

CHESAPEAKE BAY PROGRAM
WATER QUALITY GOAL IMPLEMENTATION TEAM
March 28, 2016 CONFERENCE CALL
Minutes

Summary of Action and Decision Items

ACTION: Tom Schueler will contact the membership of the street sweeping and storm drain cleaning expert panel and ask for their feedback on Virginia's proposed addition to their report. Responses will be provided to the WQGIT, who will be asked to approve the report during their April 11th conference call.

DECISION: The WQGIT approved the proposed membership for the local area targets task force.

Welcome/Confirm Call Participants/Workgroup Updates – James Davis-Martin, Chair

Announcements:

- Reminder that BMP expert panel status updates are distributed monthly for anyone who would like to stay up to date.

Street Sweeping and Storm Drain Cleaning Expert Panel Report – Tom Schueler, CSN

The WQGIT was asked to approve the Street Sweeping and Storm Drain Cleaning BMP Expert Panel's final report and recommendations.

James Davis-Martin (VA DEQ) ceded chairmanship to Teresa Koon (WV DEP) so that James could represent Virginia during the discussion.

Discussion:

- Schueler: The expert panel is seeking the WQGIT's approval of the report, without amendment.
- Dave Montali (WV DEP): The report mentions reporting the centroid of the sweeping route for the geographic location. Is there consideration of reporting just to the modeled land/river segment that the route is in?
 - Schueler: The WTWG came up with the recommendation for the geographic coordinates following the panel recommendations.
- Montali: It sounded like the verification guidance provided by the panel was more of a monitoring operation. To me, verification is more about justifying the reported area treated and the frequency of sweeping, which is disconnected to monitoring for the quality of the material collected by the sweepers.
 - Schueler: The panel felt that because it was an annual practice, there were similarities between reporting and verification. The panel recommended that in order to improve the science and to measure the actual impact of street sweeping

efforts, taking one composite sample to determine the dry mass, wet mass, and nutrient content would be worthwhile.

- Montali: I am worried because the measured samples might be inconsistent with the parameters that went into the WinSLAMM model. If the idea is just to ensure that the sweeping was being done as reported, then that would be covered in the MS4 reports. This other monitoring seems like a future research need, more than a verification requirement.
- Jill Whitcomb (PA DEP): Regarding Virginia's proposed addition to the report, has anyone from the other workgroups seen this?
 - Schueler: Not to my knowledge.
- Davis-Martin: Virginia's concern, and why we are making this proposed addendum, is that this report eliminates the mass loading approach for future reporting. Following release of the 2011 panel report, many localities invested in street sweeping equipment to try to address water quality and other municipal interests. Changing the rules after these localities have already made investments in this technology has the potential for damaging credibility of the Bay Program at a time when we need credibility with local governments. We really want some process for localities to report the actual mass of materials picked up by street sweeping. This is the concern that has been voiced since the Urban Stormwater Workgroup and Watershed Technical Workgroup heard it. Virginia DEQ were not able to review the report and provide recommendations originally, because of other priorities. That is unfortunate, and in the future we would hope to provide those during the comment period. We are proposing an addition to the report that would allow localities to report captured materials, but not in the way it has been done in the past. As Tom mentioned, there were problems with how it has been done in the past.
 - Norm Goulet (NVRC, USWG Chair): I want to talk a little about that because I served on the panel. As Tom mentioned, I think some nuances of the original panel got overlooked including the frequency requirement and the advanced technology requirements. I think the statement that street sweeping purchases were made for this credit are a little overblown. Second of all, this proposal was voted on explicitly by the panel before the report was released, and the panel concluded it could not support this recommendation. We have these panels for a reason, trying to determine nutrient and sediment removal credits based on sound science, not policy motives. If we override the panel report because we don't like the policy implications, that is a worse statement regarding the Bay Program's credibility. I can't make that statement any stronger. We have tried to address these problems with Virginia DEQ and unfortunately we haven't been able to resolve them, mainly because the panel was extremely adamant that this mass loading credit just does not work.
- Montali: The exact proposal in front of us was considered by the panel and rejected?
 - Goulet: The minutes from the last meeting show a recommendation that is extremely similar that was rejected. The words may not be exactly the same. There are a few members of the panel on the call now and if anyone wants to weigh in, feel free.

