



**WATER UPDATE  
DEQ ENVIRONMENTAL  
EXCELLENCE CONFERENCE**

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# Virginia Stormwater Management Program

Major Components:

- MS4 permits
- Construction General Permit
- Local program implementation requirements
- Post construction water quality and quantity technical requirements



# What is an MS4?

- “Municipal Separate Storm Sewer System” means a storm water conveyance or system of conveyances that is:
  - Owned by a state, city, town, village, or other public entity that discharges to surface waters,
  - Not a combined sewer and
  - Not part of a Publicly Owned Wastewater Treatment Works.
- An MS4 includes roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains.



# Permit Information

- Clean Water Act requires permit for MS4 systems
- Permit issued by DEQ
- Requires localities to reduce pollutants from these systems
- Permits address urban house keeping (eg. street cleaning) public education, identifying unauthorized connections, and structural stormwater controls



# Large Phase I MS4s

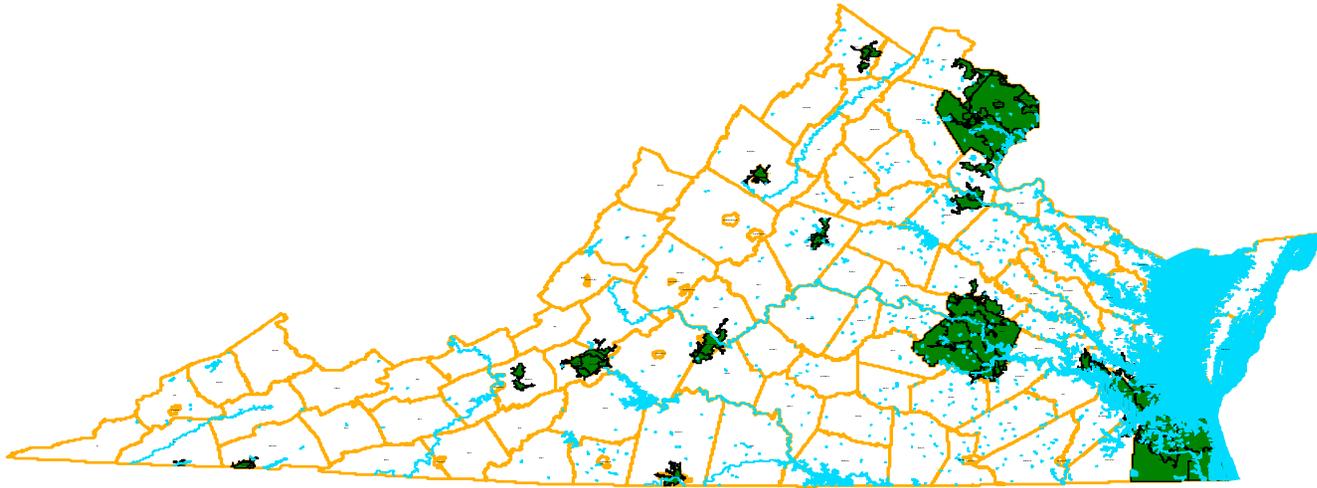
- Serves population of greater than 100,000 people (1990 census)
- In Virginia there are 11 Phase I Permits:
  - Counties: Arlington, Chesterfield, Fairfax, Henrico, Prince William
  - Cities: Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Virginia Beach
- Individual permits initially issued in the 1990s.



# Small Phase II MS4s

- In 2003 MS4 Phase II regulations became effective and required operators of small MS4s in "urbanized areas" (2000 census) to obtain a permit.
- Small MS4s include storm sewer systems operated by cities, counties, towns, federal facilities and state facilities.
- Permitted under the reissued General Permit for Discharges from Small MS4s effective July 1, 2013.

# Small Phase II MS4s



- 90 existing Small MS4s.
- 17 newly designated Small MS4s (2010 census)
  - registration statements required by February 2014.



# Recently Designated Small MS4s

**Fauquier County**

**Town of Warrenton**

**Germana Community College – Fredericksburg Campus**

**U.S. Geological Survey Headquarters**

**Arlington County Public Schools**

**VA Dept. of Juvenile Justice – Consolidated MS4s at Bon Air**

**Petersburg Federal Correctional Complex**

**Southeastern Virginia Training Center**

**Fort Monroe Authority**

**Augusta County**

**City of Staunton**

**City of Waynesboro**

**Montgomery County**

**City of Radford**

**Radford University**

**Town of Abingdon**

**Virginia Highlands Community College**



# Stormwater Local Assistance Fund

- Item 360 in Chapter 860 (2013-2014 Budget)
- Authorized \$35 million in bond proceeds
- To provide matching grants to local governments for planning, design and implementation of stormwater BMPs related to reducing water quality pollutant loads



