

**HENRICO COUNTY
CHESAPEAKE BAY TMDL ACTION PLAN**

CHESAPEAKE BAY TMDL ACTION PLAN

SECTION 1. OVERVIEW

Henrico County's Chesapeake Bay TMDL Action Plan (Action Plan) has been developed in accordance with the requirements of the County's MS4 Permit and the applicable recommendations contained in *Chesapeake Bay TMDL Special Condition Guidance* (Guidance), developed by the Virginia Department of Environmental Quality and dated May 18, 2015. The County's MS4 Permit requires this Action Plan to document a minimum 5% reduction of the applicable total pollutants of concern (nitrogen, phosphorus, and sediment) during the first MS4 Permit cycle (April 1, 2016 through March 31, 2020.) As stated in the Guidance, **if there are inconsistencies between the requirements described in this guidance document and the requirements in a permittee's individual permit, the individual permit is the controlling document. If additional guidance is needed concerning any inconsistencies, the permittee should contact the Department.**

SECTION 2. MS4 PERMIT LANGUAGE

PART I.D. TMDL ACTION PLAN AND IMPLEMENTATION

1. Chesapeake Bay Special Condition

The Commonwealth in its Phase I and Phase II Chesapeake Bay TMDL Watershed Implementation Plans (WIP) committed to a phased approach for MS4s permittees to implement necessary reductions. This state permit is consistent with the Chesapeake Bay TMDL and the Virginia Phase I and II WIPs to meet the Level 2 (L2) scoping run for existing developed lands as it represents an implementation of 5% of L2 as specified in the 2010 Phase I WIP. Conditions of future permits will be consistent with the TMDL or WIP conditions in place at the time of permit issuance.

a) Definitions

The following definitions apply to this state permit for the purpose of the Special Condition for Discharges in the Chesapeake Bay Watershed:

- 1) "Existing Sources" means pervious and impervious urban land uses served by the MS4 as of June 30, 2009.
- 2) "New Sources" means pervious and impervious urban land uses served by the MS4 developed or redeveloped on or after July 1, 2009.
- 3) "Transitional Sources" means regulated land disturbing activities which are temporary in nature and discharge through the MS4.

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- 4) "Pollutants of concern" or "POC" means total nitrogen, total phosphorus and total suspended solids.
- b) Chesapeake Bay Watershed TMDL Planning
- 1) No later than 24-months after the effective date of this state permit, the permittee shall develop and submit to the Department for its review and acceptance an approvable phased Chesapeake Bay TMDL Action Plan that includes:
- (a) A review of the current MS4 Program Plan including existing legal authorities and the permittee's ability to ensure compliance with this special condition;
- (b) Identifies any new or modified legal authorities, such as ordinances, permits, orders, contracts and inter-jurisdictional agreements, implemented or needing to be implemented to meet the requirements of this special condition;
- (c) The means and methods utilized to address discharges into the MS4 from new sources.
- (d) An estimate of the annual POC loads discharged from the existing sources as of June 30, 2009 based on the 2009 progress run. The permittee shall utilize Table 1 and multiply the total existing acres served by the MS4 on June 30, 2009 and the 2009 Edge of Stream (EOS) Loading Rate.

Table 1: Calculation Sheet for Estimating Existing Source Loads for the James River Basin
(Based on Chesapeake Bay Program Watershed Model Phase 5.3.2)

Subsource	Pollutant	Total Existing Acres Served by MS4 (6/30/09)	2009 EOS Loading Rate (lbs/ac/yr)	Estimated Total POC Load Based on 2009 Progress Run (lb/yr)
Regulated Urban Impervious	Nitrogen		9.39	
Regulated Urban Pervious			6.99	
Regulated Urban Impervious	Phosphorus		1.76	
Regulated Urban Pervious			0.5	
Regulated Urban	Total Suspended		676.94	

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Impervious	Solids		
Regulated Urban			101.08
Pervious			

- (e) A determination of the total pollutant load reductions necessary to reduce the annual POC existing loads using Table 2 by multiplying the *Total Existing Acres Served by MS4* by the *First Permit Cycle Required Reduction in Loading Rate*.

