



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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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**

**Thursday July 9, 2026
10:00 AM**

DRAFT MEETING MINUTES

Committee Members Present	
Joseph Bryan - DEQ	Andrew Parker – Virginia Manufacturers Association (VMA)
Mike Collins – Arlington County WPCP	Christopher Pomeroy – Virginia Association of Municipal Wastewater Agencies (VAMWA)
Tom Dunlap – James River Association	Jaime Robb - DEQ
Matt Einsmann – Republic Services	Peter Strutts – Resource Environmental Solutions LLS
Mike Gerel – Chesapeake Bay Foundation	Shannon R. Varner – Troutman Pepper Locke
James Grandstaff – Virginia Nutrient Credit Exchange Association	

The following committee members were absent from the meeting: Karen Anderson – Friends of the Shenandoah River; Trey Davis – Virginia Agribusiness Council; Jason Franti – Draper Aden Associates; Brent Hunsinger – Friends of the Rappahannock; Dean Naujoks – Potomac Riverkeeper Network; and John Westerfield – LaBelle Associates

Technical Support Staff Present	
Azra Bilalagic - DEQ	Morgan Emanuel - DEQ
Nelson Daniel - DEQ	Katherine Heitz - DEQ

Interested Parties	
Jon Reller - Ecosystem Services	Brian Wagner - RES
Tim Grove - Houff Corporation	

Meeting Notes

Welcome and Introductions:

Ms. Jaime Robb, DEQ Water Operations Director, welcomed the members of the Stakeholder Advisory Group (SAG) and members of the public to the second Nutrient Reduction Compliance SAG meeting for the VPDES General Permit Regulation for Discharges of Stormwater Associated with Industrial Activity – 9VAC25-151.

After brief introductions and housekeeping items, Mr. Joseph Bryan, VPDES Permit Manager for the DEQ Office of VPDES Permits, reviewed the Meeting Agenda.

Mr. Bryan then covered the purpose of the SAG. Chapter 1080 of the 2026 Acts of Assembly (HB 952) 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.

Mr. Bryan gave a brief review of the information presented at the first meeting. He began by giving an overview of Chesapeake Bay Total Maximum Daily Load (TMDL) Requirements for the Industrial Stormwater General Permit (ISWGP). The program required facilities to submit demonstration that they had complied with loading rates of 12.3 lbs/acre/year for Total Nitrogen (TN) and 1.5 lbs/acre/year for Total Phosphorous (TP). Compliance was to be achieved by December 31, 2025. The regulation originally provided three options for meeting compliance; 1) Best Management Practices (BMPs) from Virginia Stormwater BMP Clearinghouse or approved by the Chesapeake Bay program, 2) Site-Specific BMPs and follow-up monitoring or 3) Purchasing non-point source credits as perpetual.

Approximately 89 facilities have not met their reduction requirements for TN, TP, or both. Of these facilities, approximately 60% need to reduce TN discharges by 1-100 lbs/yr and 27% need to reduce TN discharges by 100-500 lbs/yr. Approximately 90% of these facilities need to reduce TP discharges between 1-100 lbs/yr. Mr. Bryan also shared a chart breaking down permittees by river basin and industry sector.

Mr. Bryan then moved to discussing options proposed at the first meeting. He first noted some considerations for members to contemplate for each option, including whether each would effectively address nutrient reduction compliance in future calendar years, that multiple options may be recommended, that options may only be applicable to a subset of permittees, and that

recommended options would be available to both existing and future permittees. DEQ staff noted that existing facilities could change or modify their facilities and thus count as future permittees.

Option 1: Allow non-point source credits to be used as “term” credits (instead of perpetual) and allow purchase agreements for TN, TP or both. DEQ staff confirmed that nonpoint source credits could be purchased and used as term credits. Mr. Bryan noted that the details/procedures of this approach would need to be fleshed out by DEQ.

Discussion: Mr. Bryan opened the floor to committee members to discuss the first option presented. DEQ staff noted there is a possibility to “rent” TN and TP credits for a period of time under the nonpoint source management program.

Option 1 received broad support from the committee members.

