

**TMDL – MS4 Urban Stormwater
Technical Team
Meeting Notes**

May 8, 2014

DNR Service Center – Fitchburg, WI

Attendees:

*Eric Rortvedt (WDNR)	Kevin Kirsch (WDNR)
*Jon Lindert (Strand Assoc.)	Mark Riedel (WDNR)
*Tom Grisa (City of Brookfield)	Maureen McBroom (WDNR)
*Leif Hauge (Waukesha County)	Roger Bannerman (USGS)
*Nick VandeHey (McMahon & Assoc.)	Rick Eilertson (City of Fitchburg)
*Steve Wurster (Ruekert-Mielke)	Michelle Reynolds (DOT)
*Eric Thompson (MSA)	Caroline Burger (Brown & Caldwell)
*Bryan Hartsook (WDNR)	
*Jim Bachhuber (Brown & Caldwell)	* Team member

9:30: Agenda Review (Eric):

Group recommended a few adjustments to the order of the agenda including ordinance review discussion. Discussion topic area as follows:

- TMDL Baseline Condition (MS4 TSS 40% & 20%)
- TMDL Modeling Area Analysis
- Credit for Streambank Stabilization within and outside of MS4 service area
- Ordinances
- Monitoring Pumped Water from internally drained areas
- Credit for Soft Practices
- Constructed Wetlands Treatment

Topic 1: TMDL Baseline Condition (Kevin)

This was an open forum discussion that generated a lot of comments and debate. TMDLs from different basins were compared and noted that the Lower Fox was unique because it utilized a different allocation method, non-proportional. Allocations were challenging to develop because of storm water past focus on annual percent reductions and loadings, while TMDL requires monthly modeling analysis to address seasonality. In negotiations with EPA, WNDNR will be allowed to convert the mass allocations to a percent reduction approach. Wisconsin is unique in that we have already modeled MS4s and have established a “no-control” condition from which to base annual percent reductions. This supported/was utilized to implement comparisons between no control, NR151, and TMDL requirements.

Q: It was asked if/when TMDLs might be revised. It was mentioned that east coast TMDLs are supposedly to be redone every 5 years.

A: The Lower Fox might need to be revised to reflect changes in upper boundary conditions from the upper Fox and Lake Winnebago. In general, TMDLs should not need

to be revised anytime soon....unless there was a compelling reason to suggest something needed to be adapted/updated/corrected.

For the lower Fox, TMDL modeling for MS4s assumed no controls, via SWAT, with comparisons/calibrations to a period from 2004 – 2008. However, this approach did NOT account for existing 20% reduction standard of s. NR 151.13. Other TMDLs relied on no-control modeling condition in WinSLAMM.

Q: How were the annual average percent reductions determined (Rock River TMDL - Appendices H and I)?

A: They were calculated as an average of the monthly values.

Following more discussion, Kevin clarified that all future TMDLs will be developed to consistently include/represent existing percent reductions that are required.

The MS4 GP was issued May 1, though it included no allocations. Next issuance (in 5 years) will include percent reductions/allocations.

Q: Will approach for IP's be the same/similar as that used in the GP?

A: It should be very similar.

Q: Is there a TMDL revision schedule in the WDNR?

A: No. Only lower Fox is justified for a revision because of the prior mentioned reasons with the upper Fox.

Q: What about updates to reflect improved technologies, trapping in lakes, P-recycling, new studies, etc.?

A: There are no plans to update TMDLs. TMDLs are required and allocations needed to be developed. As long as there are no compelling reasons to update, these TMDLs are effective. In addition, there simply is not man-power and resources available to routinely revisit TMDLs. There is also concern that updating or revising TMDLs will simply encourage a cycle of ongoing TMDL editing/revisions and create confusion, uncertainty, and frustration with the public and permit holders.

Topic 2: TMDL Area Analysis (Eric & Kevin)

Q: Can discrepancies in TMDL areas (areas of sewersheds, reach-sheds, etc.) lead to significant differences in mass allocations?

A: It is not uncommon to have a difference between the actual MS4 drainage area and the TMDL modeled area for a reach; even 40% or greater in some limited cases. However, we are using the % reduction approach which inherently moderates the effects of area differences. Brown and Caldwell recalculated what the percent reductions would be for the City of Janesville for its 7 reaches. The area differences ranged from 20 to 70%, however, the revised percent reductions generally change by only a few percent with the most extreme being a 7% change. Changes of this magnitude are not considered significant relative to modeling accuracy.

Comments: Three individuals commented they found similar experiences in the areas they work in.

