

CHESAPEAKE BAY PROGRAM  
WATER QUALITY GOAL IMPLEMENTATION TEAM

FEBRUARY 14<sup>TH</sup>, 2011 CONFERENCE CALL MINUTES

## SUMMARY OF DECISION AND ACTION ITEMS

**ACTION:** Final Vice-Chair nominations are due by February 28<sup>th</sup>.

**ACTION:** Jurisdiction will finalize data with CBPO staff by February 22<sup>nd</sup>.

**ACTION:** Responses to the CAFO questions from 1/24/11 WQGIT call will be confirmed then distributed.

**ACTION:** Agricultural Workgroup members should respond to the scheduler for their next call.

**ACTION:** CBPO will brief their management on issues raised during this meeting, including concerns with the schedule, availability of the new model and equity in distribution of Farm Bill funds.

**ACTION:** Lucinda Power will share local government questionnaire and distribution list with jurisdictions for input. Jurisdictions should provide input on the questionnaire itself, who should receive it, and any additional considerations for CBPO when prioritizing resources for Phase II WIP support.

**ACTION:** Ron Entringer will provide CBPO with the Farm Bill fund distribution model used in the Great Lakes region.

**ACTION:** Jurisdictions should suggest locations for Scenario Builder workshops.

**ACTION:** Rich Batiuk will take the lead in following up with Virginia on the issue of the road network being incorporated in the Phase 5.3.2 land use in the unregulated or regulated category.

**ACTION:** Peter Claggett and Fred Irani will provide the information on the Phase I and II MS4 stormwater permit and work with states to ensure their information is correct.

**ACTION:** Peter Claggett and Guido Yactayo will provide data on construction land use in Phase 5.3.2 as soon as it is available

## MINUTES

### Vice-Chair Nominations – Larry Merrill

- Karl Czymmek nominated by New York
- Professor at NY Land Grant University, Cornell
- Long background in agronomy
- Involved in all things agriculture in NY including regulatory programs
- Member of “pro-dairy” program providing agricultural research

**ACTION:** Final Vice-Chair nominations are due by February 28<sup>th</sup>.

### Updates – Katherine Antos

#### *Model Calibration*

- Requests were made on 1/24 WQGIT call and workgroup meetings for calibration data; contacts as follows: Wastewater (Ning Zhou), Agriculture (Mark Dubin), Stormwater (Jeff Sweeney)
- Quality of data dictates quality of the model results
- Emails from EPA lead provided the data that would be used without additional state input

**ACTION:** Jurisdiction will finalize data with CBPO staff by February 22<sup>nd</sup>.

#### *CAFO Updates – response to questions from 1/24 WQGIT call*

1. Clarify why, if CAFO permits are “zero discharge,” the Bay TMDL still assigns loads associated with a
2. Should load from a production area that fully complies with a CAFO permit be considered in the TMDL load allocation (LA) or wasteload allocation (WLA)?

3. Are there additional BMPs that could be applied to CAFO production areas to further reduce these loads?

*Post-meeting note: A response document was distributed to WQGIT on 2/18 by Chair, Larry Merrill, available here: <http://archive.chesapeakebay.net/calendar.cfm?eventdetails=11160>.*

**ACTION:** Responses to the CAFO questions from 1/24/11 WQGIT call will be confirmed then distributed.

**ACTION:** Agricultural Workgroup members should respond to the scheduler for their next call.

Phase II WIP Presentation – Katherine Antos, Lucinda Power

*EPA Support for Phase II WIPs: Feedback from Bay Jurisdictions*

**ACTION:** CBPO will brief their management on issues raised during this meeting, including concerns with the schedule, availability of the new model and equity in distribution of Farm Bill funds.

**ACTION:** Lucinda Power will share local government questionnaire and distribution list with jurisdictions for input. Jurisdictions should provide input on who should review this and any additional considerations for CBPO.

- Support for WIP Phase II process is contingent on the budget, more information may be available on potential EPA budget cuts at the PSC meeting on Thursday, February 17<sup>th</sup> 2011
- Maryland requested enough time to inform local governments that questionnaire is coming
- LGAC will be consulted on what questions should be asked, who should be asked and for feedback on how EPA could assist the jurisdictions in working with local partners
- Tanya Spano volunteered MWCOC to assist in spreading the word about the survey

