



Chesapeake Bay Program
Watershed Technical Workgroup (WTWG)
October 3rd Meeting Minutes
Calendar Page: [Link](#)

Summary of Actions and Decisions

Decision: WTWG approved the September and August meeting minutes.

Decision: The WTWG did not reach consensus on the Wetland Creation, Rehabilitation and Enhancement BMP Expert Panel report due to concerns raised by Pennsylvania regarding headwater floodplains and mapping. CBP and PA will work with each other to reach consensus before the report goes to the Water Quality and Habitat GITs for approval in November.

Action: States will provide the WTWG with data regarding the Volkswagen Settlement.

Agenda

10:00 AM – **Introductions and Announcements** – Ted Tesler, PA DEP

Decisions requested: Approval of the September and August meeting minutes

- Agricultural Ditch Management Panel Report feedback due 10/7/19 – Jeremy Hanson

Summary:

For more information on the Ag Ditch panel report, the webcast is available on the Bay program calendar. Ag ditch panel will come to WTWG in December. The technical appendix is available on the July 18th calendar page for WTWG. CAST updates: cast newsletter went out yesterday and the link for the webcast is included. Topic: uploading BMP's in CAST etc. Occurring on October 10th.

Decision: WTWG approved the September and August meeting minutes.

10:30 AM – **Wetland Creation, Rehabilitation and Enhancement BMP Expert Panel** – Jeremy Hanson, Virginia Tech (40 min)

Jeremy will summarize the panel's recommendations and describe partnership feedback and subsequent revisions to the report. The workgroup is also asked to consider the technical appendix and raise their questions for discussion. Following a WTWG decision, the consideration and approval of the WQGIT and Habitat GIT will be sought concurrently in November (tentative). More information and files about the report, including the recorded July 31st "roll-out" webcast, are available on the CBP calendar here: <https://bit.ly/30xdk2K>

Decision requested: The workgroup will be asked to approve the report and technical appendix for

WQGIT and Habitat GIT consideration.

Summary:

Presentation summary: After the previous wetland panel in 2016, it was requested that another panel examine these three categories: rehabilitation, enhancement, creation. This report focuses on non-tidal wetlands. This panel is recommending revised efficiency values for wetland creation and wetland rehabilitation BMPs. For wetland enhancement, the panel recommends that this is not an eligible BMP for water quality. They recognize the value of wetland enhancement to achieve other agreement outcomes where the benefit of enhancement supports wildlife and improved habitat. This recommendation is based on three factors: 1) Definition of enhancement doesn't guarantee water quality, 2) Typical techniques associated with enhancement may result in the increase in nutrient loads, or a change in resource, 3) Relatively small, if any (net) water quality improvement. This results in large uncertainty of the outcome of this BMP. Most comments came from PA DEP and Army Corp of Engineers. Everything is captured in Appendix I. PA DEP and Wetland Panel will work offline to resolve comments before November meeting.

Discussion:

VA was wondering if there is a way to say that this "is treating cropland and only be applied to cropland and not diluted by applying it to other ag land uses that are not actually contributing?" This is not related directly to the report, it is a NEIEN question and will be brought to Jess and Olivia. However, if this is a change that people want, it wouldn't go into CAST until 2021 so there is time to look into this question.

The rehabilitation BMP, since it's not the land use change it's being applied to an existing wetland. Whereas, the creation BMP you do need to specify how much of the existing land use is being converted to wetland. In "math world" it is only being applied to ag efficiencies so it's not looking at all whether there are wetlands in that segment or not. It's just applying it to a certain number of acres of ag land uses. As long as there are upland ag land uses in that segment, it would not do a check of the wetland areas. This means it's not a qualifying condition for NEIEN. VA brought up a concern that if we try to report what's happening in the "real world" then we won't get credited because of the land use limitation in the model. But this is not going to be the situation because you are not going to say whether there is a wetland or not, you are only going to apply the "efficiency."

Phase 6 model's wetlands acreage classifications was a big concern of PA in this report. There are a number of unintended consequences that will be unleashed if this report is approved as is. It could create a contradiction between what CBP sees as restoration and what the state program is looking to achieve, particularly related to headwater floodplains and mapping. The NWI data is pretty poor and PA is trying to get new mapping put in. PA would also like some identification or possibility for crediting compensatory mitigation and having a focus on that legacy settlement aspect within the guidance. At the Wetland WG meeting, PA was the only WG member that had objections to the report.

