

SUMMARY OF DISCUSSIONS AND FOLLOWUP ACTIONS

Chesapeake Bay Program Partnership's

BMP Verification Review Panel

Wednesday, June 19th, 2013

www.chesapeakebay.net/calendar/event/19542/

Introductions and Objectives of Today's Meeting

- Rich Batiuk (EPA, Chesapeake Bay Program Office) welcomed participants and verified attendance. He thanked Andrew Sharpley for prompting the conference calls to keep the panel engaged over the summer.
 - He explained the goal for the June and July conference calls is to keep the panel updated and to address any issues or request the panelists may have in preparation for the August face to face meeting.

Most Effective/Most Used Practices & Treatment Technologies

- Rich Batiuk recalled that the Panel had requested an analysis of which BMPs account for the greatest planned reductions under the jurisdictions' Phase II Watershed Implementation Plans (WIPs). He noted that top practices vary by each state. He introduced Jeff Sweeney and Matt Johnston who worked on the requested analysis.
- Matt Johnston (University of Maryland/Chesapeake Bay Program Office) explained the objective of the analysis was to determine which practices were the most common or accounted for the greatest reductions in the Phase II WIPs. He noted the Panel requested this analysis at its [December 6, 2012 meeting](#).
 - View the presentation ([Attachment A](#)) and associated handout ([Attachment A2](#)) for more details.
- Matt Johnston explained the methods, noting that for wastewater the contribution to the total load reduction compares 2011 discharges to Phase II WIP 2025 discharge targets, while the other sectors compare a no action scenario to the WIP reduction targets.
- Tim Gieseke (Ag Resource Strategies): I don't recognize a conservation plan itself as a BMP, but the components of the plan are BMPs. What is meant here by "Soil & Water Conservation Plans?"
 - Matt Johnston: we use Soil & Water Conservation Plans as a catch-all to model reductions for any practices that are not modeled or reported as separate BMPs. Cover Crops are an example of a practice in a plan that is modeled separately. The Soil & Water Conservation Plans have low efficiencies because most of the components are modeled separately, with higher efficiencies.
- Rich Batiuk: we can provide more information about the BMPs in the Watershed Model so panelists can delve as deeply as they like.
- Tom Simpson (Water Stewardship, Inc): So here, these Plans refer to erosion control practices that are not broken out separately – is that reasonably accurate?
 - Jeff Sweeney (EPA, CBPO): Yes.
- Dana York noted the Chesapeake Bay Program's approved BMP codes and definitions are described in appendices of the draft USGS report from Dean Hively and Olivia Devereux.

- Jeff Sweeney (EPA, CBPO) described the pie charts [slides 10-37] and how to interpret them. He reiterated that the wastewater reductions compare current (2011) discharges to the WIP targets, whereas the other sectors compare a no action scenario to the WIP targets. The “other agriculture” category includes all the other practices that account for less than 1 percent of total reductions each.
- Rich Batiuk asked for questions from the panelists on the pie charts in the presentation.
 - Tim Gieseke: So the charts are based on planned implementation? Are the planned BMPs determined by the Model?
 - Jeff Sweeney response: The nutrient and sediment target loads for the TMDL were based on the levels needed to achieve water quality standards. Based on these needed reductions, the jurisdictions developed their Watershed Implementation Plans to achieve the targets and maintain the caps.
 - Rich Batiuk clarification: The Model interprets the practices from the WIPs to estimate delivered loads to the Bay, so the “planned” practices are what the jurisdictions plan to implement under their own WIPs.
- Jeff Sweeney: It’s important to understand why we chose the no-action baseline. We used the no-action baseline for the non-wastewater sectors because it gives a clearer picture of the relative contribution from each BMP. More importantly, everything that is on the ground now and in the past will need to be maintained into the future to achieve those targets. Using a no-action baseline illustrates the importance of that maintenance.
 - Tom Simpson comment on conservation plans: There is a large number of acres, but small percentage reduction from conservation plans. Was the cost-effectiveness considered for these plans?
 - Jeff Sweeney: these are the jurisdictions’ plans, so they were likely developed with cost-effectiveness, capacity, and funding in mind.
 - Tim Gieseke noted Kevin DeBell (EPA) has been working on a cost-benefit analysis of the Chesapeake Bay TMDL. Perhaps when that study is ready for release, some of those cost numbers could be incorporated into this analysis.
 - Jeff Sweeney: we plan to start looking at some of those numbers to incorporate some of the cost information into the partnership’s modeling tools and this analysis.
- Jeff Sweeney briefly reviewed slides 10 through 37. He noted there is a slide for nitrogen, phosphorous, and sediment for reach state and Baywide.
- Richard Klein (Community Environmental Defense Services) asked about Stormwater Management (SWM) practices on page 6 (Attachment A2) for Maryland. There are two categories for SWM: 1985-2002, and 2002-2010. Then there are the individual stormwater practices. Do the two catch-all categories include the TN/TP reductions for the individual practices?
 - Jeff Sweeney: Yes, they do. In the current period they use the individual practices (e.g., infiltration) like the other jurisdictions, but the older periods are catch-all categories.
- Tom Simpson: Might be helpful to see the acreage of practices at the state level.
- Mike Gerel (Sustainable Northwest): Think it will be interesting to see which practices are presumed to be regulated or not in the WIPs.

