

COMMONWEALTH OF VIRGINIA
STATE WATER CONTROL BOARD

FACT SHEET

REISSUANCE OF A GENERAL VPDES PERMIT TO DISCHARGE TO STATE WATERS AND STATE
CERTIFICATION UNDER THE STATE WATER CONTROL LAW

Reissuance Year: 2011

The State Water Control Board (Board) has under consideration the reissuance of a general VPDES permit for point source discharges from seafood processing facilities.

Permit Number: VAG52

Name of Permittee: Any owner of a qualifying seafood processing facility with point source discharges agreeing to be regulated under the terms of this general permit. Other than mechanized clam processing operations, which are excluded from coverage under this permit, seafood processing facilities for the purpose of this permit will be those classified in the following Standard Industrial Classification (SIC) Codes:

2091 - Canned and Cured Fish and Seafoods

2092 - Prepared Fresh or Frozen Fish and Seafoods

5142 - Packaged Frozen Seafood - wholesale

5146 - Fish and Seafood - wholesale distribution but not packaging of fresh, cured or frozen (not canned or packaged frozen)

Facility Location: Commonwealth of Virginia

Receiving Waters: Surface waters within the boundaries of the Commonwealth of Virginia, except those specifically named in Board regulations or policies which prohibit such discharges.

Restrictions: The Department will deny authorization to discharge under this general permit if the owner is required to obtain an individual permit, if the owner is proposing to discharge to surface waters specifically named in Board regulation or policies which prohibit such discharges, when the owner is proposing to discharge annual mass loadings of total nitrogen in excess of 2300 pounds per year or total phosphorus over 300 pounds per year, if the discharge would violate the Virginia Water Quality Standards antidegradation policy or if a Total Maximum Daily Load (TMDL) contains a waste load allocation for the facility unless the general permit limits are at least as stringent as those required by the TMDL waste load allocation.

On the basis of preliminary review and application of lawful standards and regulations, the Board proposes to reissue the general permit subject to certain conditions and has prepared a draft permit. The Board has determined that this category of discharges is appropriately controlled under a general permit. The category of discharges to be included involves facilities with the same or similar types of operations and the facilities discharge the same or similar types of wastes. The draft general permit requires that all covered facilities meet standardized effluent limitations, conditions and monitoring requirements and that certain covered facilities develop a site-specific storm water pollution prevention plan. This permit will maintain the Water Quality Standards adopted by the Board. This general permit will replace the general permit VAG52 which expires on July 23, 2011. Owners covered under the expiring general permit who wish to continue to discharge under a general permit must register for coverage under the new permit.

All pertinent information is on file and may be inspected, and arrangements made for copying by contacting Eleanore Daub at:

Virginia Department of Environmental Quality

P.O. Box 1105

Richmond, VA 23218

email: elleanore.daub@deq.virginia.gov Telephone: (804) 698-4111

The general permit will have a fixed term of five (5) years effective, upon Board approval, July 24, 2011. Every authorization to discharge under this general permit will expire at the same time and all authorizations to discharge will be renewed on the same date.

Activities Covered by this Permit:

This general permit covers process wastewater and storm water point source discharges from seafood processing facilities as defined by the listed SIC codes. Typical facilities that are covered are crab picking and oyster shucking

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operations, and fish, clam, scallop, shrimp and farm-raised catfish processing operations. Process wastewater is generated by cleaning, cooking and processing of seafood and the cleaning of the facility. Treatment or control of process wastewater usually consists of basic screening and sedimentation traps.

Effluent Limitations and Monitoring Requirements:

With the exception noted below (Seafood Processes Not Limited by Federal Guidelines), the parameters to be limited are based on Federal Regulation 40 CFR Part 408. They are best practical control technology currently available (BPT), best conventional pollution control technology (BCT) when more stringent than BPT or standards of performance (for new sources). These guidelines provide limits for twenty-six different seafood processes that may be found in Virginia. The parameters and actual limits vary depending on the process. The copy of the general permit transmitted to the owner will contain only those Part I.A. pages which are appropriate for that facility.

SEAFOOD PROCESSES LIMITED BY FEDERAL EFFLUENT GUIDELINES

PARAMETER	EFFLUENT LIMITATION	MONITORING
Flow	No Limit	Report Daily Maximum Quarterly
pH	In the range of 6.0 to 9.0 S.U.	Quarterly Grab Sample
Total Suspended Solids	Limits in the General Permit are those established in 40 CFR Part 408.	Quarterly Composite Sample for Monthly Average and Daily Maximum
BOD5	Limits in the General Permit are those established in 40 CFR Part 408.	Quarterly Composite Sample for Monthly Average and Daily Maximum
Oil and Grease	Limits in the General Permit are those established in 40 CFR Part 408.	Quarterly Composite Sample for Monthly Average and Daily Maximum
Production	No Limit	Report Daily Maximum Quarterly

SEAFOOD PROCESSES NOT LIMITED BY FEDERAL EFFLUENT GUIDELINES

PARAMETER	EFFLUENT LIMITATION	MONITORING
Flow	No Limit	Report Daily Maximum Annually
pH	In the range of 6.0 to 9.0 S.U.	Annual Grab Sample
Total Suspended Solids	No Limit	Annual Composite Sample for Monthly Average and Daily Maximum
Oil and Grease	No Limit	Annual Grab Sample for Monthly Average and Daily Maximum
Production	No Limit	Report Daily Maximum Quarterly

Basis for Limitations and Monitoring Requirements:

The Federal Guidelines for the "Canned and Preserved Seafood Processing Point Source Category" are included in the Code of Federal Regulations at 40 CFR Part 408. These guidelines provide the following basis for establishing the effluent limits:

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established.

