

MEETING SUMMARY

**Chesapeake Bay Program
Watershed Technical Workgroup (WTWG)
August 1st, 2012, 10:00AM – 3:00PM**
Joe Macknis Memorial Conference Room (Fish Shack)
Annapolis, MD
<http://www.chesapeakebay.net/calendar/event/18458/>

ACTION ITEMS & DECISIONS

DECISION: The WTWG will hold its next conference call on Wednesday, September 5th, starting at 10:00AM.

DECISION: Members will determine the date and time for the October meeting during the September call and choose a standard monthly meeting time.

DECISION: No consensus was reached on Bill Keeling's request for a formalized enrollment/lock-down period for the states' data reporting cycles; a final decision on Bill's request will be made during the September 5th call

DECISION: The retrofits and performance standards best management practices (BMPs) are forwarded for consideration by the Water Quality Goal Implementation Team (WQGIT) along with Pennsylvania's and Virginia's concerns and requests for additional clarification

ACTION: Members should consider how to tighten the CBP's data submission/feedback process over the next year and email their comments to Olivia Devereux (olivia@devereuxconsulting.com)

ACTION: The modeling team will report on changes to the Appendix on September 5th and distribute the latest version of the document

ACTION: The WTWG should review Marty's documents, especially the [schedule](#) (pdf), and email him (martin.hurd@tetrtech.com) with any feedback. Other documents to review:

- [Updated NEIEN Codes list](#) (pdf)
- [The latest requirements appendix spreadsheet](#) (.xlsx)

ACTION: The WTWG will consider how to coordinate resources and develop a protocol for cleanup of jurisdictions' historical BMP records for presentation to the BMP Verification Committee later this Fall.

ACTION: Members should email Alana (alana.c.hartman@wv.gov) and Jeremy (jhanson@chesapeakebay.net) with their input for the WTWG's comments to WQGIT Chair, Larry Merrill regarding suggested changes to the modeling tools prior to the 2017 mid-point assessment

ACTION: The WTWG will revisit the mid-point assessment discussion on September 5th

SUMMARY

1. Welcome, roll-call, and updates

- Jeff Sweeney made some preliminary remarks
 - Jeff is serving as Coordinator in place of Katherine Antos for the meeting
 - Jeff noted that Jeremy Hanson will serve as Workgroup staffer going forward

- Alana Hartman welcomed the participants and asked everyone to state their name
- Alana asked if the first Wednesday of each month would work as a standing meeting time for the Workgroup
 - Bill Keeling pointed out a conflict for his division in Virginia, but indicated that the first Wednesday in September would be fine for a conference call.
- Alana noted a switch in the agenda between Rich Batiuk's and Jeff Sweeney's presentations

DECISION: The Workgroup will hold its next conference call on Wednesday, September 5th, starting at 10:00AM.

DECISION: Members will determine the date and time for the October meeting during the September call and choose a standard monthly meeting time.

2. 2012 Progress: Planned Improvements in Response to Lessons Learned in 2011

- Olivia Devereux's full presentation is available [here](#)
- Slide 3, Base data projection: Beth Horsey asked if animal numbers increase
 - Beth Horsey suggested that jurisdictions should have the opportunity to adjust animal populations, commenting that Ag Census data is a misrepresentation
 - Bill Keeling noted that he never received projections for Virginia, and asked Olivia to make this available in the future
- Slide 11: Olivia pointed out the constricted timeframe for next year as outlined in the milestone guidance, and requested suggestions to streamline the submission/review process.
 - Olivia mentioned some potential questions: Are the data products the right ones? Do the jurisdictions want more? Less? Were certain products particularly useful?
 - Bill commented that the submitted vs. credited data product would be more useful at a finer (e.g., county) scale; he requested an opportunity to view and comment on land use and animal population data in advance
 - He also pointed out statutory time restrictions for Virginia's wastewater sector, which conflicts with the March deadline
 - Robin Pellicano mentioned that Maryland would prefer more consolidated data products at the statewide level, to share with upper management
 - Bill mentioned that Virginia also passes state-level overviews to management, but that the county- or segment-specific data is necessary to resolve cut-off or other issues for specific practices
 - Robin concurred with Bill
 - Ted Tesler echoed Robin and Bill: the segment/county data is useful, but Pennsylvania would appreciate a state-level overview for management
 - Olivia noted the comments and plans to provide projections and data products for feedback in the fall
 - Alana voiced West Virginia's appreciation of the phone time offered by CBPO staff and Tetra Tech that helps resolve specific issues and questions
 - Beth Horsey suggested that the states be given ample lead time for feedback
- Jeff Sweeney asked Olivia to update the Workgroup about the ongoing cost-share data collaboration between USDA-NRCS and USGS
 - Olivia briefly described the project process and timeline

