

Water Quality Goal Implementation Team

January 9th, 2012 Conference Call Minutes

Decision and Action Items

DECISION: The WQGIT approved a new N:P ratio of 9.1: for the MD Eastern Shore

DECISION: Russ Baxter, VA DEQ was accepted by the WQGIT as their new vice-chair.

DECISION: The WQGIT approved the addendum to the 'Protocol for the Development, Review and Approval of Loading and Effectiveness Estimated for Nutrient and Sediment Controls in the Chesapeake Bay Watershed Model' regarding panel membership.

DECISION: The WQGIT agree to proceed forward with the "Chesapeake Bay Program Partnership Proposal for Ensuring Full Accountability of Best Practices and Technologies Implemented" as amended to include the following recommendations from WQGIT members put forth during the conference call:

- Review and verification of the extensive sets of data used within the suite of Chesapeake Bay Program Partnership's models and supporting tools will be a component of the larger verification program;
- A 'steering committee' will be convened under the WQGIT to help guide the verification program development process all the way up to presentation to the Principals' Staff Committee for final decisions on behalf of the Partnership;
- The proposed BMP Verification Panel will be convened in the spring time (as opposed to the fall as described in the original proposal) in order to work directly with the source sector workgroups during the development of the verification protocols;
- The Partnership retained the option of modifying the proposed schedule as needed to ensure there is sufficient time for development, review and approval of the verification program; and
- The involved Goal Implementation Teams and their respective source sector and habitat workgroups will be asked to nominate members for the BMP Verification Panel.

ACTION: WQGIT members should send any additional comments on the Verification Program Proposal to Larry Merrill (merrill.larry@epa.gov) and Rich Batiuk (batiuk.rich@epa.gov) as well as nominations from their jurisdiction for the WQGIT's Verification Steering Committee.

ACTION: Gary Shenk will provide information on which model was used to do scenario comparison between CBP and SPARROW models on slide 15.

ACTION: Email Kelly (shenk.kelly@epa.gov) for any additional information or presentation requests on SPARROW model.

ACTION: WQGIT members should submit additional comments to Larry Merrill (merrill.larry@epa.gov) within two weeks and another update will be provided in February.

Minutes

Updates (as provided in email distributed to WQGIT by Chair, Larry Merrill)

Agenda Issues:

1. WQGIT Vice-Chair Nomination: I am pleased to report that Russ Baxter of VADEQ has been nominated and is willing to serve in this role. As of today there are no other nominations.

2. Proposed Addendum for BMP Panel Membership: This is revised from the version distributed on 12/7/11 based on comments received. If there are no additional comments today, we will issue it as final.

General Announcements:

1. We formally acknowledge Russ Perkinson's contributions to the WQGIT today. Russ will be on at the start of the call today.
2. PSC will be meeting in February to discuss the Management Board recommendations on the NRC study. Will keep the WQGIT informed of the PSC's response, particularly regarding recommendations that affect the WQGIT. February PSC meeting may also discuss the 2009-2011 milestones. The WQGIT's recommendations will be shared with the Management Board, likely on a special call later this month.
3. Updates on EPA's review of jurisdictions' offset and trading program:
 - All draft review reports were sent to each of the 7 jurisdictions on 12/1/2011.
 - Comments from jurisdictions regarding the reports were due on 12/19/2011 and EPA is currently reviewing the jurisdictions input.
 - Several stakeholders were interested in receiving the draft reports. EPA sent the draft reports and conducted briefings as requested for the stakeholders. Several stakeholders have sent EPA comments on these draft reports.
 - EPA's plan is to finalize the draft reports by the end of January 2012.
4. Trading and Offset Workgroup: Recently, the TOWG chair, Ann Roda (PADEP) resigned to do job reassignment. TOWG is actively engaged in seeking a new chair and will be discussed on 1/18/12 workgroup call.
5. The Bay Barometer was posted to www.chesapeakebay.net last month. Available for download at <http://www.chesapeakebay.net/indicatorshome.aspx?menuitem=14871>.
6. Submissions for 2011 progress toward the "reducing pollution indicator" to Ning Zhou (wastewater) and through NEIEN (for all other sources) were due December 31. Many thanks to all of the jurisdictions who have been working through the WTWG on these NEIEN submissions. Many states successfully submitted their 2011 data, or are actively working to resubmit data where there were errors. Great evidence that we've learned from the 2010 process.
7. Many thanks as well to the states who submitted draft milestones on Nov 1, draft Ph II WIPs on December 15, and final 2012-2013 milestones last Friday, January 6. They are direct evidence of your hard work to implement the Bay TMDL accountability framework and showcase your commitments to clean up our waterways.
8. N:P Exchange Ratio: On our last call in November, the WQGIT approved N:P exchange ratios for each state basin under Option 3, including separate ratios for the upper, middle and lower Eastern Shore.
 - With 20:20 hindsight, we have since realized that separate ratios for the Upper, Middle and Lower Eastern Shore are not practical. Therefore, I am asking for your approval to amend these exchanges for the Eastern Shore in MD and DE. This modification has been shared with DE and MD.
 - Since Phase II Planning Targets are at the state-basin scale, meaning that DE and MD's targets are not divided into the Upper, Middle and Lower Eastern Shore. Therefore, we need a single exchange ratio for the Eastern Shore.
 - The document posted to the meeting entry includes a load-weighted average of the upper, middle and lower Eastern Shore ratios to determine a single N:P ratio of 9.6:1 for the MD Eastern Shore and 7.4: 1 for the DE Eastern Shore. The PA and VA Eastern Shore ratios maintain unchanged since these states only include the Upper and Lower Shore, respectively.

