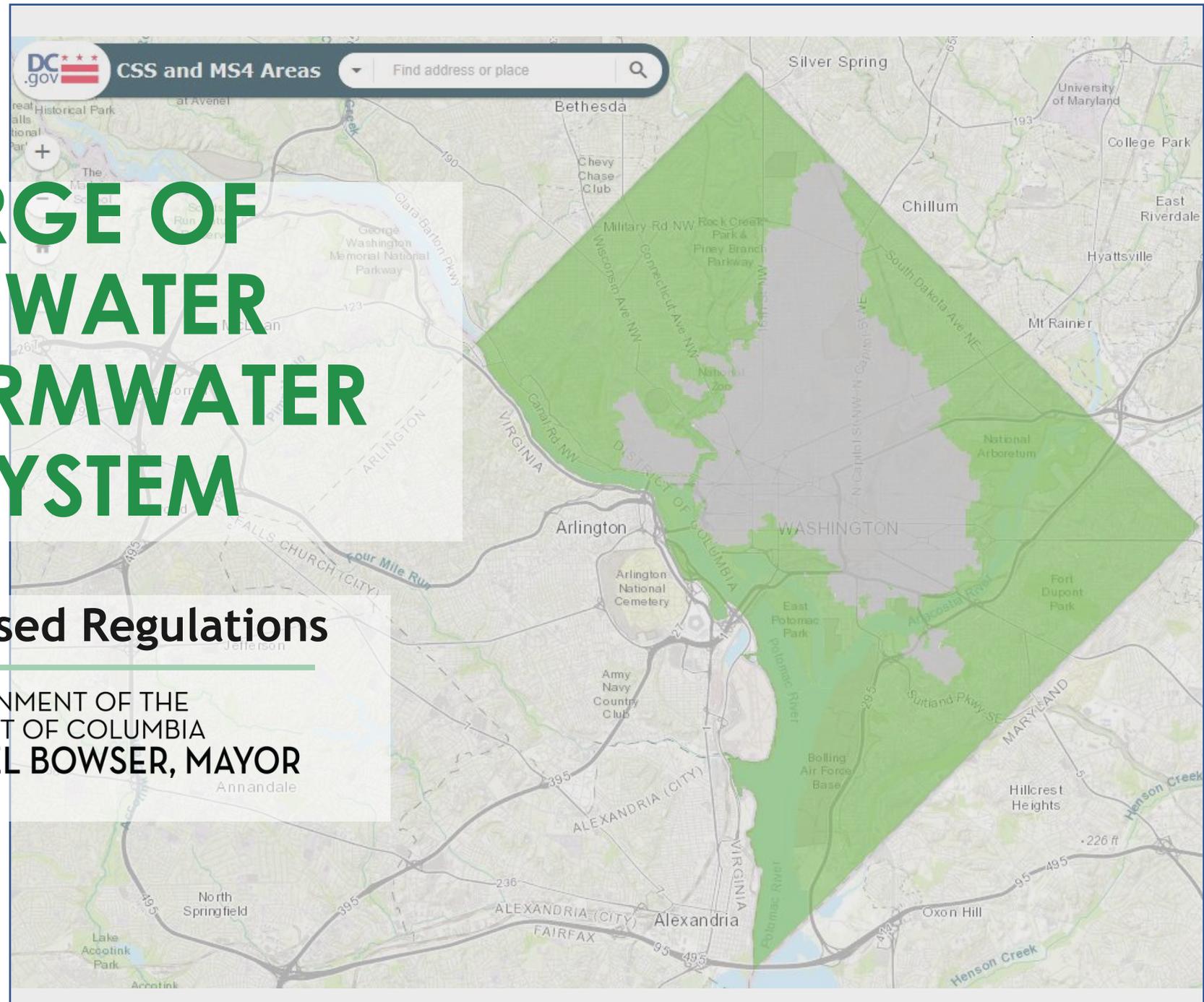


# DISCHARGE OF GROUNDWATER TO THE STORMWATER SEWER SYSTEM

## Overview of New Proposed Regulations



# WHO HAS WORKED ON DRAFTING THE REGULATIONS?

## **Water Quality Division**

- Jeff Seltzer, Ed Dunne, Adion Chinkuyu, Amir Sharifi

## **Inspection and Enforcement Division**

- Joshua Rodriguez

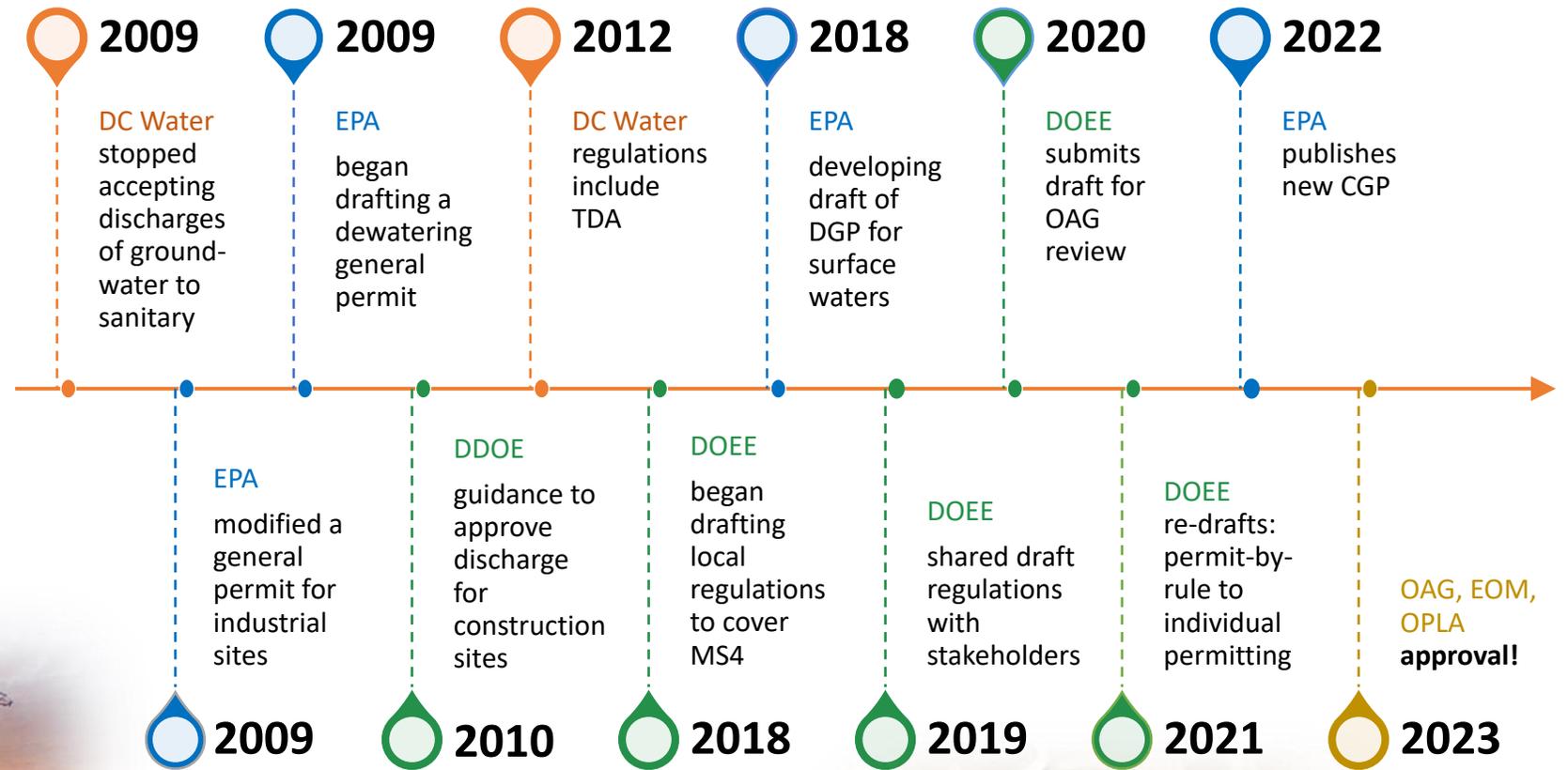