- Davis-Martin: I looked at the last set of minutes in the report, and the minutes say that 9 panel members weighed in and 5 out of the 9 supported some form of hopper credit.
 - Goulet: The panel did not reach consensus, so the decision was to sunset the hopper credit after the Phase 5.3.2 Model.
- Davis-Martin: What Virginia is proposing is more conservative and more stringent than what the panel is recommending for storm drain cleanout. Offering a measured rather than a modeled approach, I don't know where the objection can be. The one I've heard is concern with taking a measured source from a modeled load, so we have offered a cap to the extent to which that can be reported in any segment.
 - Goulet: There are no qualifying conditions or methods differentiating between particle size, how to separate out the trash etc. It seems less restrictive than the original panel requirements to me. The numbers don't make sense.
 - Davis-Martin: I think you must be misreading. We did specifically have qualifying conditions calling for particle size distribution analysis.
- Jeff Sweeney (EPA): The reasoning behind putting out this proposal is actually the reason this should not be considered. The report states often that there is little to no credit for low-tech sweepers. To have municipalities justify the purchases of these machines using this report puts us in a bad position.
 - Davis-Martin: I am saying that for those who made the investment, it is irresponsible to take that option away from them.
 - Sweeney: It seems more responsible to me to set the record straight.
- Jeremy Hanson (VT): Your proposal would apply to either category of sweeper? Is there a minimum number of passes on a certain route? I think one concern is that if you sweep once a month with a mechanical sweeper, you aren't getting a water quality benefit.
 - Davis-Martin: I did not envision any limit to either the frequency or technology because it is an actual measure of the contents within the sweeper. If you use high tech sweepers, you are likely to see more fines collected than you would with the mechanical.
- Sweeney: What they pick up in a year is decimal amounts relative to what is deposited from a road.
 - Davis-Martin: Then my proposal shouldn't be that objectionable. Localities can choose whether they want to continue that investment.
- Sweeney: I think these numbers that are being reported with this method currently are crazy and I think that is a reason. The numbers we're getting are showing significant reductions, even though we know we shouldn't be seeing that based on the science being brought forward by the panel.
 - Davis-Martin: They state in the report that they are uncertain and want more science. I don't think this is an unreasonable proposal. If it is not supported by consensus, then we can send it forward to the Management Board.
- Beth McGee (CBF): Is it possible for us to apply an interim credit for the mass loading approach? There are other BMPs that haven't been fully approved yet but are in the

Model as “interim” because they are waiting for more data. Could this go into that status while we assess some of these questions?

- Davis-Martin: I don’t think that approach helps us because interim BMPs are usable for planning purposes, but not for reporting for Progress. The idea that someone would go through the sampling and reporting process but not receive credit in the Progress runs seems unrealistic.
- Koon: Are there others besides Virginia who do not feel comfortable with the report as it stands?
 - Sarah Diebel (DOD): My issue is we have investments going in to implementation and if there are instances where panels come in and subtract some credit for implementation that is progressing, that is a concern. I understand we want to base recommendations around the best science, but if we are investing in these practices, it makes me a little nervous.
- Tanya Spano (MWCOG): Receiving the Virginia proposal as late as we did, I am trying to parse what they have written down as the criteria needed to prove that street sweeping has a water quality impact. The report seems to say that using the hopper method wasn’t robust enough to capture and quantify load reductions and there wasn’t enough data to say that they were resulting in water quality improvements. I haven’t had a chance to sort through how strong my objections or support might be.
 - Koon: I would agree it has been tough to do this with such short notice.
- Dinorah Dalmasy (MDE): We will need more time to discuss this internally. Lee Currey (MDE) has not seen this proposal. We have had this discussion at other levels, but this was sent to us on Friday, and many people were out. I was prepared to have no objections to the current report, but not with this new proposal.
- George Onyullo (DOEE): I suggest that we take back the Virginia comments to the expert panel, have them respond to this, and look at their response before the decision is made.
- Lucinda Power (EPA): The next WQGIT call is April 11th. If we are not prepared to make a decision today, we should make one during that call. The next Management Board call is April 14th, and we should hit that date.
- Onyullo: Is it possible to reconstitute the panel and have them respond to the Virginia proposal prior to that date?
 - Sweeney: I don’t think there is much value in that. I think the panel was very firm in their opinion.
 - Davis-Martin: I think the report is very firm, but the panel not so much. It is not so cut and dry. What the panel was evaluating was the previous version of hopper credit, where the material collected had a factor applied and the result was what was reportable. Was the credit not valid, or did the adjustment factors not have enough science to back them up?
- Montali: When I read Virginia’s proposal, how frequently does the sweeper mass need to be monitored, and is the dry weight mass of N and P only collected from the smaller particles, or is it some measurement of the whole hopper?
 - Dalmasy: I have the same questions.