# SLAF Priority Ranking Criteria

1. Pollution Reduction – calculated reduction of total phosphorous (TP) by using established methodologies
2. Cost Effectiveness – projected cost of the project divided by the calculated amount of TP reduction
3. Impaired Water Bodies – location and impact of the proposed project in relation to priority water bodies in the state
  1. Chesapeake Bay TMDL
  2. Local impaired stream TMDL
  3. Local impaired stream without a TMDL
4. Fiscal Stress – based on the Commission of Local Government composite fiscal stress index
5. Readiness to Proceed – how quickly grant recipients can get their projects to construction
6. Phase II (Small) MS4s – applicants that are regulated under the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems



# Main Criteria Impacting First Round of SLAF Funding

- There were 12 projects that were deemed to be ineligible
  - 8 projects were maintenance of existing Best Management Practices, no new BMPs included;
  - 3 were for ineligible project types – not yet recognized by BMP Clearinghouse;
  - 1 for a feasibility study (not a capital project).
- Eligible projects were authorized if the cost per pound of phosphorous removal was \$50,000/lb. or less

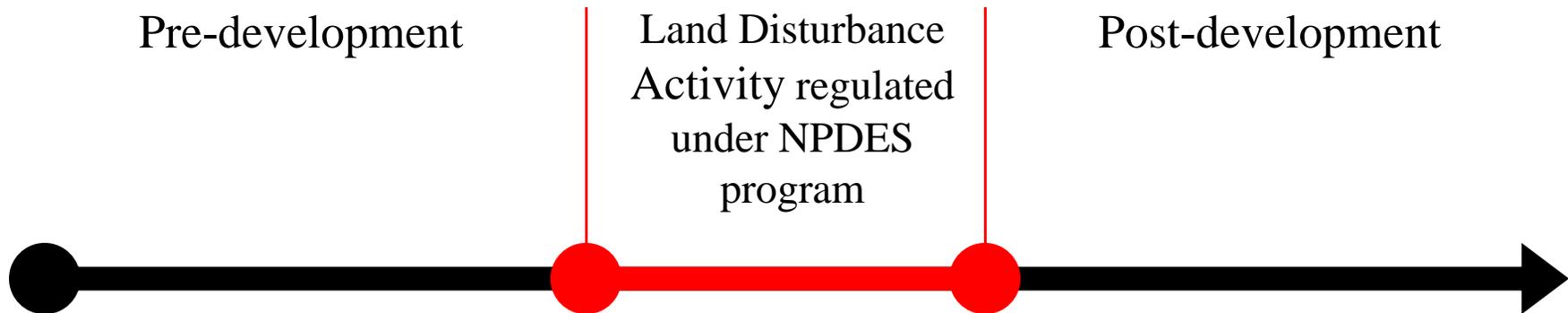


# Construction General Permit

- Cover New Construction/Redevelopment
- Clean Water Act requires permit for private and public construction activity
- Virginia issues a general permit for construction related stormwater (CGP)



# Construction General Permit Background Information



- Red Bar (above) indicates the timeframe of CGP coverage
- CGP provides authorization to discharge stormwater during construction activities
- CGP governs the Operator of the construction activity
- CGP coverage is Statewide



# Construction General Permit Authorized Activities

- Stormwater discharges from Large Construction Activities (> 5 acres of land disturbed)
- Stormwater discharges from Small Construction Activities (1-5 acres of land disturbed)
- Stormwater discharges from On-site or Off-site Support Activities
  - Concrete and/or asphalt batch plants
  - Equipment staging yards
  - Material storage yards
  - Borrow & fill areas



# Update on CGP

- Existing permit expires 6/30/14
- State Water Control Board adopted new CGP on 12/17/13, to be effective 7/1/14
- Permit is consistent with EPA's final 2012 CGP
- Permit has been approved by EPA



# Significant Items

- Automatic permit coverage for single family residences, separately built, disturbing < 1 acre in a common plan of development (no registration or permit fee)
- Incorporates enhanced operator inspection frequency if site within the Chesapeake Bay Watershed
- Operator inspection frequencies based on business days, not calendar days



# Local VSMP Program Elements

- Local stormwater ordinance with:
  - Provisions for requiring stormwater management, erosion & sediment control and pollution prevention plans
  - Long term BMP maintenance
  - Inspections
  - Enforcement
- Implementation of water quality and quantity technical criteria
- Funding & Staffing plan
- Policies & procedures to administer the VSMP program



# Current Status

- 144 localities required to adopt programs. All 144 have draft programs and are currently revising them into a final form
- Additional 6 localities are voluntarily adopting
- Final draft programs due to DEQ by January 15, 2014
- As of March 6, 2014 144 final draft programs submitted (5 non-mandatory)



# 2014 Legislative Initiatives

- Approximately 15 bills related to stormwater introduced
- February 12 – Crossover
- March 8 – Session Concludes