- USGS has signed confidentiality agreements with NRCS; data will be aggregated before being reported to EPA to protect producers' identity
- USGS will collect the cost-share data and help states remove duplicate practices; the data will be requested once it's available in October
- Olivia noted that the states have different data reporting/tracking systems; USGS will work with states to ensure understanding of data, definitions, etc.

ACTION: Members should consider how to tighten the CBP's data submission/feedback process over the next year and email their comments to Olivia Devereux (olivia@devereuxconsulting.com)

3. Schedule for NEIEN and other software application changes used in the Annual Progress

- Bill Keeling presented to participants without visual aids
- He pointed out the large number of moving parts involved in the data submission process through NEIEN, as demonstrated in Olivia's presentation
- To avoid confusion over definitions or reporting requirements for the jurisdictions, Virginia proposed a sort of "open enrollment" period; Bill elaborated on certain characteristics:
 - Changes to data submission requirements for the states would be locked-down after a specific date; any subsequent alterations to the jurisdictions' reporting requirements would not occur until the following progress run
 - EPA would still fix any technical issues with Scenario Builder, but the states would not be asked to adjust their data until the next year
 - Changes to reporting/submission requirements would ideally be clearly documented and summarized in preparation for the next cycle
 - The dates/deadlines would correspond to the progress runs
 - Starting January 2013, changes would be made as needed; a lock-down would occur sometime in the fall
- Alana proposed an alternative: the August (or September) WTWG meeting could reserve time for this discussion and the minutes would document any changes; there would be a gentleman's agreement to not alter reporting/submission criteria until the next cycle
 - Bill was concerned that an official document would be necessary; the minutes would be insufficient
 - Beth Horsey suggested that August would be better than September
- Norm Goulet agreed with Bill, noting that local governments frequently ask how to record and report information; documentation is important, so an official document could be more beneficial to the partnership
- Marty Hurd highlighted Tetra Tech's schedule and process
 - He pointed out that it is sometimes easier to adjust the Appendix to allow a current submission in NEIEN to validate, rather than asking the state to resolve the data errors with their database managers
 - He asked the workgroup to consider the potential burden on the states if the Appendix is frozen
- Jeff Sweeney observed that the data collected in NEIEN and mapped to Bay Program BMPs does not always match the specific definitions of the BMP (e.g., street sweeping

and cover crops), and the CBPO typically takes a lenient stance and works to accommodate the jurisdictions

- He expressed concern that a lock-down would spark blowback from the states
- Bill clarified that his proposal wouldn't prevent this flexibility with definitions, rather only with units and mappings
- Beth Horsey concurred with Bill based on similar frustrations over the years, and described a need for equity across the jurisdictions when earning credit for BMPs
- Alana noted that not all jurisdictions were represented to formally make a decision, and that the Workgroup may lack the authority to approve a lock-down
 - Maryland and Virginia expressed support for consideration of a lock-down
 - Pennsylvania supported an annual summary report of changes made to the process, but not a lock-down date
 - West Virginia remained uncertain
 - New York, Delaware, and the District of Columbia were not present at the moment
- Alana asked for the modeling team to report any changes to the Appendix at the September 5th meeting and distribute the latest version at that time; a final decision on Bill's request will be made at that time
 - No jurisdictions were opposed
 - Jenn Volk from Delaware joined at the end of the discussion and asked Alana to fill her in later