Option 2a: Extend the 2025/2026 annual point source credits option to future calendar years. Require submittal of a report summarizing the means and methods utilized/considered, reductions achieved, and remaining reductions. Some considerations that Mr. Bryan noted were: each situation was likely to be unique, DEQ inspection (if required) would require additional time/resources, engineer/consultant certification (if required) would place additional costs on the regulated community, and the report review would require additional administrative time/resources.

Option 2b: Extend the 2025/2026 annual point source credits option to future calendar years. This would allow for the acquisition of annual point source credits for all facilities regardless of strategies implemented on site, as an ongoing option.

Discussion: Mr. Bryan opened the floor to committee members to discuss options 2a and 2b. Mr. Bryan noted that in each case facilities could purchase credits through the Virginia Nutrient Credit Exchange Association (VNCEA) or enter into private agreements with other facilities located within the same watershed with available credits. Credits could also be purchased for set terms (e.g. purchase agreements for 5 years) to reduce administrative burden.

DEQ staff confirmed that the main difference between options 2a and 2b is that 2b does not require that a report detailing what efforts have been made to meet reduction compliance be submitted to DEQ. A committee member noted that neither option 1 nor 2b requires that facilities accomplish on site reductions before purchasing credits. The purchasing of nonpoint source perpetual credits is currently allowed; this would expand the option to include term credits as well.

Option 2a received moderate support from committee members. Option 2b received divided support from committee members.

Option 3: Allow owners of facilities that are regulated under both the ISWGP and the Nutrient General Permit (9VAC25-820) to apply annual point-source credits generated by the facility under the Nutrient General Permit to their industrial stormwater nutrient reduction requirements. This option would only be applicable to a very small number of facilities.

Discussion: Mr. Bryan opened the floor to committee members to discuss option 3.

Option 3 received broad support from the committee members.

Option 4: Require facilities that have not met reduction requirements to obtain coverage under an Individual VPDES Permit (IP). This would allow a more individualized and tailored approach to nutrient reduction compliance conditions in the permit.

Discussion: Mr. Bryan opened the floor to committee members to discuss option 4. A committee member noted that an IP would allow for trading access on a case-by-case basis and then asked DEQ staff to compare the requirements under a general permit (GP) and an IP. Under a GP, requirements are standard across an industry while an IP allows for more specialized conditions and requirements. IPs generally have much higher application fees, ongoing annual maintenance fees, and take more administrative time and resources to process. IPs are currently available to all facilities. A committee member noted moving to an IP does not increase the number of compliance options available to a permittee, and for this option to be fully effective additional compliance options would need to be implemented. DEQ staff noted that this option would give the agency more discretion in shaping conditions than in a GP, although historically individual permits for industrial stormwater have incorporated the GP requirements. A separate member mentioned the idea that an IP could be a suitable vehicle for enacting option 2a. DEQ staff noted that there is a possibility that the recommendation of the SAG could result in a regulatory change to the GP, and the option would not be limited to just an IP. Committee members discussed the pros and cons of IPs, with one member noting that roughly 90% of facilities had successfully complied with the GP, and that switching the remaining permittees to IP seems like a reasonable solution. There is nothing in the regulation that prevents a permittee from proactively requesting to switch to an IP.

DEQ staff noted that they do not have complete information on why different facilities have not been able to reach compliance, but the facilities that are not in compliance cover a wide range of industries. Because of this, a committee member noted that a general solution might not be the best route. However, it was also pointed out that the approximately 600 facilities that have already demonstrated compliance also span multiple industries.

Option 4 received moderate support from the committee members.

Option 5: Allow permanent retirement of wasteload allocations (WLA) for facilities currently covered under a Nutrient GP. This option is already available for public wastewater treatment facilities that need to offset nutrient loads associated with construction/expansion activities. Facilities would be able to permanently retire part of their WLA to cover for the discharge of nutrient loadings coming from their industrial stormwater activities (with potential TN/TP trading ratios to be determined.)

Discussion: Mr. Bryan opened the floor to committee members to discuss option 5. The committee discussed the possibility of using excess allocation from a treatment plant to satisfy ISWGP requirements, which would need to be permanently retired. A committee member clarified that they would be retired and not transferred to the Nutrient Offset Fund.

