

**SUMMARY**  
**Urban Stormwater Workgroup (USWG)**  
**Meeting and Teleconference**  
**Tuesday, February 19<sup>th</sup>, 2013**  
**10:00 AM to 2:30 PM**

<http://www.chesapeakebay.net/calendar/event/19168/>

**SUMMARY OF DECISIONS & ACTION ITEMS**

**Follow-up:** USWG members can contact Cecilia Lane ([watershedgal@hotmail.com](mailto:watershedgal@hotmail.com)) for more information on any of the workshops or training webinars mentioned during the meeting.

**DECISION:** The Urban Stream Restoration Panel's recommendations were accepted for submission to the Watershed Technical Workgroup.

**ACTION:** USWG members should send their specific thoughts or comments, with suggested resolution, to Tom Schueler and Norm Goulet by February 27<sup>th</sup>.

**DECISION:** The alternative outreach credit language was retained in the Urban Nutrient Management expert panel's recommendations.

**DECISION:** The Urban Nutrient Management expert panel's recommendations were approved as modified by discussion.

**DECISION:** The workgroup recommends a default rate of zero for new development BMPs that do not have all the proposed data elements.

**DECISION:** The workshop proposal will be shared with the LUWG and submitted to STAC.

**MINUTES**

**Welcome, Introductions, and Review of 11/27 and 12/17 Minutes**

- Norm Goulet (Northern Virginia Regional Commission; USWG Chair) convened the call at 10:00AM.
- He asked for comments or corrections to the November and December USWG minutes (Attachments [A](#) and [B](#)); hearing none, the minutes were accepted as written.

**Announcements**

- Cecilia Lane (Chesapeake Stormwater Network) noted some upcoming events and webinars:
  - Feb. 26<sup>th</sup> webinar on visual indicators for LID practices
  - Stormwater Training for Federal Facilities on 2/27
  - Advanced retrofit workshop on 4/29 to 4/30
- Tom Schueler (CSN; USWG Coordinator) mentioned there will be a series of urban nutrient accounting webcasts on April 3<sup>rd</sup> to help local practitioners understand the expert panels' outcomes.

- He also noted West Virginia Department of Environmental Protection (WV DEP) recently released its latest stormwater manual and compliance spreadsheet; he encouraged people to view them and complimented WV DEP on their work.
- He mentioned the District Department of Environment (DDOE) re-released their stormwater manual and compliance spreadsheet for additional comment; they received a large volume of comments in the last round.
- **Follow-up:** USWG members can contact Cecilia Lane ([watershedgal@hotmail.com](mailto:watershedgal@hotmail.com)) for more information on any of the workshops or training webinars mentioned during the meeting.

### **Approval of Urban Stream Restoration Expert Panel Recommendations**

- Goulet thanked everyone who submitted comments on both reports, noting the two reports received more comments than the previous two.
- Schueler explained there was a comment period from December 17<sup>th</sup> to January 31<sup>st</sup>. (Attachments [C](#), [D](#)). He explained the goal to incorporate feedback from USWG in time to have a revised draft for the Watershed Technical Workgroup's meeting on March 4<sup>th</sup>, with the intent to have the report up for the Water Quality Goal Implementation Team's consideration on March 11<sup>th</sup>. So, he asked jurisdictions to submit any specific objections, opinions, or final comments on the report by February 27<sup>th</sup>.
  - He described some of the major comments and changes (Attachment D).
  - He noted the expert panel will be meeting with representatives from EPA, USACE, and other agencies to discuss some of the permitting issues, but he explained this permitting discussion is entirely separate from the BMP review and approval process.
- Bill Stack (Center for Watershed Protection) highlighted some of the issues from the received comments, and the proposed resolutions for the protocols described in the report. For more details, view his [presentation](#).
- Following Stack's presentation, Schueler asked participants for their questions or comments.
  - None were raised.
- Goulet asked for any final comments, questions, or objections to the panel's recommendations.
  - None were raised; the panel's recommendations were accepted.
  - Schueler reiterated the request for thoughts or comments by February 27<sup>th</sup>.
- **DECISION:** The Urban Stream Restoration Panel's recommendations were accepted for submission to the Watershed Technical Workgroup.
- **ACTION:** USWG members should send their specific thoughts or comments, with suggested resolution, to Tom Schueler and Norm Goulet by February 27<sup>th</sup>.

