Message

From: Ottinger, Elizabeth [Ottinger.Elizabeth@epa.gov]
Sent: 3/19/2019 3:13:18 PM
To: Burch, Patrick D [Patrick.D.Burch@wv.gov]
CC: Anderson, Connie J [Connie.J.Anderson@wv.gov]; Patel, Yogesh P [Yogesh.P.Patel@wv.gov]; Trulear, Brian [Trulear.Brian@epa.gov]; Gable, Kelly [Gable.Kelly@epa.gov]; Moncavage, Carissa [Moncavage.Carissa@epa.gov]
Subject: RE: New 2019 Multi-Sector General Permit for W.V.
Attachments: MSGP-FactSheet_wEPAComments2.docx; WVMSGP2019_wEPAComments2.docx

Good morning all,
As a follow-up to my previous email below, attached are EPA's detailed comments on both the permit and fact sheet documents. Please let me know if you have questions or would like to have a call to discuss.

Thanks,
Liz

From: Ottinger, Elizabeth
Sent: Thursday, March 14, 2019 3:37 PM
To: 'Burch, Patrick D' <Patrick.D.Burch@wv.gov>
Cc: Anderson, Connie J <Connie.J.Anderson@wv.gov>; Patel, Yogesh P <Yogesh.P.Patel@wv.gov>; Trulear, Brian <trulear.brian@epa.gov>; Gable, Kelly <Gable.Kelly@epa.gov>; Moncavage, Carissa <Moncavage.Carissa@epa.gov>
Subject: RE: New 2019 Multi-Sector General Permit for W.V.

Patrick,
I have reviewed the permit documents that you sent and offer the general comments below. The permit and fact sheet are in final review stages here and I will be sending you the marked versions containing our detailed comments next week. As a reminder, since EPA received the permit on 2/19/19, we reserve the right to review and/or object to the draft permit until May 20, 2019, or 90 days after our receipt of the documents.

If you think we need to set up a call to discuss these comments, we can aim to schedule something the week of March 25. Just let me know what works best for you.

Thanks,
Liz

<u>EPA preliminary comments on WV MSGP</u>

1. On page 2, Nos. 6 and 7 may need to be revised. EPA recommends putting in language that refers to a number of months beyond the effective date of the permit vs dates certain in #7. The reason is that there could potentially be a gap in the timelines between 6 and 7 if the permit is not effective on April 1.

2. On page 3, the second bullet under the heading "Continuation of this General Permit" states that discharges will automatically remain covered under the permit following the timely and appropriate submittal of a complete application. If this same statement is contained in the current (2014) permit, it seems as though #6 on page 2 would not be an allowable practice since submittal of a certification document would not constitute a complete application. EPA recommends that the language in this second bullet be revised so that this circumstance will not be an issue in the 2024 reissuance.

3. The fact sheet is in general lacking much of the information that explains why the permit was drafted in the manner which it is presented as well as the rationale for why decisions were made the way they were. EPA

includes comments throughout the marked version of the permit where we point to areas that could require more discussion in the fact sheet.

4. The permit does not allow certain categories of facilities subject to ELGs to use the MSGP. There is no explanation in the fact sheet as to why this is the case and/or what these facilities are supposed to do for NPDES coverage. Is it WVDEP's intent to issue individual permits to each of these facilities? If so, will EPA review of those permits be required?

5. EPA's MSGP requires quarterly benchmark monitoring; however, the draft permit only requires semi-annual monitoring. There is no explanation in the fact sheet for this frequency. Does WVDEP consider semi-annual monitoring to be an accurate representation of the discharge from industrial facilities as compared to quarterly? If so, the rationale should be included in the fact sheet.

6. The numeric values for some of the parameters associated with benchmark monitoring is different from the benchmark values listed in the EPA MSGP. The permit and/or fact sheet provide no explanation as to how these values were determined/calculated.

7. The permit does not contain all of the required details related to monitoring/sampling. For instance, the type of sampling required, monitoring location, frequency, reporting, etc. (See EPA MSGP Part 6)

8. The permit references new and existing sources multiple times in the document, but there is no definition for these two terms. This is particularly important when dealing with sectors subject to ELG requirements.

9. EPA's MSGP contains specific requirements for each sector. For example, sector specific good housekeeping requirements, SWPPP contents, limitations, etc. are listed for each industrial activity. This information is sector specific and should be contained within each sector listed in Section A of the draft permit. Only Sector U has special conditions contained in it.

10. EPA is still reviewing the anti-degradation language to ensure that it is consistent with regulations. Further comments will be provided with the marked version of the permit and fact sheet.

From: Burch, Patrick D <Patrick.D.Burch@wv.gov>
Sent: Tuesday, February 19, 2019 11:05 AM
To: Ottinger, Elizabeth <Ottinger.Elizabeth@epa.gov>
Cc: Anderson, Connie J <Connie.J.Anderson@wv.gov>; Patel, Yogesh P <Yogesh.P.Patel@wv.gov>
Subject: New 2019 Multi-Sector General Permit for W.V.

Ms. Ottinger:

The attached Draft WV Multi Sector Stormwater general permit was put out to statewide public notice on February 15, 2019.

Sincerely,
Patrick Burch
ERS III
WV DEP
304-926-0499 ext. 1067
Patrick.D.Burch@wv.gov