

CHESAPEAKE BAY PROGRAM
WATER QUALITY GOAL IMPLEMENTATION TEAM
June 8, 2015 CONFERENCE CALL
Minutes

Summary of Action and Decision Items:

Remaining from May:

ACTION: Peter Claggett will provide WQGIT members with an updated table that lists the current land use categories and overlays being proposed for use in the Phase 6 Watershed Model.

ACTION: Lewis Linker will provide the APEX model data on local impoundments and a template for updating the data for the Phase 6 Model. Jurisdictions are encouraged to focus on updating information on impoundments that may have minimal discharge to streams and the Bay, such as drinking water reservoirs.

New from June:

DECISION: The WQGIT approved the Federal Facility Targets Protocol document contingent upon the remaining minor revisions to Maryland's section of Appendix A, and the responses to any substantive comments received prior to June 11, 2015 at 12pm.

ACTION: Lucinda will provide the WQGIT with an update on the progress being made towards finalizing the NEIEN appendix and codes list. These steps will be completed prior to NEIEN receiving historic BMP data on June 30, 2015.

ACTION: Lucinda will send out the proposed WQGIT Governance Protocols by June 9th for review and comment. The Protocol will be up for approval during the June 22nd WQGIT call.

Welcome/Confirm Call Participants/Workgroup Updates – James Davis-Martin, Chair

- James convened the call, verified call participants.
- Davis-Martin: I would like to follow up on the action items from the May WQGIT meeting. There are several that are yet to be completed:
 - I'd like to thank the group for your work on management strategies.
 - Peter Claggett sent the webinar presentations on the land use categories that he gave to Pennsylvania and Maryland and we will distribute those.
 - We will follow up on the updated table with the current land use categories and overlars being proposed for the Phase 6 Watershed Model.
 - Lew Linker (EPA) is supposed to provide APEX model data on local impoundments.
- Linker: Thank you I will get that out this week.

ACTION: Peter Claggett will provide WQGIT members with an updated table that lists the current land use categories and overlays being proposed for use in the Phase 6 Watershed Model.

ACTION: Lewis Linker will provide the APEX model data on local impoundments and a template for updating the data for the Phase 6 Model. Jurisdictions are encouraged to focus on updating information on impoundments that may have minimal discharge to streams and the Bay, such as drinking water reservoirs.

- Davis-Martin: Due June 30, 2015 are the draft verification program plans and the draft historical data for the Phase 6 Model. Is NEIEN ready to received historic data submissions and is Scenario Builder ready to process the submissions? Have NEIEN's Appendix A and the NEIEN codes list been finalized?
 - Matt Johnston (UMD): The Watershed Technical Workgroup (WTWG) has been working on both of those. There are a few BMPs that need to be submitted in different ways for Phase 6, and so we are currently making those changes to Appendix A. We are ready to accept data in NEIEN once Appendix A is published, but it will not be transferred to Scenario Builder because that will not be finalized until October 1, 2015. For this first data submission we are testing for NEIEN only.

Next Steps for Extractive Loads – Ted Tesler, PA DEP and Matt Johnston, UMD

- Matt and Ted gave an overview of the options presented at the last Watershed Technical Workgroup meeting for handling extractive lands in the Watershed Model, and provided an update on the Workgroup's progress towards reaching a recommendation.
- Ted Tesler (PADEP, WTWG Chair): We had two principle issues to address: how to address extractive lands in Phase 5 and Phase 6 of the Watershed Model. Some states handle crediting by putting the Abandoned Mine Reclamation (AML) BMP on their extractive acres, while some states don't do it that way. We are looking at a few options for how to treat permits that are applied on extractive lands, and that is where we are currently. We are trying to figure out whether or not NPDES permits on extractive lands were considered as part of the waste load allocation (WLA) for those permits, and we are still waiting on an answer.
- Johnston: We were asked by the WQGIT to consider this issue but we realized that the opinions vary on both the policy and the technical aspects, which makes this a challenging questions for the WTWG, which is a technical workgroup. We could not reach consensus during our last meeting. Our split was between option 1 and option 3 (summarized in memo). We heard from Lee Currey (MDE), the chair of the Modeling Workgroup (MWG), who laid out their principles, which basically is to not change things that would impact Model calibration. So we are asking for another meeting or two to sort out our recommendations.
- Davis-Martin: Please highlight some of the more policy-focused issues that came up?
 - Johnston: How were the milestones developed and how would the results be evaluated with this land use that is not quite modeled accurately? Can we match the programmatic assessments with the technical, considering the modeling shortcomings? If we are modeling changes in management but there hasn't been an management change in decades, how do we handle that?

