

## SUMMARY

### **JOINT Meeting of Urban Stormwater Workgroup (USWG), Agricultural Workgroup (AgWG), Watershed Technical Workgroup (WTWG) and Interested Parties on Urban BMP Expert Panel Reports**

**Monday, December 17, 2012**

**10:00 AM to 3:00 PM**

**Joe Macknis Memorial Conference Room (Fish Shack)**

**Annapolis, MD**

**Event page: <http://www.chesapeakebay.net/calendar/event/18983/>**

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#### **Welcome, Introductions, and Process for Reviewing the Panel Reports**

- Norm Goulet (Northern Virginia Regional Commission; Chair, Urban Stormwater workgroup) welcomed the participants and reviewed the day's [agenda](#).
- Tom Schueler (Chesapeake Stormwater Network; Coordinator, Urban Stormwater workgroup) explained this meeting marked the start of an informal comment period. Based on the comments, the reports will be revised and then submitted for consideration and approval by the Urban Stormwater and Watershed Technical workgroups, and the Water Quality Goal Implementation Team, as specified in the [BMP review protocol](#).
- Katherine Antos, (EPA CBPO) announced that she was replacing Lucinda Power on the work group as the EPA representation, and would be acting as the EPA stormwater liaison in the future.

#### **Report of the Urban Nutrient Management Expert Panel**

- View the December 6<sup>th</sup> draft of the report ([Attachment A1](#)) and its Appendices ([Attachment A2](#))
  - Schueler noted that Appendix A was still under development
- View the presentation ([Presentation A](#)) for details from the report, as described by the presenters. The feedback and discussion that followed the presentations are captured below.
- Schueler recognized the panelists and support staff for their hard work and time, and described the panel process and their charge.
- Karl Berger (Panelist, Metropolitan Washington Council of Governments) explained turf and fertilization in the Chesapeake Bay [slides 9-18].
- Neely Law (Panelist, Center for Watershed Protection) described the risk factors and core UNM practices identified by the expert panel.
- The Panel welcomes comments on all aspects of the report, but specifically requested comment on (a) the workability of the alternative outreach credit (b) verification of UNM plans and (c), any state-specific issues re: UNM delivery.

#### Feedback and Discussion

- Gary Felton (Panelist, U of Maryland): Noted that report may need more detail on how states will need to analyze non-farm fertilizer sales statistics to reflect actual nutrient content applied to turf. He noted turf N fertilizer may only be 30% by weight of non-farm fertilizer sales, i.e., Going to need to focus on turf fertilizer, since right now the numbers are capturing garden fertilizers, potting soils, flower gardens, etc. He also summarized some specific changes that are needed to reflect UNM delivery in MD, relative to the MD Lawn Fertilizer Law: (see his [full set of comments](#) for more detail)
- Bill Keeling (Panelist, VA Dept. of Conservation and Recreation): Requested comment period be extended to the end of January, and Goulet agreed to extending it until January 31st. Bill also indicated his strong reservations about the feasibility of the alternative outreach option.

