



Chesapeake Bay Program

Chesapeake Bay Program
Watershed Technical Workgroup (WTWG)
November 7th Meeting Minutes
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Summary of Actions and Decisions

Action: WTWG members will send chair nominations to Jeff Sweeney (Sweeney.jeff@epa.gov).

Action: Jess Rigelman will determine what is and is not being utilized to move data into the NEIEN scenario builder.

Action: The WTWG will provide information regarding the discrepancies between the protocol 1 definition and the NRCS definition regarding non-urban stream restoration, particularly since all ag BMPs (which includes stream restoration) are 10 years and the BMPs listed in this memo have a lifespan of 5 years.

Decision: The WTWG decided to postpone a decision on the Stream Restoration Prevented Sediment memo. An update on the status of this memo will be provided at the next WTWG meeting in December.

Agenda

10:00 AM – Introductions and Announcements – Jeff Sweeney, EPA

- Ted Tesler stepping down from his role as Chair of the WTWG so looking for nominations
- Continuing request for data related to the benefits of the Volkswagen Settlement

Summary:

Action: WTWG members should send chair nominations to Jeff Sweeney (sweeney.jeff@epa.gov).

10:10 AM – Stream Restoration Prevented Sediment Memo – David Wood, CSN (30 min)

In October, the USWG approved a memo outlining new guidance for crediting the Prevented Sediment Protocol (Protocol 1) of the Stream Restoration BMP. The memo recommended that the use of default nutrient and sediment removal rates should never be used by practitioners for reporting to the state, but that use of the Protocols should be required. The USWG decided to defer any determinations of how default removal rates should be used to the WTWG. David will summarize the recommendations and ask the WTWG to make a determination.

Action Requested: WTWG will discuss how default removal rates should be used with modeling efforts, considering the body of work from the USWG, the Ad Hoc Team for the Prevented Sediment Protocol, and the Expert Panel for Stream Restoration – to take effect with July 1, 2021 BMP data.

Summary:

David Wood gave an overview of the Stream Restoration Prevented Sediment Memo. There was a focus on bank armoring, defaults, and monitoring guidance. For tracking, reporting, and verification there were no initial changes.

Issues for WTWG decision:

1. Grandfathering, executive summary, page 1: suggest the recommendation be simplified to make projects implemented in progress year 2022 and beyond subject to the new requirements. The response: the group will shift start to July 1, 2021, pending WTWG approval.
2. Recommended deleting section on default rates as it is broader than the intended charge for Protocol 1. The availability of entire project default rates should be an independent matter taken up by the partnership. The group stands by its recommendation that default rates should not be used for reporting, from a technical standpoint. It will defer to the WTWG on a final decision.

Discussion:

Bill Keeling, VA DEQ: The historical data where we only have a linear foot, I think, whether your grandfathered or not, we have to acknowledge that's all we have. So, unless the locality- and we're only talking urban stream restoration here not agricultural?

David Wood, CSN: The report is written for urban stream restoration. But it's been the determination that these recommendations apply to both agricultural restorations.

Bill Keeling, VA DEQ: Considering what we get from NRCS, and how their codes are applied in the model, I cannot support that for agricultural applications because we won't get them to do the protocols. One issue that I am seeing there is still a reticence to jump into it until it stabilizes, and we have a clear way of reporting and understanding how this works. In the meantime, there are people that are reporting and in the end, we have an urban stream restoration where it's just a linear foot. As long we're being asked to report USDA BMPs, I think we're going to have to remain having a default.

David Wood, CSN: The stream restoration BMP was split into three different protocols to account for the different processes that are happening in the restoration protocol:

- Protocol 1: prevented sediment protocol (prevented bank erosion)
- Protocol 2: nitrogen specific credit for hybriec exchange, or denitrification with groundwater exchange
- Protocol 3: floodplain reconnection practices

The idea was to have projects that accomplished each of these things. Then you would add up each of those calculations to determine the total benefit to the project. The original intent of having a default rate and NRCS code was to allow an option for states to claim credit when they are not provided the information needed. The intent here was to emphasize from a technical standpoint, the default rate is not the appropriate way of calculating the credit from these practices because of the amount of variability depending on site conditions etc. This is why it was kicked back to the WTWG.

Alana Hartman, WV DEP: Maybe we could think about an ultraconservative default that a future panel could come up with or support for rural and nonregulatory projects but get this sentence out of the current memo. That would be my position.

Jeff Sweeney, EPA: Is anyone familiar with what NRCS is doing for stream restoration projects and line that up with the protocols for stream restoration? How different is it/ who made the recommendation that this is good for agriculture stream restoration or rural stream restoration?

