

CHESAPEAKE BAY PROGRAM
WATER QUALITY GOAL IMPLEMENTATION TEAM
October 5th, 2009 Conference Call

SUMMARY OF DECISIONS, ACTIONS, AND ISSUES

Communicating the Revised Draft Basinwide Target Load – Tom Damm

ACTION: Review and provide comments to Tom Damm by first thing on Wednesday, October 7th.

Remaining Feedback on WIP Guidelines – Katherine Antos

ACTION: Provide written comments by C.O.B. today.

ACTION: Katherine Antos will determine the necessary breakdown of source sectors required for the TMDL and report back to the WQGIT.

Proposed TMDL Schedule – Rich Batiuk

Documentation Process for the Chesapeake Bay TMDL - Jennifer Sincock

ACTION: Encourage your staff members to work with Jennifer Sincock and Teresa Rafi on TMDL documentation.

TMDL Public Outreach – Suzanne Hall

ACTION: Jennifer Sincock will provide venue availability to VA.

ACTION: Matt Mullins will confirm Senator Middleton's request for a meeting on the Western Shore of southern Maryland and follow up.

MINUTES

Communicating the Revised Draft Basinwide Target Load – Tom Damm

- Total Maximum Daily Load (TMDL) Messaging
- Putting together materials reflecting decisions made
- Main talking point is that this is early in the process and these are working targets for initiating Watershed Implementation Plan (WIP) development reflecting latest information and decisions we have, which will continue to improve over time
- This is not a decision or recommendation. It would be recommendation pending the modeling results which will be discussed on Friday, at which point it would be only a recommendation, not a decision
- Talking points are to help for talking to the press and if numbers are adopted, it would help the PSC in their public announcements

WQGIT Suggestions

- Add on working targets, that these continue to include a margin of safety. There will be concern that the numbers will be higher. Saying that these are still conservative with a margin of safety is important.
- Acknowledge the previous target and include the rationale for this change instead of having them bring up the old number.
- We've been telling our Principal's Staff Committee (PSC) rep and Secretary that our load will be 10-20% greater and will be a greater challenge, and this is different than what we've been saying. Bringing it out up front will make the Program look better.
- Also express if it may change in the future or if there will be a cutoff point for change.

ACTION: Review and provide comments to Tom Damm by first thing on Wednesday, October 7th.

Remaining Feedback on WIP Guidelines – Katherine Antos

- Final opportunity after reviewing materials to provide comments or ask questions

ACTION: Provide written comments by C.O.B. today.

- Interim targets: 4 of 6 wanted to set their own, 2 of 6 wanted EPA to set target
- EPA considers that these plans will be part of demonstration of reasonable assurance that controls will be in place by 2025, which is more difficult without a hard interim target
- WQGIT requested clarification on expectation for staged implementation and that progress will be first assessed at major basin jurisdiction level, only local if necessary; not meant to put local government in competition. EPA can provide targets at any level down to land river segments.
- WQGIT expressed that it would be helpful to look at 2008, 1985, 2002, Tributary Strategy (TS), and Everything, Everyone, Everywhere (E3) scenarios; 2008 is the number one priority, will provide in a couple of weeks
- Given these expectations and hope that this can push involvement with local partners, are there ways that EPA can help you get involved with local partners?

ACTION: Katherine Antos will determine the necessary breakdown of source sectors required for the TMDL and report back to the WQGIT.

- Air would be an assumed allocation in whatever sector it lands in. EPA would take actions to reduce that deposition and we can do progress runs to see who the reduction is coming from. We can see what agriculture would be with EPA rulemaking and without to separate what

EPA versus state is accountable for. It would be difficult to say with each model segment how much atmospheric deposition is landing there.

- Target loads that will be agreed to at the PSC will take into account atmospheric deposition falling on the land
- WIP should not be written to account for EPA air reduction.
- Ron Entringer, NY DEC, clarified that New York has not committed to full implementation by 2025. NY will heighten commitments to reduction pollution to Susquehanna, but encourages federal government to do the same; EPA should update federal standards across the country. NY doesn't think would support regional standards, but would support nationwide changes. NY doesn't think CWA Section 117 applies to them. NY did not sign the 2003 M.O.U.
- Have solicited comments from other EPA offices
- Will then be send to OMB to give 2-3 weeks for review to get back October 23rd to make public by October 30th
- Last July asked PSC for input and they asked that we return to WQSC for report this fall

Proposed TMDL Schedule – Rich Batiuk

Slide 3

- Had successful TMDL webinar in VA.
- Bob Yowell, PA DEP, suggested adding sediment allocation to list of things that could impact on the N and P baywide or jurisdiction cap.

