



COMMONWEALTH of VIRGINIA

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SUBJECT: 2nd Technical Advisory Committee (TAC) Meeting to Discuss the 2013 Reissuance of 9VAC25-860 General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Potable Water Treatment Plants.
TO: TAC Members and DEQ Staff (listed below)
FROM: Elleanore Daub, VPDES DEQ Central Office
DATE: October 19, 2012

A TAC meeting was held on October 19, 2012 at DEQ Piedmont Regional Office. The meeting began at 10:00 AM. The TAC members attending the meeting were:

<u>Name</u>	<u>Organization</u>
Jean Andrews	Augusta County Service Authority
Susan Douglas	Virginia Department of Health
Matt Ellinghaus	Hanover County
Gary Robertson	Western Virginia Water Authority
Fred Cunningham	DEQ - CO
Elleanore Daub	DEQ - CO
Deborah DeBiasi	DEQ - CO
Kathleen O'Connell	DEQ - CO
Burt Tuxford	DEQ - CO

Other DEQ Staff Participating

Jaime Bauer	DEQ – PRO
Bev Carver	DEQ – VRO
Leah Revelle	DEQ – BRRO by conf. call
Alison Thompson	DEQ – NRO by conf. call
Debra Thompson	DEQ – TRO by conf. call

Items presented prior to the meeting for discussion were:

- Draft Regulation dated October 4, 2012 VAC25-860, General VPDES Permit for Potable Water Treatment Plants
- Minutes from the September 11, 2012 meeting. There were a few minor changes requested by the group. Those changes will be made and the minutes posted on the Townhall website.

Discussion by Section

- Definition (9VAC25-860-10) section was expanded to include producers of potable water that may not have their primary SIC code as 4941 (e.g., industrial facilities producing their own potable water for process). Some thought the SIC code was not needed. The group discussed whether the SIC code could be added as an example of the type of facility covered (add 'including but not limited to SIC 4941'). Or open the coverage by revising the definition to say 'as designated by SIC code 4941 or others approved by the board.' It is probably better to include the SIC codes somehow since it does define the majority of the covered facilities and makes it easier for the public to understand. It was suggested not to say that the establishments are producing water 'suitable for drinking' as some of the commercial establishments are not meeting Safe Drinking Water Act requirements and are not under VDH authority. We need to be careful about moving into the 'non-potable' water realm as we are not sure the limits within this general permit will be protective of water quality for any type of non-potable water. We need to carefully think about what we mean by 'potable water' but not as drinking water that meet Safe Drinking Water Act requirements. The VDH later sent a definition of potable water taken from the DEQ draft reclamation and reuse regulation as follows: "Potable water" means water fit for human consumption and domestic use that is sanitary and normally free of minerals, organic substances, and toxic agents in excess of reasonable amounts for domestic usage in the area served and normally adequate in quantity and quality for the minimum health requirements of the persons served. We need to be careful that we are not allowing coverage for discharge of WWTP reuse water. Do we need to identify in the definition that this is only for surface, ground or city water? Some industrial uses may require very clean water (e.g., a semi-conductor plant) which means more pollutants removed. NOTE: subsequent to the TAC meeting, staff decided not to put a definition of 'potable water' into the regulation since that term is not used in the regulation, rather the term is always 'potable water treatment plant' and this is properly defined to identify the type of industry we are covering.
- Some concern raised by staff that some municipalities may want to divert part of WTP waste water currently going to their own WWTP and prefer discharge which led to discussion of whether a central sewer connection (when feasible) requirement should be included as in other similar permits. Several reasons not to require a connection to sanitary when feasible are that a WTP discharge can dilute a WWTP too much, interfere with operations at the WWTP and use up capacity. Also the WTP discharge can be very 'clean' so why require connection to a WWTP? It was decided not to put this requirement for a central sewer connection in this regulation.

The definitions section also added the different types of filtration which were found acceptable to the group with some minor editions.

- Effective date of the permit (9VAC25-80-40). DEQ RO staff suggested the expiration date of the permit be moved to a quarterly ending date to avoid a holiday (December) reissuance and to conform to calendar based permit monitoring periods. Staff chose June

30, 2018 as an expiration date to stagger it among other general permits that expire in the September 2018 time frame. This shortens the coverage under the GP by almost six months for the industry. The TAC was willing to move forward with this change.

- Authorization to Discharge (9VAC25-860-50). The storm water GP states that coverage is ineligible if the permit has been adversely terminated or denied. If that scenario is not covered in section 9VAC25-31-170 B 3 of the VPDES permit regulation, we should add it as a reason not to grant authorization. One concern was raised that the requirement should not make the coverage ineligible if the reason for termination or denial has been corrected. Perhaps change the opening sentence in 50 B to say "The board will notify an owner that the discharge MAY not be eligible for coverage under this general permit in the event...." NOTE: - subsequent to the meeting, staff decided that termination or denial did not need to be listed separately as a reason for ineligibility or change the opening statement to "MAY" as the permit regulation gives DEQ latitude on whether a termination or denial is appropriate to decline eligibility.

