Technical Advisory Committee for Amendment to 9VAC25-890 (MS4 Phase II General Permit)
Meeting #5
02/24/17
DEQ Piedmont Regional Office

Attendees –

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MCM 6 – Pollution Prevention and Good Housekeeping

6.iii – Ed (DEQ) asked about the use of the word "municipal" in 6.iii and 6.vi. Suggested these requirements should cover any vehicle, not just municipal vehicles

- Jaime (DEQ) asked the TAC is striking municipal from these requirements would be an issue
- Pam (Army) asked if a military installation has a housing unit, would this requirement apply to individual car washing if municipal were removed
- Dan (Charlottesville) stated that should not be the intent since this MCM is targeted at permittee operations

- Adrienne (JRA) suggested using the phrase “permittee owned”
- John (Christiansburg) stated individual residential/individual car washing is an allowable discharge under, so the example provided by Pam would still be acceptable even if municipal were removed from the language
- John (Christiansburg) agreed that “permittee” might be more appropriate than “municipal.”
    - Jaime agreed because municipal would not apply to non-traditional permittees
- Dan (Charlottesville) and Fran (James City County) stated permittees were unlikely to allow non-municipal vehicles to be washed on municipal properties so removing “municipal” would not have a substantive impact
- Jaime (DEQ) stated that the language will be changed from “municipal” to “permittee”

6.a – Erin (Lynchburg) asked if “fertilizer” should be included along with “pesticide, herbicide” in 6.a since it is referenced in 6.a.vii

- Jaime (DEQ) agreed that “fertilizer” should be included in 6.a

6.a – Norm (NVRC) stated that this language should not include “including, but not limited to.” It is not sufficiently specific

- Jaime (DEQ) stated that these procedures should apply to all municipal facilities, but was not sure how best to capture this
- Norm (NVRC) suggested changing the language to “such as.” He stated it will protect permittees from a potential issue during an audit

6.vii – Ed (DEQ) asked how this requirement applied to permittees that own a golf course, since those are regulated under VDACS

- Jaime (DEQ) stated this is clarified later in the permit

6.a – Dan (Charlottesville) asked about “developing procedures designed” to meet these goals and how compliance will be assessed. If the permittees follows their developed procedures and there is still a spill, but it is followed by a corrective action will the permittee be deemed out of compliance? Is the compliance standard that there are no violations, or will the Department be checking to see if the permittee followed their procedures

- Jaime (DEQ) stated that as long as procedures are followed the permittee is in compliance with this MCM. If a discharge makes it to state water it could still be an unauthorized discharge, but as the Department reviews the issue the fact that the permittee had a procedure in place and followed it will be taken into account
- Mason (DEQ) agreed.

6.a – Norm (NVRC) asked how these requirements will apply to new permittees. How much time to do they have to develop these procedures?

- Jaime (DEQ) stated that there is language earlier in the permit that allows new permittees to develop an implementation schedule
- Norm (NVRC) suggested adding language such as “unless previously approved” to this section to clarify this issue

6.a – Dan (Charlottesville) stated the language should read “high potential to discharge pollutants,” not just “high potential to discharge”

- Jaime (DEQ) stated we may have had this discussion before, but "pollutants" is included in the definition of discharge so that language is somewhat redundant. However, we can add that term back in.

6.d.viii – Jess (UVa) asked if there needs to be hardcopies of the inspection log, of if they can incorporate electronic logs by reference

- Jaime (DEQ) stated electronic copies include by reference would be acceptable

6.d.ix.(3) – John (Christiansburg) asked if this language could be changed to "Estimated Quantity Discharged…" since that more accurately reflects what the permittees will be providing to DEQ

- Jaime (DEQ) stated that change would be acceptable

6.e – Lisa (VAMSA) asked if there are facilities that no longer qualify could they be removed from the requirements under this provision

