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Chesapeake Bay Program

**Chesapeake Bay Program
Watershed Technical Workgroup (WTWG)
Meeting Minutes**

Thursday, August 5, 2021

10:00 AM to 12:00 PM

Calendar Page: [Link](#)

Summary of Actions and Decisions

Decision: WTWG approved the July meeting minutes.

Action: WTWG leadership will provide jurisdictions with the template that tracks verification program challenges and solutions. Jurisdictions are encouraged to provide feedback.

Action: WTWG leadership will send out a copy of the progress evaluation SOP for members to review and provide comments (*post-meeting note:* the SOP was sent to WTWG on August 12, 2021. Comments will be accepted till mid- September).

Action: Cut- off will be added to an upcoming WTWG agenda.

Action: A detailed email and updated PowerPoint detailing 2021 Progress due dates will be provided to the WTWG prior to the next WTWG meeting in September.

Action: Jessica Rigelman will provide two separate NEIEN appendices to jurisdictions: one for 2021 Progress and one for CAST 2021 (*post-meeting note:* the two NEIEN appendices were sent to the WTWG on August 6, 2021).

Decision: WTWG approved the NEIEN appendix.

Action: WTWG will continue to discuss and review the Hillandale methodology and data. Consensus was not reached at this time. Voting members expressed concerns that there wasn't sufficient time for the partnership to review the data.

Action: Olivia Devereux will reach out to FFWG to provide an update at an upcoming meeting on what should be reported in NEIEN.

Meeting Minutes

10:00 AM – Introductions and Announcements – Cassandra Davis, NYSDEC

- Approval of July Meeting Minutes – Cassandra Davis, NYSDEC

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- **Decision:** WTWG approved the July meeting minutes.
- Update to WQGIT [Governance Protocols](#) – Hilary Swartwood, CRC
- FWG Decision – Extension of Credit Duration of Select Forestry Practices – Vanessa Van Note, EPA
 - *This discussion will come before the WQGIT in August.*
- BMP Verification Ad-Hoc Team Effort – Tracking Verification Program Challenges and Solutions to those Challenges – Vanessa Van Note, EPA
 - *Vanessa Van Note: I will send this document out to WTWG members to verify if this is valuable work to continue. Predominantly been with DE but trying to get other states information in this table.*
 - *Lisa Beatty: is that a form or a general document?*
 - *Vanessa Van Note: it's a template. It will be resent with the recap of this meeting, hopefully by earlier this week.*
 - *Lisa Beatty: if you could take what you learned at our BMP webinar and include in the table that would be greatly appreciated.*
 - **Action:** WTWG leadership will provide jurisdictions with the template that tracks verification program challenges and solutions. Jurisdictions are encouraged to provide feedback.
- WTWG's Progress on MB Charge – Cassandra Davis, NYSDEC and Vanessa Van Note, EPA
 - ISSUE 1: QAPPs due December 1st.
 - *Bill Keeling: as I remember, the charge was to give the states some flexibility in the due date of the QAPPs. Some states could bring information for this year by Dec.1, but some would bring data from the previous year by Dec. 1.*
 - *Jeff Sweeney: we prefer to have everything completed by December 1; however, we realize that if there were issues with data it would require changes to the QAPP, and we understand that would occur after December 1.*
 - *James Martin: it says that comments for Progress are due after two months from December. Is QAPP feedback separate from this?*
 - *Jeff Sweeney: we roll everything into the Progress feedback, which includes feedback on QAPPs.*
 - *Bill Keeling: I guess I was taking the flexibility that states would submit one thing on December 1 and address comments from this year and next year and there wouldn't be a lot of back and forth. I am looking at it from a limited resources and personnel perspective.*
 - *Jeff Sweeney: I understand, the flexibility is that you could have several months to update and finish your QAPP before we finalize Progress.*
 - *Vanessa Van Note: The only option is that the due date is December 1st but there is flexibility to submit edits.*
 - ISSUE 2: Quality Requirements of BMP Data and QAPPs
 - *This needs to be in writing and then sent to the BMP Verification Ad Hoc Action Team then on to WQGIT.*
 - *Vanessa Van Note: Would it be fair to send out a Word version of the SOP to get feedback to kick off this review or was that schedule decided upon in March?*

