



**Chesapeake Bay Program  
Watershed Technical Workgroup (WTWG)  
Conference call  
Thursday, December 10, 2015**

**MINUTES**

Summary of Action and Decision Items

**ACTION:** WTWG should submit nominations for the next Watershed Technical Workgroup Chair by December 31 to Matt Johnston and Ted Tesler. If no nominations are received, Matt and Ted will begin actively soliciting nominations.

**ACTION:** Please review the AFT technical appendix (Appendix C) of the report which can be found at: [http://www.chesapeakebay.net/channel\\_files/22336/algal\\_flow\\_way\\_tech\\_bmp\\_panel\\_report.pdf](http://www.chesapeakebay.net/channel_files/22336/algal_flow_way_tech_bmp_panel_report.pdf). Note that the measurement names listed in questions 4 and 5 will be edited to reflect common NEIEN measurement names. Matt is also doing a final review of the technical appendix, and will pass along any other changes that we recommend. The open comment period for this report has closed, so we are looking for approval over email before December 31. If no comments are received, we will assume the report is approved by the WTWG.

**ACTION:** Please resubmit NEIEN data with any changes necessary by next Friday, December 18. Reference the posted presentation for a reminder of the most common mistakes that should be corrected. Specifically, please separate out nutrient management into the available tiers using acres that correspond with those in compliance that are also being reported separately to a subgroup reviewing compliance estimates.

**ACTION:** If you have not already provided 2015 construction acres, harvested forest acres and AFO/CAFO splits to Sucharith Ravi ([sravi@chesapeakebay.net](mailto:sravi@chesapeakebay.net)) and Matt Johnston, please do so **ASAP**.

Welcome and Introductions – Ted Tesler, Chair

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Alternative Reporting Methods for Construction Acres – Jeff White, MDE

Jeff White led a discussion on Maryland's investigation into new potential reporting methods to more accurately account for construction acres in Phase 6 of the Watershed Model.

**Discussion:**

- Marty Hurd (DOEE): You mentioned construction acres being a conversion of agriculture or forest to an urban land. Could it also be redevelopment? What is the definition of the construction land use?
  - Greg Busch (MDE): It certainly can be redevelopment. We have found there is a difference between residential and non-residential construction, but even within those categories, there are more divisions.

- Matt Johnston (UMD): I commend you for the time and effort put into digitizing this. If we are talking about the Phase 6 model, we have asked for currently disturbed construction acres in every county in whatever method. That will be used to calculate a new ratio for all the years for which you don't have data. That ratio will be back-casted into the new model.
- Busch: We welcome input from West Virginia and Virginia, who have dealt with similar issues in the past.

#### Algal Flow-Way Technology Expert Panel Report – Sarah Lane, MD DNR

Sarah reviewed the feedback received during the 30-day open comment period and provide the Panel's responses.

#### **Discussion:**

- Bill Keeling (VA DEQ): Is it pounds reduced from a given land use? How do we rectify it if the pounds reported are greater than what is simulated in the model?
  - Johnston: If that happens, the pounds coming out of the land use would be zero. It is just like stream restoration.
- Norm Goulet (NVRC): Regarding having multiple methods for reporting, we found it to be problematic in the stormwater panels because there is some gaming of the system to shop for the greatest reductions.
  - Lane: Direct sampling would definitely give you the greater reduction. You are required to show us the lab sampling to verify it.
- Greg Sandi (MDE): Do you see these coming through trading programs?
  - Lane: Yes, Virginia has this coming through their trading law. I think it is mentioned in our future considerations.
- Keeling: Even if it is land applied in a Nutrient Management plan, doesn't mean the load goes to zero. Considering there may be untreated area in the land river segment, you can't zero it out.
  - Johnston: Just like stream restoration, the pounds reduced by the project treat the load associated with the entire land/river (LR) segment. Sometimes you have a tiny LR segment and the pounds reduced by a BMP might reduce that load to zero, but that is a very extreme case.
  - Keeling: On a test drive of the stream restoration, we had to put some limits on it.
    - Johnston: These have a very small impact compared to stream restoration, I don't see that being an issue.
  - Keeling: I think we should be looking at flagging large reductions in small tributary basin scale.
- Ted Tesler (PA DEP): Who is it that is putting these projects in?
  - Lane: University of Maryland has some, as do some private companies. The two in Virginia were connected to the Virginia Institute of Marine Science (VIMS).
  - Johnston: In the Port of Baltimore, they are trying to find ways to reduce nutrients and sediment and all they have is impervious surface. They can put one of these in adjacent water or in unused parking lot to help reduce their loads.
  - Lane: Business folks are looking to get into the carbon trading aspect of this as well. That is mentioned in our future considerations sections.
- Johnston: We are looking for approval today, but we can do that over email if people aren't comfortable yet. Can we have comments submitted by the end of the month? If no comments are received, we will consider it approved.
- Hurd: Units should be included for Q5 of the technical appendix. Just a note that NEIEN would need to be updated, the codes list for new units on a per year basis.
  - Johnston: Ok, we can make that change.
- Hurd: For the acres of AFT installed, it's the actual acres of the constructed flow ways, correct?
  - Lane: Yes, the surface area of the AFT.

- Hurd: How do we know the default credits are supported by the effluents ability to generate that reduction?
  - Johnston: Some of the panel was concerned about the same thing. We can't tell the jurisdictions how to do verification, but we would hope you would track the actual N and P as part of that process.
    - Hurd: To qualify for the default credit, maybe consider some verification procedure associated with the volume and concentration, or things included in the permits.
- Tesler: For this extended review, I don't see us going back and provided any more questions on the science that would go back to the panel. It is more related to the appendix and data collection.

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#### Phase 6 and 2015 Progress Submission Questions – Group

Jeff Sweeney (EPA, CBPO) and Matt Johnston (UMD, CBPO) provided a status update and all members were encouraged to bring forward questions about the Phase 6 and the 2015 Progress submission process.

#### **Discussion:**

- Alana Hartman (WV DEP): We have more time for Nutrient Management?
  - Jeff Sweeney (EPA): The decision from the Management Board was that we would use the tier method for Nutrient Management, but that the states would need to provide more information on compliance levels. States have been working on compiling information on compliance for the Nutrient Management Task Force. Rich Batiuk (EPA) said states will have until mid-December to finish off Nutrient Management submissions using the tiers. In your next submission we will really need your acres by tiers with the compliance info that you have supplied.
  - Hartman: I don't think the appendix was even updated until October.
    - Johnston: I think we got them in by the August 31 deadline, but the Nutrient Management panel wasn't actually finished for another two months.
  - Sweeney: If you need more clarity on the tier splits, please give Matt or Sucharith a call and they can help explain it. I'll say December 18 will be the deadline for resubmitting Nutrient Management acres in NEIEN. We really need this to help figure out what is going to be done about the compliance.
- Johnston: If you have an acre of High res tillage, it needs to be reported as that and conservation tillage. I'll go back, put together a diagram to help better explain.
- Keeling: BMP category is only needed for performance standards? If I put it in across all urban BMPs, will that cause a problem?
  - Johnston: It shouldn't matter, but I will check and get back to you.
- Sweeney: I want to emphasize that this is the time to start reviewing your data going into Phase 6. The data and the reports are up on the password protected sites. I suggest beginning with summary information on the BMPs and looking across the years to see if it makes sense. If it doesn't, start drilling down to figure out what is going on. All of the base conditions are up on those password protected sites as well. You are being asked to do a lot and we understand that. It is really likely that there will be another beta calibration in April, so the end of March is a really good deadline to shoot for to get your best data in.

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Adjourn