

Protocol for the Development, Review, and Approval of Loading and Effectiveness Estimates for Nutrient and Sediment Controls in the Chesapeake Bay Watershed Model

March 15, 2010

Introduction

The Chesapeake Bay Program (CBP) uses loading estimates to quantify expected amounts of nutrients (nitrogen and phosphorus) or sediment loads to water from specific land uses or point sources. Changes in estimated loads from a particular piece of land can occur in four ways: 1) A change in the land use (e.g. forest instead of grassland), 2) an adjustment based on an estimate of effectiveness of a best management practice (BMP), 3) a measured reduction in direct load to the land use, and 4) a measured reduction from a treatment process. Effectiveness estimates and direct load reductions to land result in percentage adjustments on a per acre basis (as opposed to an adjustment in concentration or a load per farm operation) used by the CBP to modify the existing baseline loading for particular land uses and practices. Loads from point sources can be adjusted based on a new treatment process or practice.

The Water Quality Goal Implementation Team (WQGIT) is responsible for approving the loading rates, and percentage adjustments to these rates, used in the Chesapeake Bay Watershed Model (CBWM). The CBP Executive Council's 2009 commitment to meet two-year milestones that accelerate the pace of Chesapeake Bay restoration, and the need to quantify practices to be used in Watershed Implementation Plans (WIPs) that will achieve Total Maximum Daily Load (TMDL) allocations, will likely spur innovation and identification of new BMPs.

Direct load reductions and reductions from treatment process often can be estimated, or measured, with a relatively high degree of accuracy. However, due to the variability of available data, loading rates and effectiveness estimates for nonpoint sources are based largely on best professional judgment. Since the definitions and values used for both loading and effectiveness estimates have important implications for the CBP and the various partners, it is critical that they be developed in a process that is consistent, transparent, and scientifically defensible.

This document contains three sections addressing the following process steps:

- I. Determine the need for a review process,
- II. Review process:
 - a. For new estimates
 - b. For existing estimates or treatment processes
- III. Chesapeake Bay Program review and approval

Chesapeake Bay Program Water Quality Goal Implementation Team

I. Determine the Need for a Review Process for:

A. New estimates

As the Executive Order and Bay TMDL processes unfold, the CBP expects to receive numerous requests to evaluate innovative technologies and practices. It will be necessary to review and prioritize these requests. Requests can be initiated by the following groups:

- A CBP source sector Workgroup
- A jurisdiction
- A different group/organization/agency if a CBP Workgroup agrees to sponsor the recommendation through the CBP review process

Requests should be submitted to the Chair of the WQGIT who will then route requests to the Watershed Technical Workgroup (WTWG) and to the relevant source sector Workgroup. These Workgroups will determine if sufficient credible data is available for a full review process. This determination will be made within 60 days from the date received by the WQGIT Chair. The decision to proceed will include a timeframe for completion of the review that will be based on the complexity of the review and workload issues. Proposed technologies and practices that have been identified by jurisdictions in their Watershed Implementation Plans (WIPs) will be given highest priority.

B. Existing estimates or treatment processes

The WQGIT will evaluate existing loading and effectiveness estimates on a three year schedule to determine if a review is warranted. Such reviews can be prompted by the availability of new information, such as a new treatment process. Reviews can also be initiated if current estimates produce illogical model outputs or if there is reason to believe that they were developed using inaccurate information.

IIA. Review Process for New Estimates

Convene a review panel

The source sector Workgroup, in consultation with the WTWG and WQGIT Chair, will identify and convene a panel of experts on the relevant topic. Each request for review should include suggestions for such panel members. The panel must include at least six individuals; three recognized topic experts and three individuals with expertise in environmental and water quality-related issues. It is also important that the review panel has appropriate geographic representation.

Expectations of the review panel

The review panel will develop definitions and loading or effectiveness estimates. The panel will work with the source Workgroup and WTWG to develop a report that includes the following:

- Identity and expertise of panel members
- Land Use or practice name/title
- Detailed definition of the land use or practice
- Recommended nitrogen, phosphorus, and sediment loading or effectiveness estimates

Chesapeake Bay Program Water Quality Goal Implementation Team

- Discussion may include alternative modeling approaches if appropriate
- Justification for the selected effectiveness estimates, including
 - List of references used (peer-reviewed, etc)
 - Detailed discussion of how each reference was considered.
- Land uses to which the BMP is applied
- Load sources that the BMP will address and potential interactions with other practices
- Description of pre-BMP and post-BMP circumstances, including the baseline conditions for individual practices
- Conditions under which the BMP works:
 - Should include conditions where the BMP will not work, or will be less effective. An example is large storms that overwhelm the design.
 - Any variations in BMP effectiveness across the watershed due to climate, hydrogeomorphic region, or other measureable factors.
- Temporal performance of the BMP including lag times between establishment and full functioning (if applicable)
- Unit of measure (e.g., feet, acres)
- Locations within the Chesapeake Bay watershed where this practice is applicable
- Useful life; effectiveness of practice over time
- Cumulative or annual practice
- Description of how the BMP will be tracked and reported:
 - Include a clear indication that this BMP will be used and reported by jurisdictions
- Identification of any ancillary benefits or unintended consequences beyond impacts on nitrogen, phosphorus and sediment loads. Examples include increased, or reduced, air emissions.
- Suggestion for a review timeline; when will additional information be available that may warrant a re-evaluation of the estimate
- Outstanding issues that need to be resolved in the future and a list of ongoing studies, if any
- Operation and Maintenance requirements and how neglect alters performance

Additional guidelines:

- Include negative results
 - Where studies with negative pollution reduction data are found (i.e. the BMP acted as a source of pollutants), they should be considered the same as all other data.
- Include results where the practice relocated pollutants to a different location. An example is where a practice eliminates a pollutant from surface transport but moves the pollutant into groundwater.

