

**CHESAPEAKE BAY PROGRAM**  
**WATER QUALITY GOAL IMPLEMENTATION TEAM**  
November 10, 2014 CONFERENCE CALL

***ACTION AND DECISION ITEMS:***

**ACTION:** Jim Edward will add a note to the Federal Facility Targets Proposal that the Department of Defense is sending in written comments, and that a workgroup will be convened to develop a more detailed plan. He will also make a modification to reflect the possibility that states with few federal facilities may not assign targets.

**ACTION:** David Wood and Emma Giese will share the Midpoint Assessment Schedule with the various sector workgroups for their review.

**ACTION:** Contact Lucinda Power ([Power.Lucinda@epa.gov](mailto:Power.Lucinda@epa.gov)) if you are interested in getting more information about the Mid-Point Assessment project management tool that is in development.

**DECISION:** WQGIT approved the Federal Facility Targets proposal.

**DECISION:** WQGIT approved the detailed Midpoint Assessment Schedule.

**DECISION:** The WQGIT approved the Cover Crop expert panel report.

**DECISION:** The WQGIT approved the Conservation Tillage expert panel report.

**DECISION:** The WQGIT approved the Riparian Forest Buffer expert panel report.

**DECISION:** The WQGIT approved the Grey Infrastructure expert panel report.

***MEETING MINUTES:***

**Welcome/Confirm Call Participants** – Jenn Volk, Chair

- Jenn verified call participants and reviewed workgroup updates.

**Workgroup Updates:**

**Land Use Workgroup**

- The Land Use Workgroup met on 9/25 to discuss the details of the Phase 6.0 land use classification and the land use loading rates.
- LUWG members attended a Management Strategy brainstorming session hosted by the Healthy Watersheds GIT on 10/30. The session included discussion of the Land Use Metrics and Methods outcome.
- The next meeting is scheduled for November 20<sup>th</sup>.

**Agriculture Workgroup**

- The Agriculture Workgroup held a joint conference call with the Watershed Technical Workgroup on 11/6 to review expert panel reports. The workgroups approved both the Conservation Tillage and Cover Crops panel reports. The workgroups provided comments on the Nutrient Management panel report, which will be presented during the joint conference call with WQGIT members on 11/21.
- The AgWG prioritized the queue of agricultural BMPs to be reviewed by expert panels during their 9/29 conference call.
- AgWG members discussed land use loading rates during a conference call on 10/22.

- The next AgWG meeting is November 13<sup>th</sup>.

#### Urban Stormwater Workgroup

- The Urban Stormwater Workgroup approved the Nutrient Discharges from Gray Infrastructure expert panel report on 9/23.
- During a conference call on 10/21, the USWG discussed land use loading rates, the workplan for 2015, and the process for improving non-farm fertilizer statistics.
- The USWG will not meet in November. Their next meeting/call is scheduled for December 16<sup>th</sup>.

#### Watershed Technical Workgroup

- The Watershed Technical Workgroup held a joint conference call with the Agriculture Workgroup on 11/6 to review expert panel reports. They approved both the Conservation Tillage and Cover Crops panel reports as well as the Grey Infrastructure and Riparian Buffer panel reports.
- The WTWG approved the new default stream restoration rate as default shoreline management rate.
- The WTWG agreed to form a subgroup that will be responsible for recommending how credit durations are incorporated into the NEIEN system to accommodate both the historical data cleanup effort and the verification of BMPs in the Phase 6 Model.
- The next WTWG meeting is scheduled for December 4<sup>th</sup>.

#### Trading and Offsets Workgroup

- The Trading and Offsets Workgroup met on 10/15 to discuss the Chesapeake Bay Foundation's report on the economic benefits of a restored Chesapeake Bay.
- The TOWG will meet in November to discuss tracking and accounting for new nutrient and sediment loads.
- The next TOWG meeting is scheduled for 11/19.

