Urban Stormwater Workgroup Meeting
<mark>Meeting Minutes</mark>
Tuesday, January 18, 2022
10:00 AM to 12:15 PM

Summary of Actions and Decisions

Decision: USWG approved the November Meeting Minutes

Action: DoD will come back to the USWG at an upcoming meeting to provide more information on DoD stormwater funding opportunities.

Action: Jeff Sweeney will provide Dave Montali with the slides containing West Virginia's Phosphorous data.

Action: the USWG will be asked to reach consensus on phosphorous fertilizer banning and non- farm fertilizer statistics at their February meeting (*Post meeting note:* this decision is postponed till March).

Action: The USWG will further explore whether an Ad Hoc group is the right path forward to address nutrient reduction in Urban Nutrient Management (UNM) Plans.

Meeting Minutes

10:00   Welcome and Review of November Meeting Minutes.
Tom Schueler for Norm Goulet, Chair. Attach A

Decision: USWG approved the November Meeting Minutes

10:05   Announcements and Updates
- CAST 21 Updates
  - *February 14th = WQGIT discussion; forwarded the invite*
- January 12 STAC Rising Temperatures Workshop
  - *2 main groups: watershed and tidal. The tidal sessions were broken out into key species and watershed was broken into issues related to tidal, non- tidal etc. The 2nd day of the workshop will focus on management strategies based on the input from the first day.*
- Feb 10 CBT Behavior Change Forum
  - *More information will be provided as we get closer to the event date*
- DOD Stormwater Funding Opportunity in Defense Spending Bill
  - *Mark Hoffman said that anything that the CBC can do to support this effort, let them know. Kevin Du Bois said that there is a Chesapeake Bay Action Team meeting later in the month to focus on URSIP process which might allow for some on base stormwater work. If DoD was able to put in for stormwater applications, this year we would be*

looking at an actual installation of 2025- 26. Based on this not sure if the language would be helpful for the group till, we receive more information.
- o **Action:** *DoD will come back to the USWG at an upcoming meeting to provide more information on DoD stormwater funding opportunities.*
- CBT Restoration Research Grant RFP Released

10:20   USWG Governance Decisions   *Hilary Swartwood, CRC (Attach B)*
Hillary will announce the results of the election of local government and at-large members for the USWG, as well as an updated roster of state members for the next two years (2022-2023) – Attach B.

10:30   Discussion: Climate Resiliency and Stormwater BMPs   *T. Schueler, CSN (Attach C and D)*
The Workgroup will continue its wide-ranging discussion on priorities for adapting stormwater and flood control infrastructure to be more resilient to future climate change. The discussion will be organized as follows:

- **Recap** of where we left off in November (final polling on urban resilience priorities) *Tom (Attach C)*
- **State and Local Feedback on Priorities for Bay Climate Resiliency:** Individual states DE/MD/VA/WV/DC/PA/NY will have an opportunity to briefly highlight their strategies to respond to extreme rainfall events. Written feedback was received from several states (Attach C). Local and at-large members will also be asked to provide feedback.
  - o *MD (Christine Lyerly):* update to MD's stormwater law requires MDE to report on rainfall and to update stormwater climate action plans which includes a milestone schedule. Required to adopt new regulations by 2023. One of the first tasks will be to work with localities to get information on existing stormwater events and flooding events. *Link to report:* https://mde.maryland.gov/Documents/A-StorRMreport.pdf
  - o *VA (Jeff Selengut):* Depending on how general assembly goes, schedules for updates may or may not change.
  - o *DC (Cecilia Lane):* Shared the memo with DOEE's floodplain folks and they provided comments.
  - o *DE (Elaine Webb):* topics that rose to the top are also the ones that DE is most interested in already.
- **Discussion of Priorities to Recommend to the WQGIT** (Tom). David compiled a summary of recommendations to pass along to the WQGIT (Attach D) which will be revised, as needed, based on feedback from today's meeting.
  - o *Christina Lyerly:* MDE will most likely be providing additional comments, but we liked the option that combined different priorities together.
  - o *Jessica Rodriguez:* I don't have any issues or hesitations on priorities. Would it make sense to look at the timeline for when these priorities could be implemented and how that fits with the infrastructure bill?
  - o *Tom Schueler:* once we get some consensus on the priorities, we would provide more beef on the timeline and the funding that would be needed. We are under the assumption that the Bay Program and other areas would be able to provide some support.

