



AGENDA
Local Area Targets Task Force
Teleconference
Tuesday, July 12, 2016, 1:00 PM – 3:00 PM
Meeting Summary

Action and Decision Items:

ACTION: Task Force members should submit questions or comments on the Draft Preliminary Phase III WIP Expectations document, distributed to the group and posted to the July 11 WQGIT [meeting page](#), to Lucinda Power (power.lucinda@epa.gov).

ACTION: Joan Salvati will update the strawman document based on feedback from the Task Force. The updated version will be distributed to the Task Force in advance of the August conference call for continued review and discussion.

Welcome and Announcements – Lucinda Power, Coordinator

- Lucinda Power briefed the Task Force on the Preliminary Draft Phase III WIP Expectations document. Task Force members should contact Lucinda (power.lucinda@epa.gov) if they would like a copy of the document, or have any questions.
 - Lucinda noted that local area targets are included in the Draft Preliminary Phase III WIP Expectations document, but that EPA is looking to the Task Force to more clearly define how the targets can best be expressed. The Task Force will need to determine what is feasible and suitable for each jurisdiction, and that information, pending Partnership approval, will be included in the draft and final Phase III WIP expectation documents.
 - Ruby Brabo: The impression that's being received is that we are a Task Force assigned with determining whether local area targets will even be included in the Phase III WIP expectations document. However, everything you've stated suggests that this will happen regardless of whether the Task Force thinks they should be included.
 - Lucinda Power: The decision to include local area targets in the Draft Preliminary Phase III WIP Expectations document was made by the EPA Region III Regional Administrator. Another very important piece of this work is determining how these local area target could be expressed, and this is what we would like the Task Force to deliberate over the coming months. As I said, this document is not set in stone so EPA wants your feedback and comments regarding this expectation for the development of local area targets.
 - James Davis-Martin: I agree with Lucinda – the charge of the Task Force includes making a recommendation on whether local area targets would be an effective way to engage local governments in the Phase III WIP planning process. Regardless of the findings on the first point, if targets were to be developed, this Task Force needs to consider at what scale and format the targets should look like. My expectation is when the Task Force's recommendations go to the WQGIT, the Partnership will consider all options, including whether there should be local area targets at all.
 - Chris Thomas: Shouldn't we also try to consider each jurisdiction's responsibility for establishing local area targets for their jurisdiction, and define what local means?
 - Joan Salvati: Great point. As we discuss our reactions to the expectations document, I would suggest that actually 90-100% of the comments I've heard are addressed in the strawman decision document, where we talk about things like what is meant by a target and how we define local. I'm hopeful that what this Task Force decides upon with respect to the strawman decisions document will actually satisfy

a lot of the concerns that EPA, and in particular the Regional Administrator, have in terms of what the jurisdictions should be doing with respect to the Phase III WIPs.

- Lisa Schaefer: I concur with Joan. This strawman will help us walk through the questions we've been charged with, and the decisions we will come to. And we can recognize that the question of even including local area targets is still something the Task Force has been charged with.
- Discussion on what 'local' will mean in terms of local area targets and how to define it.
 - Lucinda Power: The Draft Preliminary Phase III WIP Expectations document does not define that term; it is the job of the Task Force to make recommendations on that point.
 - James Davis-Martin: And the EPA Regional Administrator will have the final decision on local area targets. These recommendations can help inform his decision.
 - Nicki Kasi: I think we need to step back and the Task Force needs to decide whether it will be mandated that each Phase III WIP would include local area targets. I don't think that's a pre-conclusion that there will be local area targets. 'Should there be?' was question #1 for this group, and then 'what would they look like'? Granted, the document may have been released prematurely with the assumption that there will be local area targets, but I still think the Task Force needs to consider these questions.
- James Davis-Martin: I want to mention that the Draft Preliminary Phase III WIP Expectations document is still open for comment. If members of the Task Force have positions they would like to submit as comments on that document, they can do so and send them to Lucinda.

ACTION: Task Force members should submit questions or comments on the Draft Preliminary Phase III WIP Expectations document, distributed to the group and posted to the July 11 WQGIT [meeting page](#), to Lucinda Power (power.lucinda@epa.gov).

Examples of Local Area Target Development – Jim George, MDE and Sarah Diebel, DOD

Jim provided an overview of Maryland's approach to establishing local area targets in the Phase II WIPs, and Sarah discussed the CBP's recent approach to establishing targets for federal facilities. These presentations serve to provide examples of alternative approaches developed with the goal of improving local engagement and implementation planning (*Attach. A, B*).