- Jaime (DEQ) stated that they could and language that makes this clear can be added to this section
- Pam (Army) asked what the mechanism would be for that determination – would the permittee need a certification, memo, etc.
    - Jaime (DEQ) stated having documentation that the permittee evaluated the site and made a determination to remove it from the list of "high priority facilities with a high potential to discharge." Having that as a memo would be sufficient.
- Norm (NVRC) stated that the number of facilities does not change very frequently. Suggested changing this language to either requiring this evaluation as a new facility comes on line or to once per permit cycle.
    - Jaime (DEQ) stated that the concern with changing the requirement to once per permit cycle is that the permittee would not capture something that was brought online in year one of the permit for four full years
- Dan (Charlottesville) stated that the current language says all municipal facilities and suggested changing it to "high priority facilities." He agreed with Norm that that these facilities would already have been reviewed by the permittee and evaluating all facilities again would be unnecessary
- Fran (James City County) stated that this requirement may be duplicative with the annual compliance review in the previous requirement
    - Jaime (DEQ) stated that the previous requirement applies to facilities that have not already been identified
    - Fran (James City County) stated that this requirement will be more of a paper exercise and that there will be no real benefit
    - Erin (Lynchburg) asked if this language would require a separate paper trail for each facility or if the permittee could use a spreadsheet to track everything. She has a spreadsheet that is updated regularly.
        - Jaime (DEQ) stated tracking this information through a spreadsheet would be acceptable
    - John (Christiansburg) suggested changing the language to "new facilities" or "existing facilities with an operational change."

- Jaime (DEQ) asked the TAC if an evaluation is already being done if something changes at a facility
    - TAC agreed that it was
- Jaime (DEQ) asked the TAC about Dan's suggestion to change the language from municipal facilities to "high-priority facilities"
    - Jess (UVa) stated we should be careful about the use of the word "municipal" as it may not apply to all permittees
- Norm (NVRC) stated there should also be language that allows permittees to remove a facility from the list
- Dan (Charlottesville) asked for clarification about how this language will be changed. It will be changed to require permittees (1) review any new facilities, (2) review existing high-priority facilities on an annual basis, and (3) allow permittees to delist a facility
    - Jaime (DEQ) agreed that these are the changes that have been discussed and will be incorporated into the language
- Erin (Lynchburg) asked if by "new facility" we mean a newly built facility, or a redeveloped facility (i.e. new activity at an existing facility)
    - Jaime (DEQ) agreed a wholly new facility and facilities with a change in operations should be captured under "new facility" in this requirement

- Erin (Lynchburg) asked about the October 1st deadline for SWPPP development
    - Jaime (DEQ) stated it is (1) 90 days which matches the industrial permit requirement and (2) coincides with the annual reporting period
        - Erin (Lynchburg) stated that this is busy period for permittees leading up to the Annual Report submission deadline and asked if it could be adjusted
        - Dan (Charlottesville) stated this is a quick turnaround for permittees and asked if it could be extended. In the current permit permittees were given a few years to develop and implement SWPPPs
        - Erin (Lynchburg) suggested changing the SWPPP development deadline "end of the next permit year"
        - Jess (UVa) stated there is a substantive difference between MS4 permittees and industrial permittees, so it does not make sense to match these requirements
        - Doug (GKY) stated they gave permittees a longer time in the last permit because it allowed permittees to incorporate the SWPPP development into their budgets

6.f

- Erin (Lynchburg) asked if this requirement means the permittee will have to review every SWPPP after every discharge i.e. if there is a discharge on site A, does the permittee need to review the SWPPP for sites A->Z or just the SWPPP for site A.
    - Jaime (DEQ) stated that was not the intent
    - John (Christiansburg) suggested changing that language to "any SWPPP"
    - Jaime (DEQ) suggested changing the language to read "the site specific SWPPP in case of the following.
    - Allan (DEQ) suggested changing 6.f.i to "…or spills subject to a SWPPP."

