

Pollutant Minimization Plan Regulations: Section 4.30.9 of the DRBC Water Quality Regulations

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Background

- ❑ On May 18, 2005, the Delaware River Basin Commission voted unanimously to amend the Commission's Water Quality Regulations by adding Section 4.30.9 entitled Pollutant Minimization Plans for Toxic Pollutants.
- ❑ In addition to adopting the regulations, the Commission also indicated that it desires to achieve a "50% reduction" of aggregate point and nonpoint source (PCB) loads within the next 5 years.

Background

- The rule contains ten subsections:
 1. Section A – Applicability
 2. Section B - Purpose
 3. Section C – Definitions
 4. Section D – Procedures for Submission, Review, Implementation and Continuation of Plans
 5. Section E – Plan Elements
 6. Section F – Annual Report
 7. Section G – Waiver
 8. Section H - Guidance
 9. Section I – Relationship to NPDES Permit
 10. Section J – Reservation of Authority

Background

- Focus on 6 subsections:
 1. Section A – Applicability
 2. Section C – Definitions
 3. Section D – Procedures for Submission, Review, Implementation and Continuation of Plans
 4. Section E – Plan Elements
 5. Section F – Annual Report
 6. Section I – Relationship to NPDES Permit.

PMP Regulations

- Applicability

Following either:

- 1) A determination of assimilative capacity, or
- 2) Issuance of a TMDL by the EPA or a Basin state.

The Commission may add a pollutant to these regulations and may require point and nonpoint dischargers to prepare and implement PMPs.

- Currently only apply to PCBs and Group 1 and Group 2 dischargers identified in the Stage 1 TMDLs.

PMP Regulations

- Also applies to any discharger or class of dischargers that the Commission determines has an “adverse impact” on the water resources of the Basin.
- Definitions
 - “Adverse Effect” – A point or non-point source of a toxic pollutant has an adverse impact if it is causing or contributing to a violation of applicable stream quality objectives or water quality standards in Basin waters for which a TMDL or AC determination has been established.

PMP Regulations

- Procedures for Submission, Review and Implementation:
 - Submission within 90 days of notice.
 - Commencement within 60 days of receipt of a “completeness determination”.
 - Initial Term of Plan – 5 years.
 - Additional term – may be required by Executive Director.
 - Provisions for revisions of plans deemed non-compliant.
 - Enforcement Provisions

PMP Regulations

- Plan Elements:
 - Good faith commitment by high—ranking official.
 - Identification of prime contact.
 - Identification of known and potential sources.
 - Strategy for identifying unknown sources.
 - Description of pollutant minimization measures.
 - Identification of key dates.

PMP Regulations

- Plan Elements (cont.):
 - Requirement for measurement of progress:
 - ✓ Establishment of a loading baseline.
 - ✓ Measurement of mass loadings on a biennial basis.
 - ✓ Additional measures of progress.
 - Requires use of Method 1668A for establishing baseline and measuring reductions.

PMP Regulations

- Annual Reporting Requirement:
 - One year from date of required initiation of plan.
 - Submission to DRBC and State agency.
 - Reporting of incremental and cumulative changes from the loading baseline.

PMP Regulations

- Relationship to NPDES Permit:
 - Issuance of a permit by the state containing requirements to develop, submit and implement a PMP consistent with DRBC regulations.
 - Commission shall cease to administer its regulations upon effectuation of the States requirements.
 - States may require more stringent requirements than the DRBC regulations.