



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

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**SUBJECT:** 2nd Technical Advisory Committee (TAC) Meeting  
9VAC25-151, General VPDES Permit for Discharges of Storm Water Associated  
With Industrial Activity (VAR05)

**TO:** TAC Members

**FROM:** Burt Tuxford, Office of VPDES Permits

**DATE:** April 10, 2013

The second TAC meeting for the reissuance of the General VPDES Permit for Discharges of Storm Water Associated With Industrial Activity (VAR05) was held on Wednesday, March 27, 2013, from 9:00am to 4:00pm at the DEQ Piedmont Regional Office in Glen Allen, Virginia. The following people attended the meeting:

**TAC Members:** Ian Whitlock (Joyce Engineering), Lisa Ochsenhirt (AquaLaw PLC - representing VAMWA), Cary Lester (Steel Dynamics), Michael James (James Environmental Management), Rick Woolard (Dominion Resources), Sam Hollins (Virginia Transportation Construction Alliance), Mark Davis (Altria Client Services - representing VMA), John Fowler (Chesapeake Bay Foundation), Chris French (Filterra Bioretention Systems), Evelyn Mahieu (Prince William Co Service Authority), Burt Tuxford, DEQ CO, Fred Cunningham, DEQ CO

**DEQ Support Staff:** Susan Mackert - NRO, Tammy Cohen - PRO, Deanna Austin - TRO, Loan Pham - TRO, Steve Long - TRO, Bill Maddox - VRO, Kevin Crider - BRRO-L, Kathleen O'Connell - CO, Linda Shultz - CO, Beth Major - CO

**Additional Attendees:** John Roland (representing VA Asphalt Assn.), Tom Foley (Vulcan Materials), Walter Beck (Vulcan Materials), Williams Mark (Luck Stone), Thornton Newlon (Virginia Coal Association), Kelly Boyle (Joseph Smith & Sons), Chris Monahan (VA Paving), Mike Weakley (Templeton Paving)

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

- Meeting Agenda (see Attachment #1)
- 2nd Draft of the Regulation - 9VAC25-151, General VPDES Permit for Discharges of Storm Water Associated With Industrial Activity.
- A summary of all comments received to date via email and whether the staff had addressed the comment yet.

The next meeting will be on Thursday, April 25, 2013, from 9:00am to 4:00pm at the DEQ Piedmont Regional Office in the Training Room.

## **Agenda Item 1. Changes Made Based on EPA's 2008 final MSGP - Part III (SWPPP) and Part IV (Sector Specific Requirements)**

Changes made to the regulation (draft #2) are based either upon the comments received from the TAC or incorporate federal EPA language based on the final 2008 MSGP.

### **• Part III. Storm Water Pollution Prevention Plans (SWPPP)**

9VAC25-151-80 A. Deadlines for Plan Preparation and Compliance. Based upon comments from the previous TAC meeting, the SWPPP schedule was changed to 180 days for new owners to develop and implement the SWPPP, or 90 days for an existing permittee to update the SWPPP. Many new applicants need the permit quickly (such as auto salvage yards) and don't have time to prepare a SWPPP prior to applying for a permit. The schedule allows for the permit to be issued with adequate time for the owner to prepare/update the SWPPP.

9VAC25-151-80 B 2 c (9). Site Map. Added that outfalls must be numbered numerically, not alpha numerically, to work with the eDMR system that is being finalized for storm water dischargers.

9VAC25-151-80 B 2 c (13). Added that the location of all storm water monitoring points must be included. Change reflects EPA's 2008 MSGP.

9VAC25-151-80 B 4. Storm Water Controls. Changed "BMPs" to "Control measures" throughout the section. Proposed changes in 151-80-B 4 b (1), (2), (3) and (4) reflect EPA 2008 MSGP wording.

9VAC25-151-80-B 4 b (5). Moved the "salt storage piles" special condition to this section, and moved the "Routine facility inspections" down (see below).

