

CHESAPEAKE BAY PROGRAM
WATER QUALITY GOAL IMPLEMENTATION TEAM
APRIL 8TH, 2013 CONFERENCE CALL MINUTES

ACTION ITEMS AND DECISIONS

DECISION/ACTION: WQGIT Members agreed to continue the discussion of constant delivery factors on future WQGIT conference calls. Gary Shenk will work with the CBPO modeling team to run various scenarios using constant delivery factors and will share the results with the Membership.

ACTION: Further discussion is needed as to whether the WQGIT will pursue the development of toxic contaminant goal and outcome statements and what recommendations to provide to the Management Board. Lucinda Power will schedule a call between representatives of the WQGIT and the Fisheries GIT to explore these issues and associated next steps.

ACTION: The WQGIT Coordinator and Staffers will develop a WQGIT 6-month outlook calendar for agenda topics and distribute the document to the Membership prior to the May 13th WQGIT call.

MINUTES

1. Welcome and Introductions

- a. Jenn Volk, Chair, welcomed everyone to the call and confirmed call participants.
- b. In March 2013, the CBPO Director, Nick DiPasquale, shared the 2012 annual progress run results individually with the jurisdictions for their and their Management Board representatives' approval. For additional information on lessons learned, as well as the 2013 progress review scheduling and issues to be addressed in 2013, please download the lessons learned document that can be found on the April 1st Watershed Technical Workgroup meeting calendar entry.

2. Constant Delivery Factors

- a. Gary Shenk (EPA) reviewed the decision made by WQGIT on August 8, 2011, to use constant delivery factors for the TMDL, WIP input deck runs, two year milestones, annual progress runs, and Bay Barometer [[presentation link](#)].
- b. Bill Keeling (VA DCR): Are the constant delivery factors portraying a false sense of progress?
 - i. Shenk: The variability of variable delivery factors makes it more difficult to explain how implementing various practices affect the Bay, while CDF offers a straightforward explanation.
- c. Pat Buckley (PADEP): Recommend that if the variable delivery factor is more realistic, it should be used.
- d. Volk: Are WQGIT members open to discussing this in the future?

- e. Lee Currey (MD): The WQGIT recently agreed to use constant delivery factors, and it is not high priority to have the discussion again. Recommend addressing delivery factors during the midpoint assessment.
- f. Buckley: This is a priority. If it is not an accurate measurement of progress, it should be fixed as soon as possible.
- g. Currey: Not enough information today for WQGIT to make a decision. Need a recommendation from technical experts to continue the conversation.
- h. Davis-Martin: How will delivery factors change with the next model version?
 - i. Shenk: Clarified that the current delivery factors will not be used beyond 2017, and that any changes to the model will change all the delivery factors.
- i. Buckley: Has the WQGIT ever discussed using the constant delivery factors for construction of the WIP and using variable delivery factors for measuring progress?
 - i. Shenk: That option was discussed previously, and the WQGIT decided to use constant delivery factors for consistency.
- j. Buckley: Request that EPA not penalize jurisdictions for showing less progress as a result of using constant rather than variable delivery factors.
- k. Currey: How would a switch to variable delivery factors affect each of the jurisdictions?
 - i. Shenk: An analysis from the starting point of 2009 and the ending point of 60% with both methods will be needed to determine the effect on the jurisdictions.
- l. Currey: Noted the importance of using good science but also for jurisdictions to be able to explain the method.
- m. Ron Entringer (NY): NY would not like to change to variable delivery factors at this time.
- n. Shenk: Will present an analysis on the effect of constant vs. variable delivery factors for WQGIT to consider.

DECISION/ACTION: WQGIT Members agreed to continue the discussion of constant delivery factors on future WQGIT conference calls. Gary Shenk will work with the CBPO modeling team to run various scenarios using constant delivery factors and will share the results with the Membership.

