



**Chesapeake Bay Program
Watershed Technical Workgroup (WTWG)
Conference call
Thursday, May 7, 2015
10:00 AM to 12:00 PM**

Summary of Action and Decision Items:

ACTION: Matt Johnston will draft a set of policy questions regarding extractive lands that the WTWG is recommending the WQGIT consider. Matt will circulate those recommended questions to the WTWG for review and comment.

ACTION: Jurisdictions should check with their appropriate departments to see if they have NPDES permits and DMR data for all small extractive sites.

ACTION: Matt will revise the memo on Reporting Pasture BMPs for the Phase 6 Model to refer to the practices as "Exclusion" rather than "Access Control"

ACTION: Matt will revise the stormwater performance standards memo to include the table from the BMP expert panel report that shows the crosswalks between different ways in which the practices may be reported.

DECISION: The WTWG approved the stormwater performance standards memo. Matt will move forward with the proposed changes and will present the memo to the Urban Stormwater Workgroup at their next meeting.

ACTION: WTWG members are asked to register for an account on the BayTAS 2.0 site (<http://baytas2.chesapeakebay.net/>), then login and provide feedback via the site's feedback feature.

Introductions/Announcements – Ted Tesler, PA DEP

- Ted convened the call and verified call participants.
- Matt Johnston (Coordinator, UMD): We have agreed to cancel our July 2nd meeting and to instead have a joint meeting with the Agriculture Workgroup on July 16th (10am-12pm) to review the Phase 5.3.2 Nutrient Management expert panel report.
- Johnston: We have two primary objectives for today's meeting: we are trying to reach consensus on a path forward for extractive land uses so we can go to the WQGIT with a consensus recommendation; we have two more big issues to hash out on the NEIEN appendix before we will have a completed draft appendix ready to go.
- Tesler: I want to emphasize the importance of consensus today on extractive lands.

Extractive Land Uses in the Phase 5 and Phase 6 Models – Matt Johnston, UMD

- Matt summarized the [comments received](#) following the May meeting. Representatives from the states, EPA, and Modeling Workgroup were then asked to describe their positions, and the

WTWG attempted to reach consensus on a path forward for 2015 Progress and the Phase 6 Model.

- Lee Currey (Modeling WG Chair, MDE) began the discussion by [presenting slides](#) on the Modeling Workgroup (MWG) perspective.
 - Bill Keeling (VA DEQ): I wouldn't say that is the unanimous recommendation from the MWG.
 - Currey: That's true, we haven't voted on this particular issue but we agreed to these general principles. We will leave this decision up to the WTWG.
- Keeling: This is a relatively minor change if option 2 is allowed. Plus, one state is basically already doing option 2, so what about leveling the playing ground for the others? We may have faulty assumptions in the Watershed Model as it relates to this sector already. The load attributed to extraction in Phase 5 is not there in reality, and we are talking about eliminating that modeled load in Phase 6.
 - Johnston: I think that goes back to what Lee said. We are trying to make changes for the Phase 6 model. If you change it mid-stream, what do you do? We can make those changes with a new phase.
- Keeling: This sector is so grossly mischaracterized, which means other sectors are mischaracterized. So I don't think there is all that much integrity in the calibration as it is.
- Currey: I don't know if this load is a driver for calibration, but what happens when you begin to head down that road? What happens as more and more sectors are not considered drivers? We just want to maintain the principle of seeing having the modeled load changes reflect actual on the ground changes.
- Johnston: Let's go around the rest of the workgroup.
- Steve Gladding (NYSDEC): This is a small issue for us, but what is in the Phase 5.3.2 Model doesn't really reflect what is on the ground right now. I understand where the MWG is coming from, so I'd say leave it as is for Phase 5.3.2 (Option 1), just as long as we recognize it doesn't reflect what is really going on. However, we'll deal with it in whichever way it goes.
- Tesler: Pennsylvania has the most extractive land acreage. I am very concerned about equity and how this affect the goals we've established to meet our milestones. It would be fine if we weren't in a backstop condition and already having enforcement because we can't meet that objective. Since we are looking at not including an extractive land use in the future, I am in favor of not including it now. I think the closest to that is option 3, which is our vote. I think options 1 and 2 get in the way of the equity issue. If one state can do it, all should be able to do it. I really don't see another option. I could live with option 2, I guess.
- Greg Sandi (MDE): It is a relatively small area of land for us, but we feel it is important because as we go down the line towards meeting our goals, if you remove a land from the regulated sector to the non-regulated, that poses a challenge for us. We'd prefer to keep things the way they are and work to improve it in the future. We'd prefer option 1.
 - Keeling: So yours are covered in an NPDES permit. Are they in the waste load allocations (WLA)?
 - Sandi: Yes.
 - Keeling: For the rest of us, they are in the load allocations (LA). Are they already accounted for in the point source column? Are you being double-hit?