Data applicability

Determining which data should be used to develop loading and effectiveness estimates is a critical step. When considering sources of data, the panel must decide: 1) if the data is appropriate, and 2) how much influence each data source should have on the final estimate. Each of these decisions should be discussed explicitly in the final report for each data source.

Chesapeake Bay Program Water Quality Goal Implementation Team

Data sources should be characterized using Table 1 (below).

Table 1. Data source characterization matrix			
	High confidence	Medium confidence	Lowest confidence
Applicability^a	Definition matches technical specifications	Generally representative	Somewhat representative
Study location^b	Very representative of soils and hydrology	Generally representative	Somewhat representative
Variability^c	Relatively Low	Medium	Relatively High
Number of studies^d	Many	Moderate	Few
Scientific support^e	Operational scale research (peer reviewed)	Research scale (peer reviewed)	Not peer reviewed (“gray” literature)

a = How well does the practice match any established technical standards (according to participating professionals).

b = How well does the location of the reported practice match conditions in the Chesapeake Bay watershed (e.g. soil type, hydrologic flow paths, and species composition)?

c = How much variability is there in the reported results?

d = The number of studies included in the reference.

e = Has the source been peer reviewed in a scientific setting, and was the work done on an operational or a smaller (research/small plot) scale?

The panel should also consider the following:

- Was the data generated from a BMP design and implementation consistent with those found in the Chesapeake Bay watershed?
- How does the duration of the experiment impact the operational effectiveness of the practice?
- Do results reflect changes in pollution reduction benefits over the lifetime of the practice?
- What parameters were sampled and monitored (paired watershed study, grab samples, etc.)?
- What, if any, assumptions were made during the experiment and conclusion?

Once the panel has characterized a data source, they must determine how much influence (i.e. ‘weight’) the data should have on resulting estimates. For example, peer-reviewed publications will usually have more weight than non-reviewed sources. However, the exact

Chesapeake Bay Program Water Quality Goal Implementation Team

influence of a particular data source will also consider other factors, such as those listed in the questions above, which the panel will consider.

IIB. Review Process for Existing Estimates or Treatment Processes

If approved by the WQGIT Chair, the review of existing estimates can be conducted within a source Workgroup in consultation with the WTWG. This approach should reduce the amount of time necessary to conduct the review because the definition(s) have already been developed, a background of available data already exists, and issues of how the practices or land use is incorporated into the CBWM have been addressed. Reviews of existing estimates should follow the guidelines listed in IIA above except that a separate review panel is not convened and the information generated is added to the existing support documentation for the estimate.

III. Chesapeake Bay Program Review and Approval

Review panel recommendations will follow a specific procedure through the CBP (listed below). Each recommendation must first receive approval from the indicated group before it can be reviewed by the next group listed in the process.

1. Review by the relevant source sector Workgroup. This group will be responsible for reviewing the technical components of the recommendation, ensuring that all of the pollutant(s) source loading(s) or BMP pollution reduction mechanisms have been included.
2. Review by the WTWG. This group will be responsible for analyzing the modeling components of the recommendation(s) and determining that the tracking and reporting data that is needed to receive credit is available in the appropriate Chesapeake Bay jurisdiction(s) thereby ensuring that no double counting is occurring.
3. Review by the WQGIT. This group will be responsible for reviewing the process used and the recommendation's consistency with other approved BMP effectiveness estimates.



Chesapeake Bay Program Water Quality Goal Implementation Team Policy

Addendum to the Protocol for the Development, Review, and Approval of Loading and Effectiveness Estimates for Nutrient and Sediment Controls in the Chesapeake Bay Watershed Model:

WQGIT Procedure for Referral of New BMPs Proposed by NGOs, Proprietors or Entities Other than Jurisdictions (States or D.C.) or WQGIT Workgroups

June 13, 2011

The WQGIT's "Protocol for the Development, Review, and Approval of Land Use Loading Estimates and Best Management Practices Effectiveness Estimates for Nutrient and Sediment Reduction" provides that proposals for efficiency or loading estimates for new or revised BMPs can be initiated by the following groups:

- A CBP technical workgroup
- A jurisdiction
- A different group/organization/agency if a CBP workgroup agrees to sponsor the recommendation through the CBP review process.

