

### **DEQ Third Party TMDL Implementation Plan Development Assistance and Partnership**

The development of TMDL Implementation Plans (IPs) by groups outside of the Virginia Department of Environmental Quality (DEQ) is supported by the agency. DEQ staff have been coordinating TMDL IP development for almost a decade and thus offer the agency's experience and partnership for the successful development of TMDL IPs by interested third parties. This document is shared as an offering of DEQ's assistance and partnership in third party TMDL IP development, while also outlining details DEQ knows to be crucial in the successful implementation of TMDL IPs. In the following three paragraphs, details related to IPs eligible for federal funding will be covered in addition to state TMDL IP requirements and public participation procedures that make TMDL IPs eligible for DEQ delegated approval from the State Water Control Board. Following this information is a paragraph discussing the necessary considerations for third parties interested in developing a TMDL IP.

The potential for federal Section 319 funding for nonpoint source BMP implementation is based on nine required elements of a TMDL IP. These requirements are outlined below in summary, and [here](#) in more detail:

1. Identify the causes and sources of groups of similar sources that will need to be controlled to achieve the load reductions estimated in the TMDL IP.
2. Estimate the load reductions expected to achieve water quality standards.
3. Describe the nonpoint source management measures that will need to be implemented to achieve the identified load reductions
4. Estimate the amounts of technical and financial assistance needed, associated costs, and/or the sources and authorities that will be relied upon to implement the TMDL IP.
5. Provide an information/education component that will be used to enhance public understanding of the project and encourage their early and continued participation in selecting, designing, and implementing the NPS management measures that will be implemented.
6. Provide a schedule for implementing the NPS management measures identified in the TMDL IP.
7. Describe interim, measureable milestones for determining whether nonpoint source management measures or other control actions are being implemented.
8. Identify a set of criteria for determining if load reductions are being achieved and progress is being made towards attaining water quality standards, and if not, the criteria for determining if the TMDL IP needs to be revised
9. Establish a monitoring component to evaluate the effectiveness of the implementation efforts.

While these are the federal requirements that ensure the eligibility for receiving Section 319 funding, another useful federal resource is the "Handbook for Developing Watershed Plans to Restore and Protect Our Waters," which can be found at the following address:

[http://water.epa.gov/polwaste/nps/handbook\\_index.cfm](http://water.epa.gov/polwaste/nps/handbook_index.cfm)

In order for TMDL IPs to be approved by the Commonwealth of Virginia, they must meet the following requirements as outlined by Virginia's 1997 Water Quality Monitoring, Information, and

Restoration Act ([§62.1-44.19:4](#) through [19:8](#) of the Code of Virginia), or WQMIRA. WQMIRA requires that TMDL IPs include the following:

1. Date of expected achievement of water quality objectives
2. Measurable goals
3. Necessary corrective actions
4. Associated costs, benefits, and environmental impact of addressing the impairment.

It should also be noted that many of these required elements for both Section 319 funding and for approval from the state are identical and/or similar. Thus, actions taken to satisfy state requirements are also counted as actions taken to satisfy federal requirements.

DEQ has a [public participation procedures guidance](#) that outlines the actions that must be taken in order to be eligible for DEQ delegated approval from the State Water Control Board, in addition to maintaining the standard for thorough public engagement that the public expect. Of note, Section III.A.4 and A.5 of the guidance covers public participation actions necessary for TMDL IP development. As these are the actions normally taken by DEQ in TMDL IP development, stakeholders expect these standards, and DEQ maintains them as the actions necessary for an approved TMDL IP. Furthermore, local insight into the acceptance and utilization of proposed management measures to obtain the pollutant load reductions and appropriate implementation milestones lead to plans that then incite more support and more participation from the public in implementing the plan into the future.

DEQ acknowledges third parties interests in developing TMDL MS4 Action Plans based on obtaining analysis and quantification of BMPs through the TMDL IP development process. While this practice is supported, it is important to maintain the distinction between MS4 regulated areas where the WLA from the TMDL applies and nonpoint source areas where the LA applies. TMDL IPs are not written to prescribe corrective actions (e.g. BMPs) that MS4 permittees need to implement in order to obtain WLA(s) established by a TMDL. This does not preclude the discussion of implementation actions to include in a TMDL MS4 Action Plan in addition to the TMDL Implementation Plan, but the distinctions need to be made in the body of the IP and at the public meetings to reduce any confusion and ensure there are no issues for the permittees and non-regulated areas.

The information provided above is offered as a guide for successful third party TMDL IP development. While these guidelines are important, successful development of a TMDL IP is more assured when a partnership between the third party and DEQ is established from the start of the project. In order to start this partnership please visit the [TMDL program contacts page](#) and find the TMDL Nonpoint Source Coordinator for your region or contact [Charlie Lunsford](#), the Central Office contact for Implementation Plan Development.