

Urban Stormwater Workgroup Meeting
Meeting Minutes
Tuesday, October 17th, 2023
10:00 AM - 11:15 AM
[Meeting Materials](#)

Summary of Actions and Decisions

Action: Those interested in the Vice Chair, At-Large or Government Implementer positions should send nominations to David Wood, CSN (wood.csn@outlook.com) and Norm Goulet, NVRC (ngoulet@novaregion.org) by **COB January 12th, 2024**.

Action: Jurisdictions who look at the map and find discrepancies should report them to Olivia Devereux, Devereux Consulting (olivia@devereuxconsulting.com) and Norm Goulet, NVRC (ngoulet@novaregion.org) by **Monday, October 23rd, 2023**.

Action: Those with concerns about the Revised Protocol 3 memo should reach out to David Wood (Wood.CSN@outlook.com). For questions or clarifications about MDE's specific concerns with the original memo, please contact Christina Lyerly, MDE (christina.lyerly@maryland.gov).

Action: USWG Members will review and provide comments on the Brown and Caldwell White Paper on Coagulant Enhanced Stormwater Pond Performance to David Wood, CSN (wood.csn@outlook.com) and Norm Goulet, NVRC (ngoulet@novaregion.org) by **November 7th**.

10:00 Welcome and Review of August Meeting Minutes.

Norm Goulet, Chair. Attach A.

- Approval of August Minutes pushed to November meeting.

10:05 Announcements and Updates

- USWG Membership Renewals are Coming Up
 - Opening Vice Chair position, KC self-nominated
 - Send in nominations to David Wood (wood.csn@outlook.com) and Norm Goulet (ngoulet@novaregion.org)
- November meeting
 - Keeping it as November 21st

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10:10 Update on Developed Acreage in CAST-23 in Response to VA Data Review

At the October WTWG meeting, Norm brought up an issue with regulated/unregulated acreage in CAST-23, specifically regarding VA. Kaylyn Gootman, EPA presented on the issue and potential fixes that have been identified.

Discussion:

Martin Hurd (in chat): CAST-23 appears to be missing VDOT roads in Fairfax also?

Olivia Devereux (in chat): Yes, those are some of the areas that we propose updating.

KC Filippino (in chat): Yes, they were omitted in CAST-23 by mistake.

Martin Hurd (in chat): Were Federal areas like Fort Belvoir also omitted? That's big.

Olivia Devereux (in chat): They would be updated to match what is in the current model with the proposed solution.

KC Filippino (in chat): Possibly. If they weren't included in a Fairfax shapefile, then they were likely omitted too. Not sure if they were there before though, in CAST-19.

Martin Hurd (in chat): Does the proposed solution include other VPDES [sic] permitted regulated areas? Those are considered adjacent/connected to our service area.

Peter Claggett (in chat): Fort Belvoir is present as a regulated in both CAST-19 and CAST-23.

Olivia Devereux (in chat): Given that CAST is not a spatially explicit model, the proposed solution is setting the amount of regulated acres back to what they are in the current (CAST-2019) model version. So, anything picked up in that or the CAST-17d version will be reflected in CAST-23 if we move forward with the proposed solution.

Martin Hurd (in chat): That makes sense to me. More accurate and consistent too. Thanks!

Bryant Thomas: This all came up rather quickly and the analysis and proposed solution, applying this adjustment factor. From VA's perspective want to weight in to say, first thank you. This kind of post processing mathematical solution aiming to address the inaccuracy is something I think we can live with. Looking ahead and updated versions of CAST and updated LULC information, the delineation of regulated areas, that'll be the underlying issue that we'll really want to try and do better in the next go around. In the slide that showed the impact on loadings, it's not a big change in loads we're looking at, it's the ID as regulated or unregulated. Even though the load changes may not be large, we think the issue is significant in the MS4 community and we want to make sure we have no unanticipated consequences due to this. Particularly the idea of excess, of a regulated entity installing BMP's that may get kicked out as excess. In trying to anticipate that I'll say that I appreciate this, and we are supportive of this solution moving forward. We're looking at the area's where it has been most pronounced with the understanding that if something looks squirrely in future progress years and other regulated unregulated outputs and excess, we'll want to take a close look on the QA. For moving forward to keep CAST-23 on its release schedule we think it's a workable solution.

