

Chesapeake Bay Program
Watershed Technical Workgroup (WTWG)
Meeting Minutes

Thursday, October 5th, 2023
10:00 AM to 10:35 AM

[Meeting Materials](#)

Summary of Actions and Decisions

Action: WTWG members are requested to provide feedback on the September Meeting Minutes via email by **COB Friday, October 13th**.

Action: Jurisdictions should let Olivia (olivia@devereuxconsulting.com) know if they have any questions on the EU report.

Action: Jurisdictions should review CAST-23 and bring up concerns to Lee McDonnell (McDonnell.Lee@epa.gov).

Decision: The WTWG approved the new BMP Reporting Transparency Spreadsheet format.

Meeting Minutes

10:00 **Introductions and Announcements** – Cassie Davis, NYSDEC (20 min).

- *Please put your name and affiliation in the chat box for attendance purposes. Thank you!*
- **Decision requested:** Approval of September Meeting Minutes.
 - **Action:** WTWG members are requested to provide feedback on the September Meeting Minutes via email by **COB Friday, October 13th**.
- 2023 Progress Schedule – Auston Smith, EPA
 - Auston provided an update on the 2023 Progress Schedule.
 - After December 1st the team will be going over all of the submitted data and putting together an analysis
 - **The 10 day review period depends on getting Land Use and QAPP submission.**
- Eutrophication Unit Report Overview – Olivia Devereux, Devereux Consulting
 - Was originally for Phase 7, however received a request from WTWG to get it out sooner so it is now released.
 - **Action:** Jurisdictions should let Olivia (olivia@devereuxconsulting.com) know if they have any questions on the EU report.
- Introducing Eric Hughes, EPA – AgWG Coordinator
- PSC Decisions 1 – Unaccounted Additional Loads, Decision 2 – Fertilizer, and Decision 3 – Illogical Results were approved by the PSC on 9/26!
 - The PSC also approved the updated CAST Schedule and a Caveat on Eligibility and Timing.
 - **THANK YOU** to everyone in the WTWG who helped review the illogical results and put effort into making that request happen.

- The Reducing Pollution Indicator (RPI) has been [released](#)!

10:15 **BMP Reporting Transparency**– Olivia Devereux, Devereux Consulting (10 min)

The WTWG discussed whether or not to approve the new BMP Reporting Transparency Spreadsheet format.

Decision requested: WTWG members will be asked to vote on whether or not to approve the new BMP Reporting Transparency Spreadsheet format.

Discussion:

Greg Sandi: This isn't set in stone forever, right?

Olivia Devereux: Yes, we just want to know whether to move forward in development, but afterwards we can make tweaks as necessary.

Decision: The WTWG approved the new BMP Reporting Transparency Spreadsheet format. A breakdown of votes is below.

DC	Endorse
DE	Endorse
MD	Endorse
NY	Endorse
PA	Endorse
VA	Stand Aside
WV	Endorse
EPA	Endorse
Norm (At-Large)	Endorse
Matt (At-Large)	Endorse
Ashley (At-Large)	Endorse

10:25 **CAST-23 Regulated/Unregulated Land Issue** – Normand Goulet, NVRC

Norm brought up concerns he and KC Filipino had with CAST-23 and its treatment of regulated/unregulated land acreage in VA. They discussed with Peter Claggett over email, and it appeared that he had removed any regulated land that was not the responsibility of a local jurisdiction and shifted it to regulated. Norm has never heard of regulated land within the boundaries of a county being the responsibility of the county, and it was just a mishmash of all regulated lands within that county boundary for CAST. Norm asked if there were any decisions made in the WTWG that he may have missed.

Discussion:

Alana Hartman (in chat): Norm, are you talking about the CAST 23 review?

Olivia Devereux: I had not been aware of that change, and I know that KC had reached out and I wasn't clear on what she was saying. Jessica, were you aware that there was a change?

Jess Rigelman: No, not at all.

Norm Goulet: It was a surprise to use. We started off noticing shifts in some of the N numbers and we tracked it down to the shift between lands that came out of the regulated category and went into unregulated. Peter was saying that because the jurisdiction didn't have responsibility for that land, he put it into unregulated even though the land is still regulated by some other entity, i.e., VDOT or a College/University or Airport Authority, all of which have their own MS4 permits. Firstly, it's wrong to begin with but second off moving it into the unregulated category has a huge impact in the sense that that's land we have virtually no control over even though there's a permit. I think this is a dealbreaker for CAST-19 and CAST-23 review and KC said there were no decisions made in LUWG, I want to verify that there were none at WTWG.

