

Meeting Minutes
Wednesday, October 15, 2020
Water Quality Management Planning Regulation Amendment
Regulatory Advisory Panel (RAP)
Electronic-only Meeting on GoToWebinar

Members Present: Tim Castillo, Allison Dienes, Frank Harksen, Ted Henifin, Grace LeRose, Scott Morris, Theresa O'Quinn, Andrew Parker, Chris Pomeroy, Ben Shoemaker, Dickie Thompson, Pat Calvert, and Joe Wood.

Members Absent: Jamison Brunkow, James Grandstaff, and Timothy Mitchell.

Other Attendees: Erica Duncan (attending for James Grandstaff) , Anna Killius (attending for Jamison Brunkow) , Melanie Davenport, Drew Hammond, John Kennedy, Allan Brockenbrough, Tish Robertson, Gary Graham, Alison Thompson, Curt Linderman, Clifton Bell, Katherine Bentley, Patrick Bradley, Erica Duncan, Wendy Eikenberry, KC Filippino, Doug Fritz, Steve Herzog, Lawrence Heyd, Anna Killius, Lewis Linker, Amanda Marsh, Jeff McBride, Jim Pletl, Erin Reilly, Peggy Sanner, Kendra Sveum, Chris Tabor, Ashley Toy, Vicenty-Gonzalez, and Gary Williams.

The meeting convened at 9:09 a.m. and adjourned at 11:29 a.m.

1. **Introductions and Meeting Logistics** [Allan Brockenbrough, DEQ]. Mr. Brockenbrough checked in the RAP members and other on-line attendees present for the electronic meeting and introduced the staff members physically present for the meeting in the DEQ training room. Mr. Brockenbrough presented the final Agenda (Attachment 1) and reviewed how the meeting would proceed.
2. **James River Chlorophyll-a** [John Kennedy, DEQ]. Mr. Kennedy presented a summary of all the water quality modeling scenarios (26) run using the revised James River model, now including appropriate climate change factors that have also added to the larger Bay Program modeling framework. The presentation included the latest results from the 9 newest point source nutrient reduction scenarios, which focused on seasonal and geographic application of total phosphorus (TP) controls, and one additional discharge concentration (other than those presented at the last meeting):
 - Isolating above-fall-line and tidal fresh region dischargers.
 - Extending the seasonal application of TP controls, beginning in March or April instead of May.
 - Adding an additional intermediate TP level (0.225 mg/l), instead of 0.20 mg/l and 0.25 mg/l.

These additional 9 scenarios were developed to further test the chlorophyll response to TP reductions that appear to be driving criteria attainment in the critical James Tidal Fresh Lower section of the river. Scenario results showed the percentage of attainment or non-attainment, with only one (Scenario 3M) meeting both the geometric seasonal mean and short duration summer criteria. Descriptions of all the scenarios were provided in the Power Point slides used for the presentation, and all RAP members were told they would also receive the scenario-modified chlorophyll concentration data used for criteria assessment after the meeting.

The presentation ended with a compilation of the 5 scenarios (out of the total 26 run) that attained both sets of chlorophyll criteria. It was noted that while all these scenarios resulted in compliance, the degree of attainment ranged from a low of less than 0.1% up to a high of 28%.

Some RAP members requested additional time to brief their facilities before polling for consensus on the proper scenario to consider in setting new Waste Load Allocations (WLAs). Mr. Kennedy informed the members that due to strict time constraints DEQ needed that input by Friday, October 23rd. An attendee requested a spreadsheet of the individual facility discharge data for all five scenarios that attain the chlorophyll criteria. A member of the RAP requested that an additional model scenario be run, simulating climate change conditions out to 2035. It was explained that, due to the fact that Virginia's Watershed Implementation Plan is keyed to the 2025 TMDL deadline and climate change conditions, this scenario run would not be made. While the results could be informative to longer-range plans to offset climate change impacts, they would not be pertinent to the current rulemaking that addresses waste load allocations necessary to implement the WIP. (Refer to the recording for details of the discussions and questions.)