- Sandi: I don't know if we are being double-hit, but we were under the impression they were in the WLA.
 - Currey: That is correct in the current model.
- Marty Hurd (DDOE): I don't think this is an issue for us. I can see both sides. I want results to be representative of what happens on the ground, but can also see the desire for consistency. It seems to me that the argument against moving forward with Option 2 is we can't have it reflect changes against accounting rather than changes on the ground. If we were called to come down on a decision, I'd pick option 1, but I don't want to be a dissenting factor if the rest of the group was leaning another direction.
- Alana Hartman (WV DEP): I would refer everyone back to Dave Montali's (WV DEP) slideshow from the last meeting. We are ok with options 1 and 2. It would make our loading estimates more accurate.
- Keeling: We are in favor of option 2. Mining experts are appalled at how abandoned mine reclamation (AMR) is currently being applied in the Model. They are saying these BMPs should only be applied to the orphan sites, not those with permits. That is why we thought option 2 was the most equitable and represented the actual loading currently on the ground. If we can't do that and can't get erosion and sediment control BMP credit in a progress run, then there is a ghost load that we will never be able to treat. And that doesn't seem equitable either.
- Jeff Sweeney (EPA): EPA is in favor of option 1.
- Johnston: So we heard pretty much the same responses that we heard over email. Is there any state that cannot live with option 1, since it currently has the most support?
- Keeling: I am waiting for a response from above me. We are at option 2 because I don't know if I am authorized to back off of it.
- Tesler: Can we address equity more fully? I am willing to do option 2 if we are treated fairly. We haven't been given any grace on this and are in backstop. I am unhappy that option 1 will stay because it seems fundamentally unfair.
- Johnston: How much attention is paid to AML in the Milestones?
 - Sweeney: It is important in West Virginia, and that is kind of why we are where we are. It has come up in Pennsylvania as well because extractive lands are lumped in with the urban sector for EPA's evaluations, even though it is not a big factor in our evaluation of the urban sector. We are focusing on pervious and impervious of regulated and unregulated lands. We have never discussed extractive in the other states.
- Currey: So separating out the two issues: one is the Model, but Ted you brought up equity as it related to backstops, and that seems a very different question because it is a review of not just the Model results but also the programmatic activities. Can we parse those out? Equity seems to be more related to the policy decisions on oversight.
 - Tesler: Potentially. I am suspect of being able to ungroup that load from the urban sector. We chose option 3 as the middle ground for what was happening. It allowed us to get some credit for a load that is otherwise not correctly characterized. We really just need to get by for a few more years. We could turn the corner in Phase 6. Option 3 would just help us get to phase 6.
- Keeling: My WQGIT member said we would be willing to switch to Option 3.
- Johnston: Let me pose something. Maybe this is a separate issue as far as how we evaluate for milestones. Could we make the recommendation that as the Technical Workgroup, we are most

comfortable with option 1 because it doesn't violate the Model calibration, but we request the WQGIT take up the issue of how they evaluate extractive lands in the milestones evaluations? That would send the policy question to the WQGIT but address the technical question here.

