

CHESAPEAKE BAY PROGRAM
WATER QUALITY GOAL IMPLEMENTATION TEAM
JUNE 10TH, 2013
CONFERENCE CALL MINUTES

FEEDBACK AND DECISIONS:

DECISION: WQGIT Members decided to continue using Constant Delivery Factors rather than Variable Delivery Factors, and to revisit the issue if necessary.

DECISION: WQGIT will continue the discussion of the Milestone Workgroup's Land Use projections for 2014-2015 Milestones recommendation at July call. General support was expressed on aspects 1 and 2 of the recommendation: 1. Milestones submitted by January 15, 2014 deadline to be based on September 2013 version of 2015 projections; 2. Jurisdictions have the opportunity to amend milestone commitments based on 2013 progress run, EPA comments, updated 2015 projections that incorporate 2012 Ag Census and other data sources. However, aspect 3 of the recommendation for what should be posted online and when needs to be resolved prior to WQGIT approving the full recommendation.

FEEDBACK: WQGIT recognizes importance of having a water quality indicator in order to track the direction water quality is trending.

FEEDBACK: Suggest the option of having no numeric water quality indicator target at all given that at this time not enough information to come up with informed recommendation for a target.

MINUTES

1. Welcome and Introductions

- Russ Baxter, WQGIT Chair: The Chesapeake Bay Program partnership is currently developing a new Bay Watershed Agreement; [additional information](#) is available on the Bay Program website.
- Katherine Antos (EPA): EPA has posted 2012 assessments of jurisdictions' and federal agencies' interim milestone progress on 5/30 on Bay TMDL website: <http://www.epa.gov/reg3wapd/tmdl/ChesapeakeBay/RestorationUnderway.html>
- Additional updates, including workgroup updates, will be distributed via email.

2. Constant Delivery Factors

- Gary Shenk (EPA) presented the [results of recent model runs](#) using constant delivery factors (CDFs) as requested at the April 8th WQGIT conference call.
 - The model run results show that delivery factor changes (e.g. transition to a variable delivery factor) can have a larger influence on progress reporting than the annual incremental BMP implementation.
 - The CBPO recommendation is to keep the delivery factors constant because credit given is proportional to effort, and because it is easier to explain and communicate the results to stakeholders and the public. CDF are more defensible from a management perspective and make it easier to assess trades and trading programs.
- Ron Entringer (NY): Why are nitrogen loads in NY adversely affected by staying with CDF?

- Shenk: Possibly due to the change in point source (seasonal affect, species of TN).
- James Davis-Martin (VA): Why does phosphorus react more consistently than nitrogen?
 - Shenk: Did not spend a lot of time investigating this.
- Davis-Martin: Did the calibration use constant or variable delivery factors?
 - Shenk: Calibration used Variable Delivery Factors. As river parameters were adjusted to match observed data, delivery factors were also adjusted. Generally found that where phosphorus is more limited, a higher percentage of nitrogen flows through when phosphorus loads decrease. Likewise, where nitrogen is more limited see a higher percentage of phosphorus flowing through as nitrogen loads decrease. Changing seasonality has a large influence.
- Davis-Martin: What is the impact on 2009 progress, which is the starting point for the TMDL? What does this mean in terms of reductions needed between 2009 and 2025?
 - Shenk: The analysis for nitrogen is on Slide 5. CDF vs. VDF has very little impact on 2009 progress run results and therefore little impact on 2017 goal.
- Russ Baxter: Request additional comments on Constant Delivery Factors, and decision from WQGIT on whether to continue CDF or return to VDF.
- Davis-Martin: Why did previous analyses performed by Bill Keeling come up with more significant differences? Does constant vs. variable have a more significant effect at a smaller scale?
 - Shenk: Expect that there would be more variability at a smaller scale. Significance of impact depends on how finely looking at the results, and management decisions are made at the state level.
- Lee Currey (MDE): When should WQGIT return to the CDF issue?
 - Shenk: Recommend this is an issue for 2017, at that point can determine the options for delivery factors.
- Davis-Martin: Ask that EPA consider impact of VDFs vs. CDFs before taking any backstop actions.

DECISION: WQGIT Members decided to continue using Constant Delivery Factors rather than Variable Delivery Factors, and to revisit the issue if necessary.