Added a new control measure (#9) for "Dust suppression and vehicle tracking of industrial materials". Language was taken from the DEQ Concrete Products GP - allows for the use of storm water to suppress dust and to spray stockpiles, provided no discharge results.

**TAC suggestion:** In addition to storm water, add "potable water or well water" for those who may use it for dust suppression.

9VAC25-151-80-B 4 b (5). Routine Facility Inspections. This subsection was moved down and becomes subsection 9VAC25-151-80 B 5. In the E3/E4 waiver, added "VEEP" to better define what E3/E4 refers to, and added a definition of "Virginia Environmental Excellence Program (VEEP)" to the definitions section (9VAC25-151-10 - Definitions).

Added an "inactive and unstaffed sites" subsection. The language came from EPA's 2008 MSGP and the Concrete Products GP. Do we want this waiver request to be submitted for approval?

**TAC suggestion:** Need to add definitions for "inactive site" and "unstaffed site". Both conditions must be met. TAC suggested that the waiver should be submitted for approval, similar to the way it's done for the Concrete Products GP.

9VAC25-151-80 C. Maintenance. Formatting change only (moved the opening paragraph down).

9VAC25-151-80 D. Nonstorm Water Discharges. EPA's 2008 MSGP removed the additional SWPPP requirements for these. Added the statement that discharges must be either eliminated or covered under a separate VPDES permit.

**TAC suggestion:** After the reference "Part 1 B 1" add "Special condition #1 - Allowable nonstorm water discharges" for ease of locating this within the permit.

9VAC25-151-80 E. Comprehensive Site Compliance Evaluation. Staff proposed adding specific periods when the CSCE needed to be done. TAC discussed the confusion regarding the inspection periods vis a vis comprehensive site evaluations. Comprehensive evaluation is once per year. Many TAC members expressed a preference for a calendar year cycle. Under the requirement under 151-80 E 1 g, the reference to maintenance refers to the requirements under the SWPPP.

**TAC suggestion:** The compliance evaluation report (9VAC25-151-80 E 3) language should be changed to include Part III E 1 (g), (h), and (i).

9VAC25-151-80 F. Signature and Plan Review. F 2. Availability. EPA's 2008 MSGP used the term "immediately" here. **TAC suggestion:** Remove "immediately" from the phrase. DEQ won't usually have a copy of the SWPPPs that has been prepared for a facility. Facilities that discharge to an MS4 must provide the SWPPP to the MS4 if requested by the MS4 operator. The TAC was OK with the current language.

Subpart F 3. Required modifications. Added EPA's 2008 MSGP language to the beginning of this subsection explaining specific required modifications. The TAC agreed that the 60 day timeframe is appropriate for making changes once permittee is notified that SWPPP, BMP or other changes are required.

**TAC suggestion:** Include definitions for "Director", "Department", and "DEQ".

9VAC25-151-80 G. Maintaining and Updating SWPPP. The TAC discussed the timeframes for making SWPPP modifications. TAC agreed that the existing 30 day time frame is appropriate for making changes that are initiated by the permittee.

Subpart G 1 f. Added "consistent with Part 1 B 6" to this subsection to indicate that facilities are not subject to new TMDLs that are approved after permit is reissued (i.e., after 07/01/2014) the until the next reissuance of the general permit.

**TAC suggestion:** After the reference to Part 1 B 6, add "Special condition #6" before "Discharges to waters subject to TMDL waste load allocations" for ease of location.

#### • **Part IV. Sector Specific Permit Requirements**

##### 9VAC25-151-90. Sector A - Timber Products.

Added the "routine facility inspections" waiver provision for VEPP E3/E4 facilities. Facilities must maintain VEPP status to maintain the waiver. Not all sectors were allowed the inspections waiver provision, so if it is not listed in the draft under a particular sector, it is intentional.

**TAC suggestion:** Add language in Part III B 5 (Routine Facility Inspections) regarding the requirement for facilities to continue inspections for specific sectors regardless of VEPP status.