Kaylyn Gootman: We really appreciate working with you all and know that it's been a lot of scrambling and last minute meetings.

Norm Goulet: Looking forward in time, we're going to have some conversations on Phase 7 and how the splits between these regulated entities are. If anybody finds something we missed please let us know.

Martin Hurd: It looks like the proposed fix is more accurate and will be more consistent with CAST-19 which is nice. We can have discussions to improve it if needed in the future.

Joe Parfitt: My experience with CAST is limited, but we're hearing that our regulated lands might be subject to the 'Once an MS4 Always an MS4' rule that EPA is talking about. Does that not affect this in any way? We're being told that if we ever do get a new MS4 permit that our regulated areas are going to include the 2000, 2010, and 2020 urban areas and I'm worried a little bit about the load changing and for some of our goalposts that we're after. Does that not figure into this in any way?

Norm Goulet: It doesn't figure into this particular issue that we're talking about today. But in terms of your permit, you're right on the mark there – from what I understand once you're in you're in. You're at the heart of the issue because one of the things that got dropped out was almost all VDOT's roadways in Northern Virginia. So VDOT is at the issue here and this is something that hopefully the VA Intergovernmental Agency team will be working on, so we can try and improve some of these communications and make sure all this data is submitted when it needs to be submitted from now on.

Kaylyn Gootman: If other folks realize or take a look and see that they might want to take a look at this, Olivia do you have a sense of when they should do so by?

Olivia Devereux: If you all could look this week that would be good so we can make an announcement at the October 23rd WQGIT meeting. So please get back to us by Monday, October 23rd, or ASAP.

Peter Claggett: I did look across the watershed comparing the regulated footprint of MS4s in CAST-19 with CAST-23 and there were some very minor changes in Newcastle County, DE, a couple of counties in PA, a few more counties in VA, but these were minor changes and look like a legitimate refinement of the county owned and operated stormwater area. So where a subdivision may have been cut off, no longer regulated by the county, or something like that. Lands managed by other entities were now excluded, but it wasn't anything as blatant as obvious as schools, highways, or anything we saw in those 3 jurisdictions in VA.

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10:30 Stream Restoration Protocol 3 Revisions

In August, the USWG reviewed a memo outlining a series of proposed updates and fixes to Stream Restoration Protocol 3. Following the review period, two sets of comments were received. David reviewed the draft responses to comments. David will go over comments made by MDE regarding the Protocol and the USWG will be asked to vote approve the proposed changes at the November Meeting.

Discussion:

Christina Lyerly: We agree that the scale problem is an issue and want to move forward with helping to correct that issue, but the memo as it was, we weren't able to support it. So, I appreciate your openness and if anyone else has more specific questions regarding the memo please feel free to reach out to us.

David Wood: I want to recognize that we didn't just receive comments from MDE, we also received some from DOEE, looking at the CAST load as a determination of the cap of a potential pollutant load reduction under Protocol 3. This boils down to a similar issue, regarding a preference of emphasis on site specific data being used to justify a more appropriate credit. Our proposed solution is sort of similar, it's basically hoping that by shifting to a more conservative baseline rate we run into fewer issues with being cut off by the delivered load because hopefully we would have, again, a more conservative estimate of what the pollutant load reductions are from the site. On the other side of that we would have the emphasis on site specific monitoring which can be reviewed on a case-by-case basis with the jurisdiction to address issues where there may be improper cutoffs or things like that in these smaller watershed areas. Particularly this is an issue in the District.

Norm Goulet: On DOEE's issue, this is not the first time that this issue has arisen, and we've in the past made it a point that you can't reduce more than what CAST is saying because you end up with a negative load, which doesn't work from a CAST perspective. While I agree with it, there's a whole lot more than what's being proposed there that we can do with it.

Jamie Eberl: I have a quick question about the statement that says there's a little bit of flexibility in the default for case-by-case site specific monitoring. Is there a specific timeframe i.e one year of monitoring, three years, is there a timeline you'll put in there?