Table 2: Calculation Sheet for Determining Total POC Reductions Required During this State Permit Cycle for the James River Basin (Based on Chesapeake Bay Program Watershed Model Phase 5.3.2)				
Subsource	Pollutant	Total Existing Acres Served by MS4 (6/30/09)	First Permit Cycle Required Reduction in Loading Rate (lbs/ac/yr)	Total Reduction Required During First Permit Cycle (lbs/yr)
Regulated Urban Impervious	Nitrogen		0.04	
Regulated Urban Pervious			0.02	
Regulated Urban Impervious	Phosphorus		0.01	
Regulated Urban Pervious			0.002	
Regulated Urban Impervious	Total Suspended Solids		6.67	
Regulated Urban Pervious			0.44	

- (f) The means and methods, such as the management practices and retrofit programs that will be utilized to meet the required reductions identified in Part I.D.1.b)(1)(e) and a schedule to achieve those reductions. The schedule should include annual benchmarks to demonstrate the ongoing progress in meeting the reductions.
- (g) The means and methods to offset the increased loads from new sources initiating construction between July 1, 2009 and June 30, 2014 that

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disturb one acre or greater as a result of the utilization of an average land cover condition greater than 16% impervious cover for the design of post development stormwater management facilities. The permittee shall utilize Table 3 to develop the equivalent pollutant load for nitrogen and total suspended solids. The permittee shall offset 5% of the calculated increased load from these new sources during the permit cycle.

- (h) The means and methods to offset the increased loads from grandfathered projects in accordance with 9VAC25-870-48, that disturb one acre or greater that begin construction after July 1, 2014 where the project utilized an average land cover condition greater than 16% impervious cover in the design of post development stormwater management facilities. The permittee shall utilize Table 3 to develop the equivalent pollutant load for nitrogen and total suspended solids.

Table 3: Ratio of Phosphorus Loading Rate to Nitrogen and Total Suspended Solids Loading Rates for Chesapeake Bay Basins (Based on Chesapeake Bay Program Watershed Model Phase 5.3.2)			
<u>Ratio of Phosphorus to Other POCs (Based on All Land Uses 2009 Progress Run)</u>	<u>Phosphorus Loading Rate (lbs/ac/yr)</u>	<u>Nitrogen Loading Rate (lbs/ac/yr)</u>	<u>Total Suspended Solids Loading Rate (lbs/ac/yr)</u>
James River Basin	1.0	5.2	420.9

- (i) A list of future projects and associated acreage that qualify as grandfathered in accordance with 9VAC25-870-48.
- (j) An estimate of the expected cost to implement the necessary reductions during the permit cycle;
- (k) An opportunity for receipt and consideration of public comment on the draft Chesapeake Bay TMDL Action Plan; and,
- (l) A list of all comments received as a result of public comment and any modifications made to the draft Chesapeake Bay TMDL Action Plan as a result of the public comments.
- 2) As part of development of the Chesapeake Bay TMDL Action Plan, the permittee shall consider use of the following:
- (a) Implementation of BMPs on unregulated lands provided the baseline reduction is subtracted from the total reduction prior to application of the reduction towards meeting the required reductions.
- (b) Utilization of stream restoration projects provided the baseline reduction from the unregulated acreage treated by the stream restoration project is subtracted from the total reduction prior to application of the reduction towards meeting the required reductions.

