



MINUTES

Wastewater Treatment Workgroup (WWTWG)

Teleconference

Tuesday, December 2, 2014, 10:00 AM – 12:00 PM

Summary of Action Items and Decisions:

DECISION: The WWTWG approved the November meeting minutes as written.

ACTION: Marcia and Eric will take the lead to convene a subset of the Onsite Systems Expert Panel to review the data on the two proposed technologies. The panel will make a recommendation as to whether or not the technologies meet the necessary testing requirements to receive the minimum nutrient reduction credit outlined in the Onsite Systems Panel report. The panel will also make a recommendation as to whether or not the data supports a more thorough evaluation of the technologies to determine whether they should be eligible for additional nutrient reduction credit.

ACTION: Marcia and Eric will work with David Wood (Wood.DavidM@epa.gov) and Ning Zhou (zhou.ning@epa.gov) to form the panel subgroup membership, and to inform the WWTWG once it has been determined.

ACTION: Ning Zhou will contact each state to provide them with an update on what data they have submitted and what must still be reported.

ACTION: WWTWG should provide feedback on the Mid-Point Assessment Schedule to David Wood by COB on Friday, December 12.

ACTION: Bay Program staff will work to develop interim deadlines for the biosolids and spray irrigation data collection.

Welcome, Introductions, and Announcements—Tanya Spano (Chair) and David Wood (CRC)

- David convened the call and verified call participants.
- Tanya asked for comments or revisions to the November WWTWG minutes.
 - None were raised. The November WWTWG were approved as written.

DECISION: The WWTWG approved the November meeting minutes as written.

EPA Septic Data Sharing Project – Maureen Tooke, EPA

- Maureen updated the workgroup on an effort to get state onsite program managers to share data in order to facilitate more efficient approvals of onsite nitrogen reducing technologies.

Discussion:

- Maureen Tooke (EPA): We are currently incorporating detailed comments received from the manufacturers, the National Onsite Wastewater Recycling Association. We have a letter of agreement to be signed by the states. Then we will share our data according to the protocol we have developed. That should happen by mid-January.
- Tanya Spano (MWCOG): I ask that Joyce Hudson (EPA) provide this workgroup with a summary package when the data is released. That package could include the state letters, or a summary of those letters, and maybe some of the language that frames the project.

- Tooke: That is part of our plan. Once everything is finalized, we will be sharing it publically.

VA Septic BMP Proposal – Lucinda Power, EPA

- Lucinda Power (EPA) provided clarification on the options the workgroup has when determining how to proceed with proprietary BMP panel requests.

Discussion:

- Power: According to the BMP protocol's language proprietary devices are currently not eligible for nutrient and sediment reduction credit in the Bay Program's modeling framework. However, proprietary BMPs that meet the qualifying definitions established for an existing class of BMP can receive the reduction credit assigned to that class. The onsite systems BMP expert panel report does have a proprietary systems protocol which requires third party testing in a three pronged approach that includes provisional testing, field testing, and data analysis.
- Eric Aschenbach (VA Dept. of Health): These systems are partially proprietary, but they are soil-based systems. In the onsite septic systems panel report, we created some buckets for BMP nitrogen reductions that would encompass combined proprietary or soil-based systems.
- Mark Smith (EPA): I don't see how these two proposed systems would be considered proprietary because they are not particularly unique technologies.
 - Aschenbach: One is septic tank effluent going to a drip, and it is very specific based on how it is dosed, which is why it is requesting an additional nitrogen reduction efficiency.
 - Smith: But that is not a trade secret, and would not be proprietary information.
- Spano: If it is not proprietary, then we have the issue of whether the technologies reasonably fall under an approved BMP category. If it is proprietary, we have this other process that Lucinda just outlines. Eric, do you feel you could make a case for these technologies fitting within pre-approved definitions?
 - Aschenbach: Yes and no. I think categorically, it is possible that they could fit under the 50% reduction or the 69% reduction categories, but it would require changing the definitions of those categories in order to make them fit.
- Jay Prager (MDE): When originally presented, these technologies were differentiated from the BMP recommendations for shallow pressure dose. They were saying they have a specific design that should get 50% over baseline rather than the standard 38% outlined in the previous BMP recommendation.
- Tooke: These are considered proprietary systems, because they do have uniquely designed components.
 - Power: If that is the case, it would have to go through the two tiered protocol that was outlined in the onsite systems panel report. The next step for this group would then be to determine the lead for who would perform third party testing and the data analysis.
- Tooke: Marcia thought that there was already a mechanism in place for how to get these types of proposals approved.

