

**STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER AND WASTE MANAGEMENT
601 57th STREET, SE
CHARLESTON, WV 25304**

**FACT SHEET, RATIONALE, AND INFORMATION FOR
WEST VIRGINIA/NPDES GENERAL WATER POLLUTION CONTROL PERMIT
DISCHARGES FROM HIGHWAY OR MUNICIPAL MAINTENANCE FACILITIES**

1. **NAME AND ADDRESS OF APPLICANT:** Any highway or municipal maintenance facility with discharges composed of storm water associated with industrial activity, the operation of a vehicle washing procedure, a sewage disposal system, and/or any combination, thereof, on the same site agreeing to be regulated under the terms of this proposed General Permit (except as noted herein).
2. **GENERAL WV/NPDES PERMIT NO.** WV0116246
3. **COUNTY:** Any WV county
4. **RECEIVING STREAM:** Any WV stream
5. **PUBLIC COMMENT PERIOD FROM:** November 1, 2021 to December 1, 2021.
6. **BACKGROUND**

The West Virginia Highway or Municipal Maintenance Facilities General Permit is intended to cover discharges to waters of the state from Division of Highway or municipal maintenance facilities engaged in the maintenance activities of highways or streets and the associated actions relative to the implementation of those activities. The discharges will be primarily composed of storm water. However, certain facilities engage in vehicle washing and/or have sewage treatment facilities on site that also require permitting. Most of the facilities to be permitted under this General Permit are already in existence and may already have coverage under another General Permit. This General Permit is intended to allow for one (1) permit registration to cover multiple discharges at a facility.

The storm water portion has been patterned somewhat after the West Virginia Storm Water Multi-Sector General Permit No. WV0111457. The vehicle washing portion has been patterned somewhat after the West Virginia Vehicle Washing General Permit No. WV0078743. The sewage disposal portion has been patterned somewhat after the West Virginia Sewage Treatment and Disposal General Permits Number's WV0103110 and WV0107000. In order to obtain coverage under this General Permit, Maintenance facilities covered under an existing General Permit shall submit a new registration form.

Upon receipt of the registration application form, the Division of Water and Waste Management will review it for completeness. The Division of Water and Waste Management then will confirm the applicant's coverage under this Permit via approval letter and/or email approval notification and of the applicable monitoring requirements. Proposed maintenance facility wastewater discharges or discharges without a previous permit or application, are also eligible for coverage under the General Permit. However, each proposed discharge/facility must meet the public notice and public comment requirements.

The universe of existing facilities, currently covered under the previous 2016 GP, which are eligible for regulation under the general permit numbers approximately 168. Currently permitted facilities wishing to continue discharging under the new general permit will be required to submit a completed site registration application form electronically via Electronic Submission System (ESS). In order to provide for continued permit coverage during the reissuance process, the existing general permit will be extended for a period of six months.

7. **TYPES OF DISCHARGES COVERED**

This permit covers storm water, vehicle washing and/or sewage treatment discharges associated with industrial activity relative to the operation and maintenance of a highway or street maintenance facility. The Permit is primarily intended to afford coverage to Division of Highway's facilities, since the universe of facilities is large. Municipal facilities involved in the same activities would be eligible for coverage. Other facilities with similar type storm water discharges may potentially be covered on a case-by-case basis.

8. **TREATMENT AND MONITORING REQUIREMENTS**

This permit requires treatment and analytical monitoring for discharges. Parameters, frequencies, and requirements are prescribed under a particular group/treatment category.

For Storm Water (Limitation Category I):

The Division believes that industries may reduce the level of pollutants in storm water runoff from their sites through the development and proper implementation of a storm water pollution prevention plan. Additionally, the permit requires monitoring to ensure that certain types of discharges are not contributing pollutants to surface waters. To determine when such analytical monitoring would be required, the DWWM established "benchmark" concentrations for the pollutant parameters on which monitoring results had been received. The "benchmarks" are the pollutant concentrations above which the DWWM has determined represents a level of concern. The level of concern is a concentration at which a storm water discharge could potentially impair, or contribute to impairing, water quality or affect human health from ingestion of water or fish. The benchmarks are also viewed by the Division as a level, that if below, a facility represents little potential for water quality concern. As such, the benchmarks also provide an

appropriate level to determine whether a facility's storm water pollution prevention measures are successfully implemented. The benchmark concentrations are not effluent limitations and should not be interpreted or construed as such. These values are merely levels which the Division is using to determine if a storm water discharge from any given facility merits further monitoring to ensure that this facility has been successful in implementing a storm water pollution prevention plan. As such, these levels represent a target concentration for a facility to achieve through implementation of pollution prevention measures at the facility. The following table lists the parameter benchmark values as selected by the Division for this Permit.