DECISION: The WQGIT approved a new N:P ratio of 9.1: for the MD Eastern Shore and 7.4:1 for the DE Eastern Shore.

9. The 2012-2013 Federal milestones report was sent to the PSC on 1/6/12.

10. We will not have much time for discussion today, but I am interested in raising the idea of a WQGIT face-to-face meeting again; possibly in the mid-Spring 2012 timeframe. We will follow up on this after today's call and discuss in February.

Vice-Chair Nominations – Larry Merrill

DECISION: Russ Baxter, VA DEQ was accepted by the WQGIT as their new vice-chair.

Proposed Addendum for BMP Panel Membership – Larry Merrill

- In December a proposed addendum was distributed to the WQGIT for review.
- Since December changes incorporated include additional references to the full 'Protocol for the Development, Review and Approval of Loading and Effectiveness Estimated for Nutrient and Sediment Controls in the Chesapeake Bay Watershed Model' and the other addendum regarding outside party submittal of controls for review. Review panels are currently moving forward under auspices of December version of addendum.

DECISION: The WQGIT approved the addendum to the 'Protocol for the Development, Review and Approval of Loading and Effectiveness Estimated for Nutrient and Sediment Controls in the Chesapeake Bay Watershed Model' regarding panel membership.

Best Management Practice Verification – Rich Batiuk and Source Sector Experts

- In November 2011, the Management Board approved the recommended responses to the NAS report review, including plans for the WQGIT to work on BMP accountability and verification. The WQGIT was charged to develop work plan by end of January, but the WQGIT requested additional time through end of March.
- See the following presentation and narrative outline what has been done so far and the current proposed schedule and plan:
 - [CBP Partnership BMP Verification Proposal Presentation](#)
 - [CBP BMP Verification Narrative Proposal](#)
- Pat Buckley, PA DEP, and Rich Eskin, MDE, expressed concern that the proposed schedule was too aggressive. Rich Batiuk, EPA, explained that the WQGIT was not being asked for full agreement today on all aspects of a BMP Verification Program, but agreement on overall process and commitment to work through as a Partnership with the Partnership in control of schedule and the desired outcomes.
- Pat Buckley also expressed concern with EPA reviewing and approving state verification programs. Rich Batiuk explained that the proposed BMP Verification Panel would operate in a similar fashion to the Partnership convened BMP review panels, outside of EPA purview. The concept of the panel is to bring independent verification expertise to the Partnership, with the panel providing feedback and recommendations on each jurisdiction's proposed verification program. Ultimately, like in the case with decisions on BMP definitions and efficiencies, approval of each jurisdiction's verification program would be a CBP partnership decision made by the Management Board or Principals' Staff Committee.
- Rich Eskin recognized that the proposed schedule was set up to ensure the jurisdictions could have approved verification programs in place in time for expanding tracking and reporting of a wider array of practices in support of reporting on achievement the 2012-2013 milestones. He pointed out the significant amount of time which would be required to review seven different jurisdictions' proposed verification programs.