Tom Schuler, CSN: I can answer that. The AgWG was given the urban stream restoration report and they decided not to come up with their own expert panel. Instead they would adopt the recommendations of the USWG. The points that Bill brought up with NRCS projects maybe can be farmed out the AgWG, but I don't

think they change the recommendations made by David, USWG and the experts. I was also unaware that Ag was able to get an extra five years on the verification side (10 years total).

Bill Keeling, VA DEQ: This goes back to a decision made not by this group that was a practice code for NRCS. It was for stream bank and shoreline protection, which historically was applied as stream exclusion fencing. At some the CBP decided that's stream restoration, which is a different BMP. In VA it's several hundred thousand linear ft that was arbitrarily changed from one BMP to another. So right now, it's being credited as effects to non-urban stream restoration. As long as we're just getting a code with a unit over some area or county, I don't see how we can get away with not applying some default.

Jeff Sweeney, EPA: Tom or David, was there any thoughts from the expert panel on whether this could be applied to the ag sector as well? Or did they not consider it?

Tom Schuler, CSN: They considered ag projects but there were no NRCS practitioners on the panel. My suggestion is to move the report forward as an urban project and then take the issue on non-urban projects to the AgWG to solve.

Jeff Sweeney, EPA: To me, that's what we need to do. This should be taken to AgWG and have the definition of this protocol and NRCS side-by-side. They would need to sort out what to do for practices like NRCS work. The only unit we can get from NRCS is ft? Yes.

Bill Keeling, VA DEQ: I would agree with Tom's recommendation. This needs to go to the ag domain and they need to straighten out their own issues. Like Tom I was unaware they were able to get an additional 5 years out of the verification.

Jess Rigelman: Ag decided that all ag practices for the most part have 10 years and that followed through with stream restoration. Based on what your saying, it should not have been, but I can't make that argument.

Dave Montali, WV: When I read the verification for urban, it was a little ambiguous too in that it was 5 years after a permit cycle, which is 10 years, so that might not be as glaring a problem as it sounds like. Secondly, it seems from a technical perspective that the amount of credit you get by applying the protocols will be similar in urban and ag setting. It's just that there are policy issues on the voluntary non-urban side that may get in the way. You are suggesting a new expert panel from the AgWG, but could there be an independent evaluation of the policies by the WTWG?

Bill Keeling, VA DEQ: The experts weren't looking at this from an ag standpoint, they were strictly urban folks.

Tom Schuler, CSN: They would have needed NRCS people present to describe what they do under one practice code that may involve other practice codes. Without those interactions, I don't think the panel would know what to do with an ag situation.

Dave Montali, WV: If this group says let the report go as is, and it's applicable only to urban, what happens with all the non-urban BMPs that we have in the system? What if the ag doesn't take up another expert panel? Would that mean there is no credit for non-urban BMPs?

Jeff Sweeney, EPA: We need to make the AgWG aware of this- they cannot just piggyback on this because it appears that what you are doing and the data you have is very different than what this panel came up with. We will present them with the issue, and they can decide what to do. We are not taking credit away, but AgWG needs to address the situation. If they ignore it, then we would propose something because of the

strong evidence that it's not tracking any more with what the panel said and what this group is saying. We will take it on ourselves to approach Jason Keppler and Loretta Collins and pose this issue to them. If we only consider this proposal for urban stream restoration, are there problems with converting this over to what's being proposed here- beginning in July 1, 2021. We will somehow figure out how to keep practices in there that you have already recorded in an alternative way. Personally, I think this is a good idea. Do you have enough time now, just for this protocol, to make changes in your system in order to get data from this project and be able to report it?

Bill Keeling, VA DEQ: This progress year we made MS4s use our warehouse application. One of the cities we had previously provided historical data had only provided 12-13 records. When they looked those records up based on their new efforts at categorizing and characterizing their BMPs, there were about 10 they didn't find. There were about 60 more they did find. My concern is that, as time goes on, we may have more than that. What if it's after 2021 that someone says, "oh we've found this project and all we know it was 500 linear ft, but we don't have any other information"? I think we are always going to have situations where we can't provide all the protocol information. The option would be either we don't report it, or we do report it, understanding it would get some reduced default value.

Jeff Sweeney, EPA: You would need to know what your project is and what's going on and all the parameters in there, in order to calculate what the pounds prevented, or tons prevented are. It puts it on the people doing the work to do those calculations correctly and follow the protocols for this prevented sediment BMP and you would simply report the pounds or tons prevented.

David Wood, CSN: It's worth mentioning again where the recommendations are coming from for the group. I think there is an understanding that there are instances where, for reporting to CBP, the data, especially for historic projects, isn't there. I think the real goal here is to move the system the way that it's set up. There are a lot of practitioners out there that see the default rates as an option to avoid having to do the calculations and collect the data that is needed to get a more accurate reflection of pollutant removal capabilities. The idea with the language chosen by the group was to incentivize practitioners, who are going out there to propose, design, and install these projects that they need to be using these protocols and they should know that in advance, as opposed to thinking they can claim the default rate because it's a little bit simpler. I don't think the intent was necessarily aimed at the states for the historic cleanup. It was just one of the unintended consequences of having the default rates; it was being chosen as an option by practitioners at the outset.

