Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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David L. Bulova
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director

VPDES General Permit Regulation for Discharges of Stormwater Associated with Industrial Activity
9VAC25-151 – Nutrient Reduction Compliance
Stakeholder Advisory Group Meeting

DEQ Piedmont Regional Office
Training Room
4949-A Cox Road, Glen Allen, VA

Monday, June 22, 2026
10:00 AM

DRAFT MEETING MINUTES

Committee Members Present	
Karen Anderson – Friends of the Shenandoah River	Brent Hunsinger – Friends of the Rappahannock
Joseph Bryan - DEQ	Andrew Parker – Virginia Manufacturers Association (VMA)
Mike Collins – Arlington County WPCP	Christopher Pomeroy – Virginia Association of Municipal Wastewater Agencies (VAMWA)
Trey Davis – Virginia Agribusiness Council	Jaime Robb - DEQ
Tom Dunlap – James River Association	Peter Strutts – Resource Environmental Solutions LLS
Jason Franti - TRS	Shannon R. Varner – Troutman Pepper Locke
Mike Gerel – Chesapeake Bay Foundation	John Westerfield – LaBelle Associates

The following committee members were absent from the meeting: Jamie Brunkow (Alternate for Tom Dunlap) – James River Association; Matt Einsmann – Republic Services; Patrick Fanning (Alternate for Mike Gerel) – Chesapeake Bay Foundation; James Grandstaff – Virginia Nutrient

Credit Exchange Association; Dean Naujoks – Potomac Riverkeeper Network; Jason Papacosma (Alternate for Mike Collins) – Arlington County WPCP;

Technical Support Staff Present	
Nelson Daniel - DEQ	William K. Norris - DEQ
Laura Galli - DEQ	

Interested Parties	
Tim Grove – Houff Corporation	Mark Vigil – Luck Companies
Casey Jenson – Eco-Cap	Brian Wagner - RES
Kateri Simon – Luck Companies	

Meeting Notes

Welcome and Introductions:

Ms. Jaime Robb, Water Operations Division Director, welcomed Stakeholder Advisory Group (SAG) members and members of the public to the Nutrient Reduction Compliance SAG meeting for the VPDES General Permit Regulation for Discharges of Stormwater Associated with Industrial Activity – 9VAC25-151 (Industrial Stormwater General Permit). Ms. Robb thanked everyone for their interest and willingness to attend and participate in this SAG meeting and went over housekeeping items.

After brief introductions, Ms. Laura Galli, the Water Program Coordinator with the DEQ Office of VPDES Permits, reviewed the Meeting Agenda.

Ms. Galli reviewed the role of the SAG. She noted that the role of the SAG is advisory only and that the SAG's primary responsibility is to collaboratively contribute to the scope of the discussions that are in the best interests of the Commonwealth as a whole. The ultimate goal of the SAG is to reach consensus and to make recommendations to DEQ regarding nutrient reduction compliance.

Ms. Galli provided an overview of the Industrial Stormwater General Permit regulation. She noted that the Industrial Stormwater General Permit was issued initially in 2004 based upon EPA's Multisector General Permit (MSGP) and has been updated and reissued every five years since. She noted that 1,236 industrial facilities are currently covered by this permit, which groups them into 21 industrial "sectors." Approximately 790 of these facilities are located within the Chesapeake Bay Watershed and are subject to the Chesapeake Bay TMDL Special Condition.

Ms. Galli provided an overview of the Chesapeake Bay TMDL Permit Requirements and provided summary information for the 2010 Chesapeake Bay TMDLs and WIPs; the 2014 Industrial Stormwater General Permit; the 2019 Industrial Stormwater General Permit and the 2024 Industrial Stormwater General Permit. The initial due date to achieve nutrient reductions

compliance included in the 2014 permit was 06/30/2024. This due date was then extended to 12/31/2025 in the 2024 permit to allow remaining facilities to achieve compliance.

Topics the SAG discussed related to the Chesapeake Bay TMDL permit requirements:

- Reasons for extending the Chesapeake Bay TMDL nutrient reduction compliance due date;
- The basis for the loading rates;
- Whether the loading rates are tailored to any specific industry or sector; and
- Ongoing compliance requirements, including monitoring.

Ms. Galli reviewed the current Chesapeake Bay TMDL Permit Compliance Options in 9VAC25-151-400 E 2.

Ms. Galli noted that more than 100 facilities did not achieve 100% reduction requirements by December 31, 2025 (approximately 13% of the total industrial stormwater GP facilities in Chesapeake Bay watershed). Approximately 30 percent of these facilities are missing data or there is no data on file. DEQ is elevating those facilities through their compliance and enforcement programs.

