

Final Product

VA Coastal Resources Mgt. Program

3/31/93

REGIONAL STORMWATER COORDINATION PROCESS

A STATUS REPORT

**Prepared by the Staff of the
Hampton Roads Planning District Commission**

December 1992

REGIONAL STORMWATER COORDINATION PROCESS

A STATUS REPORT

Preparation of this report was funded, in part, by the Virginia Council on the Environment's Coastal Resources Management Program through Grant No. NA17O20359-01 of the National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resources Management, under the Coastal Zone Management Act of 1972, as amended.

Preparation of this report was included in the HRPDC Program for 1992-93, approved by the Commission at its Executive Committee Meeting of March 18, 1992

Prepared by the Staff of the
Hampton Roads Planning District Commission

December 1992

QC968.576 V8 1992

BACKGROUND

Through its Regional Coastal Resources Management Program, the Hampton Roads Planning District Commission has undertaken an effort to assist its fourteen member local governments in the area of stormwater management. This program is known as the Regional Stormwater Management Program. It includes conducting technical studies, facilitating monthly meetings of the HRPDC Regional Stormwater Management Committee to exchange information and developing in cooperation with that Committee regional consensus positions on stormwater management issues.

The Regional Stormwater Management Program began in 1973 with the undertaking of a regional stormwater facilities study and analysis. That effort included delineation of drainage basins throughout the Southeastern Virginia portion of the region. From 1974 through 1986, the regional stormwater management program was conducted under the auspices of the Hampton Roads Water Quality Agency.

A renewed effort for Southeastern Virginia was begun in 1988 through financial assistance from the Virginia Coastal Resources Management Program (VCRMP). That effort resulted in the 1989 release of two studies:

1. Elizabeth River Basin Environmental Management Program.
2. Regional Stormwater Management Strategy for Southeastern Virginia.

These two studies recommended that a number of activities be undertaken on a cooperative regional basis to assist the region's local governments in meeting the requirements of the U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) Stormwater Permit Program, the Virginia Stormwater Management Program and the Virginia Chesapeake Bay Preservation Act. Recommended activities included development of common design standards for stormwater facilities, a cooperative program for water quality sampling and analysis, an information exchange program, a cooperative public education program and mechanisms for financing needed facilities and programs.

Through financial assistance from the Virginia Council on the Environment, the Chesapeake Bay Local Assistance Department and the State Water Control Board, the HRPDC has undertaken a number of activities to achieve these recommendations. These activities have included development of:

- o Stormwater Management Financing Strategy for Hampton Roads Virginia, 1991.
- o Best Management Practices Design Guidance Manual for Hampton Roads, 1992.
- o Model Environmental Assessment Procedure, 1992.

- o Vegetative Practices for Nonpoint Source Pollution Management, 1992.
- o A Citizen's Guide to Nonpoint Source Pollution, in progress.
- o Best Management Practices (BMP) Tracking System, including computer software, 1992.
- o Institutional and Policy Framework for Stormwater Management in Shared Watersheds, 1992.

In addition, the localities have developed a cooperative stormwater sampling program with the Hampton Roads Sanitation District (HRSD) and a number of educational materials through the Hampton Roads Municipal Communicators, the regional organization of local public information officers. The opportunity for the localities to develop these cooperative activities has been provided through the Regional Stormwater Coordination Process, although actual local government work has been conducted outside the scope of the grant funded project.

In June 1992, the stormwater management staffs of the region's local governments requested the HRPDC staff to facilitate a routine, monthly exchange of information on stormwater management issues among the localities. Implicit in this request was a desire on the part of the localities to work together to develop common responses to state and federal stormwater management issues.

The HRPDC had previously obtained financial assistance from the Virginia Council on the Environment through the Virginia Coastal Resources Management Program to develop a BMP Tracking System and a Shared Watershed Institutional Process. The Commission's Regional Coastal Resources Management Program (Technical Assistance Program) was being used as the mechanism to support regional coordination on stormwater management. Because the level of effort entailed by the proposed "Regional Stormwater Coordination Process" greatly exceeded the effort envisioned in the Commission's Regional CRM Program, the scope of work for the Commission' Stormwater Grant from the VCOE was modified to accommodate this new work activity.

REGIONAL STORMWATER COORDINATION PROCESS

This report provides a capsule summary of the "Regional Stormwater Coordination Process." The Regional Stormwater Coordination Process includes the following activities:

1. Monthly Regional Coordination Meetings.
2. Stormwater Management Survey.
3. Consensus Position Statements.

4. Cooling Tower Policy Guidance.

In addition, the VCRMP Grant includes financial assistance for the BMP Tracking System and the Shared Watershed Institutional Process. Separate reports have been prepared on the following elements of this project:

1. Cooling Tower Discharge Policy and Guidance Manual.
2. BMP Tracking System - Software and Program Documentation.
3. Institutional Process for Stormwater Management in a Shared Watershed.
4. Summary: Survey of Local Stormwater Management In Virginia.

PROCESS DOCUMENTATION

Since June 1992, the Regional Stormwater Management Committee of the Hampton Roads Planning District Commission has met on a monthly basis. The purpose of these meetings is to:

- o Exchange information and experience among the localities on development of stormwater management programs.
- o Develop consensus positions and responses to evolving stormwater management programs at the state and federal levels.
- o Facilitate development of cooperative approaches to meeting the requirements of state and federal stormwater management programs.

The role of the HRPDC staff in this process is to facilitate the discussions, document the process, ensure that information materials are exchanged among the localities, document and transmit as appropriate any consensus that is reached, identify resources that may be useful to the localities in program development and bring those resources "to the table," and provide early warning to the localities on new state and federal initiatives.

A specialized process to address proper management of discharges from cooling towers was also conducted. That effort required the HRPDC staff to fulfill a similar role. The Cooling Tower process is not discussed, in detail, in this report, because a separate report has been prepared, documenting the recommendations resulting from that process. However, it should be noted that the Cooling Tower Subcommittee and a smaller Work Group met a number of times over a period of four months to reach consensus on the Cooling Tower Discharge Policy and Guidance Manual. On behalf of the Committee, the staff briefed the Hampton Roads Chapter of the American Society of Heating, Refrigeration and Air Conditioning Engineering and a joint meeting

of the Building Owners and Managers Association and Institute of Real Estate Managers on the project.

At its initial meeting on June 5, 1992, the Regional Stormwater Management Committee focused its attention on establishment of local stormwater utilities. Representatives of the Cities of Chesapeake, Hampton, Newport News, Norfolk and Virginia Beach discussed the current status of their utility programs. The meeting was attended by representatives of the aforementioned communities and the City of Suffolk. A major issue identified was the establishment of a credit program for property owners that had their own stormwater facilities or whose property drained directly to surface waters and did not use city stormwater facilities.

