



# COMMONWEALTH of VIRGINIA

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**SUBJECT:** 1st Technical Advisory Committee (TAC) Meeting  
9VAC25-196, General VPDES Permit for Noncontact Cooling Water Discharges  
of 50,000 GPD or Less (VAG25)  
**TO:** TAC Members  
**FROM:** Burt Tuxford, Office of Water Permits and Compliance Assistance  
**DATE:** September 21, 2011

A meeting of the VPDES Noncontact Cooling Water GP Technical Advisory Committee (TAC) was held on August 2, 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>
Bob Greene	INGENCO
Elleanore Daub	DEQ - CO
Burton Tuxford	DEQ - CO
Ray Jenkins	DEQ - PRO

TAC members not in attendance were:

Frederick Cunningham	DEQ - CO
Carl Thomas	DEQ - TRO

Items presented for discussion prior to the meeting were:

- 9VAC25-196 NOIRA
- The Role of the TAC
- 9VAC25-196, General VPDES Permit for Noncontact Cooling Water Discharges of 50,000 GPD or Less (VAG25) - Preliminary Draft Regulation with initial proposed changes.

Carl Thomas submitted comments (attached) on the preliminary draft regulation, and these were passed out prior to the meeting and discussed as the draft was reviewed.

The TAC discussed the proposed changes that were presented in the preliminary draft of the regulation:

### Section 10 - Definitions

- Added the definition of TMDL since this is now referenced in section 50.

### Section 40 - Effective Date of the Permit

- Changed the effective date to March 2, 2013, and the expiration date to March 1, 2018.

## Section 50 - 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 to trout waters or prohibited waterways; discharge violates antidegradation; a TMDL applies to the discharge and has pollutants of concern not addressed in the permit. Subsection G has been added to allow continuation of permit coverage if the permittee files a complete renewal RS prior to permit expiration, but the Board doesn't renew the facility's permit coverage until after the old permit has expired.

The TAC discussed antidegradation and how that would potentially be determined for permit coverage eligibility.

The TAC also discussed TMDLs and some examples of how these have impacted the permitting of some specific facilities. A question came up regarding the TMDL margin of safety (MOS) - - do TMDLs consider GPs in that MOS? Probably depends on the GP and TMDL parameter of concern.

A suggestion was made to slightly modify subsection D which bans the use of TBT, additives containing TBT and hexavalent chromium-based chemicals in the systems. The TAC also discussed additives in general, metals that show up in the sampling data, and how metals limits would potentially impact this type of discharger.

A question came up on subsection G 2 b as to whether we meant the owner would be required to cease the "activities" authorized, or the "discharge" authorized. Staff will research the question and get back to the TAC.

## Section 60 - Registration Statement

- This section has also been rearranged and reworded to be consistent with the way all GPs are now being written. The TAC discussed subsection A 2 a and the 210 day RS submission requirement for owners of individual permits who request to be covered under the GP. A comment was made that this requires the Regional Offices to turn around a RS pretty quickly.

## Section 70 - General Permit

Part I A - Effluent Limitations and Monitoring Requirements discussion.

- Old permit had "total dissolved" for copper, zinc and silver. Needs to be either "total recoverable" or "dissolved". TAC discussed, but no decision was reached. Staff will check for any EPA Effluent Limitation development documents discussing this discharge category, and will look at other states/EPA cooling water GPs and their monitoring rationale to see what they used, and will get back to the TAC.
- pH limits - - these will be changed to match the requirements in the WQS (9VAC25-260-50), and use the correct significant digits.
- Total Residual Chlorine limit - - The TAC discussed replacing the "Nondetectable" value that is in the table with the actual limit listed in footnote 3 (<0.1). It was suggested that we put in the WQS, which for dry ditches is 0.016, and <0.1 is what will be reported.
- Footnote 4 - - The TAC discussed the Target Levels, and where they might have come from. TAC would like the basis for these discussed in the Fact Sheet. There was also a suggestion to look at the methods listed in the footnote, and revise these as appropriate.

### Part I B - Special Conditions

- This section was modified to add "standard" conditions that we have been adding to all GPs - - significant digits condition; notice of termination; water quality standards condition; responsibility to comply condition.
- Part I B 9 - Notice of Termination. Need to add a "catch-all" reason the owner is requesting termination to subsection 9 a. Should be similar to subsection 9 b 4 iv.

### Part II A - Monitoring.

- We added a requirement 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 in now standard language we are adding to all GPs.

