

**James River bacterial TMDL Implementation Plan First Government/Urban
Working Group Meeting Summary**

Piedmont Regional Office, DEQ
4949A Cox Rd, Glen Allen, VA 23060
Tuesday, November 16, 2010, 7:30 – 8:30 PM

1. Attending:

Rod Bodkin, MapTech
Ian Frost, EEE Consulting, for VDOT
Craig Lott, DEQ Facilitator
Federico Maisch, Greely & Hansen, for City of Richmond
Jeff Perry, Henrico DPW
Arthur Petrini, Henrico DPU
Bob Steidel, City of Richmond DPU
Rick Thomas, Timmons Group
Scott Williams, Chesterfield Co.
Mark Alling, DEQ note-taker

2. Craig Lott provided an overview of the Government/Urban Working Group (GUWG) Responsibilities:

- Identify funding sources
- Identify available technical resources
- Identify appropriate “measurable goals” and timeline for achievement
- Identify regulatory controls currently in place
- Identify potential parties to be responsible for agricultural, residential, and urban implementation
- Evaluate various corrective actions, costs, tracking procedures, and technical assistance needs

Lott handed out meeting Agenda to members.

3. Open discussion on permitting issues

A member asked whether BMPs would be put into facility permits. Lott replied BMPs would not be put into permits. Doug Fritz will be asked to attend future WG meetings and address MS4 permit issues. Government/Urban Working Group (GUWG) responsibilities are just to make recommendations for “urban” BMPs. Recommendations must be cost-effective and reasonable. EPA determines if IP is sufficiently cost-effective and reasonable. IP is not constrained by the EPA VPDES 5 yr permit cycle. The draft 20 year timeline was copied from the draft Lynchburg James River TMDL IP because it also involved CSOs.

The comment was made that cost-effectiveness is tied to the schedule, in that something not cost-effective in 20 yrs may be cost-effective in 50 yrs. Lott replied that DEQ will

not go to that depth of cost-effective analysis with determinations differing over extended time periods. However if stakeholders can provide that resource GUWG will accept it and consider it beneficial. The Steering Committee sends the IP to EPA to determine whether it agrees with TMDL and permits, but EPA does not officially approve the IP, approval is made by the SWCB.

A member commented that at a recent EPA MS4 meeting, EPA said everything we do here during implementation planning will end up in a permit, suggesting we talk to NVRO permit writers to confirm this, and, once in permits the period of implementation is only 5 yrs.

A member asked that once the Bay TMDL is complete, will localities get credit for meeting BAY TMDL reductions from the James bacterial TMDL IP regarding whatever nutrients are reduced by BMPs during implementation.

The comment was made that the time line can be stretched out. Lott replied that the IP document must be completed by July 2011. However, the schedule for implementing the BMPs in the plan will be completed in Phases (e.g., Phase I; first 5 yrs, Phase II ; next 5 yrs, etc). Craig stated the Lynchburg draft IP document will be available for our review this December.

The group discussed the percent reductions and reasonable assurance in the Lynchburg TMDL. Lott responded that the reductions were similar to the Richmond area TMDL, above 90 percent. The question was asked whether the 95% reductions in the Lynchburg TMDL had reasonable assurance in the TMDL document. Lott replied that EPA considered reasonable assurance adequate in the Lynchburg TMDL. DEQ will distribute the Lynchburg draft IP to GUWG members as soon as it is available. The bottom line is that the IP must be designed to address bacteria reductions in the TMDL.

Localities pledged to supply their BMP data to Rod Bodkin of MapTech, possibly through Margaret Smigo of DEQ. The City of Richmond said that bacterial efficiencies of current BMPs was very low, but the City will share data.

GUWG decided that the baseline date for BMPs supplied and credited for localities should be the end date of the TMDL model calibration period. Mark Alling supplied the date, September 30, 2003, from v85 of the Richmond Area James River TMDL report.

Lott stated that the upstream James River portion delisted was possibly due to upstream localities putting in BMPs. Virginia Beach implemented BMPs before their IP was completed.

Greely and Hansen will provide bacterial efficiency data translated from nitrogen and phosphorus efficiency data.

A member asked if the Lynchburg IP is a template for DEQ IPs. Lott replied no because the Lynchburg IP was a plan in which the CSOs were addressed for the first time The

DEQ consultant added that most IPs have a 15 yr timeline, but the Lynchburg IP timeline was extended to 20 yrs because of the CSOs.

Members reiterated that Doug Fritz should be in the GUWG. Lott mentioned that he would contact Doug Fritz and planned to ask Charles Lunsford (DCR) to be involved too. Ram Gupta (DCR) was at the meeting and was facilitating the agriculture workgroup at the request of DEQ.

Group discussed that investigating MS4 stormwater outfalls in the Bay TMDL and will be added to stormwater permits, using the Fairfax permit as a template. Lott asked members to supply permit related questions to him to get answers from DEQ CO permit managers. Allan Brockenbrough was recommended for this.

The group decided the next GUWG meeting will be December 9, 2010 at 10AM at the Henrico Co. Administration Building, with an alternate date of December 10 if Doug Fritz cannot attend on December 9. Henrico DPU will email the meeting room location.

Action Items:

1. Rod Bodkin will email exact data needs to member localities asap.
2. Localities will respond with data by email before the next meeting.
3. MapTech will compile data as much as possible before next meeting for distribution.
4. DEQ will invite 3 academic institutions with MS4s to next GUWG meeting: VCU, John Tyler CC and JS Reynolds CC.

A member noted that all VCU MS4 outfalls enter City MS4 system and VCU should not have a WLA.