

Meeting Minutes  
Tuesday, August 25, 2020  
Water Quality Management Planning Regulation Amendment  
Regulatory Advisory Panel (RAP)  
Electronic-only Meeting on GoToWebinar

Members Present: Jamison Brunkow, Tim Castillo, Allison Dienes, James Grandstaff, Grace LeRose, Timothy Mitchell, Scott Morris, Theresa O’Quinn, Andrew Parker, Chris Pomeroy, Ben Shoemaker, Dickie Thompson, and Joe Wood.

Members Absent: Pat Calvert, Frank Harksen, and Ted Henifin.

Other Attendees: Phillip Musegaas (attending for Pat Calvert), Steven Herzog (attending for Frank Harksen), Jim Pletl (attending for Ted Henifin), Melanie Davenport, Drew Hammond, John Kennedy, Allan Brockenbrough, Tish Robertson, Gary Graham, Alison Thompson, Clifton Bell, Andrew Clark, Erica Duncan, Patrick Fanning, KC Filippino, Lawrence Heyd, Gabriel Irigaray, Anna Killius, Adrienne Kotula, Lewis Linker, Amanda Marsh, Jeff McBride, Anthony Moore, Erin Reilly, Peggy Sanner, Gary Williams, Andrea Wortzel, and Wendy Eikenberry (present online with Tim Castillo).

The meeting convened at 9:10 a.m. and adjourned at 12:06 p.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, noting that the agenda would be altered slightly to hear from Mr. Kennedy first on James River Chlorophyll-a in order to accommodate presenter schedule limitations.
2. **James River Chlorophyll-a** [John Kennedy, DEQ and Melanie Davenport, DEQ]. Mr. Kennedy provided an update to the James River water quality modeling including the additional modeling runs, the basis for the additional runs, and the differences from the previous similar runs. EPA hopes to have to additional runs completed and sent to Mr. Jian Shen (VIMS) for processing by September 15<sup>th</sup>. Mr. Lewis Linker (EPA) elaborated on the modeling changes and the schedule for completing the additional modeling. Mr. Kennedy asked the RAP members if they received Attachment 2 and explained the spreadsheet. In response to one of the member’s question, Mr. Kennedy shared Mr. Chris Pomeroy’s (VAMWA) email of August 11<sup>th</sup> (Attachment 3), discussed some of the issues raised in that email and entertained further discussion with members of the RAP. Ms. Andrea Wortzel briefly provided the status of a pending lawsuit concerning the James River TMDLs. Ms. Davenport discussed the limitations of the RAP and asked for input from the RAP concerning the information that the RAP needs so that she can discuss with the Director how much more time that the RAP needs to accomplish its purpose. (See the recording for details.)
3. **Industrial Wasteload Allocations** [Allan Brockenbrough, DEQ]. Mr. Brockenbrough reviewed the most recent discussions with industrial facilities, reviewed the two options available for reallocating some wasteload allocations from the industrial sector, explained some changes to option 1 to take in to account some allocations to be

transferred to the Nutrient Offset Fund and an allocation trade, and then invited discussion and questions. Mr. Brockenbrough also noted that after additional review there was no longer a need for reducing industrial wasteload allocations for large dischargers to 125% of the highest historical load, so option 2 is no longer an option. Some members were concerned that the deletion of option 2 eliminates the possibility for adjusting inflated allocations and just kicks that problem down the road 10 years. (See the recording for details of the discussions and questions.)

4. **Municipal Floating Wasteload Allocations** [Allan Brockenbrough, DEQ]. Mr. Brockenbrough raised two additional Municipal floating WLA issues remaining: (i) changes to the Hopewell TP allocations and (ii) and using any additional needed accommodations for HRSD, and invited discussions and questions. Using Attachment 4, Mr. Brockenbrough reviewed the effect of the proposed changes toward meeting the 2026 Total Nitrogen and Total Phosphorous commitments. (See the recording for the details of discussions and questions.)

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

Attachments:

1. Final Meeting 7 Agenda.
2. James River TP Reduction Scenarios by Region.
3. Email from Mr. Chris Pomeroy to John Kennedy dated August 11, 2020.
4. Alternatives Analysis 8-24-20.

