

BMP SC: TMDL Special Conditions

Appendix

City of Poquoson Annual Report

VAR# 040024

Fiscal Year 2021

Submitted to DEQ September 30, 2021

<u>BMP SC</u>	<u>Special Conditions: TMDLs</u>
	Status of Compliance Spreadsheets
SC-1	TMDL Status Report for FY 2021
SC-1c	HRSD Nutrient Credit Agreement: Found in Appendix under BMP 1.4
SC-2	Back River and Poquoson River Bacterial TMDL Action Plans

Updated MS4 Program Plan July 1, 2020 - June 30, 2021

TMDL Special Conditions							PY 3 Status	
BMP	BMP Description	Measurable Goals	Metric	Responsible Party	Timeline	Associated Documents		
SC-1	Chesapeake Bay TMDL							
SC-1a	Update the Chesapeake Bay TMDL Action Plan	Update the Bay TMDL Action Plan to meet 40% reduction of pollutants of concern (POC)	Updated Bay TMDL Action Plan	SW Program Administrator	12 months after permit effective date	Updated Bay TMDL Action Plan	Compliant. Submitted to DEQ as required in PY1. No comments received.	
SC-1b	Provide opportunity for public comment on the updated Bay TMDL Action Plan	Opportunity provided for public comment	Public comment period for no less than 15 days	SW Program Administrator	Prior to submittal of updated Bay TMDL Action Plan	Record of Comments	Compliant. No public comments were received. The plan remains on the City website and the public are continuously invited to provide comments or ask questions.	
SC-1c	Implement Bay TMDL Action Plan	Implement the Bay TMDL Action Plan to meet 40% of the Level 2 (L2) reductions of pollutants of concern (POC) by the end of the permit cycle	BMPs implemented	SW Program Administrator	End of PY5	Bay TMDL Action Plan	Ongoing. HRSD credit trading agreement found in appendix section 1. This agreement satisfies the Bay TMDL second period requirements. Additionally two septic tanks were disconnected this year. The City has a 99% connection rate with only 38 tanks remaining in use.	
SC-2	Local TMDL							
SC-2a	Local TMDL Action Plan for TMDLs approved by EPA prior to July 1, 2013	Develop a local TMDL Action Plan	Local TMDL Action Plan	SW Program Administrator	No later than 18 months after permit effective date	Local TMDL Action Plan	N/A Poquoson only has bacterial TMDLs approved after July 1, 2013	
SC-2b	Local TMDL Action Plan for TMDLs approved by EPA on or after July 1, 2013 and prior to June 30, 2018	Develop a local TMDL Action Plan	Local TMDL Action Plan	SW Program Administrator	No later than 30 months after the permit effective date	Local TMDL Action Plan	Complaint. TMDL Action Plans developed and submitted to DEQ in May 2021. See appendix for attached action plans.	

Updated MS4 Program Plan July 1, 2020 - June 30, 2021

SC-2c	Identify the significant sources of the POC	Identify the significant sources	Sources identified	SW Program Administrator	No later than 18 or 30 months after permit effective date, as applicable	Local TMDL Action Plan	Complaint. See Action Plans included in appendix.
SC-2d	Outreach strategy to enhance public (including staff) education on reducing bacteria discharges	Develop and implement an outreach strategy	Outreach Strategy	askHRgreen and SW Program Administrator	No later than 18 or 30 months after permit effective date, as applicable	Local TMDL Action Plan	Complaint. See Action Plans included in appendix.
SC-2e	Schedule of anticipated actions for this permit term	Schedule of anticipated actions provided	Schedule of actions	SW Program Administrator	No later than 18 or 30 months after permit effective date, as applicable	Local TMDL Action Plan	Complaint. See Action Plans included in appendix.
SC-2f	Public comment period for the updated Local TMDL Action Plan	Opportunity provided for public comment	Public comment period for no less than 15 days	SW Program Administrator	Prior to submittal of updated Local TMDL Action Plan	Record of Comments	Complaint. Public comment period took place in April 2021.
SC-3	Bacteria TMDL						
SC-3a	Implement at least 3 strategies from Table 5	Identify strategies	At least 3 strategies implemented	SW Program Administrator	As listed in schedule of anticipated actions	Bacteria TMDL Action Plan	Complaint. See Action Plans included in appendix.
SC-4	Sediment, Phosphorous, and Nitrogen TMDLs						
SC-4a	Implement BMPs to reduce pollutant loads	BMPs listed in the VA BMP Clearinghouse, BMPs approved by the CBP, or using land disturbance thresholds lower than required	BMPs installed	SW Program Administrator	As listed in schedule of anticipated actions	Sediment, P, or N TMDL Action Plan	N/A Poquoson only has bacterial TMDLs approved after July 1, 2013
SC-4b	Submit anticipated end date by which the WLA will be met	Identify anticipated end date	Submit anticipated end date	SW Program Administrator	36 months after effective date of permit	Annual report	N/A Poquoson only has bacterial TMDLs approved after July 1, 2013
SC-5	PCB TMDLs						

