

Urban Stormwater Workgroup Conference Call

October 18, 2016

Meeting Summary

Summary of Actions and Decisions

ACTION: Jeff Sweeney will update the graphs he presented using the beta 4 data and send it to the Urban Stormwater Workgroup prior to their next meeting.

DECISION: The USWG agreed to present both E3 scenario definition proposals to the WQGIT because consensus could not be reached in support of either proposal.

Announcements and Updates

A question was raised about fertilizer application rates.

- Jeff Sweeney (EPA): For the model calibration (through 2013) the application rates vary by state and by year. When we run “what if” scenarios through the models, you are deciding how you want to alter the application rate. So for legislation, you could get a reduced application rate for that year. You would also get some reduction from Urban Nutrient Management as well.
- Karl Berger (MWCOG): In the old model, the only statewide credit being given was based on the idea that the fertilizer companies were reducing P anyways. That would be superseded by these new numbers? For N, the only statewide credit was in Maryland and it was based on their legislation. That would continue going forward?
 - Sweeney: Right, but there is a point where you need to verify those reductions using data, so we need to continue to collect data on sales or use in order to continue those credits.
- Berger: Based on my knowledge of sales data, states would be wise to use their own methods for tracking sales and use. It would be more accurate than the AAPFCO data.
- Marty Hurd (DOEE): Would it be possible for us to look at fertilizer applications rates through time just to see what our background assumptions are?
 - Sweeney: All of that information is posted on the password protected sites for each of the beta model runs we’ve done. We are still processing beta 4 inputs, so that isn’t up there yet.

Performance Enhancing Devices for BMPs- CSN and Hirschman Water and Environment performed a literature review to see if any design tweaks for stormwater BMPs could be used to achieve additional nutrient removal and deserve more credit. The literature review phase is finished and we will be hosting the first of a series of webcasts on the topic on Thursday.

Land Use Projections- Rollout of Phase 6 land use data for each county level is happening this week. It will be posted to the Phase 6 land use viewer page on the CBP website. The CBP will also be notifying the individual counties for which they have contacts, as well as the state contacts on the Land Use Workgroup. The schedule calls for a four week local review and comment period. 2025 projections likely won’t be ready until January or February of 2017. The CBP still has to decide whether or not to use those projections for the Phase III WIPs.

Urban Tree Canopy- Report was approved by WQGIT in September. We are now cleaning up the formatting and a final version will be posted online soon. There is a CSN webcast in November on the report. Fact sheet will hopefully be available for USWG review in the next month or so.

Impervious Disconnections- Report will go to WTWG in November. Language requested by the USWG last month was added to the report.

Roadside Ditches- STAC report was released a few months ago. CBP is directing a cross-sector effort to look at options for crediting roadside ditches. We put together a team to look at approved and pending BMPs to see what roadside ditch practices are already covered in existing BMPs or by ongoing panels in the AGWG, and recommend if new expert panels need to be launched. We will also discuss outreach with local and state highway agencies to get the word out. In the next month, we will put together a memo for the team and USWG to evaluate and decide how to proceed.

- Hurd: If we have proprietary practices that have retention capabilities, can we report those for credit?
 - Tom Schueler (CSN, Coordinator): If a proprietary practice treats a known volume of runoff, it could map into the performance standard curves. If they are designed to treat a rate of runoff, they probably wouldn't fit.
 - Goulet: I would report it as a proprietary BMP and wouldn't expect to get credit for it.
 - Sweeney: If Marty presented the type of BMP and why it fits into an existing category and the USWG agrees to it, I think it can be included.

Facility Tracking and Reporting

- Goulet: Please put together a chart similar to this for all the states for beta 4 and email it out to the WG?

ACTION: Jeff Sweeney will update the graphs he presented using the beta 4 data and send it to the Urban Stormwater Workgroup prior to their next meeting.

- Greg Busch (MDE): From MDE's perspective, a lot of background information has changed our submissions over the years. A lot of BMPs were aggregated in ways that were different than what we are doing today. Beta 4 will look dramatically different including changes in erosion and sediment control reporting (compliance method). Our data is changing and we are actively trying to solicit improvements, especially in Phase I MS4s. I can see the records, but I can't patch them without their input.
 - Goulet: How are you verifying stormwater by era numbers?
 - Busch: They are not getting verified. They are going to come in and they are going to go out, so you will see some plateaus and decreases over time as they roll out of their credit lifespan.
 - Berger: Do you have an explanation for a huge increase in urban nutrient management in Phase 5.3.2?
 - Busch: That is a good question. MDA handles urban nutrient management so we will need to follow-up with them.