- Stu Schwartz (Panelist, University of Maryland, Baltimore County): Liked the alternative outreach approach, especially how it looked at uncertainties.
- Mark Dubin (UMD, CBPO; Coordinator, Agriculture Workgroup) went over his [comments](#) and expressed the Agriculture Workgroup's (AgWG) desire for another presentation from Schueler during its next meeting.
- Katherine Antos (EPA, CBPO): slide 14 highlighted differences between the state nutrient management laws, yet the proposed reduction is the same.
  - Schueler: The main determinant was the presence of a phosphorous ban (line 1 of the table).
- Antos: The criteria for alternative outreach make sense, since the literature implied the difficulty in demonstrating a link between outreach and change in behavior. It seems the Panel has already responded to the AgWG comment about the alternative outreach credit by requiring data and a before and after survey to prove behavior change. Perhaps there could be more parameters for the credit.
  - Schueler: In the panel discussions, Marc Aveni noted the MS4 permits require outreach. Yet if municipalities do more, they get no additional credit. If there is no credit, what are the incentives for municipalities to perform UNM and outreach? The idea was to provide incentive for going above and beyond with outreach and also obtain better data on behavior change.
- Sarah Lane (UMD/MD Dept. of Natural Resources): how does the report define a conservation landscaping, and what was the basis for the fertilizer buffer zone around water feature and 300 ft to stream high risk factor? Schueler response: (a) will need a definition for conservation landscaping (b) the 10 core practices are general recommendations only, and are subject to state interpretation, so if a state feels they need to be changed to reflect a state's programs, the panel would welcome state-specific input and suggested language.
- Matt Johnston (UMD, CBPO): why is reduction rate so close for states that do not have P-ban?
  - Schueler: The industry is phasing out phosphorus, concurrently with legislation.
  - Randy Greer: Any procedure for states that have data now? Any considerations for reductions for states that currently have nutrient management regulations?
    - Schueler: Yes. The panel anticipated this.
- Beth Horsey (Maryland Dept. of Agriculture): Perhaps the panel could make the setback recommendation a range of values, so it is consistent with states' regulations or laws.
  - Schueler: We would need input from the states on their requirements.
- Marel Raub (Chesapeake Bay Commission): Echo Felton's comment that difficulty to change behavior was a primary reason for seeking legislative P-bans that remove the phosphorous from the bag. Suggest be an option to acknowledge local programs that enforce statewide nutrient management regulations.
- Keeling: Is panel thinking that what progress was previously reported as BMPs under UNM need to be removed? If so, is there a grace period to update these numbers? What did the panel think?
  - Schueler: UNM plan credits expires after 3 years, so old submissions will be gradually reduced by 201.
  - Johnston will work with the Urban Stormwater Workgroup and the Watershed Technical Workgroup to define how older reported acres of urban nutrient management will be treated in the model.
- Antos: Panel deserves a lot of credit for revisiting the old, ambiguous and generous BMP. How will the transition happen in terms of reporting and similar technical aspects?
  - Schueler: Will have to be discussed with WTWG and CBPO staff

**ACTION:** Comments on the urban nutrient management expert panel's draft report are due January 31<sup>st</sup>, 2013.

### **Report of the Stream Restoration Expert Panel**

- View the draft of the stream restoration report ([Attachment B1](#)) and its Appendices ([Attachment B2](#))
- View the presentation ([Presentation B](#)) for details on the Panel's report, as described by the presenters. Highlights from the discussion that followed the presentation are captured below.
- Schueler introduced the expert panel membership and described the charge for the Panel. He commended and thanked the panelists for their hard work and time.
  - He explained the caveat for permitting [slide 7].
- Lisa Fraley-McNeal (CWP) described the main findings from the 125 reviewed literature studies, and the panel's definitions of key terms [slides 10-34].
- Bill Stack (CWP) explained the panel's recommended protocols and methods [slides 35-59].
- Schueler discussed implementation issues and the areas where the panel seeks input from the workgroups [slides 60-end].

### Feedback and Discussion

- Jennifer Greiner (U.S. Fish & Wildlife Service; Coordinator, Habitats Goal Implementation Team): Expect the Habitat GIT and Stream Health Workgroup will comment before deadline, particularly on the verification aspect, since the Stream Health workgroup will want to coordinate their verification protocol with the expert panel's recommendations.
- Berger: Does monitoring requirement apply to stream projects that were already installed more than 3-5 years ago?
  - Schueler: a lot of those projects may already have that monitoring data since it is a typical 401 or 404 permit requirement.
  - Ralph Spagnolo (EPA) noted that Dry RSC would not be automatically monitored under Section 401/404 requirements.
- Dubin: The AgWG appreciates the panel's hard work and there was recognition early on about overlap between the sectors, so the AgWG would like to invite Schueler and the panel to present the report to the AgWG again.
- Spagnolo: How does the panel define the word "urban." Is this report subject to public notice and comment?
  - Schueler explained that "urban" meant areas as defined by the watershed model's classification. He clarified the expert panel process is defined by the Water Quality Goal Implementation Team's [BMP review protocol](#) and is not considered an EPA report subject to public notice requirements.
- Keeling: What do we do for previously reported BMPs that may not have the data parameters outlined by the proposed protocols? Will previously submitted stream projects need to be expunged if they do not meet the new protocols?
  - Schueler response. Communities can use the December 2011 interim rate for these projects in lieu of using the protocols. If they have the requisite data to use the new protocols, they can re-compute load reductions for qualifying stream restoration projects as far back as 2006 and resubmit (although the 5 year verification clock will begin during the original year of installation).
  - Johnston will work with the expert panel and the Modeling Team to incorporate the interim rate for stream restoration projects for all previously reported restoration.