- Davis-Martin: As it relates to Phase 6, I think we need to remember that we are using the models to develop a TMDL, so the idea of just doing away with a regulated class of land use is also dangerous. I think that is an important consideration for your group.
 - Dianne McNally (EPA): I agree that removing extractive loads from the model is a concern of ours. The goal of this is to optimize the Phase III planning targets.
- Dave Montali (WV DEP): Did we get an answer to whether or not extractive loads are included in the WLA?
 - Jeff Sweeney (EPA): Yes, it is included in the WLA, but we don't have much confidence in what the load is. To clarify, the load from extractive lands wouldn't go away in Phase 6, it just wouldn't be their explicitly, it would be similar to how we treat industrial stormwater.
 - Davis-Martin: Thank you for the clarification.
- McNally: So we are taking this back to the WTWG for more discussion?
 - Johnston: Yes.
- McNally: We are concerned that option 3 is still being considered if we are considering nutrient reductions. I want more explanation of why it wouldn't just be for sediment reductions when you bring your recommendations back to the WQGIT. Also there will have to be an estimate of land use area and loading rate, and how will we get that information if we go with option 3 for Phase 5 or option 2 for Phase 6?
 - Johnston: For option 3 in Phase 5 there wouldn't be a need to estimate the load, because we already have the loads in Phase 5 and we are treating it with BMPs. For Phase 6, you are right, we would need to come up with a load. This question came about because a proxy was used with the construction loads, which is not accurate enough.
- Davis-Martin: Ok, there will be more discussion at the WTWG and they will bring back a recommendation at a later date once a few of these outstanding issues have been worked out.

Federal Facility Targets Protocol – Jim Edward, EPA and James Davis-Martin, VA DEQ

- Jim Edward (EPA) provided an overview of the Federal Facility Targets Protocol and the timeline for the Federal Facility Targets Action Team.
- Davis-Martin: I just want to remind everyone that we had a chance to see this proposal back in October, 2014. We were comfortable with the approach at that time, and we just wanted to have it come back before us once some of the details were ironed out. This protocol provides those additional details.
- Edward: The Management Board meeting is Thursday, June 17, and we are hoping to get an approved Protocol to them by the end of this week.
- Lee Currey (MDE): Maryland is still working through a few comments they received from the Department of Defense (DOD).
 - Edward: That is correct, DOD and MDE are working through a few clarification questions on Maryland's approach and we are hoping to work those through in the next few days.

- Currey: So we would be approving this Protocol contingent upon the remaining edits to the Appendix A of the document?
 - Edward: Yes.
- McNally: So there are some adjustments that need to be made before final approval. Will we see an amended version before the end of the week?
 - Edward: I spoke to Jeff White (MDE) to see if he had spoken to DOD yet and he said it would happen today. To clarify, just Maryland's section of Appendix A is subject to change. That being said, as soon as it is revised, David will send around the revised version. We have set up a call for this Thursday at 2pm, so if we got any WQGIT comments by Thursday at noon, we'd be able to consider them.
- Andy Zemba (PA DEP): We want to thank Jim and Bay Program for helping on this effort.
- Greg Allen (EPA, FFTAT Coordinator): I would also like to highlight that as part of this process, we now have federal agency codes in NEIEN that will allow the Watershed Model to provide annual progress outputs for several of the largest federal agencies. Also, we have a Federal Facilities Team (FFT) that has been working for several years now, but we have learned with this effort that it is most effective when the federal agencies and the states are working collaboratively like they did with this Action Team. If we sunset the Action Team, could we consider including more jurisdictional representation on the FFT?
- Davis-Martin: Where does the FFT fit in the Bay Program organizational structure?
 - Allen: It doesn't really have a designated place as of right now, but we should reconsider that. With this Action Team working under the WQGIT, I think this would be a place to consider that.
 - Edward: I think that is a very good point Greg. I agree that we need to move forward with exploring whether the FFT fits under the WQGIT.
- Davis-Martin: If anyone has comments on the Federal Facility Targets Protocol, please submit them to Jim Edward (Edward.James@epa.gov) or Greg Allen (Allen.Greg@epa.gov) by Thursday, June 11th at 12pm. If comments are received, we will have a call one June 11th at 2pm to work through those comments, otherwise, we will continue to support moving the Protocol up to the Management Board.
- Davis-Martin: Any final thoughts or comments on the proposal? Anyone who cannot live with it?
 - Davis-Martin: Hearing none, we have consensus. Thank you.