DECISION: No consensus was reached on Bill Keeling's request for a formalized enrollment/lock-down period for the states' data reporting cycles; a final decision on Bill's request will be made during the September 5th call

ACTION: The modeling team will report on changes to the Appendix on September 5th and distribute the latest version of the document

4. NEIEN Validation of data submitted

- Marty Hurd's materials (3 PDFs and 1 Excel Spreadsheet) are available on the [event page](#)
 - [Presentation slides](#)
 - [NEIEN NPS BMP project schedule](#)
 - [Version 2.7 of the NEIEN Codes list for BMPs](#) (updated 7/31/12)
- Related to the previous agenda topic, Marty stated that he does leave tracked changes showing on the Codes List to draw attention to recent edits
- Marty pointed out that NEIEN will flag a reported BMP as an error if:
 - The practice is not recognized in the Appendix
 - A practice is reported with an unacceptable land use
 - Robin Pellicano asked if every BMP required a land use
 - Marty responded that NEIEN assigns a default land use if no prior land use is submitted
- Marty informed Beth and others to expect to receive projections around October
 - Alana suggested that the states can submit the rest of their data while they wait for their USGS/NRCS data
- Marty's team would like to lock down the "plug-in" by mid-October

ACTION: The WTWG should review Marty's documents, especially the [schedule](#) (pdf), and email him (martin.hurd@tetratech.com) with any feedback. Other documents to review:

- [Updated NEIEN Codes list](#) (pdf)
- [The latest requirements appendix spreadsheet](#) (.xlsx)

Lunch Break

5. BMP Verification update

- A [written version](#) of Rich Batiuk's update is available on the event page
- Rich mentioned the current status of:
 - Draft Verification Principles [see pages 4-5 of Rich's text]
 - Currently four principles to help set ground rules among states and sectors
 - Principles are integrated as the sectors draft their protocols
 - Draft Verification protocols from the source sector workgroups
 - Rich applauded the source sector workgroups for their draft verification protocols, which were presented at the BMP Verification Committee's [June 19 meeting](#)
 - BMP Verification Review Panel
 - 26 nominations were received; BMP Verification Committee members will narrow down the list and the Management Board will approve the final roster
 - The Committee's current schedule for the coming months [see p.3 of Rich's text]
 - August 16th conference call ([view event page](#))
 - The agenda item "institutionalizing the application of life spans into our tracking, verification, and reporting systems" will be addressed at September instead
 - September 12th face-to-face meeting ([view event page](#))
 - The Committee will evaluate the entire BMP Verification program framework (Principles, Protocols, and Panel) to determine if it is ready for partnership approval, or if more time is needed to develop the framework's elements
- Rich thanked Alana and the WTWG for their time, and encouraged members to consider Jeff Sweeney's presentation regarding options for cleaning up historical data and determine a path forward for the jurisdictions (coordinate resources, develop protocol, etc.) that the Verification Committee can bring to the Management Board later in the Fall
 - In June the Verification Committee determined that the WTWG should undertake this effort and share its outcome with the Committee in the fall. CBRAP funding and TetraTech support can be used by jurisdictions to accomplish it.

ACTION: The WTWG will consider how to coordinate resources and develop a protocol for cleanup of jurisdictions' historical BMP records for presentation to the BMP Verification Committee later this Fall.