Discussion:

- Preliminary WIP in March, run plans through model and make adjustments. Draft implementation plans go out with draft TMDL. Fall of 2010 will be opportunity to revise WIP with comments to TMDL so that final plans can be part of TMDL documentation. Taking adaptive management approach to incorporate changes in the future. Early November 2010 last changes.
- Loads by segment-shed will be run through model in the spring then again in the fall. Need to submit plans, actions, capacity building, not a specific input deck with BMPs.
- WQGIT members expressed that the timeline for the sediment allocation would make it very difficult to ensure inclusion in the WIP and involve local governments and stakeholders. It was suggested that sediment be completed later in the process and that the TMDL be completed May 2011.
- Bob Koroncai explained that there is not enough time to put good WIP together by March. There are two variables that we can deal with. We can extend end date from December to May or keep December and give states more time to do WIP. Sediment is also under the consent degree. If we get feedback between sediment and nutrients, nutrients would need to be changed down the road.
- It was suggested that the WIP be completed after the TMDL completion date.

NY – We think this schedule needs to be pushed back. We have to decide when we lock down the modeling changes. If everyone meets all the schedules for the model, still see if very hard to put out a meaningful schedule. Ron did not convince his administration that he knows what is going on. We need to tell people that we need up to May 2011. MOU that NY Governor signed only committed to May 2011. Until we have final allocation it will be very difficult to make the hard choices. One of our main efforts is pasture management and we still haven't gotten any credit for nitrogen.

PA – Push back the deadline and eliminate sediment in order to get other things done and particularly allow for detailed input decks for the midpoint because without it we have no real plan.

DE – I would vote for pushing all the pieces back four months.

WV – Agree with pushing this back. Our challenge will be local engagement in WIPs. Push back all the pieces as they need to be.

MD – I don't think MD senior leadership would agree to push back nutrient portion beyond December 2010. Perhaps the sediment component could be pushed back to May 2011, but I'm not sure. Any opportunity within the December 2010 deadline to give more time for WIP development would be appreciated. Issues like responding to public comments is straightforward and we could cramp that in more readily so that we could squeeze time for development of WIP. Do draft TMDL and draft WIP need to go out to the public at the same time? We could perhaps put TMDL out for comments first.

DC – We support having a commitment in the TMDL to finish the sediment implementation plan later. Perhaps TMDL completed in December 2010 and WIP in May 2011.

VA (Russ Perkinson) – I don't like the thought of separating WIP from the TMDL. We are going to have to address sediment as part of the consent decree. Push the schedule as much as possible to do input deck for stage 1. Eventually we may have to look at the later date for the whole thing.

VA (Alan Pollock) – We may need to lay out the various options to the PSC for each possibility. We don't have a consensus recommendation for the WQGIT, so let's lay out in a simplified way the two options and the pros and cons of each. *VA* was pushing for December 2010. Perhaps we could shorten the public comment period. I don't know about the technical aspect of the sediment allocations. I'm suggesting an August-September public comment period with 2+ month to work on the sediment aspect of implementation plan and July, August work to present the draft in September.

NY – How can you decouple WIP from the TMDL? How would EPA know the numbers we give you are realistic? If you take the sediment out you've made tidal segments clearer, so you grow algae closer to the source instead of the bay. Hasn't that just transferred DO problem from bay to the localities?

Documentation Process for the Chesapeake Bay TMDL – Jennifer Sincock

- Working with TetraTech on documentation
- Complete strawman has been distributed
- Teresa Rafi, TetraTech has been working with contributors

ACTION: Encourage your staff members to work with Jennifer Sincock and Teresa Rafi on TMDL documentation.

