

SUMMARY
Urban Stormwater Workgroup (USWG)
Teleconference
January 21st, 2014
9:30AM to 12:00PM

www.chesapeakebay.net/calendar/event/21146/

SUMMARY OF DECISIONS & ACTION ITEMS

DECISION: The November minutes were approved as submitted.

DECISION: The Workgroup approved the revised verification guidance, as amended, for submission to the BMP Verification Committee and BMP Verification Review Panel.

DECISION: The Erosion and Sediment Control (ESC) expert panel's recommendations were approved for submission to the Watershed Technical Workgroup.

MINUTES

Welcome, Introductions, and Review of November Minutes

- Tom Schueler (Chesapeake Stormwater Network; USWG Coordinator) convened the call and welcomed participants.
- Norm Goulet (Northern Virginia Regional Commission; USWG Chair) verified participants and reviewed the [agenda](#)
- Goulet directed participants' attention to the minutes from the November conference call ([Attachment A](#)).
 - **DECISION:** The November minutes were approved as submitted.

Announcements

- Schueler announced that CSN is still welcoming nominations for the Best Urban BMPs in the Watershed Awards (Bubba's). Grand prize is \$5,000. Awards will be announced at the annual stormwater retreat.
 - He reminded participants that as part of the Midpoint Assessment, he is working with STAC and other CBPO partners on a research workshop, scheduled for February 12-13. There was a change of venues. There will be an option to listen into parts of the workshop via webinar.
- Schueler noted that Bill Stack (Center for Watershed Protection) has been working with his stream restoration expert panel on the test drive. He recalled that as part of the test drive the panel worked with professionals and consultants to apply the panel's protocols in the field. Now that the test drive is complete the panel will make technical corrections to the approved report and work with CBPO staff to develop a technical appendix for Scenario Builder.
- Schueler mentioned that CBPO has a new cooperative agreement under negotiation with Virginia Tech to support future expert panels.

Update on CBP BMP Verification Guidance and Review Panel Comments on USWG BMP Verification Memo

- Norm Goulet recalled the process the USWG had taken over the past couple years to develop its BMP verification guidance ([Attachment C](#)). He explained that the verification memo was formerly called a “protocol,” but is now referred to as “guidance” following a recommendation from the BMP Verification Review Panel. Goulet noted the USWG has received praise for its verification guidance and that the Verification Review Panel asked other sector workgroups to use the stormwater memo as a model. Goulet introduced Rich Batiuk (EPA, CBPO; Chair and Coordinator, BMP Verification Committee; Coordinator, BMP Verification Review Panel).
- Rich Batiuk (EPA, CBPO) thanked Goulet, Schueler, and the USWG for all their hard work on the urban stormwater BMP verification guidance. He directed participants’ attention to [Attachment B](#).
 - He described the BMP Verification Committee, which consists of members from the Bay jurisdictions and other Bay Program partners. He explained the role of the BMP Verification Review Panel, which is an independent group of 13 experts convened by the Partnership to advise the Committee and the Partnership as the BMP verification framework is developed.
 - Batiuk noted the Review Panel liked the verification approach and narrative laid out by the USWG. The Panel asked other sector workgroups to follow the stormwater narrative as a model.
 - He reviewed the Panel’s recommendations to all six workgroups, and specific feedback to the USWG. He noted that the USWG had addressed each of the general and specific issues and recommendations from the Panel.
 - He welcomed questions from participants; no questions were raised.
- Batiuk reviewed the verification schedule [page 2, Attachment B]. He pointed out the current goal of requesting review and approval by the Principals’ Staff Committee (PSC) of the verification framework in the September/October timeframe. He emphasized how important the USWG guidance is within the overall framework and the tremendous work by Norm, Tom, and the workgroup. He encouraged the workgroup to approve the latest revisions to the stormwater verification guidance.
- Goulet asked for questions on the verification schedule; none were raised.

Review and Approval of Revised Urban BMP Verification Guidance

- Schueler noted that substantive changes to the guidance document were provided in blue font in [Attachment C](#). He pointed out the document is now referred to as “guidance” rather than “protocol,” per recommendations from the Panel.
 - He reviewed slides and explained changes made to the guidance document.
 - View [the presentation](#) for more details
 - He noted that the verification elements in the guidance document and expert panel reports will not be considered final until the overall framework has been adopted by the partnership.
- Goulet felt that none of the changes were significant, though some are important. He recommended that the workgroup submit the guidance to the Panel and Committee for their consideration.