- Erin (Lynchburg) asked how requirement 6.f.ii differs from requirement 6.d.vi
    - Jaime (DEQ) agreed this is redundant and will remove 6.f.ii
- Brian (Navy) asked if the requirement to review the SWPP will apply to every spill or just recurring issues, how this differs from the annual report review requirement, and what the required time frame is for reviewing SWPPPs after an incident occurs
    - Jaime (DEQ) stated that this review should occur as immediately as possible after the incident. The annual report review would be used to address more substantive changes
    - John (Christiansburg) asked if there are standards for these reviews across industrial SWPPPs
    - Jaime (DEQ) asked what would be a reasonable time frame for a permittee review after a discharge (not a spill that does not reach the MS4 system)
        - Kathleen (DEQ) stated it is a 30 day review period in the industrial stormwater permits for SWPPP reviews
            - Fran (James City County) stated there is a difference between amending a SWPPP and writing a new one. 30 days to amend a SWPPP does not seem unreasonable
        - Jaime (DEQ) asked TAC if 30 days is an acceptable timeframe to review and update a SWPPP
            - Erin (Lynchburg) asked how this review should be documented. Is a page that stated "reviewed "x" date, by "y" person, and "z" change was made" sufficient?
                - Jaime (DEQ) stated this was her expectation
                - Pam (Army) agreed that this would be acceptable and aligns with the way they currently do this work – a log or a few pages are added to the SWPPP.
                - Jess (UVa) also concurred that this matches their current activities
- Erin (Lynchburg) asked if 6.f.i only applies to those spills that reach state waters
    - Jaime (DEQ) stated that this requirement refers to Part III.G of the permit, so it only applies to those unauthorized discharges, releases, or spills that reach state waters

6.g

- Jill (HRPDC) asked if the intent of this language is to require permittees to have a hardcopy binder on the shelf or would an electronic version of this information be acceptable?
    - Jaime (DEQ) stated that as long as employees can access the information it is an acceptable format
    - Pam (Army) stated in her experience DEQ inspectors expect a hard copy to be available. If that will no longer be necessary we need to make sure we communicate that to our inspectors
    - Mason (DEQ) stated that whichever method works better operationally for the permittee should be acceptable. Regardless, it should be centrally located and accessible

        - § Jill (HRPDC) asked if there should be a master and what to do if there are other hard copies
            - Jaime (DEQ) said they should be clearly marked as copies
        - § Jess (UVa) stated that their SWPPPs are located on a website. Anyone can access the SWPPPS on the website and it is updated as needed
    - Fran (James City County) suggested retaining flexibility in the language. There may not be internet access on every site
        - § Jaime (DEQ) agreed – the language should focus on accessibility for users
    - Pam (Army) agreed that retaining this flexibility is acceptable, but reiterated it should be made clear to inspectors that either version is acceptable
    - Jill (HRPDC) suggested changing the language to "the SWPP should be kept" and removing "a copy of" for clarity
        - § Jess (UVa) suggested changing the language to read "maintained as a hard copy or in an electronic format"
        - § Fran (James City County) agreed with this change

6.h

- Jaime (DEQ) stated we will review this language to make sure the requirement is clear for new permittees
- John (Christiansburg) asked for clarification about the intent of the term "contiguous"
    - Jaime (DEQ) clarified that the lands had to be touching, and this requirement would not apply to islands of green space in a parking lot
- Erin (Lynchburg) asked about grass establishment at a newly built facility. If it is temporary does that require a nutrient management plan?
    - Jeff (DEQ) stated that the construction permit has a stabilization requirement and that permit should not be released until final stabilization
    - Erin (Lynchburg) asked what should be done if the stabilization is failing and the need to reseed – do they need an NMP?
        - § Fran (James City County) asked if this requirement applies to a temporary, short-term application vs. a recurring application
        - § Dan (Charlottesville) stated the intent was to address continuous application, not intermittent, short-term application
    - Allan (DEQ) suggested putting a period after "Code of Virginia" and eliminating the rest of the sentence
    - Fran (James City County) asked if this needs to be evaluated given the change in state law since this permit was issued

6.k

- Norm (NVRC) stated this language is unenforceable because the contractor is not party to the MS4 permit. Putting this type of language in a contract is prohibitively difficult
- Jill (HRPDC) stated that the way this is written this reads as if it applies to a contractor's own yard. If this is required, wouldn't DEQ just give the contractor an industrial permit