- Jaime Bauer (VA DEQ): My understanding in talking to Bill Keeling (VA DEQ) is that for Phase 5.3.2 we were under tight time constraints so the agencies made some best guesses based on regulatory programs and those were submitted for Phase 5.3.2. We were able to refine those numbers, provide funds for verification for localities and now we have established a BMP warehouse and other databases where we are collecting data now so it doesn't happen in future iterations.
- Ken Murin (PA DEP): We looked at historical reported implementation from January. Hopefully when we resubmitted this data for Beta 4, we won't see the same errors. We reported BMPs that aren't showing up in the Beta 3 results you just showed.
 - Ted Tesler (PA DEP): We will need to see how the charts come out for Beta 4. We think they will make more sense.
 - Sweeney: Will your records go further back in time?
 - Tesler: It will pick up around 2006. We focused on 2006 forward.
 - Jill Whitcomb (PA DEP): For construction, we have erosion and sediment control acres for 1996 forward.
 - Murin: We are running out of space to put practices, especially in certain counties, so we are focusing on the stormwater management practices in the more recent history that have the greater reductions. We rely upon the information more from 2006 onward.
 - Goulet: Are you anticipating a sizeable shift in urban acres with new land uses?
 - Murin: I don't think anything major.
- Sebastian Donner (WV DEP): We are not sure why there is almost no stormwater management in the record. We updated our xml converter for Beta 4 to fix a lot of the errors. The number of records should be about the same as what we reported in Phase 5.3.2, so I am not sure why there is such a large discrepancy, but I think Beta 4 will look different. We also found an error right before submission that the model wasn't picking up the inspection dates. I am hoping when we get the Beta 4 results, they will remain as available data.
- Randy Greer (DE DNREC): We think we know where the problem is from the January update. In the 2000's we made a decision to come up with a consolidated database. We had this effort underway, and once the executive order came down we started working on WIPs and thought we could use this database for reporting needs. In 2010 we had a 3rd party contractor help start reporting that data to the modelers and they came up with an automated xml to map into the model. In 2013 we lost that contractor so we had to rely on our own staff to provide the data. The data was in bad shape and I did a QA/QC run. I don't know where the numbers came from that are being showed. I think we've come to the conclusion that the entire state data was reported for those years rather than just the Chesapeake Bay data. The best estimate is probably a trend line from 2009 through 2014 would give a better estimate. I'll bump this up through the chain of command.
- Hurd: D.C. compiled an updated BMP inventory list in 2012 because of our consolidated TMDL implementation plan we were working on. That BMP inventory was reformatted and loaded into NEIEN. At the same time, the legacy records were imported into our new stormwater database. The drop-off around 2009 is because of the inspection information not being updated in the historic record, so we knew they would fall off. We have a verification effort underway now to go back and visit many of these practices, prioritized based on our permit requirements.

- Sweeney: Do you have any information on street sweeping? These numbers seem very large.
 - Hurd: I'll check to make sure these numbers make sense. We expect our footprint to be about 640 acres in MS4, and a lot more that happens in the CSS.
 - Schueler: I think that looks pretty consistent.

Tetra Tech Update

In September, we had a presentation from Mark Sievers (Tetra Tech) asking for our input on scoring BMPs for their co-benefits. David will post the materials to the Workgroup website. Tom will go through the list and draft some scores. If others have any interest in participating, please feel free to contact Tom and he will make sure your scores are provided.

Everyone, Everywhere, Doing Everything (E3) Scenario Discussion

- Goulet: Revisions were made to reflect where our previous definition was not technically possible. For example, it is not technically feasible to get higher levels of infiltration in the lower coastal plains and we made some revisions along those lines. Any comments on the E3 scenario?
- Bauer: I sent a few comments. The first was on the 100% assumption, recognizing that it wasn't realistic and suggesting that a lower percentage should be used instead. For ESC, it is still at 100% implementation at level 3, so what would be the justification?
 - Goulet: All construction sites have to have erosion and sediment control, so it was put at 100% because anything below would be a violation of requirements. Putting it at level 3 is taking it to the maximum level.
- Bauer: BMPs that are approved but not represented on the table, how were those factored in?
 - Goulet: For new development, the highest level of treatment received the highest priority. So look at all the BMPs in that sense.
 - Bauer: Does that include forest?
 - Goulet: I am leaving all forestry BMPs to the Forestry Workgroup.
- Bauer: Regarding the choice of 1.5in and 2.0in treatment for retrofits and new development, where did those numbers come from?
 - Goulet: Those numbers come off the curves for the BMPs.
 - Schueler: We reduced that from what was originally proposed for two reasons. First, retrofitting is difficult on a lot of properties because of soil conditions and other technical considerations. Also, the curves flatten out at about 1.5 inches. You can treat more runoff but you don't receive much more reduction.
- Sweeney: As soon as we start talking about words like doable and feasible, it is getting away from the definition of E3. The only reason to back off of 100% implementation is if it is physically impossible to implement the practice on 100% or available lands. I am looking across all the sectors, and there needs to be some equity across them.
- Schueler: Can you speak to the E3 definitions in other sectors?
 - Sweeney: There are concerns about the wastewater E3 definition. If you have concerns about that, talk to your representative on the WQGIT so they can raise it during that meeting. Agriculture is really at 100% implementation of the most effective BMPs on all acres. They fully followed the true definition of E3.