The Regional Stormwater Management Committee met on July 1, 1992 with the agenda established to again focus discussion on stormwater utilities. The meeting was attended by engineering staff from the Cities of Chesapeake, Hampton, Newport News, Norfolk and Virginia Beach and James City and York Counties. In addition, a representative of the Virginia Beach Finance Department provided a detailed briefing on that City's stormwater utility rate structure and billing procedures. The HRPDC provided a detailed briefing on the current status of regional programs including the BMP Tracking System and Cooling Tower projects. The Committee expressed great interest in the HRPDC Vegetative Practices Design Guidance project, funded by CBLAD. The Committee also agreed that the August meeting should involve representatives from the City and County Attorney's Offices to discuss legal issues associated with the utility and billing systems. It was also agreed that HRPDC would collect and distribute public educational materials being developed to support local stormwater management programs.

On August 5, 1992, the Regional Stormwater Management Committee met to continue its discussion of regional stormwater management issues. The meeting was attended by representatives of the Cities of Hampton, Newport News, Portsmouth, Suffolk and Virginia Beach and the Counties of Isle of Wight, James City and York. In addition to local engineering staff participation, a number of representatives of local city/county attorneys were present. The HRPDC staff provided a detailed briefing on the status of regional activities including the BMP Tracking System, Vegetative Practices Guide and the Cooling Tower Policy. The issues of credits for existing stormwater facilities and whether facilities should be funded entirely by utility revenues or by the General Fund were discussed at length. It was agreed that a representative of the Hampton Roads Municipal Communicators should be invited to participate in the next meeting to discuss public information and education activities. James City County briefed the group on its evolving utility program, which is being developed in spite of the fact that the County is not affected by the current EPA Regulations. Among other issues discussed was a request to the HRPDC to survey all localities in Virginia to determine the status of other local stormwater management programs.

The Regional Stormwater Management Committee met on September 9, 1992. The meeting was attended by representatives of the Cities of Chesapeake, Hampton,

Newport News, Norfolk, Poquoson, Portsmouth, Suffolk and Virginia Beach, York County and the Hampton Roads Sanitation District. The HRPDC briefed the group on the status of regional projects, including the BMP Tracking System, Vegetative Practices Guidance, Citizen Handbook and Cooling Tower project. HRPDC staff also advised the Committee that the State Water Control Board was developing a General Permit for some stormwater activities that would be released and effective later in September. Representatives of the Hampton Roads Municipal Communicators (HRMC) briefed the group on cooperative approaches to public education that were being undertaken to support the stormwater programs. The focus of this briefing was on a Survey of citizens in the region on their knowledge and awareness of stormwater management issues and on the "WQ FISH" storm drain stencilling campaign that would begin in late October. The HRMC also indicated that they would be developing a new stormwater educational video and wanted input from the local stormwater and HRPDC staffs. During the discussion, current stormwater utility issues were discussed. Several local staff indicated concern with the cooling tower issue and the need to move that project along. The group discussed the issue of stormwater discharges from construction activity at great length and requested the HRPDC to develop a consensus position statement on this issue for consideration at the next meeting. HRSD and local staff also discussed the status of water quality sampling to support NPDES Permit applications. It was noted that much of the necessary sampling equipment was being acquired and managed by HRSD on a cooperative basis for the localities.

On September 21, 1992, the HRPDC staff provided a brief written synopsis of new federal stormwater regulations to the Committee and indicated that the September 9th consensus would be revised to reflect these new regulations prior to review in October.

On October 14, 1992, the Regional Stormwater Management Committee met to discuss comments on the General Permit for Construction Activities and to discuss the status of the Cooling Tower Policy. The meeting was attended by representatives of the Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth and Virginia Beach, York County and the HRSD. The group discussed the need for education that focused on the contribution of the homeowner to stormwater problems and the need for the stormwater utility to address a number of issues including state and federal mandates. It was agreed that placing all of the onus on those mandates was not proper. Cooperation in water quality sampling was discussed at great length with HRSD agreeing to become the regional sampling entity if that was desired by the communities. The consensus letter on General Permits was agreed to and the HRPDC staff was requested to transmit it quickly. The HRPDC staff was also requested to contact the SWCB to determine whether a fully regional sampling program would satisfy EPA regulations. (This issue has been discussed by telephone with the SWCB staff. Preliminary indications are that the SWCB staff would be willing to entertain this approach to the sampling program.) The Committee also agreed to work with the HRPDC staff and the Tidewater Builders Association to develop a seminar for TBA members on stormwater requirements. The Seminar will be developed and held during early 1993.

The Regional Stormwater Management Committee met on November 6, 1992 to review the Cooling Tower Report, other Regional Stormwater Projects, Nonurban Stormwater Utilities and other local issues. Participants included representatives from the Cities of Chesapeake, Franklin, Norfolk, Suffolk and Virginia Beach, Isle of Wight County, SWCB and HRSD. The Committee endorsed the Cooling Tower Policy. The HRPDC staff was requested to obtain additional information from the SWCB on several issues, including use of State Revolving Loans for stormwater facilities, the number of industrial permits applied for by locality and guidance on permitting of VDOT facilities. It was agreed that establishment of a regional monitoring program would be discussed at the January 1993 meeting and that the nonurban (small communities) would hold a special meeting on November 16, 1992 to discuss their special stormwater management needs. It was also agreed that HRPDC would work with the other PDCs to solicit their support for the Cooling Tower Policy.

The Small Communities Subcommittee met on November 16, 1992 to discuss potential cooperation in the establishment of stormwater utilities and other stormwater programs that were particular to their needs. It was agreed that the HRPDC would conduct certain technical analyses and facilitate development of a cooperative approach to the question of stormwater utilities. A Scope of Work for this project is included as Appendix A. That study will be conducted during the early part of 1993.

The Regional Stormwater Management Committee met on December 9, 1992. Attendees included representatives of the Cities of Chesapeake, Hampton, Newport News and Portsmouth and York County. Representatives of the Hampton Roads Sanitation District Commission and the State Water Control Board also participated in the discussions. HRPDC staff briefed the group on the status of regional activities, including the Small Communities Stormwater Subcommittee. York County indicated its desire to participate in that effort. Chesapeake representatives indicated that the City's utility ordinance had been adopted. Materials, prepared by Chesapeake staff, comparing various local utility programs were distributed. The issues of credits and the proper mix of funding sources for facilities were discussed. The Committee requested the HRPDC staff to prepare a matrix documenting the status of local programs and comparing the salient features of the local programs. (That matrix is being prepared.) In discussing credit features of programs and rates, there was some feeling that a regional approach should have been taken earlier to ensure consistency and to eliminate some of the private sector criticism of existing local programs. The agenda for the January meeting was discussed and it was agreed to defer the discussion of a regional water quality monitoring program to the February meeting.

CONSENSUS POSITIONS

From June 1992 through December 1992, the Regional Stormwater Management Committee has reached consensus on a number of issues. On behalf of the Committee, the HRPDC has developed consensus position statements and transmitted them to the appropriate state and federal regulatory agencies. Some of the positions have indicated a regional preference on program direction. Others have

requested advice and guidance from the SWCB or EPA on program issues. In most cases, it is not known at this time whether these positions will be adopted by the state or federal agencies to provide future program direction.

The Cooling Tower Discharge Policy and Guidance Manual is the most significant consensus reached. As such, the report is provided as a separate output from this project.