    - Jaime (DEQ) stated that the intent was for this requirement to apply to permittee owned property. It applies to the work contractors do on permittee owned properties. We can add additional language to make sure this is clear.
- Fran (James City County) stated that the issue is the word "required." There are some facilities in the MS4 service area and some outside and this language is as if it would apply to all contractors. This does not have to be added to the contract language.
- Norm (NVRC) stated this issue was addressed in the language that is now the struck 6.j.
- Erin (Lynchburg) asked how the permittee should practically implement this requirement
    - Jess (UVa) stated they have preconstruction project training for their contractors
- Norm (NVRC) stated the permittee is already responsible for what happens on their yard and this requirement is not necessary
- Kathleen (DEQ) stated we have had incidents where a permittee has told us that they are not responsible for a violation on their property because it was a contractor that caused the violation. We want to make clear that argument is not acceptable
- Fran (James City County) stated this language is not necessary and the struck 6.j language should be reincorporated
- John (Christiansburg) stated that the requirement for contractors to follow these procedures could be incorporated into the contract language
    - Erin (Lynchburg) stated this mixes municipal facilities with other projects and would complicate the permittee's contract processes
- Norm (NVRC) stated we had this discussion during the last permit issuance and we ended up with the struck 6.j language. Suggest keeping the struck language and removing 6.k
- Lisa (VAMSA) stated that this language is not in the Phase I permit
- Jaime (DEQ) asked if the TAC felt permittees understand that the struck 6.j language means that contractors on yards will be held to permit standards. It is the facility that is regulated, not the people.
    - TAC agreed that the intent of this language is understood
- Erin (Lynchburg) asked if this language applies to construction activities covered under the construction GP
    - Jaime (DEQ) stated it would
- Lisa (VAMSA) stated she does not believe permittees should be held responsible for third part behavior – if they give contractors instructions and the contractor does not follow those instructions, the permittee should not be held liable
    - Jaime(DEQ) stated that compliance will be determined in part by the program the permittee has in place i.e if the permittee has a training program in place and a follow up program that will be factored into any compliance determination
- Jaime (DEQ) stated the intent of this requirement was to ensure that contractors are following proper procedures and permittees are overseeing that process to ensure good housekeeping requirements are met. We will reinstate the language in 6.j and remove the 6.k language.
    - John (Christiansburg) asked if we can add language such as "appropriate measure could include contract language, training, providing manuals, guidance, etc."

- Brian (Navy) asked for clarification about the permittee's ultimate responsibility under this requirement – is the permittee ultimately responsible for any discharge from their outfalls, not the contractor
    - Jaime (DEQ) stated the intent of the language was to ensure permittees understand this point
    - Allan (DEQ) stated the intent of the permit language is to make sure permittees communicate to contractors that these are the requirements that must be met
    - Ed (DEQ) stated that there have been instances for sanitary sewer overflows where we have taken contractors into enforcement
- John (Christiansburg) asked if any of the TAC members had contract language already in place that addresses these issues
    - Pam (Army) stated they have contract language to address these issues, but it is cumbersome and case-by-case
    - Brian (Navy) stated they have an environmental checklist that covers these issues. Any project that occurs must meet the checklist requirements

6.l

- 6.l.i. – Norm (NVRC) stated that "applicable" should not be struck from this language because it would imply permittees would have to train employees that do not have any proximity to stormwater
    - Jill (HRPDC) asked if we can say "field staff"
    - Jaime (DEQ) suggested making this change to the 6.l prior to "that ensures"
- 6.l.vii – Norm (NVRC) stated they do not train their police departments or fire departments
    - Dan (Charlottesville) stated that their plan states that the fire training and police training are done. Is that acceptable?
        - Erin (Lynchburg) stated that they do the same
        - Norm (NVRC) stated that should be acceptable
    - Jill (HRPDC) suggested adding language that permittees should be required to "document that the employees" have been trained and include certification
    - Jeff has stated that this has come up in EPA inspections before – if the permittee does not have documentation that the training is stormwater oriented, EPA may not deem it sufficient.
    - We will review this language to adjust the language to meet the intent that permittees are not responsible for directly training their fire departments/police departments, but are responsible for ensuring those departments do not negatively impact the system