9VAC25-151-90 through 140 (Sectors B through F). Changes reflect EPA's 2008 MSGP where they eliminated redundant language; no new language was added.

9VAC25-151-150. Sector G - Metal Mining (Ore Mining and Dressing). The EPA 2008 MSGP modified definitions are reflected in the draft. Deleted language is consistent with the MSGP. EPA included language here for inactive and unstaffed sites (subpart H). EPA's language does not require a waiver to be approved, and only applies to quarterly visual assessments and routine facility inspections. Do we want to have the waivers approved? From EPA's 2008 MSGP,

added language in Subpart I stating that benchmark monitoring is not required for inactive and unstaffed sites. Should we extend the waiver to all types of monitoring at the site for inactive and unstaffed sites?

**TAC suggestion:** The waiver should be approved by the Board for inactive and unstaffed sites, and should be extended to include all types of monitoring at the site.

9VAC25-151-160. Sector H - Coal Mines and Coal Mining-Related Facilities. These facilities are currently regulated by Department of Mines Minerals and Energy (DMME). DEQ only regulates sources not subject to DMME permitting, such as coal tipples (coal storage areas) located offsite. Changes to draft reflect EPA's 2008 MSGP. Current EPA language does not contain a waiver from monitoring for inactive or unstaffed sites. Should one be included?

**TAC suggestion:** Make the language consistent with the Sector G language.

DEQ will provide the TAC with information on the number of Sector H permits in the CEDS database.

9VAC25-151-180. Sector K - Hazardous Waste Treatment, Storage, or Disposal Facilities. Removed unused definitions per EPA's 2008 MSGP. Staff will check with the Solid Waste Permitting staff regarding "inactive" hazardous waste TSD facilities, and whether language should be modified.

9VAC25-151-190. Sector L - Landfills, Land Application Sites and Open Dumps. In subpart A, added a sentence from EPA's 2008 MSGP that the permit does not cover landfills which only receive municipal waste; most landfills would also receive industrial/construction waste and will be covered. Also added the sentence from Sector K that properly closed and capped landfills, with no significant materials exposed to storm water, do not require a permit. Do we keep this for landfills? **TAC suggestion:** TAC agreed that we should keep this, but change the last sentence to "...and have no significant materials exposed to storm water, ~~are considered inactive and do not require permits~~ this permit."

**TAC suggestion:** Add a definition of "open dump" to definition section. Definition will be provided by Waste Permitting staff.

The TAC again discussed landfill wastewater; whether it should be included in the subpart B special condition as a prohibited discharge (except for uncontaminated storm water). The TAC also discussed "properly closed" and whether the closed landfill needs permitting and post closure monitoring. Staff will discuss and get back to TAC.

**TAC suggestion:** In subpart D 2 b (2) (Inspections), retain the use of "inactive" instead of "closed" because the term is more appropriate here. Keep the general definition of inactive landfill. No VEEP E3/E4 routine facility inspection waiver is proposed for this sector.

The TAC discussed benchmark monitoring requirements. In 1998 DEQ did an evaluation of the EPA group application data, sector by sector, and made changes to the EPA 1995 benchmarks for the VPDES ISWGP issued in 1999. The TAC previously discussed iron and aluminum benchmark monitoring and the possibility of removing these from the GP due to the high prevalence of these metals in Virginia soils. The TAC further discussed benchmark monitoring of iron, aluminum and primary metals. **TAC suggestion:** For Sector L, remove iron from the benchmark monitoring. It is not proposed to be removed from Sector N.