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- (c) Establishment of a memorandum of understanding (MOU) with other MS4 permittees that discharge to the same or adjacent eight digit hydrologic unit within the same basin to implement BMPs collectively. The MOU shall include a mechanism for dividing the POC reductions created by BMP implementation between the cooperative MS4s.
 - (d) Utilization of any pollutant trading or offset program in accordance with §62.1-44.19:20 through 62.1-44.19:23 et seq. of the Code of Virginia governing trading and offsetting.
 - (e) A more stringent average land cover condition based on less than 16% impervious cover for new sources initiating construction between July 1, 2009, and June 30, 2014, and all grandfathered projects where allowed by law; and
 - (f) Any BMPs installed after June 30, 2009, as part of a retrofit program may be applied towards meeting the required load reductions provided any necessary baseline reductions are not included.
- 3) The permittee shall address any modification to the TMDL or watershed implementation plan that occurs during the term of this state permit as part of its permit reapplication as required in Part II.M of this state permit.
 - 4) The Chesapeake Bay TMDL Action Plan shall become effective and enforceable upon written approval from the Department.
- c) Chesapeake Bay TMDL Action Plan Implementation
- 1) The permittee shall implement the TMDL action plan required in Part I.D.1.b)1) of this state permit according to the schedule therein. Compliance with this requirement represents adequate progress for this state permit term towards achieving TMDL wasteload allocations consistent with the assumptions and requirements of the TMDL.
 - 2) For the purposes of this state permit, the implementation of the following represents implementation to the maximum extent practicable and demonstrates adequate progress:
 - (a) Implementation of turf and landscape nutrient management plans in accordance Part I.B.2.d);
 - (b) Implementation of construction site runoff controls in Part I.B.2.a) in accordance with this state permit shall address discharges from transitional sources;
 - (c) Implementation of the means and methods to address discharges from new sources in accordance with requirements in Part I.B.2.a) for post-construction runoff from areas of new development and development on prior developed lands to offset 5% of the total increase in POC loads between July 1, 2009 and June 30, 2014 required in Part I.D.1.b)1)(g) and to offset increases in the POC load from grandfathered projects initiating

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construction after July 1, 2014 prior to completion of the project as required in Part I.D.1.b)1)(h); and,

- (d) Implementation of means and methods sufficient to meet 5% required reductions of POC loads from existing sources defined in this state permit in accordance with the Chesapeake Bay TMDL Watershed Implementation Plan as required in Part I.D.1.b)1)(e).

d) Annual Reporting Requirements

- 1) In accordance with Part I D.1.b)1), the permittee shall submit the Chesapeake Bay TMDL Action Plan with the annual report due March 31, 2017.
- 2) Beginning with the annual report due March 31, 2018, each annual report shall include a list of control measures implemented during the reporting period and the cumulative progress toward meeting the compliance targets for total nitrogen, phosphorus, and total suspended solids.
- 3) Beginning with the annual report due March 31, 2018, each annual report shall include a list of control measures that were implemented during the reporting cycle and the estimated reduction achieved by the control. For stormwater management controls, the report shall include the information required in Part I.C.3.a) and shall include whether an existing stormwater management control was retrofitted, and if so, the existing stormwater management control type retrofit used.
- 4) Beginning with the annual report due March 31, 2018, each annual report shall include a list of control measures that are expected to be implemented during the next reporting period and the expected progress toward meeting the compliance targets for total nitrogen, total phosphorus, and total suspended solids.
- 5) The permittee shall include the following as part of its reapplication package due in accordance with Part II.M:
 - (a) Documentation that sufficient control measures have been implemented (or documentation detailing that implementation will be complete by the expiration date of this state permit) to meet the compliance target identified in this Special Condition. If temporary credits or offsets have been purchased in order to meet the compliance target, the list of temporary reductions utilized to meet the 5% reduction in this state permit and a schedule of implementation to ensure a permanent 5% reduction shall be provided; and
 - (b) A draft second phase Chesapeake Bay TMDL Action Plan designed to reduce the existing POC loads by an additional seven times the required reductions in loading rates using Table 2 of Part I.D.1.b) of this state

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- permit unless alternative calculations have been provided by the Commonwealth;
- (c) An additional 35% reduction in new sources developed between 2009 and 2014 and for which the land use cover condition was greater than 16%; and
 - (d) Accounting for any modification to the applicable loading rate provided to the permittee as a result of TMDL modification.

