

Incorporating Unapproved Practices in the Phase II WIP

Background:

While unapproved practices are not allowed in progress scenarios, EPA has told the states they may use them for planning purposes. EPA/CBP will maintain the same process for reviewing unapproved practices in the Phase II WIP as they did in the Phase I development process. An internal EPA/CBP review will take place to determine if a practice is granted a placeholder efficiency. This usually takes two weeks per BMP but practices with more data available receive a quicker turn around. EPA/CBP does not provide guidelines to the jurisdictions, instead it is the responsibility of each state to provide a definition of the practice and data justifying an efficiency. Based on the questions regarding BMPs and their efficiencies MD can expect to see a number of unapproved practices in the Phase II County WIPs. To manage these requests MD developed a review protocol.

Information Provided by the County:

When proposing to use an unapproved BMP in a WIP the County will provide the following information to the State (submit to Sarah Lane, UMD/DNR, slane@dnr.state.md.us):

1. BMP name and description
 - a. *Provide a title and definition* that identifies the pollution problem addressed and the associated nutrient/sediment reduction mechanisms for the practice. If there are multiple definitions for this BMP please list all definitions.
 - b. What *land use* is this BMP applied to? What is the *geographic scope* of implementation?
 - c. As a result of the practice what *change* has occurred to the baseline condition?
 - d. Are the practice components *consistent* with NRCS codes or Stormwater manual design standards?
2. Provide any scientific peer reviewed literature, gray literature, or monitoring data on *the performance* of the practice.
3. List, if any, existing approved BMPs that match this new practice
4. Recommend *an efficiency* for nitrogen, phosphorus and sediment expressed as either a percent reduction, landuse change or both. Explain how the efficiency relates to the footprint of the practice versus the area draining to the practice.

Counties are strongly encouraged to provide this information as soon as it is available. The drop dead date to submit a BMP for review is October 1, 2011.

Review Protocol

Once this information is provided the State will review the data and determine if the practice should be incorporated into the Phase II WIP and thus be presented to EPA for their review. To conduct the State review an adhoc group will be formed. To assist in the review the adhoc group will call upon the expertise of any other person, agency, or organization whenever it is found to be desirable and/or necessary. The group will list the unapproved practice into one of two tiers:

- Tier 1: New innovative practice with existing data or literature
- Tier 2: New approach to combining approved BMPs

Some practices may be a hybrid of the two tiers in that they incorporate new innovative designs with existing BMP specifications. Tier 2 practices can be reported within MAST by breaking the design into pieces that match existing practices. Tier 1 practices will be reviewed using the following process.

After reviewing the practice description the adhoc group will determine if the change to the baseline condition results in a net reduction in nutrients and sediment. Next the data provided by the County will be evaluated for its applicability. The adhoc group will decide if the natural characteristics (soil type, climate, flow paths, geology, vegetation, etc.) of the data site are similar to conditions where the practice will be implemented. The group will evaluate the recommended efficiency by comparing it to the pollution reduction processes described in the practice definition, and to the data provided.

The adhoc group will answer the following two questions:

1. Is this technology or approach technically feasible, does it solve the problem it aims to address?
2. Is there applicable data on performance to support the efficiency?

If the adhoc group answers confidently to the questions the practice will be submitted to EPA as an interim practice. These practices will be provided to EPA right away with a prioritization for review.

The adhoc group will then develop a methodology to incorporate the practice into the input deck. Two approaches could be used. One, the calculation of the practice benefit could be added to MAST. This functionality is not currently in MAST and would be an additional task for J7 and ICPRB. Another option is to conduct a spreadsheet calculation outside of MAST that estimates the pound reduction from the practice. This approach more closely mimics how unapproved practices were calculated in the Phase I WIP. The pro's and con's of these two approaches will be discussed as the adhoc group first task.

Finally, the state will report back to the requesting county on the BMP name, definition and effectiveness estimate as well as, how it will be credited in MAST. If EPA approves a practice as interim for planning scenarios the next step is to submit the BMP to EPA for official approval. The complete review process is available [here](#). In order to be nominated the requesting county should determine the appropriate source sector workgroup to review the BMP and contact the MD representative for that workgroup. Membership can be search using the Bay Program's [Who's Who](#). Most source sector workgroups have already selected and prioritized interim BMPs for review ([Agriculture](#), [Stormwater](#) and Forestry - In-Stream Processing followed by Forest Management). This timeline allows the counties to plan for the review process and if approved, an idea of when the new BMP would be incorporated in progress scenarios.

Membership

MDE	Marya Lelevel (stormwater only), Robin Pellicano or Greg Sandi
SHA	Karuna Pujara, Karen Coffman
DNR	Sarah Lane (coordinator)
MDA	John Rhoderick, additional agriculture technical review committee member
MDP	Jason Dubow (land use preservation only)