*EPA Expectations for States on Phase II WIPs and Schedule*

- These slides will be shared at the PSC meeting on Thursday, February 17<sup>th</sup>
- Ron Entringer indicated that “backsliding” has connotations for point sources which were not intended in this presentation and that beyond the Watershed Model there are issues with the other models that NY is waiting for to be resolved which will likely change allocations. CBPO is aware that this was part of EPA’s agreement with NY.
- CBPO will not change the allocation strategy for Phase II WIPs, but is looking at the level of effort rather than pound reductions. When model update is complete we will run Phase I input deck with the new model. Sector allocations numbers will likely change.
- For schedule, jurisdictions indicated preference for time windows that move back if a deadline is missed and that specific dates are wanted; seasons were included because the EPA Regional Administrator didn’t want to lock in dates until after the PSC discussion.
- Russ Baxter raised the concern that June 1<sup>st</sup> draft WIP date is in this presentation when it has been clear for months that it isn’t feasible.
- EPA is committed to modifying the schedule and is more concerned with a good Phase II WIP than forcing the current schedule.
- Bill Keeling indicated that it would be very difficult to set milestones if the new model is not available several months in advance. He also suggested including in the NFWF grants and using NEIEN. to indicate their results.
- Ron Entringer suggested that the distribution of Farm Bill funds used in their Great Lakes region was much more acceptable than strict model based distribution used in the Chesapeake Bay watershed.

**ACTION:** Ron Entringer will provide CBPO with the Farm Bill fund distribution model used in the Great Lakes region.

*Post-meeting note from Ron Entringer:* DEC and NY Ag and Markets, as well as other stakeholders, had input into NRCS selection of priority areas for GLRI funding. The map at

<http://www.ny.nrcs.usda.gov/programs/glri/index.html> shows as non-point source priority, all areas

tributary to phosphorus impaired shoreline areas of Lake Ontario. This approach differs from the CBP in that it does not exclude worthy projects in subwatersheds of otherwise low loading.

#### Scenario Builder Workshops – Chris Brosch

**ACTION:** Jurisdictions should suggest locations for Scenario Builder workshops.

- Bill Keeling, John Schneider, Tanya Spano, and Lee Currey support that technical webinars should be held before the “laymen’s” webinar because states people need the help first and the technical webinars might illuminate how the others should be conducted.
- Bill Keeling suggested holding workshop in Richmond.
- Pat Buckley offered Pennsylvania as a host for a workshop.
- Kenn Pattison wants a discussion on how land uses affect BMP usage included.
- Tanya Spano suggested that technical information be provided in advance so participants are better informed and that participants be asked for their top priorities to ensure those are covered.
- Scenario Builder estimator tools could address relative effectiveness but not necessarily cost effectiveness.
- Bill Angstadt suggested that the workshops be held in each state and tailored to state concerns and local conditions. Ron Entringer and Norm Goulet supported this proposal.
- Ron Entringer suggested that the workshop information be included in a WQGIT face-to-face meeting because not all WQGIT members fit into the technical group.
- More information on the Scenario Builder Workgroups will be provided at the 3/14/11 WQGIT conference call.

#### Feedback on Land Use Updates for Phase 5.3.2 – Peter Claggett

- Generally there were no fatal flaws found with the Phase 5.3.2 land use data.
- Norm Goulet, N.V.R.C. found a problem with the designation of Phase I versus Phase II MS4 communities in the land use which was corrected, but does not impact loads.
- Peter Claggett is working with Bill Keeling to ensure that state highways are included as MS4s as desired. This is an ongoing issue that other jurisdictions are concerned with.

**ACTION:** Rich Batiuk will take the lead in following up with Virginia on the issue of the road network being incorporated in the Phase 5.3.2 land use in the unregulated or regulated category.

- Maryland Home Builders Association and the state of Delaware are concerned that the trend scenario does not reflect the recent downturn in the economy. In response, USGS will be hosting an “Alternative Futures” workshop to identify other plausible future scenarios based on partner input, but Peter Claggett holds that the current one is sufficiently conservative.
- Comparison of updated land use data to the Baltimore and Anne Arundel Counties’ data has not yet been complete. So far five county comparisons have been completed and show that developed land is much less underestimated with the biggest shortfall remaining in the rural counties.
- Lee Currey supported Peter Claggett’s claim that this land use data is a great improvement over land use in Phase 5.3.0.

Dave Montali raised the issue of the construction stormwater permit area and Kenn Pattison wanted to ensure the CBPO has received PA’s data on this subject. Peter Claggett explained that such information is incorporated after the land use is completed.

**ACTION:** Peter Claggett and Fred Irani will provide the information on the Phase I and II MS4 stormwater permit and work with states to ensure their information is correct.

**ACTION:** Peter Claggett and Guido Yactayo will provide data on construction land use in Phase 5.3.2 as soon as it is available

## PARTICIPANTS

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