VA brought up that there is inconsistency for constructive wetlands for agricultural uses that we can't report. This will be raised at the AgWG where options will be discussed. On the consensus continuum, VA stood aside until they see specifics on how this panel report would work in NEIEN and what VA will have to change in the field for reporting and collecting.

DC supports this being incorporated as an urban stormwater BMP. This would be their only hesitation towards consensus. WV recommends that, in the future, if there are obscure technical methods these should be

provided in an appendix but does not object to the report. CBP recommends that PA goes to the LUWG and suggest what they would like to do to improve on CBP land use and land cover data for the next version CAST.

Decision: The WTWG did not reach consensus on the Wetland Creation, Rehabilitation and Enhancement BMP Expert Panel report due to concerns raised by Pennsylvania regarding headwater floodplains and mapping. CBP and PA will work with each other to reach consensus before the report goes to the WQGIT.

11:10 AM – **Volkswagen Settlement Benefits** – WTWG Participants (20 min)

The WTWG will begin a discussion of what could be needed for quantifying the benefits of the Volkswagen settlement in each state, including tracking of implementation of programs.

Summary:

Goal: come up with recommendations to specifically identify what we need to bring to the modeling group and how we would calculate the benefits of this settlement.

Delaware's VW Mitigation Plan: <http://www.dnrec.delaware.gov/Air/Documents/delaware-vw-mitigation-plan.pdf>

Maryland issued their diesel mitigation RFP with a May 2019 due date; zero emission proposals have a rolling deadline: <https://mde.maryland.gov/programs/Air/MobileSources/Documents/Maryland-Volkswagen-Project-Proposal.pdf>

Below is a link to DC VW Mitigation Plan:

https://doee.dc.gov/sites/default/files/dc/sites/ddoe/page_content/attachments/The%20District%20of%20Columbia%27s%20Spending%20Plan%20for%20Volkswagen%20Settlement%20Funds.pdf

Action: States will provide the WTWG with data regarding the Volkswagen Settlement.

11:30 AM – **Ongoing Discussion of the Schedule for Model Scenarios, Development of CAST 2019, and BMP Verification** – Jeff Sweeney, EPA (30 min)

Summary:

August 23rd: Final Phase III WIPs were submitted (everyone submitted on time! Thank you.). EPA is currently reviewing.

Model related schedule:

- October 2019: strongly encouraged to begin submitting BMP implementation data to NEIEN
- December 2, 2019: QA/QC'd final data to be submitted by jurisdictions for 2019 Progress scenario.
- January 15, 2020: jurisdictions submit final progress for 2018-2019 programmatic milestones to EPA
- February 8, 2020: CBPO finalized 2019 progress model assessment. Jurisdictions finalize BMP verification program plans.

2019 Progress: there will be 2 versions: 1) one to finish 2018-2019 period- current CAST, 2) one to begin 2020-2021 period with new methods and data; historic previous scenarios will be rerun.

New CAST:

- November 1, 2019: final changes to modeling told provided on CAST for use during the 2020-2021 milestone period. We are not going to make this deadline. Once we have all of the

following, besides the last two, then we can roll out the draft CAST to all jurisdictions.

- New changes:
 - Final number for other haylage; grass silage, etc. nitrogen fixation
 - Land use and septic data
 - Confirmation that the animal, crop, yields, and fertilizer sales number are final
 - Urban fertilizer data for 2013-14
 - VA manure nutrient concentrations
 - 2019, 2020 permitted acres (harvested forest and construction), can also update 2013-2018
 - AFO / CAFO split for 2019+, can also update 2013-2018
 - New NEIEN data pull for all progress years
 - Land policy land uses for land policy BMPs
 - Methodology for VW settlement reductions

12:00 AM – Adjourn

Next meeting: November 7th, 2019 from 10:00 AM – 12:00 PM

Call Participants:

Emily Dekar, USC
Ted Tesler, PA DEP
Greg Sandi, MDE
Alana Hartman, WV DEP
Brittany Sturgis, DNREC
Lori Brown, DNREC
Matt English, DOEE
Bill Keeling, VA DEQ
Arianna Johns, VA DEQ
Sarah Diebel, DOD
Jeff Sweeney, EPA
Olivia Devereux, Devereux Consulting
Jeremy Hanson, VT
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Sarah Lane, MDE
Doug Austin, EPA