**Parameter Benchmark Values
West Virginia**

Pollutants of Concern	Benchmark Level	Source(*)
Total Recoverable Iron	1.5 mg/l	5
Chemical Oxygen Demand	120 mg/l	2
Chloride	860 mg/l	1
Oil and Grease	15 mg/l	4
Total Suspended Solids	100 mg/l	6
Total Phosphorus	2.0 mg/l	3
pH	6-9 S.U.	6
Total Cyanide	0.022 mg/l	1

(*) Sources

1. "EPA Recommended Ambient Water Quality Criteria." Acute Aquatic Life Freshwater
2. Factor of 4 times BOD5 concentration - Benchmark
3. North Carolina storm water benchmark derived from NC Water Quality Standards
4. Median concentration of Storm Water Effluent Limitation Guideline (40 CFR Part 419)
5. WV State Water Quality Standards.
6. Baseline General Permit for Storm Water Discharges from Industrial Activity and Best Professional Judgment

Notes:

Assumptions:

Receiving water temperature: 20^o C

Receiving water pH: 7.8
Receiving water hardness CaCO₃: 100 mg/l
Receiving water salinity: 20 g/kg
Acute to Chronic Ratio (ACR): 10

As can be seen here, benchmark concentrations were determined based upon a number of existing standards or other sources to represent a level above which water quality concerns could arise. The DWWM has sought to develop values, which can realistically be measured and achieved by industrial facilities. Moreover, storm water discharges with pollutant concentrations occurring below these levels would not warrant further analytical monitoring due to their minor potential effect on water quality. The DWWM believes that each of these benchmark values represents a reasonable level below which water quality impacts should not occur and they, therefore, represent a useful level to assess whether a pollution prevention plan is controlling pollution in the storm water discharges.

In order to be consistent with the EPA Multisector Storm Water Industrial General Permit requirements, and WV DEP Multisector Storm Water Industrial General Permit, the following three (3) changes have been made:

1. Effluent monitoring and reporting will now be on a Quarterly basis.
2. Benchmark Level for Total Recoverable Iron has been changed to 1.5 mg/L (previously 1.0 mg/L), based on removal of EPA MSGP's benchmark level for Iron, and WV DEP MSGP's change to 1.5 mg/L based on WV State Water Quality Standards.
3. Monitoring for Total Cyanide has been added to this General Permit based on WV DEP Multisector Storm Water Industrial General Permit inclusion for Sector U – Storage of Salt. This General Permit will include Benchmark Levels of 0.022 mg/L based on EPA Recommended Ambient Water Quality Criteria.” Acute Aquatic Life Freshwater.

The sampling waiver provided for in the current Multisector Storm Water Industrial General Permit will still be made available under the terms of this General Permit. However, the permittee will be required to provide an additional set of sample results to maintain this waiver in the reissued General Permit. This is being required to reflect any changes or modifications of production activities at the production site.

To be consistent with Federal Regulations under 40 CFR Section 122.26(g) a no exposure certification is now allowed.

Facilities applying for the permit registration for the first time must now submit a copy of the Storm Water Pollution Prevention Plan and Ground Water Protection Plan with the application for review by the Division. Facilities with existing permit registrations must submit updated SWPPP/GPP's.

Monitoring for storm water will be performed Quarterly, with Discharge Monitoring

Reports (DMRs) also being submitted Quarterly. The DMR submittal dates were changed from semi-annual to Quarterly to correspond with EPA's newly reissued Multisector Storm Water Industrial General Permit and WV DEP's newly reissued Multisector Storm Water Industrial General Permit, WV0111457.

Addressing Natural Background Pollutant Levels

DWWM is including an option for permittees to justify benchmark exceedences based on local natural background concentrations. DWWM recognizes that there may be circumstances where benchmark values reasonably may not be achieved. For example, high natural background levels of iron in soils or groundwater could cause exceedences of a benchmark value.

Section B.5 of the General Permit Covering Highway and Municipal Maintenance Facilities allows for an exception from evaluation of control measures and further benchmark monitoring when natural background levels are solely responsible for the exceedence of a benchmark value. This can be determined if (1) natural background pollutant concentrations are greater than the corresponding benchmark value, and (2) there is no net facility contribution of the pollutant (i.e., average concentration detected in runoff from all facility outfalls required to be monitored under the DOH GP for two separate events minus the average natural concentration of the parameter for two separate events does not exceed zero). For example, if a facility determines that the natural background concentration of TSS from an undisturbed watershed is 200mg/l, they can claim an exemption from further benchmark monitoring if the average of their two benchmark samples is equal to or less than 200 mg/l. In this example, if the average of their two benchmark samples is greater than 200 mg/l, the facility could not claim this exemption.