# Broad Concepts – pg 1

- July 1, 2014 requirement for local program implementation applies to MS4 localities
- Non-MS4 localities can choose to opt in this year or in future years
- On new MS4s counties may defer local program until January 1, 2015



# Broad Concepts – pg 2

- Allows agreement in lieu of a stormwater plan for construction of a single family residence
- Directs DEQ to establish procedures for not requiring registration under the construction in general permit for single family residences
- Provides reciprocity with other states that have certified proprietary best management practices



# Broad Concepts – pg 3

- Clarifies that appeal of local decisions conducted in accordance with local procedures.
- Directs DEQ to review the current fee schedule and recommend revising or eliminating a state mandated fee



## ➤ SWCB/DEQ Industrial Stormwater Permits

- 10 “industrial activity” categories.
  - manufacturing facilities; hazardous waste TSDs; landfills; recycling facilities; steam electric power generating facilities; transportation facilities; and domestic STPs > 1.0 MGD.
  - 29 industrial “sectors” – from EPA’s 1995 MSGP.
- Started issuing permits for Industrial Activity Stormwater in 1993.
  - First permits were based on EPA’s 1992 Baseline Stormwater General Permit (1993 ER, 1994 ISWGP).
  - SW permits must meet water quality standards.



## ➤ **SWCB/DEQ Industrial Stormwater GPs**

- 1999 ISWGP based on EPA's 1995 Multi-Sector Industrial SW GP (3 permits combined to 1)
- 2004 ISWGP based on EPA's 2000 MSGP.
- 2009 ISWGP based primarily on EPA's 2006 MSGP, with some provisions from EPA's Final 2008 MSGP.
- 2014 ISWGP based on EPA's Final 2008 MSGP.
- EPA's Draft 2013 MSGP is still not finalized – may be in the next month or so.



## ➤ What's New for the 2014 Reissuance

- Most Noteworthy Changes:
  - Benchmark, Effluent Limitation and Impaired Waters Monitoring – now semi-annual
  - Added requirements to address EPA's Chesapeake Bay TMDL
  - Added additional monitoring to specific sectors – most notably to Sector S (Air Transportation)



- Section 50 - Authorization to Discharge
  - Reformatted this section to be consistent with the way this is now being included in other general permits.
  - Added language to restrict GP coverage:
    - (1) If the discharge violates or would violate the anti-degradation policy in the Water Quality Standards, and
    - (2) If the discharge is not consistent with the assumptions and requirements of an approved TMDL.
  - Added language to allow for administrative continuance of coverage under the expiring general permit until the new permit is issued by the Board, and coverage is either granted or denied.



- Section 60 – Registration Statement
  - Eliminated the “Responsible Party” question.
  - Simplified the map submittal requirements.
  - Added a question for newly constructed facilities in the Chesapeake Bay watershed. To be eligible for permit coverage these facilities must submit documentation that they have either installed measures and controls to meet the "no net increase" of nutrients and sediment from the site that existed prior to their developing the land for the industrial activity, or that they are using pollutant trading or offsets to meet the requirement.



- Section 60 – Registration Statement (continued)
  - Specified that the registration may be submitted by postal mail or electronically.
  - Deleted the provision that a facility's registration statement be posted to the Department's public website for 30 days prior to the Board granting the facility general permit coverage.
- Section 65 – Termination of Permit Coverage
  - Moved this whole section into the permit itself as a special condition (SC #14) so the permittee would have the requirements in the permit.



- Section 70 – General Permit, Part I A

- Increased the Benchmark Monitoring, Effluent Limitation Monitoring and Impaired Waters Monitoring from annual to semi-annual.
- Eliminated the follow-up monitoring for exceeding effluent limits or a TMDL allocation concentration.
- Added a requirement for corrective actions and a corrective action report from the permittee every time effluent limits or TMDL monitoring concentrations are exceeded.



- Section 70 – General Permit, Part I A 4
  - Inactive and Unstaffed Sites. Added that a waiver of the quarterly visual assessments, routine facility inspections, and monitoring requirements (including benchmark, effluent limitation, and impaired waters monitoring) may be granted by the Board at a facility that is both inactive and unstaffed, as long as the facility remains inactive and unstaffed and there are no industrial materials or activities exposed to stormwater.
- Section 70 – GP, Part I B (Special Conditions)
  - Modified the TMDL special condition (SC#7) to require facilities in the Chesapeake Bay watershed to monitor their discharges for sediment and nutrients semi-annually for the first 2 years of permit coverage.



