a reference to TMDLs currently in the GP and if not should there be a reopener clause?

Response: There is not a reference to total maximum daily load in the current permit. The NMMM facilities that discharge to waters for which a “total maximum daily load” (TMDL) allocation has been established by the board and approved by EPA will be required to incorporate measures and controls that are consistent with the assumptions and requirements of such TMDL in the issuance.

5. There are individual VPDES permits issued to NMMM plants located in the Chickahominy watershed, could these facilities be included into the GP category using an asterisk or something for outlying parameters and limits.

Response: TAC members agreed to investigate if we could include NMMM plants discharging to the Chickahominy watershed into general permit category.

6. Some NMMM facilities discharge (pump) pond water to area farms for irrigation. Could DEQ add a special condition to the GP that would allow this action? Currently the pumped water is not monitored. How will the recycle and reuse regulation and VWP water withdrawals permit effect the pond pumping?

Response: Pond water piped discharges to farms for irrigation are not legal discharges. Legal discharge points are outfalls listed on the registration statement and on the general permit. Recycling of water is allowed only on the property. The recycle and reuse regulation has not been issued and therefore we can not predict how NMMM facilities will be effected. The VWP regulation does not regulate water withdrawal from NMMM facilities. We will continue to investigate whether the GP can some how authorize the pumping of storm water for irrigation to local farms.

7. Can a special condition be added to state that sampling discharges points should be alternated to represent the discharge outfalls instead of using the same discharge outfall location to represent all the other discharge points?

Response: Reference G.M. # 93-024, Addendum #2 by Richard Ayers; “Some regions have been requesting that the permittee alternate the sampling among the outfalls within a grouping in order to verify that they are indeed similar. I do not think we can require the permittee to sample more than one of the outfalls in a group because of the way the permit language reads that one sample can represent them all.

If the permit writer questions the representative sample assumption for a site, they should visit the site to verify the similarity of the outfall groupings selected by the applicant. They should select a good cross section of the range of outfalls at the site in order to get representative samples. The selection process could consider factors such as the activity in the drainage area. Permit writers should reach an agreement with the applicant on which sampling points will represent which outfalls and then accept the DMR data from that one point instead of requiring the permittee to rotate the sampling among the outfalls.”

8. Revised the vehicle washing special condition to clearly state that washing the outside of vehicles is allowed any where on mining property. This statement will make it clear that washing mud from tires any where on the property is permitted. Reference the Concrete GP currently being issued.

Response: The concrete GP allow vehicle washing at designated wash down and washout areas. All washout/wash down water shall be collected for recycle or treated prior to discharge. In the last NMMM general permit reissuance total petroleum hydrocarbons (TPH) requirements were removed from the storm water associated with industrial activity monitoring. And TPH monitoring is required only at the vehicle/ equipment washing facilities or from discharges that pass through oil/water separators.

9. Industry has suggested that DEQ contact Mr. Conrad Spangler of the Div. of Mineral Mining about their mining permit in relationship to Mining Permit and Operations Plan need for additional special conditions or what was discussed at previous GP TACs.

Response: Mr. Spangler will be contacted and requested to attend the next TAC meeting if he is available.

10. The Valley Regional Office according to industry is requiring submittal of the yearly storm water sampling DMRs on a different time schedule than all the other regional offices. Industry would like DEQ to state in the permit when the DMR is due.

11. Industry has indicated there are issues when applications are submitted to early.

Response: At the next TAC meeting, we will discuss the concerns of early general permit registration by industry and what is needed to resolve those issues.

12. Could applications, DMRs and GP be submitted electronically to the owner and DEQ? The industry would still like to have the GP with the original signature instead of the electronic one.

Response: The TAC members agreed to suggest DEQ allow electronic submittals of registration statements and the issuance of the general permit electronically. There will be further discussions at the next TAC meeting.

13. DEQ staff is requesting that CEDS track violations better because some of the operations have gone a long time without submitting a DMR without any DEQ action taken. Could the GP include a special condition to address this issue?

Response: Tracking violations and non submittal of DMRs are compliance issues and not a permit development issue. The TAC members will inform the compliance staff of their concerns.

14. The TAC members suggested that the registration statement have the 911 addresses; email and latitude & longitude of the actual facility location as well as the outfall locations because the facility may be some distance from the outfalls.

I am suggesting the next TAC meeting be schedule for Thursday, May 22, 2008 at 10:00 am. This will allow time for the notice of the meeting to appear in the Virginia Register. In the meantime TAC members are free to contact me or other members if questions or information is made available prior to the meeting date. Again I thank the TAC members for their service on the TAC.