- Spano: I think we have agreed that these technologies could fit in under the existing categories, but that they would not get additional credit. Proprietary technologies do not necessarily get credit, but Virginia is asking if we can use the process outlined in the onsite septic systems report of getting third party testing to approve these technologies for additional nitrogen reduction credit. Do we agree that we are not trying to fit these technologies into the existing BMP categories?
 - No one disagreed.
- Ron Furlan (PA DEP): Pennsylvania has always required anyone who comes in with proprietary systems to get third party testing from NSF or local universities. The problem is that once one of those technologies has been approved, other companies come out with similar systems and claim they are exactly the same and therefore would not have to go through third party testing.
- Power: It sounds like every proprietary system would have to go through this third party testing if they want to get their own, greater reduction efficiency.
- Dave Montali (WV DEP): Is third party data already available for the two proposed technologies?
 - Aschenbach: There are the reports they are using as the basis for their proposal.
- Montali: Could this workgroup approve these systems for the efficiency reductions already approved for drip or mound systems? Or would they need to go through a third party process just to get the already approved reduction efficiencies? If they need more testing, the most expedient thing to do is create a subset of the onsite systems expert panel to make that call by sorting them into a category. If they wanted extra credit, there isn't an expedient option.
- Spano: So we could give them at least the 38% reduction right away? But if they want extra, they have to go through the extra process.
- Power: Some third party would have to look at the proposed technologies and their supporting data, we couldn't just accept them at face value. I think it would be a good idea to convene a smaller subset of the onsite systems panel to determine if these technologies qualify for the minimum reduction credit. If they then want additional credit, they need to be informed that there would be fairly extensive third party testing. But before that the panel subset would have to come back to the WWTWG and tell them what their recommendation is with regards to the minimum reduction credit.
- Spano: To summarize, it is not for the workgroup to make the technical assessment. Does anyone have a problem with going back to the subset of experts from the onsite systems panel?
- Dave Schepens (DE DNREC): The expert panel already reviewed the drip and the mound systems and they were given the 38% reduction. If it is a drip system and they want the 38% reduction, it has already been through the goal team.
 - Aschenbach: I would say they could be considered for the lower, 38% reduction, but that is not what they are asking for.
- Spano: But if Virginia says they qualify for the lower credit, no one would object?
- Power: I don't think the onsite systems panel report ever stated that the workgroup could just assign a proprietary device the minimum credit. I think doing that would be an issue if the data isn't looked at closely enough.

- Spano: I don't think there is an issue with the data. I think the question is whether this is a BMP that has already been vetted.
- Power: What is proprietary and what is not is a key question. Based on what Maureen said earlier, these are proprietary. According to the BMP protocol that has been approved by the Partnership, proprietary devices will not be accepted for Bay Program model credit unless they follow this protocol for third party testing. I am concerned because it sounds like all proprietary devices need to go through third party testing, not just the ones that want additional credit.
 - Tooke: Regardless of the Bay Program's arrangement, each state has to approve the technology for use in their state, so it must have gone through a thorough review. It is in fact a drip system, it is just a special drip system designed for extra N reduction.
- Spano: I think there are nuances about proprietary devices. I'm not hearing a clear path forward. Virginia wants to move this forward so they can evaluate whether the additional reductions can be received?
 - Aschenbach: Yes, that is correct.
- Spano: Dave and Jay, do you believe we have clarity about the protocol and the definition of proprietary devices? Do we need to invoke the expert panel, or a subset of that panel?
 - Schepens: Each state has its own regulations to approve or not approve advanced treatment units. I don't understand why a proprietary device would have to go through third party testing mandated by both the state and the Bay Program.
 - Tooke: I think that is why Marcia is confused too. Each system has to go through a rigorous process to get approved in a state. It seems like the Bay Program does not trust how the states are evaluating these devices.
- Power: Marcia and I did talk and she wasn't aware of the proprietary issue at all. It may sound like a duplication of effort, but when we talk about the Bay Modeling tool and getting credit, it is a different process. We have other panels going through these issues and there are a lot of companies who want credit for their technologies. The panel report has a specific process in place, and we need to follow that for the sake of consistency.
- Schepens: I'm sure that the field testing, provisional testing, and data analysis were all submitted to Virginia.
 - Power: Maybe it is a matter of just compiling and reviewing all of that information then.
- Spano: The notion is that nothing precludes the evaluation of the data for inclusion of reduction credit in the Bay Program's model. So the expert panel must look at this and say whether or not it meets the necessary requirements for testing.
 - Power: I think that is a good path forward. We just need to see the data and how it fits. If they are willing to share the data with the expert panel so they can review it, the issue would be addressed.
- Spano: Virginia thinks there is enough data there to move forward. Is there anyone who has a problem with us moving forward?
 - None were raised.
- Spano: Eric and others, please just make sure that the process moving forward is open and transparent as far as who is on the panel that is convened, and what is being considered.

