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

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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.
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.
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.