Updated MS4 Program Plan July 1, 2020 - June 30, 2021

	Develop an inventory of potentially significant sources of PCBs owned or operated by the permittee	Develop potentially significant sources inventory	Potentially significant sources identified	SW Program Administrator	As scheduled in permit	PCB TMDL Action Plan	N/A Poquoson only has bacterial TMDLs approved after July 1, 2013
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TMDL Status Reports

Chesapeake Bay TMDL Implementation: As reported in its 2018 annual report, the City of Poquoson met and exceeded the 2018 implementation goal for the Bay TMDL. Information on this is provided in the draft Chesapeake Bay TMDL Action Plan that was provided to DEQ in Permit Year one, in accordance with permit requirements. Poquoson also provided a copy of the attached draft to DEQ in 2018. No comments on this draft have been provided to date. The City is therefore using this draft action plan.

While the City plans to continue implementing water quality measures, the draft plan calls for the use of credits obtained via the HRSD trading agreement. This document is provided in the annual report. In addition, additional properties are converting from septic tank to sewer connections. Poquoson has over a 99% connection rate to its sewer system. Two homes were connected this year after their septic tanks were pumped, filled in and their tops crushed. This leaves only 38 residences in the City being served by a septic tank.

In addition to the City's water quality BMPs, staff members participated in the regional effort to assist in the state's latest Watershed Implementation Plan. Poquoson is a member of the Hampton Roads Planning District Commission. This group led the WIP work.

Bacterial TMDL Implementation: The City's bacterial TMDLs were approved by the EPA in 2017. The action plan for these TMDLs was due 30 months after the permit issuance. The City posted both the Back River and Poquoson River TMDLs online for a public comment period in April 2021. The City received no comments on the plans and submitted the plans to DEQ in May 2021. The plans are attached below. The City has been implementing steps to reduce bacteria in its waters and from its MS4 for several years now. This work includes providing free boat pump outs on City docks in both the Back and Poquoson River watersheds. Our education program emphasizes picking up after pets. Pet waste stations are provided at City parks and are available to civic groups interested in adopting and maintaining a station. Finally, Poquoson is working with the Fish and Wildlife Service and USDA to reduce itinerant wildlife bacterial loads. Poquoson is located adjacent to a federal wildlife refuge. City ponds and parks draw waterfowl, primarily geese, that make the waters permanent homes instead of migrating. This program is reducing the goose population and associated waste.

BACK RIVER BACTERIAL TMDL ACTION PLAN

CITY OF POQUOSON, VIRGINIA

VAR 040024

April 22, 2021

In accordance with the requirements of the GENERAL VPDES PERMIT FOR DISCHARGES OF STORMWATER FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (9VAC25-890-40), the City of Poquoson is required to develop an action plan to address bacterial contamination in the Back River. The Virginia Department of Environmental Quality established Total Maximum Daily Loads of Bacteria for Back River in York County and the Cities of Hampton, Poquoson, and Newport News, Virginia in 2018. It was approved by the EPA on February 9, 2018 and can be found on the DEQ's website at <https://www.deq.virginia.gov/water/water-quality/tmdl-development/approved-tmdls>

TMDL PROJECT NAME:
Coliform TMDL

Back River Fecal

EPA APPROVAL DATE:

2/09/2018

PUBLIC COMMENTS ON THIS ACTION PLAN WILL BE ACCEPTED THURSDAY, APRIL 22, 2021 THROUGH SUNDAY, MAY 3, 2021. COMMENTS SHOULD BE EMAILED TO THE ENGINEERING DEPARTMENT AT garrett.feagans@poquoson-va.gov Comments may also be submitted in writing to the Engineering Department at 500 City Hall Avenue, Poquoson, VA 23662.

WASTELOAD ALLOCATED TO THE PERMITTEE: The following table 4.2 is excerpted from the Back River TMDL. Table 4.2 provides Wasteload allocations for all MS4s in the watershed. Poquoson's wasteload is 3.20E+11, a reduction of 61.78%.