9VAC25-151-200. Sector M - Automobile Salvage Yards. The TAC discussed EPA's 2008 MSGP use of "hardness" in determining benchmarks. DEQ determined in 2008 to NOT use hardness in benchmark determinations and does not intend to incorporate that requirement into

this permit. A question came up as to whether more prescriptive procedures should be required for erosion control under the Sector M requirements. Sediment and erosion control is covered in the SWPPP in subpart B 4 (7), and these requirements are sufficient for the permit. The TAC discussed aluminum/iron relative to TSS. A suggestion was made that if iron and aluminum are below benchmark concentrations 2 consecutive times they could be exempt from monitoring requirements for the duration of the permit. Staff will discuss further whether iron and aluminum should be removed, or whether additional metals should be added, perhaps zinc, copper, or mercury.

9VAC5-25-151-210. Sector N - Scrap Recycling and Waste Recycling Facilities. A question was raised regarding why there were the same monitoring requirements for a scrap recycling facility and for a ship dismantling facility; monitoring requirements for a scrap recycling facility are based upon EPA's MSGP sampling requirements, and discussions and recommendations of previous TACs. The monitoring for ship dismantling facilities was added by DEQ based on recommendations from DEQ's Tidewater Regional Office during a previous TAC. There are two different sections because they are two different SIC codes.

Additional questions were discussed regarding which requirements pertain to a material recovery facility (MRF). It will depend upon how the facility receives the material, i.e., whether it is separated on site or whether it comes already separated. If separation occurs at the facility then the facility would be subject to subsection 2. If materials are source separated then they are subject to subsection 4. Currently there is no benchmark monitoring for source separated materials. **TAC suggestion:** Add benchmark monitoring for "source separated" the same as "nonsource-separated" facility monitoring, and depending on what comes in (e.g., if no metals were received, monitor for TSS only). There may be a problem with verification of what comes in. Staff will discuss further and get back to the TAC.

9VAC25-151-220. Sector O - Steam Electric Generating Facilities. Question regarding the removal of benchmark monitoring for iron. Staff will discuss further and get back to the TAC.

9VAC25-151-230. Sector P - Land Transportation and Warehousing. Changes to benchmark monitoring include removal of the footnote for total petroleum hydrocarbons; all labs must follow the VELAP methods identified in Part II A 4.

9VAC5-25-151-240. Sector Q - Water Transportation, and Sector R - Ship and Boat Building. As the TAC suggested, the monitoring requirements have been made the same; copper and zinc are included because in Virginia we know we have a problem.

9VAC25-151-230. Sector S - Air Transportation. Haven't heard back from EPA on the inclusion of the Airport Deicing Effluent Limitation Guidelines yet. Have started to work on including them in the permit and will have to run them by EPA for comment. May mean that there are effluent limits only and no benchmark monitoring.

9VAC25-151-270 through 370 (Sectors T, U, V, W, X, Y, Z, AA, AB and AD). Modified these sectors according to EPA's 2008 MSGP.

9VAC25-151-350. Sector AB - Transportation Equipment, Industrial or Commercial Machinery. **TAC suggested** that this sector needs benchmark monitoring for metals, THP and TSS. There are not many sources in this category. Staff will check the number of sources in this category and get back to the TAC.

9VAC25-151-270. Sector T - Treatment Works. This sector will not be eliminated from the general permit as it is part of EPA's 11 categories of industrial activity from their regulation which are required to be permitted.

## **Agenda Item 2A. Registration Statement Section - 9VAC25-151-60**

Subpart 60 C 5. Changed this slightly; the permittee still has to identify if they discharge to an MS4 and provide the name of MS4 owner. There are additional requirements in permit Special Condition #12, and these are also spelled out here as well.

Subpart 60 C 8. Eliminated the SWPPP general location and site maps requirement, and replaced it with map language similar to other GPs we are working on. Do we need a USGS 7.5 minute topo, or is this too small to see what we need to see? The TAC discussed map options; suggested we delete the "USGS 7.5 minute" part; must make sure that appropriate information is provided by the applicant.