- Johnston: Are there concerns with forwarding that suggestion to the WQGIT? We want them to consider drafting a memo for how EPA evaluates the extractive land use in their milestones and the state equity issue.
 - Tesler: I would not make a recommendation at all but I'm ok with kicking this up to the WQGIT. I would lay out the vote for them, or even consider re-voting.
 - Keeling: I'm not comfortable saying we are recommending option 1 since we seem to be pretty split.
 - Currey: Can we say we don't want to violate the calibration but have issues with equity and application of BMPs? I don't think you need to be totally boxed in by these options.
- Hartman: In Dave's presentation in May, equity isn't as clear cut as it is being portrayed today. It is not a level playing field to begin with when it comes to applying BMPs.
- Johnston: Let's move to Phase 6 for a moment. Everyone voted for removing the extractive land use for Phase 6 except for Maryland. Can Maryland talk about that?
- Sandi: It comes down to our argument about WLA versus LA. We don't want to see a load taken from something we can quantify to something we can't.
 - Keeling: It should still be available for offset through NPDES.
 - Johnston: That is correct if that DMR data is still reported to the Bay Program.
- Sweeney: Phase 5 has our best estimate of our area in the extractive lands category, but it is a poor record because there are very few instances where we know the actual polygon data. That load is in the WLA of the TMDL.
 - Keeling: But there is traditional point source and there is NPDES. Those loads should have already been accounted for in the wastewater column.
- Johnston: We currently don't have a land use for extractive in Phase 6, so if we make that decision today, there will be more decisions to come as to how to reflect those loads. If there is an alternative way to submit that point source data, would Maryland be comfortable with that?
 - Sandi: I would have to check with others, but possibly.
- Johnston: Can each state go back and ask if they have NPDES permits and DMR data for these small extractive sites?
 - Keeling: Most would not have that kind of data. It is just the minority of sites that may have a stormwater collection system. I will talk to those folks.
 - Sandi: Yes, I will check. But where are these loads going to go when we remove this land use? Many of our western counties are relying on this land use to meet their TMDLs.
 - Keeling: I don't think we can say that because we don't know.
- Johnston: We couldn't reach consensus on either of these and I don't think we are comfortable going to the WQGIT yet. We have more work to do.
 - Tesler: I think that sounds right. We can exchange some information over email.
 - Keeling: We can advance those policy questions.
 - Johnston: Yes, I will draft those and circulate them for review and comment.

ACTION: Matt Johnston will draft a set of policy questions regarding extractive lands that the WTWG is recommending the WQGIT consider. Matt will circulate those recommended questions to the WTWG for review and comment.

ACTION: Jurisdictions should check with their appropriate departments to see if they have NPDES permits and DMR data for all small extractive sites.

Historical Data Cleanup and NEIEN- Matt Johnston, UMD

- Matt presented a newly formulated Phase 6 NEIEN Appendix, and described key changes between Phase 5 BMPs and Phase 6 BMPs.

[Access Control BMPs Memo:](#)

- Keeling: Trampled riparian pasture is just another example of a high loading land use that is potentially disappearing and those loads would be redistributed.
 - Johnston: That is correct, all that manure would be reattributed.
- Keeling: I have concerns with using the phrase “access control” as opposed to “exclusion” because that is an NRCS term.
 - Johnston: I have no problem changing the name to “exclusion”.

ACTION: Matt will revise the memo on Reporting Pasture BMPs for the Phase 6 Model to refer to the practices as “Exclusion” rather than “Access Control”

- Keeling: What about upland BMPs?
 - Johnston: Those are all still eligible.
- Davis-Martin: What is the assumed width?
 - Johnston: The default is 10 feet, but you can report the practice three different ways. We need to know an acre number and how much manure will be moved. The Agricultural Modeling Subcommittee (AMS) has discussed a stocking rate idea. I am recommending that states can either submit acres or length and width, and then we will convert that to animal units. Another option is states can submit animal units and we will use that to get back to acres. Those options are outlined on page 3 of the memo.
- Keeling: I would go with the median rather than the average in the table.
- Alisha Mulkey (MDA): We would have trouble with length and width, but we could get animal unit data. We could use that data to replace Virginia’s default data correct?
 - Johnston: Yes, for getting the data into NEIEN, the developers said this method works. Is everyone comfortable with the method described in the memo?
- Alana Hartman (WV DEP): I’m not comfortable yet. This could be very difficult considering how our database is set up and considering our BMP verification protocols are still under development. This could smooth things out in the future, but I have concerns in the short term. It helps to know you are ok with it, Bill.
- Davis-Martin: You have the example for the 35 feet min buffer. How does the animal unit conversion apply for the narrow buffer?
 - Johnston: It still applies. I recognize it is not the best way to do it.
- Keeling: If I also reported animal units along with length and width, I could report the acres.

- Johnston: That would be a different method. I would have to take that back and see how much more software development that would take.
- Davis-Martin: It seems like the best way to do it is to report length and width and the animal units.
- Johnston: I agree it is best, just let me take that back and check with the developers.
- Tesler: I would also suggest a tighter alignment with NRCS.
- Johnston: I will ask if we can have multiple measurement units. I'm concerned about getting too specific, but I will take it back and let you know what I hear.
- Keeling: So we would be saying it is a buffer. I am thinking of those narrow installations.
 - Johnston: Yes, this table is just showing one BMP, but it would be done four times.