- Rich Eskin questioned what the outcome of this verification would be and commented that the data used in the CBP model should also be reviewed. Bill Keeling, VA DCR, seconded this opinion and stated that this data input would have more impact than the BMPs. Rich Batiuk agreed that review and verification of the data used in the suite of CBP Partnership's models and supporting tools would be part of a larger verification program.
- John Schneider, DE DNREC, pointed out that what has been presented fits well into their existing Quality Assurance Program. Rich Batiuk confirmed that DE's QA plan for BMP tracking and reporting has served as an example with other jurisdictions and could be where Delaware documents its full verification program.
- Russ Baxter, VA DEQ, suggested that the verification panel be included earlier in the process, before PSC consideration, to help the workgroups and the GITs establish the verification principles, protocols, and program evaluation criteria.

Status of Source Sector Verification

Urban – Tom Schueler

- James Davis-Martin, VA DCR, pointed out that narrative statements currently labeled as principles within this section of the presentation were actually more likely protocols.

Agriculture – Mark Dubin, Kelly Shenk

- Noting that the AgWG has not discussed the proposal at this point in time, Mark provided a series of recommendations based on his discussions with the workgroup Chair, Frank Coale.
 - The currently proposed schedule for developing verification protocols by the sector workgroups is very aggressive based on the current BMP evaluations in process. The AgWG would be in a better position to provide guidance and recommendations to a verification panel versus creating a final verification protocol by March of this year.
 - The verification panel should be considered for development earlier in the process to provide assistance in developing the final verification protocols using the guidance and recommendations provided by the workgroups. This would also allow the panel to obtain a more in-depth knowledge of the protocols for implementation during the subsequent state plan reviews.
 - The workgroups should be provided the opportunity to provide nominations to the WQGIT for potential verification panel members. This would increase the confidence level of the partnership in the panel and help ensure that appropriate sector representation is included.

Wastewater – Ning Zhou

Discussion:

- Proposed modifications by WQGIT memberships included:
 - Reviewing data inputs to the CBP model (Eskin, Keeling)
 - Continuing review and approval process for new, particularly innovative BMPs and technologies (Burrell)
 - Moving formation of verification panel to earlier in the process (Baxter, Coale)
 - Keeping possibility of modifying schedule open to partnership (Buckley, Eskin)
- Pat Buckley was concerned that two year milestones were developed under existing BMP tracking and reporting mechanisms and that developing these verification programs it would be more difficult to get credit for practices, progress would slow down, and states would face consequences from EPA for missing milestones. Rich Batiuk countered that this process would like result in the opposite effect by expanding the type and number of practices that states can get credit for.

DECISION: The WQGIT agree to proceed forward with the “Chesapeake Bay Program Partnership Proposal for Ensuring Full Accountability of Best Practices and Technologies Implemented” as amended to include the following recommendations from WQGIT members put forth during the conference call:

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ACTION: WQGIT members should send any additional comments on the Verification Program Proposal to Larry Merrill (merrill.larry@epa.gov) and Rich Batiuk (batiuk.rich@epa.gov) as well as nominations from their jurisdiction for the WQGIT’s Verification Steering Committee.

Chesapeake SPARROW Model Updates and Uses – John Brakebill and Kelly Shenk

See [Chesapeake SPARROW Presentation](#).

- Output of the Chesapeake SPARROW model is being used to agricultural priority maps.
- Priority areas were ranked within each states because much of the funding is allocated by state, however website can used to generate maps on desired scale.
- Work comparing CBP and SPARROW models despite very different models have similar results.

ACTION: Gary Shenk will provide information on which model was used to do scenario comparison between CBP and SPARROW models on slide 15.

- Beth McGee, CBP would like to see a map overlaying data from USDA SEEP study on vulnerable acres. Kelly Shenk explained that USGS maps for N leaching and soil erosion could be overlaid. USGS is working to incorporate the study’s data on where the greatest and more cost effective reductions can be gotten.

ACTION: Email Kelly (shenk.kelly@epa.gov) for any additional information or presentation requests on SPARROW model.