Following the information presented by Ms. Galli the SAG discussed:

- Whether facilities are out of compliance for TN, TP or both;
- Whether there are trends as to the types of facilities that did not achieve 100% of the reduction requirements, including the size or type of operation or a landscape consideration that is most prevalent in the facilities that did not achieve 100%;
- Why some facilities are still missing monitoring data; and
- Data on facilities that may have been in compliance but have fallen out of compliance for some reason.

Purpose of the Advisory Group:

Ms. Galli reviewed the language of Chapter 1080 of the 2026 Virginia Acts of Assembly (HB952) that lays out the charge to DEQ with the SAG. The legislation:

- Allows permittees to use point source nutrient credits for the purpose of industrial stormwater general permit nutrient reduction compliance for calendar years 2025 and 2026.
- Requires timely and appropriate enforcement actions by DEQ for those permittees that fail to comply with nutrient reductions for calendar years 2025 and 2026.
- Requires DEQ to convene a work group to evaluate and recommend conditions and requirements to most effectively address industrial stormwater general permit nutrient reductions compliance in future calendar years and submit a report summarizing such evaluation and recommendations to the Chairs of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources no later than November 1, 2026.

Staff asked the SAG for their input on the various compliance options that could be used to address the industrial stormwater general permit nutrient reductions in future calendar years as required by HB952.

Ms. Galli reviewed the current methods used for nutrient reductions and/or compliance with wasteload allocations through the various water programs at DEQ.

In response to the request for input, the SAG discussed:

- How many facilities don't meet the TMDLs by other means other than purchasing credits;
- Use of nonpoint source credits versus the use of point source credits;
- The general percentage of use for the various options currently allowed in the Industrial Stormwater General Permit to achieve reduction compliance, and whether various options are preferred;
- How costs and specific regulatory requirements influence the use of compliance options;
- The basis for the Legislation;
- If a facility purchases a credit or trades credits, whether they are still held to some sort of standard / discharge standard; and
- The range of credit costs from markets for point source and nonpoint source credits, purchasing nonpoint source credits in perpetuity, and the possibility of using nonpoint source credits for a term (instead of perpetual).

The SAG members and DEQ Staff discussed the options and alternatives available to determine the reasons and rationale for those 100 facilities that have not reached 100% of their reduction compliance requirements and the possibility of process changes needing to be developed to make this process more efficient.

BREAK FOR LUNCH

After lunch, Ms. Robb noted that during the break staff had generated some data on the categories of facilities that had not achieved 100% of their reduction compliance requirements.

Ms. Robb reviewed the Industrial General Permit Regulation Categories/Sectors from 9VAC25-151 Part IV and approximate number of permits in the Chesapeake Bay issued to each sector for informational purposes and discussion.

Public Input: Ms. Robb invited a member of the public to address the group and to provide his insight to this process. He shared the challenges in applying BMPs at his facility and still not being able to meet nutrient reductions.

The group discussed the concepts of annual credits versus permanent credits and the various options available to permittees for meeting their reduction compliance requirements. Ms. Robb noted that historically the agency has dealt with nonpoint source credits as permanent/perpetual credits.

SAG Discussion and Comments:

- Nonpoint source credits are valuable but you have to create those credits before you can sell them.
- Some facilities continue to work in good faith and incrementally get closer to compliance but just have not made it yet.
- MS4s normally use the whole suite of options but are also trading within their localities.
- Do MS4s have constraints on when credits can be used? MS4a can use point source or nonpoint source credits with no constraints.
- Owners of facilities with two permits under two different regulations (e.g. municipalities with an industrial stormwater general permit and a nutrient general permit/individual permit) should be able to trade with themselves on their own property. Allowance of flexibility should be considered.
- Could point source credits be used for a period of time after calendar year 2026?
- Consideration of "best available technology" for a particular facility and then giving a certain amount of time for that facility to achieve that. Then whatever they could not achieve then allow the use of point source credits to reach their reduction compliance requirements.
- There are not currently BMP solutions for everything, in some instances the use of credits to achieve reduction compliance goals is required. The question is whether the BMP solution is technologically available or economically feasible? Is it practicable?
- Consideration of requiring permittees to implement onsite BMPs and other methods before use of credits are allowed.
- Restrictions on credit use similar to the construction stormwater program (9VAC25-875-610 B).
- Good housekeeping practices need to be taken into consideration.
- Should a different suite of solutions/reactions be considered for those facilities that are really trying to correct their processes so that they can achieve their reduction compliance goals versus those facilities that fail and are not really trying to meet their requirements, the "bad apples"? Should they be treated the same?
- How close are out of compliance facilities to meeting their reduction compliance requirements? What percentage of the total are they failing? Could that gap be filled by the purchase of credits?
- The concept of third-party trading was discussed as a way for a facility to reach that final small percentage that they need but just can't seem to achieve their requirements.

