OWQ Continuing Planning Process (CPP) & Antidegradation Implementation Policy

Stakeholder Meeting #1, June 22, 2020, Afternoon Session

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Division of Environmental Quality (DEQ)
Office of Water Quality (OWQ)
NPDES Permits Section

Continuing Planning Process (CPP) Update

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What Will be Covered in this Session

Significant Differences Between Current and Draft CPP

Significant Changes of Concern to Stakeholders

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Significant Differences between current and draft CPP

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Significant Differences Between Current and Draft CPP

- Format
- Exclusions
- Additions

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Significant Differences Between Current and Draft CPP

Format

- 2000 CPP (Current)
- 2020 CPP (Draft)
- layout of CPP Draft

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Continuing Planning Process (CPP)

Components

- Water Quality Management Program
- Technology-Based Effluent Limitations
- Water Quality Management Plan (WQMP)
- Water Quality-Based Effluent Limitations
- Monitoring and Sampling Requirements
- Whole Effluent Toxicity (WET)
- Public Participation and Notice

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Significant Differences Between Current and Draft CPP

Exclusions

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Significant Differences Between Current and Draft CPP

Exclusions

- Surface Water Monitoring Program
- Reclassification of Arkansas Streams
- Designated Management Areas
- WQS Review and Revision Process.
- Physical Alterations of Habitat
- Justification Required for Substantial and Widespread Economic and Social Impact
- Losing Stream Procedures
- Arkansas Water Quality Standards
- Emergency Operations Plan and Emergency Response Procedures
- Construction Assistance System

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Significant Differences Between Current and Draft CPP

Additions

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Significant Differences Between Current and Draft CPP

Additions

- Non-point source controls
- Watershed-Specific Requirements
- No-Discharge (Land Application and Subsurface) Permits
- Residual management
- Compliance Branch
- Compliance Schedules
- Technology Based Effluent Limits (TBELs)
- Use of Biotic Ligand Model (BLM)
- Stormwater Only Discharge and Short Term Emergency Outfall Discharge
- Reasonable Potential (RP) Multipliers - Coefficient of Variation Table
- Monitoring and Sampling Requirements

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Significant Differences Between Current and Draft CPP

We've just covered inclusions and additions, noting some are due to 40 CFR requirements.

So, what are the 40 CFR requirements?

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CPP: Nine Requirements, per 40 CFR

- The process for developing effluent limitations and schedules of compliance at least as stringent as federal requirements [40 CFR §130.5(b)(1)]
- The process for incorporating elements of any applicable areawide waste treatment plans under §208 and applicable basin plans under §209 of the Act [40 CFR §130.5(b)(2)]
- The process for developing TMDLs and individual water quality based effluent limitations for pollutants in accordance with section 303(d) of CWA and 40 CFR §130.7(a) [40 CFR §130.5(b)(3)]
- The process for updating and maintaining Water Quality Management Plans (WQMP), including schedules for revision [40 CFR §130.5(b)(4)]
- The process for assuring adequate authority for intergovernmental cooperation in the implementation of the State WQMP program [40 CFR §130.5(b)(5)]
- The process for establishing and assuring adequate implementation of new or revised water quality standards, including schedules of compliance, under section 303(c) of the Act [40 CFR §130.5(b)(6)]
- The process for assuring adequate controls over the disposition of all residual waste from any water and wastewater treatment processing [40 CFR §130.5(b)(7)]
- The process for developing an inventory and ranking, in order of priority of needs for construction of waste treatment works required to meet the applicable requirements of 40 CFR §122.44 [40 CFR §130.5(b)(8)]
- The process for determining the priority of permit issuance [40 CFR §130.5(b)(9)]

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CPP: Nine Requirements, per 40 CFR

The process for developing effluent limitations and schedules of compliance at least as stringent as federal requirements

[40 CFR §130.5(b)(1)]

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CPP: Nine Requirements, per 40 CFR

The process for incorporating elements of any applicable areawide waste treatment plans under §208 and applicable basin plans under §209 of the Act

[40 CFR §130.5(b)(2)]

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CPP: Nine Requirements, per 40 CFR

The process for developing TMDLs and individual water quality based effluent limitations for pollutants in accordance with section 303(d) of CWA and 40 CFR §130.7(a) [40 CFR §130.5(b)(3)]

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CPP: Nine Requirements, per 40 CFR