- Bauer: For 100% I understand that, but there are other assumptions in the proposal and I think it is good to understand those as well. I see the retrofit and new development treatment have been changed, and it would be good to understand what is being proposed.
- Schueler: We need to take this to the WQGIT next week to deal with the cross-sector equity issue. Do people support going back to 100% implementation levels or prefer to leave it as presented here? We need guidance for what you want us to take to the WQGIT.
 - Busch: The revised proposal makes sense to Maryland.
 - Greer: Delaware supports the original proposal
 - Donner: West Virginia could go support either proposal.
 - Bauer: Virginia supports the revised proposal.
 - Whitcomb: Pennsylvania is comfortable with either proposal.
 - Heather Gewandter (City of Rockville): I am inclined to support the original proposal, but would like to better understand the concerns.
 - Goulet: I think the concern is founded in what the E3 scenario ends up being used for, and a bit of trying to put some rational reasoning to the scenario. This scenario is not realistic, but I think that is why there is a little bit of push-back. For some of these, it isn't technically possible to do it, for instance in the coastal plain region.
- Sweeney: In your documentation, I'd just warn that you will be asked to defend your position on these percentages and explain where it is not technically feasible.
- Kate Bennett (Fairfax County): I think we are gun-shy because we are regulated. We are calling this E3 the upper bound of the controllable load, but if it is truly not controllable, it doesn't make sense as a scenario for that purpose. As permit holders, we're worried someone will take this scenario to be something feasible and put it in our permit.
 - Sweeney: That is the same fear that the wastewater sector is having. We are really trying to take all the subjectivity out of the effort.
 - Bennett: If that is truly the goal, I think the original proposal is more representative of the E3 definition. I know the caveats, but it is hard to make sure people interpret it the right way.
- Goulet: I will bring both of these forward to the WQGIT and let them hash it out. I have serious concerns about sector equity because I have seen the wastewater E3 numbers and I think they are in much worse shape than us. I will bring both proposals forward and let the WQGIT know there was no consensus on one or the other. Any objections to that approach?
 - No objections were raised.

DECISION: The USWG agreed to present both E3 scenario definition proposals to the WQGIT because consensus could not be reached in support of either proposal.

CMAC Update

The CMAC retrofit proposal was discussed in October 2015 and again in May 2016. MDE had comments, which were responded to, and MDE are comfortable with the responses. Ww will move this discussion to November and take a formal vote to adopt the proposed approach.

Adjourned

List of Call Participants

Member	Affiliation
Norm Goulet (Chair)	NVRC
Tom Schueler (Coordinator)	CSN
David Wood (Staff)	CRC
Cecilia Lane	CSN
Ann Jennings	CBC
Nathan Forand	Balt. County
Justin Schaefer	Balt. County
Ted Brown	Biohabitats
Jesse Maines	City of Alexandria
Heather Gewandter	City of Rockville
Randy Greer	DE DNREC
Marty Hurd	DOEE
Alisha Goldstein	DOEE
Jeff Sweeney	EPA, CBPO
Kate Bennett	Fairfax County
Whitney Katchmark	HRPDC
Ginny Snead	Louis Berger
Greg Sandi	MDE
Greg Busch	MDE
Amy Stevens	Mont. County
Karl Berger	MWCOG
Tracey Olexa	NTN Engineering
Ken Murin	PA DEP
Jill Whitcomb	PA DEP
Ted Tesler	PA DEP
Jaime Bauer	VA DEQ
Kelsey Brooks	VA DEQ
Chris Swanson	VDOT
Jeremy Hanson	VT, CBPO
Chad Thompson	WV DEP
Sebastian Donner	WV DEP
Alana Hartman	WV DEP