Urban Stormwater Workgroup Meeting

Tuesday, February 21, 2017
10:00 AM to 12:00 PM

Meeting Summary

Actions & Decisions:

Action: USWG leadership will distribute a schedule of upcoming webcasts to the workgroup membership.

Decision: The USWG made a recommendation to extend the Advanced MS4 Nutrient Discovery Program credit by 3-4 years. USWG leadership will present this recommendation to the WQGIT for final approval, and will report back to workgroup members.

Action: USWG members with specific documentation of instances in which stormwater BMPs on specific land uses have reduced loading rates to below the levels of forest should send that information to Jeff Sweeney (jsweeney@chesapeakebay.net).

Action: USWG members should submit nominations for local government representatives to serve 2-year membership terms in the workgroup by COB Wednesday March 15th.

Announcements

- The winners of the Best Urban BMP in the Bay Awards have now been posted to the CSN website. Voting for the grand prize winner will open on February 27.

Action: USWG leadership will distribute a schedule of upcoming webcasts to the workgroup membership.

- There are 3 new BMP fact sheets available: one on street sweeping practices, and two fact sheets on the practice for eliminating nutrient discharges from grey infrastructure.
- By April, the USWG hopes to have a clear timeline for the work to explore and address MTDs moving forward, and potential protocols needed to address those practices.
- Karl Berger announced that on April 19th from 1-3 PM, the Bay Program Modeling Team will present information on the sediment loading simulations in the Phase 6 watershed model. Also included will be discussions linking this to the stream restoration BMP.

Advanced MS4 Nutrient Discovery Program Credit. D. Wood, CSN. Attach B, C.

The Nutrient Discharges from Gray Infrastructure Expert Panel report, approved in November 2014, included a phase out of the Advanced Nutrient Discovery Program Credit at the end of

2017. David briefly reviewed the crediting options and requested USWG member feedback on the potential extension of the program credit.

- Question whether the panel had been contacted in relation to this proposal.
    - Tom replied that the panel had officially been closed out, and proposed that if the USWG moves to delay or extend the sunset that the panel be contacted.
    - Christina Lyerly noted that one county is attempting to receive credit in the model, and that another jurisdiction is attempting to receive the individual discharge credit. This information is coming through their annual MS4 reports.
- Heather Gewandter expressed support for extending the program credit.
    - Delaware did not express an opinion either for/against the proposal.
    - West Virginia supported extending the program credit.
- Based on feedback from participants, Tom Scheuler suggested the USWG request to extend credit availability for an additional 3-4 years, and to discuss this issue with the WQGIT for approval. If approved, Tom will report back to the USWG in April with the outcomes.

Decision: The USWG made a recommendation to extend the Advanced MS4 Nutrient Discovery Program credit by 3-4 years. USWG leadership will present this recommendation to the WQGIT for final approval, and will report back to workgroup members.

- Karl Berger noted that USGS (through ITAT) is looking at Difficult Run septic system N loads, and that their methodology has the ability to differentiate between sources of N (fertilizer versus sewer) using N isotopes.
    - Tom Scheuler recommended requesting a presentation on this to the workgroup.

Update on Stream Restoration FAQ Process. D. Wood, CSN. Attach E.

- David Wood presented an update on the FAQ document: loose ends are being tied up in relation to the Phase 6 model, and David is targeting April to release a draft of the FAQ document with the workgroup.

Update on Roadside Ditch Management Team. T. Schueler, CSN

- A team was put together in order to examine roadside ditch management practices. They have made progress in determining what the definitions for roadside ditch management practices that can be credited are, and what existing agricultural or urban expert panels might be used to credit those practices. The team is still working out geographical differences in roadside ditches across the watershed, but have come up with a tentative list of ditch practices grouped by type. The team hopes to have a final draft memo complete in April. The team does not anticipate re-convening the expert panel, but an official recommendation has not been made yet.

Understanding Phase 6 Loads from Non-Forest Land Uses That Are Lower Than Forest Loads– Olivia Devereux, Devereux Consulting

Loads from land uses other than forest are sometimes lower than forest loads. The circumstances that cause this to arise and the frequency of occurrences were discussed.

- Tom Scheuler: In Norm's view, when examining stormwater design criteria, the performance objective is to treat stormwater so that it's hydrologically equivalent to a natural, wooded condition. If that's assumed to be the technological capability, then Norm indicated that he didn't anticipate states performing better than that.
- Kate Bennett: Is this showing up in the E3 scenario.
    - Devereux: In some instances, yes. But again – the total pounds that fall into this condition is very small.
    - Bennett: The E3 scenario is 'imaginary' anyway, so I wouldn't count on that to put limits on reductions that can be achieved. In terms of WIP II, it technically may not even be driven by regulations.
    - Devereux: Right, mathematically it works out. But we're asking if it's something that would be reasonable.
    - Bennett: If someone can demonstrate that those reductions can be achieved, I don't see why we would want to negate that.
- Randy Greer: I would be in favor of setting forest as the floor, and if there is a calculation that would show loads as less than that, we would set the loads as equivalent to forest.
- Sebastian Donner: If we can achieve the reductions, I do believe we should count them. I don't see forest loads as necessarily the lowest possibility.
- Greg Busch: I would suggest we use forest as a bottom threshold for management actions. This loading is inconsequential, and I think the only circumstance where this would arise is if people do individual plans for individual watersheds. My preference would be to set the floor at forest, and if there's reasonable evidence to suggest something otherwise, then we can reconsider it.
- Kelsey Brooks: We also support keeping forest as the base level, and we agree that forest is what we're targeting towards.
- Tom Scheuler: It seems to me that most feel comfortable setting forest as the floor from a modeling standpoint, but that we wouldn't make a full recommendation that loads cannot go below forest in the real world. Does that sound correct?
    - Ted Tesler: Our regulations are written to standards that specify a meadow in good condition, not a forest. I think there's a difference between those two, and I just want to make sure everyone is aware.
    - Devereux: That helps, because meadows will load slightly higher than forest a lot of the time. That would help with the modeling perspective of setting forests as the floor. It's also important from a messaging standpoint to consider that if we don't set this as a floor, there could be instances where establishing a forest buffer would cause loads to increase.
- Kate Bennett: I understand the messaging issue, but if we're actually achieving these reductions, I don't see why we would arbitrarily not count them.
    - Jesse Maines: I agree with Kate on that issue.
    - Karl Berger noted that in E3 scenarios, it may not make sense to have loads going below the condition that is assumed to be the goal.
- Devereux: I just want to remind everyone that this constitutes a very small proportion of the loads.

