M E M O R A N D U M

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION OF WATER

OFFICE OF WATER RESOURCES MANAGEMENT

SUBJECT: **OWRM Program Guidance Memorandum No. 93 - 029 Procedures for Implementing the Toxics Management Program**

TO: **Regional Directors**

FROM: **Larry G. Lawson, P. E.**
Director, Office of Water Resources Management

DATE: **December 20, 1993**

COPIES: **Bob Burnley, Alan Anthony, John Roland, David Paylor, Martin Ferguson, Ron Gregory, Regional Office Water Resource Managers, OWRM Permit Staff**

As you know, the day to day operations of the Toxics Management Program are being moved from OWRM to the Regional Offices. The first regions to take over the program have been Tidewater and Piedmont. Two OWRM-TMP staff members transferred to those Regions effective August 1, 1993. They have taken the OWRM-TMP files for the TMP facilities in their regions. The responsibility for the Toxics Management Program is delegated to the remaining four Regional Offices effective January 1, 1994. Please contact Richard Ayers or a member of the OWRM-TMP staff to arrange for the transfer of the TMP files for your region.

Attached is the guidance that the Regional Offices should use in the processing of VPDES Permits to include the toxics management program. This guidance has been prepared to assure compliance with the Permit Regulation (VR 680-14-01) and the Toxics Management Regulation (VR 680-14-03). As you know we have issued Notices of Intended Regulatory Actions to adopt a VPDES Permit Regulation (VR 680-14-01:1), to repeal the Permit Regulation, and to repeal the Toxics Management Regulation. The VPDES Permit Regulation, as proposed, will make some changes in the Toxics Management Program as it is currently being administered. Thus, upon adoption of the VPDES Permit Regulation and repeal of the other regulations we will be making some changes in the attached guidance. In addition, as we update the VPDES Permit Manual in the future we may be including the attached guidance in that Manual. In the interim period you should use the attached guidance in processing VPDES Permits.

We believe that the attached guidance is fairly comprehensive and should respond to the majority of the questions that you may have regarding the toxics management program. The headquarters staff will be visiting each regional office to go over the guidance and answer questions on the toxics program. We will contact each office individually to arrange a convenient time for this meeting.

OWRM-TMP will maintain a staff of three to provide guidance and assistance to regional permit writers during this transition period and thereafter. The headquarters staff will continue to review the TMP portion of the nondelegated permits. Until further notice, all permits with toxic management programs are to be considered nondelegated. Every permit with a TMP should be sent to OWRM for review. This includes those which otherwise would be considered delegated. Permits for minors which have TMPs will only be reviewed for the TMP content. We believe this is necessary for the short-term in order to assure a smooth transition of the program to the regional offices. Once a reliable track record has been established, the number of permits reviewed by OWRM will be reduced.

OWRM-TMP will also be developing a biological laboratory inspection program in conjunction with the inspection staff and the OERS laboratory staff. We hope to begin conducting these inspections out of headquarters in early 1994. Part of the continuing function of the headquarters TMP staff will be to review and approve the testing protocols submitted by permittees' and commercial laboratories. A list of laboratories with acceptable protocols is being provided to the regions with this guidance and it will be updated periodically.

OWRM will make every effort to make the transition of this program to the regions as smooth as possible. If you have any questions or if there is anything we can do to help in this process please contact Richard Ayers or any member of the TMP staff.

LGL/scj