Proposal for a Supplemental, Flow-Adjusted Wastewater Indicator – Rich Eskin

- Rich Eskin explained MDE perspective that current wastewater indicator shows status rather than progress due to effect of nature fluctuations in flow. He proposed an auxiliary indicator adjusted for flow to show progress.
- Ning Zhou, VT/CBP, states that if WQGIT can agree on a methodology for a new, supplemental indicator the CBP can perform the necessary calculations in response to Pat Buckley’s concerns about state staff time. He also indicated that plants would have to report operating level, which is not currently required.

- Bill Kennedy, VA DEQ, expressed that they do not want this indicator used for VA WWTPs because performance in wet years is still an issue the plants need to deal with. Rich Eskin explained that that could still be done with the new indictorm which would function more as a measure of progress for the Bay Barometer than as a management tool.
- Joel Blomquist, USGS, finds that this is a good supplement, but we would need to more strategically evaluate how this would be applied beyond status and progress.
- Russ Baxter expressed concern about confusing the public by not reporting actual discharge.

ACTION: WQGIT members should submit additional comments to Larry Merrill (merrill.larry@epa.gov) within two weeks and another update will be provided in February.

Participants

Katherine Antos	EPA CBPO	antos.katherine@epa.gov
Rich Batiuk	EPA/CBPO	batiuk.richard@epa.gov
Russ Baxter	VA DEQ	russ.baxter@deq.virginia.gov
Clifton Bell	Malcolm Pirnie	cbell@pirnie.com
Karl Blankenship	Bay Journal	bayjournal@earthlink.net
John Brakebill	USGS	ralex@usgs.gov
Pat Buckley	PA DEP	pbuckley@state.pa.us
Collin Burrell	DDOE	collin.burrell@dc.gov
Peter Claggett	USGS	pclagget@chesapeakebay.net
James Davis-Martin	VA DCR	james.davis-martin@dcr.virginia.gov
Chris Day	EPA R3	day.christopher@epa.gov
Mark Dubin	UMD/MAWP/CBPO	mdubin@chesapeakebay.net
Rich Eskin	MDE	reskin@mde.state.md.us
Kelly Gable	EPA R3	gable.kelly@epa.gov
Norm Goulet	NVRC	ngoulet@novaregion.org
Rebecca Hanmer	EPA Retiree	rwhanmer@yahoo.com
Steve Hann	HRMM&L	shann@hrmml.com
Will Hunley	HRSD	whunley@hrsdc.com
Ruth Izraeli	EPA R2	izraeli.ruth@epa.gov
John Kennedy	VA DEQ	jmkennedy@deq.virginia.gov
Teresa Koon	WV DEP	teresa.m.koon@wv.gov
David Koran	USACE HQ	david.koran@usace.army.mil
Jacqueline Lendrum	NY DEC	jmlendru@gw.dec.state.ny.us
Kevin McGonigal	SRBC	kmcgonigal@srbc.net
Diane McNally	EPA	mcnally.diane@epa.gov
Larry Merrill, Chair	EPA	merrill.larry@epa.gov
Dave Montali	WV DEP	david.a.montali@wv.gov
George Onyullo	DC DOE	george.onyullo@dc.gov
Russ Perkinson	EPA	perkinson.russ@epa.gov
Scott Philips	USGS	swphilli@usgs.gov
Lucinda Power	EPA/CBPO	power.lucinda@epa.gov
Marel Raub	CBC	mraub@chesbay.us
Aaron Ristow	USC NY	aaron.ristow@cortlandswcd.org
John Schneider	DE DNREC	john.schneider@state.de.us
Tom Schueler	SWN/CBPO	tschueler@chesapeakebay.net
Gary Shenk	EPA/CBPO	gshenk@chesapeakebay.net
Kelly Shenk	EPA/CBPO	kshenk@chesapeakebay.net
Mohsin Siddique	DC WASA	mohsin_siddique@dcwasa.com
Jennifer Sincock	EPA R3	sincock.jennifer@epa.gov
Helen Stewart	MD DNR	hstewart@dnr.state.md.us
Rachel Streusand	CRC/CBPO	rstreusa@chesapeakebay.net
Peter Tango	USGS/CBPO	ptango@chesapeakebay.net
Ted Tesler	PA DEP	ttesler@pa.gov
Suzanne Trevena	EPA	trevena.suzanne@epa.gov