



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

[www.deq.virginia.gov](http://www.deq.virginia.gov)

Molly Joseph Ward  
Secretary of Natural Resources

David K. Paylor  
Director

(804) 698-4000  
1-800-592-5482

SUBJECT: Technical Advisory Committee (TAC) Meeting to Discuss the 2018 Reissuance of 9VAC25-860 Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Potable Water Treatment Plants  
TO: TAC Members and DEQ Staff (listed below)  
FROM: Eleanore Daub, VPDES DEQ Central Office  
DATE: April 13, 2017

A TAC meeting was held on April 13, 2017 at DEQ Piedmont Regional Office. The meeting began at 10:00 AM. The TAC members attending the meeting were:

Name	Organization
Jean Andrews	Augusta County Service Authority
Susan Douglas	Virginia Department of Health
Trieste Lockwood	Virginia League of Conservation Voters
Allan Brockenbrough	DEQ CO VPDES Permits
Eleanore Daub	DEQ CO VPDES Permits

#### Other DEQ Staff Present

Troy Nipper	DEQ - CO Water Compliance
Kathleen OConnell	DEQ - CO Water Enforcement
Deborah DeBiasi	DEQ - CO VPDES
George Tolton	DEQ - PRO Compliance
Richard Shortridge	DEQ - SWRO Compliance
Leah Revelle	DEQ - BRRO VPDES
Alison Thompson	DEQ - NRO VPDES

Items presented prior to the meeting for discussion were:

- Role of the TAC
- Summary of NOIRA Comments which were all requests to be on the TAC.
- Draft Regulation (with some revisions already drafted): 9VAC25-860, VPDES General Permit for Potable Water Treatment Plants

#### Discussion

- Currently there are 96 water treatment plants (WTP) covered under this VPDES general permit. There are still 41 individual water treatment plant permits that have not converted to the general permit because the general permit doesn't contain the same requirements as their individual permit (e.g., some have whole effluent toxicity (WET) or metals limits, several are doing land application of the industrial sludge residuals, one is performing a dilution study and some have groundwater contamination corrective action requirements and some just do not want general permit coverage). There are a number of individual permits that have monitoring requirements (no limits) because of a total maximum daily load (TMDL) requirement (bacteria and nutrient monitoring) and a number have metals monitoring.
- VDH brought up that we need to define "wastewater" and use it carefully throughout the regulations. Noted that Waterworks Regulations 12VAC590-530 K requires reporting of "...spent filter backwash waters, thickener supernatant, and liquids from dewatering processes" that are recycled through the plant (Reference also 40CFR141.76). So these recycled flow or side streams are NOT considered "wastewater" in the traditional sense in their regulations. The TAC looked at the VPDES permit regulation definition of wastewater which didn't seem an appropriate definition as it refers to wastewater contributed to a POTW. However, the definition of "process wastewater" might be more appropriate. "Process wastewater" is defined in the permit regulation 9VAC25-31-10 as any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. This still does not address the recycled waste streams not considered wastewater by the VDH regulations. Perhaps a reference in the VPDES definition in this regulation to the VDH citation.
- In section 9VAC25-860-10 (Definitions), the definition of "Municipal separate storm sewer system" is proposed for deletion since this definition is in the permit regulation at 9VAC25-31-10.
- In section 9VAC25-860-10 (Definitions), add the North American Industry Classification System (NAICS) Code to the definition of "Potable water treatment plant."
- In section 9VAC25-860-15 (Applicability of incorporated references based on the dates that they became effective), the year 2017 is used as the applicability date for all 40 CFR references since we cannot reference a future date (e.g., 2018) when incorporating references during the public comment period.
- DEQ will look at the effective and expiration dates (the reissued permit will be effective on July 1, 2018 and expire on June 30, 2023) to see if any changes are needed in order to reduce the number of general permits that are out for rulemaking at the same time and the number of DMRs coming in on this same calendar quarter. DEQ will look at the overall schedule for general permit reissuance but the concerns for that are usually associated with the more popular and controversial general permits like industrial stormwater which has thousands of permittees. This one only has 96.

- In 9VAC25-860-50 (Authorization to Discharge) paragraph D (Continuation of permit coverage), a complete registration statement must come in on or before the expiration date which is June 30, 2018 and not July 1, 2018 as depicted in the draft. In paragraph D 2 b of this section, there is a reference for administrative continuance to fall under the 2008 general permit which needs to reference the 2013 general permit.
- In section 9VAC25-860-60 (Registration Statement), the registration statement due date for individual permits moving to the general permit is 270 days prior to the expiration date of the individual permit. This seems like a difficult deadline to meet. However, 270 days give DEQ 30 days to review the registration statement and the permittee then has 60 days to meet their individual permit 180 day deadline to apply for an individual permit if the general permit coverage is denied. The group thought it could remain as 270 days since DEQ uses discretion in accepting registrations less than 270 days ahead of the individual permit's expiration and works with the permittee to get decisions made in a timely fashion.

Registration statement due dates for existing covered general permits is May 1, 2018 (60 days roughly). This is unchanged from the last permit reissuance and no objections to this due date were mentioned.

- In 9VAC25-860-60 (Registration Statement), there was a request to consider adding source water information to the registration requirements. Currently, we do receive information about source water in questions 3 and 12 (Nature of business and the schematic drawing showing the source(s) of waters used on the property).

In question 4 consider asking our GIS staff if the topographic map resolution on the DEQ website can go to ½ mile.

In question 9 consider requiring (using the word “shall” not “should”) the groundwater monitoring plan submittal only if it has not been previously submitted and nothing has changed in the plan.