3. Summary of New Bay TMDL/WIPs Support Contract

- Tim Roberts (EPA) presented an [overview of the new contract](#) to support TMDL/WIP implementation.
- Tetra Tech was recently awarded a five year contract on Bay TMDL/WIP support by EPA.
- The contract will be managed out of EPA's Chesapeake Bay Program Office.
- Tim Roberts is the project officer and administrative lead; Lucinda Power is the programmatic point-of-contact.
- The FY2013 contract funding is currently limited until a final operating plan is in place.
- Tim described the specific tasks under the new Bay TMDL contract and how the jurisdictions can tap into contract support.
 - Task 1: Kickoff Meeting, Reporting, and Communication
 - Task 2: Support for Developing New and Evaluating Existing Source Sector-Based Best Management Practices Efficiencies and Verification of Practice Implementation

- Task 3: Support for Developing New Pollutant Loading Estimates, Modeling Input Data, and Other Modeling Related Data and Information Needs
- Task 4: Support Implementation of the Jurisdictions' Watershed Implementation Plans (WIPs)
- Task 5: Technical Support for Development and Application of Decision Support Tools
- Task 6: Support for Bay TMDL Tracking and Accountability
- Task 7: Support for Exchange Network-Based BMP Tracking, Verification, and Reporting
- Currey: Note that with Task 4, TetraTech hours are no longer being funded by EPA and CBRAP is now the funding source, which is limited due to sequestration.
 - Antos: Recommend that jurisdictions work with project officers to possibly re-allocate other projects to the CBIG grant (CBIG grants have a broader scope).
- Currey: What was the decision making process behind Task 4 allocation?
- Davis-Martin: What will TetraTech support cost the jurisdictions?
 - Roberts: Will provide WQGIT additional information about costs and decision making process for EPA not to fund hours under TetraTech but rather to have option of states using CBRAP funds.
- Davis-Martin: Request that VA's approved scope of work under previous contract to make changes in VAST (allowing user entered land use and user-defined BMP efficiencies to help meet needs of localities in using the tool) be included in this contract.
 - Roberts: Will be included in initial technical directive to TetraTech under Task 5.
- Currey: In terms of Task 2, recommend thorough evaluation of how the model responds to BMPs.
 - Shenk: WQGIT can give additional direction to the BMP panels to expand their scope of work.
 - Currey: Recommend Modeling Workgroup or WTWG discuss this issue
- Davis-Martin: Clarify the meaning of the bullet under Task 5 regarding transfer of Scenario Builder technology to the partners.
 - Shenk: The goal is to make Scenario Builder more user-friendly overall, recommendations for how to achieve this are welcome.
 - Johnston: As listed currently it is intended to provide training to jurisdictions.
 - Davis-Martin: Suggest taking a broader interpretation as suggested by Gary.

4. Discussion of Land Use Projections for 2014-2015 Milestones

- Russ Baxter: The Milestone Workgroup met on May 28th to arrive at a decision related to 2015 land use projections for recommendation to the Water Quality Goal Implementation Team.
- Nita Sylvester (EPA) outlined the [recommendation of the Milestones Workgroup](#) for which projections to use for the 2014-2015 milestone commitments. The recommendation accommodates the previous MSWG decision, which allows jurisdictions to set milestone targets and have milestone results be evaluated using the same background conditions (same or near-same version of 2015 projections).
- Baxter: Clarify the difference between Northern VA and VA datasets?
 - Norm Goulet: Northern VA dataset is likely the population forecast compiled by Wash COG, MD and VA for the DC Area
- Beth McGee (CBF): Are the population estimates used to estimate change to urban areas?

