

CHESAPEAKE BAY PROGRAM  
WATER QUALITY GOAL IMPLEMENTATION TEAM

MARCH 14<sup>TH</sup>, 2011 CONFERENCE CALL MINUTES

## SUMMARY OF DECISION AND ACTION ITEMS

**DECISION:** The Water Quality Goal Implementation Team recommends to the Management Board that Russ Perkinson be the new Vice-Chair of the Water Quality Goal Implementation for a two year period.

**DECISION:** WQGIT members agree not to hold a face-to-face meeting in the June timeframe in lieu of conference calls and potentially webinars so long as information sharing needs can be met.

**ACTION:** EPA will share a proposed schedule of conference calls for now through June 30.

**DECISION:** The WQGIT recommends that the Water Quality Trading Forum is made a workgroup under that Water Quality Goal Implementation Team.

**ACTION:** WQGIT members should contact Patricia Gleason at [gleason.patricia@epa.gov](mailto:gleason.patricia@epa.gov) with nominations for members and a Chair for the new Water Quality Trading Workgroup by Friday, April 1.

**DECISION:** WQGIT provides conditional approval of the 2 SW BMPs, MD BMP by Era and Street Sweeping, for Phase 5.3.2 Watershed Model calibration purposes. Continued use of these BMPs in progress runs is contingent on WTWG review and approval of tracking and reporting (post-meeting note: WTWG is meeting March 28 to discuss).

**ACTION:** Stormwater BMP Panel will respond to WQGIT's question about whether and how jurisdictions could receive credit for less frequent street sweeping.

**ACTION:** The Wastewater Treatment Workgroup will examine MDE's request to use 3-5 year average hydrology rather than fixed period to mitigate effect of rainfall variation.

**ACTION:** CBPO will follow-up on the possibility of assessing all original milestone commitments using the 5.3.0 model to provide stable comparison (post-meeting note: per March 17 email from Larry Merrill, not possible to run 2009-2011 milestones through Phase 5.3.0 given that some weren't run through Phase 4.3) .

**DECISION:** Two options for reporting interim progress on two year milestone be present to the Management Board: 1) option proposed by Gary Shenk to WQGIT to calculate based on % reduction from 2008; and 2) (recommended) each jurisdiction is responsible for developing a one-page interim report. EPA should share these recommendations with WQGIT prior to presenting to Management Board. Management Board be asked to reconsider their decisions for the two year milestones.

**DECISION:** Milestone Workgroup should be formed under the Water Quality Goal Implementation Team.

**ACTION:** WQGIT members should contact Suzanne (Hall) Trevena at [trevena.hall@epa.gov](mailto:trevena.hall@epa.gov) with nominations for members and a Chair for the new Milestone Workgroup by Tuesday, March 22nd.

**ACTION:** WQGIT should review the STAR topical meeting for TMDL monitoring meeting proposal and make suggestions to Scott Phillips by Monday, March 21<sup>st</sup>.

## MINUTES

Water Quality Goal Implementation Team Vice-Chair – Larry Merrill

**DECISION:** The Water Quality Goal Implementation Team recommends to the Management Board that Russ Perkinson be the new Vice-Chair of the Water Quality Goal Implementation for a two year period.

Face-to-Face WQGIT Meetings Discussion – Larry Merrill

- WQGIT had been queried about an early June face-to-face meeting, but the modeling work may still be ongoing at that time
- Options include continuing only with conference calls, using addition outreach tools such as webinars or holding a one day meeting
- CBPO will present options for Scenario Builder workshops and webinars at the April or May conference call

**DECISION:** WQGIT members agree not to hold a face-to-face meeting in the June timeframe in lieu of conference calls and potentially webinars so long as information sharing needs can be met.

**ACTION:** EPA will share a proposed schedule of conference calls for now through June 30.

#### Proposal for Water Quality Trading Forum to Workgroup Status

- Pat Buckley proposed that the Water Quality Trading Forum, currently under the Wastewater Workgroup should be made a full workgroup under the Water Quality Goal Implementation Team to ensure a broader perspective and full sharing of meeting materials.
- Beth McGee seconded this proposal.
- John Rhoderick confirmed that this forum also covers agricultural issues outside of wastewater.

**DECISION:** The WQGIT recommends that the Water Quality Trading Forum is made a workgroup under that Water Quality Goal Implementation Team.