- o *KC Filippino:* for the design storms based on the RAND work, we are still trying to develop some standards for specific localities and hopefully that can be a regional approach that can be put forward. Where do these priorities fit? Are they in Phase 7? Or are they shorter term?
  - o *Tom Schueler:* my sense on the Phase 7 plan there are a couple items related to some of these topics. Much of the rest of the priorities would be in the short to mid-range (1- 2 years to complete). That is the general game plan.
  - o *Karl Berger:* These will be presented to the GIT; the message should not just be "here are priorities" it should also be which ones are important and which ones will require more funding but should still be supported.
  - o *Tom Schueler:* That's a good point Karl, I think that is what we are going on. Once we finalize the list, we can get more detailed in terms of what funding would be, potentially.
  - o *Jeremy Hanson:* this will go before the GIT in March, potentially.
- **Update on Planning for 2022 Coastal Stormwater Resiliency Workshop** (Tom/KC Filippino). Steering committee formed (Attach C) and first planning meeting scheduled for Feb.
  - o *Planned for February 8, 2022. More information will be provided as this gets going.*

11:00   Discussion: P Ban Crediting and Non-Farm Fertilizer Statistics   *Jeff Sweeney, EPA*
Jeff will provide some background on post-panel crediting history for nutrient reductions associated state-wide P fertilizer bans/nutrient management legislation, with an emphasis on past USWG decisions to utilize non-farm fertilizer statistics to verify their effect. Jeff provided an update on the most recent fertilizer statistic inputs to the CBWM in November, which prompted some technical concerns by some states. Jeff will present some workarounds to improve the quality of how urban fertilizer reductions are verified and solicit feedback from the workgroup on what to recommend to the WTWG and WQGIT, who will make the ultimate decision.

Discussion:
Alana Hartman: Clarification/understanding question re: Jeff's slide 18, is it really showing application rates, i.e., per acre amount? Or is it just "amount" which would then be divided by available acres to get a rate?
Jeff Sweeney: this is total pounds not per acre. What really influences the application rate is the total mass.
Dave Montali: WV didn't seem to have a slide on phosphorous. Smoothing to any degree is recognized. If this method sizably changes the load, then that's fine. There is a certain county that has a big load of reported sails. How does that fit in the mix?
Jeff Sweeney: For the denominator we are also using full county, so you have an application rate of pounds / acre.
Dave Montali: if the state has ten counties you average it?
Jeff Sweeney: no, we take the total county area and total mass and divide the two.
Dave Montali: is there any further considerations to the issues we pointed out with the one area having no turf contribution the bay. Monroe county had 100,000 of pound of P reported and has only 500 acres of turf in the Bay watershed. These border counties with no turf are influencing the assessment and can they be removed?
Jeff Sweeney: we can dig into that. We are reducing these outliers for N and P and for me that would take care of that issue.

Tom Shueler: as an action item, Jeff do you have the slides with the WV P data? Is it okay if Jeff finds them and sends them over to you?

Dave Montali: yeah, that's fine.

Jeff Sweeney: when we have our one-on-one calls with you and the states, we will provide more information.

Alana Hartman: I was just going to encourage states to look at their data because some of the data was recorded strangely and left us wondering what we are missing.

Dave Montali: we heard that for the 54999's is distributed based on Ag stuff, and that really blew my mind that you would distribute urban based on ag criteria (based on the expenditures for the ag census data).

Karl Berger: Jeff is doing the best he can with a data set that is not adapted for what we are using it for. I don't believe we've received data that wasn't ag fertilizer data. I think this is where Phase 7 comes in and that could be a place to fix this. The watershed model is to gauge the reaction for the Bay, so I think we hold it steady for now and fix it in Phase 7.

Dave Montali: we change things based on change on the ground. Suddenly in the last 4 years 9x the amount of P is being applied in turf and that doesn't seem to match. Smoothing it out to minimize the variation is the best we can do.

Mark Hoffman: we've placed limits on turf application in MD and VA. In terms of the data and how it relates to the policy decisions- we need to connect the dots better.

KC Filippino: how can people get hold of the original data?

Jeff Sweeney: we have the data, just send a request to me.

Tom Schueler: we will make our WG aware when this issue comes up. Will recap at next meeting.

Jeff Sweeney: I hope to bring this back in February and do a vote. It would also need to be approved by WTWG and then WQGIT.

Action: Jeff Sweeney will provide Dave Montali with the slides containing West Virginia's Phosphorous data.

