



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

VALLEY REGIONAL OFFICE

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Robbi Savage
Executive Director
Rivanna Conservation Society
PO Box 490
Standardsville, VA 22973

Dear Robbi,

Thank you for your attendance and participation at last week's public meeting to kick off the Rivanna Total Maximum Daily Load (TMDL) Project. I appreciate the support and involvement of the Rivanna Conservation Society (RCS) in this effort. I think that our intentions and goals are much the same, and I view RCS as a vital local partner in this project.

I have had a chance to review the written comments that you provided to me at last week's meeting, and we are in great agreement on the importance and direction of this project. I wanted to respond formally to your comments to highlight those areas of agreement and to explain how the Virginia Department of Environmental Quality (DEQ) will be addressing your concerns throughout the project. Below, I have addressed each of your comments according to the bolded headings provided in the original comment document.

The Importance of the Rivanna River TMDL

DEQ agrees that the Rivanna River TMDL Project is an important one, and we endeavor to develop a meaningful and scientifically defensible TMDL. DEQ is aware of the recent court decision regarding the temporal scale of total maximum "daily" loads, and has adjusted its guidance on TMDL development appropriately. All TMDLs developed in Virginia will now have loads expressed on a daily basis as well as on an annual basis (if the mode of action of the pollutant suggests that accumulated loadings are important).

Water Quality Data Needs

DEQ agrees that it is important to obtain the best available data and then successfully communicate that data to the public. To initiate this process, we shared a data inventory with stakeholders at our first Local Steering Committee meeting in November. I have attached a copy of this inventory in case you did not receive it from the RCS representative at the meeting. The data inventory provides a summary of the numerous data types that will be used in the study, the sources of those data, and the progress in obtaining and analyzing the data. The TMDL process is very data intensive, and we have been successful in obtaining ample data to fill those various needs. In terms of water quality data

alone, we currently have a database of over 30,000 water quality data points collected within the Rivanna Basin. We will continue to be diligent in obtaining and using the best available data for this project.

Public Involvement

DEQ agrees that public involvement is fundamental to the success of the TMDL, and DEQ is committed to complete and open public involvement in this project. To fulfill this commitment, we intend to use public meetings to inform the public at important milestones in the process. We have also developed a Local Steering Committee to provide more frequent and detailed dialogue with the various stakeholders. The Local Steering Committee is an open committee where any interested stakeholder or citizen is welcome to attend. At last week's public meeting, I hope that you saw our commitment to public involvement and to communicating in plain and simple language. To further the success of our public involvement, I would also ask for the help of RCS and other partners. Your role in further disseminating information to your constituents is extremely helpful. Your ability to network within the local community will also be advantageous as we move forward through implementation. Thanks for partnering with us in the public involvement area of the project.

StreamWatch Data

DEQ agrees that StreamWatch provides high quality data. Within my DEQ Region, I have not seen a better developed citizen biomonitoring program. We do intend to use StreamWatch data as a primary source for this project. We also intend to use the family level data collected by StreamWatch to supplement our family level data. The only caveat with the primary use of StreamWatch data in this project is that it will not be used to officially place segments on the 303(d) Impaired List at this time. In the 2008 Water Quality Assessment and 303(d) List, however, citizen monitoring data will be used to make 303(d) listings, provided that the citizen monitoring program's Quality Assurance Project Plan is approved by DEQ.

With regards to identifying water quality stressors in all river segments, this project will not be able to accomplish this request. The resources nor the data are available to conduct a thorough stressor analysis on each impaired segment at this time. To further describe the rationale for this decision, I have attached an e-mail response to the North Downtown Neighborhood regarding their request to address the aquatic life impairment in Schenk's Branch within the current Rivanna TMDL Project.

Scientific Processes

DEQ is committed to developing and implementing TMDLs using the best available science. Within the Rivanna Project, DEQ will be considering each of the items identified in your comments with the following exceptions. Items #4 and 5 are outside the scope of this project and would need to be considered as a part of water quality standards revisions. Item #14 will be considered if pesticides are identified as the source of the aquatic life impairment in the Rivanna River. I should also clarify limitations regarding Item #4 listed under "Implementation". The Implementation Plan will provide a schedule for implementing voluntary and subsidized non-point source controls. At this time, however, DEQ has not been authorized the regulatory tools for requiring non-point source controls, except as provided under general permits for construction stormwater, industrial stormwater, and municipal separate storm sewer systems (MS4s).

Lastly, DEQ will thoroughly consider each of the suspected causes of impairment identified in your comments.

The Rivanna River

Your description of the impairments and the TMDL process are correct. I also appreciate your commitment to be involved throughout the process, and particularly during the implementation phase. As you suggested, we will be approaching the TMDL from a watershed scale, and we will be setting interim goals and milestones in the Implementation Plan.

Thank you for pointing out your suspicion that legacy loads of sediment are continuing to impact the Rivanna. We will keep this in mind as we proceed. Regarding your question on drinking water costs, I will have to refer you to the local drinking water experts for a complete and accurate answer.

Changes to the Bacteria Criteria

I understand your concerns regarding the potential changes to the bacteria criteria, and I encourage you to participate in the public involvement and public comment opportunities offered under the regulatory process for water quality standards review and revisions.

Implementation

DEQ appreciates RCS's intent to begin immediate implementation of the TMDL. DEQ also desires to develop Implementation Plans and begin implementing TMDLs as soon as possible following TMDL development. Significant funding and scheduling challenges, however, have often caused these steps to proceed at a measured, yet slower than anticipated pace. With dedicated stakeholders, though, delays in the pace of the formal regulatory process do not have to mean delays in implementing water quality improvements. In the end, water quality improvements will only come as localities and individuals make informed decisions regarding their own land use and management activities.

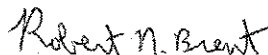
I would also encourage you to submit your desires regarding immediate implementation of the Rivanna TMDL to the Department of Conservation and Recreation (DCR), since DCR administers the funds for non-point source programs and implementation.

A Final Note

Due to the funding and scheduling challenges of meeting TMDL obligations, DEQ is constantly in the process of evaluating associated costs. For more information on this issue and projected costs, I would refer you to the recently issued Chesapeake Bay and Virginia Waters Clean-up Plan submitted by the Secretary of Natural Resources to the state legislature in response to House Bill 1150.

Lastly, I truly appreciate your support and involvement in the Rivanna River TMDL Project. I look forward to working with you as we move towards improved water quality in the Rivanna. Please do not hesitate to call or contact me at (540)574-7848 or rbrent@deq.virginia.gov if I can be of help.

Sincerely,



Robert Brent, Ph.D.
Regional TMDL Coordinator