- Rich Batiuk asked for questions, requests for additional information, or other reactions. How would the panel like to see this information built into the framework or guide the panel in preparation for its August face-to-face meeting, and beyond?
 - Mike Gerel: Knowing that something is regulated would be a major factor while we examine and develop these verification programs.
 - Rich Batiuk: Since there is interest in this, believe we have done these estimates before and could provide them.
 - Jeff Sweeney: The TMDL provides breakdowns of Load Allocation (unregulated) and Waste Load Allocation (regulated) for each sector.
 - Gerel: State scale is fine. Will help determine which sectors or practices should be the focus.
 - Rich Batiuk: We will provide a basinwide breakdown, and for seven jurisdictions.
 - Dana York: should pay attention to recent regulations or laws passed at the state level, like for nutrient management regulations in Maryland and Virginia.
 - Rich Batiuk response: Great point. The “regulated” sources in the Chesapeake Bay TMDL only refer to those under federally permitted programs, such as MS4s.
 - Rich Batiuk: Will work with Region 3 to get a compilation of state regulations this information for agriculture and stormwater.
 - Tom Simpson: A lot of the regulations for urban sector have been programmatic. Also, perhaps consider that if we are looking at so many acres of urban infiltration practices, how much developed land will be available for these practices?
 - Rob Traver: Though the practices may be occurring on a regulated landscape, quality monitoring is less available.
 - Richard Klein: The bottom line is that if we do not have programs in place to maintain and inspect these practices, then the Bay will not improve, at least in urban areas. Anxious to see what current inspection capabilities are, what they will need to be, what potential shortfalls are, and what options are available to address the shortfalls.
 - Batiuk: We do not have those answers, but these are important questions to raise as the Panel goes forward.
 - Matt Johnston: Might also be useful to raise these points as the Panel moves forward and considers the sector protocols.
 - Tim Gieseke comment via webinar: I think the information and how it was generated is clear - so our task is to provide guidance on how these BMPs, if applied, are accounted for. BMP example - if an acre of cover crop reduces P, N and Sediment do we want to account for BMP and/or individual reduction.
 - Dan Zimmerman (Warwick Township): I would place equal emphasis on education. Some people are unaware what these structures are supposed to do. If we stress the benefits, then people are more likely to follow through and maintain them.
 - Melanie Frisch: education component is very important, based on experience with MS4s in Virginia.
 - Andrew Sharpley: Education is one thing, but some sort of certification program is also important.

- Dana York: should also remember that in the agricultural world, Maryland has been looking at certification for inspectors. Training is required for farmers before a farmer can turn in their Annual Implementation Report.
- Rob Traver asked Rich Batiuk to set up the certification discussion as a recurring topic for the Panel.
- Richard Klein: and more importantly ensuring that the resources are there to fund the staff needed for these education or certification programs. Jurisdictions with excellent inspection/maintenance programs only see problem BMPs 15% of the time and issues are resolved quickly. In some areas with the worst programs, there can be a failure rate as high as 50-100%.
 - Tom Simpson mentioned a 2007 report on hypoxia by EPA's Science Advisory Board that might be useful.
 - Richard Klein via webinar: The Chesapeake Stormwater Network recently released a bioretention inspection manual at: <http://chesapeakestormwater.net/wp-content/uploads/downloads/2013/04/REVIEW-DRAFT-OF-BIORETENTION-ILLUSTRATED-040113.pdf>
- Rich Batiuk: We will keep a continuing dialogue on certification, training, inspection and resources. He asked for closing thoughts on the agenda item; none were raised.