Option 5 received broad support from the committee members.

Other Options: Mr. Bryan opened the floor for any additional options SAG members would like to consider. A committee member began by discussing the initial goals of creating the nutrient trading program, the importance of staying close to the original intentions of the program, and the possibility of any inequity towards the facilities that had made the investment to ensure they would be in compliance. He discussed the possibility of utilizing DEQ's enforcement powers to bring facilities into compliance while still ensuring facilities are treated with equity and the goals of the program are honored.

Committee members discussed the possibility of including offsite Permittee Responsible Mitigation (PRM), similar to what is allowed in the Virginia Waters Protection Program, as an option. DEQ staff clarified that including PRMs would constitute an entirely separate option (with the possibility of being included with other options).

They also discussed the possibility that some of the options mentioned could be implemented temporarily, and that the group is not limited to the number of options and recommendations that can be presented, effectively recommending all of the options as an additional alternative. It was reiterated that the overall point of the ISWPGP Chesapeake Bay TMDL program was to foster nonpoint source reductions, and the risk of undermining the progress the program has made. In response, a committee member stated that without more options there would always be facilities failing to comply.

The committee members discussed the possibility of using DEQ's enforcement authority, noting that, due to lack of data regarding why some facilities had not met reduction requirements, this route could be more equitable to the facilities that were in compliance. This also allows the facilities to engage in discussions with DEQ about why they were not in compliance and come up with individual plans to correct this. The possibility of extending the option for facilities to buy credits beyond 2026 to allow for more time to develop a recommendation was discussed.

A committee member noted that, from a big picture perspective, the overall number of reductions still needed was relatively small compared to overall Chesapeake Bay point source nutrient loads. He discussed issues faced during the initial implementation of TMDLs, and the long-term effects that has had on facilities. He expressed the opinion that the goal of the SAG was to find a permitting solution, not focus on enforcement. The committee discussed what the process burden on the state government and the permittees would be, and if it is fair to the permittees in compliance to take the process burden into account when discussing additional options to bring other facilities into compliance. Another committee member noted that the IP existed to serve people who the ISWGP has not worked for. Lastly, it was noted that due to the number of facilities discharging into it the James River, it is disproportionately affected by the amount of nutrients in the river.

DEQ staff were asked to give a brief explanation of the different mechanisms in IP as opposed to an enforcement action. IP's have rigid requirements, and if permittee does not comply there is no easy way to alter the requirements. Enforcement actions have more flexible options to bring permittees into compliance.

Based on the discussion of other options, the committee members offered [broad ???] support for allowing offsite nutrient reduction projects (i.e., PRM), as long as projects could not be double-counted with other permitting programs. Committee members were divided in their support of the idea to make all of the options available for facilities that still need to meet the nutrient reduction requirements.

Public Comment: One member of the public commented.

- He asked, what has DEQ done to proactively identify permittees who fall under the scope of the regulation and are unaware of it? What steps has DEQ taken to inform the business community that certain standards apply, and when deadlines are imminent? He expressed concern about using language like “bringing into compliance” and facilities that have “made the effort,” because not all the permittees have been educated well, and disparaging those that are left implies it was an informed decision not to comply. He suggested that there are probably more facilities that are not in compliance because they are not aware of the fact that they need permits.

Next steps: DEQ staff will prepare a report based on the recommendations from the SAG members, which will be submitted to the chairs of the House Committee on Agriculture, Chesapeake and Natural Resources, and the Senate Committee on Agriculture, Conservation and Natural Resources.

Adjournment:

Mr. Bryan thanked all the members of the SAG for their interest and participation. The meeting was adjourned at 11:46 a.m.