SECTION 3. APPLICABLE WASTELOAD ALLOCATIONS

Total Nitrogen

Wasteload Allocation (lbs / year)	Watershed(s)	TMDL Report	EPA Approval Date	SWCB Approval Date
25,385.25	Chickahominy River oligohaline estuary	Chesapeake Bay TMDL	12/29/2010	N/A
150,930.68	James River upper tidal freshwater estuary	Chesapeake Bay TMDL	12/29/2010	N/A

From **Attachment A: Applicable TMDL Wasteload Allocations** in the County's MS4 Permit

Total Phosphorus

Wasteload Allocation (lbs / year)	Watershed(s)	TMDL Report	EPA Approval Date	SWCB Approval Date
13,337.88	Chickahominy River oligohaline estuary	Chesapeake Bay TMDL	12/29/2010	N/A
20,531.88	James River upper tidal freshwater estuary	Chesapeake Bay TMDL	12/29/2010	N/A

From **Attachment A: Applicable TMDL Wasteload Allocations** in the County's MS4 Permit

Total Suspended Solids

Wasteload Allocation (lbs / year)	Watershed(s)	TMDL Report	EPA Approval Date	SWCB Approval Date
522,195.38	Chickahominy River oligohaline estuary	Chesapeake Bay TMDL	12/29/2010	N/A
4,435,348.87	James River upper tidal freshwater estuary	Chesapeake Bay TMDL	12/29/2010	N/A

From **Attachment A: Applicable TMDL Wasteload Allocations** in the County's MS4 Permit

SECTION 4. CHESAPEAKE BAY WATERSHED TMDL PLANNING

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Henrico County's Phase One Chesapeake Bay TMDL Action Plan addresses the following:

SECTION 4.1

A review of the current MS4 Program Plan including existing legal authorities and the permittee's ability to ensure compliance with this special condition.

Henrico has reviewed its current MS4 Program Plan and has determined that the legal authorities as stated in the current MS4 Program Plan are sufficient for compliance with this special condition. Please refer to Part I.A.3 of the MS4 Program Plan for a listing of the legal authorities.

SECTION 4.2

Identifies any new or modified legal authorities, such as ordinances, permits, orders, contracts and inter-jurisdictional agreements, implemented or needing to be implemented to meet the requirements of this special condition.

As stated in Section 4.1 above, existing legal authorities are sufficient for compliance with this special condition. Therefore, no new or modified legal authorities beyond those listed in Part I.A.3 of the MS4 Program Plan are necessary.

SECTION 4.3

The means and methods utilized to address discharges into the MS4 from new sources.

The means and methods used to address discharges into the MS4 from new sources (pervious and impervious urban land uses served by the MS4 developed or redeveloped on or after July 1, 2009) are the stormwater management programs implemented since 1991. These programs applied to all development / redevelopment exceeding 2,500 square feet of land disturbance.

From 1991 and until July 1, 2014, an average land cover condition of 16% was used to compute pollutant removal requirement and for the design of required BMPs consistent with the CBPA Regulations and stormwater management regulations in place at that time. Beginning July 1, 2014, the County began

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requiring stormwater pollutant reductions consistent with the revised VSMP Regulations using the Virginia Runoff Reduction Method. Since implementing stormwater pollutant reductions programs in 1991, the County's application of those programs has been determined to be consistent with applicable laws and regulations by applicable State agencies.

Therefore, there are no additional increases in POCs from new sources that must be addressed by this TMDL Action Plan.

SECTION 4.4

An estimate of the annual POC loads discharged from the existing sources as of June 30, 2009 based on the 2009 progress run. The permittee shall utilize Table 1 and multiply the total existing acres served by the MS4 on June 30, 2009 and the 2009 Edge of Stream (EOS) Loading Rate.