ACTION: CBPO staff will provide the Panel members with the following in response to their requests for additional information:

- URL links to additional information and documentation about the practices and their definitions as they are applied in the Chesapeake Bay Watershed Model and other decision support tools;
- State specific breakdown of the Chesapeake Bay TMDL's load allocation (unregulated) and waste load allocation (regulated) for each sector; and
- A state by state compilation of recent regulations or laws passed at the state level, like for nutrient management regulations in Maryland and Virginia, which has expanded the regulated sources within the state beyond those federally regulated under the Clean Water Act.

Status of Components of the Basinwide BMP Verification Framework

- Rich Batiuk directed panelists' attention to [Attachment B](#). He explained it gives a quick update on the status of each of the 10 elements of the overall verification framework. He noted the six technical workgroups have been asked to finalize their protocols by July 1st so they can be raised up through the partnership.
 - Rich Batiuk highlighted a few of the issues for the panelists to pay special attention to:
 - To consider what the role that this Panel, or another similar independent Panel, might play throughout the implementation of the verification framework over coming months and years.
 - There has been a tremendous amount of movement on 1619 data sharing agreements. Asks the panelists to flag this as another important issue for their close attention.
 - There have been some issues while working with USDA to enhance data collection and reporting of cost-shared practices. Credit goes to Rich Sims

- as he continues to work with the partnership and NRCS to seek changes in how USDA tracks and report its cost shared practices.
- Robert Traver: We may need to eventually move away from percent removal as we get more research. Removal rates and efficiencies are related to verification.
 - Rich Batiuk: This is not something that is not specifically in the scope of the Panel's charge right now—more related to the series of expert BMP panels convened by the source sector workgroups to factor in the latest science into the Partnership's approved BMPs.
 - Jeff Sweeney noted that recent USWG panels have started to look at alternative approaches, looking at systems of practices more comprehensively rather than individually.
 - Tom Simpson noted the Ag sector has also been looking for alternative approaches.
 - Rich Batiuk asked Rob Traver to share some of the literature he mentioned with himself and Jeremy Hanson.
 - Rob Traver: Not sure if much literature is out there, but will share it if available.
 - Tim Gieseke: are cropping systems or rotations incorporated in current efficiencies or definitions?
 - Dana York: the Agriculture Workgroup (AgWG) is looking at the role of crop rotations in some of its expert BMP panels.
 - Tim Gieseke: if our job is putting the whole puzzle together, then we need to be sure we are aware of all the pieces to it. We need to be aware of what other groups are doing in the Partnership.
 - Rich Batiuk acknowledged that there are a lot of moving pieces, and he will work with CBPO staff
 - Richard Klein noted the Center for Watershed Protection had done some work on irreducible stormwater pollutant concentrations: <http://www.stormwatercenter.net/Practice/65-Irreducible%20Pollutant%20Concentrations.pdf>
 - Richard Klein via webinar: The new Urban Workgroup pollutant removal rates are at http://www.chesapeakebay.net/channel_files/18147/final_performance_standards_expert_panel_memo_070912.pdf
 - Dana York: The AgWG has been wondering if there will there be a checklist or any other guidance from the Review Panel. Do any of these items discussed serve that function?
 - Rich Batiuk: Jurisdictional BMP verification documentation serves as rough outline of the information that states will be expected to include in their Quality Assurance Project Plan documentation that is submitted to EPA. The QA Plans describe their current documentation for their tracking and reporting. Rather than asking for a new or additional document, we will ask the states to build on their existing QA plan. We will ask the Panel to help them build on their QA Plan.
 - Jeremy Hanson (Chesapeake Research Consortium, CBPO): We have the states' most recent QA Plans available on the BMP Verification Committee website under the "projects & resources" tab (at the bottom): http://www.chesapeakebay.net/groups/group/best_management_practices_bmp_verification_committee

Key Issues Requiring the Panel's Perspective in the Coming Months

- Rich Batiuk directed panelists' attention to [Attachment C](#) and briefly described the issues outlined in the document.
- Tom Simpson: what is the status and intent of the AgWG's verification tool under development?
 - Rich Batiuk: if the Panel agrees, CBPO staff would invite Mark Dubin to discuss and share the tool with the Panel during its July 31st conference call.
- Rich Batiuk asked for additional questions or comments; none were raised .