If new BMPs are proposed by entities other than a CBP technical workgroup or a jurisdiction, the WQGIT procedure for routing these requests are as follows:

1. The entity requesting consideration shall submit to the WQGIT Vice Chair the following information: (a) a clear and concise definition of the practice with specific information on how it reduces nitrogen, phosphorus and sediment, and (b) reference available science/data on the nutrient and sediment removal efficiencies with the contact information and affiliation of the lead researchers, including the geographical location of where the data was collected.
2. The WQGIT Vice Chair will forward these requests to the WQGIT workgroup chair for the workgroup most applicable to the particular BMP. The initial determination of the most applicable workgroup will be at the discretion of the WQGIT Vice Chair.
3. The workgroup chair may request to the WQGIT Vice Chair that the proposed BMP be routed to an alternative technical workgroup if he/she feels that placement in another workgroup is more appropriate.
4. The workgroup chair provides a brief representation of the proposal to their respective workgroup. The workgroup chair and workgroup have discretion to determine the level of attention to devote to a particular request. For proprietary BMPs, this may include referral of the requesting entity to seek a determination of efficiency by the Technology Acceptance Reciprocity Partnership (TARP) for urban stormwater related BMPs, National Sanitation Foundation (NSF) International for septic treatment units, or other similar third-party evaluation

Chesapeake Bay Program Water Quality Goal Implementation Team Policy

processes as determined relevant by the workgroup before any further workgroup consideration of the BMP.

5. The workgroup may chose to sponsor the proposed BMP through the entire WQGIT development, review, and approval process. If this is the case, the workgroup would determine the level of priority for this BMP is compared to other BMPs that have been identified for review through the protocol. Alternatively the workgroup may decide not to take action on a BMP.

Chesapeake Bay Program Water Quality Goal Implementation Team Policy

Addendum to the Protocol for the Development, Review, and Approval of Loading and Effectiveness Estimates for Nutrient and Sediment Controls in the Chesapeake Bay Watershed Model:

Conditions for Review Panel Members

Approved January 9, 2012

The Water Quality Goal Implementation Team's "Protocol for the Development, Review, and Approval of Loading and Effectiveness Estimates for Nutrient and Sediment Controls in the Chesapeake Bay Watershed Model" provides the following guidance on convening a review panel:

The source sector Workgroup, in consultation with the WTWG and WQGIT Chair, will identify and convene a panel of experts on the relevant topic. Each request for review should include suggestions for such panel members. The panel must include at least six individuals; three recognized topic experts and three individuals with expertise in environmental and water quality-related issues. It is also important that the review panel has appropriate geographic representation (page 2).¹

In addition to the conditions identified, this addendum includes the following criteria:

- Panel members should not represent entities with potential conflicts of interest, such as entities that could receive a financial benefit from panel recommendations (eg recommendations regarding how a proprietary BMP is represented). All panelists are requested to identify any potential financial or other conflicts of interest prior to serving on the panel;
- Panels should have an equitable representation of experts and affiliations; and
- Representation by geographic location and affiliations should not outweigh expertise, availability and willingness to participate.

These additional conditions will minimize the risk that review panels are biased toward particular interests or regions. The panel may elect to solicit input or presentations from groups that may not qualify as panel participants to ensure that the panel receives the full range of information and science available on the panel topic.

Other conditions of the Protocol and the June 2011 Addendum remain unchanged and still apply to the review and approval of nutrient and sediment controls in the Chesapeake Bay Program models.

¹ Chesapeake Bay Program. 2010. Protocol for the Development, Review, and Approval of Loading and Effectiveness Estimates for Nutrient and Sediment Controls in the Chesapeake Bay Watershed Model. Chesapeake Bay Program Water Quality Goal Implementation Team, March 15, 2010, Annapolis, MD.
http://archive.chesapeakebay.net/pubs/Nutrient-Sediment_Control_Review_Protocol.pdf

Chesapeake Bay Program Water Quality Goal Implementation Team Policy

Addendum to the Protocol for the Development, Review, and Approval of Loading and Effectiveness Estimates for Nutrient and Sediment Controls in the Chesapeake Bay Watershed Model:

Conditions for Review Panel Members

Approved February 11, 2013

Members of the source sector workgroup, the WTWG, the WQGIT and the Scientific and Technical Advisory Committee (STAC) will be afforded the opportunity to comment on a proposed list of panelists before final approval by the source sector workgroup. The source sector workgroup will also engage other interested workgroups as needed to formulate and review the proposed list of panelists. Participation in this step of the process does not preclude any group's ability to review the final written report.

This addendum modifies the January 2012 Addendum criteria as follows [*change italicized*]:

- Panel members should not represent entities with potential conflicts of interest, such as entities that could receive a financial benefit from panel recommendations (e.g., recommendations regarding how a proprietary BMP is represented). All panelists are *required* to identify any potential financial or other conflicts of interest prior to serving on the panel;
- Panels should have an equitable representation of experts and affiliations; and
- Representation by geographic location and affiliations should not outweigh expertise, availability and willingness to participate.

Other conditions of the Protocol, the June 2011 Addendum, and the January 2012 Addendum remain unchanged and still apply to the review and approval of nutrient and sediment controls in the Chesapeake Bay Program models.