6.o

- Jaime stated procedures can be included by reference
- Jaime stated we will likely remove 6.o.iv based on the previous conversation

6.p

- Jill (HRPDC) asked if 6.p.v is redundant with requirement 6.m

- Jaime (DEQ) stated there is a difference between reporting and tracking. DEQ does not want to ask the permittee to report something that is not tracked
- Jill (HRPDC) asked if DEQ wants a summary of the events to be submitted
  - Jaime (DEQ) stated that the documents should be maintained

Chesapeake Bay TMDL Action Plan Requirements

Jaime (DEQ) explained that the markups in this section are intended to maintain the spirit of the permit. The language was changed to reflect that by the end of the second permit cycle permittees should have a 40% reduction, instead of an addition 35% for clarity.

Part II.A

- Peggy (CBF) asked about proposal to remove the unenforceable text under Part II.A and placing it in the fact sheet. Requested that we leave the text in the permit. It provides context in the permit about what the 40% means. Does not appear to be any downside to keeping it in the permit
  - Jaime (DEQ) clarified that the L2 information is included elsewhere in the permit, but we will keep that in mind
  - Dan (Charlottesville) also requested we retain this language. It offers context and reiterates DEQ's commitment to the phased reductions approach, which provides assurance to permittees
- Ginny (ASCE) asked to include information that the 40% required reduction is the 5% + 35% required reduction discussed in the current permit. Suggested either adding a sentence to the first paragraph or adding a 5% column to the table to make it clear for everyone looking at the permit
- James (DEQ) said out intent is to honor that commitment and document it in the Phase III WIP. The intent is for any shortfall to meet the 2025 commitment to be made up through the wastewater sector exceeding their requirements
  - Adrienne (JRA) asked for clarification about whether the wastewater sector exceeding its requirements just apply to TN and TP and not TSS
    - James (DEQ) stated that was correct
    - Peggy (CBF) asked if DEQ was backing away from its commitment to meet the TMDL by 2025 and if permittees will be required to procure credits to close the gap
      - James (DEQ) stated whether we will have to require permittees to purchase credits or if the exceedance will cover the gap has not been determined

Part II.A.2 – Reduction Requirements

- TAC suggests changing "effective" to "expiration"
- Peggy (CBF) asked if it would make sense to incorporate the text in Part II.A.8 into this section instead of having it in a separate section

Calculation Tables

- Norm (NVRC) stated he preferred the tables in the last permit
    - Fran (James City County) asked why the decimal is drawn out of five places in the table
        - Norm stated that the value was drawn out beyond two decimal places because otherwise the TP value would have been 0. Stated that having the required reduction values drawn out to 5 decimal point because it implies a level of precision that does not exist
    - Dan (Charlottesville) suggested changing the table to eliminate this problem by having the permittee multiply the reduction by the full required reduction and then 40% (i.e. for urban impervious nitrogen reductions: Existing Acres * Loading Rate * .09 * .4 = required reduction)
        - Lisa (VAMSA) stated this idea was raised to VAMSA. While VAMSA does not have a final position on this proposal, there was no immediate opposition to this idea
- Doug (GKY) asked where the permittee should indicate the pounds they have already implemented practices to reduce
    - Jaime (DEQ) stated this is addressed in 8 and speaks to Peggy's suggestion to incorporate Part II.A.8 into Part II.A.2
    - Norm (NVRC) suggested adding a column for what their first Action Plan did should be incorporated into the table so it is clear what the permittee did and what they need to do
- Alex (Stantec) asked if the "loading" column unit is correct – should be lbs/yr?
    - John (Christiansburg) asked for clarification about this column – should it be the loading as of June 30, 2009
- Jill (HRPDC) asked about the permittees affected by the table title change and whether it is necessary, since it may only apply to Phase Is
    - Jaime (DEQ) stated that there are non-traditionals that discharge to the other basins
- Chris (EEE) how permittees should handle areas that were regulated under the 2000 census, but are no longer regulated under the 2010 census (urbanized area shrunk)
    - Jaime (DEQ) stated we have not discussed or developed a resolution to this issue yet

SPC7 3.

