

1. Pretreatment Ordinance

- What May 5 presentation said:
“Develop pre-treatment state standards for nutrients similar to the approach for toxics. These standards should require the connecting customer (including residential) to maintain a waste stream that is cost-effective and equitable to treat and will not cause WWTP violations or loss of nutrient load allocation capacity. This should be a condition of sewer service availability.”
- The Workgroup encourages the enactment of county and municipal ordinances that limit the load (lbs.) of nitrogen and phosphorus that a customer can deliver to any municipal WWTP. The WWTP would have to have the authority to shut off existing customers if the load goes over the limit. This idea is attractive to the workgroup because the cost of treating the pollutant would be partially borne by the customer.
- The ordinance would be more strict than the language currently in the NPDES rules, which allow the WWTP to stop accepting a customer’s water if it “upsets your system.”
- We understand that the ordinance would have to be done within PSC rules to ensure fair treatment of customers.
- If a customer’s pollutant load over a given period of time went over the limit, and he did not want to be shut off from the WWTP, he would be charged a surcharge high enough to encourage him to treat the water himself, and high enough to contribute significantly to necessary upgrades at the WWTP if the customer continues to deliver the higher loads of pollutant.
- Someone would first have to research what the scientific baseline is for an average standard, since WV doesn’t have N or P water quality standards. Or...the WWTP could set the limit based on what it can reasonably treat with technology that is in place.
- Need to consider what happens if the customer is denied the connection. Is that a license to pollute?
- Sewer use ordinances would be more efficient and less cumbersome to enact than state pretreatment standards.
- We would need to be able to monitor the water coming from the customer for P and N levels. Can we do this, and if so, who bears the expense?
- Might need to combine this with a public education effort that explains why water treatment costs so much.

2. Overlay or planning district

What May 5 Presentation said: “Explore opportunity for regional (less than state-wide) regulatory overlay or planning district. Specifically suggest coordinated land use and improvement ordinances that reduce nutrients or provide fee revenue opportunities.”

- The Workgroup recommends that the state of West Virginia create an overlay or planning district for the Chesapeake Bay watershed portion of West Virginia. This would allow the state to more efficiently plan upgrades to the various county-run WWTPs (right?)
- Other benefits to setting up this structure would include more efficient land use and improvement ordinances related to Bay goals (e.g. use Builders for the Bay standards and/or Department of Highways guidelines for revegetation), more efficient handling of mining permits in the Bay watershed, and more efficient use of the funding that is hoped for from the Bay program in the future (the Chesapeake Bay funding authority).

3. phosphorus ban

What May 5 Presentation said: “Develop nutrient load prevention program through newly proposed and broadened statewide “P Ban” program that would include a broader range of products and a public education component on product choice. This may be a significant issue for facilities with CSO challenges where uncontrolled non-point input gets converted to a point source responsibility.”

Armando’s draft:

- The Workgroup recommends that WV review the potential pros and cons of a phosphorus ban. Thirty states have approved some form of ban, although the extent of such a ban varies from state to state.
- The workgroup recommends that WV review legislation adopted by surrounding states and available scientific data to determine 1) whether a ban on phosphorus containing products will provide noticeable benefit to the state and is in the best interest of the health and safety of West Virginia’s citizens, and 2) if a ban is recommended, the extent of such a ban.

(See more at the bottom of this document)

4. Sewer use ordinances

What May 5 Presentation said: “Create sewer use ordinances that specifically address nutrient reduction and loading prevention requirements.”

(I rolled this into #1 because I thought the group liked this better than the idea of actual Pretreatment Standards.)

5. Biosolids

What the May 5 Presentation said: “Create a coordinated solution for the handling and possible export out of the Bay basin of WWTP biosolids and septage from on-site systems. Consider a multi-county solution and seek beneficial re-use applications.

The Workgroup recommends that biosolids be better tracked and any land application reported to the Bay Program, and that any new, innovative uses of biosolids that avoids land application could be credited. Also, any application on land outside the Bay watershed could be credited, but we recognize that this is not a long-term solution.

Innovative market-building is needed to develop for West Virginia some of the best ideas that are circulating. E.g. Moorefield’s digester, composting/recycling for homes, exporting it to mine reclamation sites further south in WV, or to other nutrient-poor areas, make “designer compost”...

We recognize the need for technical engineers to examine the possibilities, and any hindrances such as the use of alum. We also need a review of current practices and restrictions and a survey of alternative locations for land application (short term). Finally, West Virginia needs to receive credit for accepting biosolids from other jurisdictions, e.g. District of Columbia sending biosolids to Jefferson County.

6. Transparency in nutrient level reports

What the May 5 Presentation said: “Reassess point source sector reporting data and inventory from one year of voluntary N and P DMR reports to create transparent baseline of nutrient loads and facilities.”

7. Septic regulations

What the May 5 Presentation said: "Create on-site treatment system (septic) ordinances within health code or create a management entity with specific responsibility for nutrient discharges (not sure if this is our bailiwick or not ...we agreed the sector was too important to ignore)"

The Workgroup recommends better enforcement by the County Health Departments to ensure failing septic systems are hooked up to sewer service. One option that could be explored is to charge a fee to all septic owners, then have a septic management program. If part of this were to result in more regular pumping of septic systems, then a sludge disposal plan would have to be developed.

The Workgroup requests that they be given credit for taking on these new N and P sources. We recognize that the benefit seen by West Virginia according to the Chesapeake Bay watershed model is positive and negative, since connecting a septic system is considered to reduce N load but also introduce a P load.

Although this issue is complicated, the Workgroup agrees that the load from septic systems must be addressed, since tighter limits on WWTPs might cause new developments to favor septic systems. Also, Berkeley County currently has more septic systems than sewer customers.

8. Nutrient Trading

The Workgroup recommends that nutrient trading be pursued in the Potomac Basin of West Virginia, including the largest number of WWTPs possible to allow for the most opportunities of efficiently upgrading. We recommend calculating the annual average load on a rolling calendar basis, since load reductions are harder to achieve in colder months. We recommend that an association be formed and staffed to determine a fair price for credits, and to administer the banking of credits and the sale of credits. ???

Additional thoughts on the P ban idea:

- The workgroup encourages the enactment of a statewide phosphorus ban, because it would reduce the amount of P that the public consumes and that would require treatment at the WWTP.
- The workgroup recommends that any group taking up this effort should not do it lightly, since there are many considerations:
 - Pro: West Virginia would be making a good faith effort to reduce P use at the source, joining the other states who have enacted a ban
 - Con: phosphates are already absent in laundry detergents sold in WV because of the bans in other states, therefore if our law is like the other states' laws, this would not result in much of a P reduction. Automatic dishwasher detergents can contain as much as 8% phosphate, because they are largely exempt to other states' phosphate bans.
 - The P contribution from other sources like car wash businesses and Laundromats would need to be known so that the ban could be crafted to include or exclude these sources.
 - Lawn fertilizers should also be required to limit P, because in areas of combined sewer overflows, the runoff from lawns is treated by WWTPs.

The workgroup would like to see a targeted public education campaign that advises consumers to use a set of products that have low P and not too many of other chemicals harmful to the environment, and also that advises homeowners to apply P more wisely. Scott's company is already researching this and doing public outreach re: non-P based fertilizer. Perhaps the Chesapeake Bay Program or Foundation have research on this.