Cassie Davis: Not that I'm aware of.

Norm Goulet: I would suggest that anyone working on their CAST-23 review should see if there were shifts in their unregulated/regulated. The only state that I know that tracks roads separately is Maryland, SHA roads are a separate layer. To follow up on Peter's theory, we would have to have separate categories for regulated within VA, at least, for jurisdictional MS4 vs transportation MS4 and another catchall category, which we've never done. SHA is the only one that's had anything like that. I would highly suggest that anybody else working on their CAST-23 review take a look to see if there were any shifts. I don't know if Peter did that in all the jurisdictions or just VA.

Olivia Devereux: Norm, I appreciate your mentioning this issue and find it a little alarming from a timing perspective simply because of the implications for CAST-23 release. If it's decided by the partners that this is a deal breaker, and we need to redo the land use it's many hours of work and requires everything to be rerun and restart to get a release out. I just wanted to share that I'm alarmed and it's going to have an impact on timing.

Norm Goulet: I realize that but we're talking thousands of pounds of nutrients. I don't speak for the commonwealth but I can certainly tell you Fairfax would probably appreciate it to be absolutely honest since it comes out of the regulated land but that throws everything off.

Olivia Devereux: I hear you and if this is where the partnership wants to go, that we need to make a change back in some way, we need to take into account that it affects the timing of the release and that's totally fine and OK but that's going to be part of the decision too.

Samuel Canfield (in chat): What is needed to begin fixing it?

Norm Goulet: It's only in CAST-23 with 22 land use, not in CAST-19 with 22 land use.

Olivia Devereux: It'll affect everything in CAST-23 and the scenarios will have to be rerun. There's a lot of other work that is involved in setting up a new version of CAST. This is a really big deal and it's good to get people to tune in sooner rather than later on this. If other jurisdictions have comments like Norm's, it would be great if you could pass those to Lee McDonnell.

Cassie Davis: Norm have you reached out to Lee about this?

Norm Goulet: No, we haven't reached out yet. This was happening yesterday, and we got the confirmation from Peter as to what he did and asked some follow ups but nothing from him yet.

Knowing there weren't changes withing the LUWG I wanted to verify that there wasn't anything here that shifted what he did. Now that I've got confirmation of no changes at LUWG or WTWG it seems that the states are probably going to look at this and figure out if it's a dealbreaker for them. That's why I brought it up; like I said I haven't even talked to DEQ yet and given the fact that I don't have an official position on whether it's the CAST-23 review, it'll have to come from DEQ, so we'll have to have a conversation with them first. I know Adrianna is in here, I don't know if anyone else is.

Kevin McLean: I'm here, next time we have a call we can talk through it.

Norm Goulet: You may want to give me a call sooner than that, Lee's on a fast track with this review, if there is something that amiss and it has to be redone, they're going to want as much notice as possible.

Elizabeth Hoffman (in chat): Is there any thought that Lee will share these common questions to this point and any resolutions/answers to this point so we can understand if we should continue to dig in or if something is in fact a "documented" change that should have occurred?

Jeff Sweeney (in chat): The CBP office will discuss with Peter as well to fully understand the issue – along with our leadership. – and get back to all of you, probably through email since the CAST 23 review time is tight.

Dave Montali: I just wanted to get clarification on what you've found. So, what I'm hearing is that some regulated urban land regulated by an MS4 permit has now been shifted to unregulated IF the permitted entity is not a municipality i.e., VDOT under an MS4 permit if that area is unregulated by the change?

Norm Goulet: Yeah, that's it. We were questioning Fairfax county's numbers because that's where we saw the biggest drop and we were trying to figure out why there was this huge shift from regulated land to unregulated land. Peter said that he dropped it from regulated to unregulated because the regulated land was not part of the jurisdictional permit, and the jurisdiction wasn't responsible for it. He specifically called out major roads, the airport authority, etc. That immediately led to the question of, what about minor roads? Did you just take the majors and not the minors even though the states responsible for both. It leads to a whole series of questions, but you're absolutely right. Even though that land is still regulated by another entity he moved it into unregulated land.

