

Reissuance of the VPDES Industrial Storm Water General Permit Regulation (9 VAC 25-151) - 2nd Technical Advisory Committee (TAC) Meeting Summary

A TAC meeting was held at 1 PM on Monday, May 19, 2008 at the DEQ Piedmont Regional Office in Glen Allen, Virginia. The following TAC members attended the meeting:

Bill Purcell (VMA/Omega Proteins), Mike James (VARA/James Environmental), Andrew Kassoff (EEE Consulting), Cary Lester (VMA/Steel Dynamics), Ian Whitlock (Joyce Engineering), John Roland (VAA), Susan Mackert (DEQ NVRO), Michelle Hollis (DEQ TRO), Kirk Batsel (DEQ SCRO), Curt Linderman (DEQ PRO), Burt Tuxford (DEQ CO).

Also attending the meeting were:

John Fowler (Henrico County), Rick Woolard (Dominion), Steve Long (DEQ TRO), Fred Cunningham (DEQ CO)

A draft of the regulation with proposed changes shown was e-mailed to the TAC prior to the meeting. At the meeting, Burt Tuxford handed out an e-mail message from Ian Whitlock with comments and his proposed suggestions/changes for the regulation, and DEQ CO's response. Several items were listed as needing TAC discussion (*the discussion was actually deferred until the next meeting*). Mike James also passed out a summary of monitoring data that has been collected over a number of years by his firm for the Automotive Recyclers sector.

The TAC discussion focused on the proposed changes in the draft regulation.

9 VAC 25-151-10 (Definitions)

- "Industrial Activity" #(5). The first usage of "VSMP" in the regulation should be spelled out. It was agreed that the change will be made.
- "Large, Medium and Small MS4". Is it OK to delete the definitions of large, medium and small MS4s? The TAC agreed that the definitions could be removed since that program is no longer DEQ's.

9 VAC 25-151-50 (Authorization to Discharge)

- Section A.4 (Non-storm water discharges) - should we include a definition of non-storm water? Some TAC members thought it was defined adequately by the section itself; others thought a separate definition was needed. *No decision was reached by the TAC.*
- It was suggested that the permit include some sort of language that non-storm water discharges must be managed to prevent contamination of storm water. *Part III D of the permit (SWPPP-Allowable non-storm water discharges) has SWPPP requirements for all non-storm water discharges. Part c. has been added and states that allowable non-storm water discharges are subject to all the provisions of the permit, including effluent limitations and benchmark monitoring requirements. Do we need more than this?*
- Section A.4.d - for compressor condensate, need to exclude air compressor condensate from the list due to the potential for contamination. It was decided to add "(excluding air compressors)" to the sentence.
- Section A.5 (storm water discharges associated with construction) needs to be moved to section B (Limitations on Coverage). It was agreed that it will be moved.

- Section B.3.d (TMDL discharges) - this section will be kept as written. A suggestion was made to add "*and an excursion above a TMDL limitation*" to Special Condition #9 (Water quality protection) (permit Part I.B.9). The change will be made.
- A question was asked as to how a facility will know whether they are subject to a TMDL. It was mentioned that this information would appear in the application reminder letter sent to facilities. If a TMDL comes about during the permit term, the facilities will be notified by the DEQ Regional Office.
- Table 50-1. For Sector AD, the draft wording was changed to "Only the Board may assign a facility to sector AD". After discussion, it was decided that the wording should be changed back to " Only the director may assign... "