- Johnston: Yes, will also estimate populations on septic and sewer.
- McGee: Will there be a date when the milestones are finalized in terms of communication to the public?
 - Sylvester: Jurisdictions on MSWG would like the opportunity to look at the results of the 2013 Progress Run, and to respond to recommendations from EPA. EPA agreed to 30 additional days following Progress Run for jurisdictions to revise January milestones if they choose to do so. Ideally all comments and new information will be available at a similar time so that jurisdictions only have a need for one revision.
 - Antos: EPA will provide comments on milestones received January 2014, and jurisdictions will have the opportunity to respond (this method is consistent with previous milestone submission).
- Mark Dubin (AgWG Coordinator): The AgWG's recommendation to the MSWG was to incorporate the Ag Census data as soon as it is available.
- Dianne McNally (EPA): In response to Beth's question, January submissions are considered final unless jurisdictions choose to amend them.
- Davis-Martin: Will all jurisdictions' final milestones be based on the updated 2015 land use projections available in April 2014?
 - Sylvester: No. If states decide not to change their January submission, their final milestones will be based on the September 2013 land use projections.
- Davis-Martin: Note the confusion with different states having different baseline conditions. Recommend that states do not have to ask to change their milestone input decks or programmatic milestones, but that all submissions be run on the same updated land use projections automatically.
 - McGee: This approach would reduce miscommunication.
 - Dave Montali (WV DEP): Agree it would be confusing if states didn't update their milestone commitments in 2014 to reflect the updated 2015 projection information. Suggest such an update should be done automatically.
 - Sylvester: Clarified that milestone setting is a jurisdiction decision, not an EPA decision.
 - Antos: Regardless of which version of 2015 projections states choose to base their 2015 milestone commitments on, EPA will be using spring 2014 updated version of the 2015 projections for progress runs. Projections are typically made available in the fall before progress runs, giving jurisdictions the option to provide additional trend information.
- Davis-Martin: Milestones will not be communicated until after they are amended?
 - Sylvester: Clarified that materials will be posted on the TMDL website, however they would not be labeled as final until amended.
- Jenn Volk (UD): Haven't all milestones submissions been posted to jurisdiction websites in the past?
 - Antos: Yes, the TMDL website previously linked to jurisdiction postings of draft milestones, and it was up to the jurisdictions to label them as draft or final.
- Davis-Martin: Can EPA agree to not post January submission 2015 milestones, and only link to jurisdiction postings?
 - Antos: Will need to discuss further, EPA has agreed to label the January submissions as subject to change.
 - Sylvester: Noted that draft milestones would not be communicated in a press release or factsheets.

- Davis-Martin: There is difference between publicizing milestones and communicating by posting them to a public website.
- Sylvester: It will be clearly indicated on the website that the submission could be amended.
- McGee: The environmental community is interested in weighing in on milestones. Could the January posting be one avenue for that input?
- Baxter: Asked for WQGIT approval of the MSWG recommendation.
 - Sylvester: It is ultimately up to EPA what to post on the Bay TMDL website. The Milestone Workgroup is recommending that the WQGIT provide this recommendation to EPA, including that there are concerns about posting information on the TMDL website before jurisdictions have an opportunity to amend their milestones.
 - Baxter: Is there agreement at this time regarding the process by which milestone commitments could be amended?
 - Davis-Martin: Recommend taking the discussion back to Milestone Workgroup, until an understanding is reached about the communication, not able to approve the entire recommendation.
- Antos: Outlined the three aspects of the recommendation that have been discussed: 1) Jurisdictions provide milestones by January 15, 2014 deadline, based on September 2013 version of 2015 projections. 2) Jurisdictions have the opportunity to amend 2015 milestone commitments based on 2013 progress run, EPA comments, updated 2015 projections that incorporate 2012 Ag Census and other data sources. 3) Still up for discussion, however one proposal is that MSWG recommends that EPA not post any version of the milestones online until after jurisdictions have had the opportunity to amend their milestones in spring 2014.
- MD: Recommendation that if a jurisdiction doesn't change their milestone commitments, they should still be re-run in the model with the new land use.
 - Antos: Clarified that when new 2015 projections were available, they would be clearly communicated to the jurisdictions, who would then have the option to request re-running the milestone input decks with the new 2015 land use.
 - MD: Opportunity for confusion if there is any communication about loading.
 - Antos: Aspect 3 of the recommendation: at what point will anything be communicated on any public website?
- Baxter: Noted consensus from the WQGIT regarding aspect 1 and 2 of the recommendation, and that aspect 3, regarding communication, will need further discussion.
- Davis-Martin: Recommend that initial milestones not be due until after projections/2013 progress are available. Should have initial milestones due in March and final due in May.
 - Antos: The change in Milestone due dates was an EPA decision in response to a recommendation to from the MSWG to EPA. EPA agreed to do away with the November due date and have January 15 be the new deadline. However, very unlikely EPA would do away with the Jan 15, 2014 deadline.
- Baxter: Given that Issue 3 needs the most discussion; and has implications for Issues 1 and 2 (e.g. when should initial milestones be submitted) WQGIT will table all three recommendations for now.

