VAMWA Comments on Industrial Stormwater General Permit
March 2019

Virginia's General Permit for Stormwater Discharges Associated with Industrial Activity (ISWGP) expires on June 30, 2019. The ISWGP is important to VAMWA Members because many wastewater treatment plants are currently 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.

On December 28, 2018, VAMWA submitted comments on the proposed reissuance of the ISWGP. VAMWA supported DEQ's decision to allow industrial facilities in the Chesapeake Bay Watershed to discontinue monitoring during the 2019-2024 permit term if they submit loading calculations (see below) and a Bay TMDL action plan (if required) within 60 days of permit coverage. VAMWA explained that the state's POTWs are not significant Bay TMDL dischargers, making additional monitoring duplicative and unnecessary.

As a refresher, during the 2014-2019 permit term, all owners of covered facilities in the Bay Watershed were required to monitor discharges for total nitrogen (TN), total phosphorus (TP), and total suspended solids (TSS) for four monitoring periods, corresponding to the first two years of coverage. Permittees were then required to use the sampling data to calculate TP, TN, and TSS loadings based on the following equation:

L= 0.2263 X R X C where:
L= POC loading value (lbs/acre/year)
R= Annual runoff (in/yr), calculated as: R = P X Pj X Rv
where:
P = annual rainfall (in/yr) [*use the Virginia annual average of 44.3 in/yr, or site specific annual rainfall for your area of the State, or another Board approved method*]
Pj = the fraction of annual events that produce runoff (usually 0.9)
Rv = the runoff coefficient, which can be expressed as: Rv = 0.05 + (0.9 X Ia)
Ia = the impervious fraction [*the ratio of facility impervious area to the total facility area*]
or, Ia = $AREA_{IMPERVIOUS}/AREA_{TOTAL}$
Substituting in Equation (1):

L= 0.226 X P X Pj X (0.05 + (0.9 X Ia) X C

If the facility's loadings exceeded the loadings value Virginia used to determine the aggregate waste load allocations for industrial stormwater facilities in the 2010 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. 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 when it developed the aggregated WLAs.

DEQ began the reissuance process in 2018. VAMWA served on DEQ's technical advisory committee (TAC) and attended six meetings from April through August 2018. VAMWA's goal was to identify any significant changes to the ISWGP that could have negative impacts on POTWs. For example, during previous ISWGP permit reissuances, third parties argued that POTWs should be required to conduct benchmark monitoring, like other sectors are required to do. Although pulling a sample that exceeds a benchmark for a parameter is not a permit violation, it does trigger the requirement to implement corrective actions, which can be time-intensive and costly. VAMWA has been successful in pushing back on third-party arguments; the sector does not have any benchmark monitoring requirements in the ISWGP.

In terms of status, DEQ will be taking the ISWGP to the State Water Control Board for final approval and adoption, likely in April 2019. We will report back to the Membership with updates on this regulatory proceeding as appropriate.