



Down the Pipeline

General Assembly Session 2016

On January 13, the General Assembly will begin its “long” even-year session of 60 days, including adoption of a new two-year budget (July 1, 2016—June 30, 2018).

It is anticipated to be a busy session on issues of relevance to all municipal wastewater utilities. Subject matter will include Water Quality Improvement Fund grants for nutrient removal, nutrient offsets for new and expanding facilities, Total Suspended Solids trading, and biosolids land application.



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Triennial Review of Water Quality Standards

This review includes updated freshwater aquatic life criteria for cadmium, lead, copper, and several human health criteria for toxic organics.

The criteria for cadmium and lead are proposed to be made somewhat more stringent than at present.

The copper criteria will incorporate the use of EPA's Biotic Ligand Model of toxicity, but as a permittee-option alternate to the use of the current hardness-based criteria with a site-specific Water Effects Ratio.

Triennial rulemaking also proposed updates to human health standards for eight toxic organics, based on the EPA water quality criteria that were effective at the time of this proposal. However, EPA on June 29 finalized modified human health criteria for 94 parameters, including the eight mentioned above. DEQ will recommend that the SWCB defer any changes at this time to any of the human health criteria.

DEQ decided to not propose adopting EPA's 2012 revised bacterial recreational criteria because of implementation uncertainties. But, pushing the recreational criteria effort are federal Beach Act provisions that could result in the loss of federal funds for Virginia, if the Commonwealth does not address the EPA criteria for at least as they apply to coastal recreational waters.

DEQ's current thinking is that they will convene in 2016 a follow-up rulemaking to address the freshwater ammonia and recreational criteria, and EPA's

94 revised human health criteria. They intend to convene a Regulatory Advisory Panel to assist the Department in these efforts.

After SWCB approval, the regulatory changes go through the internal administrative process including sign-off by the Administration, and approval by EPA Region 3 before they become effective for use in VPDES permitting. This means that the entire process will not likely be complete until late-2016 at the earliest.



Freshwater Ammonia Criteria Update

Since this past summer, DEQ management is seriously considering recommending that the State Water Control Board defer this criteria from Triennial Review because of the high projected implementation costs. This move would also allow a more thorough consideration of implementation procedures and options.



If the Water Control Board accepts this recommendation the ammonia criteria would be addressed through a separate rulemaking initiated after the completion of the Triennial Review rulemaking process during 2016.

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BIOSOLIDS MANAGEMENT DEVELOPMENTS

During the 2015 session of the state Assembly, two bills passed that allow localities to adopt ordinances providing for the testing and monitoring of land application of industrial residuals. The bills also directed the SWCB to adopt regulations to govern the program, as well as a \$5 fee for every dry ton of solid or semi-solid industrial waste that is land applied.

On October 1, 2015 the SWCB adopted the final changes to regulations implementing Chapters 104 and 677, and the VPA regulations at 9VAC25-32. On November 2, 2015, the Board published the final regulation with a January 1, 2016 effective date.

These changes will be helpful to create consistency in the application of solids to land. The regulations, once finalized, should provide the public with added assurance that the industrial waste load application program will be as carefully monitored as the biosolids land application program.

The last quarter of this year has been relatively quiet. There were no biosolids permitting application requests at all. Recent permit applications that have been filed include Synagro/Bedford County and Synagro/Amherst County.

The Riverkeepers environmental groups continue to allege that there is water contamina-

tion from biosolids being applied on land. The latest allegations were addressed by the North Carolina Water Quality Association. They responded in order to provide some balance to a problematic depiction of a safe, legal practice.

The Riverkeepers' report issued on October 6 appeared to the Association to contain errors potentially due to an anti-biosolids bias. Land application sites were not specified, no information was provided on when biosolids were applied, no explanation on how a no-discharge activity in a single creek results in runoff to the Haw River. The Association concluded that the report did not add anything of value to an evaluation of the state/federal biosolids program.