This natural background exception could apply to parameters such as metals derived from natural mineral deposits and nutrients attributable to background soil, vegetation or wildlife sources. If background concentrations are not responsible for the benchmark exceedence, the facility will need to review their current control measures and take action where necessary as required in Section B.6 of the DOH General Permit. Facilities must use the same sample collection, preservation and analysis methods for natural background monitoring as required for benchmark monitoring.

After monitoring for two separate events and adequately determining that exceedences are the result of pollutants present in the natural background, permittees must notify DWWM of these findings to claim the natural background exception. The exception allows the permittee to avoid the requirement for further evaluation of the effectiveness of control measures and to discontinue further benchmark sampling after the first year of permit coverage. To do this, the permittee must document the basis for concluding that benchmark exceedences are attributable solely to natural background pollutant levels. This explanation must include any data previously collected by the facility staff or others that describe the levels of natural background pollutants in the facility's receiving waters. The permittee must notify DWWM that it is claiming the exception for natural background pollutant levels when submitting its monitoring data and provide a summary of the natural background conditions that

justify the exception. The full justification for this exception must be kept on-site with the facility's additional documentation and made available to DWWM upon request.

The following information, describing the rationale for claiming the natural background exception, must be documented and kept onsite with the facility's SWPPP:

- Map showing the reference site location in relation to facility along with available land cover information
- Reference site and test site evaluation
- Available geology and soil information for reference and test sites.
- Photographs showing site evaluation
- Site reconnaissance survey data regarding presence of roads, outfalls or other human-made structures.
- Records from relevant state or federal agencies indicating no known mining, forestry or other human activities upstream of the proposed reference site.
- The background concentration of a pollutant in runoff from a non-human impacted reference site in the same watershed should be determined by evaluation of ambient monitoring data or by using information from a peer-reviewed publication or a local, state or federal government publication specific to runoff or stormwater in the immediate region. Studies that are in other geographic areas or are based on clearly different topographies or soils, are not eligible. When no data is available and there are no known sources of the pollutant, the background concentration should be assumed to be zero.

In cases where historic monitoring data from a site is used for generating a natural background value and the site is no longer accessible or able to meet reference site acceptability criteria, then there must be documentation (e.g., historic land use maps) that the site did meet reference site criteria (indicating absence of human activity) during the time data collection occurred.

DWWM will review a permittee's determination that a benchmark exceedence is based solely on natural background concentrations and disallow the exception if it finds the documentation inadequate.

For Vehicle Washing (Category II):

In 1989, the Division issued the initial general WV/NPDES Permit WV0078743 for coin operated and other fee-generating car washing establishments. Since that time, many non-fee generating vehicle washing operations (facilities with fleet vehicles such as power companies, telephone companies, delivery companies, vehicle rental companies, highway maintenance facilities, etc.) have been constructed, needing NPDES permit coverage. The wastewaters generated from and the treatment technology required to treat those wastewaters, are the same for both operations. The Division decided to expand its initial general Permit WV0116246 to cover all vehicle washing establishments with the reissuance of the general WV/NPDES Permit. Some of the Division of Highways' facilities were previously covered under the Vehicle Wash Permit.

Vehicle wash facilities must utilize a treatment scheme that consists of in-bay grit traps, a multi-chamber sedimentation/separation tank, and a multi-media filter bed. The general WV/NPDES Permit requires the facilities to monitor their effluent and submit Discharge Monitoring Reports (DMRs) on a semi-annual basis, based on the most frequent monitoring frequency of the WV Vehicle Wash GP. A review of past DMRs submitted for that general Permit indicates the typically used treatment system achieves an acceptable effluent level. If installed and maintained properly, the typical treatment system should be able to effectively reduce the wastewater generated at most vehicle washing establishments. Therefore, the permit requires in-bay grit traps, a multi-chamber sedimentation/separation tank and a multi-media filter bed as a minimum treatment technology. This treatment technology to satisfies technology based requirements as well as the requirements of Title 47, CSR 11.4.of the West Virginia Legislative Rules.