- No Comments from TAC on language in permit
- Jaime (DEQ) raised issue of growth between 2014 – 2019 and how that should be handled. Asked the TAC if a 40% reduction on these projects to keep pace with the final reduction requirements be acceptable?
    - Lisa (VAMSA) asked is this is about grandfathering or time limits of applicability. Jaime (DEQ) clarified it is about time limits of applicability
    - Peggy (CBF) asked if by referring to 40% throughout this permit, does it mean the Department won't take action in the next permit cycle if a permittee does not have a 5% reduction in place?

        - Jaime (DEQ) stated that is not the intent of the language.
- Allan (DEQ) asked if we should consolidate the condition to say all new sources between 09-19 need to meet 40%.
    - TAC had no comment

SPC8

- Norm (NVRC) asked if "is" should be "was" in 4.b.
    - Jaime (DEQ) stated that the change will be made

Table 5

- Alex (Stantec) asked about the utility of this table
    - Jaime (DEQ) explained this table is used to determine equivalent load reduction required with the TP reductions for new sources

Part II.A.7

- Dan (Charlottesville) stated for reference the current guidance goes to the 100th place

Part II.A.8

- Ginny (ASCE) asked if this would cover annual reductions, such as nutrient credits
    - Jaime (DEQ) stated our expectation is that the trading would be done indefinitely unless otherwise replace and would therefor meet this expectation

Part II.A.b – Fran (James City County) asked why this text was struck.

- Jaime (DEQ) stated that this information is addressed through guidance and that section is not enforceable. Fran asked if we need the permit to list options for the permittees
    - Kathleen (DEQ) stated the answer is no
    - Lisa (VAMSA) asked if it would be an issue to leave it in
        - Kathleen (DEQ) stated it is not enforceable
    - Fran (James City County) stated she wants to make sure it is spelled out in the permit that permittees can make reductions on unregulated lands
        - Kathleen (DEQ) stated that if it is not specifically barred in the permit, DEQ cannot say that we can't do it
    - Lisa (VAMSA) stated that we provide options elsewhere in the permit
    - Erin (Lynchburg) stated there is no harm in leaving this language in the permit
    - Norm (NVRC) suggested putting this information in the fact sheet
        - Lisa (VAMSA) stated she does not see why it should be taken out. It gives the permittees assurance
        - Fran (James City County) stated the language may be changed to be more direct – i.e. take out "may consider"
        - Dan (Charlottesville) asked about making substantive changes if we keep the language
            - Jaime (DEQ) stated that it may lock us into what is and is not available for permittees to use.

- Dan (Charlottesville) stated that there have been discussions at the WIP III meetings about whether or not MS4 permittees will have to meet baseline on unregulated land moving forward and what we say in this permit may limit permittees if that changes moving forward

Dan asked about the language struck in 3. (Bay TMDL Action Plan Implementation)

- Jaime (DEQ) stated this language is replace by 9
- Dan (Charlottesville) requested we retain the language that tells permittees that they are meeting MEP if they are doing the action listed in this section
    - Jaime (DEQ) stated this is addressed in Part I.b of the permit