3. **Industrial Wasteload Allocations** [Allan Brockenbrough, DEQ]. Mr. Brockenbrough reviewed the choice to only use the specific authorities for developing the regulation. Using the specific authority, using the industrial wasteload allocations for closed, soon-to-be-closed, and never-built facilities, sufficient wasteload allocations can be obtained to meet the regulatory requirements. Mr. Brockenbrough reviewed the transfer of WLAs from J.P. Salyards, Plains Marketing, Sustainability Park, Tranlin/Vastly and the Dominion Chesterfield Power Station facilities to the Nutrient Offset Fund. He reviewed a footnote that would allow up to 82,240 lbs/yr of the Dominion TN WLA to be used to accommodate an expansion of the Chesterfield County Proctor's Creek WWTP. He also noted that the former New Kent Chickahominy WWTP WLA was not included in the James River chlorophyll-a modeling runs and would not revert to the Nutrient Offset Fund as previously discussed. (Refer to the recording for details of the discussions and questions.)
4. **Municipal Floating Wasteload Allocations** [Allan Brockenbrough, DEQ]. Mr. Brockenbrough reviewed the proposed changes to 9VAC25-720. The floating WLAs are proposed for municipal facilities ≥ 5 MGD above the fall line and ≥ 3 MGD below the fall line. The floating WLAs are based on a TN concentration of 4.0 mg/l and a TP concentration of 0.30 mg/l with a few exceptions. The Richmond and Lynchburg TN WLAs are based on a concentration of 8.0 mg/l in recognition of significant expenditures those communities face in implementing long term control plans for their combined sewer overflow systems. The Hopewell WRF WLAs are based on a TN of 12.0 mg/l and a TP of 0.50 mg/l in recognition of the unique and highly industrial waste stream treated by the facility. The draft regulation presented reserves the former JH Miles WLA acquired by HRSD for use in fulfilling the District's prior commitments to MS4 systems in the Hampton Roads region and moves the HRSD Chesapeake Elizabeth WWTP WLA to the Nutrient Offset Fund as of January 1, 2023 (following facility closure). The current draft regulation does not include a TP "bridge" for the HRSD facilities to complete

construction of effluent filters without having to acquire credits. Mr. Brockenbrough reviewed what a potential bridge would look like (floating TP WLA based on 0.6 mg/l through 2030). Mr. Brockenbrough then opened the proposals for discussion. (Refer to the recording for details of the discussions and questions.)

5. **Modification of Watershed General Permit** [Allan Brockenbrough, DEQ]. Mr. Brockenbrough reviewed proposed changes to the 9VAC25-820 Watershed General Permit that would be necessary to address any new WLAs in the Water Quality Management Planning Regulation. These include replacing the James River WLAs listed in Section 80 with a list of facilities subject to new floating WLAs or chlorophyll-a based WLAs. The regulation would also be modified to require compliance with the new WLAs by January 1, 2026. Measurement and reporting of reclamation and reuse flows would also be required, where appropriate, so that the floating WLAs could be properly calculated. There was some discussion of drafting the provision so that incentives are provided for beneficial reuse projects (i.e. reclamation and reuse, SWIFT, etc.) but not land treatment or disposal projects. He noted that the modifications to 9VAC25-820 (watershed GP) would proceed with the modifications to 9VAC25-720 (Water Quality Management Planning Regulation) however the general permit modifications would have to be substantially reworked should the State Water Control Board adopt seasonal WLAs for chlorophyll-a in the James River Basin. (Refer to the recording for details of the discussions and questions.)
6. **Next Steps** [Allan Brockenbrough, DEQ]. No further meetings are planned for the Point Source Nutrient Reductions Review Work Group (PSNR Review WG) that reviewed the basis for Floating WLAs, alternatives, and costs. The required report is being drafted, will undergo internal review at DEQ, and then go to Executive Review prior to DEQ submitting the report to the General Assembly. That report will not be reviewed separately by the Work Group. Mr. Brockenbrough will send a revised Alternatives spreadsheet (developed for the PSNR Review WG) to the work group members and will distribute the spreadsheet to the WQMP RAP members also. There are currently no future meetings of the RAP planned.

A [recording of the meeting](#) is available for review on-line.

Attachment: Final Meeting 9 Agenda.

Attachment

Agenda

Water Quality Management Planning Regulation Regulatory Advisory Panel (RAP)
Meeting No. 9 – October 15, 2020, 9:00 a.m.

1. Meeting Logistics
2. Introductions
3. James River chlorophyll-a
4. Industrial Wasteload Allocations
5. Municipal Floating Wasteload Allocations
6. Modification of Watershed General Permit
7. Next Steps