The general Permit proposes to allow the acquisition, construction, installation, modification and operation of a disposal system at any highway or street maintenance establishment with discharges of industrial wastes composed, in part, of wastewaters associated with the washing of vehicles. The Division will continue, however, to require vehicle washing establishments that discharge into trout waters to obtain an individual WV/NPDES permit. This is due to the need to require additional treatment and/or limitations to protect trout waters.

In 1994, Title 47, Series 58, The Groundwater Protection Regulations, was promulgated that prohibits any discharge "Onto or under the land surface in such a manner that could impact groundwater". As such, any facility that discharges into karst areas will be required to provide additional treatment, carbon filtration treatment, as described in section C.5.d of this General Permit.

Specific limitations and monitoring requirements for the vehicle washing establishments are presented as follows:

Flow - "Hydraulic Capacity" (MGD) Maximum - Technology Based – BPJ

The permit limits the effluent flow from the treatment system to the hydraulic capacity of the sedimentation/separation tank to ensure that the treatment system is not hydraulically overloaded.

BOD5 - Monitor (mg/l) Maximum - Technology Based – BPJ

The permit requires monitoring only for influent and effluent BOD-5 to allow calculating the percent removal of BOD-5 through the treatment system to ensure the "substantial removal of five-day biochemical oxygen demand" as required by 47 CSR 11-4.3.b. The collection of data will also aid in the determination of future limitations that may be implemented.

Total Suspended Solids - 60 (mg/l) Maximum - Technology Based – BPJ

The Treatability Manual indicates that technology for suspended solids removal is sedimentation, which can meet the proposed limit of 60 mg/l. Since the minimum required treatment technology includes, in part, in-bay grit traps and a sedimentation/separation tank, it is the permit writer's judgment that the level of 60 mg/l can be achieved based on historical results and data from the WV Vehicle Washing GP. This limit has also been proposed in accordance with generally accepted values that should ensure there are no violations of 47 CSR 2 of the WVLR.

Chloride - 365 (mg/l) Maximum - Technology Based – BPJ

An evaluation of the DMR data shows that the proposed limitation is achievable provided proper O&M procedures are followed. Therefore, it is the permit writer's judgment that the level of 365 mg/l be proposed. This limit has also been proposed in accordance with generally accepted values that should insure there are no violations of 47 CSR 2 of the WVLR.

Oil and Grease - 15 (mg/l) Maximum - Technology Based – BPJ

The Treatability Manual indicates that technology for removing free floating oil and grease is gravity separation. Emulsified oil and grease require filtration. Since the majority of potential permittees utilize some type of surfactant in the vehicle washing operation, resulting in the creation of an emulsion, the minimum required treatment technology includes, in part, a multi-media filter. With both a sedimentation/separation tank and a multimedia filter, the treatment system should meet the proposed limit. Therefore, it is the permit writer's judgment that the level of 15 mg/l oil and grease is proposed. This limit has also been proposed in accordance with generally accepted values that should ensure there are no violations of 47 CSR 2 of the WVLR.

pH - Maintained between 6.0 - 9.0 (standard units) - Technology Based – BPJ

It is proposed to require that the pH be maintained between 6.0 and 9.0 standard units. This limit is equivalent to the water quality standard in WV 47 CSR 2.

All vehicle washing establishments covered by this general Permit will be required to sample and analyze for the designated parameters once every six (6) months. The sampling period will correspond with the registration issuance date. DMRs will now be required to be submitted semi-annually and shall be submitted no later than 25 days following the end of the sampling period.

For Sewage Facilities (Category III/IIIA):

Specific limitations and monitoring requirements for the sewage treatment facilities are presented as follows. Since the primary objective of this general Permit is to regulate storm water discharges at these sites, it has been discussed with the largest stakeholder to only prescribe two (2) Groups of registration for sewage facilities, trout streams (IIIA) and non-trout streams (III). Facilities will be assigned sewage limitation categories on their approval letter or email notification.

- **Discharge Limitations for Cat III**

The TSS and pH limitations are equal to the secondary treatment standard. BOD5 and Ammonia Nitrogen limits are water quality based and are imposed to protect the Dissolved Oxygen water quality standard. The effluent limitations for Dissolved Oxygen are imposed for the same reason. The Fecal Coliform limitation is imposed to protect the water quality standard for this parameter. Winter limitations for BOD5 and Ammonia Nitrogen (applicable November 1 - April 30) have been incorporated into these categories. Winter limitations will protect water quality standards during the winter months while recognizing reduced treatment efficiencies are commonly experienced during winter months.