## Attachment 1

9VAC25-720

Water Quality Management Planning Regulation  
Regulatory Advisory Panel (RAP) Meeting No. 7  
August 25, 2020

### Agenda

1. Meeting Logistics
2. Introductions
3. Industrial Wasteload Allocations
4. Municipal Floating Wasteload Allocations
5. James River Chlorophyll-a

If you are experiencing connection problems please call Kevin Vaughan at (804) 698-4470

## Attachment 2

James River TP Reduction Scenarios by Region

This file is too large to fit in the Minutes.  
Please contact the following person for a copy of the file:

Gary Graham, DEQ Regulatory Analyst  
[gary.graham@deq.virginia.gov](mailto:gary.graham@deq.virginia.gov)  
(804) 698-4103

## Attachment 3

Chris Pomeroy  
To: John Kennedy; Cc. Gary Graham, Clifton Bell

Date: Aug 11, 2020, 1:59 PM

John,

Thank you for last week's RAP update on the James River chlorophyll-a model scenarios. Following are a few related requests and recommendations, intended to ensure that the revised model undergoes adequate review prior to regulatory application, and that model scenarios are capable identifying the assimilative capacity of the James River.

1. Based on last week's discussion, documentation of the climate change-related revisions to the modeling framework is forthcoming this week from the CBPO, and from VIMS on a more uncertain timeframe. We request the opportunity to perform a meaningful review of the those revisions prior to decisions on the model scenarios to be used for regulatory purposes; i.e., WLA determination. We understand the schedule challenges, and this request should not necessarily prevent DEQ processing with the next round of scoping/sensitivity scenarios. But we agree with DEQ that significant revisions to the model have been made in the late stages of 9+ year process, and that these revisions merit the same opportunity for technical review as prior steps of the process.
2. We request the details of the post-processed model scenario results, including those for the climate change scenarios performed to date, and for future scenarios. This would include tabulation of scenario-adjusted data used to determine compliance for each scenario. We assume this information is already available for the scenarios performed to date. This kind of information is necessary to evaluate, for example whether a potential 30-50% reduction in point source P allocation is being driven by a single monitoring event and/or a very small difference in chla magnitude during the controlling events. This type of finding might or might not affect WLA decisions but is relevant to the overall process.
3. In the last RAP meeting you referenced spreadsheets that outlined your thoughts on the next round of model scenarios. Can you please provide those?
4. As mentioned during the RAP meeting, for the next round of scoping scenarios, it is very important to further explore/refine the P concentrations that result in attainment. Even small incremental adjustments in the P concentrations could make large difference in absolute loads and overall compliance costs. We recommend that the next round of model scenarios include scenarios with TP concentrations intermediate between previous scenarios B+ and C (e.g., 0.25 ug/L). Ultimately, we recommend use of model scenarios to interpolate the TP concentrations/loads that represent the assimilative capacity of the estuary, followed by a confirmation run.
5. In the next round of model scenarios, it is recommended to maintain point source nitrogen loads at the same level as the VAMWA B scenario. For the geographic runs, it is recommended to include scenarios that maintain the lower estuary at the same level as the VAMWA B scenario.
6. Regarding seasonal TP control scenarios: As you mentioned last week, the seasonal control scenario B/D did not indicate compliance with the short-term criteria with municipal TP concentrations at 0.2 mg/L. Without the post-processing results requested under #2 above, it is difficult for us to evaluate the predicted sensitivity of chla to seasonal controls and how close this scenario came to compliance. But given the large potential O&M cost savings from seasonal controls, we recommend additional exploration of seasonal controls. For the next round of scenarios, we specifically recommend: (1) expansion of the season of application from May-Sept to Apr-Sept or Apr-Oct, based on whether the months driving non-attainment include October; and (2) B+ levels of TN control year-round; and (3) two or three levels of TP reduction (e.g., 0.15, 0.20, 0.25) to allow interpolation of the attaining load/concentration.

We'd be glad to discuss these requests and recommendations as necessary. I am copying Clifton Bell as a resource for assistance with any questions or clarifications.

Thank you.

Chris

**CHRISTOPHER D. POMEROY**  
**PRESIDENT – AQUALAW PLC**

**O:** (804) 716-9021 x202

**M:** (804) 874-1028

Attachment 4

Alternatives Analysis 8-24-20

This file is too large to fit in the Minutes.  
Please contact the following person for a copy of the file:

Gary Graham, DEQ Regulatory Analyst  
[gary.graham@deq.virginia.gov](mailto:gary.graham@deq.virginia.gov)  
(804) 698-4103