## **Office of General Counsel**

- David Dickman, Kristen DeWire

## **Regulatory Review Division**

- Brian VanWye, Meredith Upchurch, Nick Bonard, Patrick Donohue

# HOW DID WE GET TO WHERE WE ARE TODAY?

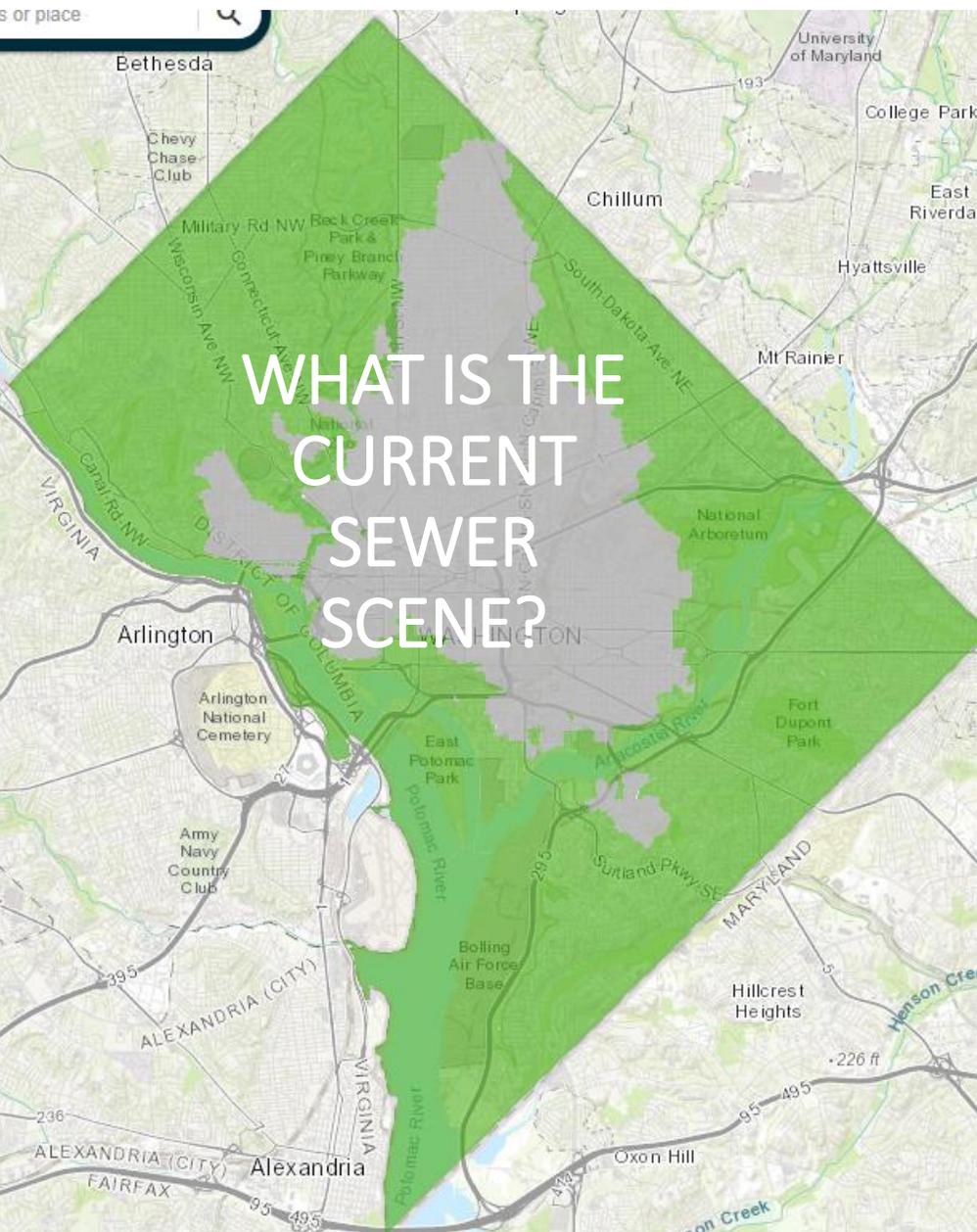


# WHAT IS THE ISSUE AND WHY IS IT IMPORTANT?

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- Construction activities dewater groundwater; all groundwater is potentially contaminated
- DC's MS4 EPA permit prohibits the discharge of contaminated groundwater
- DOEE issues approvals to discharge uncontaminated groundwater to MS4:
  - Not supported by specific regulations
  - Stakeholder concerns





Prospective groundwater dewatering. Where can discharge go?

Are you in the combined sewer system?

Apply to DC Water for authorization

Haul off-site

Are you in the separate sewer system?