- **Treatment Requirements for Cat III**

Facilities subject to Treatment Group III are required to provide secondary treatment technology followed by additional treatment such as an alternating surface sand filter or a rapid sand filter or a polishing pond or equivalent tertiary technology and a chlorine or an ultraviolet bacteria disinfection system; however, if a chlorine disinfection system is utilized, a dechlorination unit must be provided. If a polishing pond is not provided, post aeration of the final effluent is required, if necessary. Also acceptable is a recirculating sand filter preceded by primary or secondary treatment technology.

- **Discharge Limitations for Cat IIIA**

Treatment Group IIIA limitations are assigned when the discharge is into a trout stream. The sole difference between Treatment Category III and IIIA is a more stringent limitation on Total Residual Chlorine (TRC) that is imposed to protect the water quality standard for trout waters. A TRC limitation of zero is imposed on discharges to trout streams. Therefore, if chlorine is used as a disinfection method, then dechlorination shall be required. The TSS and pH limitations are equal to the secondary treatment standard. BOD5 and Ammonia Nitrogen limits are water quality based and are imposed to protect the Dissolved Oxygen water quality standard. The effluent limitations for Dissolved Oxygen are imposed for the same reason. The Fecal Coliform limitation is imposed to protect the water quality standard established for that parameter. Winter limitations for BOD5 and Ammonia Nitrogen (applicable November 1 - April 30) have been incorporated into these categories. Winter limitations will protect water quality standards during these months while recognizing reduced treatment efficiencies are commonly experienced during winter months.

- **Treatment Requirements for Cat III**

Facilities subject to Treatment Category IIIA are required to provide secondary treatment technology followed by additional treatment such as an alternating surface sand filter or a rapid sand filter or a polishing pond or equivalent tertiary technology and a chlorine or an ultraviolet bacteria disinfection system; however, if a chlorine disinfection system is utilized, a dechlorination unit must be provided. If a polishing pond is not provided, post aeration of the final effluent is required, if necessary. Also acceptable is a recirculating sand filter preceded by primary or secondary treatment technology.

Non-HAU Sewage treatment facilities covered by this general Permit will be required to sample and analyze for the designated parameters once a quarter. DMRs shall be submitted no later than 25 days following the quarter end.

Due to 15-minute holding time for TRC, most all TRC monitoring are conducted via field test kits/devices. According to the manufacturer of these field devices, the reported MDL's for these TRC methods is only achievable in a lab under ideal conditions, and the true test limit in practice will allow for detection down to 100 ug/l. Therefore, a facility covered under treatment category III will be able to determine if they are meeting the 28 ug/l chlorine residual limit. A facility covered under Treatment Category IIIA shall be considered in compliance if chlorine is not detected with the 100ug/l field test device.

Home Aeration Units

Some of the facilities provide sewage treatment with home aeration units. These facilities will be covered under Section E of the General Permit. Only those sewage treatment systems serving the connection of the small commercial facilities with flow capacities of 600 GPD or less will be provided coverage under this permit group. Facilities with food service and/or industrial wastes that discharge to the treatment unit are strictly prohibited.

Coverage under Section E of the general Permit will be issued only to the owner of the facility. Facilities without a current maintenance contract, or an in-house operator with a current Class H Wastewater Operator license from State of WV Bureau for Public Health, will not be granted coverage. The contract period requirement was reduced from 5 years to current to allow the facilities to obtain the most cost-effective maintenance service available. This will also allow the facilities to train their own operators if they wish to.

Facilities covered under Section E of this general Permit prohibits the permittee from cancelling a maintenance contract without prior approval of this agency. This is to further ensure that the permitted facility is properly operated and either remains under a maintenance contract or procures training and certification for their employees to maintain the system.

E.1. Sewage facilities permitted under the HAU provisions will in lieu of self-monitoring of the discharge be required to have a plan to properly maintain this facility with quarterly inspections and have a current maintenance contract, or an in-house Class H certified operator.

E.2. This form is to be submitted in lieu of the letter required in the previous permit. The Responsibility Release Request form was created to help streamline the application and review process of requests made by maintenance contractors and facility owners wishing to terminate their maintenance contract.

E.6. Only domestic sewage shall be discharged into the HAU treatment system.

E.8. This condition was expanded to give parameters for when the system should be pumped, a timeframe for having it done once notification of necessity is given by the maintenance provider and by whom the HAU system should be pumped.