The effluent limitations represent the degree of effluent reduction attainable by the application of the best practical control technology currently available, best conventional pollutant control technology and standards of performance for new sources.

Review of performance under the currently existing general permit indicates no major problems with compliance, and no reported water quality problems. There are some exceedences of the TSS limits and a few instances of DMRs not submitted. However, the conclusions of the water quality study conducted for this general permit (An

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Evaluation of Wastewater Discharges from Seafood Processing Facilities, February 22, 1995) are considered to remain valid in that impacts to water quality from the seafood processing discharges are negligible. Therefore the 40 CFR Part 408 based effluent limitations from the current general permit have been retained in this proposed reissuance. One change that was made during the 2011 reissuance was that some of the effluent limits were changed to match the number of significant digits in the Effluent Guidelines. Many of the 2006 limits in the general permit used three significant digits for TSS, Oil and Grease and BOD which didn't match the Effluent Limit Guidelines or current agency guidance (1 significant digit for BOD if <10 2 significant digits if >10, 2 significant digits for all other parameters).

A nutrient sampling study was conducted in 2004 – 2005 in order to reaffirm the conclusions of the above referenced study with respect to nutrients discharging into the Chesapeake Bay watershed. Seafood facility flow characterization and discharge analyses were made to determine total nitrogen and total phosphorus impacts from discharges of various seafood processes. Review at the time indicated that there were 63 seafood facilities covered by the general permit (down from approximately 83 in the 2006 reissuance and 300 in the original general permit issuance) that occasionally operate year round but in most cases operate seasonally, sporadically (depending on product availability), or are not presently operating at all. Discharges by type of seafood process number 195, indicating facilities that process more than one type of seafood, usually depending on the season. While some of the discharges from seafood facilities show significant concentrations of organic nitrogen and some total phosphorus, the wastewater flows are small and intermittent. For example, crab processing retort discharges are generally high in nitrogen and phosphorus but usually discharge in batches of 70 to 80 gallons per discharge a few times per day during the season.

The Chesapeake Bay watershed general permit for nutrients established in accordance State Water Control Law §62.1-44.19:12 to :19 addresses facilities discharging total nitrogen and total phosphorus beginning at the load level equivalent to a 40,000 gallons per day sewage treatment plant. At this level the equivalent load is defined as an annual loading of 2300 pounds of total nitrogen and 300 pounds of total phosphorus. The existing seafood facilities covered by the general permit do not approach this level of nutrient loading. 9 VAC 25-115-30.B.3.limits coverage by the general permit to facilities with an annual mass loadings of total nitrogen less than 2300 pounds per year or total phosphorus less than 300 pounds per year. Facilities exceeding these load limits must register for coverage under the Watershed General VPDES Permit for Nutrient Discharges to the Chesapeake Bay (9VAC25-820) in addition to applying for an individual permit.

Mechanized clam processing operations are included in the 40 CFR 408 effluent guidelines and were considered for coverage under the initial general permit. However, all mechanized clam plants that were individually permitted in the state in the past were required to meet effluent limits more stringent than effluent guidelines due to higher flows associated with high organic loads and resulting water quality impacts. It was determined that these types of facilities are best regulated under individual permits.

The monitoring frequency has been established after considering the facility type, the existing analytical data and the potential environmental risk and consequences of these types of discharges.

Basis for Part I.B. Special Conditions

These special conditions apply to every seafood processing facility general permit. Special condition number one prohibits any sewage discharges not covered by another VPDES permit. This general permit is not intended to cover sewage discharges. Special condition number two prohibits the addition of non-approved chemicals to the discharge. This language was added to prevent harmful or nutrient enriching substances from being added to the wastewater. Special condition three states that wastewater should be reused or recycled to the maximum extent practicable. This language was included in keeping with the Department of Environmental Quality (department) pollution prevention philosophy. The solids management special conditions represent accepted and proven best management practices. The treatment required by this condition is based on performance. Special condition number five defines specifically what plant production figure is to be reported and used in calculating effluent levels in terms of kilograms per thousand kilograms of production. This definition is paraphrased from 40 CFR Part 408 to accompany the effluent limits from this source. A spreadsheet to calculate these limits is available from the contact person above and at <http://www.deq.state.va.us/vpdes/permitfees.html>. Special condition number six is a safeguard requirement that mandates notification of any toxic discharges and is a boilerplate condition from the VPDES permit regulation and NPDES federal regulation for existing manufacturing, commercial, mining and silvicultural dischargers. Special condition number seven contains compliance reporting and recordkeeping instructions (quantification levels and significant digits). This is language routinely placed in individual permits so there permittees use a QL close to