TMDL Public Outreach – Suzanne Hall

- Emailed potential dates to the states and asked for feedback on dates and timing
 - Got the list of venues from VA, and TetraTech should be contacting those. Have December 14th earmarked since you had the greatest lead time needed
 - Basic agenda would include intro by state rep, EPA provide info about TMDL, state could talk about WIP, local group could provide any information possible.
 - EPA will do newspaper announcements, but states may wish to contact other organizations.
- VA* – mid-December best, except the 14th, daytime or evening

ACTION: Jennifer Sincock will provide venue availability to VA.

DC – The 16th works for us, afternoon or evening should be fine.

MD – The 9th is not good for facility availability, put a hold on the 8th on large conference room. I know that something else is happening for Bob in PA that morning, but wanted to see if Bob could come down to Baltimore on the 8th, perhaps 2-5pm, otherwise perhaps December 1st or 4th. We prefer afternoon meeting. For the Eastern Shore, facilities are available for November 11th, prefer an evening meeting. Would like to use webinar.

ACTION: Matt Mullins will confirm Senator Middleton's request for a meeting on the Western Shore of southern Maryland and follow up.

WV – We would prefer evening, need to switch locations on the same dates.

DE – Seaford, November 3rd or 19th. Prefer 5pm for both meetings. Fine with Hartly meeting.

PA – The dates are not finalized, still working on dates. We will get back to you when finalized.

NY – So far so good on our date, will get back to you.

PARTICIPANTS

Katherine Antos, Coordinator	EPA CBPO	antos.katherine@epa.gov
Rich Batiuk	EPA/CBPO	batiuk.richard@epa.gov
Karl Blankenship	Bay Journal	bayjournal@earthlink.net
Pat Buckley	PA DEP	pbuckley@state.pa.us
Monir Chowdhury	DDOE	monir.chowdhury@dc.gov
Lee Currey	MDE	lcurrey@mde.state.md.us
Tom Damm	EPA R3	damm.thomas@epa.gov
James Davis-Martin	VA DCR	james.davis-martin@dc.virginia.gov
Chris Day	EPA R3	day.christopher@epa.gov
Ron Entringer	NY DEC	raentrin@gw.dec.state.ny.us
Rich Eskin	MDE	reskin@mde.state.md.us
Ted Graham	MWCOG	tgraham@mwkog.org
Dave Hansen, Chair	U. of Delaware	djhansen@udel.edu
Jeff Horan	MD DNR	jhoran@dnr.state.md.us
Will Hunley	HRSD	whunley@hrsd.com
Bill Keeling	VA DCR	william.keeling@dc.virginia.gov
John Kennedy	VA DEQ	jmkennedy@deq.virginia.gov
Victoria Kilbert	CRC/CBP	vkilbert@chesapeakebay.net
Teresa Koon	WV DEP	teresa.m.koon@wv.gov
Bob Koroncai, Chair	EPA R3	Koroncai.robert@epa.gov
Sara Lane	MD DNR	slane@dnr.state.md.us
John McCoy	MD DNR	jmccoy@dnr.state.md.us
Bruce Michael	MD DNR	bmichael@dnr.state.md.us
Matt Monroe	WV DEP	mmonroe@ag.state.wv.us
Matt Mullin	CBC	mmullin@chesbay.us
Lisa Ochsenhirt	AquaLaw	lisa@aqualaw.com
Reggie Parrish	EPA/CBPO	parrish.reggie@epa.gov
Kenn Pattison	PA DEP	kpattison@state.pa.us
Russ Perkinson	VA DCR	russ.perkinson@dc.virginia.gov
Jim Pletl	HRSD	jpletl@hrsd.dst.va.us
Alan Pollock	VA DEQ	aepollock@deq.virginia.gov
Marel Raub	CBC	mraub@chesbay.us
John Schneider	DE DNREC	john.schneider@state.de.us
Mohsin Siddique	DC WASA	mohsin_siddique@dcwasa.com
Jennifer Sincock	EPA R3	sincock.jennifer@epa.gov
Rachel Streusand	CRC/CBPO	rstreusa@chesapeakebay.net
Tom Thornton	MDE	tthornton@mde.state.md.us
Sara Walker	WRI	swalker@wri.org
Bob Yowell	PA DEP	ryowell@state.pa.us