



# 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  
TDD (804) 698-4021  
www.deq.virginia.gov

Douglas W. Domenech  
Secretary of Natural Resources

David K. Paylor  
Director

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

SUBJECT: 1<sup>st</sup> Technical Advisory Committee (TAC) Meeting regarding 9  
VAC 25-115 General Virginia Pollutant Discharge Elimination System (VPDES)  
Permit for Seafood Processing Facilities  
TO: TAC Members  
FROM: George Cosby, Regulatory Affairs  
DATE: March 25, 2010

A TAC meeting was held on March 24, 2010 at DEQ Central Office. The meeting began at 1:00 PM. The TAC members and others attending the meeting were:

Heather Lusk	H. M. Terry Co., Inc.
Deanna Austin	DEQ-TRO by Telephone
Elleanore Daub	DEQ-CO
Fred Cunningham	DEQ-CO
Burton Tuxford	DEQ-CO
George Cosby	DEQ-CO
Jeremy Kazio	DEQ-PRO

Comments and items presented at the meeting were as follows:

1. There are approximately 64 facilities located in the Piedmont and Tidewater areas covered by the general permit regulation. Elleanore Daub discussed preliminary changes to Seafood processing facilities GP regulation. The majority of revisions are to sections 9VAC-115-20; 9VAC-115-30 and 9VAC-115-40. The revisions involve authorization to discharge; DEQ's antidegradation policy; TMDL and reformatting the language. TAC members were advised that at this time no changes were indicated to the effluent pages in the GP.
  - a. 9VAC25-115-20.A. Purpose; delegation of authority; effective date of permit.  
A question arose as to why discharges from mechanized clam processing facilities are excluded. Mechanized clam processing operations were considered for coverage under the initial general permit. However, the one mechanized clam plant that was individually permitted in the state was required to meet effluent limits more stringent than what the effluent guidelines called for due to higher flows associated with high organic loads and resulting water quality impacts.

Because of this, it was determined when the seafood general permit was initially issued that these types of facilities are best regulated under individual permits.

Another comment was that this section excludes wastewater discharges from mechanized clam facilities, but it implies that the storm water from these facilities could be covered under the permit. A suggestion was made to remove the word "wastewater" so that it would be clear that all discharges from mechanized clam facilities were not eligible for coverage under this permit.

9VAC25-115-30. Authorization to Discharge. The language in this section requires reformatting to match other recently drafted general permits and to comply with EPA's and AGs office recommendations in the previously issued general permits. These include adding two new requirements that must be met before authorization to discharge is granted (antidegradation not met or a TMDL requires additional limits or loadings not addressed in the permit).

A suggestion was made to include language allowing for continuation of permit coverage until the permit is reissued or we deny the registration if the permittee has submitted a timely registration and is in compliance. Similar language is currently in the draft Single Family Home General Permit.

9VAC25-115-40. Registration Statement. Require additional information such as street address; email address; computer generated map and reformat the language to make the meaning clearer. The registration submittal dates need to be revised to be consistent with other general permits. A statement may be included to allow continuation of existing general permits pass the expiration date.

9VAC25-115-50. General Permit. The TAC members were advised that there would not be any changes to the effluent limitations in the general permit (NOTE: since the TAC meeting staff has noted that some of the effluent limits in the general permit do not match the number of significant digits presented in the effluent guidelines (generally 2 in the guidelines vs 3 in the general permit for BOD and TSS). This may be revised to match the effluent guidelines). The monitoring frequency will be reviewed to determine if less monitoring is acceptable. Also that a special condition for compliance reporting including quantification levels and significant digits) will be reviewed to determine if they should be added to match language found in other general permits. The TAC members discussed whether it would be practical to create a spreadsheet that could be placed on the web page for calculations of production. The permit transmittal letter could be used to notify permittees about the spreadsheet. It was noted that CEDS DMR data should be checked to see how limits have been reported and calculated.

9VAC25-115-50 Part III M – Conditions applicable to all permits- Duty to reapply. Discussed whether this condition should be changed to allow a lesser time period rather than 180 days before expiration to reapply although this

deviates from EPA boilerplate language. A similar change has been drafted in the Single Family Home General Permit.

9VAC25-115-50 Part III Y - Conditions applicable to all permits – Transfer of permits. Staff mentioned whether this should be revised to say automatic transfers can occur within 30 days of transfer rather than 30 days in advance of transfer. We have been told advance notification of an ownership transfer is not possible/allowed. DEQ needs to check if this is acceptable as it deviates from EPA boilerplate language

2. A draft general permit regulation with revisions will be provided to TAC members prior to the next TAC meeting for review. The TAC members discuss whether it would be feasible to present the draft general permit regulation at the June/September Board meeting.
3. Items presented at the TAC meeting are as follows:
  - A. 9VAC25-115 – General Virginia Pollutant Discharge Elimination System Permit for Seafood Processing Facilities.
4. The next TAC Meeting is scheduled for Wednesday, April 14, 2010 at 1:00 PM at the DEQ, 629 East Main Street; Richmond, VA 23218. The ‘meet me’ conference telephone number is 804-698-4518.

I wish to thank the TAC members and others for their continued service on the TAC.