Other position statements are included in Appendix B. Position statements adopted and requests for guidance developed by the Regional Stormwater Management Committee include:

- o August 5, 1992, Stormwater NPDES Permits - Cooling Tower Guidance, Letter from John M. Carlock, HRPDC Director of Physical and Environmental Planning, to Burton R. Tuxford, SWCB Environmental Engineer.
- o August 6, 1992, Stormwater NPDES Permits - Cooling Tower Guidance, Letter from John M. Carlock, HRPDC Director of Physical and Environmental Planning, to Kevin Magerr, EPA Stormwater Management Coordinator.
- o October 14, 1992, Stormwater NPDES Permits, Letter from Arthur L. Collins, HRPDC Executive Director, to Richard N. Burton, SWCB Executive Director. (This position was also endorsed by the Hampton Roads Chesapeake Bay Committee. Copies of the position statement were also sent to the Department of Conservation and Recreation, to the DCR Division of Soil and Water Conservation, and to the Chesapeake Bay Local Assistance Department.)
- o November 18, 1992, Stormwater NPDES Permits Information Request, Letter from Arthur L. Collins, HRPDC Executive Director, to Richard N. Burton, SWCB Executive Director.
- o November 18, 1992, Cooling Tower Policy, Letter from Joe S. Frank, HRPDC Chairman, to Richard N. Burton, SWCB Executive Director. (Similar letters were also sent to all PDC Directors, the Hampton Roads Sanitation District and various trade organizations.)

In a number of instances, responses have been received. Copies are also included in Appendix B. These responses include:

- o October 27, 1992, Cooling Tower Information and Guidance, Letter from Richard N. Burton, SWCB Executive Director, to Arthur L. Collins, HRPDC Executive Director.

- o October 30, 1992, Cooling Tower Information and Guidance, Letter from Burton R. Tuxford, SWCB Environmental Engineer, to John M. Carlock, HRPDC Director of Physical and Environmental Planning.
- o December 11, 1992, NPDES Permit Information, Letter from Richard N. Burton, SWCB Executive Director, to Arthur L. Collins, HRPDC Executive Director.
- o December 14, 1992, Cooling Tower Policy, Letter from Richard N. Burton, SWCB Executive Director, to Joe S. Frank, HRPDC Chairman.

CONCLUSIONS AND RECOMMENDATIONS

The Regional Stormwater Coordination Process has proved to be both useful and successful as a means of assisting the local governments in the Hampton Roads region to address state and federal stormwater management requirements. This is consistent with the region's experience with regional coordination of other programs, including ground water management and Coastal Resources and Chesapeake Bay matters in general. The usefulness of this program was underscored in comments made at the Regional Stormwater Committee's December 9, 1992 Meeting indicating a belief that this process should have been instituted earlier.

It should also be noted that much of the value of this process is achieved informally through the Committee's deliberations which do not result in adoption of formal position statements, but which do result in useful exchange of information. This enables local staff to learn from each other's experience and, at least theoretically, be more effective in addressing this issue.

Stormwater management programs are evolving at the state, federal, and local levels. During the past year, the focus of the Regional Stormwater Coordination Process has been on the EPA/State Stormwater Permit Regulations. It can be expected that these regulations will be an important aspect of the Committee's deliberations. However, the Committee is likely to become increasingly concerned with the potential impacts of the EPA/NOAA Coastal Nonpoint Source Program, under Section 6217 of the Coastal Zone Management Act. With the increase in state and federal stormwater and nonpoint source management programs over the past several years, local governments face a plethora of potentially conflicting requirements. The HRPDC Regional Stormwater and Hampton Roads Chesapeake Bay Committees have already expressed their concern with this situation on a number of occasions. It can be expected that the Committees will devote increased attention during the coming year to developing a framework for integrating these requirements in a comprehensive and consistent fashion at the local level.

Based on experience with the Regional Stormwater Coordination Process during the period from June 1992 through December 1992, the following recommendations are made:

1. The Regional Stormwater Coordination Process should be continued. In fact, the Committee has already indicated its desire to continue meeting on a monthly basis in order to address the constant evolution in stormwater regulations.
2. During the next year, the Regional Stormwater Committee should focus its efforts on:
 - a. development of a cost-effective regional approach to stormwater sampling;
 - b. continued development of cooperative education and public information materials and campaigns; and,
 - c. continued information exchange.
3. The HRPDC should continue to facilitate the Regional Stormwater Coordination Process. That effort should be incorporated into the Commission's ongoing Regional Coastal Resources Management Program.
4. The HRPDC should, as requested by the region's small communities, pursue development of the Small Communities Stormwater Management Strategy, including development of a model stormwater management and utility ordinance.
5. Activities of the Regional Stormwater Committee should continue to be closely coordinated with the activities of the Hampton Roads Chesapeake Bay Committee.
6. The consensus-building process followed by the Regional Stormwater Committee in its deliberations has been successful and should continue to serve as the basic method of Committee operation. The utility of this approach was particularly evident in the deliberations which led to development of the Cooling Tower Policy. As other specific issues are identified by the Committee, the subcommittee consensus approach involving public and private sector participants should be followed.

APPENDIX A

SMALL COMMUNITIES STORMWATER MANAGEMENT STRATEGY

SCOPE OF WORK

DRAFT SCOPE OF WORK

STORMWATER MANAGEMENT - SMALL COMMUNITIES

HRPDC RESPONSIBILITIES:

A. STORMWATER MANAGEMENT ORDINANCE FOR SMALL COMMUNITIES IN THE HAMPTON ROADS REGION

1. Review and document stormwater management requirements affecting small communities in the Hampton Roads region. These would include requirements governing disposal of materials dredged from stormwater facilities.
2. Review the "Model Stormwater Management Ordinance" and "Model Stormwater Utility Ordinance," developed previously by the HRPDC and documented in Regional Stormwater Management Strategy for Southeastern Virginia and Stormwater Management Financing Strategy for Hampton Roads Virginia. Determine the applicability of the "Models" to the special circumstances and regulatory requirements facing small communities in the Hampton Roads region.
3. Obtain and review other stormwater management and utility ordinances developed specifically for small communities. Determine the applicability of these Ordinances, or portions thereof, to the special circumstances and regulatory requirements facing small communities in the Hampton Roads region.
4. Develop, or adapt, a "model" stormwater management ordinance, including technical and financial requirements, for small communities in the Hampton Roads region. The "model" would reflect input from the participating localities.

B. STORMWATER MANAGEMENT PROGRAM FOR SMALL COMMUNITIES IN THE HAMPTON ROADS REGION

1. Identify, based on input from the affected localities, long-term stormwater management program needs of the affected localities. This would address needs related to both existing and future development.
2. Develop, in cooperation with the affected localities, a policy statement on ownership, operation and maintenance of stormwater management facilities.
3. Determine, based on input from the affected localities, stormwater management needs - facilities, staffing and programs. This should include needs related to water quantity as well as water quality.

4. Review and document sample rate structures and approaches established for stormwater financing by localities in Hampton Roads as well as those developed by small communities elsewhere.

C. REPORT AND RECOMMENDATIONS

1. Prepare report documenting program recommendations and the "Model" Ordinance. Program recommendations will reflect a consensus of the participating jurisdictions.