Subpart 60 C 10. Added questions regarding: #c. outfalls with discharges from coal storage piles; #d. outfalls with discharges from asphalt paving and roofing emulsion manufacturing; and #e. outfalls with discharges from cement manufacturing storage piles. These were included on the 2009 Registration Statement form, but not in the regulation itself. The TAC discussed asphalt emulsions; different concern regarding manufacture of and use of emulsions for asphalt paving. **TAC suggestion:** Need to clarify the registration statement instructions to differentiate between the use of and the manufacture of asphalt emulsions. Also, add another question to the list for Sector N non-source separated material.

Subpart 60 C 11. Added a question requesting additional information regarding total site acres, industrial activity acreage, and impervious area acreage. The Registration Statement form will have this as a table. **TAC suggestion:** Put an explanation in the instructions as to what "impervious" is.

Subpart 60 E. Where to Submit. Added that the registration statement may be submitted either electronically or by paper copy. The TAC discussed electronic signatures and submittal of electronic registration statements and Discharge Monitoring Reports (eDMR). eDMRs are in development now for the ISWGP. Probably won't be ready until late this year. Staff will need to discuss this section more prior to the next TAC meeting.

## **Agenda Item 2B. Effluent Limitations and Monitoring (QVM, BM, ELG, TDML IW)**

### Part I A. Effluent Limitations and Monitoring Requirements.

Similar monitoring requirements in Part I A 1 (Types of Monitoring Requirements and Limitations), including representative outfalls, inactive and unstaffed sites, and monitoring periods, have been moved to Part I A 2 (Monitoring Instructions). In each of the different monitoring type sections, removed the subsection starting "If a facility's permit coverage is effective less than one month from the end of a monitoring period...". For this reissuance we will start the monitoring (all types) with the first full monitoring period following the issuance of permit coverage.

Part I A 1 a (1). Quarterly Visual Monitoring. At the suggestion of the TAC, changed "daylight hours" to "normal working hours when practicable". The TAC agreed that what staff proposed was OK.

### Part I A 1 b (Benchmark Monitoring) and Part I A 1 c (Compliance Monitoring - Effluent Limitation and Impaired Waters).

The TAC discussed the monitoring frequency for all monitoring types. Staff proposed in the draft that all monitoring be twice per year.

- Benchmark waivers are currently available on an outfall-by-outfall basis after 2 consecutive monitoring reports below the benchmark values. (Facility must apply to the Board for waiver approval, have a favorable compliance history, and not be under any enforcement action). EPA allows waivers if average of 4 samples within one year are below benchmark values. A concern is the compliance issue, and lack of information due to annual sampling to determine if facility is in compliance. Do we give any credit for past monitoring, or start over each reissuance? If we allow them to use previously collected data, how long will that last? How many waivers have actually been issued? **TAC suggestion:** Allow benchmark waivers after 4 samples, but average the data to determine if the waiver applies (still require favorable compliance history). Allow waivers on a parameter-by-parameter basis again. Reward "good players" by allowing them to be waived after 2 samples in the first year - - these facilities would still have to apply for the waiver - not automatic - but previous monitoring data could be used.
- Regarding twice per year sampling, most facilities will have to do TMDL monitoring this permit cycle, TMDL sampling is twice per year already, and a facility could take any other required samples along with TMDL samples, so it wouldn't be an added burden. The TMDL sample can also be used for the benchmark, effluent limitation, or impaired waters sampling.
- First flush sampling discussion: Question of obtaining one good sample vs. cost of facility staff time attempting to get "first flush" or appropriate representative sample. Problems of obtaining sample(s) within 30 minutes of the start of the discharge, not start of rain event, and attempting to obtain samples within one-hour timeframe for a large facility can be very difficult. Use of automatic sampling is widespread, however, expensive. Rain event can impact quality of representative sample; how much sediment is disturbed based upon severity of rain event. Extending the timeframe to obtain the samples to 3 hours provides more flexibility necessary for representative samples. If timeframe for sampling is extended, may result in more variability for quality of samples, however, those that are committed to obtaining good quality samples will continue to do that. **TAC suggestion:** Extend the timeframe to obtain samples from 1 hour to 3 hours.
- There was a comment that the additional sampling for the automobile recycling sector will increase costs between \$500 to \$1000.
- No onsite rain gauge is required; we need flexibility for documenting rain events and maintaining rainfall logs.
- Regarding the "not present" and "not detected" language, waivers can be obtained if it is demonstrated that they are not discharging the specific pollutant. Need to establish a level to be able to issue the waiver. We could set QLs for the parameters to set the bottom range, but this could be more confusing than it is now. Staff will get back to the TAC on this issue. This section will apply to the Chesapeake Bay TMDL as well.
- **TAC suggestion:** Make the monitoring requirements consistent for all monitoring types.

