

Urban Stormwater Workgroup Conference Call

September 20, 2016

Meeting Minutes

Summary of Action and Decision Items

ACTION: Jeremy Hanson will add language to the Impervious Disconnections BMP Expert Panel report as a disclaimer that the Panel report does not replace existing jurisdictional requirements and that projects should contact the appropriate state regulatory authority for instruction.

DECISION: The USWG approved the Impervious Disconnections BMP Expert Panel report, with the addition of Maryland's alternative crediting protocol as an appendix.

DECISION: The USWG approved the proposed urban fertilizer application methodology for the Phase 6 Model. Application rate will vary by state and through time.

DECISION: The USWG approved the proposal to project future scenarios by holding total nutrient mass constant at the 2016 projection level.

Introductions and Announcements

- Agenda Revision: E3 Scenario Discussion will be postponed until October.
- MTD project was selected for GIT project funding.
- Floating Treatment Wetland Expert Panel Report was approved by the WQGIT.
- USWG members are encouraged to watch the Chesapeake Bay Program's Phase 6 Land Use Webinar. A full recording can be viewed here:
<http://www.chesapeakebay.net/calendar/event/24320/>

Impervious Disconnections BMP Expert Panel – Jeremy Hanson, VT and Stewart Comstock, MDE

Jeremy provided an introduction and Stewart gave an overview of MDE's alternative proposal. MDE requested an additional protocol be added as an appendix to the expert panel report as an alternative crediting method for use by Maryland.

Discussion:

- Bill Stack (CWP): I appreciate the peer review response and alternative solution for moving forward. I do want to say that the panel provides quite a bit of technical detail that addresses the concern that you and your peer reviewers have raised. Our panel debated these same issues over the course of 9 months and I would put their qualifications right up there with your experts as well.
- Comstock: It is my best professional judgment to disagree with the panel's proposed computational methods. Overall, it was great work by the panel. With MDE's method as an addition to the final report, I think we should move forward.
- Reid Christianson (CWP): I wanted to note that the curves shown on the slide by MDE are the most liberal of the curves the panel developed. There are much more conservative calculations that could have been used for comparison.

- Comstock: I think we can agree that at least one of the panel's curves lines up with ours. We aren't comfortable allowing this to be credited for less than 0.1 in.
- Norm Goulet (NVRC, Chair): What if, instead of an appendix, we say in the panel report that in Maryland you can only use soil group 3 and nothing outside of the 0.1-1.0 inch treatment boundary?
 - Comstock: We have these in our permits in the design manual. From a regulatory standpoint, we would rather provide our method as an appendix. It becomes a lot easier to communicate for everyone involved.
- Jaime Bauer (VA DEQ): I am sympathetic towards Maryland's concerns, but I am concerned with specifically calling out the requirements for one state. We deal with issues all the time with permittees pointing to Bay Program reports and asking about the differences from our regulations and we have to address that in Virginia.
 - Comstock: We have already had questions about the report disagreeing with what is already in our manual. We felt it was more prudent to include it as an appendix, which lets us be more comfortable moving this forward.
- Goulet: I know where Maryland coming from, but I am concerned about the precedence here. This sets an expectation that each panel could have more and more state-specific appendices. It defeats the purpose of the Bay Program expert panel process. Other states have to deal with this issue all the time. I have grave concerns about the road we're going down. I look at this curve and for group 3 it is almost identical.
 - Comstock: I agree with you, but we were asked in July to either come up with an alternative or stand aside. We went out and independently solicited comments, and for the most part they agreed with our concerns. We are allowing this to move forward, but with the recognition that this particular method is all you can use in Maryland.
- Sebastian Donner (WV DEP): I can see why Maryland would like to have their solution recognized. From the West Virginia perspective, we don't have strong feelings either way. We would approve the report either way.
- Aneca (PA DEP): I agree with Virginia's statement. If there is an exception for Maryland, we would like to utilize an appendix that would also recognize our method as well. I see the dilemma that if you make an exception for one state, everyone should have that flexibility and the document loses its value.
- Ray Bahr (MDE): We have been on several of these expert panels and with other panels there were robust discussions and through that process we could explain how Maryland's programs work. In other panels, we had a disclaimer that state regulations taking priority. In the stream restoration expert panel report, we have that up front but permitted jurisdictions keep coming back to us to clarify which criteria and rules take precedence. I think there is a bigger issue here. We are just asking to allow this discussion to take place in the back of the document. If that isn't the case, we will likely have to hold the process and go back to the panel and the experts and come up with a resolution that makes everyone happy.
- Hanson: I think adding MDE's protocols to the report is something the expert panel is comfortable with. I appreciate Norm's concern about not setting up a precedent where states can add appendices for every report, but I'm not personally concerned about it because I don't see folks wanting to take on that burden for every panel.

