

Variance Request & Process

Background

- 2010 Revision to Pollution Control Standards
 - Adopted provision allowing the consideration of variances to Mixing Zone Rule.
 - Mixing Zone Rule includes prohibition of MZs for BCCs (including Hg) no later than Oct 16, 2013.
 - Requires meeting 0.012 ug/L Tot Hg criterion end-of-pipe.
- Recognition that variance process would be appropriate.
 - Concurrently working on a variance process and a variance request.

PPG Variance Request

- Received PPG Application – Sept 30, 2011.
- Made public notification within 30 day window
 - Announcements made on website, press release, several thousand emails, several hundred postcards.
- Public comment period held Nov 1 – Dec 15.
 - Several thousand responses received against a variance.
- Detailed comments received from.....

Detailed Comments

- Greater Cincinnati Water Works
- Ohio Chemistry Technology Council
- Kentucky Waterways Alliance
- Appalachian Mountain Advocates
- Oceana
- West Virginia Rivers Coalition
- Power Industry Advisory Committee (PIAC)
- Ohio Utility Group
- West Virginia Manufacturers Association
- American Rivers/Pennsylvania Clean Water
- Ohio River Foundation
- PA / Ron Schwartz

Comments Summary

- Several thousand emails received voicing concern for granting a variance.
- Too many individual comments to summarize for this presentation.
- Comments posted to the website.
- Hardcopy of comments available at this meeting.

A Few of the Pertinent Details

- Prohibition is effective October, 2013.
- PPG's NPDES permit expires January, 2014.
- ORSANCO's WQ criterion – 12 ng/L (TotHg)
- Current Sources of Mercury:
 - Combined sources/main outfall 009
 - Current limits – 125 ng/L mo avg; 215 ng/L max
 - Current quality 103 ng/L mo avg
 - New limits - 8.8 ng/L mo avg; 20.8 ng/L max
 - Optimized - 55 ng/L

Source Characterization

Sources	2011 Actual, TotHg, ng/L	Optimized, TotHg, ng/L
309 – Mercury Process	11	4
Intake Water (Ohio River)	4	4
Well 56	44	2
Other (historical/unknown)	45	45
Total	104	55
Resulting OR Conc. @ Low flow	1	0.5

This is a “back-of-the-envelope” analysis intended to provide an approximation.

Questions for PPG

- Business ramifications of no variance?
- Business ramifications of eliminating mercury process?
- Approach to ID and eliminate major unknown sources?
- Possibilities for decreasing mercury in the process waste stream (outfall 309 mercury process)?

What's Next?

- Standards Committee makes initial determination regarding disposition of PPG's request.
- A second 45-day public comment period is held.
- A public meeting near the discharge may be held if requested.
- Commission Action.

Hold questions until after PPG's
presentation?

Variance Application Process & Information Request

Request

- Variance Request to state/ORSANCO
- 270 days prior to permit expiration
- Specific information is requested.

Public Notification

- Seek concurrence from affected states
- Public notification within 30 days
- 45-day public comment period

Evaluation & public Comment

- PCS Committee makes initial determination
- 2nd public notification, 45-day comment period & public meeting near discharge.

Final Decision

- Commission consideration at next Commission meeting.

Variance Process (cont.)

- Currently under internal review (PCS Committee).
- ORSANCO is currently following the draft process.
- Process generic to any variance request.
- Process includes:
 - List of information requested.
 - Criteria for variance approval.

Approval Criteria

- Determination of the best effluent quality currently achievable.
- Demonstrate not able to meet standards in absence of MZ, but will meet standards outside MZ.
- Demonstrate no reasonable alternative treatment technologies available to meet standards, nor reduce or eliminate the discharge.
- Submission of plan to evaluate feasibility of meeting standards prior to next permitting cycle.
- Submission of pollutant minimization plan.

Outstanding Questions

- Does variance procedure need public review?
- How is “reasonable” evaluated/determined, particularly regarding economic aspects?
- Should a fee be charged to cover the Commission’s costs to evaluate application?
- Would it be desirable to await finalizing the process until after consideration of the PPG request?

Questions?