PARTICIPATING COMMUNITIES RESPONSIBILITIES:

1. Provide input on stormwater management program needs and issues for their jurisdiction.
2. Identify political constraints within their jurisdiction that would affect the structure and feasibility of any financing and institutional options.
3. Review and comment on all draft materials as they are developed by the HRPDC staff.

APPENDIX B

CONSENSUS POSITIONS

AND

RESPONSES



REBA S. McCLANAN, CHAIRMAN • ROBERT M. MURPHY, VICE CHAIRMAN • ROBERT G. BAGLEY, TREASURER

ARTHUR L. COLLINS, EXECUTIVE DIRECTOR/SECRETARY

August 5, 1992

CHESAPEAKE

Robert G. Bagley, *City Councilman*
Dr. Alan P. Kraasoff, *City Councilman*
James W. Rent, *City Manager*

FRANKLIN

Robert E. Harrell, *City Councilman*
John J. Jackson, *City Manager*

HAMPTON

T. Melvin Butler, *Vice Mayor*
James L. Eason, *Mayor*
Robert J. O'Neill, Jr., *City Manager*

ISLE OF WIGHT COUNTY

O. A. Spady, *Board of Supervisors*
Myles E. Standan, *County Administrator*

JAMES CITY COUNTY

David B. Norman, *County Administrator*
David L. Sisk, *Board of Supervisors*

NEWPORT NEWS

Julie S. Frank, *City Councilman*
Dr. Vincent T. Joseph, *City Councilman*
Edward E. Maroney, *City Manager*

NONFOLK

Mason C. Andrews, M.D., *City Councilman*
Paul D. Fraim, *City Councilman*
Joseph A. Leslie, *Mayor*
James B. Oliver, Jr., *City Manager*
G. Conroy Phillips, *City Councilman*

POQUOSON

L. Curnell Burcher, *Mayor*
Robert M. Murphy, *City Manager*

PONTSMOUTH

Johnny M. Clemens, *City Councilman*
V. Wayne Criss, *City Manager*
Gloria O. Webb, *Mayor*

SOUTHAMPTON COUNTY

Rowland L. Taylor, *County Administrator*
C. Harrell Turner, *Board of Supervisors*

SUFFOLK

Richard L. Hedrick, *City Manager*
S. Chris Jones, *City Councilman*

VIRGINIA BEACH

John A. Baum, *City Councilman*
Robert E. Fantress, *Vice Mayor*
Harold Henschelbar, *City Councilman*
Walter E. Malner, *Citizen Appointee*
Reba S. McClanahan, *City Councilwoman*
Meyers E. Ubrinkoff, *Mayor*
James K. Spoke, *City Manager*

WILLIAMSBURG

John Houghes, *Mayor*
Jackson C. Tuttle, II, *City Manager*

YOKE COUNTY

Paul W. Garman, *Board of Supervisors*
Daniel M. Stucz, *County Administrator*

Mr. Burton R. Tuxford, II
Environmental Engineer Consultant
State Water Control Board
P.O. Box 11143
Richmond, Virginia 23230

Re: Stormwater NPDES
Permits (POW:NPS)

Dear Burt,

As we have discussed on several occasions, the localities of Hampton Roads are attempting to coordinate their efforts to respond to the Stormwater NPDES Permit Regulations. In developing management programs, as required by 40 CFR 122.26 (d)(2)(iv)(B)(1), printed at 55 Federal Register 47990, November 16, 1990, localities in the region have identified a concern over the appropriate treatment of discharges from cooling towers.

Through the Hampton Roads Planning District Commission, the localities have established a Subcommittee to develop a regionally consistent policy governing cooling tower discharges and associated guidance for owners and operators of towers. This group, which includes representation from local governments, the cooling tower industry - manufacturers, sales representatives and engineers, building owners and managers, the Hampton Roads Sanitation District and the SWCB, is a Subcommittee of the Regional Stormwater Management Committee. You have participated in one or two of the Committee meetings over the last year.

A number of questions, which must be addressed prior to finalizing a policy on the regulatory treatment of cooling tower discharges to municipal stormwater systems remain outstanding. As you are aware, we have requested clarification from EPA on an apparent discrepancy in the regulatory language dealing with cooling towers. In addition, however, there are a number of issues that require input from the SWCB if a reasonable policy on cooling tower discharges is to be developed. Specifically:

1. Does the SWCB intend, as implied in the Permit Regulations, for localities to prohibit discharges from cooling towers and other HVAC systems from the municipal stormwater sewer system?
2. If localities are to prohibit such discharges, what regulatory approach does the SWCB anticipate following to regulate them?
3. If localities are to permit or authorize such discharges, what conditions and permit limits should localities establish for such discharges?
4. Assuming the establishment of appropriate permit limits and conditions for discharge to state waters or the municipal stormwater system, could the General Permit approach be used by localities in cooperation with the state to address these discharges?
5. If the General Permit approach is used, what potential liability may localities incur due to violations of General Permit requirements by discharges?

Based on the Subcommittee's deliberations, to date, it appears that the General Permit approach is the only manageable approach to dealing with what we believe is a sizable number of such discharges throughout the state. Estimates of cooling towers operating in the Hampton Roads region range from 4,000 to 15,000. The regional Subcommittee would be happy to work with you and other appropriate SWCB staff to develop an approach to the use of the General Permit authority to address cooling tower discharges.

We would appreciate your expeditious response to this request for guidance and would welcome your participation in the deliberations of the Cooling Tower Subcommittee. I will call you in the next few days to discuss this matter with you.

Sincerely,

John M. Carlock, AICP
Director of Physical and Environmental Planning

JMC:fh



REBA S. McCLANAN, CHAIRMAN • ROBERT M. MURPHY, VICE CHAIRMAN • ROBERT G. BAGLEY, TREASURER

ARTHUR L. COLLINS, EXECUTIVE DIRECTOR/SECRETARY

August 6, 1992

CHESAPEAKE

Robert G. Bagley, *City Councilman*
Dr. Alan P. Krasnoff, *City Councilman*
James W. Ren, *City Manager*

FRANKLIN

Robert E. Harrel, *City Councilman*
John J. Jackson, *City Manager*

HAMPTON

T. Melvin Butler, *Vice Mayor*
James L. Eason, *Mayor*
Robert J. O'Neil, Jr., *City Manager*

ISLE OF WIGHT COUNTY

O.A. Spady, *Board of Supervisors*
Myles E. Standish, *County Administrator*

JAMES CITY COUNTY

David B. Norman, *County Administrator*
David L. Sisk, *Board of Supervisors*

NEWPORT NEWS

Joe S. Frank, *City Councilman*
Dr. Vincent T. Joseph, *City Councilman*
Edgar E. Maroney, *City Manager*

NORFOLK

Mason C. Andrews, M.D., *City Councilman*
Paul D. Fraim, *City Councilman*
Joseph A. Leale, *Mayor*
James B. Oliver, Jr., *City Manager*
G. Conoly Phillips, *City Councilman*

POQUOSON

L. Currier Burcier, *Mayor*
Robert M. Murphy, *City Manager*

PORTSMOUTH

Johnny M. Clemens, *City Councilman*
V. Wayne Utton, *City Manager*
Gloria O. Webb, *Mayor*