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- *Jeff Sweeney and Cassie Davis: yes, that is a good idea.*
- **Action:** *WTWG leadership will send out a copy of the progress evaluation SOP for members to review and provide comments.*
- ISSUE 4: Error Reports:
 - *Error reports were made available*
- ISSUE 7: Back- out and Cut- Off Procedures
 - *Some of these items have been resolved. Conversations still need to occur around low vegetation and septic connections*
 - *Cut- off is occurring due to the land use scale, we haven't reached consensus yet. We need to revisit at a future meeting.*
 - **Action:** *Cut- off will be added to an upcoming WTWG agenda.*
- Status of 2020 Progress – Jeff Sweeney, EPA
 - *Not yet published, this is hopefully going to be published next week, but not set in stone. Our bosses are working on resolving any of the remaining issues.*
- 2021 Progress Upcoming Due Dates – Olivia Devereux, Devereux Consulting
 - *Olivia went through a brief ppt that provided a timeline on 2021 Progress due dates.*
 - *Vanessa Van Note: James had a question on 2021 Progress, I believe the final progress evaluation is alluding to that?*
 - *Olivia Devereux: we have two rounds of review (12/10 and 1/7 with 1/21 being final).*
 - *James Martin: it seems like this is a contradiction to the previous slide where we were hearing that there would be two months of review.*
 - *Olivia Devereux: yes, we do need to align this presentation with the previous one on the MB charge. We hope we can come back and keep providing updates on where we are at.*
 - *Lisa Beatty: Is it on the onus for EPA to schedule meetings?*
 - *Olivia Devereux: yes, EPA will be reaching out to each state at least once, or more often with states that have continuing issue.*
 - *Jeff Sweeney: we are at the end of a milestone period, and we are trying to finish off CAST 2021 as well. This is a lot of work.*
 - *Vanessa Van Note: the main point to get across here is that we are trying to make this a more collaborative effort. This ppt is a template and we can make changes as needed.*
 - **Action:** *A detailed email and updated PowerPoint detailing 2021 Progress due dates will be provided to the WTWG prior to the next WTWG meeting in September.*
- Update on At- large membership – Vanessa Van Note, EPA
- Other announcements

10:30 AM – **NEIEN Appendix Data** – Jess Rigelman, J7 Inc.

Jess Rigelman will review the NEIEN Appendix changes and updates.

Discussion:

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Bill Keeling: if next year that BMP is supposed to be retired, then shouldn't it not go into CAST 19?

Jessica Rigelman: as far as CAST 19 2021 official Progress only some of the BMPs will go in and the credit durations won't go in till CAST 2021 (which is for all progress).

Matt English: since this is the end of the milestone period, aren't we running both models: CAST 2019 to review our milestones, and then CAST 2021 for all of 2021 progress. For these practices that get retired or are redistributed to different BMPS, do we need to have a certain NEIEN run with 2019 and resubmit for 2021?

Bill Keeling: it would be much better for me to have two NEIEN appendices: one for 2021 Progress and one for CAST 2021.

Jess Rigelman: Resubmitting is up to the jurisdictions.

Chris Brosch: I am just curious how some of these BMPs got turned off?

Olivia Devereux: It appears that it was a staff decision and not a partnership decision. But it's great to have Leon Tillman from NRCS on board because he caught these and some urban BMPs too.

Chris Brosch: If these weren't in the appendix and DE decided to use them, would we then not get credit?

Bill Keeling: most of these are synonyms for other BMPs. If you had inputted some of the retired ones it would show up as an error report.

Jess Rigelman: to be clear, these weren't being reported, but they shouldn't have been removed.

Chris Brosch: If you are taking motions, DDA approves of NEIEN

Jason Keppler: MD seconds that motion

Bill Keeling: If I get those two separate appendices, VA approves of it too. I also have an announcement/ comment. Going through the data I found something and I don't know what the other states are seeing it. But it appears there are certain Federal agencies reporting everything as urban and from my discussions with them, that's what they were told to do. So, even if they're in a rural area and have no urban land, they're reporting Urban BMPS.