3. Development of Toxic Contaminants Goal & Outcome Statements 35:00

- a. Scott Phillips, USGS, updated the WQGIT on the potential addition of a [Toxic Contaminant Goal and Outcome](#). The Fisheries GIT would like to coordinate with the WQGIT on drafting goal and outcome statements for toxic contaminants as part of the larger adaptive management and decision framework efforts. The issue of developing specific toxic contaminant goal and outcome statements was previously discussed at the February 2013 WQGIT call and further discussion is requested prior to any response to the Fisheries GIT.
- b. Marel Raub (CBC): Will this be the responsibility of the WQGIT?
 - i. Phillips: One option is for joint responsibility between the Water Quality GIT and the Fisheries GIT.

- c. Buckley: PA prefers focusing their efforts on nutrient and sediment, allowing toxics to be covered by state level TMDL programs. If a toxic contaminant goal is developed, PA prefers to have the WQGIT determine the goal rather than Fisheries. Recommend that the PSC should decide whether or not to include the toxic goal.
 - i. Lucinda Power, EPA: The Management Board has not made a decision about pursuing the goal and the membership is interested in feedback from the WQGIT and Fisheries GIT first.
- d. Spano: How would toxic contaminant priorities be set? Is it within the scope of WQGIT to impact any of these issues?
 - i. Phillips: First step is to discuss existing programs and what is already being done to reduce toxic contaminants; the next step will be to determine what the group is able to do.
- e. Buckley: Note that PA has TMDLs for PCBs in the upper Susquehanna River, and that remediation is not possible when they have already mixed with sediment. There are new national rules for mercury that the jurisdictions have three years to comply with.
 - i. Phillips: PCBs certainly are difficult to remediate; however, there are voluntary programs to prevent their introduction from transformers. The goal is to determine what aspects of toxic contaminants the partnership could focus.
- f. Bruce Michael (DNR): Would the jurisdictions be responsible for additional water quality monitoring?
 - i. Phillips: Intention is to make use of existing monitoring programs.
- g. Spano: Recommend identifying the priorities and determining which aspects align with activities already being done by the workgroups to narrow the scope.
- h. Phillips: Will be asking for WQGIT decision to be made on this soon, to be concurrent with new Bay Agreement.
- i. Currey: Recommend identifying practices currently underway in the watershed to reduce toxics, and then determine what aspects are not yet being addressed. Recommend elevating the decision to the PSC.
- j. Volk: Additional comments on toxic contaminants requested from WQGIT membership by the end of this week.
- k. Dubin: Recommend that the Agriculture Workgroup have an opportunity to discuss toxic contaminants.
- l. Buckley: Note that an additional workgroup is a resource issue for PA.
- m. Phillips: Will determine what practices are already in place before taking on additional ones.

ACTION: Further discussion is needed as to whether the WQGIT will pursue the development of toxic contaminant goal and outcome statements and what recommendations to provide to the Management Board. Lucinda Power will schedule a call between representatives of the WQGIT and the Fisheries GIT to explore these issues and associated next steps.

