



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

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**SUBJECT:** 3<sup>rd</sup> Technical Advisory Committee (TAC) Meeting regarding 9  
VAC 25-820 General Virginia Pollutant Discharge Elimination System (VPDES)  
Watershed Permit Regulation for Total Nitrogen and Total Phosphorus  
Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia

**TO:** TAC Members

**FROM:** George Cosby, Regulatory Affairs

**DATE:** March 7, 2011

**COPIES:** Allan Brockenbrough

A TAC meeting was held on February 17, 2011 at DEQ Piedmont Regional Office. The meeting began at 1:00 PM. The TAC members and others attending the meeting were:

Glenn Harvey	Prince William County Service Authority
Jim Pletl	Hampton Roads Sanitation District
Tony Nobinger	Philip Morris USA
Tom Roberts	Smurfit Stone
Patricia Gleason	USEPA REGION 3
Mark Sauer	DEQ – Tidewater Office
Alison Thompson	DEQ – Northern Virginia Regional Office
Fredrick Cunningham	DEQ – Central Office
George Cosby	DEQ – Central Office
Allan Brockenbrough	DEQ – Central Office
Alan Pollock	DEQ – Central Office
Tomy Busks	VFBF
Adrienne Kotula	James River Association
Jon Roller	Balzer & Assoc.
Mike Gerel	Chesapeake Bay Foundation
Degg Saurer	Chesapeake Bay Foundation
Virginia Kelly	Dominia
Ellen Gilinsky	DEQ – Central Office
Kurt Stephenson (by phone)	VA Tech
Paul Howard (by phone)	Culpeper County

1. Comments and items presented at the meeting were as follows:

DEQ staff reviewed the status of the rulemaking. The State Water Control Board authorized the staff to publish a public notice and hold a public hearing at their September, 2010 meeting. However, the decision was made to hold off on the notices until Virginia completed the Watershed Implementation Plan (WIP) for EPA's Chesapeake Bay TMDL and the TMDL was finalized. Changes to the draft watershed general permit in response to the TMDL were outlined including:

- Phasing in new delivery factors in the final year of the permit so that previously approved compliance plans (including trade agreements) are not impacted.
- Reduced Total Phosphorus (TP) allocations in the York River Basin with a 4-year schedule of compliance.
- Staged implementation of new requirements in the James River Basin in accordance with Appendix X of the TMDL. New requirements include:
  - Reduced Total Nitrogen (TN) and Total Phosphorus (TP) allocations for the HRSD James River Aggregate. The draft permit included a 5-year schedule of compliance for TN and a 1-year schedule of compliance for TP. Appendix X allows for up to a 5-year schedule for the new TP allocation however the HRSD facilities currently meet the reduced TP wasteload allocation. Following the meeting HRSD committed to meeting the reduced TP wasteload allocation as of 1/1/2012.
  - Reduced aggregate TN and TP wasteload allocations for all of the significant facilities in the James River Basin. The aggregate wasteload allocations are necessary to meet the current Chlorophyll-a criteria for the James River and have a final compliance date of 1/1/2023. DEQ will be establishing individual Chlorophyll-a based wasteload allocations in the Phase III WIP in late 2017. DEQ will also be evaluating the current Chlorophyll-a criteria to establish whether or not any revisions are necessary.
- The addition of language allowing DEQ to administratively continue coverage under the watershed general permit if it is not reissued prior to expiration on 12/31/2016.

Discussion by the Technical Advisory Committee addressed the following issues:

- Whether or not to require the initial compliance plans for the reduced wasteload allocations in the York and James basins by 7/1/2012 as drafted or with the first annual compliance plan update on 2/1/2012. It was decided to leave the initial submittal date of 7/1/2012 but to accept early submittals with the 2/1/2012 annual update.
- Whether or not the new TP wasteload allocations in the York basin which are based on a TP of 0.4 mg/l should be allowed the same extended schedule (1/1/2023) identified in

Appendix X of the TMDL for the James River facilities having to make similar reductions. DEQ believes the TMDL includes no provisions to phase in further reductions in other basins.

- Correction of several date discrepancies/typos in the draft changes.
- Concerns that the permit requires certification of TN analytical results to the nearest 0.01 mg/l when some TKN analytical methods are only sensitive to the nearest 0.05 mg/l. NOx analytical methods are generally sensitive to the nearest 0.01 mg/l and the 0.01 mg/l requirement for TN is included in state code.
- As suggested, the Fact Sheet language will address the conversion to new delivery factors.

2. Items presented prior to the TAC meeting for discussion at the meeting were as follows:

- Agenda: Technical Advisory Committee Meeting for Reissuance of the Watershed General Permit – February 17, 2011.
- DRAFT: 9VAC25-820– General Virginia Pollutant Discharge Elimination System Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia. (2/14/11)
- Appendix X. Staged Implementation Approach for Wastewater Treatment Facilities in the Virginia James River Basin

DEQ plans to present the changes to the draft watershed general permit to the State Water Control Board at their April meeting prior publishing a public notice advertisement and holding a public hearing. Final adoption by the State Water Control Board is expected in September, 2011.