SOUTHAMPTON COUNTY

Rowland L. Taylor, *County Administrator*
C. Harrell Turner, *Board of Supervisors*

SUFFOLK

Richard L. Hearick, *City Manager*
S. Chris Jones, *City Councilman*

VIRGINIA BEACH

John A. Baum, *City Councilman*
Robert E. Fentress, *Vice Mayor*
Harold Heischuber, *City Councilman*
Walter E. Meitner, *Citizen Appointee*
Reba S. McClanahan, *City Councilwoman*
Meyers E. Obernort, *Mayor*
James K. Spore, *City Manager*

WILLIAMSBURG

John Hodges, *Mayor*
Jackson C. Tuttle II, *City Manager*

YORK COUNTY

Paul W. Gorman, *Board of Supervisors*
Dewell M. Stuck, *County Administrator*

Mr. Kevin Magerr
Stormwater Management Coordinator
U.S. Environmental Protection Agency
Region III
841 Chestnut Street
Philadelphia, Pennsylvania 19106

MAILED

AUG 6 - 1992

HRPDC

Re: Stormwater NPDES
Permits (POW:NPS)

Dear Mr. Magerr:

The Hampton Roads Planning District Commission is a regional planning agency representing fourteen cities and counties in the Hampton Roads area of Virginia. All of the Commission's member jurisdictions are required to comply, to one degree or another, with the Stormwater (NPDES) Permit requirements, contained in 40 Code of Federal Regulations Parts 122, 123, and 124.

In developing management programs, as required by 40 CFR 122.26 (d)(2)(iv)(B)(1), printed at 55 Federal Register 47990, November 16, 1990, localities in the region have identified a concern over the appropriate treatment of discharges from cooling towers. Through the Hampton Roads Planning District Commission, the localities have established a Subcommittee to develop a regionally consistent policy governing cooling tower discharges and associated guidance for owners and operators of towers. This Subcommittee includes representation from local governments, the cooling tower industry - manufacturers, sales representatives and engineers, building owners and managers, the State Water Control Board and the Hampton Roads Sanitation District.

A number of questions, which must be addressed prior to finalizing a policy on the regulatory treatment of cooling tower discharges to municipal stormwater systems remain outstanding. On behalf of the Committee, the staff of the HRPDC has requested guidance from the Virginia State Water Control Board on a number of these issues. However, we find that one issue is inherent in the language of the Stormwater NPDES Permit regulation itself. We believe that only EPA can provide the necessary guidance on this issue.

August 6, 1992

It is our understanding from the regulations that the local management program is to include a prohibition on illicit discharges to the municipal stormwater sewer system. In discussing this issue on page 48037 of the Stormwater NPDES Permit Regulations, printed at 55 Federal Register 47990, November 16, 1990, it is indicated that a number of commentators suggested that uncontaminated waters from cooling towers and other non-contact cooling waters should not be governed by this prohibition. Later on this same page, EPA indicates its disagreement with these comments. It then lists a number of categories of non-stormwater discharges that should be addressed by the local management program only where they are identified as "sources of pollutants to waters of the United States." Cooling tower discharges and non-contact cooling waters are not included in these categories. This latter comment is also true of the regulatory language itself, found on page 48071. We would appreciate your guidance on the reason for this apparent discrepancy in consideration of cooling tower discharges.

In addition, we would appreciate any information that you may have concerning how this issue is being addressed in other EPA regions. What regulatory approach is being used? What recommendations are being provided to local governments and the industry by other states and EPA regions?

We would appreciate your expeditious response to this request for guidance. If you have any questions, please do not hesitate to call.

Sincerely,

John M. Carlock, AICP
Director of Physical and Environmental Planning

JMC:fh

cc: Mr. Burton R. Tuxford, II - SWCB-HQ



REBA S. McCLANAN, CHAIRMAN • ROBERT M. MURPHY, VICE CHAIRMAN • ROBERT G. BAGLEY, TREASURER

ARTHUR L. COLLINS, EXECUTIVE DIRECTOR/SECRETARY

October 14, 1992

CHESAPEAKE

Robert G. Bagley, *City Councilman*
Dr. Alan P. Krasnof, *City Councilman*
James W. Rein, *City Manager*

FRANKLIN

Robert E. Harrell, *City Councilman*
John J. Jackson, *City Manager*

HAMPTON

T. Melvin Butler, *Vice Mayor*
James L. Esson, *Mayor*
Robert J. O'Neill, Jr., *City Manager*

ISLE OF WIGHT COUNTY

O.A. Spady, *Board of Supervisors*
Myles E. Standaish, *County Administrator*

JAMES CITY COUNTY

David B. Norman, *County Administrator*
David L. Sisk, *Board of Supervisors*

NEWPORT NEWS

Joe S. Frank, *City Councilman*
Dr. Vincent T. Joseph, *City Councilman*
Edgar E. Maroney, *City Manager*

NORFOLK

Mason C. Andrews, M.D., *City Councilman*
Paul D. Fraim, *City Councilman*
Joseph A. Leate, *Mayor*
James B. Oliver, Jr., *City Manager*
G. Conroy Phillips, *City Councilman*

POQUOSON

L. Cornell Burcher, *Mayor*
Robert M. Murphy, *City Manager*

PORTSMOUTH

Johnny M. Clemons, *City Councilman*
V. Wayne Orton, *City Manager*
Glenn O. Webb, *Mayor*

SOUTHAMPTON COUNTY

Rowland L. Taylor, *County Administrator*
C. Harrell Turner, *Board of Supervisors*

SUFFOLK

Richard L. Hedrick, *City Manager*
S. Chris Jones, *City Councilman*

VIRGINIA BEACH

John A. Baum, *City Councilman*
Robert E. Fantress, *Vice Mayor*
Harold Heischouer, *City Councilman*
Walter E. Mather, *Citizen Appointee*
Rebe S. McClanahan, *City Councilwoman*
Meyers E. Oberndorf, *Mayor*
James K. Spork, *City Manager*

WILLIAMSBURG

John Hodges, *Mayor*
Jackson C. Tuttle, II, *City Manager*

YORK COUNTY

Paul W. Gorman, *Board of Supervisors*
Daniel M. Stuck, *County Administrator*

Mr. Richard N. Burton, Executive Director
State Water Control Board
P.O. Box 11143
Richmond, Virginia 23230

Re: Stormwater NPDES Permits
(POW:NPS)

Dear Mr. Burton:

The Hampton Roads Planning District Commission has established two Regional Advisory Committees to address matters affecting the Chesapeake Bay and Stormwater Management. These Committees, the Regional Stormwater Management Committee and Hampton Roads Chesapeake Bay Committee, are comprised of representatives of the region's fourteen local governments and appropriate state agencies. A representative of your staff is an active participant in the deliberations of the Regional Stormwater Management Committee. The Committees have discussed stormwater management issues at great length. They are presently addressing two issues, cooling tower discharges to the municipal stormwater system and construction activities, that could appropriately be considered in the context of the SWCB's General Permit authority.