DECISION: The WQGIT approved the Federal Facility Targets Protocol document contingent upon the remaining minor revisions to Maryland's section of Appendix A, and the responses to any substantive comments received prior to June 11th at 12pm.

STAC Peer Reviews – Gary Shenk, EPA and Natalie Gardner, STAC

- Gary and Natalie briefed the WQGIT members on the schedule and list of STAC independent peer reviews. They described the process for how each peer review will be conducted, with emphasis on the role to be played by the WQGIT.

- Russ Baxter (VA Secretary of Natural Resources Office): What is the criteria addendum? Is it the assessment criteria for the water quality standards?
 - Gary Shenk (EPA): Yes, but there is more information on that in the next agenda item.
- Shenk: Right now we are in the process of letting the CBP partnership and various workgroups know about this review process, and are just starting to ask for the draft charge questions.
- McNally: Will the WQGIT have an opportunity to look at the charge questions?
 - Shenk: Absolutely.
- Davis-Martin: The key reviews for the WQGIT to be aware of are the Scenario Builder review and the Watershed Model review?
 - Shenk: Yes, the Scenario Builder review is the one where the WQGIT is the main sponsor, but the WQGIT would be heavily involved in the Watershed Model review as well.
- Davis-Martin: So in the early-2016 time frame, these reviews will be conducted on beta version of the Model? Is this a one year work plan and we should expect a review on a final version of the Model down the line?
 - Shenk: I don't think so unless something has been substantially changed. Some questions were addressed the last time we reviewed the Model and we do not want to ask some of those same questions on topics where there hasn't been much change.
 - Linker: That is a good point. The science advisory board suggests it should be a review of new elements. So in this case, the multiple models approach is new, so that would be an area of major focus.
- Davis-Martin: You said calibration process for Phase 6 wouldn't be revisited, but that was a high priority item.
 - Shenk: The hydrology calibration has not changed, but the nutrient calibration has substantially changed, so the hydrology calibration will not be revisited.
 - Davis-Martin: Ok, thank you.
- Bruce Michael (MD DNR): Under that first STAC review item, I want to clarify that the report on Conowingo is completed but we are incorporating additional monitoring and modeling information that will support the WQSTM and that process is not concluded yet.
 - Davis-Martin: That is a good point.
 - Shenk: That's true, and the recent review of phosphorus transport is another good example. The STAC report is complete, but we will be incorporating it for another year and a half.
- Zemba: So would it be a year and a half until we get a better idea of the changes in nutrient loading that we will see in the Model?
 - Shenk: We will have an early look with the Phase 6 beta version of the Watershed Model, but we won't have any information on how different your effort will be until the partnership discusses it in 2017.

Update on “Umbrella Criterion” and Water Quality Criteria Technical Addendum – Peter Tango, USGS

- Peter Tango (Criteria Assessment Protocol WG Chair) provided an overview of the draft Ambient Water Quality Criteria Technical Addendum that has been prepared for CAP WG and CBP-STAC review this summer. Highlights include updates on protocols to address prior gaps in assessing short duration dissolved oxygen criteria, alignment of SAV goal with the Water Quality Standards-based bay grasses goal, and nontraditional partner guidance for dissolved oxygen criteria attainment assessments.
- Baxter: What is conditional attainment?
 - Tango: Our long term monitoring program monitors twice a month and we use the average to get a 30 day mean. So the effort here is to determine the probability of meeting a certain 7-day mean or 1-day mean if we know the 30-day mean.
- Baxter: What are the implications?
 - Tango: It allows us to declare which segments are impaired, semi-impaired, etc.
- Baxter: I noticed the change in SAV coverage density. What are the mechanics behind that change? Is it the new expected coverage acreage if the TMDL is revised in 2017?
 - Tango: I’m not sure I can answer that question for the TMDL. I am aware that after publishing this addendum, the new acreage will be adopted as the revised goal for the new Chesapeake Bay Agreement, but I can’t speak to the TMDL.
- Baxter: So where do those 7,000 new acres come from?
 - Tango: Some numbers were cut out from GIS acreage that shouldn’t have been cut out. It was a mix of better accounting and receiving a new set of data where some segments had a new “best SAV acreage” that was brought into the picture. It was mostly just based on updated information.
- Currey: Following up on water quality criterion and additional attainment. In the TMDL there was analysis completed that said 1-day and 7-day means were less stringent than the 30-day mean. When the criterion is updated, would it suggest that using only the 30-day mean was more or less stringent? Are the loads in the TMDL still supporting improving water quality?
 - Tango: It is supposed to be complimentary. The criteria are based on living resource needs and this is just giving us a tool to make those assessments. I think the instantaneous minimum was in the deep channel?
 - Shenk: The 30-day mean in the open and deep water were protective of the others. I don’t think we said anything in particular about the instantaneous.
 - Michael: I would say it would not really change. I think it would be a case by case basis, more impacting local TMDLs for a specific segment.
 - Currey: I don’t know how you change segments without changing the TMDL, but that is for future discussion.
- Tango: We didn’t change the criteria by which the Bay TMDL was established, we are just updating how you can make a statement about attainment using those criteria. We haven’t changed anything as far as what the TMDL is based on.

