



**Urban Stormwater Workgroup
Meeting Minutes
Tuesday, September 23, 2014
10:00 AM to 12:30 PM**

ACTIONS & DECISIONS

ACTION: Recommendations for land use loading rate literature can be sent to olivia@devereuxconsulting.com and steven.dressing@tetrattech.com.

DECISION: USWG members provisionally approved the Nutrient Discharges from Gray Infrastructure Report.

ACTION: USWG members will submit any final comments on the Nutrient Discharges from Gray Infrastructure Report to Norm Goulet by 10/3.

MINUTES

1. Welcome

- Norm Goulet (NVRC), Workgroup Chair, welcomed everyone to the call and confirmed participants.

2. Announcements

- VADEQ Released Chesapeake Bay TMDL Action Plan Guidance for MS4s.
- MDE Released Guidance on Accounting for TMDL Wasteload Allocations for MS4 permits.
- Norm encouraged members to read both MD and VA's guidance.
- The STAC Peculiarities of Perviousness Workshop Report is under review by the steering committee. Karl Berger will give an update on the workshop today.
- CSN Fall Stormwater Webcast Schedule: webinars occur every Thursday from 12-1:30PM on Nutrient Accounting Techniques for MS4 Regulators meeting the Bay TMDL. More information can be found here: <http://chesapeakestormwater.net/events/categories/webcasts/2014-webcast-series/>

3. Programmatic Milestones for the Urban Sector.

- Earlier this year, EPA conducted its review of 2012-2013 and 2014-2015 milestones for each of the Bay states and DC to determine progress made by each Bay jurisdiction to create the programmatic capability to meet their pollutant load reductions in the urban sector. Katherine Antos [presented highlights from this state by state review](#).
 - Norm noted that one reason why WIPs called for a major shift in the types of stormwater BMPs is that when the goals were developed during Phase I, states and DC had fewer BMP options, and therefore overly emphasized infiltration, nutrient management, etc. Phase III will likely have more variety in BMPs to meet the reduction goals.
 - In response to suggestion that USWG could help respond to common finding that jurisdictions need greater training to MS4 permittees, Norm noted there are significant differences between jurisdictions, making it difficult to create common approaches across jurisdictions. This workgroup can help most by improving the options available.
 - Antos: there are common elements between jurisdictions' TMDL plan guidance, such as how they calculate their loads and reductions, and how to report to the

state so that states can report to CBP. Guidance doesn't need to be identical but there are common elements that jurisdictions can borrow from each other.

- Karl Berger (MWCOG): Recommend collecting monitoring information on stream restoration. If common findings, may no longer need to monitor every project.
- Goulet: Recommend increasing outreach on BMP expert panel reports. Describe BMP requirements, qualifications, and other parameters a local government would need to know to help states communicate with the local governments.
 - CSN has these summaries of BMPs in draft form already. They will bring to a future USWG meeting, to get input on the state-specific information.
- Joan Salvati (VADEQ): VA's challenge is that they are requesting data from localities multiple times per year. Recommend USWG develop one form that would collect all information for progress, milestones, etc. at one time.
 - Ginny Snead: Recommend including the nontraditional permittees in addition to the localities when considering outreach, training, resources.
 - Matt Johnston: Note that each state was asked to provide that template for the federal facilities reporting. This template could be sent to the localities too.
 - Salvati: If any states have combined reporting to the model with programmatic reporting for MS4 program that should be a model for others to follow.
 - Goulet: Will add future agenda on streamlining data requests for localities.

4. Key Findings from STAC Research Workshop Report.

- Karl Berger [briefly summarized the scientific consensus achieved on urban land use loading rates at the April workshop, and subsequent workgroup meetings](#). The full workshop report will be distributed to members soon.
 - Bill Keeling (VADEQ) noted a concern about fertilizer applied on construction land use.
 - Olivia Devereux (DEC): As the loading rates are being reviewed, TetraTech will also be looking at the expert panel (EP) report and other information.
 - Note that the transportation land use was going to have additional analysis completed by TetraTech.
 - Cecilia Lane will follow up with TetraTech on additional roads/transportation land use analysis.

5. Update on LUWG Urban Land Use Classification Recommendations.

- The Land Use Work Group has the responsibility to make recommendations on urban land uses for the Phase 6 CBWM this fall. Peter Claggett (USGS) provided an update on their recommendations ([Attach C](#)), and the process over the next several months to finalize them.
 - Goulet: How will loading to water land uses be handled in the model?
 - Haven't discussed yet if this will be approached differently than in the past.
 - Gary Shenk recommended that "degraded" should be more of a continuous representation of stream corridors rather than degraded or not degraded.
 - Claggett: Agree that the source should be more generally called "stream corridor".
 - Keeling: Note that the Agriculture Modeling Subcommittee is attempting to propose an alternative to degraded riparian pasture.
 - Andy Dinsmore (EPA): Don't ignore the fact that streams are degraded because of the flow coming to them. The upland acres must also be treated.
 - Claggett: We have been discussing the relationship between stream restoration and runoff reduction BMPs.

- Goulet: WQGIT will be approving the overall land uses in 2 weeks. The remaining issues will be worked out in the coming months.

6. Land Use Loading Rates. [Attach D.](#)

- Olivia Devereux reviewed how the land use loading rates are used in the Phase 6 Watershed Model calibration, sources of data used to inform the loading rates, synthesis process, and timeline.
 - Olivia will present updates to USWG as the project continues.
 - Norm Goulet requested an update following the WQGIT meeting.