In question 11 there is a reference to the 2008 permit which needs to be updated to 2013.

In question 13 staff has occasionally asked which part of the operations' chemicals we looking for in the question. Do we want to know about chemicals from the potable water treatment or chemicals used to treat the wastewater from the potable water treatment (backwash)? Several believe it should be all chemicals from water and wastewater treatment since storage and spills are still a concern for DEQ and depending on how the potable water treatment plant is designed, the water treatment chemicals may also be in the wastewater. DEQ will consider adding instructions to the registration statement that the permittee can identify which chemicals will potentially pass through and which ones are separated from the wastewater system.

In paragraph E, language was added to allow for registration statements to be submitted electronically.

- In section 9VAC25-860-70 (General Permit), dates are changed to reflect the new 5 year permit term (July 1, 2018 – June 30, 2023). The opening statement has been changed to reflect that the authorized discharge is in accordance with the information submitted with the registration statement since that is what DEQ uses to determine the permit coverage is appropriate and protective. NOTE: Since the TAC meeting DEQ thinks we need to also add “Special Conditions” to this paragraph so that it reads “The authorized discharge shall be in accordance with the information submitted with the registration statement, this cover page, Part I – Effluent Limitations and Monitoring Requirements and Special Conditions and Part II Conditions Applicable to All VPDES Permits as set forth in this general permit.”
- In section 9VAC25-860-70 (Part I Limits Tables), consider defining “estimate” and explaining how to calculate a monthly average. Zero flow days are not to be considered in a monthly average. At a minimum, DEQ could add instructions to the back of the DMR. DEQ needs to see if it is already written in guidance elsewhere. It was questioned why the composite sampling instructions are not typical 8 hourly composites. DEQ thinks these instructions were crafted specifically for this industry type since the discharges are highly variable. Decided to leave the instructions as is. DEQ was reminded that when this permit goes in to DEQs Comprehensive Environmental Database System (CEDS) that these types of composites are a choice since the composite is not standard or at least make sure “composite” is a choice for a sample choice.
- In section 9VAC25-860-70 Part I A 2 (Reverse Osmosis Limits Table), the group discussed whether the monitoring reduction frequencies have been useful. Consensus was that if the reduced monitoring allowance stays, some sort of instruction needs to be included as to what kind of compliance level warrants reduced monitoring. It was suggested that DEQ check another general permit that we believe had some instructions and an allowance for reduced monitoring under certain circumstances.
- In 9VAC25-860-70 B 1 (Special Conditions), daily inspections of the effluent are not usually possible at most of these plants. Plants are visited daily but discharge occurs when needed based on plant conditions and a staff person may not be there to inspect. Consensus was that daily inspections when discharging may be too restrictive and that the condition can refer to a schedule and inspection requirements spelled out in the O&M manual. DEQ inspectors will be able to tell if the O&M manual is deficient.
- In 9VAC25-860-70 B 3 (Special Conditions), it was clarified that chemicals used for water and wastewater treatment are the chemicals DEQ needs to know if they are changed.
- In 9VAC25-860-70 B 7 (Special Conditions), need to adjust the introductory statement since the group concurred that the groundwater monitoring plans did not need to be submitted with the registration statement if the plan had not been previously submitted and remain unchanged. The language in this paragraph allows reduction in groundwater monitoring but there is no language to address what to do if contamination is present. So

language was added to address this so that facilities with groundwater correction plans can also get coverage under the permit. The language suggested is from the VPDES permit manual. The groundwater plans are reviewed by the regional geologist. The group concurred with this addition.

- In 9VAC25-860-70 B 8 d (Special Conditions), it was questioned why we require the permittees to ensure that their consulting laboratory employs the same significant digits and rounding convention as the permittee? The lab submits data using the values that the method can produce and does not manipulate data. This is up to the permittee to do the rounding and reporting. The group concurred that DEQ should consider taking this requirement out even though it is in the VPDES permit manual.
- In 9VAC25-860-70 B 9 c 3 (Special Conditions), it should be clarified that the O&M manual includes discussion of the wastewater treatment system as that is what DEQ needs and not O&M information about the production of the potable water.
- In 9VAC25-860-70 B 10 (Special Conditions), the group concurred that WET testing should apply to facilities with a monthly average flow rate greater than or equal to 50,000 gallons per day rather than a daily maximum flow rate. There were concerns that sometimes a potable water treatment plant might go temporarily over 50,000 depending on production needs, but that one daily flow should not immediately require them to do WET testing. It was suggested tracking the flow similar to how design flow is tracked in sewage treatment plants over a period of 3 consecutive months rather than just a one-time exceedance. The group discussed the need to define how to calculate a monthly average flow rate and that zero days should not be included in the calculation. See section 9VAC25-860-70 (Part I Limits Tables), discussion above.
- In Section 9VAC25-860-70 (Part II Conditions Applicable to All Permits), all references to sewage, sewage sludge, modification of permits, revocation and reissuance of permits was deleted as these terms do not apply to general permit coverage. Also transfer of permits language was adjusted to allow for automatic transfer of permit coverage if the permittee notifies DEQ within 30 days of transfer of the facility or property title instead of 30 days in advance of transfer. This change is going into all General Permits as it seems more reasonable.

The next step is for DEQ to write a meeting summary and update the regulation based on our discussion. DEQ plans to take the regulation to the State Water Control Board for approval to go to public comment and hearing at their June meeting so the drafting and reviewing of language must be done in the next 3 – 4 weeks.

Thanks to all the TAC members for their continued service.