

**URBAN STORMWATER WORKGROUP
CONFERENCE CALL MINUTES
January 31, 2011**

State Updates on WIP Progress – State Representatives

Draft must be done by June 1st of this year, some possibility of pushing date back

Maryland

- WIP I new development ESD to the MEP
- MS4 permits used to retrofit existing development
- Drafting permits currently, under 90 review by EPA
- Modeled on Montgomery County's MS4 permit, 20% retrofit requirement
- People are concerned about cost and magnitude of restoration required, creating alternatives to reducing pollutants loads
- Using Bay Program efficiencies where available, for retrofit using MD 2007 SW Action
- Trying to develop efficiencies for BMPs that are in the WIP based on current research and literature reviews, but hoping for efficiencies through the Bay program
- Trying to allow MS4s to meet TMDL requirements with as little cost as possible
- MDE holding meetings with localities and stakeholders to Phase II WIP development
- Allocation process is fluid, might have potential for trading once more costs are determined
- They'll be two allocations for split watersheds

Virginia

- Trying to finish SW regulation process that has been ongoing for 4+ years, target is Spring so that guidance can be developed
- New developed would hopefully have not net increase in pollution, P as surrogate for others
- Issue is if that is really no net increase
- Looking at how BMPs are implemented
- Don't want individual allocations for MS4s
- WIP II process just beginning, considering what it would mean, how to take this to the localities
- Don't want WLA for specific permits

District of Columbia

- Main problem was sediment allocation
- Applied retention standard to all acres with BMPs
- Have proposed MS4 permit, still operating under expired permit
- Moving into LID and retention practices
- We have many programs funded at least for the short term, hopefully long term
- Examples include tree planting and restoration, river smart program,
- Trying to surpass Chicago for green roofs
- Federal properties encompass ~30% of the area, need federal support, no specific WLA

West Virginia

- Using MS4 permits for phase II to try to hold the line
- Instituted tracking of land use conversion under construction permit, pre-development and post construction BMPs that we can in areas that are currently unregulated
- That tracking will go on in MS4 entities will also serve for tracking into bay model

- MS4 permit is in areas closet to the bay, gernally requires 1 inch capture for new and re-development
- Will have other MS4 entities designated on the 2010 census
- Construction stormwater side have area allocations for land that can be disturbed at one time
- New MS4 permit was approved for all of WV

New York

- Relying on construction permit and MS4 program issued in 2010
- MS4 program has expanded boundaries to municipal boundaries
- Have new requirements in permit
- Construction permit issued in August of 2010 for 90th percentile storm, plans due to address this requirement by March 1st as statewide requirement
- Have held trainings on this for MS4s with in the watershed and had some showcased projects
- Outside of regulated area we have phosphorus bill limiting fertilized application to new lawns or soil test starting 2012
- Debate in VA over what land is included in MS4, just municipal or not
- Did not get any complaints on extention of urban areas to jurisdiction
- MS4s are not yet covered by other TMDLs
- Got a lot of negative comments on LID and RR requirements?
- Any land compacted must be restored mechanically or by soil amendment at heart of GI got negative comments
- Permit allows for formation of retrofit coalition, have two in Chesapeake bay area, in retrofit areas could work together on retrofit, submit one plan for entities in the watershed
- Have concept in new permit allowing single entity to be implemented for any entity of the permit, take over for rest of MS4s

Delaware

- Working hard and fast on rules with RR reduction approach
- Working on payment in lieu program
- On track to have rule finalize with the year

Pennsylvania

- Continuing to implement WIP, believe we have reasonable assurance
- Still trying to figure out how to move forward with backstops
- Rolling out chapter 102 regulations for RFB and working with EPA on additional requirements
- SW management plans being wrapped up for counties in Bay watershed
- Not sure how MS4 process will work into this, small isolated areas and not as effective as statewide SW management plans or requirements from localities
- Trying to engage stakeholders through SW workgroup, want to engage localities but do not yet have specific plans
- WIP Phase II process is still under development, WIPs will be developed at county scale, but do have new administration and need management direction
- Probably maintain same general process in Phase II as Phase I
- Thinking about requiring retrofits on exisiting lands, want to encourage retrofits
- Struggled with in SB that the model only represents 1 BMP per acre because we have more than one BMP occurring per acre so we struggled with how to accurately represent what is on the ground