- Bill Keeling (VA DEQ) expressed concern that the federal agencies are not mentioned in the memo. He suggested the memo include federal agencies so they have guidance to verify stormwater BMPs on their installations.
 - Batiuk: that point has been raised by others. We will also be sure to mention that in the overall partnership draft verification framework document.
 - Keeling: would like to see it in both the USWG guidance and the full verification document if possible.
- Katherine Antos (EPA, CBPO): clarifying questions about homeowner BMPs mentioned in the memo. Would they be reported at the land-river segment?
 - Schueler: That is what was intended.
 - Keeling felt the localities would most likely submit these BMPs at the county level, so that is what the state would report. The state may not see land or river segment information, only county.
- Matt Johnston (UMD, CBPO): curious about the 1% rule that was added in the revisions. How does it apply to performance standard BMPs moving forward?
 - Schueler: In general, BMPs for new development will always surpass the 1% threshold. If elective BMPs such as FTWs do not meet that threshold, then they would not require as rigorous verification as priority BMPs.
 - Goulet agreed. The 1% rule would be mainly for BMPs such as floating treatment wetlands that are implemented very rarely.
 - Randy Greer (DE DNREC): So we are talking about BMP categories or classes.
 - Schueler: Correct.
 - Keeling: Does 1% refer to 1% of reductions or 1% of total implementation?
 - Schueler: 1% of reductions for the urban sector.
 - Keeling: We do not have information about what proportion of reductions are from which BMPs in the WIP.
 - Johnston: It can be a very lengthy process to tease out the exact percentages, but there are other ways to do a simpler analysis. We can discuss this more at the USWG or WTWG at later meetings.
 - Batiuk: This concept of priorities was an important recommendation from the Panel. We will see what the other workgroups come up with and work with the workgroups to be sure the jurisdictions have this information available for these decisions.
 - Schueler: We would need further discussion with CBPO staff to figure out the exact mechanics of the 1% rule.
 - Batiuk: The workgroup is simply providing guidance on this and the jurisdictions and the Partnership can work out the details.
 - Keeling: There were a lot of treatment trains in the WIPs, so teasing that out will not be easy.
- Goulet asked for further questions or comments; none were raised.
- Goulet called for any objections to adopting the revised verification guidance, as amended with the federal agencies language. None were raised; the revised guidance was approved as amended.
 - **DECISION:** The Workgroup approved the revised verification guidance, as amended, for submission to the BMP Verification Committee and BMP Verification Review Panel.

- Goulet encouraged USWG members to contact their BMP Verification Committee members to brief them on changes to the stormwater guidance.
- Goulet thanked the workgroup for all their input and effort on BMP verification.
- Batiuk again thanked Goulet, Schueler, and the Workgroup.

Update on Expert Panels

- Schueler noted CSN is facilitating three panels aside from erosion and sediment control: Floating Treatment Wetlands, Street Cleaning and Leaf Management, and Inappropriate Discharge Detection and Elimination. Each panel has essentially closed out their literature review phase and are developing their protocols. Between all four panels, they have reviewed hundreds of articles and studies.
 - Schueler asked for any questions on the panels; no questions were raised.
- Neely Law (Center for Watershed Protection) updated the workgroup on the two panels coordinated by the Center for Watershed Protection (CWP): Stream Buffers and Filter Strips, and shoreline erosion control, which is now termed “shoreline management.” Sadie Drescher (CWP) is the coordinator for the shoreline management panel; Law noted she is the coordinator for stream buffers and filter strips panel. They hope to have both reports available for the USWG meeting in February.
 - Law welcomed questions from participants; none were raised.
- Schueler: Now that the six month test drive period for the stream restoration protocols is over, CBPO staff will work with the Panel to develop the technical requirements appendix for Scenario Builder.
 - Ken Murin (PA DEP) recalled that PA DEP is hoping to provide additional data on legacy sediment removal projects such as Big Spring Run.
 - Greer: those recommendations were approved by the WQGIT, so this will not need to go through the workgroup approval process again.
 - Schueler: Correct. This is strictly a reporting and technical issue. Still have to develop the technical appendix for scenario builder now that the test drive period is over.
 - Jeremy Hanson (CRC, CBPO) explained that there is a table on ChesapeakeStat that summarizes the status of the various current, approved, and forthcoming BMP expert panels: http://stat.chesapeakebay.net/?q=node/130&quicktabs_10=3

Presentation of the Expert Panel Report on Enhanced Erosion and Sediment Control Practices

- Goulet explained this panel was formed in response to a request from West Virginia.
- Jeremy Hanson (CRC, CBPO), Randy Greer (DE DNREC), and Tom Schueler reviewed the presentation ([Attachment E](#)) with participants and described the recommendations from the expert panel ([Attachment D](#)).
 - View the presentation ([Attachment E](#)) for more details.
- Schueler explained that the panel’s recommended zero removal rates for nitrogen and phosphorus would not apply until the next version of the Model. Schueler thanked all the panelists and Hanson for their hard work over the past 18 months.
- Goulet thanked the presenters and called for questions and comments from participants on the line.