6. BMP History and Verification

- Jeff Sweeney noted that he also gave [his presentation](#) to the BMP Verification Committee on [June 19th](#), adding a few parts since then

- Jeff described some of the background and issues associated with the jurisdictions' historical records and the evolution of the model
- He pointed out that a primary reason for cleaning the record is to provide better accounting for changes in monitored loads over time
- Jeff noted that any modeling and data refinements need to wrap up in Spring 2015; this timeline corresponds with the new [Land Use Workgroup](#)'s activities
 - Jeremy Hanson promised to email the WTWG to solicit nominations for the Land Use group by COB Friday, August 3rd

POST-MEETING NOTE: Forty nominations were received and the final roster is TBD; the first Land Use Workgroup meeting is scheduled for Monday, September 17th ([view event page](#))

- Jeff identified some potential options for the historical "clean-up" [see slides 11 & 12]
 - He noted that CBRAP grants could help support
 - Beth Horsey asked Jeff to clarify: existing funds would be used for contractual support, not additional funds
 - Jeff was pretty sure this was correct, but would double-check
- Bill predicted that he will need to build an input deck for each year of the calibration, since it probably won't be possible to feed into NEIEN
- Pat Buckley argued that the current historical record will prove more accurate than a scrubbed version of the data
 - She asked if CBP staff estimated the percentage of BMPs that will be lost as a result of the clean-up
 - Using Pennsylvania as an example, Jeff noted that some data has always been collected at a county-level, yet the data was submitted at a state-wide scale for the Phase 4 model; ideally the state can retrieve and provide the more detailed data to calibrate and refine the Phase 6 model
- Bill expressed doubt that the clean-up will solve the cut-off problem
- Pat observed that PA and VA were in agreement that they don't expect to have necessary historical data to satisfy NEIEN; would CBP staff allow a work-around?
 - Jeff indicated that the jurisdictions are not required to submit historical data in any specific format
- Pat Buckley inquired what level of verification is expected for the reconstructed historical data, and when the jurisdictions will receive guidance on this issue
 - Jeff suggested that this is a question for the BMP Verification Committee and encouraged everyone to participate on the Committee's August 16th conference call

7. Revisiting Stormwater BMP Recommendations for Retrofits and Performance Standards

- Tom Schueler explained the timeline and changes made to the two Urban Stormwater Workgroup expert panel reports in response to the WTWG's concerns
 - View the [revised Retrofit final memo](#)
 - [Revised Performance Standards final memo](#),
 - [Technical resolution memo](#)
- Outreach via webcasts and workshops will be needed to alert local governments to the fact that they can get credit for redevelopment sites, etc.

- Tom reminded participants that the Workgroup previously approved both BMP reports on May 29th, subject to specific conditions requested by Gary Shenk and other members ([these conditions are summarized in the 5/29 minutes](#))
 - One effect was to reduce curves by about 20%. Additional 70 studies were analyzed to verify the validity of this change.
- Noting the previous approval, Tom sought the Workgroup's endorsement to seek the WQGIT's approval for both BMP reports at the August 13th meeting
 - Ted Tesler and Joe Kelly expressed Pennsylvania's concerns, noting 1) using conservative assumptions on top of conservative assumptions is not a good idea, and 2) there doesn't seem to be equity for treatment of N loss across sectors
 - Tom responded that Gary's appendix addresses this
- Tom commented that the urban fertilizer expert panel's first draft is being refined, and he expects to present the report to the WTWG around November
 - Tom indicated that the stream restoration panel is on a similar timeline, but more time is needed to incorporate policy aspects and other input
 - Alana suggested Marty and Olivia use the performance standard BMP as an example when they discuss Appendix changes at the September meeting; Alana will follow up with Marty on this
- Alana asked if there were objections to sending the reports for WQGIT approval and incorporation into the models
 - Ted indicated that Pennsylvania felt comfortable with the memos aside from the noted concerns about the nitrate issue and loading rates table
 - Virginia had lingering concerns on a few technical issues and asked for further clarification on some of the modifications requested in May. He also commented that the language and definitions in the reports need to be very clear before integration with the model
 - Jeff noted that the modeling team will collaborate with the WTWG as the new BMPs are being integrated
 - Jeff asked Pennsylvania and Virginia to email their written comments to Jeremy Hanson for inclusion in the minutes [see appendix for the full statements]
 - The request was modified to forward the reports for approval along with PA's and VA's requests for further clarification on the modifications requested at the May WTWG meeting
 - No objections to the modified request were raised

