



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

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**SUBJECT:** 2<sup>nd</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:** May 24, 2010

**Copies:** Allan Brockenbrough, Hazardous Water Environmental Engineer

A TAC meeting was held on May 19, 2010 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
Christopher D. Pomeroy, Esq.	Aqua Law PLC
Jim Pletl	Hampton Roads Sanitation District
Tony Nobinger	Philip Morris USA
Rick Parrish	Southern Environmental Law Center
Paul Howard	County of Culpeper
Tom Roberts	Smurfit Stone
Patricia Gleason	USEPA REGION 3
Russ Perkinson	Department of Conservation and Recreation
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
Rick Hill	Department of Conservation and Recreation
Dave Sligh	James River Association
Deva Borah	Woolpert, Inc.
Katie Frazier	Chesapeake Bay Foundation

Comments and items presented at the meeting were as follows:

1. Allan Brockenbrough opened the meeting with a discussion of the draft watershed GP regulation. No revisions had been made since the initial TAC meeting. He followed with the Chesapeake Bay Foundation (CBF) comments and the Exchange comments. Finally, Kurt Stephenson gave a presentation on an evaluation of nutrient nonpoint sources.
2. Comments provided by the TAC members.

Staff presented proposed changes to the “local water quality based effluent limitation” definition provided by CBF. There was much discussion concerning whether or not the definition was needed. Staff will evaluate whether the proposed definition is written in a manner that captures but doesn’t expand the intent of the enabling legislation and the current regulation.

Annual compliance plan updates will be included in the permit as required by law. DEQ does not expect to review and approve the updates once the limitations are in effect. The updates are still very important to The Exchange as the information is needed to determine if there is an adequate supply of credits.

Language was proposed to allow/require weekend sampling when appropriate to obtain representative samples. It was suggested that the language should be clarified to indicate that DEQ approval of weekend monitoring would be required. It was also suggested that DEQ may want to issue guidance on what is “representative”. Some concern was expressed that the wasteload allocations were developed based on historical weekday samples and that maybe the WLAs should be adjusted accordingly. DEQ staff is most interested in accurate characterization of the current loads.

DEQ is continuing discussions with DCLS staff on quantification levels and precision of laboratory analyses.

A request was made that the aggregate facilities submit just one aggregate DMR and not report monthly loads for the individual outfalls and that redundant reporting between the general permit and individual permit be eliminated. The only redundant reporting between the two permits should be monthly average concentrations at those facilities with technology based limitations. DEQ will evaluate the request further.

DEQ staff expects to provide one more draft of the regulation for comment by email before presenting it to the State Water Control Board in September for authorization to go to public notice.

After completing discussion on the general permit reissuance; the committee spent some time discussing oyster aquaculture and algal turf scrubbing operations and whether or not such projects should be eligible to generate nutrient offsets.

3. Items presented at the TAC meeting are as follows:
  - A. 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.
  - B. *An evaluation of nutrient nonpoint offset trading in Virginia: A role for agricultural nonpoint sources?;* Water Resources Research, Vol. 46; Kurt Stephenson, Stephen Aultman, Todd Metcalfe, and Alex Miller
  - C. Jim Pletl recommendations and the basis of the recommendations on the 9VAC 25-820-10 et.seq General VPDES Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake bay watershed in Virginia .
  - D. Executive Order 13508; Strategy for Protecting and Restoring the Chesapeake Bay Watershed (May 12, 2010).
  - E. Mike Gerel of Chesapeake Bay Foundation (CBF) revisions to the new draft watershed permit dated March 30, 2010.
  - F. Agenda: Nutrient Trading Watershed General Permit Technical Advisory Committee Meeting No. 2 – May 19, 2010.
4. The TAC Members have determine that additional TAC meeting are not needed and that further editing of the regulation can be accomplished by email or by telephone.

I wish to thank the TAC members and others for their continued service on the TAC.