Chesapeake Bay Program
Water Quality Steering Committee

Compiled Urban Workgroup Comments
No-Action and E3 Scenario Descriptions

Overall Comments:

In general, the definition for E3 is not realistic. In by itself, E3 was never designed, nor intended, to represent an implementation scenario, it was nothing more than a construct of theory with best professional guess removal efficiencies for urban stormwater removals. The associated removal efficiencies have never been vetted through the adopted BMP Review Process by the Tributary Strategy Workgroup (Watershed Technical Workgroup). The development of a new E3 scenario is going to have the same effect as the development of the original Tributary Strategy input decks did – it will set goals that are fiscally and physically unattainable and result in lost confidence of the Bay Program.

No-Action Scenario

Given the extreme pressure and apparent intended reliance on stormwater point source discharges (MS4s and construction activities); it is misleading to the public to exclude them from the No-Action Point Sources category. Instead, it appears that they are lumped in the No-Action Nonpoint Source Practices. These discharges should be identified in the No-Action Point Sources and include the fact that BMPs have been, and continue to be, implemented for both stormwater discharges.

It appears that there is an apple to oranges comparison between No-Action Point Sources and No-Action Nonpoint Source Practices. There is treatment on both urban practices as well as other practices. If it is assumed that there are no practices on nonpoint sources, how can it be assumed that there are practices on point sources? What year is our baseline year? Is it still 1985? The assumption of no nonpoint nutrient and sediment control practices in place is false. Some forms of control have been implemented to some extent in all sectors since the early 1900's.

E3 (Everything, Everywhere by Everyone) Scenario

A decision to allow wastewater treatment to expand to design capacity (which, in Maryland, for instance, is 30% higher than 2020 projected flows) for E3 puts the squeeze on both urban and agricultural nonpoint sources. Nobody has suggested a logically parallel decision for urban nonpoint sources: increase 2020 projected urban acres by 30% to full build-out based on existing zoning, or something along those lines.

A portion of the urban discharge pollutant load comes directly from failed collection systems of the point source dischargers. It is unrealistic to assume that all discharges from point sources are discharged through the outfall. The fact that point source discharges have inflow and infiltration programs is confirmation that these systems are not isolated from the surrounding environment. The repair and upgrade of collection systems while expanding the treatment plants could be more economically feasible than trying to meet an E3 scenario of retrofitting all pre-2006 urban acres with a suite of practices.

Forest conservation: The assumption that all forest loss is from development and growth in urban land uses is false. In certain areas of the Bay watershed, clearing and grading of forest to expand agricultural lands is actively occurring.

Urban Growth Reduction: The E3 scenario description calls for "every available acre" to be treated with a suite of BMPs. In order to meet the proposed scenario, land developed since 2005 would need to be returned to forest conditions. It is not possible to convert agricultural land to forest as an off-set to development as "every available acre" of agricultural land is already accounted for in agricultural E3 scenarios.

Riparian forest buffers on urban: What defines the stream segment of which riparian buffers must be restored? Many small, headwater streams have been piped and would require day lighting prior to buffer restoration. Hundreds of years of development has resulted in many buildings and associated facilities being built on the edges of streams. Does this mean that the structures must be removed as part of buffer restoration? Urban land owners cannot move a building to restore a riparian buffer as easily as a farmer can stop farming an area to restore a buffer.

Environmental Site Design / Low Impact Development on New Development: Existing development (2005-current) cannot be classified as new development in all States within the basin as not all States currently require ESD/LID. New development should be defined as a date in the future when actual regulations are in place requiring the use of ESD and LID. Otherwise, this practice cannot be met without requiring existing development to redesign its existing

property to meet ESD / LID design criteria. The redesign and installation of BMPs is the definition of retrofit.

Erosion and Sediment Controls: Achieving no sediment and nutrient runoff from bare construction land use is physically impossible.

Nutrient Management on Urban Lands: As currently worded, this scenario appears to put an entire business sector of the economy (Chem-Lawn, ect.,) out of business. Is the equivalent elimination of chemical nutrients being suggested for the Agricultural Sector? Current urban educational brochures suggest soil testing and application of only what is necessary to maintain a healthy lawn, no different than what is suggested to the Agricultural Sector.

E3 Combined Sewers

There should not be an E3 scenario for combined sewers as these are technically illegal discharges. If E3 scenarios are made for combined sewers, E3 scenarios should be made for sanitary sewer overflows and other pre-outfall discharges from point sources.