- Scheuler: What position did the AgWG take on this issue?
    - Devereux: The consensus was that there are certain land uses in agriculture that could potentially go lower than forest.
    - Jeremy Hanson: Karl makes a good point about E3 – maybe it makes sense to have a cap for running the E3. But for the WIP scenarios, I don't see why we would set that.
    - Devereux: This isn't something that would be specific to one scenario versus another; it would be programmed for all functionality in the model.
- Sebastian Donner: In terms of urban development, water harvesting and re-use is becoming more prominent. With that regard, we could use that to bring our load to 0.
- Jeremy Hanson: Regardless of the decision we make right now, could we revisit this during the 2-year milestone update periods?
    - Devereux: This is not like adding a new BMP or updating data; it's about the functionality of the model structure. And it would apply to every single scenario run.
- Heather Gewandter asked how this decision would impact local implementation for NPDES permits. Karl Berger noted that there are no NPDES loads that are coming out of model data, and cautioned against relating this to crediting for NPDES.
- Kate Bennett: I'm more concerned about what will be put in and come out of the model. There are practices that aren't currently recognized by the Bay Model, and this seems like another case where the Bay Model would potentially set a floor that would negate credits we would achieve. So perhaps this is more an issue of digging through the E3 scenario and examining how the model determines those numbers, rather than setting a floor.
- Tom Scheuler asked what the timeline for making a decision looked like. Olivia replied that a decision was needed very quickly in order to continue with the model calibration.
- Tom noted that among the jurisdictions, there is not consensus on whether or not to use the forest loading rates as a floor. Olivia noted that she could take the USWG's comments back to the Modeling Workgroup for further consideration.
- Jeff Sweeney noted that it would be helpful to have examples where stormwater could be controlled to a level below forest, and requested specific example documentation from the workgroup.
- Tom Scheuler summarized the discussion: there was no clear consensus from the USWG membership, although a majority of those who responded were comfortable with setting forested loading rates as the floor in the Phase 6 model. Members on the workgroup representing localities emphasized they were not comfortable setting the floor, citing concerns with establishing a precedent in regards to accounting for nutrient reductions in their MS4 stormwater permits.

Action: USWG members with specific documentation of instances in which stormwater BMPs on specific land uses have reduced loading rates to below the levels of forest should send that information to Jeff Sweeney (jsweeney@chesapeakebay.net).

USWG Membership. T. Schueler, CSN. Attach F.

Three USWG local government representatives have reached the end of their 1-year terms. USWG members will be asked to nominate three local government representatives to serve 2-

year terms. In addition, each jurisdiction will be asked to provide their current stormwater contact, and their BMP reporting contact. Those who have served a 1-year membership term are eligible for re-nomination.

Action: USWG members should submit nominations for local government representatives to serve 2-year membership terms in the workgroup by COB Wednesday March 15th.

USWG Agenda Planning for April. T. Schueler, CSN

- The March USWG meeting will be cancelled due to conflicts with the Stormwater Retreat.
- Phase 6 land use 'de-brief'
- Updates on Stream Restoration FAQ
- WQGIT decision on Nutrient Discharges from Grey Infrastructure

Attachments.

- Attach A. January USWG Meeting Minutes
- Attach B. U-6 Elimination of Individual Nutrient Discharges Fact Sheet
- Attach C. U-7 Advanced MS4 Nutrient Discovery Program Fact Sheet
- Attach D. U-8 Street Cleaning Fact Sheet
- Attach E. Early Draft Stream Restoration FAQ Document
- Attach F. USWG Membership
- Attach G. Devereux - Phase 6 Land Use Loads Presentation

Participants:

Name	**Affiliation**
Tom Scheuler	CSN
David Wood	CSN
Lindsey Gordon	CRC
Lee Murphy	PA DEP
Kelsey Brooks	VA DEQ
Chris Swanson	VDOT
KC Filippino	HRPDC
Greg Busch	MDE
Christina Lyerly	MDE
Randy Greer	DNREC
Elaine Webb	DNREC
Sebastian Donner	WV DEP
Alana Hartman	WV DEP

Cecelia Lane	DOEE
Liz Ottinger	EPA
Heather Gewandter	City of Rockville, MD
Karl Berger	MWCOG
Nathan Forand	Baltimore County DEPS
Jesse Maines	Alexandria County, VA
Kate Bennett	Fairfax County, VA
Rick Fisher	Anne Arundel County, MD
Ted Brown	Biohabitats
Olivia Devereux	Devereux Consulting
Jeff Sweeney	EPA