Discussion:

- Charlotte Katzenmoyer: Is anyone in MD meeting that 4 mg/L target in their major municipal treatment plants? It strikes me as a high number.
 - Jim George: We actually have plants going below that target. It is temperature dependent, so in the northern latitudes and out west it becomes more problematic. Our number is an annual average.
- Joan Salvati: As you were going through your coordination process, did you ramp up in terms of staffing?
 - Jim George: We were fairly ambitious, and we enlisted people from across the department. It certainly was a lot of work.
- James Davis-Martin: You said you focused on major basins as both the technical basis for your Phase II process, and that achievement at the major basin scale would constitute overall achievement. How does that align with the scale of the TMDL, which is 92 segments?
 - Jim George: We worked with EPA, and what happens is that the local waters generally come into attainment before the deep channel of the open Bay comes into attainment. So you have to go beyond your local waters to meet the water quality in the Bay. The way that the allocations to the major basins were set was that if you meet those allocations, you'll meet local water quality and Bay water quality. I say this with a grain of salt, but that's the assumption we're operating under. As time moves forward, we could continue to operate at the major basin scale but also continue to refine things.
- Question on why septic loads were decreasing.
 - Jim George: Those were projections, and were what the strategy called for. We say the sectors with high costs may pool their resources and purchase credits from sectors with lower costs. We put a placeholder

in our plans for septic upgrades to nutrient removing technology and septic connections that were provided to us by local jurisdictions. So septic upgrades are really kind of a placeholder.

- Ann Jennings: Could you speak to what happened after setting these county-level targets, particularly in your agriculture sector or other local governments – how were these plans used in your localities? Were they used in budgeting?
 - Jim George: For the local governments, we very explicitly maintained a local engagement process, and we communicated that clearly. We also maintained the 2-year milestone framework. It's voluntary, but we get the federal funding that's passed through to local jurisdictions and we condition that on the jurisdiction having 2-year milestones. It helps to keep them engaged.
 - Jason Keppler: The Ag sector was somewhat removed from urban in terms of the Phase II WIP development. Their WIP II was led by MDA, and we held a series of meetings with local stakeholders in each county. We developed a realistic plan based on our progress thus far and where we thought we could go.
- Ruby Brabo: Why was the model used to set the target?
 - Sarah Diebel: When EPA sets their targets, they used modeling for that. I believe MD wanted to set the targets because they were focusing on urban acres, so to be consistent with pre-existing permits, they had to be consistent with how they applied targets to those facilities. One thing we wanted to ensure was that the way targets were set were consistent with NPDES permits and the model.
- Ann Jennings: Can you explain the VA targets?
 - James Davis-Martin: We had federal facilities provide their understanding of their actual land use data, because the land use in the model didn't accurately represent federal facility land uses. Then we used the WIP-level loading rates for each of those land uses as the basis for developing their load targets. It was a numerical, pound-based target.
- Whitney Katchmark: Was it more helpful to have the targets expressed one way or another?
 - Sarah Diebel: I think it relates back to Ann's question as far as once those targets are given, what actually happened? And were they helpful? For facilities that already have that regulatory framework in place, I think they have their plan in place, and they know what the expectation is given the MS4 requirements in the TMDL. I think the non-regulated sources - stormwater and Ag - have the need to understand what their responsibilities are.

1:40 Discussion of Straw Man Document – Joan Salvati and Lisa Schaefer, Co-Chairs

Joan and Lisa walked the Task Force through a straw man document, designed to clarify the questions that will need to be addressed by the Task Force's recommendations (*Attach. C*).

Discussion:

- Joan Salvati: There are 3 questions posed by the charge: how should 'local' be defined, should the Phase III WIPs include local area planning targets (LAPTs), how should LAPTs be expressed, and what are the recommended options for targets, including scale?
- Joan Salvati asked the group for their thoughts on defining the term 'local' as it relates to local area targets (question #1 of strawman proposal).
 - James Davis-Martin: Couldn't you define local as an area with a high yield? Not by a political boundary at all, but by an area that we know has a higher yield in terms of a specific source. The other idea I had, which fits into the (sub)watershed category, is we could define local as a sub-watershed that could have 'local' TMDLs.
 - Joan Salvati: Without identifying some boundary though, how do you facilitate implementation?
 - James Davis-Martin: If you have an area of high yield, it has a defined boundary based on the model, and you could therefore engage all of the local entities for all of the sources contributing to that high yield. So it would be a yield-based target, instead of a municipality or political boundary target.
 - Jim George: I think the idea is to identify responsibility, in terms of local targets. The original intent of local targets was to help folks, locally, know what is and isn't their responsibility. I would suggest the facility level. Could be state or federal. The point has been made that if a facility has a permit, it could take several permit cycles for them to achieve their Bay responsibility. This could include non-traditional MS4s, though I'm not suggesting we identify them as local targets. But it could be defined as local.