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their limit and treat results < QL and rounding consistently. It was determined to be a good requirement for general permits as well and was added in the 2011 reissuance. Special condition eight is a general requirement to meet water quality standards. While it is not expected for these facilities to discharge other water quality parameters besides those that are limited in the permit, it is a good reminder to the permittee that other pollutants should not be discharged and was added in the 2011 reissuance. Special condition nine tells the permittee they must submit an updated registration statement at least 30 days prior to operation of the new process. This requirement is in the regulation 9VAC25-115-40 (Registration Statement) and repeated in the permit pages special conditions so the permit itself tells the permittee what to do (the permittee may not have the entire regulation). This was also added to Part I B in the 2011 reissuance.

Basis for Part II Requirements for the Development of a Storm Water Pollution Prevention Plan

The draft general permit requires that permittees covered by SIC Codes 2091 and 2092 (processors) develop a storm water pollution prevention plan. Facilities classified under 5142 and 5146 (seafood process product handlers) are not required to develop a plan. The plan is intended to identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges and to describe and ensure the implementation of practices which will be used to reduce the pollutants in storm water discharges.

The requirement for a pollution prevention plan maintains the flexibility for a site-specific plan to be developed and implemented, taking into account the varying sizes and complexities of the facilities. Required plan components include the formation of a pollution prevention team, a description of the site and pollutant sources (including potential spills and leaks), sampling data and identification and implementation of measures and controls including maintenance. A comprehensive site compliance evaluation must be conducted once per year to determine needed SWPPP adjustments. The permittee is also required to maintain records summarizing the results of the storm water plan inspections and a certification that the facility is in compliance with the permit.

In the 2011 reissuance, revisions for SWPPPs were added based on EPA's multi-sector general permit. These changes are going in all general permits. They are all generally clarifications. However, the maintenance requirements in III C has a new requirement that the SW BMPs shall be observed during active operation.

Basis for Part III Requirements for Conditions Applicable to All VPDES Permits

This Part is boilerplate language taken from various sections of the VPDES permit regulation and is typically added to all permits with little change. However, two changes were made to this Part in the 2011 reissuance. In Part III M, Duty to Apply, the permit allows at least 30 days before the expiration to submit a new registration statement rather than the standard 180 days. This is allowed for general permits by 9VAC25-31-100 C of the permit regulation. This also matches the registration deadlines that were changed in 9VAC25-115-40 of the regulation during the 2011 reissuance and better conforms to existing agency practices.

The second change is in Part III Y 2 (Transfer of Permits). This section is revised to say automatic transfers can occur within 30 days of transfer rather than 30 days in advance of transfer. We have been told by TAC members that notification of an ownership transfer cannot occur in advance. Our regional office staff has also stated this advance transfer notification is unnecessary and we should be able to accept a transfer notification at any time.

Administrative

The general permit will have a fixed term of five (5) years. Every authorization to discharge under this general permit will expire at the same time (July 23, 2016) and all authorizations to discharge will be renewed on the same date however, an owner is allowed to continue to discharge under the terms of their previous permit provided they have submitted a complete registration statement before the expiration date of the existing permit. This is also known as an administrative continuance and the allowance was added during the 2011 reissuance.

All persons desiring to be covered by this general permit must register with the department by filing a registration statement and applicable fees. The majority of registrations will come from existing operations. Existing operations covered under the previous general permit seeking to retain coverage under the reissued general permit must file a new registration statement at least 30 days prior to expiration (prior to June 24, 2011). This is a change from the 2006 permit which specified 180 days prior to expiration (see explanation in Part III above). Any owner of an existing seafood processing facility adding a new process after coverage under the general permit is obtained shall submit an amended registration statement to the department at least 30 days prior to commencing operation of the new process.

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For all new seafood processing facilities that will begin activities after the effective date of this permit, the registration statement must be filed at least 30 days prior to the commencement of operation.

Existing operations with individual VPDES permits that wish to seek coverage under the proposed general permit must notify the department 210 days prior to expiration. This time period is set so that the regional office has 30 days to determine if the facility is authorized for coverage under the general permit. If not, then the permittee still has 180 days to submit his permit application for an individual permit (this is a change from the 2006 permit which specified 180 days). This general permit does not cover activities or discharges covered by an individual VPDES permit until the individual permit has expired or has been revoked. Any person conducting an activity covered by an individual permit which could be covered by this general permit may request that the individual permit be terminated and register for coverage under this general permit. Antibacksliding will be considered prior to granting coverage under this general permit.

Any owner or operator not wishing to be covered or limited by this general permit may make application for an individual VPDES permit in accordance with VPDES procedures.

All facilities that the department believes are eligible for coverage under this general permit will be authorized to discharge under the terms and conditions of the permit after a complete registration statement is submitted, the applicable permit fee is paid and the department sends a copy of the general permit to the applicant. If this general permit is inappropriate, the applicant will be so notified and the requirement that an individual permit or alternate general permit is needed will remain in effect.