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2 of the recommendation: 1. Milestones submitted by January 15, 2014 deadline to be based on September 2013 version of 2015 projections; 2. Jurisdictions have the opportunity to amend milestone commitments based on 2013 progress run, EPA comments, updated 2015 projections that incorporate 2012 Ag Census and other data sources. However, aspect 3 of the recommendation for what should be posted online and when needs to be resolved prior to WQGIT approving the full recommendation.

5. Short Duration DO Criteria Assessment and Interim BIBI

- Peter Tango (USGS): [Presented an overview](#) of the Water Quality Criteria Technical Addendum Chapter 1: [Short Duration Dissolved Oxygen Criteria Assessment](#) drafted by the Criteria Assessment Protocol Workgroup.
 - More chapters to follow over the next year; each will include background information, recommendations and options.
 - See [appendices](#) for additional details on assessment gaps.
- Tango gave an overview of the recent decision of the CAP Workgroup on a Benthic IBI interim rule for assessment when large uncertainties due to small sample size affect classification of results.
- Tango: CAP Workgroup will be seeking WQGIT approval of these two items in July. Additional chapters and recommendations will be brought before the WQGIT in the coming months.
- Baxter: Who is involved from the states?
 - Tango: Ad hoc teams made up of CAP Workgroup and Tidal Monitoring and Analysis Workgroup members, state-level contractors. Additional jurisdictional representation on the CAP Workgroup is welcome.
- Baxter: Are the assessment issues a Bay TMDL issue?
 - Tango: The assessment is directly related to the 303d listing for the Bay.
- McGee: Will this criteria assessment document be out for public comment at some point?
 - Tango: The place for public comment would be when the states are adopting these criteria into their standards.
- Baxter: Approval of these two items will be on the July WQGIT agenda.

6. Water Quality Indicator

- Liza Hernandez (UMCES) presented ([Liza's presentation](#)) an overview of the [Water Quality Indicator Recommended Next Steps](#).
- McGee: Reviewing segment specific information will help to understand the trends.
- Hernandez: Clarified that the outcome of 60% of segments in attainment by 2025 came from EPA. Now asking if another target, or setting confidence interval around target, would make sense.
- Baxter: Note that the 60% attainment was not a partnership decision.
- Bruce Michael (DNR): Much of this depends on lag times, weather conditions (factors outside of control). As more segments are attained, might contribute to positive feedback
- Hernandez: Request for additional analyses suggestions from membership.
 - Davis-Martin: Use these analyses to help to reassess previous decisions regarding the critical period for the TMDL?
 - Hernandez: Would require more discussion.

- Antos: Based on comments heard so far, is it more important for the indicator to show the trend rather than whether or not a specific target has been met, given that right now there is too much uncertainty over what that target should be?
 - Michael: Agree with this suggestion, and with removing the 60% target and not providing a replacement target at this time.

FEEDBACK: WQGIT recognizes importance of having a water quality indicator in order to track the direction water quality is trending.

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Adjourned

Next WQGIT Conference Call:

Monday, July 8th, 2013

1:30 P.M. – 3:30 P.M.

Calendar event page:

Participants

Russ Baxter (chair)	VA DEQ
Jennifer Volk (vice chair)	U Delaware
Katherine Antos	CBPO
Eric Aschenbach	VDH
Karl Berger	MWCOG
Lee Currey	MDE
James Davis-Martin	VADCR
Christopher Day	EPA
Sarah Diebel	DOD
Mark Dubin	CBPO/UMD
Ron Entringer	NY DEC
Jack Frye	CBC
Norm Goulet	N. VA Regional Commission
Steve Hann	HRMML
Chris Hartley	USDA
Jackie Lendrum	NYDEC
Ross Mandel	ICPRB
Beth McGee	CBF
Kevin McGonigal	SQ River Basin Commission
Dianne McNally	EPA
Bruce Michael	MD DNR
Dave Montali	WV DEP
Lisa Ochsenhirt	Aqua Law
Scott Phillips	USGS
Chris Pomeroy	Aqua Law

Marel A. Raub	CBC
John Schneider	DNREC
Ben Sears	NY
Gary Shenk	EPA/CBPO
Jennifer Sincock	EPA
Helen Stewart	MD DNR
Jeff Sweeney	CBPO
Nita Sylvester	EPA
Larry Tennity	NRCS DE
Ted Tesler	PA DEP
Jennifer Tribo	Hampton Roads
Emma Giese	CBPO
Tim Roberts	EPA
Peter Tango	USGS/CBPO
Liza Hernandez	UMCES
Jim George	MDE
Vimal Amin	MDE