



VAMWA Serving on Industrial Stormwater General Permit TAC June 2018

Virginia's General Permit for Stormwater Discharges Associated with Industrial Activity (ISWGP) expires on June 30, 2019. DEQ has begun the reissuance process; on January 19, 2018, it issued a Notice of Intended Rulemaking (NOIRA) requesting comment on possible changes to the permit, and on April 26 and May 17, it held the first two meetings of the technical advisory committee (TAC) that will help DEQ develop proposed regulatory text. DEQ's goal is to take the proposed ISWGP to the State Water Control Board (SWCB) in September 2018. Based on this schedule, DEQ would hold a public comment period on the proposed reissuance from October to December 2018, and then would propose a final ISWGP to the SWCB in March 2019, with the final permit effective April 2019.

The ISWGP is important to VAMWA Members because many wastewater treatment plants are covered under Sector T (Treatment Works). Sector T covers industrial stormwater "from treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including lands dedicated to the disposal of sewage sludge that are located within the confines of the facility" with a design flow of 1.0 MGD or more or with a mandated pretreatment program under 9VAC25-31-730. VAMWA is serving on the TAC to ensure that any ISWGP requirements are achievable and will likely result in actual water quality improvements.

During the first meeting of the ISWGP TAC, DEQ shared that it has gathered extensive data based on the Chesapeake Bay related monitoring requirements in the current ISWGP. As a refresher, owners of facilities that discharge into the Bay were required to monitor discharges for total suspended solids (TSS), total nitrogen (TN), and total phosphorus (TP) twice a year during the first two years of permit coverage. Permittees were then required to calculate the TSS, TN and TP loadings using the following formula:

$L = (0.2263 \times R \times C)/A$ where:

L = POC loading value (lbs/acre/year)

R = Annual average rainfall (inches/year), either facility-specific, based on the Virginia average rainfall per year of 44.3 inches/year, or based on another Board-approved method

C = Average POC average concentration of all facility samples (mg/L)

A = Facility industrial activity area (in acres)

If the facility loadings exceeded the loadings value Virginia used to determine the aggregate loads for industrial stormwater facilities in the Chesapeake Bay TMDL, the permittee was required to develop and submit a Chesapeake Bay TMDL Action Plan that explained how the permittee would reduce pollutants to achieve reductions by June 30,



2024. For reference, Virginia assumed industrial facilities would discharge 1.5 lbs/acre/year for TP, 12.3 lbs/acre/year for TN, and 440 lbs/acre/year for TSS.

DEQ is currently using the loadings from each facility to calculate a sum total loading for each basin in the Bay. DEQ's goal is to compare the Bay TMDL wasteload allocations (WLAs) to the actual results from the monitoring for each basin. DEQ will be providing this information to the TAC for review. During the first meeting, TAC Members also requested that DEQ provide monitoring information by sector and/or by SIC (standard industrial classification) code.

VAMWA will be reviewing this information carefully; our position during the development of the last ISWGP was that DEQ's Chesapeake Bay monitoring was excessive and not cost-effective. VAMWA commented that facilities covered by the ISWGP are regulated because they are potential dischargers of pollutants (e.g., metals) based on their industrial activities. DEQ did not explain why any particular source sector would pose a greater risk of nutrient and sediment discharges than an unregulated industrial facility or even a comparable commercial property. It would be useful to see whether the monitoring results support VAMWA's conclusion that Sector T is not a high-risk sector for nutrient or sediment discharges. POTWs typically have no onsite industrial activities that would be a source of nutrients or sediments, as compared to other types of facilities, such as fertilizer manufacturers.

During the second TAC meeting, DEQ reviewed monitoring data associated with the benchmarks for various ISWGP sectors. Benchmarks for specific pollutants are assigned to certain sectors based on the industrial activities on-site. If a sample shows an exceedance of a benchmark, the facility is required to take corrective action to address the pollutant. Exceeding a benchmark is not a permit violation, and DEQ does not take any enforcement action if there are exceedances. As a part of the ISWGP reissuance, DEQ is considering whether to eliminate some of the current benchmarks because it appears certain sectors are not discharging those pollutants at levels of concern. Sector T does not have any benchmark monitoring requirements in the current permit, so this should not be of concern to the Membership. Other sectors, however, would be pleased to eliminate what they view as unnecessary, wasteful monitoring.

VAMWA will report back as necessary on the work of the TAC and on any issues of likely concern to POTW owners.