E.9. The chlorine chamber must be inspected, cleaned and repaired periodically. Field reviews indicate that this is not being done. Therefore, this condition is proposed. Per the 64CSR47 Section 5.15.f.2 of the West Virginia Legislative Rules, the chlorine contact chamber shall provide 15 minutes of residency time for peak flows. EPA data shows that wastewater peak flows of 100 gallons per hour are not unusual for residential dwellings. Therefore, the minimum required size of a chlorine contact chamber would be 25 gallons. The design of the chlorine contact chamber is per the requirements of 64CSR47 Section 5.15.f.3.

E.10. This condition was added so that inspectors can determine when service is due. The registration number is to identify the permittee.

E.11. The systems are approved for use in West Virginia based on their NSF certification. To have the expectation of obtaining the same results as the test facility, the system must be installed as it was tested. Although the manufacturer may not have tested with a trash tank, there are circumstances such as increased organic loading where the manufacturer may feel the installation of one is prudent. There are circumstances where the system may not be able to attenuate the peak flows and the manufacturer may recommend the installation of a flow equalization tank.

Appendix Section III. 1 & 2. Sampling periods and reporting dates were changed to correspond with the EPA electronic reporting system.

9. ANTIDegradation Requirements

For purposes of definition, Best Management Practice (BMP) is defined as permit conditions used in place of or in conjunction with effluent limitations to prevent or control the discharge of pollutants. This may include a schedule of activities, prohibition of practices, maintenance procedure, or other management practice. BMPs may include, but are not limited to, treatment requirements, operating procedures, or practices to control plant site runoff, spillage, leaks, sludge or waste disposal, or drainage from raw material storage.

Stormwater

The storm water industrial group of this General Permit is BMP based and has no discharge permit limits. Most of the facilities to be permitted under this General Permit are already in existence. Any new facilities wishing to be covered for storm water under this general Permit are required to comply with antidegradation requirements. To comply with these requirements, BMPs must be implemented and in-place prior to any storm water discharge, and these new facilities are sent to public notice. This office requires that storm water pollution prevention plans, and ground water protection plans be submitted with the new and reissuance applications and reviewed prior to the issuance of individual registrations for storm water under the permit.

Vehicle Wash

The vehicle washing establishments group under this general Permit is BMP based with no specific numeric effluent limits based on a water quality standard. Most of the facilities to be permitted under this General Permit are already in existence. All facilities wishing to be covered for vehicle washing under this general Permit are required to comply with antidegradation requirements. To comply with these requirements, BMPs must be implemented and in place prior to any discharge, and new facilities are sent to public notice. This office requires the appropriate treatment system layout be submitted with the new applications and reviewed prior to the issuance of individual registrations for vehicle washing under the permit. Updated GPP's are required to be submitted with applications for new and existing facilities.

Sewage

The sewage treatment groups under this general Permit has specific numeric effluent limits based on protecting water quality standards. Most of the facilities to be permitted under this General Permit are already in existence. New or expanded facilities will be required to obtain an approved Waste Load Allocation showing a D.O. sag < 0.3 mg/l, which shows deminimus impact. These facilities will also go through a public notice period. Facilities with discharges not suitable for coverage under the general permit will be required to obtain an individual WV/NPDES permit.

The existing discharges in the Chesapeake Bay drainage area are consistent with the aggregate WLA requirements of the TMDL, which were further revised in WV's Phase III WIP, Appendix A.4. All of these facilities were existing at the time of the TMDL development and were therefore accounted for in the baseline load for TN and TP. As per Condition D.10, all new or expanding discharges in this drainage area must obtain an individual permit.

SECTION B. STORM WATER REQUIREMENTS

This section encompasses the requirements specific to storm water discharges at facilities covered under this General Permit.

- B.1. Describes that Section B covers stormwater discharges from DOH and similar facilities.
- B.2. Lists allowable non-stormwater discharges, that may be mixed with storm water discharge, at a permitted facility.
- B.3. This permit does not relieve facilities from requirements of 40 CFR 117 and 40 CFR 302.
- B.4. This paragraph describes the process for obtaining and maintaining a Low Concentration Waiver (LCW) for the Storm Water discharges at facilities covered by this General Permit.
- B.5. This paragraph describes the process for exclusions for Natural Background Pollutant Levels for the Storm Water discharges at facilities covered by this General Permit.
- B.6. This paragraph describes Benchmark Monitoring for the Storm Water discharges at facilities covered by this General Permit, including corrective actions required on exceedances.
- B.7. This section describes required annual review of stormwater pollution prevention practices and requirements to update the SWPPP.
- B.8. This paragraph describes the process for No Exposure Certification for the Storm Water discharges at facilities covered by this General Permit.
- B.9. This paragraph describes the designation of Representative Discharges of similar discharge outlets at a facility.
- B.10. This paragraph describes required quarterly inspections of the stormwater discharge outlets.
- B.11. This paragraph describes West Virginia water quality standards and conditions not allowable in waters of WV.
- B.12. This paragraph describes Antidegradation requirements for stormwater discharges.
- B.13. This section describes TMDL and CWA Section 303(d) impaired waters requirements.
- B.14. This section describes requirements for discharging into the Chesapeake Bay area.
- B.15. A reopener clause is included in this permit to provide for permit modification if EPA or WV DEP promulgates technology-based limitations for this point source category that include more stringent standards or limitations.
- B.16. Self-explanatory