#### Wastewater Treatment Workgroup

- The Wastewater Treatment Workgroup met on 11/7 to discuss EPA's septic data sharing project, and the effort to collect states' biosolids and spray irrigation data.
- The WWTWG reviewed two proprietary BMPs being proposed for additional nitrogen reduction credit.
- The WWTWG will discuss programmatic milestones evaluations and make a determination on next steps for the proposed proprietary BMPs at their next meeting.
- The next WWTWG meeting is scheduled for 12/2.

#### **Shoreline Management BMP Update** – Matt Johnston, UMD

- Matt Johnston provided an update on the default value for the Shoreline Management BMP.
  - For more details, please see Matt's [slide](#).

#### **Discussion:**

- Sarah Diebold (DoD): What is meant by "non-conforming"?
  - Johnston: It is another word for the default value.
- Dianne McNally (EPA): Are we making this change because we don't have any shoreline erosion rates?

- Johnston: The shoreline management report hasn't been approved yet, but we have a shoreline BMP with an old stream restoration rate attached to it. Now we have a new stream restoration report with a better default rate, so we are just updating that value.
- James Davis-Martin (VA DEQ): Are we replacing the sediment rate with the new stream restoration sediment rate and setting Nitrogen and Phosphorus rates at 0?
  - Johnston: N and P are currently set at zero in the model, but no one has reported shoreline erosion control practices. I anticipate that once the shoreline management panel report is approved, there will still be a non-conforming rate. But remember that there are 2 ways to report stream restoration and shoreline erosion control: you can report them simply and get the non-conforming rates, or you can report them with more detail and get a more accurate rate. The panel said they are not able to give default rates but this is the path moving forward.
- Davis-Martin: We are essentially changing the efficiencies of a BMP. In the future this should require GIT action since it is changing the efficiency balance to put a higher value on the sediment but reducing nutrient benefits to zero.
  - Lucinda Power (EPA): This is what the Watershed Technical Workgroup is recommending and the WQGIT will have a chance to review this once the report is finalized.

#### **Prioritized BMP Panel Queues** – Lucinda Power, EPA

- Lucinda Power reviewed the proposed list of new BMP panels and the resources allocated to each.
  - For more information please see the [list of panels](#).

#### **Discussion:**

- Andy Zemba (PA DE): Pennsylvania is close to making a call with regards to a possible non-urban stream restoration BMP panel.
  - Power: If the decision is to convene the panel, we can meet to determine what resources might be necessary.
- Davis-Martin: If we anticipate these new panels being done by October, 2015 and we want to have calibration data for them, we will need a list of them added to the NEIEN appendix as interim so we can collect and report on them. There is some urgency.
  - Power: We will work on getting that information. All of these new BMP panels are expected to be complete by the October 2015 deadline except for the ones on the waiting list.
  - Rich Batiuk (EPA): That is why we wanted to get this list in front of the WQGIT now, so you will be aware of what will be included in the calibration.
- Davis-Martin: I have concerns about how panels starting in the second quarter of 2015 will finish by October, 2015.
  - Batiuk: I know it is unlikely, but if a panel is missed in the initial calibration, we can capture it in the final calibration period. As long as we understand that, we will be fine, we just won't have the added benefit of seeing the practice in the initial calibration.
- Johnston: The Watershed Technical Workgroup will work to include these new BMPs in NEIEN and to communicate these default measurements that jurisdictions need to report. There will still have to be the acknowledgment that we may need to change some things once the expert panel reports are approved.

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

- Jim Edward and James Davis-Martin reviewed the finalized [Federal Facility Targets proposal](#).