Part II.A.9

- Lisa (VAMSA) asked what the process from the draft action plan due at the time of reapplication to the final action plan will look like
    - Jaime (DEQ) agreed we need to discuss the timing of all of these components
    - Lisa (VAMSA) asked what "up to date plan means." Does it mean on Day 1 of the permit, the permittee will have an updated plan
        - Jaime (DEQ) agreed we need to tweak this language to account for time for permittees to update the Action Plan
- Peggy (CBF) asked about DEQ's approval process for the updated Action Plan
    - Jaime (DEQ) explained that the Action Plan will be a tool like the program plan under the remand rule. The Action Plan will not have to meet the public participation requirement for the permit
    - Peggy (CBF) asked to reincorporate a public comment requirement for the Action Plan. Otherwise it will create an opaque document that the public will not have an opportunity to comment on
    - Jaime (DEQ) stated that the limit in the permit meets the remand rule and the Action Plan is not enforceable under the permit so it will not be subject to the same public comment period as the permit. However, we can include language similar to the language in the current permit requiring an opportunity for the public to provide input
    - Jaime (DEQ) asked the TAC is permittees have had public comment periods in the past
        - Fran (James City County) stated they've struggled with this requirement – they have had a hard time encouraging the public to comment
    - Jaime (DEQ) stated that in a traditional VPDES permit there is no comment period for plans because there is a limit
        - Fred (DEQ) stated that from a process standpoint this is a difficult issue. If we make the Action Plan and Program Plan enforceable documents, the regulatory process will become very burdensome
        - Jaime (DEQ) stated that if we have to public notice Action Plans, we cannot issue permit coverage until that process is complete

    - Peggy (CBF) stated that the result of the new permit cannot be less transparency
- Pam (Army) stated "Watershed" should be removed from "Chesapeake Bay Watershed TMDL…"
- Jess (UVa) suggested 9.a should be updated to include "policies" for non-traditionals
- Jaime (DEQ) stated 9.vi is meant to address BMPs implemented during the first permit cycle.
    - Pam (Army) suggested changing the language to "for those BMPs completed during the 2013-2018 permit cycle."
    - James (DEQ) suggested including language that ensures the BMPs are "verified"
- 9.d – Jaime asked if this information is best provided here or if it should be included with the Annual Report
    - Doug (GKY) stated that this information was required so that localities can go to their elected officials with this information
    - Peggy (CBF) stated that legislators want to know that SLAF is being used in a cost effective way – information can be used for state legislature
    - Dan (Charlottesville) said there is a value in tracking this information, but can be difficult to determine because there projects are wrapped into larger capital improvement projects or are coming from a private project and it can be difficult to extract just the stormwater costs. If we want cost information, we should only ask for "cost to the permittee"
    - Fran (James City County) asked if ancillary items are part of the cost – i.e. retaining wall, replacing pipe infrastructure
    - James (DEQ) suggested that for the information to be useful it should be listed practice by practice instead of a summary, but he is not advocating this requirement be added to the permit
    - Dan (Charlottesville) stated he would like to remove this requirement
        - Erin (Lynchburg) agreed it should be removed from the plan section
        - Jaime (DEQ) asked if it would be overly burdensome to ask for this information in the Annual Report
            - Norm (NVRC) stated this information is complicated – does the permittee include personnel costs, determining which BMPs are incorporated, etc.
            - Erin (Lynchburg) asked if we are asking a total cost or a bid cost
            - Jill (HRPDC) asked if we want to know installation costs, maintenance costs, etc.
        - Norm (NVRC) stated that they are finding the cost estimates done for the first Action Plan are off significantly – supply and demand on contractors is driving prices up
    - Jaime (DEQ) stated that TAC does not appear to think this requirement is useful, asked if that is a correct assessment
        - Adrienne (JRA) stated the information is useful in their advocacy efforts. Peggy (CBF) agreed we need this information to advocate for state funds to support these projects

        - Dan (Charlottesville) stated that he appreciates this perspectives, but it does not need to be in the permit since its unnecessarily burdensome and may not be accurate
        - Ginny (ASCE) agreed that it might not belong in the permit
    - Jaime (DES) stated we will consider removing it but if it has to be included would it rather be in the Action Plan or Annual Report
        - Ginny (ASCE) stated it makes more sense to have it in the annual report
    - Pam (Army) stated that the cost information does not serve the same purpose for Federal facilities, because they do not get funding from the state. Jess (UVa) agreed – state facilities are also ineligible for state funding opportunities
    - Norm (NVRC) suggested that we further consider this and see what the other states are doing
    - Doug (GKY) stated this requirement was put in to help the permittees since it would allow them to take that information to their boards. It is no longer necessary because we have more information
- Alex (Stantec) asked if the location information could be more general in the final permit
    - Jaime (DEQ) stated that would be acceptable