You may already be aware of the Committee's consideration of the cooling tower issue. A Cooling Tower Subcommittee, comprised of representatives of the Hampton Roads localities, cooling tower, water treatment and building industries, and the Hampton Roads Sanitation District, has been working for several months to develop a regionally consistent policy and guidance on the management of such discharges. In fact, the Committee has requested guidance from your staff on permitting approaches and from EPA on interpretation of regulations. Because of impending regulatory deadlines facing the localities, it is imperative that specific guidance be received from the SWCB.

Based on the work of the Subcommittee, the Committees believe that the NPDES General Permit approach will be the best vehicle for addressing cooling tower discharges. The management strategy for such discharges, being developed by the Cooling Tower Subcommittee, will be presented to the HRPDC for consideration at its November 16, 1992 Executive Committee Meeting. To facilitate finalization of this policy and to permit localities sufficient opportunity to incorporate this policy into their management programs, the HRPDC staff, on behalf of the two Regional Advisory Committees, requests that the SWCB provide flexibility to the localities in establishing their ordinances prohibiting non-stormwater discharges to the stormwater system. The HRPDC believes that the Policy, being developed, will satisfactorily address this issue and will provide the SWCB with a reasonable basis for developing a VPDES General Permit (Point Source) for such discharges.

In their most recent discussions, both Committees have addressed the issue of permits for Construction Activities. The HRPDC staff understands that in a recent California case, the federal courts have ruled that the current exemption for construction activities affecting less than five acres is arbitrary and directed EPA to develop a new regulatory approach governing all construction activities. The HRPDC believes that consideration of individual permits for all construction activities will overwhelm the permit system and result in significant and widespread opposition to the permit program. This situation is likely to be exacerbated by the potentially conflicting regulations governing construction and development activities under a variety of Virginia programs. Again, it appears that the VPDES General Permit (Stormwater) approach is the appropriate vehicle for resolving this issue. The SWCB's action at its September 1992 Meeting to promulgate, as an Emergency Regulation, a Stormwater General Permit and Registration Statement, indicates that it recognizes the viability of this approach. It appears that EPA also recognizes the reasonableness of this approach in its September 9, 1992 regulations governing such activities in those states that have not received NPDES-permitting authority.

To facilitate compliance with the requirement for permits for construction activities, the HRPDC staff and Committees concur with the SWCB's intent to use its General Permit authority for such activities. However, it should be noted that the Stormwater Permit regulations overlap and may duplicate existing state requirements under the Chesapeake Bay Preservation Act, State Stormwater Management Law and the Erosion and Sediment Control Law. Therefore, the HRPDC recommends that the General Permit for Construction Activities include conditions, requiring as follows:

1. Compliance with local CBPA programs and/or State Stormwater Management programs, where they have been adopted.
2. Compliance with local Erosion and Sediment Control Ordinances.
3. Compliance with all other local permit requirements and development regulations.

The Permit should indicate that compliance with the above-noted requirements will be deemed to be compliance with the General Permit. The HRPDC believes that this approach will facilitate integration of the various stormwater management requirements that already affect development and construction activities and will result in improved management. It is also generally consistent with the approach taken by EPA in its September 9, 1992 General Permit regulations.

Mr. Richard N. Burton

3

October 14, 1992

The staff of the Hampton Roads Planning District Commission, on behalf of the Commission's Regional Stormwater Management and Hampton Roads Chesapeake Bay Committees, appreciate the opportunity to provide these comments for consideration by the State Water Control Board as it moves to develop General Permits for stormwater management. Staff from the HRPDC and its member localities would be pleased to work with your staff in the development of these regulations. The HRPDC would also appreciate your expeditious guidance on these matters so that local programs can be developed and finalized in a timely fashion. If you have any questions, please do not hesitate to call me or John Carlock of the staff.

Sincerely,

Arthur L. Collins
Executive Director/Secretary

JMC:dls

cc: Mr. R. Keith Bull, CBLAD
Mr. J. Robert Hicks, DCR
Mr. Jack E. Frye, DSWC



JOE S. FRANK, CHAIRMAN • DR. ALAN P. KRASNOFF, VICE CHAIRMAN • V. WAYNE ORTON, TREASURER

ARTHUR L. COLLINS, EXECUTIVE DIRECTOR/SECRETARY

November 18, 1992

CHESAPEAKE

Clarence V. Culllee, Acting City Manager
Arthur L. Dwyer, City Councilman
Dr. Alan P. Krasnoff, City Councilman

FRANKLIN

Rubert E. Harrell, City Councilman
John J. Jackson, City Manager

HAMPTON

T. Marvin Buttel, Vice Mayor
James L. Eason, Mayor
Robert J. O'Neill, Jr., City Manager

ISLE OF WIGHT COUNTY

O. A. Spady, County Supervisor
Myles E. Standish, County Administrator

JAMES CITY COUNTY

David B. Norman, County Administrator
David L. Sisk, County Supervisor

NEWPORT NEWS

Charles C. Allen, City Councilman
Joe S. Frank, City Councilman
Edgar E. Maroney, City Manager

NORFOLK

Mason C. Andrews, M.D., Mayor
Paul D. Fram, City Councilman
James B. Oliver, Jr., City Manager
G. Conroy Phillips, City Councilman
W. Randy Wright, City Councilman

POQUOSON

L. Cornell Burcher, Mayor
Robert M. Murphy, City Manager

PORTSMOUTH

Johnny M. Clemens, City Councilman
V. Wayne Orton, City Manager
Gloria O. Webb, Mayor

SOUTHAMPTON COUNTY

Rowland L. Taylor, County Administrator
C. Harrah Turner, County Supervisor

SUFFOLK

Richard H. Harris, City Councilman
Richard L. Hedrick, City Manager

VIRGINIA BEACH

John A. Baum, City Councilman
James W. Brazier, Jr., City Councilman
Robert W. Clyburn, City Councilman
Louis R. Jones, City Councilman
Walter E. Mather, Citizen Appointee
Meyers E. Oberndorf, Mayor
James K. Spore, City Manager

WILLIAMSBURG

Mary Lee Darling, City Councilwoman
Jackson C. Tuttle, II, City Manager

YORK COUNTY

Paul W. Gorman, County Supervisor
Daniel M. Stucka, County Administrator

Mr. Richard N. Burton, Executive Director
State Water Control Board
P.O. Box 11143
Richmond, Virginia 23230

Re: Stormwater NPDES Permits
(POW:NPS)

Dear Mr. Burton:

The Regional Stormwater Management Committee of the Hampton Roads Planning District Commission held its regular monthly meeting on November 6, 1992. As you are aware, this Committee is comprised of representatives of the region's fourteen local governments, the Hampton Roads Sanitation District and the State Water Control Board. At its November 6, 1992 meeting, the Committee requested the staff of the HRPDC to request information and guidance from the SWCB on a number of issues, concerning the stormwater permit program. This guidance is necessary to facilitate implementation of local stormwater management programs, including development of Part II Stormwater NPDES Permit applications. Specific issues include:

1. What industrial facilities have applied for Stormwater NPDES Permits? Please provide a listing, by locality in Hampton Roads, of such facilities, if available. It would be most useful if this listing included facility name, address and contact person.
2. Will the Virginia Department of Transportation submit applications for stormwater NPDES Permits for highway and related facilities? What guidance is being provided by the SWCB to VDOT concerning this issue? Should VDOT apply separately for permits or be treated as a co-permittee under local Permit applications? This is complicated by the issue of the appropriate party to maintain drainage facilities in, or associated with, VDOT rights-of-way in counties.