Stormwater Performance Standards Memo:

- Keeling: We went this past progress year and provided the localities with a template with the information we would need to report it this way, and no one reported it this way. They all defaulted to the old-fashioned way. I don't know where the problem is.
 - Johnston: I'm not sure why we aren't getting any data in. It seemed the expert panel laid out a very simple way for calculating the stormwater treated, so I don't know.
 - Keeling: I can only give you what I get. For historic data cleanup, we tried to explain it for localities, but we won't get that data until September. Whatever I get is what I will have to move forward.
- Marty Hurd (DDOE): For all new practices we are recording the new stormwater performance standard metrics. If this calibration is run with our historic data but in a year we have much more detailed information on these historic stormwater performance practices, will there be a way to revise that?
 - Johnston: June 30, 2015 is the date to test NEIEN submission changes. We don't expect the data to be that good on June 30. September 30 is the big date for the calibration that will be reviewed by the CBP partnership.
 - Keeling: But that is the beta version and there may be another calibration in the spring of 2016, which may give Marty enough time to get that better data in there.
 - Johnston: That is correct.
- Keeling: Can we just report fabricated data to make sure it works?
 - Johnston: I don't think that is what the grant guidance says.
 - Keeling: But I won't have urban stormwater data until October.
 - Johnston: You just have to report what you have.
- Tesler: I think doing away with the individual practice names will be a big improvement.
 - Johnston: That was the big question, is everyone else comfortable with this approach?
- Keeling: This way of reporting was not what was sent out to our localities. Is there a crosswalk if their data comes in a lot of different ways?
 - Johnston: Yes, I will add a table to this memo from the expert panel report with those crosswalks.

ACTION: Matt will revise the stormwater performance standards memo to include the table from the BMP expert panel report that shows the crosswalks between different ways in which the practices may be reported.

DECISION: The WTWG approved the stormwater performance standards memo. Matt will move forward with the proposed changes and will present the memo to the Urban Stormwater Workgroup at their next meeting.

Historical Data Cleanup Updates from States

- Hurd: Comment in our milestone review about updating and resubmitting our QAPP: I wanted to confirm that we were supposed to update them to reflect the steps we're taking to update the historic data and get them submitted?
 - Sweeney: QAPPs are due June 30, 2015 for all jurisdictions and will include the state verification protocol.
- Hurd: So that is for verification, not specifically for historic data cleanup?
 - Sweeney: Historic data needs to go in the QAPPs as well.
- Johnston: We would like to get these decisions and give you a Phase 6 NEIEN appendix soon. We are doing our best, but we understand this June 30th will be a beta.

BayTAS Demonstration – Megan Thyng, EPA

- Megan [introduced](#) a revised version of BayTAS which will give state partners and the public the ability to view and download detailed Watershed Model input and output data. States are encouraged to test the beta version of this new BayTAS following the meeting and provide feedback. This feedback will be considered prior to deploying a final version of BayTas for public use.
- Johnston: We really want your feedback on this, you are the first testers and we are interested in hearing what you think, since you all will be some of the primary users.
- Megan Thyng (EPA): Any questions about the application at this point? I'd like you all to login and just start playing with the features. I want to know not just what works and what doesn't, but what features you think could enhance an application like this.
- Johnston: We will still take requests for the really complicated data spreadsheets, but this will give you access to all the basic reports.
- Keeling: Detailed report doesn't mean full Watershed Model outputs right? I like to see actual raw outputs. That is typically done through standard FTP site, not the sharepoint. I wouldn't even really want you to produce a report.
 - Johnston: Yes, you can definitely still email us to request that detailed information.
- Thyng: If everyone can register for an account soon, that would be helpful so I can contact you when we have a newer version with some fixed bugs.

ACTION: WTWG members are asked to register for an account on the BayTAS 2.0 site (<http://baytas2.chesapeakebay.net/>), then login and provide feedback via the site's feedback feature.

Adjourn

List of Call Participants

Member Name		Affiliation
Ted	Tesler	PA DEP
David	Wood	CRC
Matt	Johnston	UMD, CBPO
Marty	Hurd	DDOE
Lew	Linker	EPA, CBPO
Jeff	Sweeney	EPA, CBPO
Alisha	Mulkey	MDA
Jim	George	MDE
Greg	Sandi	MDE
Lee	Currey	MDE
Nicholai	Francis-Lau	MDE
Steve	Gladding	NYSDEC
Bill	Keeling	VA DEQ
James	Davis-Martin	VA DEQ
Lara	Kling	VA DEQ
Carl	Friedrichs	VIMS/STAC
Alana	Hartman	WV DEP
Dave	Montali	WV DEP