- Davis-Martin: I think it will depend on the sweeper regime. If they sweep once a year, one sample is all you need. If you sweep a diversity of areas, including different land uses, that will need to be factored into statistical analysis that someone would need to figure out to determine if that is representative sampling. I think my understanding of the science is that the vast majority of the nutrient loads would quickly mobilize and be delivered to streams, so the N and P would be based on entire hopper mass while the TSS would be based only on small particles.
- Onyullo: Is there anything in your comments that you think the panel has not addressed in the past?
 - Davis-Martin: I don't think they addressed a hopper credit where the mass was analyzed in a statistically valid way by a lab and on the fine sediments only.
- Montali: Don't you think if we were getting to the point of approving this, there would need to be very detailed qualifying conditions?
 - Davis-Martin: I think there would need to be a system in place to ensure localities are getting a statistically valid sample.
 - Goulet: That is why we went to the WinSLAMM model, because it takes into account all of that variability. You would almost need to assess every hopper to get to that level of analysis.
 - Davis-Martin: You may be right, I don't know.
 - Montali: I'm worried about having that generality, where everyone would come up with their own statistically valid sampling regime. It seems like a big fight that would come up down the road.
 - Davis-Martin: Let's add some of those additional criteria to it. If we want that associated data, we should ask for it. It wouldn't have to go to NEIEN.
- Koon: I think it is important for everyone to have time to review the additional proposal from VADEQ before the WQGIT is asked to make a final decision. Can we move the final approval of the street sweeping report to the April 11th agenda?
- Ann Jennings (CBC): I would like to go back to the suggestion to send it back to the panel first for their recommendation.
- Mike Hickman (PA DEP): We are in a bit of a spot here. We recognize Virginia's concerns, but we need this report to be finalized so we can do the outreach we need during this summer to our MS4s. We only received this proposal one business day prior to the meeting, and we will need more time to make an informed decision on this proposal.
- Jen Sincock (EPA): Why do the body of the report and the reporting methods need to go together? Can't the technical report from the panel be approved now, and we can take additional time to discuss this other issue?
 - Davis-Martin: Separating the reporting requirements from the panel report doesn't relieve Virginia of its concerns. We couldn't support the rest of the report without the inclusion of this addition. We recognize that in the absence of the rest of the report, the Virginia proposal would not be approved.

- Onyullo: We would not be able to recommend Virginia's proposal if you ask me now. But if we would like to take care of the issue now, I think we need to afford Virginia the opportunity to have their comments addressed by the panel.
- Jenny Tribo (HRPDC): I was on the panel and I'll support taking this proposal back to the panel for their opinion. There was disagreement between the local practitioners and the scientists who look at this differently. I think it would be good to have their formal response. My recollection is we discussed a lot of these issues early on, then opted to go to the WinSLAMM route.
- Montali: The panel hasn't been decommissioned?
 - Goulet: They have been, and I don't know that I agree with the precedent of bringing them back together after they have been discharged. I don't know how easily we will be able to bring them back together.
 - Davis-Martin: I think we have addressed this issue in the new BMP Protocols, so I don't see that being an issue. We can ask for their thoughts and opinions via email.
- Spano: Virginia's proposal seems to say these are the steps needed to quantify the load. But if the panel actually weighed the hopper method and said there wasn't enough defensible information, my question would be, does the proposal from Virginia help address some of the panel's issues? Even if that is something that brings in future information.
 - Schueler: Having been with the panel, I can assure you that if we went through the exercise of going back to the panel, they would come back with the sentiments that Norm and I have addressed. I agree with Norm that we need to respect the scientific integrity of the process. Everyone has had ample opportunity to weigh in and I agree with Mr. Hickman that it is time to bring this to conclusion.
- Koon: I think at this point, we need to bring this back for final decision on April 11th. Tom can reach out to panel members for additional comment.

ACTION: Tom Schueler will contact the membership of the street sweeping and storm drain cleaning expert panel and ask for their feedback on Virginia's proposed addition to their report. Responses will be provided to the WQGIT, who will be asked to approve the report during their April 11th conference call.

Urban Nutrient Management Update – Norm Goulet, NVRC

Norm updated the WQGIT on the options discussed by the Urban Stormwater Workgroup (USWG) during their March 8th conference call for how to estimate fertilizer nutrient application rates in the urban sector for the Phase 5.3.2 model and possible updates for Phase 6. The USWG is still reviewing these options and looks to finalize a recommendation in April.