<u>Table 1: Calculation Sheet for Estimating Existing Source Loads for the James River Basin</u> (Based on Chesapeake Bay Program Watershed Model Phase 5.3.2)				
<u>Subsource</u>	<u>Pollutant</u>	<u>Total Existing Acres Served by MS4 (6/30/09)¹</u>	<u>2009 EOS Loading Rate (lbs/ac/yr)</u>	<u>Estimated Total POC Load Based on 2009 Progress Run (lb/yr)</u>
Regulated Urban Impervious ²	Nitrogen	14,187.16	9.39	133,217.06
Regulated Urban Pervious ³		17,529.11	6.99	122,528.48
Regulated Urban Impervious	Phosphorus	14,187.16	1.76	24,969.33
Regulated Urban Pervious		17,529.11	0.5	8,764.56
Regulated Urban Impervious	Total Suspended Solids	14,187.16	676.94	9,603,829.01
Regulated Urban Pervious		17,529.11	101.08	1,771,842.44

¹ See Attachment 1

² See Attachment 2

³ See Attachment 2

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SECTION 4.5

A determination of the total pollutant load reductions necessary to reduce the annual POC existing loads using Table 2 by multiplying the *Total Existing Acres Served by MS4* by the *First Permit Cycle Required Reduction in Loading Rate*.

Table 2: Calculation Sheet for Determining Total POC Reductions Required During this State Permit Cycle for the James River Basin
(Based on Chesapeake Bay Program Watershed Model Phase 5.3.2)

<u>Subsource</u>	<u>Pollutant</u>	<u>Total Existing Acres Served by MS4 (6/30/09)⁴</u>	<u>First Permit Cycle Required Reduction in Loading Rate (lbs/ac/yr)</u>	<u>Total Reduction Required During First Permit Cycle (lbs/yr)</u>
Regulated Urban Impervious ⁵	Nitrogen	14,187.16	0.04	567.48
Regulated Urban Pervious ⁶		17,529.11	0.02	350.58
Regulated Urban Impervious	Phosphorus	14,187.16	0.01	141.87
Regulated Urban Pervious		17,529.11	0.002	35.06
Regulated Urban Impervious	Total Suspended Solids	14,187.16	6.67	94,628.09
Regulated Urban Pervious		17,529.11	0.44	7,712.81

⁴ See Attachment 1

⁵ See Attachment 2

⁶ See Attachment 2

SECTION 4.6

The means and methods, such as the management practices and retrofit programs that will be utilized to meet the required reductions identified in Part I.D.1.b)(1)(e) and a schedule to achieve those reductions. The schedule should include annual benchmarks to demonstrate the on-going progress in meeting the reductions.

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Mean / Method	Type	Applicable Reductions (lbs)			Anticipated / Completion Date
		N	P	TSS	
Woodman Park Energy Dissipator ⁷	Outfall Retrofit	25.63	3.60	1981.76	Completed September, 2016
Jamestown Apartments ⁸	Stream Restoration	103.73	94.04	62,069.04	Completed December, 2006
Henrico Communications ⁹	Stream Restoration	95.83	86.89	57,345.42	Completed June, 2009
BMPs Installed prior to July 1, 2009 ¹⁰	Stormwater Compliance BMPs	405.31	79.09	44688.62	Complete
Energy Dissipators installed prior to June 30, 2014 that weren't previously claimed ¹¹	Additional Outfall Treatment	1979.07	254.72	94691.94	Complete
Septic-to-Sewer Connections from 2006 to 2016 ¹²	Annual Program	2106.54	0	0	Ongoing
Skipwith Elementary ¹³	Stream Restoration	44.57	40.41	26671.43	Completed May, 2012
TOTAL		4760.68	558.75	28,7448.21	

⁷ See Attachment 3

⁸ See Attachment 4

⁹ See Attachment 5

¹⁰ See Attachment 6

¹¹ See Attachment 7

¹² See Attachment 8

¹³ See Attachment 9

As shown in the table below, pollutant reductions achieved to date exceed those required during the first permit cycle. Overages will be applied to reduction requirements in future permit cycles.