### **Discussion:**

- Diebold: The Department of Defense is not yet at a place where we feel like we can agree to this proposal. We need to collect more background information to further evaluate future impacts. We will not have this in time for the November 13 Management Board meeting.
- Volk: Does this have to stay on the agenda for Thursday's Management Board meeting?
  - Edward: If this proposal doesn't make it to the Management Board on Thursday, it won't be review by the Principle Staff Committee (PSC) for another 3 months. So we will have to have a discussion on it by Thursday.
- Russ Baxter (VA DEQ): I sympathize with Sarah Diebold, we shouldn't take a proposal that is not fully finished to the Management Board on Thursday. Do those 3 months really matter?
- Edward: We just want to lay out a basic set of steps, we don't want to get into the detailed protocol yet, that will come back through this group for approval at a later date once this outline has been approved.
- Davis-Martin: This information will be useful for the October, 2015 data call. Sliding the PSC presentation back compresses the implementation time, which is a bigger problem than the details of this concept proposal.
  - Edward: I share that concern.
- Beth McGee (CBF): The Chesapeake Bay Foundation shares Jim's frustration with timing. This proposal should have come out of the 2010 executive order strategy. From our perspective, this is long overdue and we would like to see this more forward as expeditiously as possible.
- Davis-Martin: We are not changing expectations for federal facilities, we are only quantifying those expectations.
  - Greg Allen: We are just revisiting the method we are using for setting targets.
- Volk: Sarah, do you have a proposal for a way to help move this forward today?
  - Diebold: I understand that this is a basic outline of the steps and that the detailed protocol will be worked out in the long run and I will move it up the chain, but this is the direction I have been asked to provide.
  - Edward: We can add a note that the Department of Defense is sending in written comments and that a workgroup will be convened to develop a more detailed plan. With those conditions, hopefully we can go through to the Management Board.
- Ben Sears (NYSDEC): Does this approach leave open the possibility that a jurisdiction may not assign federal facility targets?
  - Davis-Martin: You could interpret the language about prioritization of facilities in such a way that in theory no federal facilities meet the prioritization requirement(s) to establish targets.
  - Volk: That contradicts #3, which states jurisdictions with very few facilities would list all of them.
  - Teresa Koon (WV DEP): West Virginia also anticipates we will not report any federal facility targets.
  - Batiuk: We can make a modification that reflects that possibility.
  - Zemba: I doubt Pennsylvania will be setting federal facility targets either, but we want to work closely with those facilities to be able to account for any reductions they may have.

- George Onyullo (DDOE): D.C. is looking forward to setting these federal facility targets since they make up a large footprint in D.C.
- Volk: Virginia, Maryland, and D.C. will be setting facility targets, are each of these jurisdictions ok with this proposal?
  - All three jurisdictions responded yes.
- Volk: We will approve the federal facility targets proposal to move forward to the Management Board, with the provision that Jim Edward will add the aforementioned text.

**DECISION:** WQGIT approved the Federal Facility Targets proposal.

**ACTION:** Jim Edward will add a note to the Federal Facility Targets Proposal that the Department of Defense is sending in written comments and that a workgroup will be convened to develop a more detailed plan. He will also make a modification to reflect the possibility that states with few federal facilities may not assign them targets.

**Management Board Meeting Update** – Jenn Volk, Chair

- Jenn Volk reviewed the detailed Midpoint Assessment Schedule and asked for WQGIT approval to present the schedule at the November 13 Management Board meeting.
  - The detailed schedule can be found [here](#).

**Discussion:**

- Volk: We will be sharing the detailed MPA schedule at the Management Board meeting. Yellow highlighted items are on the calibration schedule.
- Power: I would like to mention that this is a first step in developing a more detailed MPA schedule and that TetraTech will be developing a comprehensive, project management tool that goes into even more detail with regards to this schedule. They will be presenting options for this next week. If you are interested in learning more about this demo, please let me know and I can keep you informed.
- Davis-Martin: This is a good first level master schedule, but at a very coarse level of detail. There may be many sub-steps within each of these items on the schedule.
- McNally: I have a few concerns about some topics we covered at the October Face-to-Face meeting such as the James River, Climate Change, and Conowingo, and I think we need to make sure we are on schedule.
- Lee Currey (MDE): We are paying close attention to the Lower Susquehanna River Watershed assessment from a modeling perspective. I would encourage all workgroups to go back and take a look to make sure there are no critical path issues, especially for decisions related to Scenario Builder, so they can be coded by September.
- Volk: Are there any objections to sharing this schedule at the Management Board meeting on Thursday?
  - No objections were raised.
- Power: By December I should be ready to share the project management tool with the WQGIT.