- Bauer: I'd ask for a disclaimer in the body of the panel report to remind localities to check with your jurisdiction to see what applies. We need to be clear that just because Maryland has an appendix, doesn't mean that everyone else has to follow the report. Just be sure to nest the words to make sure it addresses that.

ACTION: Jeremy Hanson will add language to the Impervious Disconnections BMP Expert Panel report as a disclaimer that the Panel report does not replace existing jurisdictional requirements and that projects should contact the appropriate state regulatory authority for instruction.

- Goulet: Are there any objections to including the Maryland components as an appendix to the expert panel report?
 - No objections were raised.
- Goulet: Are there any objections to approving the Impervious Disconnections BMP Expert Panel report with the noted changes?
 - No objections were raised.

DECISION: The USWG approved the Impervious Disconnections BMP Expert Panel report, with the addition of Maryland's alternative crediting protocol as an appendix.

Fertilizer Update – Jeff Sweeney, EPA CBPO

Jeff presented the proposal for nutrient application rates to the turf grass land uses in the Phase 6 models – that vary spatially and temporally – as well as a proposal for Phosphorus application rates to turf grass for 2016 “progress”, the annual Phase 5 model assessment.

Discussion:

- Goulet: What happened to obtaining additional data from USGS on fertilizer use up to the current year?
 - Sweeney: USGS is not committing to a time when we are going to get that data. I do not think we will get it prior to the final calibration of the Phase 6 Model. We may get it in 2017, but the data would only extend to 2012.
- Goulet: I can't support the phosphorus projections. We have data from Scott's that shows there is no phosphorus being sold. The trends are going to opposite direction from what we discussed, and not having the new data is causing a major problem.
- Sweeney: The default would be to hold application rates constant through space and time at the same rates we used in Phase 5.3.2. That would be the alternative.
- Bauer: If there are data that support a different trend, that is concerning. If we accepted the recommendations and we go with the method you just presented, we would be determining those application rates based on the turf grass acres in Phase 5.3.2. And if we don't receive an extension from the PSC, we wouldn't be able to take advantage of the Phase 6 land cover data.
 - Sweeney: The land use database is already different than Phase 5.3.2 because there are new land use categories. If we aren't going to vary the rate spatially and through time, we are all set. Even with high resolution land cover data, it will be the same rate.
- Goulet: I'm not worried about the turf grass acres and land uses. It is the rate that is bothering me right now. We have some supporting data, while it is not absolute, that shows these data are

not real, at least for 2012 forward. I don't think we can use the double exponential smoothing method. With that said, these rates are much lower than they are in Phase 5.3.2.