The process for updating and maintaining Water Quality Management Plans (WQMP), including schedules for revision

[40 CFR §130.5(b)(4)]

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CPP: Nine Requirements, per 40 CFR

The process for assuring adequate authority for intergovernmental cooperation in the implementation of the State WQMP program

[40 CFR §130.5(b)(5)]

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CPP: Nine Requirements, per 40 CFR

The process for establishing and assuring adequate implementation of new or revised water quality standards, including schedules of compliance, under section 303(c) of the Act

[40 CFR §130.5(b)(6)]

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CPP: Nine Requirements, per 40 CFR

The process for assuring adequate controls over the disposition of all residual waste from any water and wastewater treatment processing

[40 CFR §130.5(b)(7)]

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CPP: Nine Requirements, per 40 CFR

The process for developing an inventory and ranking, in order of priority of needs for construction of waste treatment works required to meet the applicable requirements of 40 CFR §122.44

[40 CFR §130.5(b)(8)]

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CPP: Nine Requirements, per 40 CFR

The process for determining the priority of permit issuance

[40 CFR §130.5(b)(9)]

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CPP: Nine Requirements, per 40 CFR

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Draft CPP: What Will be Covered in this Session

Significant Differences Between Current and Draft CPP

Significant Changes of Concern to Stakeholders

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Significant Changes from Previous Version of CPP of Concern to Stakeholders

- Reference to the Antidegradation Implementation Methodology (currently in draft)
- Evaluation of reported toxics data sets for reasonable potential
- Use of site-specific hardness values to determine toxic metal water quality criterion for receiving stream
- Use of Whole Effluent Toxicity (WET) testing requirements for short-term stormwater-only discharges to be acute testing
- Addition of use of Biotic Ligand Model (BLM) for site-specific criteria development for copper, cadmium, nickel, lead, silver, zinc, and other BLM metals as available
- Inclusion of guidelines for minimum analytical test method sensitivity and examples of reporting procedures by permittees and evaluations by OWQ

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Significant Changes from Previous Version of CPP of Concern to Stakeholders

Reference to the Antidegradation Implementation Methodology

Introductory Notes and Chapter 1

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Significant Changes from Previous Version of CPP of Concern to Stakeholders

Revision of procedure for evaluation of reported toxics data which uses a table of reasonable potential (RP) multipliers based on 95th percentile probability from EPA Technical Support Document for determining reasonable potential factors for small (10 or less), medium (11-20), and large (21 or greater) data sets based on the number of samples available; as opposed to current procedure of using a single default factor of 2.13 for data sets with less than 20 values and the highest value for data sets with 20 values or greater [Chapter 4.5]

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Significant Changes from Previous Version of CPP of Concern to Stakeholders

Addition of an option to use site-specific hardness values to determine toxic metal water quality criterion for receiving stream of interest; as opposed to ecoregion-based values

Chapter 4.11.1

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Significant Changes from Previous Version of CPP of Concern to Stakeholders

Specification of whole effluent toxicity (WET) testing requirements for short-term stormwater-only discharges to be acute testing instead of chronic testing

Chapter 6.1.3

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Significant Changes from Previous Version of CPP of Concern to Stakeholders

Addition of an option for site specific toxics criteria development using the recently developed Implementation of Biotic Ligand Model (BLM) for site-specific criteria development for copper, cadmium, nickel, lead, silver, zinc, and other BLM metals as available; as opposed to hardness-based metal criteria determination

Chapter 4.10.1.2

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Significant Changes from Previous Version of CPP of Concern to Stakeholders

Addition of guidelines and examples for minimum analytical test method sensitivity and examples of reporting procedures for mixture of non-detect values and detected values

Chapter 4.8.2

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Questions, Comments On Draft CPP

NOTE:

THIS **WILL NOT** BE THE LAST OPPORTUNITY TO COMMENT ON THE DRAFT CPP DURING THESE STAKEHOLDER MEETINGS

Questions, Comments On Draft CPP

- **Designated Stakeholder Representatives:**
  - **Raise your hand** if you'd like to provide an **audio** question or comment. The facilitator will unmute you.
  - Please be sure to **identify yourself and the stakeholder group** you are representing when providing your **audio** or written **comments** (in the Zoom Group Chat)
- All Other Guests:
  - Please be sure you are **properly identified** when providing **written** comments (in the Zoom Group Chat)