ACTION ITEMS: Items that need to be further evaluated include the use of nonpoint source credits on a term basis or as perpetual credits; the possibility of carrying forward the option to utilize point source credits beyond the 2025-2026 period specified in the legislation; and the potential of using a permittee responsible mitigation option, similar to what is used in the Virginia Water Protection Permit (VWPP) Program to satisfy reduction requirements by the permittee executing projects to generate credits instead of purchasing credits from a bank.

Next Committee Meeting:

The SAG concurred that a second meeting would be needed to continue discussion on options to meet nutrient reductions compliance for future years.

ACTION ITEM: Staff will send out a poll to determine a date for the next meeting.

Adjournment:

Ms. Galli thanked all the members of the SAG for their interest and participation. The meeting was adjourned at 2:53 P.M.

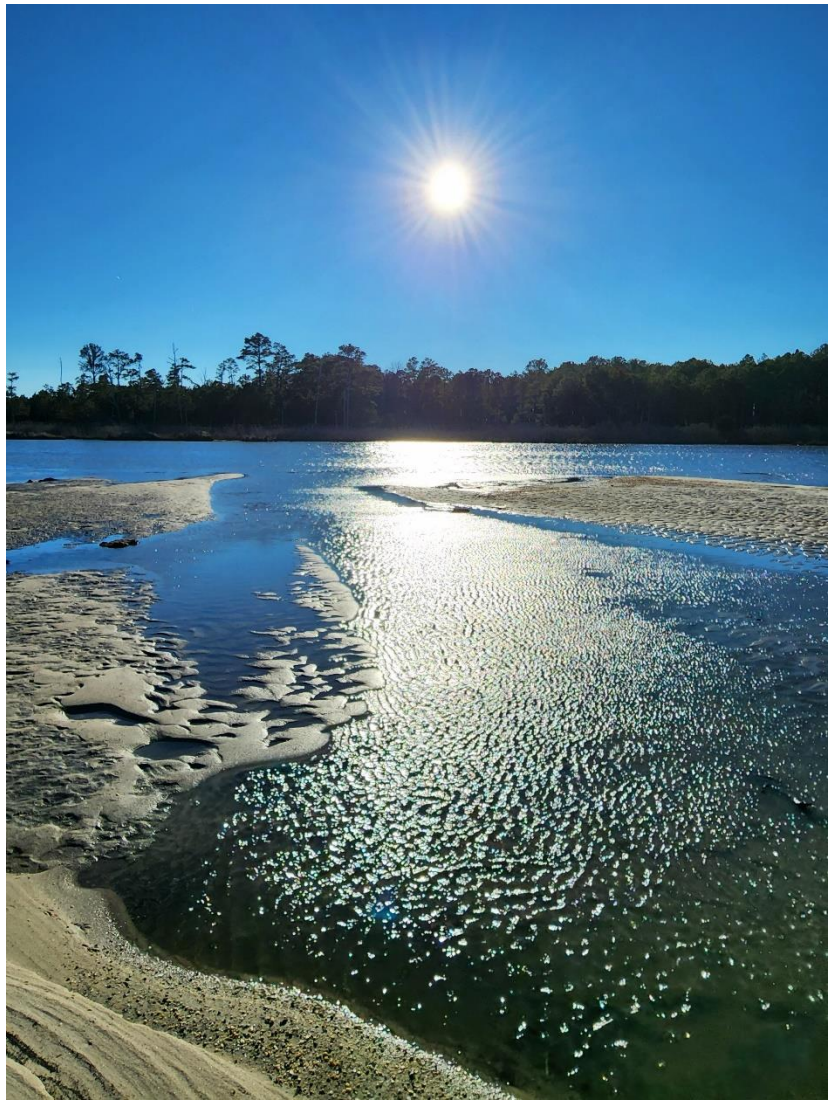
VPDES General Permit Regulation for Discharges of Stormwater Associated with Industrial Activity, 9VAC25-151 – Nutrient Reduction Compliance

Stakeholder Advisory Group Meeting

Laura Galli
Water Program Coordinator
Virginia Department of Environmental Quality
June 22, 2026

Meeting Agenda

- Introductions
- Role of Stakeholder Advisory Groups (SAG)
- Overview of the VPDES General Permit (GP) for Stormwater Discharges Associated with Industrial Activity (9VAC25-151)
- Overview of the Chesapeake Bay TMDL Compliance in the GP
- Purpose of SAG Meeting
- Open Discussion
- Next Steps



The Role of Stakeholder Advisory Groups

The role of the group is advisory only. The group's primary responsibility is to collaboratively contribute to the scope of the meeting that is in the best interests of the Commonwealth as a whole.