Updated Chesapeake Bay Program Schedule

- Rich Batiuk directed participants' attention to [Attachment D](#) noting that the schedule also depends on other groups' schedules and may be subject to further change.
 - He noted a representative from the Panel, preferably the Chair, would be needed to participate in the November and December Management Board and Principals' Staff Committee meetings, respectively.
- Tom Simpson asked about the Panel process after the August 28-29 meeting.
 - Rich Batiuk: It depends on what the panel is comfortable with. We will certainly accommodate any requests from the panel to schedule additional calls as needed to work together on the Panel's report back to the CBP Partnership prior to the meetings with the Partnership's Management Board and Principals' Staff Committee.
 - Dianna Hogan (USGS): That's a good plan to me.
 - Tim Gieseke: are there other groups that may have expectations from the Panel that we should know about?
 - Rich Batiuk: will touch base with the workgroup Chairs on this point.
 - Mike Gerel: So far the thrust from this group has been the technical side of things. Some of the state decisions are driven by economic or social factors. Has, or could, the BMP Verification Committee thought about those factors?
 - Rich Batiuk: we can build that into the August meeting and get some input from the jurisdictions and localities. The BMP Verification Committee has not gotten into the social or economic aspects thus far.
 - Mike Gerel: We don't want to develop something that cannot be implemented or funded by the jurisdiction, so these are important factors to consider.
 - Tim Gieseke: great suggestion.
- Richard Klein, via webinar: Following is a link to a great example of a cost-effectiveness study <http://www.jrava.org/what-we-do/JRA-cost-effective-full-report.pdf>

Selection of Panel Chair

- Rich Batiuk explained that a panel chair would need to participate in interactions with Management Board, Principals' Staff Committee, and possibly the three Advisory Committees and work with CBPO Staff to ensure that the Panel's needs are met. He asked for nominations from the panel.
 - Tim Gieseke nominated Dana York.
 - No other nominations were made.

- Dana York indicated she would accept the nomination.
 - Batiuk asked the Panel member for objections to appointing Dana York as the Panel Chair; none were raised.
- **DECISION:** Dana York was accepted by the Panel members as Chair for the BMP Verification Review Panel.

Draft Agenda for July 31st Panel Conference Call

- Rich Batiuk noted the next conference call is scheduled for July 31st. He directed participants' attention to [Attachment E](#). He reviewed the draft agenda items and asked for feedback or suggestions.
 - Dana York felt it would be good to have a member from the BMP Verification Committee who was on Transparency Subgroup also on the agenda. She suggested Roy Hoagland.
- Rich Batiuk: Will share the July 31 conference agenda and the advance briefing materials with Panel member on July 15th.
- CBPO staff will mail out hard copies of the July 15th draft Chesapeake Bay Basinwide Verification Framework document to the panelists given the physical length of the main report and numerous appendices.
- Rich thanked the panelists for their thoughtful input, time, and effort.

Adjourned

Teleconference Participants

<u>Name</u>	<u>Affiliation</u>
<i>Panelists</i>	
Curtis Dell	USDA, Agricultural Research Service
Mike Gerel	Sustainable Northwest
Tim Gieseke	Ag Resource Strategies
Dianna Hogan	USGS, Eastern Geographic Science Center
Richard Klein	Community and Environmental Defense Services
Andrew Sharpley	University of Arkansas
Tom Simpson	Water Stewardship
Gordon Smith	Wildlife Works Carbon LLC
Robert Traver	Villanova University, Dept. of Civil & Environmental Engineering
Dana York	Green Earth Connection LLC
Dan Zimmerman	Warwick Township
<i>Panel Staff</i>	
Rich Batiuk (Coordinator)	U.S. EPA, Chesapeake Bay Program Office (CBPO)
Jeremy Hanson (Staff)	Chesapeake Research Consortium/CBPO
<i>Presenters</i>	
Jeff Sweeney	U.S. EPA, Chesapeake Bay Program Office
Matt Johnston	UMD, CBPO
<i>Other participants</i>	
Bill Angstadt	DE/MD Agribusiness Association
Russ Baxter	VA Dept. of Environmental Quality
Olivia Devereux	Devereux Environmental Consulting
Marcia Fox	DE Dept. of Natural Resources and Environmental Control
Melanie Frisch	Dept. of Defense
Jack Frye	Chesapeake Bay Commission
Dave Montali	WV Dept. of Environmental Protection
Greg Sandi	MD Dept. of Environment
Hank Zygmunt	Resource Dynamics, Inc