Apply to DOEE for discharge authorization to the MS4

Haul off-site

Apply to DC Water for authorization to discharge to the sanitary sewer

# STAKEHOLDER CONCERNS ABOUT THE APPROVAL PROCESS TO DISCHARGE TO THE MS4

No specific regulations  
support the guidance

Pathway to approval is not predictable

Process is too onerous

# THESE SPECIFIC REGULATIONS WILL:

(1600 Purpose and scope)

- Establish a local approval process to discharge groundwater to the MS4
- Ensure compliance with District and Federal requirements
- Be the result of stakeholder input via a public process

NPDES Permit No. DC0000221

## AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §§ 1251 *et seq.*

Government of the District of Columbia  
The John A. Wilson Building  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

is authorized to discharge from all portions of the municipal separate storm sewer system owned and operated by the District of Columbia to receiving waters named:

Potomac River, Anacostia River, Rock Creek and stream segments  
tributary to each such water body

in accordance with the Stormwater Management Program(s) dated January 22, 2016, subsequent updates, and related reports, strategies, effluent limitations, monitoring requirements and other conditions set forth in Parts 1 through 8 herein.

The issuance date of this permit is: May 23, 2018.

The effective date of this permit is: June 22, 2018.

This permit and the authorization to discharge shall expire at midnight, on: June 22, 2023.

Signed this 23 day of May, 2018.

  
Catharine McManus, Acting Deputy Director  
Water Protection Division  
U.S. Environmental Protection Agency  
Region III

# EXEMPT OR ALTERNATE DISCHARGES

(1601 Applicability; 1602 Eligibility)

## Not authorized

- Discharges that require an EPA individual permit
- Discharges to combined or sanitary sewer
- Direct discharges to District surface waters

## Reduced Process

- Discharges from a sump pump, foundation, or footing drain at a 1 or 2 family house



# EXISTING GDAs

(1601 Applicability)

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- Existing buildings and construction projects with Groundwater Discharge Authorizations must apply for a permit within 60 days
  - Will mark the kickoff of our new database
- Failure to do so will result in illicit discharge enforcement



# APPLICABLE UNCONTAMINATED DISCHARGES

(1601 Applicability)

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## Pumped groundwater:

- Dewatering of groundwater during construction
  - Via wells, well points systems, or sump pumps
- Dewatering of utility vaults and underground structures
- Foundation or footing drains
- Incidental stormwater that is commingled with applicable discharges



# APPLICANTS SUBMIT SPECIFIC INFORMATION

(1603 Application)

Application form

Discharge characterization

- Phase I and II reports
- Water quality data of proposed discharge

Discharge authorization fees

# A DATABASE APPLICATION FORM THAT ADDS PREDICTABILITY TO THE PROCESS

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- Contact information
- Site map and discharge points
- Description of hydrogeology
- Description of suspected or known contamination on or adjacent to site
  - Land use history
- Description of the dewatering practice
- List of reports that support application



# INITIAL DISCHARGE CHARACTERIZATION REPORT

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- a) Phase 1 with no contamination (no RECs)
- b) Phase 1 with contamination + Phase 2 that includes analyses of proposed discharge based on Phase 1
- c) Phase 1 with contamination + DOEE-approved characterization based on Phase 1
- d) DOEE-approved characterization



# CHARACTERIZATION SAMPLING

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- Three water samples must be collected from water quality monitoring wells or a frac tank
- Methods must comply with 40 C.F.R. Part 136
- If results of analyses exceed limits, treatment plan is required



# DISCHARGE AUTHORIZATION FEES

(1613 Discharge Authorization Fees)

		<b>Fee Schedule</b>			
		No Treatment Required		Treatment Required	
		Residential Sites > 2 Unit, < 10 units	All Other Sites	Residential Sites > 2 Unit, < 10 units	All Other Sites
Construction	Review Fee*	\$200	\$2,000	\$200	\$2,000
	Permit Fee	\$100	\$2,000	\$4,000	\$15,000
	Renewal Fee	\$150	\$1,125	\$1,500	\$6,000
Non-Construction	Review Fee*	\$100	\$2,000	\$100	\$2,000
	Permit Fee	\$100	\$2,000	\$2,000	\$10,000
	Renewal Fee	\$150	\$1,125	\$1,500	\$3,000