**ACTION:** David Wood and Emma Giese will share the Midpoint Assessment Schedule with the various sector workgroups for their review.

**ACTION:** Contact Lucinda Power ([Power.Lucinda@epa.gov](mailto:Power.Lucinda@epa.gov)) if you are interested in getting more information about the Mid-Point Assessment project management tool that is in development.

**DECISION:** WQGIT approved the detailed Midpoint Assessment Schedule.

### **BMP Expert Panel Reports** – Panel Representatives

- Panel representatives presented the following expert panel reports and workgroup recommendations to the WQGIT. The full reports can be found on the event calendar page.

### **Cover Crop Panel Report** – Jack Meisinger (USDA)

- For more information, please see Jack Meisinger's [presentation](#).

#### **Discussion:**

- McNally: How did the panel arrive at their best professional judgment efficiencies?
  - Meisinger: There are no direct studies on phosphorus and sediment reductions from these cover crops, so the panel used best professional judgment on what residue would be made by the various cover crops in their region.
  - Mark Dubin (UMD): The panel is using a relative-to-rye equation. Those rye values are already in the model and can't be changed, so these values are trying to create an association with the three other cover crops that are already in the model.
- Davis-Martin: So to clarify, there is research that shows how the rye numbers came about and we are just using best professional judgment to relate these crops to the rye numbers?
  - Dubin: There was limited information available to the previous panel, and this panel used the references from that original report.
- Davis-Martin: I think it is interesting to note that this is one of the most detailed BMPs we have and yet it is based off of some of the least amount of research to support it.
  - Dubin: I also want to add that the panel looked at the research for developing nitrogen reduction efficiencies. By making these efficiencies relative in the same way as the nitrogen values, there is more of a tie than there may be indicated in these comments. It is the same approach as with the N efficiencies, just with less data to support it.
- Volk: This is an effort to use best professional judgment so that these efficiencies can be filled in for Phase 5.3.2 to be used for 2014-2017 progress. The majority of the panel's effort needs to be on Phase 6.
- Volk: Are there any objections to approving the Cover Crop expert panel report?
  - None were raised.

**DECISION:** The WQGIT approved the Cover Crop expert panel report.

### **Conservation Tillage Panel Report** – Bill Keeling, VA DEQ

- For more information, please see Bill Keeling's [presentation](#).

#### **Discussion:**

- Davis-Martin: How is the manured fraction determined for Phase 5.3.2?
  - Keeling: Each county has an amount of manure, for some counties that is a thin layer spread on all land, and there is a ratio of fertilizer to manure by county and by cropland.
  - Johnston: Those percentages come from the Ag census.
- Volk: Are there any objections to approving the conservation tillage panel report?
  - None were raised.

**DECISION:** The WQGIT approved the Conservation Tillage expert panel report.

### **Riparian Forest Buffers** – Judy Okay, USFS

- For more information, please see Judy Okay's [presentation](#).

**Discussion:**

- McNally: How is this BMP different than the stream restoration credit?
  - Okay: Stream restoration takes the stream morphology into account, but this BMP does not. The people reporting buffers are not stream experts and thus could not provide us with that information.
- McNally: So are these in-stream reductions additive if they are also doing the stream restoration?
  - Okay: If they are planting a forest buffer on both sides, they could report for this in-stream credit. Most stream restoration practices deal with the stream banks, not with the buffers beyond the banks.
- McNally: I am going to raise the concern about crediting a pound per-linear foot for in-stream credit because we don't really know what the baseline is, and there is an issue over double counting.
  - Johnston: Dianne, you are right, the Watershed Technical Workgroup has started to say that if the loads are not explicitly simulated in the Phase 5.3.2 model, then there is the potential for double counting. They also now say that for Phase 6, these in-stream loads must be explicitly simulated so that we know what the load is that we are reducing. This in-stream reduction is being proposed only for Phase 6.
- Volk: Are there any objections to approving the Riparian Forest Buffer panel report?
  - None were raised.