#### 9VAC25-151-70-A 2. Monitoring Instructions.

Staff needs to work on the wording for the "Monitoring periods" subsection. Need to be consistent between the QVM section and the BM, ELM, TMDL and IWM section.

Representative outfalls and inactive/unstaffed sites requirements were consolidated into this section.

Subpart A 2 b. Need to add information pertaining to sampling from storm water control structures (storm water ponds), and sampling when there is an actual discharge from the structure; identify date of sampling event if occurring at a different time than the storm event.

### **Agenda Item 2C. Inactive and Unstaffed Sites (9VAC25-151-70 A 4)**

Staff discussed the inactive/unstaffed proposal. Need to make this consistent with what is in the Part IV, Sector Specific Requirements (i.e., require the waiver to be submitted/approved). If a continuing problem exists at the site (PCB contamination for example) then no waiver would be issued. Will need to be addressed on a case by case basis. **TAC suggestion:** Extend the inactive/unstaffed monitoring exemption to all monitoring types.

### **Agenda Item 2D. TMDL Proposal**

Staff discussed the TMDL Special Conditions (#6, 7 and 8) that were added to Part I B.

- The Chesapeake Bay TMDL established regulated storm water WLAs (Waste Load Allocations). Where the regulated storm water WLA is aggregated the aggregate load includes Phase 2 MS4s, industrial discharges, and construction discharges. The TMDL mistakenly did not recognize aggregate loads associated with Phase 1 MS4s and assigned the allocation entirely to the Phase 1 MS4. In a follow up Bay TMDL letter from EPA in January 2012, EPA indicated Virginia may choose to handle the Phase 1 MS4 WLAs as aggregate WLAs to include Phase 2 MS4s, industrial discharges, and construction discharges. We are going to handle them as an aggregate.
- Permittee must monitor according to Part I A 1 c (3).

Special Condition #7 - Chesapeake Bay Discharges Through an MS4. Need to include the differences if a discharge is into a stream or into the MS4; in some instances the stream will be part of the MS4. **TAC suggestion:** Change "Any facility discharging through..." to "Any facility with industrial activity discharges through..."

- Locality has authority to require more stringent BMPs to help meet its Bay targets after adoption of an ordinance. Locality may assess surcharge.
- Permit holders that are part of an MS4 may need to deal with both the locality and DEQ.
- Benchmarks are technology based NOT based on water quality. Locality will not issue a limit; only address BMPs.

Special Condition #8. New or expanding discharges. **TAC suggestion:** Add that these discharges must not be detrimental to local water quality standards. These types of facilities would be good candidates for offsets.



VPDES GP FOR INDUSTRIAL ACTIVITY STORM WATER DISCHARGES (VAR05)

2nd TAC Meeting - March 27, 2013

AGENDA

1. Changes Made Based on EPA's 2008 final MSGP - Part III (SWPPP) and Part IV (Sector Specific Requirements)
2. Discussion of Other Proposed Changes
  - Registration Statement Section
  - Effluent Limitations and Monitoring (QVM, BM, ELG, TMDL, IW)
  - Inactive / Unstaffed Sites
  - TMDL Proposal
  - Corrective Action Section
3. Comments / Suggestions Received So Far
4. Open Discussion
5. Follow-up Actions and Next Meeting