3. What provision, if any, is the SWCB making for funding to localities for construction and/or operation of stormwater facilities necessary to meet the requirements of the Stormwater NPDES Permit program? If provisions have not been made to date, the Committee suggests that the State Revolving Loan Fund be expanded to include funding for stormwater management facilities as well as for wastewater treatment facilities. It is our understanding that a number of other states are pursuing that approach to funding of stormwater facilities.

The staff of the Hampton Roads Planning District Commission, on behalf of the Commission's Regional Stormwater Management and Hampton Roads Chesapeake Bay Committees, would appreciate your expeditious guidance on these matters to facilitate continued development of local programs. If you have any questions, please do not hesitate to call me or John Carlock of the staff.

Sincerely,

Arthur L. Collins
Executive Director/Secretary

JMC:fh

bc: Burt Tuxford



JOE S. FRANK, CHAIRMAN • DR. ALAN P. KRASHOFF, VICE CHAIRMAN • V. WAYNE ORTON, TREASURER
ARTHUR L. COLLINS, EXECUTIVE DIRECTOR/SECRETARY

November 18, 1992

CHESAPEAKE

Clarence V. Cutler, Acting City Manager
Arthur L. Dwyer, City Councilman
Dr. Alan P. Krasnoff, City Councilman

FRANKLIN

Robert E. Harrell, City Councilman
John J. Jackson, City Manager

HAMPTON

T. Melvin Butler, Vice Mayor
James L. Eason, Mayor
Robert J. O'Neil, Jr., City Manager

ISLE OF WIGHT COUNTY

O. A. Spady, County Supervisor
Myles E. Standish, County Administrator

JAMES CITY COUNTY

David B. Norman, County Administrator
David L. Sisk, County Supervisor

NEWPORT NEWS

Charles C. Allen, City Councilman
Joe S. Frank, City Councilman
Edgar E. Maroney, City Manager

NORFOLK

Mason C. Andrews, M.D., Mayor
Paul D. Fraim, City Councilman
James B. Oliver, Jr., City Manager
G. Conaty Phillips, City Councilman
W. Randy Wright, City Councilman

POQUOSON

L. Cornell Butcher, Mayor
Robert M. Murphy, City Manager

PORTSMOUTH

Johnny M. Clemons, City Councilman
V. Wayne Orton, City Manager
Gloria O. Webb, Mayor

SOUTHAMPTON COUNTY

Rowland L. Taylor, County Administrator
C. Harrell Turner, County Supervisor

SUFFOLK

Richard H. Harris, City Councilman
Richard L. Hedrick, City Manager

VIRGINIA BEACH

John A. Baum, City Councilman
James W. Brazier, Jr., City Councilman
Robert W. Clyburn, City Councilman
Louis H. Jones, City Councilman
Walter E. Mather, Citizen Appointee
Meyra E. Oberdorff, Mayor
James K. Spore, City Manager

WILLIAMSBURG

Mary Lee Darling, City Councilwoman
Jackson C. Tuttle, City Manager

YORK COUNTY

Paul W. Garman, County Supervisor
Darrel M. Sluch, County Administrator

Mr. Richard N. Burton, Executive Director
State Water Control Board
P.O. Box 11143
Richmond, Virginia 23230

Re: Cooling Tower Policy
(POW:NONPOINT)

Dear Mr. Burton:

At its November 18, 1992 Executive Committee Meeting, the Hampton Roads Planning District Commission endorsed the enclosed Cooling Tower Discharge Policy and Guidance Manual. The document is also being forwarded to the region's fourteen localities, the Hampton Roads Sanitation District and to the other twenty Planning District Commissions in the state for consideration.

The Policy was developed by the Commission's Regional Stormwater Management Committee, Cooling Tower Subcommittee. It represents a consensus of staff representatives of the localities, HRSD, your agency, the cooling tower and water treatment industries and building owners. The Commission believes that it represents a reasonable approach to management of discharges from cooling towers that will enable local governments and tower owners and operators to comply with the NPDES Permit requirements for both municipal stormwater systems and point source discharges.

Based on previous staff discussions and correspondence, the HRPDC understands that the SWCB is willing to work with the Commission and its Cooling Tower Subcommittee to develop a General Permit covering cooling tower discharges. The HRPDC, its member localities and its Cooling Tower Subcommittee look forward to the opportunity to work with you in addressing this important issue.

The Hampton Roads Planning District Commission urges the State Water Control Board to give the Regional Policy, including the recommended General Permit careful consideration in the continued

Mr. Richard N. Burton
Page 2
November 18, 1992

development and refinement of the VPDES Program. If you have any questions or need further information, please do not hesitate to contact Arthur L. Collins, HRPDC Executive Director.

Sincerely,

Joe S. Frank
Chairman

JSF:kl

Enclosure



COMMONWEALTH of VIRGINIA
STATE WATER CONTROL BOARD

OCT 27 1992

Richard N. Burton
Executive Director

Post Office Box 11143
Richmond, Virginia 23230-1143
(804) 527-5000
TDD (804) 527-4281

Mr. Arthur L. Collins
Executive Director/Secretary
Hampton Roads Planning District Commission
The Regional Building
723 Woodlake Drive
Chesapeake, Virginia 23320

Dear Mr. Collins:

Thank you for your letter of October 14, 1992, regarding the development of VPDES general permits for cooling tower discharges and construction activity storm water discharges.

The guidance you requested earlier from the State Water Control Board (SWCB) staff relative to cooling tower permitting approaches will be forthcoming in the next few days.

As you suggested, the general permit approach may be the best way to handle permitting of cooling tower discharges. However, at this time we do not know the magnitude of the potential cooling tower systems statewide that may require a permit. Also, the nature of the discharge from the different types of these systems needs to be characterized in detail so that appropriate general permit effluent limitations/controls can be developed to protect the water quality in State waters. We would welcome information from your subcommittee relative to the above issues. If the findings of the subcommittee and the SWCB so warrant, we would welcome your input and assistance in the development of a general permit for this category of discharger.

You have requested that the SWCB provide flexibility to the municipalities in establishing their ordinances prohibiting non-storm water discharges to the separate storm sewer systems. Municipalities must prohibit non-storm water discharges to these systems as described in the federal regulations as a part of the municipal storm sewer permit process. If these discharges are not prohibited, the municipal conveyances are subject to VPDES regulation under sections 301 and 402 of the Clean Water Act. The SWCB will work with the municipalities through the storm water permit program to establish ordinances prohibiting non-storm water discharges to the separate storm sewer systems. However, we can only be as flexible as the federal regulations allow in this regard.