- Greer: Were any of the reviewed studies done in the coastal plain region? Does the panel feel the recommended rates and protocols apply in the coastal plain?
  - Schueler: Yes.
- Jeff Horan (U.S. Fish & Wildlife Service): The verification protocol seems to be a natural outflow from the expert panel report; any suggestions how the panel might inform the Streams verification protocol?
  - Schueler: the panel and stream workgroup can sit down and discuss the verification issue.
  - Johnston noted the Watershed Technical Workgroup can discuss the reporting parameters and how those might relate to verification.
- Johnston: does test drive period delay using these new protocols for reporting progress in CBWM runs in 2013?
  - Schueler: The test drive period should not materially influence this process, but it is likely that most localities/communities will not start reporting under the new protocols since it often takes several years to go from project design, permitting and construction

**ACTION:** Comments on the urban stream restoration expert panel's draft report are due January 31<sup>st</sup>, 2013.

**Adjourned**

## Participants

Name	Affiliation
<i>On-site participants</i>	
Norm Goulet, Chair	Northern Virginia Regional Commission
Tom Schueler, Coordinator	Chesapeake Stormwater Network
Jeremy Hanson, Staff	Chesapeake Research Consortium, CBPO
Katherine Antos	EPA, CBPO
Karl Berger	Metropolitan Washington Council of Governments
Sebastian Donner	WV Dept. of Environmental Protection
Mark Dubin	University of Maryland, CBPO
Gary Felton	University of Maryland
Lisa Fraley-McNeal	Center for Watershed Protection
Jennifer Greiner	U.S. Fish & Wildlife Service
Deborah Hopkins	U.S. Fish & Wildlife Service
Beth Horsey	Maryland Dept. of Agriculture
Sarah Lane	UMD/Maryland Dept. of Natural Resources
Neely Law	Center for Watershed Protection
Hannah Martin	Chesapeake Research Consortium, CBPO
Jo Mercer	Maryland Dept. of Agriculture
Marel Raub	Chesapeake Bay Commission
Stu Schwartz	University of Maryland-Baltimore County
Gary Shenk	EPA, CBPO
Bill Stack	Center for Watershed Protection
Julie Winters	EPA, CBPO
<i>Via teleconference</i>	
Alanah Hartman	WV DEP
Vimal Amin	MD Dept. of Environment
Joe Berg	
Chris Brosch	Water Stewardship
Josh Burch	
Sally Claggett	U.S. Forest Service
Shelly Dehoff	
Tom Delaney	
Dan DeWitt	Allegany County
Sadie Drescher	Center for Watershed Protection
Russ Dudley	Tetra Tech
Laurie Flanagan	
Marcia Fox	DE Dept. of Natural Resources and Environmental Conservation
Sarah Fox	
Jack Frye	Chesapeake Bay Commission
Randy Greer	DE Dept. of Natural Resources and Environmental Conservation
Megan Grose	WV DEP
Jeff Horan	U.S. Fish & Wildlife Service
Bill Keeling	VA Dept. of Conservation and Recreation

Joe Kelly	PA Dept. of Environmental Protection
Cecilia Lane	Chesapeake Stormwater Network
Trenton London	
Larry Lubbers	
Julie Mawhorter	U.S. Forest Service
Dan Medina	
Jamie Mitchell	HRSD
Ken Murin	PA DEP
Angie Patterson	Allegany County
Robin Pellicano	MDE
Dee Price	
Aaron Ristow	Upper Susquehanna Coalition
Greg Sandi	MDE
Kelly Shenk	EPA, Region 3
Mark Sievers	Tetra Tech
Ralph Spagnolo	EPA, Region 3
Steve Stewart	Baltimore County
Brittany Sturgis	
Ann Swanson	Chesapeake Bay Commission
Jenny Tribo	Hampton Roads Planning District Commission
Jenn Volk	Univ. of Delaware
Beth Zinecker	USGS, CBPO
Hank Zygmunt	Resource Dynamics, Inc.