



# Down the Pipeline

## DEQ Triennial Review Rulemaking

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Since DEQ has been approved to defer the freshwater ammonia criteria from the State Triennial Review process, it appears ready to propose revised compliance schedule provisions to allow such schedules to extend for an appropriate period of time. This will hopefully allow schedules to not be limited to the current five year permit term. A welcome outcome of this process could be that this approach will be applied to all new permit requirements. At the very least, this will help to spread out the costs over more time and decrease the financial impacts on smaller communities.

As for the cadmium criteria, EPA has based their criteria standard upon Rainbow Trout which is a particularly sensitive species of fish. Suggestions have been presented to DEQ on the fact that these trout do not occur naturally in Virginia waters, thus there ought to be a separate trout-absent acute criterion for those waters that do not contain rainbow trout. There has been much internal discussion but DEQ has not stated a definite position on this matter.

The industrial pretreatment program continues to closely monitor these freshwater criteria developments as they can easily impact future industrial

user permit limits.



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## RiverKeeper Objections to DEQ

This environmental group is in the process of appealing the issued permit to Virginia Power's Possum Point power station. They challenge some of DEQ's long-standing permit protocols on which most wastewater treatment plant permits depend upon. The group may push the court to rule upon their claims of inadequate permit limits in light of the presence of endangered or "special status" species in the receiv-

ing waters. They may also claim that permit limits are inadequate in light of possible cumulative/synergistic effects of multiple toxic pollutants. In practice, whole effluent toxicity limits inserted in permits address this potential issue. General conservatism in the establishment of criteria and their application in discharge permits also addresses this issue on multiple levels.

## STATE WATER PLAN NOW AVAILABLE

The Virginia Water Resources Plan was finalized by DEQ last year. It includes an analysis of how future water demand may affect key water uses. It looks at ground and surface water sources, assesses the capacity of these sources to meet projected water demand to the year 2040. It outlines water supply challenges in the state and provides recommendations to address these challenges.

Wastewater reclamation and

reuse is hopefully to be expanded upon and emphasized in the future as a viable, reliable, and cost-effective source of water for a variety of public uses.

As there is an increasing number of treatment facilities that produce, and distribute, reclaimed water it becomes more and more important to not over regulate and restrict the expansion of opportunities to safely reuse reclaimed water.

At this writing, some of the applications of reclaimed water include: industrial process water, dust control at construction sites, irrigation at golf courses, landscaping irrigation, and orchard irrigation. Some states are already utilizing reclaimed water to replenish nearby aquifers that have been depleted through continuous well pumping.

Continued emphasis upon conservation efforts by localities is also part of this plan.



## 2016 Annual Sampling Reports

If you are the holder of a major non-significant industrial or commercial user Permit, then September most likely is your month for sampling your facility's wastewater discharge and send it off to a laboratory to be analyzed. Please refer to the back page of your Permit and find the section that specifies which month you must

sample and what you must have the laboratory analyze for. You must also make sure that you understand what effluent limitations have been placed upon your wastewater discharge to the collection system. These limitations can be easily found in a table towards the back of your Permit as well.

Ensure that your contract lab has the necessary information in order to provide you with the Permit-required information in their final report of analysis. EPA and Virginia now require methodologies be used that definitively show that your discharge does not exceed any Permit limitations.

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## Chesapeake Bay Developments

Be aware that the US Supreme Court rejected the challenge made by the American Farm Bureau Federation. This group had appealed the Third Circuit's decision against them in their case against EPA.

This decision upholds EPA's

total maximum daily loading for the Bay watershed. The Federation, other agricultural trade associations, and the National Association of Home Builders were all interested in altering the Clean Water Act TMDL Program.

Despite their efforts, the

TMDL for the Bay watershed stands and the Court's decision puts an end to the current litigation.

This decision generally is helpful in terms of promoting regulatory stability for communities trying to meet their wasteload allocations under the TMDL.



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## Biosolids & Sludge Management Updates

The Virginia General Assembly passed HJ 120, which directs the judicial review committee to conduct a study on various aspects of biosolids and industrial residuals land application.

JLARC is required to address nine topics and file an executive summary of its findings on the first day of both 2017 and 2018. Some study directives are:

- Evaluate the regulatory requirements for land application and storage.
- Where applicable, analyze the potential impacts of the state's biosolids and industrial residuals regulations on agricultural interests and future economic developments in our Commonwealth.
- Evaluate both the potential outcomes and the probable costs from additional testing requirements, and
- Evaluate the contractual relationships among Virginia localities and the impacts of local agreements and decisions that could affect wastewater treatment and land application, including septic tank pump out requirements.

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## Water Resources Development Act Legislation



In April, the federal Senate's Environmental & Public Works Committee released its proposed 2016 Water Resources Development Act (WRDA). This authorizes (but does not fund) projects for the US Army Corps of Engineers programs. In addition, this year's proposal includes some significant amendments to the Clean Water Act. Some of the highlights of this piece of legislation are:

- \* Establishes, for the first time, a Clean Water Trust Fund.

- \* Requires EPA to update its 1997 affordability guidance.

- \* Codifies integrated Planning into the Clean Water Act.

- \* Directs EPA to further promote the use of green infrastructure.

- \* Authorizes \$1.8 billion for the sewer overflow control grant program to address CSO, SSO, and stormwater discharges; and

- \* Authorizes \$50 million annually for innovative water technology grants, including for water reuse / water recycling.

The House's version of a WRDA, released on May 20,

is smaller in both scope and funding than the Senate's bill, and also does not include a stormwater provision .

Introduction of these bills is the first step in a larger process that requires full passage by the Senate and the House, and a conference committee over the differences between the two versions of the bill. If the authorization passes, actually appropriating the money would be the next, and likely more difficult, step.