- Section 70 – GP, Part I B (Special Conditions)
  - Added **subsection b(3)** to SC#7 requiring facilities to analyze the collected nutrient and sediment data, and to develop TMDL action plans where necessary.
  - Added SC#8 which requires facilities discharging through a regulated MS4 to waters subject to the Chesapeake Bay TMDL to incorporate measures and controls into their SWPPP to comply with the local ordinances if the facility is notified by the MS4 operator that the locality has adopted ordinances to meet the Chesapeake Bay TMDL.



- Section 70 – GP, Part I B (Special Conditions)
  - Added SC#9 which relates to Virginia's Phase I ChesBay TMDL WIP. The condition states that the wasteloads from any expansion of an existing permitted facility discharging stormwater in the Chesapeake Bay watershed can't exceed the nutrient and sediment loadings that were discharged from the expanded portion of the land prior to the land being developed for the industrial activity.
- Section 90 – GP, Part IV – Sector A (Timber Products Facilities)
  - Specified that Mulch, Wood & Bark Facilities are covered in this sector. Added specific permit requirements for mulch operations and mulch dyeing operations, and benchmark monitoring for both of these.



- Section 110 – GP, Part IV – Sector C (Chemical & Allied Products)
  - Specified that Composting Facilities are covered in this sector. Added benchmark monitoring requirements for these facilities.
- Section 190 – GP, Part IV – Sector L (Landfills)
  - Specified that landfills that have been properly closed and capped in accordance with Virginia waste permitting requirements, and that have no significant materials exposed to stormwater, do not require this permit.
  - Removed the benchmark monitoring for iron from this sector.



- Section 210 – GP, Part IV – Sector N (Scrap and Waste Recycling Facilities)
  - Added benchmark monitoring for source-separated facilities.
- Sections 240 & 250 – GP, Part IV – Sector Q (Water Transportation) & Sector R (Ship & Boat Building)
  - Made the benchmark monitoring parameters the same for both sectors, and also defined specific pressure washing/hull washing activities as process wastewater that need separate VPDES permits.



- Section 260 – GP, Part IV – Sector S (Airports)
  - Added the federal ELG for airport deicing facilities and effluent limits for primary airports. Deleted the benchmark monitoring for deicing at major airports, but added benchmark monitoring for TSS and TPH at all airports with maintenance activities.
- Section 340 – GP, Part IV – Sector AA (Fabricated Metal Products)
  - Added copper to the benchmark monitoring for fabricated metal products facilities (except coating).
- Section 350 – GP, Part IV – Sector AB (Transportation Equipment)
  - Added benchmark monitoring for TSS, TPH, copper and zinc.



## ➤ What Else Is New?

- Industrial Stormwater GP eDMR – now available for all ISWGP permittees. See our website for details and to sign up.
- All the changes to the Regulation, as well as all the comments received and the Agency responses, are available on the Virginia Town Hall website under the State Water Control Board section, in the 9VAC25-151 Agency Background Document (TH-09).

[http://www.townhall.virginia.gov/L/GetFile.cfm?File=C:\TownHall\docroot\103\3780\6842\AgencyStatement\\_DEQ\\_6842\\_v1.pdf](http://www.townhall.virginia.gov/L/GetFile.cfm?File=C:\TownHall\docroot\103\3780\6842\AgencyStatement_DEQ_6842_v1.pdf)



## ➤ Questions?

## ➤ DEQ Central Office stormwater Contact

- Burt Tuxford 804/698-4086
- burton.tuxford@deq.virginia.gov

## ➤ Websites

- **DEQ:**  
<http://www.deq.virginia.gov/Programs/Water/Permitting/Compliance/PollutionDischargeElimination/StormWater.aspx>
- **EPA:**  
<http://www.epa.gov/owm/sw/>



# Triennial Review of Virginia's Water Quality Standards Regulation

## Near Term Schedule

- Proposed amendments go before SWCB March 28
- Executive Review of amendments Board approved to move forward - Minimum of 60 days
- Publish Public Comment Notice (60 day comment period) & hold public hearing



# Regulatory Advisory Panel

## Main Discussion Topics

- Ammonia Criteria Updates(EPA 2013)
- Bacteria Criteria Updates(EPA 2012)
- Selenium Criteria –VA-specific recalculated criteria submitted for consideration
- Manganese Criteria for Taste & Odor
- Toxics Criteria Updates – Aquatic Life & Human Health



# Substantive Proposed Amendments

- 2013 Ammonia criteria – calculation incorporates FW mussel toxicity data...site specific options for mussels absent
- Criteria updates: Cadmium & Lead
- New Aquatic Life Criteria: Carbaryl (Sevin) & Acrolein
- Human Health Criteria updates: Carbon Tetrachloride, Cyanide, Hexachloroethane, Methylene Chloride, Nitrobenzene, Pentachlorophenol, Tetrachloroethylene, Trichloroethylene
- Deletion of Manganese Criteria

Not recommending to move forward with:

2012 Bacteria update

Suggested Selenium criteria recalculation