1 Attachment

**From:** Thomas, Carl (DEQ)  
**Sent:** Tuesday, August 02, 2011 11:45 AM  
**To:** Tuxford, Burton (DEQ); Cunningham, Frederick (DEQ); Daub, Elleanore (DEQ); Jenkins, Ray (DEQ); 'Robert L. Greene'  
**Subject:** RE: Cooling Water GP TAC, Meeting 1 - Revised Handout

Comments pertaining to proposed CTGP:

**9VAC25-196-50D.** The owner shall neither use tributyltin **OR** ~~and~~ any chemical additives containing tributyltin, nor use any hexavalent chromium-based water treatment chemicals in cooling water systems.

On this, it might be prudent for *clients to submit verifications from product manufacturers with affirmative statements that those sorts of materials ARE NOT listed or unlisted proprietary ingredients in CT treatment products.* For TBT, the stuff is still in a variety of products and unless it trips some regulatory threshold, it may not be a substance clearly listed on an MSDS, especially if it is a slight component of an item listed as proprietary ingredient. I have asked for this affirmative statement from KmX when they changed their treatment chemicals and provides another layer of comfort in this day and age of hodge-podge chemical development and use of the language of law to knowingly conceal chemical formulations designated or believed to be proprietary for some reason or another.

**9VAC25-196-60 A.2.a.** Why 210 days prior to expiration of individual permit to submit RS for CT general permit. Unless another rationale, other permits are on a 180 day clock to submit applications for individual permit reissuances. It would seem the case that even 180 days could be shortened for submission of RS if applicant notified local regional office in writing on the 180 day due date that the individual permit will not be sought in favor of receiving coverage under the GP.

Is the 210 day requirement an opportunity for the RO to review the case and determine if CTGP unsuitable and individual still required, thus leaving sometime between the 210 and 180 day timeframe for an individual permit app to be prepared and submitted without permittees tripping any non-compliance issues?

**Part I.A. limits page:** Dissolved metals monitoring – particular to perform (filtering, preservation, timing of all that), an added expense for clients for what apparent benefit for what are currently unlimited parameters, we have numerous exceedences of WQS for metals from other GP clients for total metals without apparent action or concern by DEQ (e.g. auto scrappers), so why are dissolved metals an issue – won't total metals' sampling suffice, especially if most clients already covered have submitted data that would, maybe under the individual permit, require a shift in focus from total to dissolved when those permits are reissued.

If we persist with dissolved metals monitoring with the reissued CTGP, what will be the fate of clients at next reissuance or mid-permit term if metals data are observed to exceed any receiving stream's specific WQS? Denial of continued coverage under CTGP thus forcing submission of individual permit app if noted mid permit term,; denial of continued coverage at reissuance? Zinc can be almost everywhere and with copper present, synergistic effects seem to cause most

of the toxicity observed at shipyards more so than zinc alone, unless of great concentration. I might argue the case to leave metals monitoring as total recoverable unless and until DEQ is ready to start denial of coverage for observations of concentrations of concern based on any particular receiving streams' site-specific WQS.

**9. Notice of termination** – unless concealed in the words – *or an alternative VPDES permit* – the issue of having the CTGP permitted discharge diverted to local sanitary sewer systems thus eliminating the potential for discharges to surface and ground waters under the CTGP – is not a listed reason for permit termination. Any reason this specific action by current or potential applicants not listed? Might be good to list this as a specific reason under the GP unless there is another reason why it is not appropriate with this permit's reissuance. Just because the CT discharge goes from surface waters (or MS4) to a sanitary sewer system, does not mean the CT discharge *no longer discharges from the facility*. Absolute closure of the facility and the CT no longer discharges from the facility is another matter entirely. The alternative VPDES permit approach does address STP discharges, but to me, very unclear as currently worded.

Those are the concerns that jumped from the pages reviewed this date.

With current workload, cannot justify the 4 hour drive for the two hour meeting and I hope you all understand, if all we were going to do was to read the proposed language and discuss further. Seems like this permit is sorta on auto-pilot without a whole lot of new or different issues to resolve as an assembled group.

I might want to stress a need for affirmative statements from CT treatment product providers that TBT, TBT formulations and Cr<sup>+6</sup> are not listed or unlisted components of products sought for use. Locally, I may continue this request at GP reissuance based on past experiences with TBT, the number of products and solutions where still used, and the ease by which KmX was able to respond to this concern with correspondence from their CT service provider.

Thanks.

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