The goal of the group is to reach a consensus and make recommendations to DEQ. In the regulatory and public policy arena, consensus is defined as a willingness of each member of the group to be able to say that he or she can live with the decisions reached and will not actively work against them.

Industrial Stormwater General Permit Overview

- The Industrial Stormwater General Permit regulation was issued initially in 2004 based upon EPA's Multisector General Permit (MSGP) and has been updated and reissued every five years since.
- The permit regulation covers a wide variety of industries. Requirements include:
  - General Stormwater Pollution Prevention Plan (SWPPP) requirements (applicable to all facilities)
  - Sector-Specific Requirements
    - Additional SWPPP Requirements
    - Numeric Effluent Limitations
    - Benchmark Monitoring Requirements
  - TMDL Requirements (Local or Chesapeake Bay)

- 1,236 industrial facilities are currently covered by this permit, which groups them into 21 industrial "sectors". Approximately 790 facilities are within the Chesapeake Bay watershed and are subject to the Chesapeake Bay TMDL Special Condition.

DEQ

Chesapeake Bay TMDL Permit Requirement Overview

2010 Chesapeake Bay TMDL and WIPs:

1) Submit a demonstration of compliance with the following loading rates:

TN: 12.3 lbs/acre/year

TP: 1.5 lbs/acre/year

2) Demonstration of compliance due date: 2025

2014 Permit

1) Obtain four samples (collected semi-annually) from all outfalls

2) Calculate facility loading rates (lbs/ac/yr)

3) If necessary, submit a TMDL Action Plan detailing the means and methods and schedule by which facility loads would be reduced to comply with Chesapeake Bay TMDL loading rates

4) Compliance demonstration due date: 6/31/2024

2019 Permit

2014 Chesapeake Bay TMDL permit conditions carried forward.

Compliance demonstration due date: 6/31/2024

2024 Permit

2019 Chesapeake Bay TMDL permit conditions carried forward, with modifications:

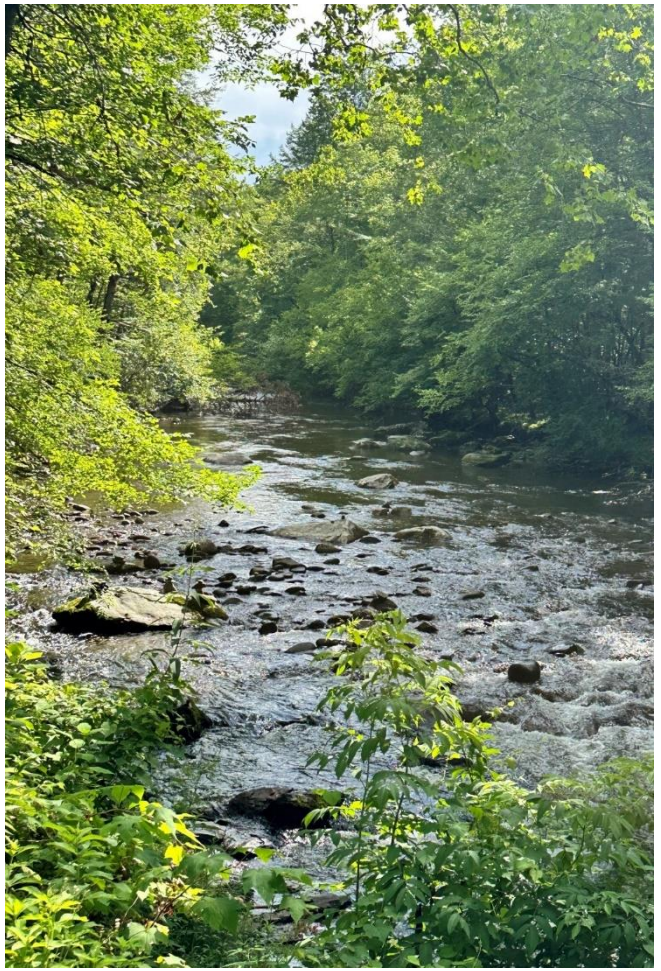
1) Sampling frequency updated to Quarterly

2) Compliance demonstration due date extended to 12/31/2025

DEQ

Chesapeake Bay TMDL Permit Compliance Options

- 9VAC25-151-400 E 2 includes current Chesapeake Bay TMDL nutrient reductions options:
  - Reductions provided by one or more of the Best Management Practices (BMPs) found through the Virginia Stormwater BMP Clearinghouse, or BMPs approved by the Chesapeake Bay Program;
  - Implementation of site-specific BMPs followed by a minimum of four stormwater samples collected to demonstrate pollutant loadings have been reduced;
  - Acquisition of nonpoint source credits certified by the board as perpetual in accordance with § 62.1-44.19:20 of the Code of Virginia.