Part II.A.10

- Norm (NVRC) asked if we can change "participation" to "comment"
    - Jaime (DEQ) stated that would be acceptable
- Joni (Alexandria) when this public comment period should occur since the report comes with the registration statement
    - Jaime (DEQ) stated that the draft will be submitted with the registration statement and we need to figure out when the final will be due to the department
    - Erin (Lynchburg) stated that by April 1 DEQ will get the registration statement and the draft. Will permittees receive comments from DEQ on the draft before putting it out to public comment
        - Jaime (DEQ) stated that the draft is due because it is required in the current permit, but DEQ is primarily interested in the final document
    - Pam (Army) stated that there was a time limit place on DEQ to review the Action Plans in the last permit and asked if that could be included again
        - Jaime (DEQ) stated we don't regulate ourselves and will not include that requirement moving forward
        - Ginny (ASCE) stated that the 90 day requirement in the last permit came about as a result of EPA, not the last TAC
        - Jaime (DEQ) stated we can specify a time frame that the Department will try to meet in the fact sheet
    - Jaime (DEQ) stated a preliminary goal would be to have the permittees submit the final Phase II Action Plan a year after permit issuance

- Norm (NVRC) stated he has concerns about the Department's expectation for the draft – the draft may be bare bones
  - Jaime (DEQ) agreed that may be acceptable, as long as permittees can finalize the second Action Plan within a reasonable time frame
  - Jaime (DEQ) stated that she agreed with Norm that we need to develop some criteria for what the draft Action Plan will look like and when the final Action Plan will be in place
    - Norm (NVRC) stated that whatever is decided we should send out what needs to be in the draft with the reissuance reminder
    - Jaime (DEQ) stated we will try to get this information about what is required out ASAP to permittees
- James (DEQ) stated permittees do not want to lose a year as the next Action Plan is developed
  - Norms (NVRC) stated the draft plan should be able to include the next 35% of the known lands, but may not be able to include the 2010 census area
  - Jaime (DEQ) stated the draft plan should include the calculations, some estimate of the BMPs, etc that can be refined as part of the final Action Plan
- Erin (Lynchburg) stated that the idea of 12 months to finalize the Action Plan so it is submitted on July 1 should be acceptable

- Erin (Lynchburg) suggested combing requirements 9.e and 10.
  - Jaime (DEQ) stated this change would be acceptable
- Jaime (DEQ) stated we will talk internally about our expectation for the draft Action Plan and the schedule for the final permit and talk about this issue further at a later TAC meeting

12.a

- Peggy (CBF) asked if the intention of the language in 12.a is to refer to BMPs and strategies that are in place. Do the BMPs need to be complete prior to the end of the permit cycle?
  - Jaime (DEQ) stated that is the intent of this language
  - Norm (NVRC) stated that once the contract is complete and the BMP is in the ground – that counts as implemented. Does not have to be functioning at 100%
- Peggy (CBF) asked James how this reporting requirement matches up with the Bay reporting requirements
  - James (DEQ) stated that a BMP should be in the ground functioning as intended before it is "implemented"
  - James (DEQ) asked Jaime if we are just asking for BMPs implemented in that past year
    - Jaime stated that is correct. We will look at this to see if it is redundant with the requirements under MCM 5 to report BMPs to the BMP warehouse
    - James (DEQ) suggested we might want to ask instead for the total pound reductions not the lbs/ac/yr
    - Dan (Charlottesville) stated there is a chance that there will not be a one to one matchup between what is reported in the warehouse and what the permittee is

taking credit for i.e: things reported that are not being used to meet the TMDL, or annual BMPs will not be in a warehouse
    - Jaime (DEQ) suggested changing language to read “BMPs not reported as part of the warehouse”
- Dan (Charlottesville) suggested in 12.a changing pollutants to “pollutants of concern” or listing the three pollutants we are discussing for clarity

OTHER:

- Alex asked about to double check the ratios in Table 5 as it relates to the decimal issues
- Norm asked about the next meeting
    - Jaime stated we will cover Local TMDL and we can send around VDOTs permit as a starting point