- Spano: We have a path forward. Eric, are you comfortable going back to Marcia and getting this moving? Once the process has begun, you can report back to the workgroup with updates, so they know what is happening.
 - Aschenbach: Marcia will convene that subset of the panel?
 - Spano: Yes, and Ning Zhou (VT, CBPO) and David Wood are your contacts at the Bay Program.
- Montali: Are we pursuing forming a new expert panel?
 - Power: My understanding is a subset of the old panel will look at these new devices.
- Montali: Will this open the door to all the new requirements for forming an expert panel?
 - Power: I don't see it as a new expert panel. There is something in the old report about bringing this panel back and looking at new proposals. While their recommendations will still have to come before the WWTWG, and the WTWG is the model is involved, it will not be considered a new panel. We just have to be very careful with proprietary devices.
- Spano: It would be helpful if we had a flowchart. Are there any other questions or issues? I ask the Bay Program staff to outline what we have agreed to with regards to next steps, and who has the leads.

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Milestones Evaluations – Joel Blanco-Gonzalez, EPA and Mark Smith, EPA

- Mark and Joel provided a summary presentation on EPA's assessment of jurisdictions' programmatic milestones for the Wastewater sector.
 - For more information, please see their [presentation](#) and [supplemental document](#).

Discussion:

- Spano: I ask that workgroup members look at the supplemental document and review it in more detail.
- Mark Smith (EPA): We will be incorporating your feedback and sending it around to the states.
- Spano: What is the definition of "Milestone Challenges"? When you call it a challenge, it implies that something is not working properly.
 - George Onyullo (DDOE): I completely agree. D.C. does not think it is a challenge as defined in the text, but rather, it is an ongoing work and we are making good progress.
 - Smith: I will work with Brian Trulear (EPA) to clarify that statement.
- Allen Brockenbrough (VA DEQ): I add to that, permit issuance in Virginia. All of that is handled under the watershed general permit which is current, and we are about to start the reissuance

process. There may be some individual permits that have lapsed, but that should be a nutrient issue.

- Furlan: When they reference permit issuance, are they talking about strictly wastewater treatment plants, or are they considering MS4 permits as well?
 - Smith: I think just wastewater treatment plants, but I am not sure.
- Spano: What is the next step in terms of this characterization? Is it going to the WQGIT or somewhere else? What is the timeframe to submit comments?
- Montali: The bottom line is that there is an issue with the word “challenge”. If this is a report on how the wastewater sector did relative 2013 progress and how it is likely to do on milestones in the future, then this paints a pretty good picture.
 - Smith: I’m not sure that is exactly what we’re saying here.
 - Spano: That is why this needs to be framed correctly.
- Smith: If we said 2014/15 milestones “expectations”, would that make more sense? These are the things Brian thought the WWTWG should be aware of moving to the future. However we want to frame it, this is the information he wanted to present.
- Spano: Is this info going anywhere else?
 - David Wood (CRC): I believe this is just a heads up to each sector workgroup. I will check and send around a follow-up email with a deadline for potential feedback.
- Marya Levelev (MDE): What is the difference between this presentation and the quarterly updates of our milestones.
 - Furlan: I don’t see this as being different.