Discussion:

- Goulet: As a reminder, in the Urban Nutrient Management expert panel report, the WQGIT approved the recommendation that if by 2016 no additional data was collected to support their proposed reductions, the credit would go away. The presumption is P

applications are now down 60-70% in the basin due to the legislation enacted, but that expires in the next progress run. Delaware is the only state to have provided information, so the credit would go away for the other jurisdictions. The Bay Program will purchase a dataset that will hopefully help, but the quality of the reporting varies year to year. If the data becomes problematic, states will be required to backfill or lose the credit. We have investigated a USGS report, put out in 2012, that estimated N and P in fertilizers up until 2006. That was calculated from fertilizers sales and census info and updates county-level non-farm N and P inputs for that time period. The result is a time series of N and P used through time as opposed to stasis application rates in the model. Jeff and I will work on this over the next few weeks and will come back in April with a final recommendation. The key point is that the clock has expired. If we can't get this information, the credit the states have received will go away.

- Davis-Martin: For Phase 5.3.2 and for the Phase 6 calibration?
 - Goulet: We are trying to come up with a method for Phase 6, but yes for Phase 5.3.2.
- Sweeney: It expires, so we need new data for 2016 Progress. We would need that by October 1st. I have seen information like this from some states.
- Davis-Martin: We have been planning on doing this for 2016 Progress. I am hopeful, but I think you will have that info for Virginia.
- Koon: What has been the hold-up so far in Virginia?
 - Davis-Martin: The data is collected by VDACS and they haven't had a good process for collecting it from the industry and inputting it into our system. Now they have a system that allows the industry people to directly enter data into a tracking system. Development of that system has been the hold-up.
- Goulet: We shouldn't just put the emphasis on Virginia, they are just one of the states with issues.
- Mark Dubin (UMD): The University of Maryland has been collecting fertilizer sales from about 50% of the market. That could be another source if you are looking for information.
 - Goulet: We have looked at that, but because they are just a market share, it seems to just create more problems. Thank you for the suggestion.
- Ben Sears (NYSDEC): When we have it, do we send the data to Jeff and Matt for 2016 Progress?
 - Sweeney: Yes, but please copy Norm and Tom as well.
- Diebel: Is this data reported from the federal facilities to the states? With the push to measure federal agencies progress, I'm wondering what or if any protocol was discussed to determine if we need to figure out a way to report this information.
 - Sweeney: Whatever rules there are Bay-wide or for each state would apply to the facilities within those states. In this round we are considering having an application rate by state that would be applied.
 - Diebel: So the assumed rate happening in the state would be applied to federal landholdings within that state?

- Sweeney: That is probably what we would propose. We don't know if we could do that by state or not.
- Diebel: I just wanted to bring up that I am not sure our fertilizer management has kept up with the state rates.
 - Davis-Martin: The first easy check is to go to exchanges on navy or army bases and see if they are in accordance with state fertilizer laws.
- Bill Angstadt (Angstadt Consulting): I think about D.C., which may not have any federal lands reporting fertilizer application. I don't remember federal facilities ever being identified, so that might be a big hole here.
 - Onyullo: I agree. I will probably give Jeff a call to see how to deal with that.
- Diebel: I would probably need to reach out to a lot of people to figure out who is reporting what on our facilities.
 - Goulet: Sarah, can you give me a call tomorrow to discuss this offline? We definitely need to discuss procurement, for instance.

Climate Change Workshop Update – Lew Linker, EPA

Lew provided an overview of the March 7-8 STAC workshop on the development of climate change projections.

Linker: It is the step in a process towards the Midpoint Assessment decision on climate change. Presentations are available on the [STAC website](#). The workshop report has not yet been written, but the presentations represent the discussions and observations from the workshop. One key recommendation was to include all available data sources since there is such a large degree of uncertainty. Next steps are to finalize the workshop report, and then once a draft is complete, it goes to workshop participants, then STAC and the Management Board. Throughout the process, we will continue to brief the WQGIT and other key groups. One key suggestion from the workshop was to keep in mind the climate change peer review on the CBP approach. Before we have that peer review, a number of steps need to be taken to bring together climate change specialists to get their final recommendations on the process to evaluate available models and information, and do the same with sea level rise and wetland loss. Then we would bring decisions to the decision making bodies in 2017 while working with the Climate Change workgroup and Modeling Workgroup. The peer review would take place in summer 2016.

Discussion:

- No questions or comments were raised.

Phase 6 Land Use Update – Peter Claggett, USGS and Karl Berger, MWCOG

Peter and Karl provided an update on the status of efforts to collect and review land use data for the Phase 6 Model.

Berger: Deadline for input to the Phase 6 Model is September 1, and we will not have final land use data by that date. There are several big reasons: the automated processing of high resolution data procedures are not yet finalized because it is more complicated than originally envisioned; and the deadlines for high resolution data to come in from the three contractors have slipped. I

don't know what those final dates will be, and there are some issues with some of that data that may require going back and doing additional analysis. Our recommendation would be to come back to this group with a much clearer idea of what this time table is going to look like. Some things may be able to be accelerated, but some are out of our control.