- B.17. This section describes requirements that each applicant submit and receive approval for a Stormwater Pollution Protection Plan (SWPPP) and a Groundwater Protection Plan (GPP) by the DWWM in accordance with 47 CSR Series 58 of the WVLR and Section 301 of the CWA. This condition also requires SWPPP and GPP submittal prior to granting of coverage under the general permit.

C. VEHICLE WASHING REQUIREMENTS

This section encompasses the requirements specific to vehicle washing discharges at facilities covered under this General Permit.

- C.1. Describes requirements to connect to a POTW if available.
- C.2. Describes removal of solids from Vehicle Washing treatment system.
- C.3. Proposed to require that each applicant submit a Groundwater Protection Plan (GPP) for review by the DWWM in accordance with 47 CSR Series 58 of the WVLR. This condition also requires GPP submittal prior to granting of coverage under the general permit.
- C.4. Self-explanatory
- C.5. Proposed to give permittees suggested minimum treatment technology design specifications. The assistance most often requested by potential permittees is for treatment design guidelines. The suggested treatment technology is based on a review of the existing permitted facilities. A review of the technology utilized by these facilities and the DMR data submitted by them indicates that proper operation and maintenance of a system meeting the minimum design specifications should produce an acceptable effluent. Title 47, Series 58, prohibits any discharge "... onto or under the land surface in such a manner that could impact groundwater". As such, the last sentence of Condition C.5.c. is being proposed to ensure that a groundwater discharge from the multi-media filter does not occur. In addition, Condition C.5.d. is being proposed to require additional treatment be provided for groundwater protection in karst areas (areas with Sink Holes, where discharges can directly flow into Groundwater).
- C.6. The proposed condition delineates a recommended maintenance program since compliance with the effluent limitations contained in this permit depends upon the adherence to such a program.

- C.7. Describes requirements if facility performs engine degreasing in vehicle wash area.
- C.8. Requirement to install and operate minimum required treatment systems to meet permit limitations.
- C.9. Requirements for facility that has an “uncontained” MMF (none exist at the currently permitted facilities or would be permitted for a new facility).
- C.10. This paragraph informs that facilities may be required to obtain coverage for stormwater discharges under this GP, an individual permit, or other stormwater General Permits, such as the MS4 General Permit, Section G.17.
- C.11. Self-explanatory
- C.12. Describes filter media requirements.

D. SEWAGE FACILITY REQUIREMENTS

This section encompasses the requirements specific to sewage discharges at facilities covered under this General Permit.

- D.1. This paragraph describes requirements for permitted facilities to connect to any municipal sewage collection system upon availability.
- D.2. Fencing requirements.
- D.3. Requirement for facility to be operated by a WV certified wastewater treatment operator.
- D.4. Requirements for where treatment system can be installed in flood plains.
- D.5. This paragraph describes types of wastewater treatment that this general permit will cover.
- D.6. Requirements for operator wastewater certification levels.
- D.7. Self-explanatory.
- D.8. Describes requirement for new/proposed facilities to adhere to WV BPH Permit to Construct.
- D.9. Due to 15 minute holding time for TRC, most all TRC monitoring is conducted via handheld devices. Chlorine residual test utilizing handheld devices are now available that will allow for detection down to 100ug/l.
- D.10. This paragraph explains that any proposed new or expanded discharge within Chesapeake Bay drainage shall not be covered with this General Permit, and must obtain an individual NPDES discharge permit.
- D.11. Describes requirement to disinfect effluent discharges. In order to comply with the requirements of WVLR 47 CSR 2.8.32.1, which states “No chlorinated discharge allowed” in trout waters, de-chlorination of the effluent is necessary.
- D.12. Requires only wastewater Chlorine tablets be used in disinfection system.
- D.13. Self-explanatory.
- D.14. Self-explanatory.
- D.15. Self-explanatory.
- D.16. Self-explanatory.
- D.17. A reopener clause is included in this permit to provide for permit modification if EPA or WV DEP promulgates technology-based limitations for this point source category that include more stringent standards or limitations.
- D.18. This describes extra requirements for treatment systems with Steel Tanks.