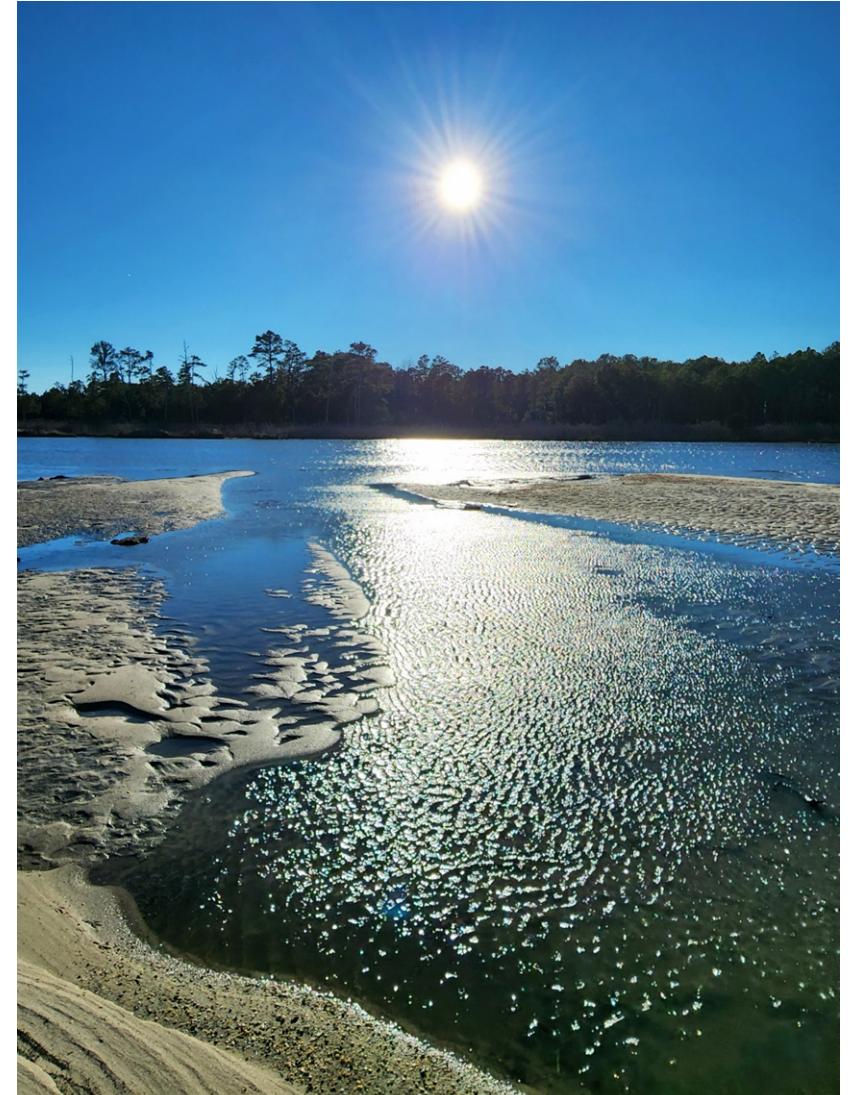
VPDES General Permit Regulation for Discharges of Stormwater Associated with Industrial Activity, 9VAC25-151 – Nutrient Reduction Compliance

Stakeholder Advisory Group Meeting #2

Joseph Bryan
VPDES Permits Manager
Virginia Department of Environmental Quality
July 09, 2026

