



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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SUBJECT: Technical Advisory Committee (TAC) Meeting to Discuss the 2024 Reissuance of 9VAC25-150, Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Stormwater Associated With Industrial Activity

TO: TAC Members and DEQ Staff (listed below)

FROM: Joseph Bryan, Office of VPDES Permits

DATE: December 28, 2022

A TAC meeting was held on December 1, 2022 at the DEQ Piedmont Regional Office, 4949-A Cox Rd., Glen Allen, VA, 23060. The meeting, which was the third TAC meeting for this general permit reissuance, began at 10:00 am. Participants attending the meeting were:

<u>Name</u>	<u>Organization</u>
Jason Franti	TRC/ DAA
Anna Killius	JRA
Clay Kulesza	VAMWA
Lisa Ochenshirt	Aqualaw
Andrew Parker	VMA
Jim Taylor	Westrock
Jessica Wenger	UVA
Allan Brockenbrough	DEQ - CO
Joseph Bryan	DEQ - CO
Kevin Crider	DEQ - BRRO
Amy Dooley	DEQ - NRO
Susan Mackert	DEQ - NRO
Peter Sherman	DEQ - CO
Noel Thomas	DEQ - VRO
Somsiri Youngpatanna	DEQ - PRO
Kelli Burnett	DEQ - VRO

Information provided before the meeting included:

- Revised regulation with draft amendments, VPDES General Permit Regulation for Discharges of Stormwater Associated With Industrial Activity, 9VAC25-150
- Agenda

Discussion

Joseph Bryan, Department of Environmental Quality (DEQ) Office of VPDES Permits, provided a brief introduction and asked attendees to sign in. He then reviewed the agenda, which included:

- Discuss updates to the proposed language
- Address any final comments from the TAC
- Confirm that NOIRA comments were addressed.

Mr. Bryan indicated that in addressing a question about authorized non-stormwater discharges (line 267), he had looked at the MS4 draft permit and it does not include any reference to heat or heated water, so no change is being made.

He added that around line 290 some qualifying language was being added regarding which airports are addressed under this general permit. The TAC commented that the language was still not entirely clear. Some non-hub primary airports are covered under this permit (sector AD), so the reference to primary airports was left in Table 50-1 and clarifying language was added. Table 70-2 (line 639) was also updated and a registration statement requirement for primary airports (line 420) that had previously been removed was added back in.

Mr. Bryan discussed the comment (about line 703) regarding PFAS monitoring. He noted that DEQ is still developing its strategy and procedures for examining and addressing this issue, and that future actions will be addressed as needed under the “duty to provide information” provisions of this general permit. One comment was that just requiring monitoring of PFAS is too general, facilities need notice and specific direction if action is warranted. DEQ agreed.

Mr. Bryan indicated that the PMP language was made more generic, so that it is not limited to PCBs and could address other pollutants of concern identified in a TMDL or other analysis.

Mr. Bryan explained that since EPA has approved method 1668 for use, the current permit language is sufficient to cover methods for PCBs per Part II A.

He commented that the MS4 language for alternate sampling procedures was not found to be useful (line 787). Some TAC members commented that they would still like to see alternative sampling procedure language. DEQ observed that it is challenging to write clear and enforceable regulatory language that addresses all possible situations, but noted that permittees are already able to work with regional DEQ staff to deal with case-by-case situations. Some participants said they would submit comments during the comment period.

One TAC participant said that the 72-hour interval between discharge-producing storms is a difficult challenge. There was discussion as to whether using “three days” instead of 72 hours would offer additional flexibility. There was discussion of the 30 minutes or 3 hour sampling requirement. One TAC member asked what is the original basis for the 72-hour requirement. It appears to be early EPA stormwater regulations. These requirements attempt to sample early storm flushes that are representative of the pollutants that accumulate across the drainage area.

My Bryan stated that he had removed the DMR requirement to submit the duration of the storm event. One TAC member said that meteorological data indicates that it rains in Virginia every 2.5 days. One TAC member asked how often samples are submitted to DEQ that were taken less than 72 hours apart. DEQ indicated that there are some, typically when taken late in the monitoring period. One participant observed that 72 hours is a clear standard, whereas three days is less clear. Another noted that automated sampling equipment exists. Mr. Bryan indicated that based on the discussions the permit language would be left as is in the markup.

A TAC participant asked if electronic copies of the SWPPP are acceptable (to maintain onsite). DEQ said yes, provided they are accessible to staff and to DEQ if requested. It was mentioned that the MS4 permit uses language such as “hard copy or electronically.” This clarification was added at line 2013. A participant mentioned that DMR submittal by the 10th of the month following the end of a monitoring period can be challenging. DEQ said this is a program-wide requirement; hopefully e-DMR will simplify the process.

Mr. Bryan reviewed the benchmarks for the general permit, with a focus on those that are changing. There was some discussion of units, and it was noted that standardizing helps avoid errors.

Mr. Bryan stated that, with regard to 24-hour notice for unusual or extraordinary discharges, he removed “by telephone” since the PREP online system is available 24 hours and is preferred. A participant pointed out that the 24-hour report of noncompliance in this permit must be by telephone, FAX or online (reports outside of normal working hours must be made online). Participants also pointed out that 9VAC25-31-190 L provides that 24-hour reporting must be made by telephone. Mr. Bryan said we will keep the language as edited to match the language in other general permits.

A TAC member asked whose approval is intended when the permit refers to an approved TMDL, EPA or the State Water Control Board. This is intended to refer to EPA approval. The relevant language (around line 1074) was edited to say approved “by EPA.” The same edit was made about line 669.

Mr. Bryan reviewed new edits/comments to the Chesapeake Bay section of the general permit (first edit/comment about line 3517).

One of the TAC participants stated that they believe DEQ has done a good job with this reissuance and has increased permit clarity.

DEQ pointed out that the MS4 general permit is removing the sediment reduction requirements from the Chesapeake Bay TMDL special condition. This is based on findings of the Chesapeake

Bay TMDL Principals' Staff Committee that implementation of the nutrient load reduction BMPs will achieve compliance with the clarity/SAV water quality standard. DEQ expects, both for consistency and based on the same technical rationale, that Chesapeake Bay TSS requirements will be removed from this permit. A TAC participant asked if this raises a backsliding issue. DEQ said they would examine this issue and any comments will be addressed going forward.

Mr. Bryan reviewed the NOIRA comments and DEQ's response. He stated that DEQ is aiming to propose the 2024 reissuance of this general permit at the March 2023 Board meeting. DEQ will keep TAC members informed of the schedule going forward. Please call or email Joseph Bryan (joseph.bryan@deq.virginia.gov) with questions. Thank you for your time and participation today.