**DECISION:** The WQGIT approved the Riparian Forest Buffer expert panel report.

**Grey Infrastructure** – Tom Schueler, Chesapeake Stormwater Network

- For more information, please see Tom Schueler's [presentation](#).

**Discussion:**

- McNally: I have several concerns: First is the manpower associated getting a verification program in place. There will have to be some work in documenting illicit discharge fixes in the MS4s. Maybe the Urban Stormwater Workgroup can develop a document that will be an addendum to this BMP panel report that outlines how to accomplish that. My second concern is the idea of double counting. In terms of FSOs, these are illegal and there is no load assigned to them. If we fix them, we would be getting credit for something that doesn't exist. My final comment is that I would like the programmatic credit to be extended beyond 2017.
  - Schueler: As far as double counting, the specific language we put in the technical appendix states that in Phase 6, the load must be explicitly defined. As far as sunseting the programmatic credit, there is no language that says it ends in Phase 6 (2017), but rather, the report states that the individual credit just becomes a new alternative at that point. And as far as documentation concerns, the individual discharge credits won't occur until 2018 at the earliest and at that time, Norm Goulet (USWG Chair) and I will sit down with the jurisdictions to work out any permitting concerns in order to figure out how they will be documented.
- McNally: To clarify, there is still reporting required to receive programmatic credit?
- Schueler: Yes. They must report how many acres are treated by the discharge elimination, and some basic documentation of the program, but we can go over that with the states.

- Volk: Are there any objections to approving the Grey Infrastructure expert panel report?
  - None were raised.

**DECISION:** The WQGIT approved the Grey Infrastructure expert panel report.

Volk: Final reminder that there will be a WQGIT meeting on November 21<sup>st</sup> from 1pm-3pm to discuss the Nutrient Management expert panel report.

<http://www.chesapeakebay.net/S=0/calendar/event/22199/>

## **Adjourn**

### **Next Monthly Meeting**

Monday, December 8, 2014

1:30-3:30pm

<http://www.chesapeakebay.net/S=0/calendar/event/21220/>

### List of Call Participants

Member Name	Affiliation
Jenn Volk (Chair)	U of Delaware
James Davis-Martin (Vice-Chair)	VA DEQ
Lucinda Power (Coordinator)	EPA, CBPO
David Wood (Staff)	CRC
Emma Giese (Staff)	CRC
Karl Blankenship	Bay Journal
Marel King	CBC
Beth McGee	CBF
Tom Schueler	CSN
Mary Searing	DDOE
George Onyullo	DDOE
John Schneider	DE DNREC
Sarah Diebold	Dept. of Defense
Ann Carkuff	EPA
Suzanne Trevena	EPA
Dianne McNally	EPA
Lew Linker	EPA, CBPO
Greg Allen	EPA, CBPO
Jim Edward	EPA, CBPO
Rich Batiuk	EPA, CBPO
Jenny Tribo	Hampton Roads PDC
Dinorah Dalmasy	MDE
Lee Curry	MDE
Tom Thornton	MDE



Norm Goulet  
Ben Sears  
Andy Zemba  
Ted Tesler  
Steve Han  
Matt Johnston  
Mark Dubin  
Jack Meisinger  
Judy Okay  
Sally Claggett  
Russ Baxter  
Jeremy Hanson  
Ning Zhou  
Teresa Koon

NVRC  
NYSDEC  
PA DEP  
PA DEP  
PMAA  
UMD, CBPO  
UMD, CBPO  
USDA  
USFS  
USFS  
VA DEQ  
VT, CBPO  
VT, CBPO  
WV DEP