DECISION: The two BMPs are forwarded for consideration by the WQGIT along with Pennsylvania's and Virginia's concerns and requests for additional clarification

8. WTWG's Recommendations for Issues to Address in 2017 Midpoint Assessment

- Jeff described a forthcoming request from Larry Merrill to the Workgroups for feedback leading up to the WQGIT's October meeting (date and location TBA)

POST-MEETING NOTE: Larry sent his formal request to the Workgroup chairs on Thursday, 8/2/12; he requested the following feedback in preparation for the October WQGIT meeting:

1. Provide input on subjects that should be included in the midpoint assessment.
2. Compile your jurisdiction's or your workgroup's specific priorities on the current data inputs, decision-support tools including the Chesapeake Bay Program models, and programs that support local WIP implementation and accountability.

Feedback should be submitted to Larry Merrill (merrill.larry@epa.gov), Katherine Antos (antos.katherine@epa.gov), Gary Shenk (ghenk@chesapeakebay.net), and Molly Harrington (mharrington@chesapeakebay.net) by August 24, 2012 so we can discuss and share this feedback with the entire WQGIT in time for the September 10 WQGIT conference call.

- Robin Pellicano sent Alana a preliminary 6-page list of Maryland's suggestions for the midpoint assessment
 - In response to a question from Robin, Jeff strongly suggested providing the information with relevant sector workgroups since the WTWG will only consider refinements that fall under its purview
- Robin highlighted a desire to improve the model review process and its transparency
 - Maryland would like clarification on how modeling issues are prioritized
 - Pat Buckley suggested that the WTWG should prioritize modeling recommendations before they are sent for WQGIT approval
 - Jeff thought that Pat's recommendation would make sense
- Bill Keeling recommended a minimum six months of testing before a phase 6 model is finalized
- Pat asked if Robin could share her list. Robin already sent recommendations to Alana and will send them to WQGIT, Modeling Workgroup, and other related groups. Robin asked Alana to share the list with the WTWG.

POST-MEETING NOTE: On Robin's request, Maryland's list will not be distributed until Maryland concludes its internal discussions

- Beth Horsey asked for resolution of "backout" procedure issues (deals with no action land use); Pat and Bill echoed Beth's suggestion
- Jeff noted that the CBP staff will ask for recommendations to accompany the refinement requests
- Bill stated that Kenn Pattison's suggested changes to progress reporting should be reviewed
- Bill mentioned lingering questions over how the model handles litter as-excreted vs. as-applied-to-fields
- Pat Buckley expressed concern that there would not be enough time to coordinate an effective response to Larry by mid-September
- Pat reiterated her suggestion that each WG (Urban Stormwater WG, Agriculture WG, Land Use WG, Modeling WG, etc.) prioritizes modeling recommendations and these should be further prioritized by the WTWG and brought to the WQGIT
- Alana requested feedback from the jurisdictions over coming weeks [see post-meeting note above for Larry's requested deadline]

ACTION: Members should email Alana (alana.c.hartman@wv.gov) and Jeremy (jhanson@chesapeakebay.net) with their input for the WTWG's comments to WQGIT Chair, Larry Merrill regarding suggested changes to the modeling tools prior to the 2017 mid-point assessment

ACTION: The WTWG will revisit the midpoint assessment discussion on September 5th

Meeting adjourned at 3:00PM

PARTICIPANTS

<u>Name</u>	<u>Affiliation</u>	<u>email</u>
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<u>Via teleconference/webinar</u>		
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APPENDIX

Pennsylvania and Virginia Written Comments on the revised Retrofits and Performance Standards memoranda

Virginia's Comments

BMP restoration applies to major maintenance upgrades to existing BMPs that have either failed or lost their original stormwater treatment capacity. These facilities are eligible for upgrades in removal rate if they were constructed prior to Jan 1, 2006. The amount of the removal rate increase depends on whether or not the BMP has previously been included in the state's CBWM input deck. [highlights in Bill's original comments]