Comment: This is true, but it could still be a significant impact if we are talking about a large area or allocation where we are facing thousands of pounds. How would we address these situations?

In dealing with the EPA, EPA indicated that it must be clear how percent reductions are calculated from the mass allocations and/or percent reductions in an approved TMDL.

Take out reference to mass WLA and focus on percent reduction for compliance.

Q: Page 6 in guidance document – request to clarify text, some redundancy; it was noted and agreed it would be clarified (Eric).

Q: MS4 guidance document includes 20% and 40% calculation examples for TSS – can similar be incorporated for Phosphorus – at 15% and 20%?

A: Yes.

Q: What about situation where baseline is less than allocation – does percent reduction still apply?

A: Try to focus on areas with high loading that are NOT meeting standards.

Q – If MS4 already meeting mass allocation for a given reach can it trade excess credit? What about treatment practices in adjacent watersheds? For example, MS4 trading with itself on neighboring streamshed?

A: Trading might be a possibility.

Q: Can guidance include trade ratios for MS4 trading w/in their own MS4 boundaries?

A: Want this guidance to focus on MS4...we already have a trading and A.M. guidance to address these topics.

Q: Can there be some text included in the MS4 guidance to reference these, or to help the reader, for example, “Water Quality Sharing” for trading w/in a single permittee area?

A: We expect to have a general reference to WQ Trading.

Topic 3: Credits for Streambank Erosion (Eric & Kevin)

A handout with draft language/examples was provided for group review (attached). It provided “benchmark” measures as a way to acknowledge streambank projects.

Q: If permittees don’t get credit, streambank projects won’t happen...isn’t there a way to give credit?

A (Group): It’s a huge issue...brings up all sorts of unknowns...how would it be addressed? How long does it last? Does it just cause erosion elsewhere?

A (Kevin): The allocations already assume stable drainage ways (non-eroding streambanks) – so the sources of TSS and P are from soil erosion and within the watershed...fixing streambanks will not eliminate these sources...and watershed sources and chronic, whereas

the streambanks are not and bank erosion is not included as a potential source in the TMDL – there is no way to specifically address it....we can't go back and redo the TMDL.

Comment: However – credit can be generated for work OUTSIDE of the reach....and used as a credit....as with how it's implemented in agriculture/NPS load allocations....doesn't this apply here?

Comment: Can sediment be analyzed to give credit for TP reduction as well? We're talking about credit for modeled versus monitoring reduction?

Q: What about with projects outside limits – in “waters of the state”?

A: No, waters of the state can't be used for treatment or pollutant removal/credit generation. So, in this case, the benchmark acknowledges the work, and general progress in the right direction, but it can't be used to offset urban stormwater sources from MS4.

Q: What can a community do when there is no way it can reasonably meet its limit? When there clearly is not budget, means, and measures to reduce loads anywhere near what is required by the TMDL?

A (Group): This question generated a large group discussion of examples of how communities may or may not be able to meet limits. How can Engineers and Consultants work with municipalities to develop funding, convey the information about stormwater requirements, etc.?

Lunch Break – Noon

Part 2 - Stormwater Management Planning section topics

Ordinances

Comment: Statutory uniform standard restriction does not apply to restrictions to meet TMDL requirements.

Comment: Take out last sentence in 2nd paragraph under Ordinance Review and Update section. It's up to MS4 to potentially increase new development standards.

Construction Permit Reissuance to meet TMDL: The following individuals asked to be involved with early review and input on the next draft of the construction site permit to meet TMDLs: **Eric Thompson, Nick VandeHey and Bryan Hartsook.**

Structural & Operational Management Practices

Q: Aren't we talking about Quantifiable versus Non-Quantifiable Management Practices?

A: Yes that does seem like a better way to describe the 2 groups.

Comment: DNR needs to assemble a group to establish statewide credit for non-quantifiable practices.

Wetlands

Q: Aren't there 2 categories of natural wetlands and constructed wetland for the purpose of being a treatment system.

A: Yes; DNR will separate into 2 categories.

TMDL Analysis Area (p. 10)

Q: Is WLA essentially to be applied to same general area as covered under MS4 permit?

A: Yes but will less holes. DNR will review and try to be consistent with MS4 GP on defining boundary of permitted area/analysis area.

Internally Drained and Pumping

Q: Does this apply to construction sites?

A: No, construction sites included in 10% general permit set aside WLA.

Q: DNR has guidance on taking credit for internally drained area. Is it still current?

A: DNR review to verify it's still current.

Q: What types or size of pumped discharge is to be monitored?

A: Clarify this issue in guidance.

Comment: Clarify that we are monitoring to get a representative annual average discharge.