4. Workgroup Updates

- a. WQGIT Workgroup chairs and coordinators provided updates on current activities and upcoming agenda topics.
- b. Matt Johnston: Watershed Technical Workgroup recently completed 2012 progress runs. Will be discussing lessons learned from 2012 progress run and preparing for 2013 progress over the summer. WTWG has been asked to closely review BMP panel reports before they come to the WQGIT for final approval. A new panel has been convened to discuss Algal Flow Way Technologies.
 - i. Davis-Martin: What about the question that came up during lessons learned from 2012 about reporting voluntarily installed practices?
 - 1. Johnston: Reviewed all records, there was never a decision by AgWG or WQGIT to exclude voluntary or non cost-shared practices. Expecting greater scrutiny and verification of the non cost-shared practices; however, they are accepted in terms of progress.
 - ii. Davis-Martin: Will the WQGIT be discussing functional equivalence?
 - 1. Johnston: The verification committee will likely be discussing this soon; can bring to WQGIT as well.
- c. Sally Claggett (USFS): The Forestry Workgroup has been working on verification, including a trial run of the Forest Buffer protocol verification tool. The two expert panels on forest buffers and expanded tree cover will be completing panel reports later this spring. Developing a white paper on riparian forest buffer progress and challenges.
- d. Pat Gleason (EPA): The Trading and Offsets Workgroup has a new chair, David Foster. There is also a new schedule for the Trading and Offset Technical Memorandums to assist jurisdictions as they continue to develop their trading and offset programs.
- e. Peter Claggett (USGS): The Land Use Workgroup will be discussing low density residential developments and septic systems at their next in person meeting. Most jurisdictions have received a request from the workgroup to submit local data for use in a partnership bay wide Land Use Land Cover dataset.
- f. Suzanne Trevena (EPA): Milestones Workgroup will be discussing the timeline for milestone submission; will be available in time for the next WQGIT call.
- g. Mark Dubin (UMD): The Agriculture Workgroup has four expert panels, which are finalizing their panel reports in the coming months. The Nutrient Management panel just had the second meeting of the reconvened panel. The AgWG will be hosting a modeling workshop May 22-23. Following the workshop, an agriculture modeling subgroup will be formed to support the work of the panels and the AgWG.
- h. Tanya Spano: The Waste Water Workgroup is addressing the issue for jurisdictions with a high percentage of loads coming from wastewater, where changes in precipitation can significantly change progress. A decision will be brought before the WQGIT in the next few months.
- i. Jeremy Hanson: The Urban Stormwater Workgroup is finalizing their panel recommendations.

ACTION: The WQGIT Coordinator and Staffers will develop a WQGIT 6-month outlook calendar for agenda topics and distribute the document to the Membership prior to the May 13th WQGIT call.

Adjourned

Next WQGIT Conference Call:

Monday, May 13th, 2013

1:30 P.M. – 3:30 P.M.

Participants

| | |
|--------------------|-----------------------------------|
| Greg Allen | CBPO |
| Eric Aschenbach | VDH |
| Karl Berger | Metro Wash Council of Gov. |
| Karl Blankenship | Bay Journal |
| Patricia Buckley | PA DEP |
| Sally Claggett | USFS/CBPO |
| Lee Currey | MDE |
| James Davis-Martin | VA Dept. Cons. And Rec. (DCR) |
| Sarah Diebel | DOD |
| Mark Dubin | CBPO/UMD |
| Ron Entringer | NY DEC |
| Steve Hann | HRMML |
| Jeremy Hanson | CBPO |
| Alana Hartman | WV Dept. of Env. Protection (DEP) |
| Matt Johnston | UMD |
| Bill Keeling | Virginia |
| Teresa Koon | WV Dept. Env. Planning |
| David Koran | Army Corps of Engineers |
| Sarah Lane | MD DNR |
| Lewis Linker | EPA |
| Ross Mandel | ICPRB |
| Beth McGee | CBF |
| Dianne McNally | EPA |
| Bruce Michael | MD DNR |
| George Onyullo | DDOE |
| Scott Phillips | USGS |
| Sheryle Quinn | US DON |
| Marel A. Raub | Ches. Bay Commission (CBC) |
| John Schneider | DE DNR and Env. Control |
| Gary Shenk | EPA/CBPO |
| Jennifer Sincock | EPA |
| Kim Snell-Zarcone | Conservation PA |
| Tanya Spano | Metro Wash Council of Gov. |
| Helen Stewart | MD DNR |
| Jeff Sweeney | CBPO |
| Nita Sylvester | EPA |

| | |
|-----------------|---------------|
| Larry Tennity | NRCS DE |
| Ted Tesler | PA DEP |
| Tom Thornton | MDE |
| Suzanne Trevena | EPA Region 3 |
| Jennifer Tribo | Hampton Roads |
| Jennifer Volk | U Delaware |
| Emma Giese | CBPO |
| Mark Davis | DDA |
| Lucinda Power | EPA |