### **Approval of Urban Nutrient Management Expert Panel Recommendations**

- Schueler reviewed the key issues from the received comments during the 45 day review period and options for their proposed resolution ([Attachment F](#); see [Attachment G](#) for the full report).
  - For more details, view his [presentation](#).
- Schueler highlighted the concern over the Alternative Outreach Option, and identified three options for the USWG's consideration as outlined in Attachment F, page 2:
  - Drop it completely
  - Drop it as a credit, but retain some language on innovation in section 7
  - Retain as is
- Schueler asked panelists that were present if they had anything to add.

- Karl Berger (Metropolitan Washington Council of Governments): the 4.5% credit for Maryland would seem to depend on verification and the state's ability to accurately track fertilizer sales data.
- Jack Frye (Chesapeake Bay Commission) noted that Bill Keeling and Mike Goatley from Virginia were on the panel, interested what the panel's thoughts were on the similar fertilizer law passed in Virginia.
  - Schueler: spoke at length with Tim Sexton and Keeling on this issue. While Virginia does not have a nitrogen law, there is a two year window to develop nitrogen regulations. However, there is reluctance that this will occur in next two years.
- Goulet recalled the three options for alternative outreach and asked for the workgroup's thoughts.
  - Jenny Tribo (Hampton Roads Planning District Commission): if we are confident this outreach is something that should be done, this would be an incentive to encourage it.
  - Frye: Feel it is important to keep this concept alive, so it would help to retain it.
  - Steve Stewart (Baltimore County): Think we should retain it, but clearly define what needs to be done to earn the credit.
  - Goulet: Personally, agree that it should be retained and that the requirements for credit should be clearly defined.
  - Ray Bahr (MD Dept. of Environment): in addition to the pre- and post-surveys, what would be required?
    - Schueler read the requirements from pages 50-51 of the report ([Attachment G](#)).
  - Neely Law (Center for Watershed Protection): to clarify, a local government could only take this credit on certain residential lawns?
    - Goulet: correct. Only on high-risk residential lawns.
  - Bahr: would the pre- and post-surveys be required every three years, or just once after the first three years?
    - Schueler: It's currently proposed for only after the first three years
  - Bahr: we'd be fine supporting the alternative outreach for the benefit of the other states; the MS4s will already benefit from the state law.
- Goulet noted participants' consensus to retain the credit, and called for objections to retaining it (option #3, retain as is).
  - None were raised; the alternative outreach credit was retained.
- **DECISION:** The alternative outreach credit language was retained.
- Goulet asked participants to discuss two aspects of the Maryland law: making the language non-specific so it could apply if other states pass legislation, and the 4.5% credit for Do-It-Yourself (DIY).
  - Stewart: regarding DIY, there needs to be more research on behavior, e.g. do the DIY'ers follow outreach or educational instructions and apply the suggested amounts, or do they use all the fertilizer they purchased?
  - Berger: this resembles the alternative outreach item in sense that it requires a leap of faith. So if sales data or other information does not justify continued credit, it could be dropped after a few years.
    - Schueler noted this language could be added.
- Frye: we should consider that the states may modify existing, or pass new, legislation.
  - Goulet: To address this concern we could also add language for the WTWG or WQGIT to amend the credit if a state passes new legislation.
- Goulet moved to accept the panel's recommendations as modified by discussion.

- No objections were raised; the report was approved as modified. The recommendations will be submitted to the Watershed Technical Workgroup and Water Quality Goal Implementation Team for their consideration, respectively.
- **DECISION:** The Urban Nutrient Management expert panel's recommendations were approved as modified by discussion.

### **Update on Other BMP Panels**

- Law: Urban filter strips/stream buffer upgrade panel has first meeting this afternoon. Based on the UNM panel outcomes, she will ask the panel to include conservation landscaping in their deliberations.
- Sadie Drescher (CWP): Urban shoreline erosion control panel has its second meeting next week.
- Lane: The Illicit Discharge Detection and Elimination (IDDE) panel is drafting the outline of its recommendations and hopes to submit its report to the workgroup in the early summer.
- Jeremy Hanson (Chesapeake Research Consortium): the Erosion and sediment control panel has completed its literature review and hopes to have its recommendations to the workgroup in the summer.