**ACTION:** WQGIT members should contact Patricia Gleason at [gleason.patricia@epa.gov](mailto:gleason.patricia@epa.gov) with nominations for members and a Chair for the new Water Quality Trading Workgroup by Friday, April 1.

#### Stormwater Best Management Practices – Norm Goulet

- Expert Panel: Steve Schwartz, Steve Stewart, Jennifer Tribo, Tom Schueler, Tim Karikari, Jenny Molloy, Reggie Parrish

##### **MD BMP by Era**

- MDE proposed a composite BMP to define nutrient reductions in the various stormwater design eras in the state from pre-1985 to post 2010
- Efficiencies were decided through an iterative process through the panel and the University of Maryland scientist supporting MDE's proposal
- USWG reviewed the BMP by Era approach and made several minor comments
- WTWG reviewed and provided conditional approval with concerns about tracking, which will be considered in the NEIEN workgroup, and that this BMP is limited to Maryland
- Through this specific BMP can only be used by Maryland because of MD dates and design standards it can serve as a template for any other state who would like a similar approach. This could be extrapolated to another state by duplicating Maryland's effort to look at design periods and the changes in the standards between 1985 and the present and based on the design and numbers installed estimate efficiencies by era. New laws would require new era with new efficiencies.
- Pat Buckley was concerned that this is problematic for the jurisdictions without the resource to reproduce Maryland's effort and would like the WQGIT to fund this for these states.
- Larry Merrill indicated that, pending a final FY 2011 budget, EPA intends to provide additional resources for reviewing and approving BMPs through the protocol.
- Variances that have been granted to counties waiving stormwater requirements of these areas were accounted for by delaying the beginning of the design period after the requirements were made to allow for grandfathering, variances, etc.
- The document outlines no or minimal discounting of efficiencies for maintenance and none for lifespan, which is a universal problem for urban BMPs.
- BMPs must be certified by Professional Engineer when installed
- Retrofits completed per the TMDL strategy would receive the new retrofit efficiency.
- There was no mechanism considered for acceptance and approval for the BMPs, it was assumed that the state's mechanisms were sufficient.
- CBPO will be working with WQGIT and workgroups on the protocol for tracking and verification across all sectors. For Stormwater by Era or other BMPs their unique considerations such as lifespan and effect proper operation and maintenance on performance proper operation and maintenance on performance will be taken into consideration.
- If/when states move to requirements to capture certain amount of rainfall, this approach would be represented as a performance standard outside of the BMP by era. Exploring the use of performance standard is a priority for the Urban Stormwater Workgroup

- There is no distinction between Phase I and II MS4s because BMP by era is based on statewide regulations. Counties not covered NPDES MS4 permits are still required to meet state performance standards.
- Beth Horsey affirmed that we look closely at stormwater loads for accounting and verification because it is a growing load.
- Bill Keeling expressed concern about reporting this BMP through NEIEN in the future as individual BMPs must be reported to employ NEIEN.
- MDE and Chris Brosch indicated that this BMP could be reported as “acres of urban lands under stormwater by era management,” similar to how states report “acres of agriculture under nutrient management”

#### **Street Sweeping**

- Expert panel reviewed Center for Watershed Protection report and based recommendation on it.
- There are minimum criteria for frequency and technique; it must be done much more frequently than most municipalities’ common practice.
- Reporting must be done either in tonnage, lane miles swept or area swept.
- Andy Zemba requested that an efficiency for less frequent street sweeping be considered.
- Norm Goulet explained that there is little data on efficiencies for less frequent street sweeping, and that it is now a simple calculation.
- The street sweeping BMP will be brought before the NEIEN workgroup to discuss tracking and reporting.

#### **Catch Basin Clean-out**

- Panel found that generally jurisdictions only perform catch basin clean-outs in response to blockage or flooding.
- Panel determined that there couldn’t be an efficiency for this BMP.

**DECISION:** WQGIT provides conditional approval of the 2 SW BMPs, MD BMP by Era and Street Sweeping, for Phase 5.3.2 Watershed Model calibration purposes. Continued use of these BMPs in progress runs is contingent on WTWG review and approval of tracking and reporting (*post-meeting note:* WTWG is meeting March 28 to discuss).

**ACTION:** Stormwater BMP Panel will respond to WQGIT’s question about whether and how jurisdictions could receive credit for less frequent street sweeping.

