

January 20, 1999

Mr. Alan Hallum
Chief, Water Protection Branch
Environmental Protection Division
205 Butler Street, S.E.
Floyd Towers East, Suite 1058
Atlanta, Georgia 30334

**SUBJECT: Technical and Regulatory Dialogue on TMDL Issues Workshop
Friday, February 5, 1999 / 9:30 a.m. - 2 p.m.
Georgia Power Company, Atlanta / 23rd Floor Board Room**

Dear Alan,

This letter is being sent with hopes of assisting you in preparing for the dialogue scheduled to occur on February 5, 1999, between EPD and GIEC representatives during the TMDL Issues Workshop.

The mission of GIEC is to serve Georgia industry by promoting environmental regulations and policies founded on protection of human health and the environment, sound science, and cost/benefit principles. The GIEC Water Resources Workgroup, in its quest to support GIEC's mission, is seeking to work cooperatively with EPD in finding solutions to outstanding TMDL issues. We believe it is in our, and EPD's, best interest to ensure that the 303(d) listing process is scientifically and legally defensible.

We propose two objectives for this workshop. First, we would like to provide GIEC members an opportunity to obtain updated information from EPD on technical issues relating to the 303(d) listing and delisting process, and TMDL development and implementation. Second, we would like to provide a forum for GIEC members to offer comments and suggestions and to identify areas where they can assist EPD. (Because we anticipate much of the workshop may be needed to adequately address the 303(d) listing and delisting process issues, it may be necessary to reserve the TMDL development and implementation discussions for a future meeting. However, we do hope to cover those topics if time permits.)

Agenda

Thank you for sending us a draft workshop agenda. The topics are on point; however, we recommend adjusting a majority of the workshop [303(d) listing and delisting process] from a "presentation" to a "discussion" format. We, therefore, propose the following agenda.

Introductions	GIEC
Purpose of Meeting	GIEC

Unrelated to TMDLs: Brief update on the new stormwater construction permit	EPD
How GIEC members can obtain information from EPD files on how their stream segment was listed	EPD
303(d) Listing and Delisting Process	EPD
• Dialogue (see Attachment "Talking Points")	EPD / GIEC
Proposed 303(d) Listing Policy	GIEC
<i>(time permitting)</i>	
TMDL Development and Implementation	
• Load Allocation Process and Implementation	EPD / GIEC

Workshop Facilitation

The workshop will be facilitated by Mr. Larry Neal, a professionally trained facilitator, in an informal and interactive manner that will promote dialogue between EPD and GIEC representatives. A few non-GIEC members of the industrial community (invited guests) will also be in attendance as observers, and will not be part of the actual dialogue. At this time, we anticipate about twelve GIEC representatives and four invited guests in attendance.

We appreciate your seeing the value in these meetings and in GIEC providing input wherever possible. If you have any questions or concerns prior to the workshop, please contact me (404-506-7757) at your earliest convenience.

Sincerely,

Michael E. Wilder
Chair, Water Resources Workgroup

cc: GIEC Water Resources Workgroup (WRW) / General Membership
T. Cheek, GIEC WRW Technical Advisor
B. Mowrey / B. Sapp, GIEC WRW TMDL Advisors

ATTACHMENT

Talking Points

303(d) Listing and Delisting Process

1. What data is being used to list a stream segment? As a matter of example, can copies of listing data be provided at the meeting for a representative stream segment?
2. What is the procedure for listing a stream segment under the following:
 - numeric standard?
 - narrative standard?
 - biota?
3. What is the process for delisting a stream segment?
4. Are there measures GIEC member companies can take to assist in delisting a stream segment? If "yes", what are they?
5. How does EPD address mixing zones in the 303(d) list?
6. What is the relationship between the specific measurement locations and the listed stream segments as it relates to river miles or acres?
7. How does EPD plan to address the new dissolved metals criteria in the 303(d) process?
8. What is the schedule for preparation of the next 303(d) list in 2000? How can industry assist in the process?
9. When toxicity is cited as the cause in a WQLS 303(d) listing, is impairment based on W.E.T. testing or instream toxicity testing?
10. If a WQLS was identified for the 1998 303(d) list due to one metals hit, will that WQLS be excluded from the 2000 list if future EPD/EPA listing criteria requires more than one hit?
11. How is impairment determined based on fish tissue contamination? FDA thresholds? EPA screening values? Fillet tissue samples? Composite samples?
12. How is impairment determined for biological communities? (e.g., IBI, Best Professional Judgment, % of reference, other?)
13. Are all determinations of impairment based on instream measures? If based on effluent data, is impairment *a/ways* determined using predictive modeling?
14. What are the EPD/EPA minimum data requirements for listing decisions involving dissolved oxygen, water temperature, pH, fecal coliform, etc.? How many