ACTION: Recommendations for land use loading rate literature can be sent to olivia@devereuxconsulting.com and steven.dressing@tetrattech.com.

7. Process for Improving Non-Farm Fertilizer Statistics. [Attach E.](#)

- Improving the quality of non-farm fertilizer statistics was a priority recommendation of the UNM expert panel as well as the recent STAC research report. A conference call was held in August to coordinate with the Bay states on this issue. Due to limited time, Karl Berger will discuss the initial findings and next steps at the next USWG meeting.

8. Presentation of Response to Comments on NDGI Expert Panel Meeting.

- A co-regulators meeting was held this summer to discuss EPA regulatory concerns about the panel report.
- Bill Keeling presented [Virginia's concerns](#).
 - Gary Shenk: These are reasonable suggestions. The conceptual model helps to understand how implicit loads can be made explicit in Phase 6.0. The Modeling Workgroup weighed in that they want to account for everything that was a change on the ground, so it does make sense to give some credit in Phase 5.3.2 when localities are actually making a real change on the ground. Agree with the inclusion of a cap in Phase 5.3.2 and with explicitly modeling the reduction in Phase 6.0.
 - Keeling: The low acreage and low load areas are a concern. Recommend setting the cap at 20% or at the explicit load calculated reduction using whichever is smaller for a given land river segment.
- Jenny Tribo (HRPDC) presented the response to comments document ([Attach F](#)) developed by the panel. ([Jenny's presentation](#)).
 - Keeling: The credit should expire after some period of time.
 - Tribo: The calculation takes in to account the duration of the discharge.
 - EPA: Were there any considerations for unintended consequences? Does this lead to system changes that could have broader effects?
 - Tribo: The panel removed credit for wet weather SSOs. Practices credited include pipe cleaning, education/outreach, field and desktop analyses of where the problems are occurring.
 - Keeling: These are downstream of stormwater BMPs. These loads have already been treated to some extent. How to give credit without double counting?
 - Antos: We want to avoid double counting while still crediting additional actions leading to increased nutrient reductions. The revisions to the report provide a good compromise between the two. The 1% credit is small enough that it won't throw off calibration, but it will help incentivize the actions for additional efforts to reduce illicit discharges.

- Salvati: It sounds like the panel has taken many of the modeling recommendations into consideration and provided a good path forward. Thanks to the panel for developing a well thought-out report and responding to many, if not all, comments. In general, VA supports the programmatic credit as suggested today. VA will recommend some tweaks to the tables 6 and 7 as friendly amendments. The caveats are that 1) VA cannot support crediting the enhanced program if that program is being done as part of an enforcement action, or if that program is following explicit requirements in the NPDES permits, 2) VA wants crediting only for the activities resulting in nutrient reduction, and 3) VA would like to see quantification of the reductions submitted annually. VA fully supports the phased approach in the revised report.
 - Goulet: Will offer a compromise on enforcement actions. A real world reduction will occur so the real world restoration credit could be given to the state rather than the locality.
- Andy Dinsmore: EPA has concerns about the burden on municipalities on tracking, reporting, and verification of this information.
 - Goulet: This will be up to the states to figure out how to track, report, and verify the BMP through their own protocols.
 - Tribo: Given that we are deferring until 2017, this will allow time for USWG to develop guidance for the states.
 - Dinsmore: Note that a locality would be excluded if the state did not have a method to track and report.
 - Tribo: We will be working on templates and guidance to help the states so that no one is excluded.
- Norm asked for approval to send this report onto the WTWG once the technical appendix is complete. USWG will work with VA on the minor tweaks.
 - VA supports the report, and will send comments on the response to comments to Norm.
 - MDE supports the phased-in approach of the protocols and the report with some qualifications. Recommend continuing the programmatic credit past 2017. Recommend shortening the 10-yr lifespan to a duration based on monitoring. MDE will send in their comments.
 - Norm: USWG has a qualified approval to move the report forward. We will hear back from everyone by 10/3 on the provisional comments. These comments may feed in to the tech appendix.

DECISION: USWG members provisionally approved the Nutrient Discharges from Gray Infrastructure Report.

ACTION: USWG members will submit any final comments on the Nutrient Discharges from Gray Infrastructure Report to Norm Goulet by 10/3.

Adjourned

Participants

Norm Goulet, Chair	NVRC
Jenny Tribo	HRPDC
Karl Berger	MWCOG
Steve Stewart	Baltimore County
Bill Keeling	VA-DEQ

Jennifer Orr	PA DEP
Joan Salvati	VADEQ
Ray Bahr	MDE
Andy Dinsmore	EPA
Emma Giese, staff	CRC
Neely Law	CWP
Olivia Devereux	DEC
Katherine Antos	EPA
Cecilia Lane	CSN
David Wood	CRC
Jack Frye	CBC
Jeff Sweeney	EPA
Lee Currey	MDE
Sebastian Donner	WV DEP
Kaitlyn Bendik	EPA
Ted Brown	Biohabitats
Beau Croll	DNREC
Marty Hurd	DDOE
Matt Johnston	UMD
Eric Fischer	AA County
Ginny Snead	Louis Berger Group
Jamie Bauer	VADEQ
Greg Busch	MDE
Whitney Katchmark	HRPDC
Peter Claggett	USGS
Jeremy Hanson	VT
Pam Parker	