Table 4.2: Estimated Daily Wasteloads and Allowable Wasteloads for Fecal Coliform by MS4 Permit¹

Watershed	Permit Number	MS4 Permit Holder	Existing Load (Counts/day)	Wasteload Allocation (Counts/day)	Percent Reduction(%) ¹
Poquoson River	VAR040024	City of Poquoson	8.38E+11	3.20E+11	61.78
	VAR040028	York County	2.20E+12	1.24E+12	43.69
	VAR040115	VDOT	8.53E10	8.53E10	0.0
	SUM		3.04E+12	1.56E+12	48.68
Back Creek	VAR040028	York County	9.56E+10	8.52E+10	10.86
	VAR040115	VDOT ¹	N/A	N/A	
	SUM		9.56E+10	8.52E+10	10.86

¹For MS4 permits, the permittee may address the TMDL WLAs for stormwater through the iterative implementation of programmatic BMPs.

²Percent reduction is based on averaged daily WLA and is computed as a reduction from the baseline existing load

³No VDOT managed highway

Note that because of the nature of the bacteria TMDL, any new or expanded permittee may discharge into the watershed at the bacteria water quality criteria without a TMDL revision.

SIGNIFICANT SOURCES OF BACTERIA DISCHARGING TO THE PERMITTEE'S MS4:

The following are sources of bacterial discharging to Poquoson's MS4 that are not covered under a separate permit. It should be noted that a significant majority of the length of the City of Poquoson's storm sewer system is tidal or tidally influenced. This means that the waters of the Back River are transported by the tide into the City's storm sewer system. Tidal waters transport downstream pollutants, including pollutants from other localities and from the Plum Tree Island Federal Wildlife Refuge, into the City's MS4 system. This has a bearing on the water quality of the City's storm sewer system that is difficult if not impossible to quantify. It also means that flows through the drainage system could still contain bacteria even if the City were able to

remove 100% of the upstream sources of bacteria from its service area.

The following significant sources have been identified:

- The Plum Tree Island Federal Wildlife Refuge: While the Refuge is outside the Poquoson service area, the TMDL assigns a portion of the wildlife refuge's bacterial runoff to the City's service area, citing tidal conveyance of the runoff into water bodies within the service area. While only a portion of the runoff pollution was assigned to the service area, the refuge's extremely large size still makes this loading significant. City property records indicate the refuge is 3,290 acres. This area drains to the Back and Poquoson Rivers. In comparison, the City of Poquoson's service area in the Back River is 1,250 acres. Obviously, the refuge is also a source of waterfowl that may on occasion wander into the City's MS4 service area. While DEQ was assigned a wasteload allocation that is in part due to the refuge, the City cannot take any action to mitigate bacterial pollution from the property. A portion of Plum Tree was used as a bombing range during and prior to the 1950's. Public access to the refuge is prohibited, and the City of Poquoson has no role in its management. City workers cannot enter the property and cannot control any activities on the island.
- Itinerant waterfowl taking up residence in the developed portion of the City.
- Septic tank and sanitary sewer overflow waste. As commented on in stakeholders' advisory group meetings during the initial TMDL development, the water quality monitoring data for these reports was for a term of 2007 to 2014. The long-term water quality and bacterial levels in the watershed before, during and after this period show a continuing downward trend in bacteria in the waters receiving runoff from the Poquoson service area. This is due in large part to the City's major expansion of its sewer system in the first decade of the 2000's and its current municipal sewer find and fix program. The 2018 revision to the TMDL prior to EPA approval did consider and try to update data. However, more improvement in water quality monitoring data is expected in future years.

- Boat privy dumping, calculated based on the number of marinas is a contributing factor to bacteria in the watershed. While dumping occurs in open waters outside City limits, the load is attributed to the service area.
- Pet waste

**BEST MANAGEMENT PRACTICES DESIGNED TO REDUCE
BACTERIA IN ACCORDANCE WITH PARTS II B 4, B 5 AND B 6:**

Best Management Practices (BMPs) are listed by significant source:

- Other source: Plum Tree Island Federal Wildlife Refuge wildlife: as noted above, this federally owned reserve is off limits to the City of Poquoson and its residents. City staff's past efforts to include the Refuge staff members in TMDL stakeholders' groups or discussions have not met with success. This is not a pollutant source that Poquoson has legal authority to address and we defer to the U.S. Fish and Wildlife Service.
- Birds (Waterfowl): The most significant concentration of itinerant waterfowl that have been observed in the City of Poquoson is the Canadian Goose flock at the South Lawson Park pond and on the fields. These birds no longer appear to be migratory and remain at the park year-round. The City of Poquoson has worked to find solutions to this goose infestation. Past efforts included "scarecrows" in the form of wooden silhouette cut outs and staff members returning daily to the park to chase the geese away. These have not helped and the goose population has grown as new goslings have hatched and taken up residence. The best measure for reducing and possibly eliminating itinerant geese is to work with the U.S. Fish and Wildlife Service on population control strategies. The City has initiated this effort and plans to continue this as needed. This effort will be expanded to include other City properties if a permanent goose population appears to be developing on those properties. In addition, the City will provide public education discouraging feeding waterfowl.
- Illicit discharges to the MS4: Human fecal coliform from septic tanks: Over 95% of the City's residences are connected to public sewer. Poquoson will maintain its proactive outreach program to septic tank owners, reminding them of the need for pump outs. In addition, the City will educate septic tank owners on how to determine whether their septic system is failing. This campaign will be targeted on the approximately 30 homes out of almost 4000 still connected to septic tanks. The City will also continue its aggressive sewer system find

and fix program performed as part of the regional Consent Order effort.

- Other sources: Boat privy waste: Poquoson will continue to operate boat privy pump outs at two locations in the City. It will educate the public as to their availability by publishing locations on its blueway map. This map is included in Parks and Recreation brochures and on the City's website. The City will also include the location of privately owned pumpouts on the map.
- Domestic Pets: Provide at minimum one sign and one pet waste station equipped with a disposal can and with pet waste bags at each of the City's parks and trails.

CALCULATIONS: The City of Poquoson does not have a TMDL for pollutants identified in Part II B 4, B 5 or B 6. Therefore, calculations and outreach strategies targeted at those pollutants are not required.

**SCHEDULE OF ANTICIPATED ACTION PLANNED FOR
IMPLEMENTATION DURING THE PERMIT TERM:**

- By December 31, 2021: Information will be posted on the City website and the Poquoson Cable TV channel on the proper disposal of pet waste and on NOT feeding waterfowl.
- By December 31, 2021: Educational articles submitted to the Island Times, a City-wide magazine sent to every household in the Poquoson, on picking up after pets and not feeding waterfowl.
- January 2022 through the end of Permit Year 5: Staff members will continue updating the public education outreach described above. Poquoson will continue to participate in the regional AskHRGreen educational campaign on pet waste.
- By October 31, 2023: Education on boat privy pump out facilities will be distributed through the blueways map and other sources targeted at boaters.
- By October 31, 2023: City staff members will establish and maintain a relationship with the US Fish and Wildlife Service and/or other government programs to actively reduce itinerant goose populations at South Lawson Park and other City properties as needed.
- Ongoing, continuing through the remainder of the permit term: Poquoson will continue to maintain a database of known septic tank owners in the City and will continue its septic tank pumpout reminder outreach. The Poquoson Utilities Department will continue its find and fix program to identify and repair sewer system issues in an effort to minimize and eliminate wet weather overflows.
- By October 31, 2023: Poquoson staff members will have developed and distributed to septic tank owners an educational paper explaining how to identify failing septic tanks and needed corrective steps.

INCLUSION BY REFERENCE OF THIS ACTION PLAN AND ANNUAL PROGRESS REPORTING:

The City's MS4 program plan includes the development and implementation of this action plan as required actions (see BMP SC). The City of Poquoson Annual Report for the MS 4 program, provided to DEQ by October 1st of each year will include a progress report of the previous year's actions and the planned actions for the upcoming permit year. Next year's annual report will include the finalization date and title for this action plan in the BMP SC status of compliance and next permit year's planned actions, as well as on the progress report.

COMMENTS: This action plan is being posted on the City's website beginning Thursday, April 22, 2021. A ten-day comment period will follow, ending Monday, May 3, 2021. Following this comment period, the action plan will remain posted on line and the public will continue to be invited to provide comments to the Poquoson Engineering Department anytime.

END OF DOCUMENT

POQUOSON RIVER AND BACK CREEK BACTERIAL TMDL ACTION PLAN

CITY OF POQUOSON, VIRGINIA

VAR 040024

April 22, 2021

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TMDL PROJECT NAME: Poquoson River and
Back Creek Fecal Coliform TMDL

EPA APPROVAL DATE: 2/01/2018

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FINAL PAGE of Appendix & Report

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