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Chesapeake Bay TMDL Permit Compliance Status

More than 100 facilities did not achieve 100% reduction requirements by December 31, 2025 (approximately 13% of total industrial stormwater GP facilities in the Chesapeake Bay)

TN lbs/year reductions range	# of Facilities
<10	8
10-100	37
100-500	20
500-1000	2
>1000	7
Missing or No Data	30
Total	104

TP lbs/year reductions range	# of Facilities
<10	38
10-100	25
100-500	6
500-1000	0
>1000	1
Missing or No Data	32
Total	102

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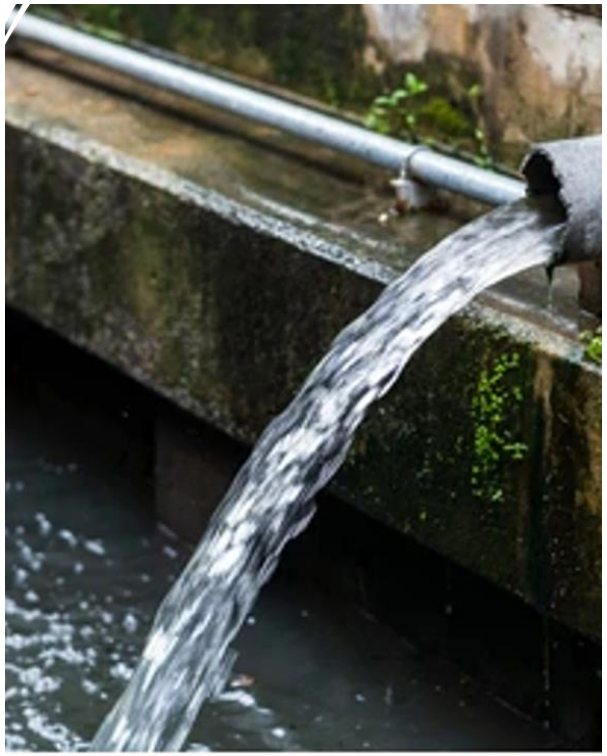
Purpose of Stakeholder Meeting

- Chapter 1080 of the 2026 Acts of Assembly (HB952):
  - Allows permittees to use point source nutrient credits for the purpose of industrial stormwater general permit nutrient reduction compliance for calendar years 2025 and 2026;
  - Requires timely and appropriate enforcement actions by DEQ for those permittees that fail to comply with nutrient reductions for calendar years 2025 and 2026;
  - Requires that DEQ convene a work group ***to evaluate and recommend conditions and requirements to most effectively address industrial stormwater general permit nutrient reductions compliance in future calendar years***, and submit a report summarizing such evaluation and recommendations to the Chairs of the Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources no later than November 1, 2026.



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Sources of Nutrient Reductions and/or Compliance with Nutrient WLAs

Program	BMPs Approved by Chesapeake Bay Program or VA BMP Clearinghouse	Site-specific BMPs	Non-Point Source Credits (§ 62.1-44.19:20)	Point Source Credits	Point Source WLA	Nutrient Offset Fund (§ 10.1-2128.2)	Trading Ratio
Industrial Stormwater GP 9VAC25-151	✓	✓	✓	✓ (2025, 2026)			None Specified
Nutrient GP 9VAC25-820			✓	✓	✓	✓	NPS to PS: 2:1 (1:1 floor)
MS4 GP 9VAC25-890	✓	✓	✓	✓			None Specified
Collection System and Treatment Works Construction / Expansion § 62.1-44.19:21.2 C			✓		✓ Permanent Retirement		TN to TP: 10:1
Construction Stormwater GP 9VAC25-880	✓		✓				None Specified

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Open Discussion

Issues, Concerns or Questions

Ideas, Brainstorming

Next Steps

- Additional meeting needed?
- Report writing and internal DEQ review
- Summary report by November 1, 2026 to the following Chairs:
  - House Committee on Agriculture, Chesapeake and Natural Resources;
  - Senate Committee on Agriculture, Conservation and Natural Resources.

Questions?