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Pollutant	Total Reduction Required During First Permit Cycle (lbs/yr)	Total Reductions Achieved to Date (lbs/yr)
Nitrogen	918.06	4,760.68
Phosphorus	176.93	558.75
Total Suspended Solids	102,340.90	287,448.21

SECTION 4.7

The means and methods to offset the increased loads from new sources initiating construction between July 1, 2009 and June 30, 2014 that disturb one acre or greater as a result of the utilization of an average land cover condition greater than 16% impervious cover for the design of post development stormwater management facilities. The permittee shall utilize Table 3 to develop the equivalent pollutant load for nitrogen and total suspended solids. The permittee shall offset 5% of the calculated increased load from these new sources during the permit cycle.

From 1991 and until July 1, 2014, an average land cover condition of 16% was used to compute pollutant removal requirement and for the design of required BMPs consistent with the CBPA Regulations and stormwater management regulations in place at that time. Beginning July 1, 2014, the County began requiring stormwater pollutant reductions consistent with the revised VSMP Regulations using the Virginia Runoff Reduction Method. At no time has an average land cover condition greater than 16% impervious cover been used to compute the pollutant removal requirement or the design of post development stormwater management facilities.

Since implementing stormwater pollutant reductions programs in 1991, the County's application of those programs has been determined to be consistent with applicable laws and regulations by applicable State agencies.

Therefore, there are no increases in increased loads from new sources initiating construction between July 1, 2009 and June 30, 2014 that disturb one acre or greater as a result of the utilization of an average land cover condition greater than 16% impervious cover for the design of post development stormwater management facilities that must be addressed with this action plan.

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SECTION 4.8

The means and methods to offset the increased loads from grandfathered projects in accordance with 9VAC25-870-48, that disturb one acre or greater that begin construction after July 1, 2014 where the project utilized an average land cover condition greater than 16% impervious cover in the design of post development stormwater management facilities. The permittee shall utilize Table 3 to develop the equivalent pollutant load for nitrogen and total suspended solids.

From 1991 and until July 1, 2014, an average land cover condition of 16% was used to compute pollutant removal requirement and for the design of required BMPs consistent with the CBPA Regulations and stormwater management regulations in place at that time. Beginning July 1, 2014, the County began requiring stormwater pollutant reductions consistent with the revised VSMP Regulations using the Virginia Runoff Reduction Method with the exception of projects determined to be “grandfathered”. “Grandfathered” projects comply with pollutant removal reductions based on the average land cover condition of 16%. At no time has an average land cover condition greater than 16% impervious cover been used to compute the pollutant removal requirement or the design of post development stormwater management facilities.

Since implementing stormwater pollutant reductions programs in 1991, the County’s application of those programs has been determined to be consistent with applicable laws and regulations by applicable State agencies.

Therefore, there are no increases in increased loads from grandfathered projects in accordance with 9VAC25-870-48, that disturb one acre or greater that begin construction after July 1, 2014 that disturb one acre or greater as a result of the utilization of an average land cover condition greater than 16% impervious cover for the design of post development stormwater management facilities that must be addressed with this TMDL Action Plan.

SECTION 4.9

A list of future projects and associated acreage that qualify as grandfathered in accordance with 9VAC25-870-48.

Future Projects Determined to be Grandfathered	Project Acreage
New Dawn Assisted Living Center Master Plan	5.47

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Shirley Subdivision	20.5
Rocketts Landing Section 7	1.2
Rocketts Landing Phase IV Block 19	1.287
Daves Auto Spa	1.09
Club Court Subdivision	26.3
Discount Tire at Staples Mill	1.22
Settler's Ridge Section C	18.8
RIA Maintenance Storage Building	6.48
Savannah Station	9.74
Midview Farms Section C	4.37
Kings Manor Subdivision	2.19

SECTION 4.10

An estimate of the expected cost to implement the necessary reductions during the permit cycle

The total estimated cost of the means and methods listed in Section 4.6 that can be estimated is \$1,471,000.

SECTION 4.11

An opportunity for receipt and consideration of public comment on the draft Chesapeake Bay TMDL Action Plan

No comments were received.