Olivia Devereux: They don't have any agricultural land in the model, so yeah.

Bill Keeling: Right but that's not proper way of reporting to say I'm doing all this. So, vegetated treatment area on what has been forest. There's also units issues. I'm just saying in this type of situation if there's any doubt, we're going to throw it out.

Olivia Devereux: So, let's say that you have federal facility that has land. In the real world, it's not in the model that they should report there. But vegetated environmental buffers or whatever they have. And put it on, because it obviously is, I land that facility will not receive credit for it, but the state will. Because that agricultural land would have been assigned as non- federal in the model. And that's how they should report.

Bill Keeling: I think we are supposed to be providing verifiable data, that what we're reporting is real. And what's on the ground and from what I was told, EPA has told federal agencies to, in essence, falsify their reporting.

Olivia Devereux: I didn't know about that, was that, like an official letter or something? Or what was that from?

Bill Keeling: I'm not trying to point fingers, but I'm saying if you're doing an agricultural BM, and it happens to be within a federal facility and there are a number of federal agencies that do not have

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very much of any developed land on their facilities, they should not be trying to report that as some kind of urban.

Jess Rigelman: Yes, Bill is correct because it was removed from their federal agency footprint and given to non-fed. So those acres were assigned to non-fed and that would be the most accurate reporting. They should be reporting that as is.

Greg Sandi: I believe MD requires federal facilities to report to our conservation districts and then the data from our rates and districts works its way up through a conservation tracker and so that's how we deal with Agricultural practices on federal. Jason, you can correct me if I'm wrong here.

Olivia Devereux: I just think we need to reach out to John Maleri, who's chair of the FFWG and check in and see if we can make an announcement to clarify how this should work at an upcoming meeting. So I'll shoot, John an email and ask if we can make an update to clarify things.

Cassie Davis: Thanks Olivia. Everyone, I want to move forward on our update on the Hillandale methodology just so we have enough time today.

No objections from the remaining jurisdictions. NEIEN appendix was approved.

Action: Olivia Devereux will reach out to FFWG to provide an update at an upcoming meeting on what should be reported in NEIEN.

Action: Jessica Rigelman will provide two separate NEIEN appendices to jurisdictions: one for 2021 Progress and one for CAST 2021 (post-meeting note: the two NEIEN appendices were sent to the WTWG on August 6, 2021).

Decision: WTWG approved the NEIEN appendix.

11:00 AM – Update on Hillandale Methodology – Vanessa Van Note and Jeff Sweeney, EPA- CBPO, and Mark Dubin, UMD

Vanessa Van Note and Jeff Sweeney will provide an overview of how the Hillandale layer population (which is not currently accounted for in the watershed model) should be incorporated into CAST and discuss the potential impacts the inclusion of the Hillandale population may have on the watershed. Mark Dubin will be present to answer questions regarding the data collection process.

- The following topics will be addressed during the presentation:
 - What is a “Change Product” to a milestone model update,
 - How incorporating this data will not affect the model phase calibration,
 - How the manure will be distributed across the watershed,
 - How the feeding space land use will be impacted,
 - How watershed loads (EOS and EOT) may be impacted.

Decision Requested: WTWG consensus on including Hillandale data into CAST 2021.

Please note: The requested decision will be conducted using a roll call vote from signatory members. We also request each member who is opposed to provide a rationale for their opposition for proper

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documentation of the decision. If the data is not incorporated into CAST-21, it will eventually be included in the calibration of Phase 7.

Discussion:

Ron Ballew: Hillandale took over management around 2000. At that time there were three sites in operation with 1.3 million birds.

Bill Keeling: it was unclear whether NAS reflected those changes. And if it's not reflected in any NAS data, I must wonder the impact of the SPARROW data.

Gary Shenk: you could certainly say that about any data set. It certainly would have come out differently, but I think that could be said about any data set. We always go with the best data we have at the time. The only way to be completely consistent with the TMDL, model calibrations, etc. is to not change the model at all, but the partnership decided that we wanted to update the model to reflect more accurately what is happening on the ground.