Mr. Arthur L. Collins
Page 2

The SWCB has begun the development of storm water general permits for construction activities. We will be basing our initial drafts of the general permit on EPA's storm water general permit for construction sites that was published in the September 9, 1992, Federal Register (57 FR 41176). Regarding the regulatory overlap of requirements for construction activities, the SWCB requirements are dictated by State Water Control Law and federal Clean Water Act requirements. As you suggested, storm water general permit requirements will be based on the requirements of these regulations. Local, CBPA and Erosion & Sedimentation requirements can be more restrictive than those developed by the SWCB, but we may not relax the requirements of the above regulations. We would welcome your input in the general permit development process as we proceed in the next few months.

If you have any questions or need further clarification, please let us know.

Sincerely,



Richard N. Burton
Executive Director



COMMONWEALTH of VIRGINIA
STATE WATER CONTROL BOARD

Richard N. Burton
Executive Director

P. O. Box III43
Richmond, Virginia 23230-1143
(804) 527-5000
TDD (804) 527-4261

October 30, 1992

Mr. John M. Carlock
Director of Physical and
Environmental Planning
Hampton Roads Planning District Commission
The Regional Building
723 Woodlake Drive
Chesapeake, Virginia 23320

Dear Mr. Carlock:

Thank you for your letter of August 5, 1992, requesting guidance regarding the regulatory treatment of cooling tower discharges to municipal separate storm sewer systems.

Our response to the issues raised in your letter is as follows:

1. The federal storm water regulations (55 FR 47990) require municipalities to prohibit "non-storm water" discharges to the municipal separate storm sewer systems. According to the regulations and EPA's preamble discussion, this includes discharges from cooling towers and non-contact cooling water (such as heating, ventilation and air conditioning (HVAC) water). The only discharges of this nature that are allowed are air conditioning condensation water where these discharges are not sources of pollutants to waters of the United States.

Municipal conveyances which continue to accept unpermitted "non-storm water" discharges (other than those excepted by the regulation) do not meet the definition of municipal separate storm sewer and are subject to VPDES regulation/permitting under sections 301 and 402 of the Clean Water Act.

2. The SWCB would regulate discharges from cooling towers and other HVAC systems through the VPDES permitting program, either through individual permits or through a general permit specifically promulgated for this category of discharger.

Mr. John M. Carlock
Page Two

3. Localities do not have VPDES permitting authority. Only the SWCB can issue permits to authorize the discharge of pollutants. Municipalities can only authorize "non-storm water" discharges to their separate storm sewer systems as described in the federal storm water regulations.
4. The general permit approach may be appropriate for this class of discharger. It may be possible for the SWCB to work in conjunction with the municipalities in the identification of dischargers and coordination of the general permit for such discharges. The permits would have to be issued by the SWCB, but it may be appropriate to use the municipal storm water permitting program/process to assist with this permitting.
5. Cooling tower permits and/or general permits would be issued and enforced by the SWCB. I am unaware of any liability that municipalities would incur regarding this permitting. However, municipalities should check with their legal counsel on this point to be safe.

Medium and large municipalities will be issued a permit by the SWCB for their separate storm sewer systems. As a part of this permit, municipalities may be required to ensure that all "non-storm water" discharges to their system (other than those excepted by the regulation) are either permitted by the SWCB, conveyed to a sanitary sewer or eliminated.

The general permit approach may be the best way to handle VPDES permitting of cooling tower and other HVAC discharges. At this time we have very little information regarding the number of potential cooling tower systems statewide that may require a permit. Also, the nature of the discharge from the different types of these systems needs to be characterized in detail so that appropriate general permit effluent limitations/controls could be developed to protect the water quality in State waters. We would welcome any information from your subcommittee relative to the above issues. If we decide to proceed with the development of a general permit for cooling tower and other HVAC systems we would welcome your input and assistance.

If you have any questions or need further assistance, please give me a call.

Sincerely,



Burton R. Tuxford
Storm Water Coordinator



COMMONWEALTH of VIRGINIA
STATE WATER CONTROL BOARD

Richard N. Burton
Executive Director

DEC 11 1992

Post Office Box 11143
Richmond, Virginia 23230-1143
(804) 527-5000
TDD (804) 527-4261

HRPDC
ROUTING
ORIG. *ME*

Mr. Arthur L. Collins
Executive Director/Secretary
Hampton Roads Planning District Commission
The Regional Building
723 Woodlake Drive
Chesapeake, Virginia 23320



Dear Mr. Collins:

Thank you for your letter of November 18, 1992, requesting information and guidance relative to the VPDES storm water permitting program.

The Board received several thousand VPDES storm water permit applications in the form of individual applications and General Permit Notices Of Intent from industrial facilities in Virginia to satisfy the federal October 1, 1992 deadline. We are in the process now of reviewing and cataloging these applications and forms. In the near future, the application data will be entered into a computer database. When this is complete, we will be able to provide the lists of applicants you have requested.

The Virginia Department of Transportation (VDOT) has submitted VPDES storm water permit applications for each of their covered industrial activities statewide. Highways are not a covered industrial activity under the federal regulations. EPA has suggested that state highway departments submit applications as "co-applicants" where they have responsibility for road systems within municipalities that are required to file storm water permit applications for their municipal separate storm sewer systems. However, the Board has made no decision on this matter. We will be discussing this proposal with VDOT in the near future.

The Board has made no provisions for funding to localities for construction and/or operation of storm water facilities necessary to meet the requirements of the VPDES storm water permitting program. It is not known, at this time, if the State Revolving Loan Fund can be expanded to include funding for storm

Mr. Arthur L. Collins
Page Two

water management facilities. We appreciate the suggestion and will look into this possibility as part of the storm water permit program development.

If you need further information or assistance, please contact me.

Sincerely,



Richard N. Burton
Executive Director

cc: Mr. Burt Tuxford, OWRM/SWCB



COMMONWEALTH of VIRGINIA
STATE WATER CONTROL BOARD

Richard N. Burton
Executive Director

DEC 14 1992

P. O. Box 1143
Richmond, Virginia 23230-1143
(804) 527-5000
TDD (804) 527-4261

Mr. Joe S. Frank, Chairman
Hampton Roads Planning District Commission
The Regional Building
723 Woodlake Drive
Chesapeake, Virginia 23320

Dear Mr. Frank:

Thank you for your letter of November 18, 1992, regarding the HRPDC Cooling Tower Policy and the development of VPDES general permits for cooling tower discharges.

The SWCB acknowledges that there is a potential problem with unpermitted discharges from cooling tower systems throughout the State. The Board also agrees that the general permit approach may be the best way to handle permitting of many of these discharges. However, we are not in a position at this time to develop such a permit in the immediate future.

As we stated in our letter to Mr. Collins on October 27, 1992, presently we do not have any information regarding the magnitude or potential water quality impacts from cooling tower systems. The nature of the discharge from the different types of these systems needs to be characterized in detail so that appropriate water quality based effluent limitations can be developed and evaluated. We would welcome information from the PDC and the Cooling Tower Subcommittee relative to the above issues.

If the Board decides to proceed with the development of a general permit for cooling tower discharges, we would welcome the PDC's input and assistance in the process. If we can be of further assistance, please let us know.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard N. Burton".

Richard N. Burton
Executive Director

NOAA COASTAL SERVICES CTR LIBRARY



3 6668 14111721 0