samples of each are required to make a listing determination? (instream data, QA/QC, biological, fish tissue)

15. Are data to support each 303(d) listing submitted to U.S. EPA?
16. Is EPD legally required to control point source loads before non-point if the point source is a smaller contributor?
17. Is EPD/EPA receptive to removing listed segments between listing cycles?

TMDL Development and Implementation

1. What is the model used for developing TMDLs (i.e., BASINS, BASINS II, etc.)?
2. What are the sources of input parameters for developing design criteria?
3. What are the input values and default values assumed?
4. How would EPD develop a TMDL based on the following:
 - numeric standard?
 - narrative standard?
 - biota?
5. What is the process for modeling a representative stream segment and how will EPD determine the following:
 - input values vs. default values?
 - wet weather vs. dry weather values?
 - point source ("WLA") vs. non-point source ("LA") values?
 - margin of safety?
6. What is the status of the TetraTech TMDL guidance manual?
7. How will EPD address site-specific variances in the TMDL process?
8. How can GIEC assist EPD with TMDL development?
9. What is the process for allocating the WLA and LA?
10. What authority does EPD have in controlling non-point sources?
11. What is the administrative process for TMDL implementation for the following:
 - notice?
 - opportunity to comment?
 - stakeholder involvement?
12. How can GIEC assist EPD with TMDL implementation?

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Georgia Industry Environmental Coalition

TO: Water Resources Workgroup
cc: General Membership

FROM: Debbie Ryan, Executive Director

DATE: January 12, 1999

**SUBJECT: Water Resources Workgroup Teleconference Scheduled
Friday, January 22, 1998 / 9 - 10 a.m.**

Mike Wilder, Chair of the Water Resources Workgroup, is requesting your participation in a teleconference, especially those planning to attend the meeting on February 5th with EPD. Of course, any other GIEC members interested in participating on the call are welcomed also.

In GIEC's December 16, 1998, letter to Mr. Alan Hallum, we asked that he and other EPD representatives come to the February 5th meeting prepared to interact with our members in a roundtable dialogue format, which promoted a mutual exchange of ideas and concerns. In order to do this effectively, we need to be as prepared as reasonably possible. With this in mind, Mike hopes the Water Resources Workgroup can accomplish the following on the January 22nd teleconference.

- Review the draft agenda for the February 5th meeting, soliciting suggestions from members for purposes of covering all members' concerns, issues and questions in order to finalize the agenda
- Review GIEC's questions and issues (referred to as "draft talking points" below), which will have already been transmitted to EPD
- Assist members with the understanding of the points made in the draft TMDL De-listing Strategy Paper, referred to below, before the meeting with EPD
- Obtain a consensus of the overall goals GIEC intends to obtain in our meeting with EPD on the 5th

A copy of the draft talking points, which will be sent to EPD prior to our February 5th meeting, will be faxed to each Water Resources Workgroup member before January 20th. Also, a copy of the TMDL De-listing Strategy Paper we had asked Law Engineering and Environmental Services to help us develop will also be sent to each Water Resources Workgroup member prior to the teleconference. It will be in draft form so that the Water Resources Workgroup has an opportunity for input before it is in its final form.

Please indicate your ability to participate on the teleconference by notifying the GIEC office (via fax: 770-421-3411 or 3586) no later than Wednesday, January 20, 1999.

_____ Yes, I, _____, plan to participate on the teleconference.

Instructions for dialing into the call:

1. Dial 1-888-417-7539
2. You will be asked for the call you wish to be connected. It is: GIEC