Greg Sandi: From my perspective, it isn't going through sufficient review from the partnership and that's a problem for me. If we are talking about including new data in the model, there is a process. The WTWG isn't necessarily the WG to decide whether the data is good enough to be inputted in the model. I feel this is a rushed decision and I feel like it's not going through the proper process to get approval.

Loretta Collins: The reason it hasn't gone through AgWG is because of timing. We had just gotten enough data right before our last meeting in July. Timing being what it was, I wanted this to come to WTWG first before going to AgWG. As far as a nuts-and-bolts conversation, it seems WTWG has more of a say in approving. In terms of validating the data, it's industry data and that's a new thing for the partnership.

Greg Sandi: Industry data isn't necessarily new because the NAS data was industry data, and if they are not reporting to NAS that's a big problem for us.

Loretta Collins: are you talking about the NAS surveys? If so, that's something we have been considering because we don't incorporate that right now.

Greg Sandi: there are existing ways of getting this data included, but once we start this precedent, and don't get me wrong I am all for better data, it could open the door to other things that we don't necessarily want.

Lisa Beatty: we brought this up formally for CAST 2017, so it wasn't last minute.

Greg Sandi: from our perspective, we were on board from day 1, but the data wasn't provided very timely.

James Martin: 2017 Progress could not have reported all those birds

Jess Rigelman: it was cut off in the regular 2017 land use. The two versions I ran were the exact same: one included Hillandale, one did not.

Ted Tesler: it would have included the manure transportation if it was reported.

Ron Ballew: all the facilities have nutrient management plans, which would have been available to PA which could be used to track manure transport.

Greg Sandi: is it generated annually?

Ron Ballew: that is correct.

Chris Brosch: what are you doing with the manure?

Ron Ballew: manure is transported to different locations. Not necessarily used for treatment.

Pat Thompson: This treatment facility was completed in 2013 and operated intermittently through 2013-14-15 and hasn't operated since 2017 due to lack of demand for trading credits.

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Mark Dubin: Hillandale has been transporting 100% of their solids. The only application they make on their property is with egg wash water.

Greg Sandi: it still sounds to me like there are some issues that haven't been resolved. I hear what you are saying, and I do agree that it needs to be incorporated, but the process counts. And I think the partnership needs time to understand the data etc.

Cassie Davis: I just want to be respectful of everyone's time, so I suggest we table this discussion as I do not think we will be reaching consensus.

Chris Brosch: so, moved. Tabling makes the most sense to me.

Greg Sandi: I concur.

Greg Sandi: I want to thank Vanessa and everyone for explaining this and I know we didn't reach consensus, but it was very helpful.

Action: WTWG will continue to discuss and review the Hillandale methodology and data. Consensus was not reached at this time. Voting members expressed concerns that there wasn't sufficient time for the partnership to review the data.

12:00 PM – Meeting Adjourn

Next Meeting: September 2, 2021, from 10:00 to 12:00 PM

Call Participants

Hilary Swartwood, CRC

Olivia Devereux, Devereux Consulting

Cassandra Davis, NYSDEC

Vanessa Van Note, EPA

Jeff Sweeney, EPA

Jessica Rigelman, J7

Ruth Cassilly, UMD

Suchith Ravi, UMCES

Jason Keppler, MDA

Chris Brosch, DDA

Clare Sevcik, DNREC

Emily Dekar, USC

Dave Montali, Tetra Tech

Arianna Johns, VA DEQ

Elliott Kellner, WVU

Frank Schneider, PA SCC

Jessica Rodriguez, DoD

Loretta Collins, UMD

Lisa Beatty, PA DEP

Gary Shenk, USGS

Elizabeth Hoffman, MDA

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James Martin, VA DEQ

Ted Tesler, PA DEP

KC Filippino, HRPDC

Clint Gill, DNREC

Bill Keeling, VA DEQ

Matt English, DNREC

Greg Sandi, MDE

Norm Goulet, NRVA

Marel King, CBC

Mark Dubin, UMD

Suzanne Trevena, EPA

Patrick Thompson, EnergyWorks

Sarah Lane, UMCES

Teresa Koon, WV DEP

Jennifer Walls, DNREC

Jordan Baker, HRG Inc.

Ken Staver, UMD

Ron Ballew, Hillandale Farms

Dinorah Dalmasy, MDE