David Wood: We have language in there already and it mirrors what we recommended for Protocol 1. We recommended 3 years of post construction monitoring to do that. There are some methods for specifically sediment accretion that are standardized methods we recommend in the report.

Martin Hurd: I appreciate being kept informed, thanks.

Olivia Devereux: I appreciate the comprehensive solution and detailed updates. Just to confirm – this will be updating not just the full memo but the technical appendix as well?

David Wood: I'll have to double check. It shouldn't be anything major but there may be some small changes.

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10:45 Coagulant Enhanced Stormwater Pond Performance Final White Paper.

At the May USWG meeting, the workgroup agreed to move forward with a proposal to pursue a BMP Interpretation for coagulant enhanced stormwater ponds. Since the USWG decision, a draft white paper was developed, and a review team was convened to provide feedback on the proposal. The proposal team has revised the draft white paper to respond to comments received from the review team. The final memo will be presented to the USWG for review and comment. An approval decision on the memo will be made at the November meeting.

Discussion:

Heather Gewandter: I am still a little bit concerned about disposal. I feel that there's a lot of new science out there, especially about emerging contaminants/forever chemicals. If this is concentrating that in sediment, I didn't see a lot of talk about that in the white paper. I understand this makes a very stable compound, but the idea of reintroducing what we've collected in treatment ponds into WWTP sludge to then be distributed potentially on our agriculture seems like a missed opportunity and is concerning. I'm not sure what other research there is on this, or if we as a group can be more prescriptive about disposal. I would need more information on that before I felt comfortable letting this out into the open.

David Wood: I'll first check with Jeff and if he wants to elaborate on what the process looks like from other systems and how that handling and disposal works. My understanding is that from the monitoring that's been done there haven't been any concerns. I know that most of the other practitioners who have used these systems have recycled this material and they do the standard testing that's required by the regulatory agencies to check for those pollutants of concern prior to end uses.

Heather Gewandter: The studies I have seen are from 2007-2009 which is from before our focus on emerging contaminants. I don't even know if some of these are regulated now and there are tests. Do we want to be forward thinking about this or wait for regulators to catch up? Especially in the water treatment program, which is scrambling about PFAS, etc. They're not there yet so do we take the opportunity or wait for them?

Jeff Herr: Every project we've done since the late eighties, we've done testing of both the wet and dewatered floc and have kept up with state requirements. In terms of ECs, we haven't looked at things like PFAS since they aren't regulated, but we can consider that. The amount of floc

generated is minute – in a new project for Hampton VA we'll generate 2 million gallons of wet floc over a five-year period. When you think about that volume in relation to WWTP volume, it's de minimis. I hear you and I think we should keep up with the science, but I think the likelihood of impact is minimal.

Heather Gewandter: If these are ubiquitously used throughout the watershed because they're that much better at treatment and there's a ton of wet ponds out there, collectively there's a larger percentage, right?

Jeff Herr: Our experience is that as it ages, the floc becomes inert and can actually be beneficial by tying up emerging contaminants and making them unavailable.

Cecilia Lane (in chat): I agree, we are starting to get pushback on our DC Bloom (biosolids) because of PFAS.

Norm Goulet: Did we put in any requirements for testing like we did with stream monitoring?

Jeff Herr: We've included that testing for the floc material must be done in accordance with state requirements, and we also have performance monitoring for one to two years.

David Wood: I think right now the language is mostly reflective of the current regulatory requirements. I think it's at the discretion of the Workgroup to add an additional clause regarding testing of other emerging contaminants, it's just a matter of what that looks like and how we do it when it's out in front of local and state regulations for things like PFAS.

Norm Goulet: Part of me agrees with Heather completely and part of me says how far above the regulatory testing do we want to go? I need to think on this one myself.

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Participants

Aaron Fisher
Alison Santoro, MD DNR
Allie Wagner, NVRC
Andrea Krug, DC DOEE
Ashley Kelly, DoD
Bonnie Arvay
Brenda Morgan
Brendan Diener, DNREC
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Cecilia Lane, DOEE
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