# RATIONALE FOR DISCHARGE AUTHORIZATION FEES

## New Discharge Authorization Permitting Program

- Create new program that provide predictable, timely, and user-friendly service

## Additional resources

- **Maintain knowledgeable and experienced staff**

## Improved process and system

- Develop an online database to systematize the application, review, approval, and submittal of monitoring reports

# AFTER REVIEW, DEPARTMENT MAY

(1603 Application)

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Approve	Request	Disapprove	Require
With monitoring and reporting conditions	Additional information Changes to comply with District and Federal Regulations	Disapprove the application	Obtain a separate discharge permit from EPA

# AFTER APPROVAL, SPECIFIC DISCHARGE LIMITS

(1604 Discharge Permit  
Requirements)

## Limits For All Sites

Pollutants	Limit	Approved method
Oil and grease	10 mg/l	1664B
pH	>6.5<8.5	150.2
TSS	30 mg/l	160.2
SVOCs	SWQS	625
VOCs	SWQS	624

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**DISCHARGE LIMITS,  
MONITORING BASED  
ON SITE HISTORY  
AND/OR  
CHARACTERIZATION**

- Petroleum and fuel products
- Pesticides
- Polychlorinated biphenyls
- Polycyclic aromatic hydrocarbons
- Metals
- Dioxins and furans

# MONITORING REQUIREMENTS

(1605)

SPECIFIC, PREDICTABLE, AND CAN BE REDUCED

Phase	Period	# of samples	Description
During construction	< 24 hours	1	
	< 1 week	3	
	> 1 week	1/week	Monthly to quarterly based on compliance
Post construction	Month	1/month	Twice per year based on compliance

## Permittee can request to

- Reduce sampling frequency based on compliance with limits
- Cease monitoring of constituents based on pollutants being non-detects



# SPECIAL CONDITIONS

(1606)

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- Narrative water quality criteria in DC's Water Quality Standards (WQS)
- Use best practices for construction dewatering discharges
- Pumped groundwater is considered uncontaminated if:
  - a) Pollutant levels meet the limits
  - b) Metals (Fe, Mn, Ni, Zn) meet WQS or are treated
- Permittee undertakes a reasonable potential analysis (RPA) to determine if discharge impacts receiving waters.



# REPORTING OF DISCHARGE MONITORING RESULTS

(1607)

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- Submitted via database
- Submitted within 30 days of sample collection
- Notify DOEE immediately if exceedances are present (also can be done via database)
- Submit all collected data
- LUST and VCP sites will have additional reporting requirements

# PUBLIC NOTICE (1608)

## Notice of Intent

- Publish for 1 business day in newspaper; or
- Publish in DC Register

## Comment Period

- Duration flexible, decided by DOEE
- DOEE may request additional info from applicant relating to comments or hearing

## Public Hearing

- Must be requested by public
- If requested, must be held

# MODIFICATION AND TERMINATION

(1609)

## Modify

- If ownership changes
- Change in monitoring
- Change to a treatment plan

## Terminate

- Cease discharge
- Obtain coverage under a separate discharge permit from EPA

Department may terminate a permit if

- Inaccurate information in application
- Requirements violated
- Permittee undertakes a change that was not approved.

# REMAINING CHAPTER SECTIONS

**1610 ENFORCEMENT**

**1611 APPEALS TO THE DEPARTMENT**

**1612 APPEALS TO THE OFFICE OF ADMINISTRATIVE  
HEARINGS**

**1698 APPENDICIES**

**1699 DEFINITIONS**

# EPA CGP

Part 1.2.2(l): New provision/coverage for “Uncontaminated construction dewatering water discharged in accordance with Part 2.4”

- Requires sediment control, turbidity monitoring, and narrative quality standards
- Specifically notes that local dewatering requirements also apply (page 4, footnote 6)

Part 9.3.1(g): Notes specifically that discharging groundwater to the MS4 requires an “authorization” from DOEE

# SUMMARY OF CHANGES



Fees



Public Comment  
Period for each  
permit



Reasonable Potential  
Analyses



Characterization  
requirements based  
on Phase Is (site  
history)



Standardized  
monitoring frequency  
reduction criteria



Database

# THANK YOU



DEPARTMENT  
OF **ENERGY &  
ENVIRONMENT**

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 **WE ARE  
WASHINGTON  
DC** GOVERNMENT OF THE  
DISTRICT OF COLUMBIA  
**MURIEL BOWSER, MAYOR**