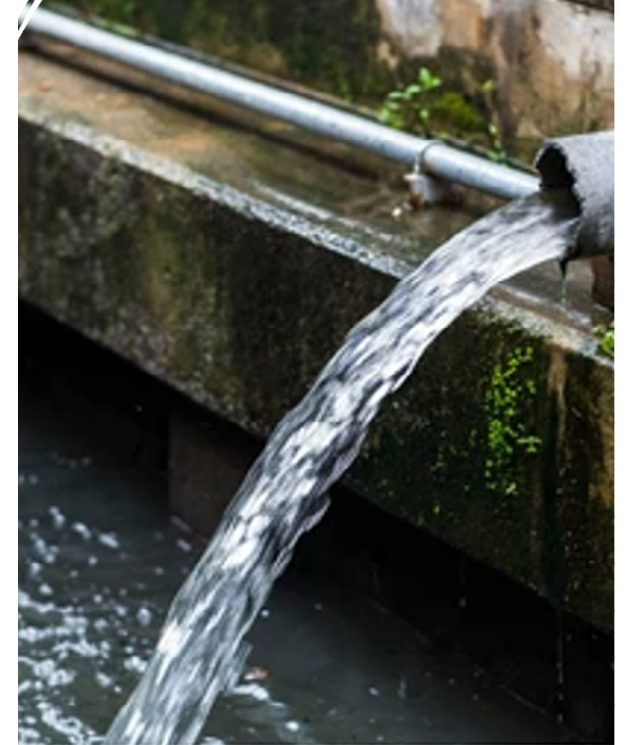
Meeting Agenda

- Introductions
- Review purpose of SAG Meeting
- Presentation of Options from Meeting #1
- Presentation of any other options from SAG
- Open Discussion
- SAG Recommendation
- Next Steps



Purpose of Stakeholder Meeting

- Chapter 1080 of the 2026 Acts of Assembly (HB952):
 - o 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;
 - o Requires timely and appropriate enforcement actions by DEQ for those permittees that fail to comply with nutrient reductions for calendar years 2025 and 2026;
 - o 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.



First SAG Meeting Review

- Overview of Chesapeake Bay TMDL Requirements:

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

Reduction Options:

1) BMPs from Clearinghouse or approved by Chesapeake Bay Program

2) Site-specific BMPs and follow-up monitoring

3) Perpetual Non-Point Source Credits



First SAG Meeting Review

- Compliance status of 89 facilities with remaining reductions:
 - o TN Reduction Needs
 - ~ 60% range from 1 – 100 lbs/yr
 - ~ 27% range from 100 – 500 lbs/yr
 - o TP Reduction Needs
 - ~ 90% range from 1 – 100 lbs/yr

Row Labels	Count of Permit Number	TN lbs	TP lbs
Ches. Bay and Small Coastal Basin	9	10,171	800
James	39	14,321	3,777
Potomac	34	4,757	349
Rappahannock	4	58	147
York	3	1,629	33
Grand Total	89	30,936	5,106

Row Labels	Count of Permit Number	Sector Summary Description
A	6	Timber Products
B	1	Paper and Allied Products
C	3	Chemical and Allied Products
D	5	Asphalt Paving, Roofing, Lubricants
M	7	Automobile Salvage Yards
N	16	Scrap and Waste Recycling
Q	4	Water Transport, Ship Building / Repair
U	6	Food and Kindred Products
AA	1	Fabricated Metal Products
AD	6	Nonclassified
AE	10	No Benchmarks
AF	24	TSS-only Benchmark
Grand Total	89	

First SAG Meeting Options - Evaluation / Recommendation

Considerations for each Compliance Option:

- Consider whether it would effectively address nutrient reduction compliance in future calendar years
- Consider that multiple Options may be recommended
- Consider that Options may only be applicable to a subset of permittees
- Consider that any of the Options would be available to both existing and future permittees

SAG Meeting - Option 1

- 1) Allow non-point source credits to be used as “term” credits (instead of as perpetual) and allow purchase agreements for TN, TP, or both.
 - o Staff confirmed that nonpoint source credits could be purchased and used as term credits.
 - Considerations:
 - The details / procedures of this approach would need fleshing out, including paperwork and staff resources.

SAG Meeting - Option 2a

- 2) Extend the 2025/2026 annual point source credits option to future calendar years.
 - a) Require submittal of a report summarizing the means and methods utilized / considered, reductions achieved, remaining reductions.
 - Considerations:
 - Each situation likely unique
 - DEQ inspection (if required) would require additional time / resources
 - Engineer / Consultant certification (if required) would place additional costs on regulated community
 - Report review would require additional administrative time / resources

SAG Meeting - Option 2b

- 2) Extend the 2025/2026 annual point source credits option to future calendar years.
 - b) Allow the acquisition of annual point source credits for all facilities, regardless of their reduction status, as an ongoing option.
 - Considerations:
 - Facilities could purchase credits through the Virginia Nutrient Credit Exchange Association (VNCEA) or enter into private agreements with other facilities located within the same watershed with available credits
 - Credits could be purchased for set terms (e.g. purchase agreement for 5 years) to reduce administrative burden