#### Reporting Progress on the 2009-2011 Milestones and Thinking Ahead to the 2012-2013 Milestones – Rich Batiuk and Gary Shenk representing Nita Sylvester

- Data is modeled using 91-2000 hydrology, as in the TMDL
- In order to create a consistent method to report progress across all jurisdictions, EPA considered what data for the 2009-2011 milestones are available for all jurisdictions
- Reduction is calculated comparing 2008 scenario to 2009, 2010, 2011 actions
- WQGIT members expressed concerns with using a different model to assess progress (5.3.0), especially considering its transient nature, than the one with which milestones were created (4.3). However, not all jurisdictions created their milestones using Phase 4.3 and it is currently impossible to use 4.3 to evaluate the progress.
- Phase 5.3.0 was used for the TMDL and CBPO proposes using this for the first set of two year milestones because 5.3.2 will not yet be available in time. Phase 5.3.2 could be used for the final milestone assessment in one year; final assessment will be discussed on the April WQGIT call.
- Bill Keeling expressed concern about past differences between BMPs that were reported versus what was credited based on available acreage, the implications for consequences, and that Virginia will be reporting data through June 2011 rather than the end of 2011.
- The state of Maryland does not want Phase 5.3.0 of the model to be used for evaluating two-year milestones given the known issues with Phase 5.3.0.
- Pat Buckley expressed that given constraints of the situation, she would prefer not to use the model and percent reduction as previously recommended by WQGIT and proposed today by Gary Shenk, but use state data on practices implemented to evaluate progress.

- Helen Stewart requested that CBP should revisit using a consistent hydrologic period for assessing wastewater treatment plant reductions, as is used for other sources, as a means to stabilize the effect of annual rainfall variation. In addition, she does not endorse using an interim model (Phase 5.3.0), but if that is necessary then she requested that that model be used to re-run the original milestone plan in addition to using it to assess the progress.

**ACTION:** The Wastewater Treatment Workgroup will examine MDE’s request to use 3-5 year average hydrology rather than fixed period to mitigate effect of rainfall variation.

**ACTION:** CBPO will follow-up on the possibility of assessing all original milestone commitments using the 5.3.0 model to provide stable comparison (post-meeting note: per March 17 email from Larry Merrill, not possible to run 2009-2011 milestones through Phase 5.3.0 given that some weren’t run through Phase 4.3) .

- Several jurisdiction representatives, including ones from MD, PA, and VA expressed the desire to forgo using the model to evaluate progress on the two-year milestones in favor each state developing qualitative reports. However, not all states laid out the BMPs in their commitment. CBF supported that reporting progress based on BMP implementation would be acceptable.
- CBPO informed the states that a qualitative description would not represent the varied effectiveness of each BMP.
- WV suggested that two separate evaluations be made, one in term of the actions committed to and the other a model evaluation.

**DECISION:** Two options for reporting interim progress on two year milestone be present to the Management Board: 1) option proposed by Gary Shenk to WQGIT to calculate based on % reduction from 2008; and 2) (recommended) each jurisdiction is responsible for developing a one-page interim report. EPA should share these recommendations with WQGIT prior to presenting to Management Board. Management Board be asked to reconsider their decisions for the two year milestones.

- Representatives from VA, PA and DE expressed that if a team is formed to work on the milestone that it be a WQGIT workgroup rather than an Action Team and report the WQGIT with their progress.

**DECISION:** Milestone Workgroup should be formed under the Water Quality Goal Implementation Team.

**ACTION:** WQGIT members should contact Suzanne (Hall) Trevena at [trevena.hall@epa.gov](mailto:trevena.hall@epa.gov) with nominations for members and a Chair for the new Milestone Workgroup by Tuesday, March 22nd.

The BayTAS discussion postponed to the WQGIT April conference call.

#### STAR Topic Meeting for TMDL Monitoring – Scott Phillips

STAR is proposing to host a meeting with the WQGIT with the following goals:

- Present existing approaches to assess progress toward the TMDL.
- Identify changes needed to analyze monitoring information to better assess progress toward the TMDL.
- Identify key communication products for reporting of implementation data and water-quality monitoring information.

**ACTION:** WQGIT should review the STAR topical meeting for TMDL monitoring meeting proposal and make suggestions to Scott Phillips by Monday, March 21<sup>st</sup>.

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