

Meeting Summary

- 1) Permitting process improvements / Streamlining options – Generally a topic for the Permit Issues Forum (PIF). Have monthly meetings with other dischargers.
 - a) WQCD participated in a LEAN event. General permit focus. Individual permits take all permitting options into account.
 - b) Any sort of meeting or informal comment period prior to public notice is a non-starter. WQCD upper management concerned about maintaining transparency. Practices WQCD is willing to do include:
 - i) WQCD currently participating in meetings with permittee post-public notice.
 - ii) For mining operations WQCD conducts an onsite visit.
 - iii) Can take phone calls to discuss operations.
 - iv) Publish the water quality assessment and stated this can be done prior to public notice (in summary form).
 - c) Completing online applications. Beginning with general permits. Will eventually move to individual.
 - d) Develop a priority permit list for issuance. This is what the WQCD works off of. However, permit modifications that allow an operation to start or an operation to continue can take precedence. Need to contact WQCD in these situations to let them know it is causing operational problems.
 - e) Preliminary Effluent Limits (PELs) are not encouraged for industry.
- 2) Application of downstream standards
 - a) Regulations clarified during last review of Reg. 31 Basic Standards to ensure consistency with the 2015 Federal EPA Water Quality Standards Rule.
 - b) WQCD stated this is not a new policy. It has just been applied inconsistently.
 - c) Oil and gas operations have been conducting drainage studies on ephemeral drainages to see how far the water travels downstream. It was a substantial distance in some cases.
 - d) WQCD is permitting for a worst-case scenario. Permittees should account for this and be proactive rather than reactive.
 - e) All of this information must be submitted into the administrative record.
 - f) Is there a dilution factor that can be used as a rule of thumb?
- 3) WET testing: This is also a potential topic for the permit issues forum.
 - a) Intermittent discharges can qualify for acute vs. chronic WET.
 - b) WQCD would be willing to discuss options with EPA Region 8 if they are open to changes. Contact Ray Lorenzo.
 - c) WQCD still considers failures due to ionic imbalance as a true failure. In some cases there may be operational reasons for the imbalance that can be corrected (example of lime amendments).
 - d) WQCD not currently looking for alternative methods etc. Not enough bandwidth.
- 4) Stormwater:
 - a) WQCD points:
 - i) Considers stormwater a point source under the CWA.

- ii) Small Area Exemptions (SAEs) such as topsoil stockpiles still have Federal ELGs applied to them
 - iii) Sheet flow or other flows (excluding sediment ponds) are not exempt from ELGs.
 - iv) If numeric limits are applied instead, the stormwater requirements can be lessened.
 - b) WQCD believes that these are two separate regulatory requirements (stormwater practice based vs. numeric effluent limits) that must be applied. Suggested looking at Ohio for another state that applies the requirements in this way.
 - c) Currently not amenable to changing how they interpret this.
- 5) WQP-1:
- a) WQCD does not intend to change the policy.
 - b) WQCD considers all waters, including spoil springs, as waters of the state and subject to water quality standards.
 - c) One option that they have given permittees is to compare the influent quality to the effluent limits (which can be higher than the standard).
- 6) Site specific standards:
- a) Used to determine the water quality condition that it is feasible to achieve accounting for natural and anthropogenic impacts. Trying to determine the highest attainable use.
 - b) If the timing of the site-specific standard does not work out (i.e. leaves permittee in noncompliance), temporary modifications can be put in place.
 - c) Discharger specific variances are also an option, but these are not a permanent solution. In a DSV, the discharger is constantly seeking higher water quality as the DSV is revised.
 - d) Checklist for site specific standards available online intended to help focus study.

WQCD may be willing to discuss stormwater and WQP-1 issues further with CMA and DRMS. WQCD to send out summary. Potentially meet to follow up on these issues in more detail and cover topics not addressed.

WQCD has memo out currently for comment on fee bill report and metrics. Metrics to be reviewed and potentially changed with stakeholder process in the Permit Issues Forum.