Bill Keeling VA DEQ: Unless the protocol for BMPs has been rewritten, the panel is not supposed to incentivize or promote BMPs; their job is to be the arbiters of available science.

Cassandra Davis, NYSDEC: All of our stream BMPs are currently in linear feet. It's difficult to get our counties to report more than just the linear feet. I think it's just important to have a default, even if it is very conservative just for our counties to make it easier on them for reporting.

Emily Dekar, USC: Currently, non-urban stream restoration projects are recorded in linear feet. A lot of projects that we are reporting are historical projects because we just started reporting this data last year. It's a new BMP for our counties. The way NYS works is our county soil and water districts are reporting all of the BMP data. It's already a struggle to get them to report this information to start with and, most likely, a lot of these projects don't necessarily have the information to be able to report within the protocol system. We are only reporting non-urban stream restoration at this point.

Cassandra Davis, NYSDEC: We also just started reporting our MS4 data.

Jeff Sweeney, EPA: Do we have data at all on protocol 1 from the urban sector of how much prevented sediment there would be per foot / per mile from real data/ real projects. Is there data out there that we can compare it then to a possible default so that there is an incentive to begin to track these products of the calculations?

Tom Schuler, CSN: That wasn't charge of the panel.

Jeff Sweeney, EPA: We are not going to give you a decision on this today. We will bring it back at December's meeting.

Chat in Zoom:

Alana Hartman: The determination of a "very conservative default" might be able to be pursued through the Stream Health Workgroup's pooled monitoring efforts: <https://cbtrust.org/restoration-research/>

Action: The WTWG will provide information regarding the discrepancies between the protocol 1 definition and the NRCS definition regarding non-urban stream restoration, particularly since all ag BMPs (which includes stream restoration) are 10 years and the BMPs listed in this memo have a lifespan of 5 years.

Decision: The WTWG decided to postpone a decision on the Stream Restoration Prevented Sediment memo. An update on the status of this memo will be provided at the next WTWG meeting in December.

10:40 AM – Cleaning Up Redundant Data in NEIEN Submissions – Group Discussion (20 min)

The WTWG will continue a discussion about cleaning up redundant data or XML that is not used in NEIEN processing, including possibly forming a small group of data providers to review the current status and suggest improvements.

Summary:

Action: Jess Rigelman will determine what is and is not being utilized to move data into the NEIEN scenario builder.

11:00 AM – Ongoing Reminders about Model Scenarios, Development of CAST 2019, and BMP Verification – Jeff Sweeney, EPA (15 min)

Summary:

Phase III WIPs:

- EPA is currently reviewing the WIPs and evaluations will be coming out in December 2019.

Model related schedule:

- December 2, 2019: QA/QC'd final data to be submitted by jurisdictions, including any updates to BMP verification program plans describing new data sources and changes to methods of tracking to CBPO.
- January 15, 2020: jurisdictions submit final progress for 2018-2019 programmatic milestones to EPA.
- February 8, 2020: CBPO finalizes 2019 progress model assessment. Jurisdictions finalize BMP verification program plans.

CAST: there will be 2 versions:

- 1st version: this will finish the 2018-19 milestone period- current- CAST

- 2nd version: one to begin the 2020-21 period.
- These are the remaining data needed to finish up CAST:
 - o Urban fertilizer data for 2013-14
 - o VA manure nutrient concentrations
 - o New NEIEN data pull for all progress years
 - o Methodology for VW settlement reductions
 - o Land use and septic data under review (Land Use WG)

MB updates regarding numeric milestones: at October 17th meeting consideration was given to removing numeric milestone plans from the schedule and focus on programmatic milestones (including EPA review) and continue annual tracking of progress towards WIP goals. Proposal would need approval through PSC.

11:30 AM – Adjourn

Next meeting: December 5th, 2019 from 10:00 AM – 12:00 PM

Call Participants:

Emily Dekar, USC
 Cassandra Davis, NYSDEC
 Elizabeth Hoffman MDA
 Bill Keeling, VA DEQ
 Norm Goulet, VA DEQ
 Ariana John, VA DEQ
 Alana Hartman, WV DEP
 Dave Montali, WV DEP
 Matt English, DOEE
 Olivia Devereaux, Devereux Consulting
 David Wood, CSN
 Tom Schuler, CSN
 Megan Crunkleton, KCT Technologies
 Jess Rigelman, J7 LLC.
 Jeff Sweeney, EPA
 Lori Brown, DNREC
 Brittany Sturgis, DNREC