



**Chesapeake Bay Program**  
**Watershed Technical Workgroup (WTWG)**  
**Conference call**  
Thursday, August 6, 2015  
10:00 AM to 12:00 PM

**MINUTES**

Summary of Action and Decision Items

DECISION: The WTWG approved the proposal to mark the BaySaver and water quality inlets BMPs as "Draft" in the NEIEN appendix.

ACTION: Matt will look at what states have reported and if there are a lot of acres in hydrodynamic structures. He will then send that information to the states and USWG and ask states to provide explanations for how they decided which category to report under.

ACTION: Matt will talk to the Model developers and put together a list of the 2-3 options to present to the WTWG prior to the September meeting.

ACTION: Bill Keeling will work with Allan Brockenbrough (VA DEQ) to come up with a proposal for explicitly simulating loads from extractive lands in the Phase 6 Model.

ACTION: Matt will send out example xml code to the WTWG.

ACTION: Matt received the data from the CTIC surveys on conservation tillage and will send the data to the jurisdictions.

Introductions/Announcements – Ted Tesler, PA DEP

Proprietary BMPs in NEIEN – Norm Goulet, NVRC

- Norm reviewed a decision made by the WTWG in August of 2013 that led to the inclusion of a proprietary practice in NEIEN (Bay Savers), and asked the workgroup to approve removal of this practice in accordance with the BMP Protocol.

**Discussion:**

- Norm Goulet (NVRC): There has been an issue with two NEIEN-reportable BMPs, the Baysaver BMP and the Water Quality inlets. They were included at the request of D.C. in August, 2013. They were put into NEIEN but not tracked to Scenario Builder because D.C. was tracking them for other purposes. Proprietary BMPs, like the Baysaver, are not allowed in the CBP Modeling framework according to the BMP Protocol, so the question is how can DC continue to report that practice if they desire?
- Marty Hurd (DDOE): There is a BMP currently reportable in NEIEN called dry detention ponds, and there are other proprietary things under that BMP, so we were considering them hydrodynamic structures, but we need to peel them apart. Are others reporting that practice and including these devices?
- Matt Johnston (UMD/CBPO): As long as the BMPs are marked as draft, we can collect the information in NEIEN. That way they don't ever make it to Scenario Builder because they would get marked as an error. I believe Baysavers and water quality inlets slipped through in the August

2013 run and got a release status rather than an error. I think Norm is just asking if we can change them to draft.

- Goulet: They can either be changed to draft or we need to take them out. It is confusing to localities in their MS4 reporting efforts. If the practices are identified as draft, what a draft status means needs to be very clearly defined.
- Johnston: Baysavers is released and mapped to filters. Our hope is that the states have taken the responsibility of communicating to the locals any BMP that is marked as “draft” will not receive credit.
- Bill Keeling (VA DEQ): Draft status works for me. That way the practices can be accounted for but they don’t receive credit. Marty’s point about the dry detention ponds is a good one. Why do we have both “dry detention” as well as “dry detention and hydrodynamic structures” as two separate practices? The “and hydrodynamic structures” part of that practice is not clearly laid out.
- Johnston: Are there any concerns with marking Baysaver and water quality inlets as draft in the NEIEN appendix?
  - No objections were raised.

**DECISION:** The WTWG approved the proposal to mark the BaySaver and water quality inlets BMPs as “Draft” in the NEIEN appendix.

- Goulet: We would need to go back and figure out what they were referring to with regards to the hydrodynamic structures. Newer devices don’t necessarily fit the descriptions in the NEIEN definition of the practice. I don’t know what else to do besides continuing to report as-is.
- Keeling: I think we can move the dry detention and hydrodynamic structures to draft status as well.
  - Hurd: We should think more about moving them to draft. If we can’t address it today, I think we should keep it on the radar.
- Goulet: I will kick this back to the Urban Stormwater Workgroup and ask them how to handle these practices.

**ACTION:** Matt will look at what states have reported and if there are a lot of acres in hydrodynamic structures. He will then send that information to the states and USWG and ask states to provide explanations for how they decided which category to report under.

- Sarah Lane (MD DNR): This report has a very robust definition section that could be useful. It also had a large future needs section.
- Hurd: I think we should phase out the combined category and ask other states to tease them apart into the two separate categories.

#### BMP Credit Order in Phase 6 – Matt Johnston, UMD/CBPO

- Matt reviewed the current way that BMPs are credited in the Phase 5.3.2 Model, and proposed a new, proportional way of crediting BMPs, and asked the workgroup to approve this method of crediting for the October 1 Phase 6 Model calibration.

#### **Discussion:**

- Alana Hartman (WV DEP): Do you know of a situation where a lower crediting BMP would be used before a higher credit bmp?
  - Johnston: It is not always the higher credited BMP that gets prioritized. The technical appendices in the BMP expert panel reports generally suggest the higher be ordered first, but that isn’t always the case.
- Jeff Sweeney (EPA/CBPO): The original idea was to err on the side of being conservative. My strong belief is that the land use area is probably ok, and so there is more likely an error in the

BMP reporting. There is a rule in the treatment train that states should be submitting the dominant practice, but I know this isn't always the case.