The WET testing details have been eliminated in this section and are located in a special condition in the permit itself since we are proposing to allow the WET testing during the permit term (rather than before granting coverage as is currently the procedure). The agency also believes the entire industry must be treated consistently with regards to WET testing and everyone (including individual permits) should have been or will be subject to toxicity testing at some point in the life span of the facility. Even older WET data should be admitted if it is representative of the current discharge. This should be discussed in guidance.

The proposal requires WET testing for permittees with flow greater than 50,000 GPD. There was a great deal of discussion about how to express and measure the flow. Should it be expressed as a daily maximum or a 30 day max value, a long term average? Should zero discharge days be included in an average calculation (often there is a day or days of high flow when back washing filters and then many days of no flow). The high flow days can create acute conditions instream. Should it be a design flow? How can a 'design' type flow be calculated? The permittee should be able to calculate a type of mass balance (water in/water out) and submit more data about the operation of the plant to get a better idea of flow (e.g. how many times per month filters are backwashed, how long is the discharge, how much, etc..). NOTE: Subsequent to the meeting, flow data was analyzed and it was determined that the maximum flow (daily maximum GPD or MGD) should be the term expressed in the permit. This is the easiest and most straightforward flow to choose from the DMR data.

Use the term 'whole effluent toxicity' and not 'toxicity screening.' Toxicity screening indicates a different kind of toxicity test. Be careful not to inadvertently exclude owners by using 'owners applying for first time coverage' or 'new owners' when existing owners may have applied for coverage in the past and were not granted coverage or decided not to pursue coverage.

- Registration Statement (9VAC25-860-60) – Consider adding in water balance information needed to determine appropriate flow. However, details should be in guidance. The MS4 notification is not like other industrial notifications since WTPs and the MS4 owner are usually the same locality. Should there be a requirement or certification that a discharge to another locality’s public water supply is acceptable? This may avoid conflicts with general permit coverage since the general permit coverage does not include the same directed public participation as an individual permit. It was suggested to add a question to the registration statement that new facilities must notify downstream localities and provide certification that they have been notified.
- General Permit (9VAC25-860-70) – The inclusion of a dissolved oxygen limit in Part I A was discussed. WTPs generally do not have oxygen demanding waste water. The 5G/8HC (5 grab 8 hour composite) is often difficult to obtain. Can another sample type be considered? NOTE: We are proposing a 'composite' sample which differs for continuous vs. batch discharges. The proper sampling time (worst case scenario e.g., filter backwash) for the WET testing was discussed. However, the permit itself requires a representative sample. Also, conventional treatment lagoons will hold all discharge and then when appropriate, will decant the mixture. This is a representative discharge of the facility. Membrane filtration plants do not have a settling basin.
- Special conditions (9VAC252-860-70 B) #1 - Consider requiring the daily inspections only during times of discharge. Some staff thought it still necessary to inspect daily because these are process wastes. DEQ has seen recent examples of solids washouts because of maintenance failures. Make sure the inspectors know what to look for in the daily log. NOTE: Staff looked at other states inspection requirements which ranged from no inspection requirement, weekly to only when discharging. It seemed reasonable to only require it when discharging.
- Special conditions (9VAC252-860-70 B) #6 - The MS4 requirement is repetitive and not needed in the permit in addition to the registration statement. The MS4 owner is often the same owner with water treatment plants (the locality).
- Special conditions (9VAC252-860-70 B) #8 - There is some concern that DEQ will continue to require groundwater monitoring even when there is no drinking water or water quality standard to compare with or when nothing is being done with the data. DEQ has no clear guidance on how to analyze the groundwater data since it is very site specific and geologists must be consulted. DEQ recognized that the industry should be allowed to provide DEQ an evaluation of the data and hire their own geologist to make a recommendation to DEQ. This can include a revision to the groundwater monitoring program, including elimination of monitoring.
- Special conditions (9VAC252-860-70 B) #10 - The TAC agreed the O&M manual did not need an annual review and the O&M manual should be updated within 90 days of a change of the treatment.

- Special conditions (9VAC252-860-70 B) #11 - The toxics special condition needs to say the volume cut off is greater than or equal to 50,000 GPD. There was discussion about using or including the instream waste concentration to determine applicability of the WET testing requirement. This would involve either the permittee or DEQ figuring out the critical stream flows (1Q10, 7Q10). The test results should not be submitted at the next reissuance (with the registration statement) but with the next DMR. Since the monitoring frequency has been changed to quarterly, this is doable.

Staff thought that if a facility shows reasonable potential for toxicity and cannot eliminate the problem then the remainder of the permit term is the compliance period to meet a toxics limit that will go into an individual permit at the end of the five year term of the general permit. Also, if an owner exceeds 50,000 GPD during the term of the permit, they will be required to conduct WET testing during the next reissuance. We need to specify what kind and how samples are collected (i.e., continual discharges are a minimum of five consecutive days and should be collect 24-hour flow proportional composite samples and batch discharges should collect hourly grabs for the duration of the discharge). It was noted that individual permits with WET testing do either acute only or acute and chronic as opposed to this general permit which only does acute or chronic.

Another meeting was not scheduled. The TAC will try to complete the draft via email. It is unknown whether the land application requirements will be able to be included in the permit although staff is currently working with staff from that program.

Thanks to all the TAC members for their continued service.