Appointment

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Sent: 9/22/2016 1:06:36 PM
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Subject: Call to discuss EPA's thoughts on VADEQ strawman language for ammonia compliance schedules
Attachments: Final Draft Strawman language for Ammonia Compliance Schedule_7-19-16 .docx
Location: call in Ex. 6 Personal Privacy (PP) code Ex. 6 Personal Privacy (PP)

Start: 9/28/2016 2:30:00 PM
End: 9/28/2016 3:30:00 PM
Show Time As: Tentative

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Help

The purpose of this call is to provide some feedback on the VADEQ strawman language for compliance schedules. David and Alex if this time does not work for you let me know.

Final Draft Strawman langu...

Background

VADEQ's current triennial review was started in 2013 and is currently under Executive Review (no time limit for its release). During VADEQ's public comment period for the current triennial review, commenters expressed concern with VADEQ's proposal to update the VA ammonia criteria to be consistent with EPA's nationally recommend criteria. To address the commenters concerns, the VADEQ did not update its ammonia criteria during the current triennial. Rather VADEQ decided to do a separate rulemaking to allow time for additional evaluation of implementation issues and impacts to regulated dischargers. (Noting, VADEQ also recommended not adopting into the current triennial review EPA's updated bacteria, human health, and cadmium criteria. VADEQ is

also considering these criteria in the separate rule making) In early 2016 VADEQ started the separate "carryover" rulemaking to address the criteria that was dropped during the current triennial.

Nationally recommended criteria for freshwater are more stringent than VA's current criteria because of inclusion of very sensitive species (mussels) in the toxicity calculations. Concerns: Implementation costs for additional wastewater treatment (particularly for smaller facilities), compliance issues (especially schedules for plant upgrades), and need for coordination of more stringent ammonia discharge limits with current and/or future nutrient limits. VADEQ Suggestions regarding implementation to accommodate compliance issues:

- Changes to permit regulation to allow for longer compliance schedules (ammonia specific).
- Changes to WQS regulation to allow for longer compliance schedules (ammonia specific).
- Increased use of economic variances particularly for smaller treatment facilities.
- Reasonable potential to discharge determination utilize a default pH lower than 9.

Compliance schedules in VA permit regs allow a reasonable period of time, not to exceed the term of the permit, for the discharger to attain compliance with the water quality-based limitations. VPDES permit terms are 5 years. Federal regulation language regarding schedules of compliance does not specify a particular time limit for compliance but states, "...as soon as possible".

Some RAP members are concerned that moving from a discrete length of time to a non-specific endpoint would result in less assurance of timely implementation of permit limits to meet the criteria. It was also mentioned that without regulation language specifically addressing ammonia criteria, that non-specific time limit would be applicable to permit limit compliance for any pollutant. Other members favor changing permit regulation language to mirror that of federal regulation and they view that course of action as neutral and in the spirit of federal regulations. Suggested language to amend WQS section 155 (ammonia criteria) to address permit compliance schedules for ammonia limits as well as ammonia-specific variances was provided by VAMWA.