The issue that was raised by VA before to Norm and at the WTWG in late May was about this notion of getting increased pollutant removal rates depending upon if the BMP had been included in an input deck at some point in time. Does it mean if reported for an official progress run or just any old input deck? Either way I do not see any technical basis for giving additional credit over what the BMP is designed to do on site based on whether it may or may not have been in a model input deck at some point in time. The request from VA was for the language in the definition be modified to eliminate the concept of restoration as written. That it not be tied in

any way to model input decks and dates but strictly be based on the removal rates the restored BMP as it is now functioning. It is not seen as scientifically defensible to this member to tie BMP efficiencies to some date only relevant to a single phase of one of the models used to determine loadings impacts. Especially one with the documented issues as phase 5.x does. It may be determined that in phase 6 we will have a different calibration period. Does that mean we have to re-define the BMP then to modify the date when you can get the benefit?

BMPs in need of restoration of this magnitude should not be eligible for reporting as they are not performing at design specifications. Would the BMP in such need of repair pass a verification audit? Such an audit would likely require them to be removed from the states record of functioning BMPs and any resulting progress run input deck. Once restored they should get the benefit they are actually performing at the time of reporting. I do not see how any state or EPA could allow a year to go by and still report the BMP as functional when we know better considering the potential consequences of not hitting milestone target loadings and the need for transparency. EPA recently disallowed significant cover crop acreage from PA because PA could not document if they were actually meeting the model world definition of nutrient inputs. EPA had no evidence to say the reported acres were in violation of the definition but basically disallowed half of the reported acres. With this BMP we have documentation of noncompliance with maintenance and reporting of it no longer functioning to standards and specifications. Look at the example on page 21 of the Retrofit document. The BMP was designed and built to treat 0.5 inches of runoff. It is now at 0.2 inches of capture but has been repeatedly reported as meeting specifications since sometime before 2006. It is restored to 0.4 inches of capture or 20% less than original design yet it is to get an additional 11% reduction. When I take the actual original rate of 0.5 inch capture and look at the curves the calculation produces a 15% increase in loadings not a reduction. This is too easily confused by the modelers building phase 6 and as currently written my suggestion is to rewrite this section of restoration of a BMP as a BMP in this document to make it clear what the original reporting specifications were in the example. The current example should label things differently. When it says original does it mean the 0.5 in capture rate that using the curves provides a 52% TP reduction? The calculation is indicating the original rate but it is actually the current or existing condition rate of 0.2 inches of capture. So exactly what was reported before said date in 2006? The BMP as constructed and meeting specifications (0.5 inch capture) or the degraded BMP (0.2 inch capture)? We must assume it has been reported as meeting specifications since installation sometime before 2006. As is the example does not support the argument for incrementally higher benefit if the actual original rate means as originally reported but actually supports a reduced or negative credit be given. And if the example is modified to show returning the BMP to original condition still does not support an incremental increase in reported reductions.

Additionally, I have made it clear via direct communication with Norm and/or yourself that the tracking and reporting information as written may conflict with what the state may require from localities. I do not see adequate modification of the retrofit document to address the stated concerns. You cannot say in one paragraph on page 23 that localities need to address the states stormwater agencies reporting needs and then list the things on page 24 they will not be required to report or the format in which they must report. Each state may well dictate what it needs to comply with EPA NEIEN reporting requirements and may require reporting via other formats and in much greater detail than these documents indicate. My suggestion is to simply say

localities need to meet the states stormwater or other reporting agencies unique requirements and remove any additional language telling locals what they can or will not be required to report.