- Johnston: And because this is a model, you need a rule for every scenario.
- Keeling: The concept that the land use area is good is a stretch at best. In a world where we are verifying BMPs, I have a real problem with throwing out part of the reported practices or all of them just because it doesn't fit in an estimated land use. Maybe verified BMPs should get rolled up to a larger scale.
  - Johnston: I suggested that rollover approach to this group. At the time, this group rejected that proposal.
- Sweeney: Will the localities still dispute the high resolution land use data in the Phase 6 Model?
  - Keeling: Yes. There will be a lot of error, so understanding how we do things with what we have will be important. I expect there will still be discrepancies.
- Sweeney: Those that have the data will definitely trump the assumptions we make.
- Keeling: I think we should re-look at the rollover concept considering BMP verification.
- Ted Tesler (PA DEP): We have a situation with dry ponds trumping newer, more efficient BMPs. I think we need to figure out how to solve the treatment train problem and to credit practices in the correct way. I have a problem with the notion of being conservative all the time.
- Robin Pellicano (MDE): Your specific example was about urban BMPs. Would land use change BMPs be credited in the same manner?
  - Johnston: Each bmp is lumped into a category. Whenever you go to another category to apply credit, they would have their own order. We are proposing that regardless of what group you're in, you distribute the BMPs in that group appropriately. There is the order between groups as well as within groups.
- Keeling: Will you still be backing out data?
  - Johnston: That is the idea right now, but we will need to think about that when it comes to 2017 progress.
    - Keeling: I suggest if you do it, you do it up front. That way the pre-BMP land use would look a little different.
- Keeling: I personally think that giving preference to the highest BMP first is the way to go.
  - Tesler: I agree.
- Johnston: We do need a rule for the October 1 Model calibration this year before the BMP verification is a requirement for reporting. But maybe the rule can take that into consideration.

**ACTION:** Matt will talk to the Model developers and put together a list of the 2-3 options to present to the WTWG prior to the September meeting.

#### Phase 6 Extractive – Matt Johnston, Greg Sandi, MDE and Bill Keeling, VA DEQ

- Matt, Greg and Bill continued the discussion regarding Phase 6 extractive loads, and asked the workgroup if they wish to further pursue explicitly simulating these loads in the Phase 6 Model which would require additional data gathering between now and April, 2016.

#### **Discussion:**

- Keeling: DMR data was required for significant facilities and less-stringent data was required for non-significant facilities. The data may be estimates based on some kind of industry average or an aggregate from non-sigs. Out preference is since they are discharging, they should stay in the wasteload allocation (WLA) category. We need a way to quantify the loads the facilities are discharging.
  - Johnston: We also need to know how to distinguish changes in loads throughout history.
- Sweeney: The WWTWG has rules for calculating the loads if the data isn't all there. The process and rules are in our Model documentation.

- Pellicano: Some of that data is estimated by the general permit, but in the future it will be required by the general permit. Each facility should have sediment, nitrogen and phosphorus loads. For the TMDL we do have dry weather and estimated loads by permit writers in the WLA.
- Johnston: If the decision was made to have industrial point sources in Phase 6 to estimate loads from extractive permitted lands, you would need to have the data through time to give to the calibrated model. Is that accurate?
  - Pellicano: We have done a lot of work on getting that data through time, including when a permit was issued.
- Johnston: Would other states be able to get this data by April, 2016?
  - Steve Gladding (NY DEC): No. They collect data once or twice a year for concentrations. I think they were permitted and would have concentration data back through 2002 but we have no way to calculate loads.
  - Sweeney: Is it a wastewater permit or a stormwater permit?
  - Gladding: They are stormwater permits. They have nutrient concentration data, but no flow data at all.
  - Johnston: If resources were made available, would you be able to get the data?
    - Gladding: No. concentration data exists back to 2009, but without flow data we can't get loads.
  - Tesler: Some newer NPDES permits do annual monitoring or quarterly monitoring. But going back in time, that information is limited to water quality data, and it would only be for sediment. It would be a very difficult exercise to put that together. With resources made available, we might be able to do it, but I don't know if it is worth it for a relatively modest load.
  - Hartman: I don't know the answer but will get back to you.
  - Tyler Montief (DE DNREC): We don't have any extractive lands.
  - Hurd: We don't have any extractive lands.
- Johnston: The preference of CBPO and EPA Region 3 is to lump extractive lands into the open space land use, so this is the alternative and it would need to be justified.
  - Keeling: I would like to reiterate Ted's concern that this is a lot of effort for a modest load.

ACTION: Bill Keeling will work with Allan Brockenbrough (VA DEQ) to come up with a proposal for explicitly simulating loads from extractive lands in the Phase 6 Model.

#### NEIEN Historical Data Submission Errors – Matt Johnston

- Matt reviewed a few of the more common errors from the June 30<sup>th</sup> submission. States are encouraged to ask questions or point out issues they encountered while submitting.

ACTION: Matt will send out example xml code to the WTWG.

ACTION: Matt received the data from the CTIC surveys on conservation tillage and will send the data to the jurisdictions.

#### **Adjourn**

# List of Call Participants

## Member Name

## Affiliation

Ted	Tesler	PA DEP
David	Wood	CRC
Matt	Johnston	UMD, CBPO
Marty	Hurd	DDOE
Tyler	Montief	DE DNREC
Jeff	Sweeney	EPA, CBPO
Alisha	Mulkey	MDA
Sarah	Lane	MD DNR
Robin	Pellicano	MDE
Nicholai	Francis-Lau	MDE
Norm	Goulet	NVRC
Steve	Gladding	NYSDEC
Bill	Keeling	VA DEQ
Chris	Brosch	VA DCR
Alana	Hartman	WV DEP