SAG Meeting - Option 3

- 3) Allow permittees that generate annual point source credits to trade with themselves.
- Considerations:
 - Applicable to a very small number of facilities that have not met their reduction requirements

SAG Meeting - Option 4

- 4) Require facilities that have nutrient-heavy industrial processes (e.g. fertilizer facilities) and that have not met reduction requirements to obtain coverage under an Individual VPDES Permit.
 - Considerations:
 - Applicable to a very small number of facilities that have not met their reduction requirements.
 - Would allow a more individualized and tailored approach to nutrient reduction compliance conditions in the permit.

SAG Meeting - Option 5

5) Allow permanent retirement of WLA for facilities currently covered under a Nutrient GP:

- Considerations:

- This option is already available for public wastewater treatment facilities that need to offset the discharge of nutrients due to construction/expansion activities.
- Facilities would be able to permanently retire part of their WLA to cover for the discharge of nutrient loadings coming from their industrial stormwater activities (with potential TN/TP trading ratios TBD).

Other Options

Open Discussion

- Additional options from SAG members
- Finalize Recommendation(s)



SAG Meeting - Option 1

1) Allow non-point source credits to be used as “term” credits (instead of as perpetual) and purchase agreements for TP, TN, or both.

o Staff confirmed that nonpoint source credits could be purchased and used as term credits.

- Considerations:

- The details / procedures of this approach would need fleshing out, including paperwork and staff resources.

(5) Fully Support

(4) General Support

(3) Can Live With

(2) Limited Support

(1) Not Recommended

SAG Meeting - Option 2a

- 2) Extend the 2025/2026 annual point source credits option to future calendar years.
 - a) Require submittal of a report summarizing the means and methods utilized / considered, reductions achieved, remaining reductions.
 - Considerations:
 - Each situation likely unique
 - DEQ inspection (if required) would require additional time / resources
 - Engineer certification (if required) would place additional costs on regulated community
 - Report review would require additional administrative time / resources

(5) Fully Support

(4) General Support

(3) Can Live With

(2) Limited Support

(1) Not Recommended

SAG Meeting - Option 2b

2) Extend the 2025/2026 annual point source credits option to future calendar years.

b) Allow the acquisition of annual point source credits for all facilities, regardless of their reduction status, as an ongoing option.

▪ Considerations:

- Facilities could purchase credits through the Virginia Nutrient Credit Exchange Association (VNCEA) or enter into private agreements with other facilities located within the same watershed with available credits
- Credits could be purchased for set terms (e.g. 5 years) to reduce administrative burden

(5) Fully Support

(4) General Support

(3) Can Live With

(2) Limited Support

(1) Not Recommended

SAG Meeting - Option 3

3) Allow permittees that generate annual point source credits to trade with themselves.

- Considerations:

- Applicable to a very small number of facilities that have not met their reduction requirements

(5) Fully Support

(4) General Support

(3) Can Live With

(2) Limited Support

(1) Not Recommended

SAG Meeting - Option 4

4) Require facilities that have nutrient-heavy industrial processes (e.g. fertilizer facilities) and that have not met reduction requirements to obtain coverage under an Individual VPDES Permit.

- Considerations:

- Applicable to a very small number of facilities that have not met their reduction requirements.
- Would allow a more individualized and tailored approach to nutrient reduction compliance conditions in the permit.

(5) Fully Support

(4) General Support

(3) Can Live With

(2) Limited Support

(1) Not Recommended

SAG Meeting - Option 5

5) Allow permanent retirement of WLA for facilities currently covered under a Nutrient GP:

■ Considerations:

- This option is already available for construction/expansion activities at public wastewater treatment facilities that need to offset the discharge of nutrients due to construction/expansion activities.
- Facilities would be able to permanently retire part of their WLA to cover for the discharge of nutrient loadings coming from their industrial stormwater activities (with a TN/TP trading ratio TBD).

(5) Fully Support

(4) General Support

(3) Can Live With

(2) Limited Support

(1) Not Recommended

Next Steps

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



Thank you!



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

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