- Donner: I am hesitant to set application rates when we don't know the whole picture yet. We put a lot of effort into getting the data, and I don't think we can switch around the steps to make these decisions. I would find it unwise to set a rate now and be stuck with it for the next five years.
 - Sweeney: The alternative is being stuck with the old rate.
 - Donner: That is not good either. If we could see what the application rate would be, it might be easier to live with.
- Sweeney: For the watershed as a whole, we are going from 17 lbs/acre of total nitrogen in 1985 to about 23 lbs/acre. Remember, you have some land that sees fertilizer and some that does not. This incorporates a composite rate because we don't have any way of knowing who fertilizes and who does not.
- Heather Gewandter (City of Rockville): We're at the 11th hour and we have two options at this point. It is either revert to the old placeholder in the Model, or pick this suggested method, which does show a reduction in nutrient and fertilizer application rate.
 - Sweeney: Correct. It is showing a reduction in the mass, and we do not have time to go find new data. Even after the calibration, we can build in new data at the end of each milestone period. The time for adjustments for all new data is at the beginning of the development of the milestones. Early 2018 would be a time to introduce new data. We are currently thinking of mechanisms that would need to be approved by the Modeling Workgroup and WQGIT that would allow us to incorporate new data that would have impacted the calibration period.
- Goulet: What is the holdup on purchasing additional data?
 - Sweeney: AAPFCO takes a few years to process what they have. It takes several years after it was acquired before they can publish it. Right now, I have 2012.
- Greg Busch (MDE): From Maryland's perspective, this is an improvement over previous methods, and double exponential smoothing is better than a linear projection. It is a shame that we can't better incorporate the decreases in total mass we're seeing in the AAPFCO data.
- Sweeney: I spent several days trying to incorporate the AAPFCO data. We only have watershed wide data, and data that is so volatile that we can't really apply it in the model. Even if we get data out to 2016, I'd caution you to say everything will look great because it is so volatile.
 - Busch: I agree.
- Bauer: I think given the choice, moving forward with the state by state data on a temporal basis is appropriate if it is better than what we have in Phase 5.3.2. It is a shame we don't have more recent data, but I would support the new information.
- Aneca: What was the rate in Phase 5.3.2?
 - Sweeney: We were at about 40 lbs/acre of total nitrogen and that would apply for every acre in every state through time. With this new data we are at about 23 lbs/acre. It will vary some by state, but I don't think any state will see an increase.
- Goulet: Are there any objections to varying fertilizer application rate by state and through time as opposed to static number used across all timeframes in Phase 5.3.2?
 - No objections were raised.

DECISION: The USWG approved the proposed urban fertilizer application methodology for the Phase 6 Model. Application rate will vary by state and through time.

- Goulet: How do we want to address future scenarios?
 - Sweeney: We could extend these projections for nutrient mass from 2016 out to 2025, or you could hold the mass steady at the most recent year, 2016. The acres will change over time.
- Goulet: My recommendation would be to hold the 2016 nutrient mass constant into the future. I think we have enough concern about the number leading up to 2016, so continuing those projections into the future would be inappropriate.
 - Sweeney: Personally, I agree. That also aligns with some of the Agriculture Workgroup decisions on nutrient management.
- Goulet: I think there should be a caveat in the Phase 6 Model documentation that says if additional information is gathered in the next two years, the rates could be adjusted.
- Ginny Snead (Louis Berger): What was the last year of data?
 - Sweeney: Sales data went out to 2012, and fertilizer use went out to 2006.
- Snead: I agree with decision to hold projections constant, but 2016 seems arbitrary if the last year we have data is so much earlier.
 - Sweeney: That would impact Progress runs as well. We would hold the rate constant from where we have the data, even out to 2016. That is an option. You could hold the total number of pounds at 2006 levels and just vary the acres.
 - Sweeney: The benefit is it would look good for everyone for a while because pounds would stay constant and acres would increase. The downside is that if we get new data and any of the inputs go up, you would take a hit.
- Goulet: Any support for holding data at 2012?
 - There was no support for holding application rates at 2012 levels.
- Goulet: Any support for holding data at 2016?
 - West Virginia, Virginia and Maryland all expressed explicit support.
 - No objections were raised.

DECISION: The USWG approved the proposal to project future scenarios by holding total nutrient mass constant at the 2016 projection level.

Adjourned

List of Call Participants

Member	Affiliation
Norm Goulet (Chair)	NVRC
Tom Schueler (Coordinator)	CSN
David Wood (Staff)	CRC
Cecilia Lane	CSN
Heather Gewandter	City of Rockville
Jeff Sweeney	EPA, CBPO
Ginny Snead	Louis Berger
Christina Lyerly	MDE

Ray Bahr	MDE
Stewart Comstock	MDE
Greg Busch	MDE
Aneca	PA DEP
Jaime Bauer	VA DEQ
Kelsey Brooks	VA DEQ
Chris Swanson	VDOT
Jeremy Hanson	VT, CBPO
Chad Thompson	WV DEP
Sebastian Donner	WV DEP
Bill Stack	CWP
Reid Christianson	CWP
Neely Law	CWP
Roberta Persons	NAVFAC
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Ginger Ellis	
Brenda Morgan	