Dave Montali: I haven't dealt with this issue in forever, but I thought the decision about what amount of regulated land was a jurisdictional decision. Don't the jurisdictions advise the Bay Program that we have this amount of land regulated by MS4 permits?

Norm Goulet: I would assume so. There's always the constant call for GIS layers of regulated land. Either way it's regulated land, it needs to stay regulated even though its not a jurisdiction. We've never said within the confines of CAST that the regulated land belongs to a specific jurisdiction, it's just a confining boundary.

Dave Montali: So, the issue isn't loads, it's scenario reports and how much land you have and what the load of regulated is. So, the amount of regulated area kind of dictates the amount of load you have, but overall, it's not a load issue, right?

Norm Goulet: No, regulated land and unregulated shouldn't load differently, but it's going to have an effect on progress reports, it's going to have an effect on tracking. Unregulated land by

itself is the one sector or subsector that there's virtually no progress being made on because there's no hammer on it. That's the one we're having the most embarrassment about, and here we are with Peter adding more land to it.

Dave Montali: I guess that could be a BMP cutoff issue too, depending on how BMPs are reported.

Olivia Devereux: That's exactly the issue Dave, is that BMPs are reported on regulated and unregulated land so its going to change the way that all BMPs are credited and the amount of BMPs in the crediting. There's more to it than that but its going to affect some loads for sure.

Sarah Lane (in chat): Exactly what I was just thinking. (Echoing Olivia's point)

Elizabeth Hoffman: If someone has mentioned already as to it should have occurred versus it's a question we need to look at, I'm curious if that would be shared?

Jeremy Hanson: I wish I had an answer but I'm waiting to here from Lee on that as well.

Greg Sandi (in chat): Thanks Norm, we have some questions we may bring up as well once we confirm.

Action: Jurisdictions should review CAST-23 and bring up concerns to Lee McDonnell (McDonnell.Lee@epa.gov).

Next Meeting: Thursday, November 2nd, 2023, from 10:00 AM – 12:00 PM.

Participants

Alana Hartman, WV DEP
Alicia Ritzenthaler, DC DOEE
Arianna Johns, VA DEQ
Ashley Hullinger, PA DEP
Auston Smith, EPA
Cassie Davis, NYSDEC
Chris Brosch, DDA
Dave Montali, Tetra Tech WV
Dylan Burgevin, MDE
Elizabeth Hoffman, MDA
Emily Dekar, USC
Eric Hughes, EPA
Eugenia Hart, Tetra Tech
Gregorio Sandi, MDE
Helen Golimowski, Devereux Consulting
Jackie Pickford, CRC
Jeff Sweeney, EPA

Jeremy Hanson, CRC
Jessica Rigelman, J7 Consulting
Kevin McLean, VA DEQ
Leon Tillman, USDA
Lori Brown, DE DNREC
Mark Dubin, UMD
Matthew Kofroth, LCCD
Megan Thyng, EPA
Normand Goulet, NVRC
Olivia Devereux, Devereux Consulting
Ruth Cassilly, UMD
Samuel Canfield, WV DEP
Sarah Lane, MD DNR
Scott Heidel, PA DEP
Sushanth Gupta, CRC
Tyler Trostle, PA DEP

Acronym List

[DC] DOEE: DC Department of Energy and Environment

AgWG: Agriculture Workgroup

BMP: Best Management Practice

CAST: Chesapeake Assessment Scenario Tool (user interface for the CBP Watershed Model)

CBP: Chesapeake Bay Program
CRC: Chesapeake Research Consortium
DDA: Delaware Department of Agriculture
EPA: [U.S.] Environmental Protection Agency
FIPS: Federal Information Processing Standards
HRPDC: Hampden Roads Planning District Commission
LCCD: Lancaster County Conservation District
MDA: Maryland Department of Agriculture
MWCOG: Metropolitan Washington Council of Governments
NEIEN: National Environmental Information Exchange Network
[USDA] NRCS: Natural Resource Conservation Service
NVRC: Northern Virginia Regional Commission
NYS DEC: New York State Department of Environmental Conservation
QAPP: Quality Assurance Project Plan
SHA: [MD] State Highway Administration
TA: Technical Appendix
TMDL: Total Maximum Daily Load
UMD: University of Maryland
USC: Upper Susquehanna Coalition
WQGIT: Water Quality Goal Implementation Team
WTWG: Watershed Technical Workgroup
WW: Wastewater