Biosolids and Spray Irrigation Data – Matt Johnston, UMD

- Matt Johnston (UMD) asked jurisdictions if they had any questions or concerns about the data collection process.

Discussion:

- Johnston: I don’t have any updates, I just wanted to take questions from states if they have them.
- Brockenbrough: Virginia sent some data a while ago.
 - Johnston: Yes, you sent great data. Most of it is sufficient, but we will need to wait for Ning to confirm.
- Greg Sandi (MDE): MDE sent a bunch of biosolids data a while ago too.
 - Johnston: Yes, Ning, walked through that as well. The only follow-up is if you have additional data, that would be great.
- Brian Churchill (DE DNREC): Should we include sites that land apply septage?
 - Johnston: I believe the decision was no. We provided a template from spray irrigation and biosolids but hadn’t heard anything from the states about septage. It is up to this workgroup if they want to include it.
 - Spano: Septage has not been identified by the WQGIT or the states as an issue.
 - Johnston: I would be interested to know if septage makes up a large percent of all the pounds of wastewater going on the ground. If it is a large percentage, we might want to look into it.
- Churchill: In Delaware it is probably a small percentage. When we report “weight applied”, do you want dry weight or wet weight?

- Johnston: Either dry weight or wet weight is fine, just provide a moisture content estimate.
- Churchill: I don't have data for organic phosphorus. Is that typical in other states?
 - Johnston: I don't know, other states?
 - Brockenbrough: I'm not sure in Virginia, but I think we just have total phosphorus.
 - Johnston: It's fine if you just have total phosphorus. The WWTWG will work with the modeling team to develop a default breakdown if that is the case.

ACTION: Ning Zhou will contact each state to provide them with an update on what data they have submitted and what must still be reported.

Historic Data Cleanup – Ning Zhou, VT

- There were no updates on the historic data cleanup.

Updates and other business – David Wood, CRC

- David presented the [Mid-Point Assessment Detailed Schedule](#) developed by the WQGIT.

Discussion:

- Wood: Please note the two items that involve the WWTWG specifically: biosolids and spray irrigation data collection by September 2015, and historic data cleanup by October 2015. Please submit comments and feedback to me (Wood.DavidM@epa.gov) by COB on Friday, December 12.
- Spano: I would like the staff to provide interim deadlines to the workgroup for the biosolids and spray irrigation data collection, so that it will be easier for us to meet that September 2015 deadline.
- Furlan: How are we incorporating biosolids into the Bay Watershed model?
 - Wood: We are just trying to get a better estimate of the nutrient inputs to the agriculture sector.
 - Johnston: It is actually a misunderstanding that just because nutrients are applied according to nutrient management plans, that there is no agricultural runoff. That is not the case. In the model, we have to develop the inputs, the uptake of plants, and the estimates of how much runs off. That is all developed on the backend and then calibrated to water quality data. Biosolids are just one piece of the inputs, just like fertilizers or point sources.

ACTION: WWTWG should provide feedback on the Mid-Point Assessment Schedule to David Wood by COB on Friday, December 12.

ACTION: Bay Program staff will work to develop interim deadlines for the biosolids and spray irrigation data collection.

Adjourned

Next conference call:

Tuesday, January 6, 2014

List of Call Participants

Name	Affiliation
Tanya Spano (Chair)	Metropolitan Washington Council of Governments
David Wood (Staff)	CRC, CBPO
George Onyullo	DDOE
Dave Schepens	DE DNREC
Brian Churchill	DE DNREC
Bryan Ashby	DE DNREC
Joel Blanco-Gonzalez	EPA
Mark Smith	EPA
Maureen Tooke	EPA
Lucinda Power	EPA, CBPO
Mary Levelev	MDE
Jay Prager	MDE
Greg Busch	MDE
John Weidman	NYSDEC
Ron Furlan	PA Dept. of Environmental Protection
Matt Johnston	UMD, CBPO
Eric Aschenbach	Virginia Dept. Of Health
Allen Brockenbrough	Virginia DEQ
Dave Montali	WV Dept. Of Environmental Protection