Claggett: Some of these unforeseen issues have to do with how some of the contractors and local governments are interpreting the data. We got into the weeds and we have had to make some shifts in our interpretation rule sets.

Discussion:

- Montali: This issue is huge relative to the Modeling Workgroup and the overall schedule of Phase III WIP development. I assume some higher body than this makes the decisions regarding extensions of the schedules?
 - Davis-Martin: In my presentation to the last Management Board meeting I gave them a heads-up that we were expecting these delays and were in the process of muddling through the scheduling complications and impacts. I also mentioned that we would bring that back to them in one of their upcoming meetings. I expect we will need to come forward with modifications to our schedule.
- Power: Internally at EPA we are trying to figure out how a shift in schedule would impact the Phase III WIPs. The intent is to present a revised schedule to the WQGIT on April 11th. That schedule would need to be vetted with the Modeling Workgroup as well. I have spoken with Gary and Lew, and I would be happy to discuss with Dave and Lee prior to the WQGIT discussion on the 11th.
 - Montali: I am okay with waiting to hear the proposal in April. I am most interested in the September impacts.
- Spano: If there is a delay and we still get it done, that is sound management, but this is an important piece and it is important to get it done right.

Local Area Targets Task Force Membership – Katherine Antos, EPA

The WQGIT was asked to confirm the membership of the Local Area Targets Task Force.

Discussion:

- Antos: The only area where we did not receive many nominations was Delaware, which I think is partially because of their size. Otherwise, the task force nominations were thoroughly representative of all jurisdictions and several federal partners, as well as all sectors. I am requesting moving forward with finalizing the proposed membership of the task force. One addition is Bob Ensor from Howard County Soil and Water, and one edit is that Veronica Kasi (PA DEP) should be listed as an alternate.
- Spano: It looked like 19 of 36 were actual local nominations. That still holds correct?
 - Antos: I only noted eight state agency staff nominations, including DOEE, and two federal nominations. The rest should be local representatives.
 - Spano: Thanks, I just wanted to note the strong presence of local reps.
- Onyullo: Please add Sarah as an alternate for Marty Hurd from DOEE.

- Davis-Martin: I think this list is fine as long as meetings are open. I intend to participate even though I am listed as an alternate.
 - Antos: We will make sure there is a webpage for this task force so meeting information is available. Anyone listed as an alternate would be on the distribution list and would receive all correspondence.
- Davis-Martin: Will you still be coordinating this effort?
 - Antos: I actually will be moving on from EPA in the upcoming weeks. We have not yet determined who will be taking over the task force, but we recognize the importance of this effort and are looking for the right person to coordinate it. For now, David Wood (CRC) will be providing staff support, and we will let you know who else will be providing staff support in a coordinating role. We have yet to determine a chair for this task force.
- Davis-Martin: Are there any objections to the local area targets task force membership as proposed, with the one noted addition?
 - None were raised.

DECISION: The WQGIT approved the proposed membership for the local area targets task force.

Adjourned

List of Call Participants

Member Name	Affiliation
James Davis-Martin (Chair)	VA DEQ
Teresa Koon (Vice-Chair)	WV DEP
Lucinda Power (Coordinator)	EPA
David Wood (Staff)	CRC
Lindsey Gordon (Staff)	CRC
John Schneider	DE DNREC
George Onyullo	DOEE
Dinorah Dalmasy	MDE
Bruce Michael	MD DNR
Ben Sears	NYSDEC
Mike Hickman	PA DEP
Jill Whitcomb	PA DEP
Ted Tesler	PA DEP
Dave Montali	WV DEP
Alana Hartman	WV DEP
Marel King	CBC
Ann Jennings	CBC
Katherine Antos	EPA, CBPO
Lew Linker	EPA, CBPO

Jeff Sweeney	EPA, CBPO
Jen Sincock	EPA, R3
Suzanne Trevena	EPA, R3
Chris Day	EPA, R3
Ann Carkhuff	EPA, R3
Liz Ottinger	EPA, R3
Jenn Volk	U of Delaware
Beth McGee	CBF
Bill Angstadt	Angstadt Consulting
Tanya Spano	MWCOG
Sarah Diebel	DOD
Mary Gattis	LGAC
Norm Goulet	NVRC
Mark Dubin	UMD, CBPO
Peter Claggett	USGS
Jeremy Hanson	VT, CBPO
Sally Claggett	USFS
Karl Berger	MWCOG
Tom Schueler	CSN
Jenny Tribo	HRPDC
Kevin McGonigal	SRBC