9 VAC 25-151-60 (Registration Statement)

- The draft has removed "complete and accurate" from old section A. (Deadlines for submitting registration statement) (now the opening paragraph).
 - Follow-up question, why remove? It was explained that it was removed because "complete" is contained within certification statement, so it's redundant. Believe consensus of group was to remove "complete and accurate".
 - Question as to what defines complete. If registration statement is missing items and the facility has signed and acknowledged the certification statement, is this an enforcement issue? Consensus was no, the facility made a good faith effort to complete and to their knowledge it was complete and accurate.
- Request to add "written" to the sentence "The owner shall prepare and implement a SWPPP...".
 - Follow-up question: does an electronic version of the SWPPP constitute written? TAC consensus was "yes". Ok by TAC to add "written".
- Concerns were aired about completing the SWPPP prior to submitting the registration statement.
 - TAC members mentioned that SWPPP templates are available from other sources, and general SWPPP info is available on DEQ web site.
 - It was decided that the requirement will remain.
- Concerns were aired about the word "implement" in the statement "prepare and implement a SWPPP prior to submitting registration statement".
 - Concerned that this places burden on facilities.
 - Storm water controls must be in place so that when the permit is issued, it is protective of water quality.
 - It was decided that the word "implement" will remain.
- It was decided to insert word "complete" in the following locations:
 - A.1.a ".....general permit shall submit a complete registration statement"
 - A.1.b ".....submitting a complete registration statement"

- A.1.c. ".....shall submit a complete registration statement"
- A.2 ".....shall submit a complete registration statement"
- The draft regulation has removed the requirement that an applicant that discharges to an MS4 must notify the MS4 owner and send him a copy of the Registration Statement... is this OK?
 - One member would like to leave it in.
 - Burt provides list of dischargers (for all DEQ GPs) to DCR.
 - It was decided that it is Ok to remove the notification requirement.
- Request to add "where available" to requirement to provide e-mail address.
 - TAC felt this was a good idea as many SWGP holders are small businesses and may not have internet access.
- Request to require applicant to provide "latitude" and "longitude" for the 911 address and all outfalls.
 - Site map and address should be sufficient to locate facility.
 - Many smaller businesses may not have access to GPS unit.
 - TAC consensus to not require latitude and longitude.
- TAC suggested removing "and" after the semicolon in the landfill indicator section. Also suggested breaking the landfill and timber parts into separate subsections under section B.10. Both suggestions will be done.

SWGP Part I.A.1.a.1

- Request to further clarify "during daylight hours" to "during daylight business hours".
 - Comment that this would give facilities an out to not sample on weekends if they don't operate on weekends.
 - Why make this requirement specific to quarterly visuals as it does not apply to benchmark monitoring/effluent limit sampling?
 - TAC consensus was that no further clarification was needed.

SWGP Part I.A.1.a.4

- EPA has added the wording "and there are no industrial materials or activities exposed to storm water" to their draft MSGP... should we include this language?
 - If the facility is inactive and unstaffed and there are no industrial materials or activities exposed to storm water, can't they just submit a "no-exposure"?... so is this wording necessary.
 - Comments that this may be applicable to facilities that don't operate every day of the week.
 - TAC consensus was to leave the language in.

SWGP Part I.A.1.b

- Request to remove "may be" from sentence "...modifications to SWPPP may be necessary" and change to "...modifications to SWPPP are necessary" and quantify with an additional statement, such as "unless justification is provided within the annual comprehensive site compliance evaluation".
 - TAC consensus was to make this change.
- Concern was raised about the statement "...facilities that would be more appropriately covered under an individual permit".
 - The regional office has never removed a person from a GP and placed them under an individual permit.
 - Regions have the option to deny GP coverage.
 - TAC consensus was that the statement should remain.
- EPA added TSS benchmark monitoring for all facilities that did not have monitoring in the previous MSGP (2000). TAC discussed adding TSS to all the GP sectors even if they did not have to sample last permit cycle.
 - Two requests from TAC members to add.
 - Question as to the necessity – does it really provide us with anything?
 - Question was asked where the 100 mg/L cut-off value came from. *EPA came up with this value for their 1995 MSGP. More information will be provided to the TAC.*
 - May provide some information as to what other constituents, such as metals, may be bound in the sediment leaving a site.
 - What are we going to do with the data?
 - How will DEQ track since at this time benchmark monitoring cannot be entered into CEDS?
 - ✘ No decision was made on this issue. It was tabled until the next meeting.
 - Burt Tuxford agreed to look up how EPA came up with the 100 mg/l TSS benchmark value, and share the info with the TAC prior to the next meeting.

The meeting ended at 4:00 pm. The next TAC meetings were scheduled for Wednesday, June 11th from 9:00 am to 4:00 pm, and Thursday, June 12th from 9:00 am to 4:00 pm. Both meetings will be at the Piedmont Regional Office in Glen Allen.