

Parking Lot/Q-Card Questions

(From January 20, 2010 Meeting)

- Develop a check list for a complete submittal
- Develop a time table for approval
- Does reuse water trigger a permit (closed loop system)?
- How do we handle a large stormwater event (named storm)?
- Can we get a General Permit for Type 1 and Type 2 facilities?
Possibly. KBP discussions with the wastewater regulators indicate that they would be receptive to drafting a wastewater General Permit for the lowest risk sites (discussed this possibility for a small Type 1, and maybe for a small Type 2). No progress to date on this task, other than a couple of preliminary discussions internal in DWQ, and with the steering committee. DWQ typically uses General Permits in a one-size fits all (all of a certain category of industry or discharge), and we reserve General Permits for the sites with the very least potential for pollution risk. Small Type 1, and maybe Small Type 2, would seem to fit this precedent for us. At the moment this concept appears to me to be an area of potential progress for us in the Stakeholder Group. Ken Pickle, DWQ
- Why is public notice required for stormwater, but not for ground treatment?
Partial response: Stormwater discharge permits are based on federal rules, and those federal rules require public notices. The same applies to wastewater discharge permits – they're based in federal rule, which requires public notice. On the other hand, DWQ's program for wastewater discharges into the groundwater (administered by our Land Application Unit) is based on state rules, and those state rules allow for a public notice, but don't require it. I've provided a first level answer – one set of rules requires it, the other set of rules does not. But as to the why behind the first level answer, I'm not sure there is a way to make sense of what one group of people did at the federal level, and what another group of people, considering a different environmental program, decided at the state level. Ken Pickle, DWQ
- If the definition of rain water leaving finished compost becomes wastewater, how can it be used on highways or any other places?
Partial answer: Truly, we in DWQ see no constraint on the use of compost, and no constraint in commerce in general due to our permitting requirements. In support of our perspective, I can only relate in general terms that our three permitting programs in DWQ do not focus on materials when they are away from the places where they originate. Consider the three different permitting programs: NPDES Stormwater, NPDES wastewater, and land application of wastewater.

NPDES Stormwater: *The federal rules that establish our program specifically limit our authority to regulate to those physical sites where industrial activities or manufacturing industries are located. That limitation to the manufacturing location is very clear in the federal rules. DWQ's stormwater permitting program has no authority to follow any manufactured material into the marketplace, or to retail outlets, or to homeowners. It happens occasionally that commercial,*

retail, or service companies mistakenly apply to us for a stormwater permit. We are quick to inform those folks that they are not part of the regulated community under the federal stormwater rules. We won't permit them, even when they ask us to. They don't need our stormwater permit to continue in business. **There is no anticipation that this unit would seek to permit compost end users; retail outlets; or purchased piles at a landscape contractor's yard.** In our Stakeholder Group, **Ken Pickle** works every day in the NPDES Stormwater permitting program.

NPDES Wastewater: Attending our Stakeholder Group from the NPDES Wastewater program is **Sergei Chernikov**. Sergei reports that while the federal NPDES rules are not quite so specific as the federal stormwater rules in limiting the scope of regulatory authority, nonetheless, the wastewater group does not chase material after it leaves a manufacturing site..... **For example:** While the NPDES wastewater group would regulate wastewaters from a salt mine, or desalinization plant for high brine wastewaters generated at the facility, DWQ's wastewater group would not chase the material out into the marketplace. Consider DOT's use of salt in the winter, either in use on the roadways, or in storage at DOT salt storage sheds - - we don't attempt to require a permit either for the salting of roads, or for the salt storage facilities. Our focus in the industrial wastewater program is to stick to the manufacturing location. In response to questions from Ken, a couple of senior folks in the wastewater group could not recall one instance of their program ever moving beyond the manufacturing location. **There is no anticipation that this unit would seek to permit compost end users; retail outlets; or purchased piles at a landscape contractor's yard.**

Land Application of wastewaters: Attending our Stakeholder Group from DWQ's Land Application Unit are **Jon Risgaard (Unit Supervisor) and David Goodrich**. Similarly to the other DWQ wastewater unit, this unit does not chase materials out in the marketplace.....**For example:** this is the unit that issues Beneficial Reuse Permits for coal ash in construction uses. But, the permittee is typically the Progress Energy or Duke Energy coal burning power plant that produces the ash. Not the end user of the ash. Again, we do not follow the material out into the marketplace – instead we regulate the producer/manufacturer at the location of the manufacturing activity. **There is no anticipation that this unit would seek to permit compost end users; retail outlets; or purchased piles at a landscape contractor's yard.**

Please note, in all these permitting programs, DWQ's focus is on the manufacturing site. In some cases it's clear from the rules that we don't have authority to require a permit beyond the manufacturing site (stormwater program); and in the other cases, we don't have any interest or history in permitting beyond the manufacturing site (both DWQ wastewater programs).

Further, please note that this principle is operative in many other manufacturing industries already. Composters would be treated just like other manufacturing industries – DWQ regulates the discharges from the site conducting the actual manufacture of the material: we do not regulate the material itself as it moves into the marketplace. In this aspect the compost industry would be treated just like other manufacturing industries already subject to DWQ regulation. Ken Pickle, DWQ

- Would like costs for permitting process (estimates of engineering)

- What is the federal citation for 250 foot compliance boundary? What is the basis for that? Can we ask for a variance?
- What data did you use to support 2006 ruling as “wastewater”?
- When in the process is compost no longer considered a waste and is a product?
- Pallets sometimes have sides or floors of plywood or MDF. If not composted, can we accept in Type 1 facility?
A type I facility can only accept untreated and unpainted wood waste. This includes pallets but not pallets that include plywood or other engineered wood products (EWP). The concern with these other materials involves the glues that may be used in the formation of the plywood or EWP. Mike Scott
- A pesticide question was brought up for Type 1 facilities. How would that be monitored?
I will follow up on the pesticide question for Type I facilities after the meeting. Mike Scott
- What are the 9 elements that Ken mentioned make up a DWQ assessment?
I made reference to the 9 elements of a Stormwater Pollution Prevention Plan. Sites that have a stormwater permit from DWQ are required to develop and maintain a Stormwater Pollution Prevention Plan (SPPP). It's like DWM's Operating Plan. I mean, it's a written document describing how the facility will insure that the stormwater leaving the site will have minimal pollutants in it. The nine elements of a SPPP, and the significant requirements for each element are:
 1. A Site Plan; including a site map, a list of inventoried materials on site, a list of past spills, a narrative description of storage and waste disposal practices.
 2. A Stormwater Management Plan; including a narrative description of the measures to prevent stormwater pollution, a list of BMPs employed, a tabulation of tanks and secondary containment, and a facility inspection schedule.
 3. A Spill Prevention and Response Plan; What are you going to do if there is a spill? What equipment is on site to deal with a spill?
 4. A Good Housekeeping and Preventative Maintenance Program including maintenance schedules and site housekeeping schedules.
 5. Employee training plan; minimum of annual training for affected employees; being alert to stormwater pollution potential, and prevention.
 6. List of responsible people; ie, who is responsible for the execution of the SPPP on site.
 7. Requirement to review and update the SPPP not less than annually.
 8. Requirement to periodically inspect the facility and stormwater control system.
 9. Requirement to implement the SPPP.