D.19. Requirements for Outlet Accessibility.

D.20. Describes tertiary treatment requirements for sewage treatment system.

E. SEWAGE FACILITY REQUIREMENTS – HOME AERATION UNITS

E.1. Describes compliance by required inspection and proper maintenance plan.

E.2. Describes requirement for perpetual maintenance contract with Class H operator/maintenance provider, and how they can terminate contract while permitted under this General Permit.

E.3. This explains the frequency of treatment system inspection/maintenance for registrations.

E.4. Requirement for facility to be operated by a Class H WV certified wastewater treatment operator.

E.5. Requirement to connect to a POTW if becomes available.

E.6. This paragraph is to clearly state that only domestic sewage treatment is authorized.

E.7. Self-explanatory.

E.8. Describes when and how to remove solids/sludge from an HAU system.

E.9. Describes requirements for disinfection of effluent, and system requirements/design of the disinfection system.

E.10. Describes requirements for inspection tabs to be installed after inspections.

E.11. Requirement of systems being installed meet approved designs by NSF testing.

F. SEWAGE SLUDGE MANAGEMENT REQUIREMENTS FOR SEWAGE FACILITIES

F.1 Self-explanatory.

F.2. Self-explanatory.

F.3. Self-explanatory.

F.4. Self-explanatory.

F.5. Self-explanatory.

F.6. Self-explanatory.

G. OTHER REQUIREMENTS APPLICABLE TO ALL GROUPS

- G.1. Description of electronic reporting requirements for Discharge Monitoring Reports.
- G.2. Requirements for monitoring during a reporting period.
- G.3. Description of electronic reporting requirements for Discharge Monitoring Reports.
- G.4. This identifies situations in which the Director may require a facility covered by this permit to be covered by an individual permit or when such facility may approach the Director on its own initiative to obtain coverage by an individual permit.
- G.5. Self-explanatory.
- G.6. This paragraph contains the standard reopener clause for development of effluent limitations under the Clean Water Act subsequent to reissuance of the general permit.
- G.7. Self-explanatory.
- G.8. This paragraph delineates the requirements for discharge to a stream for which a TMDL has been developed.
- G.9. Describes requirements for discharging to Chesapeake Bay watershed.
- G.10. Describes what to do if discharge is to stream where endanger species may be present.
- G.11. This identifies situations in which the Director may require a facility covered by this permit to be covered by an individual permit or when such facility may approach the Director on its own initiative to obtain coverage by an individual permit.
- G.12. Self-explanatory.
- G.13. Self-explanatory.
- G.14. Self-explanatory.
- G.15. Self-explanatory.
- G.16. Self-explanatory.
- G.17. Self-explanatory.
- G.18. Self-explanatory.
- G.19. Self-explanatory.
- G.20. Self-explanatory.
- G.21. Self-explanatory.

The State of West Virginia, Department of Environmental Protection, Division of Water and Waste Management, has made a tentative decision for reissuance of a State NPDES Permit as listed on this Fact Sheet. To provide public participation on the proposed issuance of the required permit, the following information is being supplied in accordance with Title 47, Series 10, Section 11.3.e.2 and 3 of the West Virginia Legislative Rules.

Any interested persons may submit written comments on the Draft Permit and may request a public hearing by addressing such to the Director of the DWWM within 30 days of the date of the public notice. Comments will be accepted until December 17, 2021. They should be addressed to:

Director, Division of Water and Waste Management
Department of Environmental Protection
601 57th Street, SE
Charleston, WV 25304
Attention: Melissa Atkins
Phone: (304) 926-0499, Extension 43857
Fax: (304) 926-0493
E-mail: Melissa.Atkins@wv.gov

All comments received within this period will be considered prior to acting on the Draft General Permit. Correspondence should include the name, address and telephone number of the writer and a concise statement of the nature of the issues raised.

All applicable information concerning any permit application and the tentative decisions is on file and may be inspected, by appointment, or copies obtained, at a nominal cost, at the offices of the Division of Water and Waste Management, 601 57th Street, SE, Charleston, West Virginia 25304, Monday through Friday (except State holidays) between 8:00 a.m. to 4:00 p.m.

Requests for additional information should be directed to Melissa Atkins at (304) 926-0499, Extension 43857.