SECTION 4.12

A list of all comments received as a result of public comment and any modifications made to the draft Chesapeake Bay TMDL Action Plan as a result of the public comments.

The following table lists the comments that were received as a result of posting the draft Chesapeake Bay TMDL Action Plan on the County's website. Revisions made to the document as a result of these comments are also listed.

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SECTION 4.13

As part of development of the Chesapeake Bay TMDL Action Plan, the permittee shall consider use of the following:

- a. Implementation of BMPs on unregulated lands provided the baseline reduction is subtracted from the total reduction prior to application of the reduction towards meeting the required reductions.
- b. Utilization of stream restoration projects provided the baseline reduction from the unregulated acreage treated by the stream restoration project is subtracted from the total reduction prior to application of the reduction towards meeting the required reductions.
- c. Establishment of a memorandum of understanding (MOU) with other MS4 permittees that discharge to the same or adjacent eight digit hydrologic unit within the same basin to implement BMPs collectively. The MOU shall include a mechanism for dividing the POC reductions created by BMP implementation between the cooperative MS4s.
- d. Utilization of any pollutant trading or offset program in accordance with §62.1-44.19:20 through 62.1-44.19:23 et seq. of the Code of Virginia governing trading and offsetting.
- e. A more stringent average land cover condition based on less than 16% impervious cover for new sources initiating construction between July 1, 2009, and June 30, 2014, and all grandfathered projects where allowed by law; and
- f. Any BMPs installed after June 30, 2009, as part of a retrofit program may be applied towards meeting the required load reductions provided any necessary baseline reductions are not included.

Noted.

SECTION 4.14

The permittee shall address any modification to the TMDL or watershed implementation plan that occurs during the term of this state permit as part of its permit reapplication as required in Part II.M of this state permit.

Noted.

SECTION 4.15

The Chesapeake Bay TMDL Action Plan shall become effective and enforceable

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upon written approval from the Department.

Noted.

SECTION 4.16 ANNUAL REPORTING REQUIREMENTS

In accordance with Part I D.1.b)1), the permittee shall submit the Chesapeake Bay TMDL Action Plan with the annual report due March 31, 2017.

Noted.

Beginning with the annual report due March 31, 2018, each annual report shall include a list of control measures implemented during the reporting period and the cumulative progress toward meeting the compliance targets for total nitrogen, phosphorus, and total suspended solids.

Noted.

Beginning with the annual report due March 31, 2018, each annual report shall include a list of control measures that were implemented during the reporting cycle and the estimated reduction achieved by the control. For stormwater management controls, the report shall include the information required in Part I.C.3.a) and shall include whether an existing stormwater management control was retrofitted, and if so, the existing stormwater management control type retrofit used.

Noted.

Beginning with the annual report due March 31, 2018, each annual report shall include a list of control measures that are expected to be implemented during the next reporting period and the expected progress toward meeting the compliance targets for total nitrogen, total phosphorus, and total suspended solids.

Noted.

SECTION 4.17 PLANS FOR THE NEXT PERMIT CYCLE

The permittee shall include the following as part of its reapplication package due in accordance with Part II.M:

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1. Documentation that sufficient control measures have been implemented (or documentation detailing that implementation will be complete by the expiration date of this state permit) to meet the compliance target identified in this Special Condition. If temporary credits or offsets have been purchased in order to meet the compliance target, the list of temporary reductions utilized to meet the 5% reduction in this state permit and a schedule of implementation to ensure a permanent 5% reduction shall be provided;
2. A draft second phase Chesapeake Bay TMDL Action Plan designed to reduce the existing POC loads by an additional seven times the required reductions in loading rates using Table 2 of Part I.D.1.b) of this state permit unless alternative calculations have been provided by the Commonwealth;
3. An additional 35% reduction in new sources developed between 2009 and 2014 and for which the land use cover condition was greater than 16%; and
4. Accounting for any modification to the applicable loading rate provided to the permittee as a result of TMDL modification.

Noted.