- Sebastian Donner (WV DEP) noted a typo regarding the no-penalty option for nitrogen, the current reduction is 25% for nitrogen, not 40%. Schueler agreed to make the correction before sharing the table with the Watershed Technical Workgroup (WTWG)
- Donner: for phosphorous, the recommended 8.8 lbs/ac/yr target load seems to be above the average of what is seen in the literature. Is there a particular reason, e.g. spikes in the fertilizer?
 - Schueler referred to slide 45 ([Attachment E](#)). The total phosphorus loading target in the current version of the Watershed Model is between the medium/high target range. Schueler noted that with the no-penalty option the target loading rate is still within the range in the table on slide 45.
 - Donner thanked the panel for the excellent report.
- Dave Montali (WV DEP) also commended the panel for their excellent work. He suggested that the report include language about the no-penalty option explicitly in the report. He noted that West Virginia is not really concerned about sediment, since the WIP is geared towards nitrogen and phosphorous. There may still be a lot of uncertainty about fertilizer loss. He noted the 80% request for the practice, as used in the WIPs, was based on conversion of bare-construction to pervious land, or “BARtoPUL.”
 - Schueler: we will include these changes in the report as it goes forward.
 - Goulet suggested including the modifications in the Scenario Builder Appendix as well.
- Murin also commended the panel. He asked for clarification of the statement on slide 36 that “level 1 and level 2 have little capability to reduce turbidity.” The rest of the report implies that they do reduce turbidity, though not to the extent that may be desired. Also, a little concerned about possible implication of going to numeric effluent limitation. When EPA was looking at effluent limit guidelines, Pennsylvania commented that such an approach may drive people to make poor choices about BMPs. In Pennsylvania we look at construction activities as interim practices that need to work hand-in-hand with the post-construction practices and standards.
 - Schueler: Great point. The panel did not support a numeric effluent limit anywhere in the report, but perhaps the document could be more explicit. The panelists felt the states are transitioning towards practices that are better for turbidity.
- Montali: Would the use of flocculants likely lower the nutrient loads from construction sites?
 - Schueler: That is still a research question that needs to be answered and the panel suggested there should be more research in that area.
- Montali: Perhaps the urban nutrient management (UNM) BMP should be available for construction land.
 - Schueler: there are a couple notes in the report that the fertilizer recommendations in the states’ manuals are just recommendations and there may be nutrient management plans or soil tests for certain sites. See no reason why UNM could not be stacked onto construction sites as a BMP if there is a nutrient management plan.

- Montali: One approach could be using UNM planning in a permit rather than setting up ESC levels 3 or 4 as described in the report.
- Joan Salvati (VA DEQ): has there been any thought given as to how the implication of these findings will roll down to the states, e.g. the next cycle of general permits?
 - Schueler: First, as states update the Construction General Permits (CGPs), they can use this report as a guide for potential changes they may want to make. Second, in the more short term, because this is the first urban expert panel that has recommended a removal rate lower than the rate used in the calibration, we wanted to avoid violating the calibration or increasing the states' construction loads in this version of the Watershed Model. So, until 2017 the old reduction rates will apply for ESC. Hopefully by 2017 there will be new research available to revisit the recommended efficiencies.
- Katherine Antos (EPA, CBPO): Agree with the no penalty approach because we want to measure reductions that occur due to additional management actions that occur post-calibration. Nothing has changed from a relative nutrient perspective in terms of erosion and sediment control. In Phase 6 we will incorporate the full panel recommendations. Applying that same logic to the sediment rates, there will also need to be adjustments to the sediment rates, as Schueler noted. She noted the rates would be discussed more explicitly at the WTWG, but the rates would be lower than the panel's rates to avoid violating the calibration.
 - Schueler: Good point. We will share the calibration-adjusted rates with the USWG.
- Goulet called for objections for submitting the panel report to the WTWG, given the noted modeling adjustment. None were raised; the panel report was approved.
- **DECISION:** The ESC panel's recommendations were approved for submission to the Watershed Technical Workgroup.
- Goulet encouraged everyone to review the report and the wealth of information in it.
- Goulet noted the time. He thanked participants for their time and input.

Adjourned

Participants

<u>Name</u>	<u>Affiliation</u>
Norm Goulet, Chair	Northern Virginia Regional Commission
Tom Schueler, Coordinator	CSN
Jeremy Hanson, Staff	CRC, CBPO
Katherine Antos	EPA, CBPO
Raymond Bahr	MDE
Rich Batiuk	EPA, CBPO
Kaitlyn Bendik	EPA Region III
Karl Berger	MWCOG
Ted Brown	Biohabitats
Greg Busch	MDE
Sebastian Donner	WV DEP
Jack Frye	CBC
Randy Greer	DE DNREC
Rebecca Hanmer	Forestry Workgroup, Retired (EPA)
Alana Hartman	WV DEP
Matt Johnston	UMD, CBPO
Bill Keeling	VA DEQ
Joe Kelly	PA DEP
Summer Kunkel	PA DEP
Cecilia Lane	CSN
Michael LaSala	Land Studies
Neely Law	CWP
Dave Montali	WV DEP
Kip Mumaw	Ecosystem Services
Ken Murin	PA DEP
Joan Salvati	VA DEQ
Ginny Snead	Louis Berger Group
Julie Winters	EPA, CBPO