- Currey: That is very helpful. Thank you.

MPA Schedule Update – Lucinda Power, EPA

- Power: We are on track so far. The big thing this summer is land uses. The partnership review process should be kicking off soon. Some of the other upcoming dates were already mentioned, but the draft verification program plans are due in from the jurisdictions by June 30th and the draft historical data are also due from the jurisdictions on June 30th. Maybe we can discuss in July having a presentation on where we are with those two items. The Modeling Workgroup will have their first prototype of the Phase 6 Model for review during their July quarterly meeting. That is about it. For June 2015, we had an item for a new monitoring indicator on flow normalized loads. We will need to push that decision back a bit and we will have that updated soon. Tetra Tech recently updated the MPA calendar website.
- Davis-Martin: There is still the issue of The NEIEN Appendix A and NEIEN codes list and whether or not they are ready to go for historic data submission. In my mind it seems a good idea to have those locked down months in advanced of the historic data deadline.
- Power: I will follow up with Matt and circle back to you and the rest of the jurisdictions.

ACTION: Lucinda will provide the WQGIT with an update on the progress being made towards finalizing the NEIEN appendix and codes list. These steps will be completed prior to NEIEN receiving historic BMP data on June 30, 2015.

- Power: The revised Governance Protocol for the WQGIT and workgroups will be sent out on June 9th at the latest for your review and comment. We will be reviewing the changes and seeking consensus during our June 22nd WQGIT call.
- Davis-Martin: One of key parts of the new Governance Protocol will be defining our membership, and a proposal for how to do so is included in the version we will be sending around. Please do take a moment to review it and provide your feedback.

ACTION: Lucinda will send out the proposed WQGIT Governance Protocols by June 9th for review and comment. The Protocol will be up for approval during the June 22nd WQGIT call.

Adjourn

List of Call Participants

Member Name	Affiliation
James Davis-Martin (Chair)	VA DEQ
Lucinda Power (Coordinator)	EPA, CBPO
David Wood (Staff)	CRC
Emma Giese (Staff)	CRC
Jessica Blackburn	Alliance for the Chesapeake
Marel King	CBC
Beth McGee	CBF
Renee Reber	CBF

Natalie Gardner	CRC
George Onyullo	DDOE
Sarah Sand	DDOE
John Schneider	DE DNREC
Jim Edward	EPA, CPBO
Gary Shenk	EPA, CBPO
Dianne McNally	EPA, R3
Lew Linker	EPA, CBPO
Jeff Sweeney	EPA, CBPO
Jennifer Sincock	EPA, R3
Suzanne Trevena	EPA, R3
Ann Carkhuff	EPA, R3
Greg Allen	EPA, CBPO
Katherine Antos	EPA, CBPO
Ruth Izraeli	EPA, R2
Reggie Parrish	EPA, CBPO
Jenny Tribo	HRPDC
Jamie Mitchell	HRSD
Bruce Michael	MD DNR
Lee Curry	MDE
Tom Thornton	MDE
Norm Goulet	NVRC
Ben Sears	NY DEC
Andy Zemba	PA DEP
Ted Tesler	PA DEP
Ross Mandel	PRC
Kevin McGonigal	SRBC
Matt Johnston	UMD
Sally Claggett	USFS
Joel Blomquist	USGS
Lisa Ochsenhirt	V/MAMWA
Russ Baxter	VA Secretary of Natural Resources Office
Carl Friedrichs	VIMS
Jeremy Hanson	VT, CBPO
Dave Montali	WV DEP