I must also agree with PA about the unit area loads in appendices of both documents (Table D-1 in the performance standard and C-1 in the retrofit documents respectively). Using statewide scale unit area loading rates from the 2010 no-action scenario to calculate baselines for a locality does not seem consistent with the TMDLs that were based on segmentshed scale 2009 progress loadings as the baseline. The no-action scenario only exists in the model and has no relation to any situation known to actually ever exist. Virginia has zero faith that the unit area loading rates in any scenario of any phase of 5.x WSM as being accurate or representative of the actual land use or sector situation especially if one is looking at the numbers over other scales. Error increases as you go to smaller and smaller scales in phase 5.x meaning regional scale models and modeling are not appropriate for local scale planning. When phase 6 is created undoubtedly these unit area loads will be different for the same scenarios like the 2009 or other progress baseline year used in phase 6. Will these tables need to be modified then to reflect the new model world set of numbers? Why would someone use these tables knowing that in a short while they will all change when the new model arrives? Are these tables actually needed? If these tables are to be left I would recommend using the 2009 “progress” year scenario as the base run for planning and at the segmentshed scale so that the table is at least consistent with how the TMDL allocations were established.

There is a tremendous amount of information to go through at a technical level in these 2 documents. The use of the curves is new to many of us and new concepts sometimes take additional time to review and understand. Like how will we use these curves over the history of reporting for the calibration of phase 6? The persons who are members of the WTWG are also doing many other things. I do not understand the need to rush these through the WTWG review considering the volume of information that the workgroup really needs to evaluate. I do not see this as providing the needed difference to them and their technical concerns and does not allow them adequate time to digest the material and develop thoughtful questions. And see those questions answered or otherwise adequately addressed. My comments in no way are meant to diminish the work of you or the panelist involved in these reports and no one including the panelist should take offense at questions being raised considering the amount of information needing to be processed by so many different persons. However, I question sending documents to the WQGIT that still have technical questions and concerns being raised. I think the WQGIT should be getting a product free of any technical questions or concerns as these documents still have.

Regards,

William Keeling
NPS Modeling and Data Coordinator
Virginia Department of Conservation and Recreation

Pennsylvania's Comments

As requested at the conclusion of the Watershed Technical Work Group (WTWG) meeting last week, I am sending you a statement of Pennsylvania Department of Environmental Protection's (DEP) concerns regarding the revised Retrofits and Performance Standards reports.

During the August 1st, 2012 conference call of the WTWG, Pennsylvania Department of Environmental Protection (DEP) expressed concern regarding the proposed Nitrogen (N) reduction and volume reductions for stormwater BMP retrofits.

DEP believes that overly conservative assumptions or "stacked" conservative assumptions would diminish the credit due these practices relative to other BMPs/source sectors within the model. Groundwater N transport is problematic within the model which looks at one-year time frames while true groundwater transport can potentially span decades. There are examples of other source sector BMPs having reduced their N treatment efficiencies due to groundwater loss, although it does not appear that the methodology and application of these losses has been consistent across BMPs such that urban storm water BMPs may be making BMP efficiency reductions beyond those made in other sectors. PA maintains storm water management design standards that exceed those of other Chesapeake Bay (CB) jurisdictions. Within the CB model, the N loading rate for Impervious Land in PA is nearly double that of the other jurisdictions and accordingly, this reduced efficiency will have an especially diminutive effect on PA's SW BMPs credit relative to other jurisdictions and other source sectors.

DEP is also concerned about proposed reductions for retrofits and redevelopment; the existing volume must be reduced by 20% in accordance with Pennsylvania requirements and compliance with a "local" TMDL (including CB TMDL), when applicable. The permittee provides a demonstration of the reduction achieved on the project site from the retrofit. These sites need to be identified by the municipal permittee within the TMDL implementation plan. The Urban Storm Water Workgroup and Expert Panel recommendations allow for new retrofits to not always meet performance standards for BMP sizing that apply to new development, however PA's performance standards, as required by PA title 25, Chapter 102.8 do not allow for these standards to be relaxed. By this approach, PA storm water retrofits will exceed the crediting standards recommended by the expert panel.

Thank You for the opportunity to comment on these issues. If you have any questions regarding these issues, please do not hesitate to contact me at (717) 772-5621 or Mr. Joe Kelly with our Storm Water Program at (717) 783-9726.

Thanks Again,

Ted Tesler, PG | Licensed Professional Geologist
Department of Environmental Protection | Interstate Waters Office