### **Discussion Item: Urban BMP Reporting Issues**

- Matt Johnston (University of Maryland, CBPO) described the BMP reporting process for stormwater BMPs under the recently approved Performance Standards and Retrofits reports. For more details, see [Attachment J](#); page 1 describes the process for new and redevelopment projects, and page 2 illustrates the process for retrofit projects.
  - He clarified that “non-conforming” refers to projects that do not meet a state’s performance standards.
- Stewart: do the local MS4s need to report the parameters for each individual practice, e.g. for each dry well on a given ESD site?
  - Schueler explained that the locality would still need to collect practice-specific information under its permit, but would only need to report a site’s totals to the state.
  - Schueler: under this system, EPA would compute the reduction efficiencies (using the curves) with the data submitted by the states.
- Schueler: one difference is that redevelopment is a net reduction to the local government
- Johnston: for redevelopment, would report site acres instead of total acres treated
- Bahr: if an adjacent area to the redevelopment project drains to the redeveloped practices, you would report the total area treated, not just the “site acres”
  - Schueler: correct
- Goulet: may not want to use the term “site acres”
  - Johnston: will revisit the report to check the terminology
- Johnston explained that if a state is unable to report all the parameters, then the practice will receive a default efficiency. The Watershed Technical workgroup asked for the USWG’s thoughts on two options for a default: ½” or 1” of runoff treated/captured per impervious acre.
  - Law: why not set it as a certain percent of the jurisdiction’s requirement?
- Goulet: Personally, feel the jurisdictions should follow the panel’s recommendations; a default would let them ignore the panel’s recommendations if they chose to. Both the options (half- and one-inch) provide generous reduction rates.
  - Berger noted this only applies to new practices going forward, does not apply to old practices.
- Goulet motioned to recommend a default rate of zero.

- Tesler expressed concern if the zero rate would apply for retrofits
  - Goulet clarified the default rate of zero would only apply to new practices on new development.
  - Tesler felt comfortable under this case.
- Hearing no further objections, recommendation was accepted.
- **DECISION:** The workgroup recommends a default rate of zero for new development BMPs that do not have all the proposed data elements.

#### **Urban Land Uses and Loading in the Chesapeake Bay Watershed Model** (Attachments [H](#) and [I](#))

- Karl Berger (Co-Chair, Land Use Workgroup) explained the Land Use Workgroup (LUWG) has sent a data call for local land use data through the states. Localities will be submitting their data over the next few months.
  - Berger noted the draft list of land use/land cover classifications (Attachment H) has not been discussed at length by the LUWG. The list will change to reflect data available at state/local levels, among other things.
- Schueler explained that, given the number of possible urban LULC classes, the USWG will submit a proposal for a STAC workshop ([Attachment I](#)). The current list of twelve session topics is probably too ambitious for a two day workshop.
  - Berger: The process to develop or refine land use loading rates would certainly need to go beyond the proposed two-day workshop.
- Joe Kelly (PA Dept. of Environmental Protection): curious on the draft LULC classes. The current list seems to imply that shale gas pads are disturbed for longer periods than other development.
- Berger: Peter Claggett developed the list, and it is certainly still in draft form and up for discussion.
- Randy Greer (DE Dept. of Natural Resources and Environmental Control): Delaware felt the Watershed Model's urban runoff characteristics could be improved through a more accurate or comprehensive LULC classification and different loading rates.
- Goulet agreed the proposal would be stronger as a joint submission from the LUWG and USWG.
- Goulet asked for the Workgroup's endorsement of the STAC proposal.
  - No objections were raised; the STAC workshop proposal will be shared with the LUWG and submitted to STAC.
- **DECISION:** The workshop proposal will be shared with the LUWG and submitted to STAC.
- Goulet thanked participants for their time and adjourned the meeting.

#### **Adjourned**

#### **Next meeting/teleconference:**

Tuesday, April 16<sup>th</sup>, 2013

<http://www.chesapeakebay.net/calendar/event/19170/>

## **Participants**

<b><u>Name</u></b>	<b><u>Affiliation</u></b>
Normand Goulet (Chair)	Northern Virginia Regional Commission
Tom Schueler (Coordinator)	Chesapeake Stormwater Network
Jeremy Hanson (Staff)	Chesapeake Research Consortium
Vimal Amin	Maryland Dept. of Environment
Raymond Bahr	Maryland Department of the Environment
Karl Berger	Metropolitan Washington Council of Governments
Chris Brosch	Virginia Tech/ VA DCR
Robert Capowski	New York State Department of Environmental Conservation
Sebastian Donner	West Virginia Department of Environmental Protection
Sadie Drescher	Center for Watershed Protection
Lisa Fraley-McNeal	Center for Watershed Protection
Jack Frye	Chesapeake Bay Commission
Randy Greer	Delaware DNREC
Alana Hartman	West Virginia Department of Environmental Protection
Matt Johnston	UMD, CBPO
Cecilia Lane	Chesapeake Stormwater Network
Bill Stack	Center for Watershed Protection
Steve Stewart	Baltimore County, MD
Jeff Sweeney	EPA, CBPO
Ted Tesler	Pennsylvania Department of Environmental Protection
Jennifer Tribo	Hampton Roads Planning District Commission