Action: the USWG will be asked to reach consensus on phosphorous fertilizer banning and non- farm fertilizer statistics at their February meeting.

11:45   Discussion: Nutrient Reduction for UNM Plans   *Tom Schueler, CSN*

Tom will provide background on the 2013 EPR that provided nutrient reduction credit for UNM plans, which has been sparingly used and somewhat difficult to verify. Tom will facilitate an open workgroup discussion on unresolved UNM crediting issues that may deserve revisiting in an updated panel. If there is a strong interest in doing so, the workgroup may be asked to form a small ad-hoc group over next several months to recommend a process to the USWG to resolve them.

Discussion:

Cassie Davis: we (NY) are currently working with Tetra Tech to develop a template and will use it statewide.

Dave Montali: 2 things: how we represent P fate and transport is an issue for Phase 7. If you do have an Expert Panel, how do you judge the timing of that? Do you need some knowledge about how it would be modeled?

Tom Schueler: if there is new research out there, experts could have an idea of what would need to happen in Phase 7.

Karl Berger: I agree with Tom. For P, my intuitive thought, is that P loading is linked to fertilizer is wrong in Urban areas. It might be correlated to legacy P or sediment delivery. Ideally if the Expert Panel got up and running there is a good, detailed data set from Fairfax County that could help with this. That would then feed into the Phase 7.

Dave Montali: is that one of the proposed charges? I would agree with you. The idea is for the Expert Panel to advise the modeling. My other question is respect to industry trends. I saw a bullet that said citizen monitoring etc. With the advent of all these state driven P plans, has the state lowered the P overall or is there still 2 different products?

Tom Schueler: we could surmise but we don't have enough data either way. We were looking for that data for the original panel- it's hard data to get. We are not sure after the laws were passed how states are tracking nutrient content in the fertilizers being sold in their states.

Kevin Du Bois: for the DoD, we identified UNM as a key strategy. The assumption is that if they have turf, they are applying fertilizer, but many installations are not applying fertilizer. The procurement process is difficult for them which could be why UNM is not reported. I would love for part of the Panel to be alternative methods for asserting that no fertilizers are being applied.

Tom Schueler: delivery of UNM was one of the problems never solved by the original Expert Panel. It's difficult sometimes for people to prove that an area is not fertilized, particularly in a residential area. There are a lot of information gaps that need to be solved. Any other comments?

Heather Gewandter: It's sound like this is a big undertaking the lack of data seems to be the biggest hurdle. Could you phase this effort where you gather data first and then determine if you need an expert panel or if the data helps solves some of these problems?

Tom Schueler: that's an excellent point Heather. The plan in Feb is to determine whether we want to move forward with this and creating an ad hoc group.

Karl Berger: I would be interested in serving on the exploratory or ad hoc group. Fertilizer is the main model output right now and just getting a handle on N will be more complicated. Figuring out the impact of the MD law, hopefully that knowledge could help inform our efforts.

Action: The USWG will further explore whether an Ad Hoc group is the right path forward to address nutrient reduction in Urban Nutrient Management (UNM) Plans.

12:15 Adjourn

Call Participants
Hilary Swartwood, CRC
Tom Schueler, CSN
Jamie Eberl, PA DEP
Christina Lyerly, MDE
Elaine Webb, DNREC
Cecilia Lane, DOEE
Jeff Selengut, VA DEQ
Alana Hartman, WV DEP
KC Filippino, HRPDC
Heather Gewandter, City of Rockville
Marty Hurd, Fairfax County
Ginny Snead, AMT
Ted Brown, Biohabitats

Alex Foraste, VDOT
Jeff Sweeney, EPA
Olivia Devereux, Devereux Consulting
Jeremy Hanson, CRC
Mark Hoffman, CBC
Karl Berger, MWCOG
Allie Wagner, NOVA
Nora Jackson, NOVA
Carol Wong, CWP
Dave Montali, Tetra Tech
Allan Brockenbrough, VA DEQ
Jeff Colella, WVSA
Jessica Rodriguez, DoD
Kevin Du Bois, DoD
Matt Meyers, Fairfax County
Shannon McKenrick, MDE
Derick Winn, DOEE
Jesse Maines, City of Alexandria
Cassandra Davis, NYSDEC
Nathan Forand, Montgomery County
Chris Swanson, VA DEQ
Mark Symborski, MCPD
Krista Brown, PA DEP
Maria Mutuc, VDOT
Andreana Loise Roxas, CSN