- Sarah Diebel: We looked at local area planning targets based on the Phase II guide, but we also noted that federal facility-specific targets are a component of local area targets.
- Joan Salvati: How does that work?
- Sarah Diebel: I think if you're going to call specific facilities out, then it should be incorporated into that first bullet (local jurisdictional boundaries).
- Jim George noted that the first bullet uses the term 'jurisdictions', which may exclude facilities. Maryland breaks it out by facilities and jurisdictions. He also asked where waste load allocations and targets intersect.
- James Davis-Martin: It's a question of scale, again. Load allocations could be aggregate at a segment scale, in which case they're not really attributing a responsibility as you're indicating. There's a collective responsibility of all those contributing to the aggregate. Whether you have individual allocations to a facility – that certainly would be a form of a local target.
- Bruce Williams: I like the last bullet (any of the above) because it takes into account variability. But I also like a grouping of the first 3 bullets because then there's always someone who's responsible for the assignment of targets in those areas. And this would include federal, state, and non-traditional facilities too.
 - Joan agreed with Bruce about grouping the first 3 bullets, and noted that to get to James's suggestion, you could do yield-based targets and identify those who are contributing to that high yield in the area. It would be up to the jurisdictions to identify the best approach to target that area. So I like the idea of not limiting it to only jurisdiction areas, but also to 'problem' areas.
- Chris Thomas: I'm curious, if we're defining a local entity, shouldn't we consider the definition of responsibility for a local entity; however that's defined? If they're going to have targets for localities, then they'll be ultimately responsible if/when there's any enforcement or compliance.
 - Joan Salvati: That's not necessarily true. Not every locality will have the authority or the ability to address source-specific loads.
- Joan Salvati: It appears that the first 3 bullets that describe specific local and regional area examples are acceptable, and that people seem agreeable to leaving in James's segment-shed approach.
 - Nicki Kasi: Are these segments within the watershed model?
 - James Davis-Martin: They haven't changed the segmentation between the models, but I wouldn't restrict it to a model-segment, or an LRSEG, or a segment-shed or a major basin. And if you're developing a target, shouldn't we have the flexibility to define those targets differently based on the load/yield-related information?
 - Nicki Kasi: I would define this as 'areas, watersheds, or sub-watersheds of the Chesapeake Bay Tributaries targeted for high-sector-load or high-yield'. This would be a separate bullet.
 - Jim George: I think it makes sense to do that type of targeting when developing a strategy, but I wonder who ends up being responsible within that particular arena.
 - Joan Salvati: You could identify these high-yield/load areas, and in my mind it would be incumbent upon the jurisdictions developing the WIPs to figure out how that nut will be cracked.
 - Jim George: The question of responsibility drives a bit at the expectations in the WIP document.
 - Delaware thought that providing an 'a la carte' menu for defining boundaries would be useful. They also noted that if every state had to agree on a single definition of local, then it would be a challenge.
 - New York was comfortable with the bullets defining local, but stated they are most comfortable with keeping the definition at the watershed or sub-watershed level.

ACTION: Joan Salvati will update the strawman document based on feedback from the Task Force. The updated version will be distributed to the Task Force in advance of the August conference call for continued review and discussion.

The Task Force will continue discussing the questions laid out in the strawman document during their August meeting.

Adjourn

Next conference call: August 1st (1-3pm)

Meeting Participants:

Name	Affiliation
Lucinda Power	EPA CBPO
Lindsey Gordon	CRC
Suzanne Trevena	EPA
Marty Hurd	DOEE
Alisha Mulkey	MDA
Jason Keppler	MDA
Jim George	MDE
Paul Emmart	MDE
Bruce Williams	LGAC- Maryland
Ben Sears	NYSDEC
Wendy Walsh	USC/Tioga Co. SWCD
Lisa Schaefer	County Commissioners Assoc. of PA
Kristen Wolf	PA DEP
Nicki Kasi	PA DEP
Ted Tesler	PA DEP
Charlotte Katzenmoyer	City of Lancaster
Katie Frazier	VA Agribusiness Council
Norm Goulet	NVRC
Russ Baxter	VA DEQ
Joan Salvati	VA DEQ
James Davis-Martin	VA DEQ
Bill Keeling	VA DEQ
Larry Land	VA Assoc of Counties
Wilmer Stoneman	VA Farm Bureau
Debbie Byrd	Goochland Co. VA
Jennifer Walls	DNREC
Alana Hartman	WV DEP
Sarah Diebel	DoD
Adam Wright	DoD
Joe Wood	CBF
Ann Jennings	CBC
Ruby Brabo	King George County
Eric Gregory	Kind George County
Joellyn Warren	LIMC
Lisa Ochsenhirt	Aqua Law
Chris Thomas	King George Co. Service Authority
Matthew Pennington	Eastern Panhandle Planning council
Whitney Katchmark	HRPDC