

**SUMMARY**  
**Chesapeake Bay Program**  
**Water Quality Goal Implementation Team (WQGIT)**  
**Monday, January 14<sup>th</sup>, 2013 Conference Call**  
<http://www.chesapeakebay.net/calendar/event/18967/>

**SUMMARY OF DECISIONS & ACTION ITEMS**

**ACTION:** Lucinda Power will compile a more detailed report on the status of the Chesapeake Bay Program BMP Panels currently underway, and will distribute this report to the WQGIT in advance of the February 11th call.

**ACTION:** WQGIT are asked to submit their nominations for WQGIT Vice-Chair to Larry Merrill ([Merrill.Larry@epa.gov](mailto:Merrill.Larry@epa.gov)) and Lucinda Power ([Power.Lucinda@epa.gov](mailto:Power.Lucinda@epa.gov)) by February 1, 2013.

**ACTION:** The 2017 WIP Outcome statement has been revised to state: "Have practices in place by 2017 that are expected to achieve 60 percent of the load reductions necessary to achieve applicable water quality standards compared to 2009 levels." WQGIT members are asked to review this language and submit any questions and comments to Larry Merrill ([Merrill.Larry@epa.gov](mailto:Merrill.Larry@epa.gov)) and Lucinda Power ([Power.Lucinda@epa.gov](mailto:Power.Lucinda@epa.gov)) by February 1, 2013. An approved 2017 WIP Outcome statement will be shared with the Management Board at their February 2013 meeting; depending on the date of the Management Board meeting, we will affirm the update on the WQGIT February 11, 2013 call or, as necessary, forward the agreed language via email consensus (unless there is significant comment against).

**Follow Up:** The following gaps were identified by the Management Board and other Bay Partners in the Water Quality Goals and Outcomes statement: toxic contaminants and agriculture. A brief summary from the Chesapeake Bay EO on these subjects is as follows:

Toxic Contaminants: EPA, DOI and NOAA will work with state and local governments and stakeholders to expand understanding of the extent and seriousness of the toxic contaminant problem in the Bay and its watershed and to develop contaminant reduction goals by 2013.

Agriculture: Work with the producers to apply new conservation practices on 4 million acres of working agricultural lands in high priority watershed by 2025 to improve water quality in the Chesapeake Bay and its tributaries.

The WQGIT will revisit this during its February 11, 2013 call.

**Follow Up:** Additional information on STAC's multiple models workshop, scheduled for February 25-26, 2013, can be found on STAC's website: [http://chesapeake.org/stac/workshop.php?activity\\_id=222](http://chesapeake.org/stac/workshop.php?activity_id=222)

**ACTION:** Matt Johnston will revise the draft NEIEN Open Enrollment Protocol document to read: The Appendix, Table and supporting documents as approved on August 31 of any progress reporting year will not be altered for any reason except in the following cases:

- 1) A new BMP or new BMP information is approved by the Chesapeake Bay Program.

a. If this occurs, the newly approved information must be presented to the WTWG by no later than the initial progress reporting deadline for any given year so all jurisdictions are aware of the changes, and the appropriate supporting materials describing the change such as the Appendix and Table, must be provided to all jurisdiction's reporting teams by no later than the initial progress reporting deadline for any given year.

Matt will raise this revised language to the WTWG at their February 2013 meeting.

**ACTION:** Liza Hernandez will provide a summation to the WQGIT members of the comments received during the call on the EO Water Quality Indicator prior to its submission to the Management Board.

## MINUTES

### Welcome & Updates – Larry Merrill

- Larry Merrill (EPA Region 3, Water Protection Division; Chair, WQGIT) convened the call at 1:30pm and reviewed the afternoon's [agenda](#).
- Merrill will distribute via email the WQGIT Workgroup updates and action items to the WQGIT membership later in the week.
- Merrill thanked the WQGIT members for all of their hard work over the past several months as part of the midpoint assessment. He recalled a presentation from the WQGIT Workgroup Chairs and Coordinators on the high priority work plans in December. He reminded the WQGIT that work plans for low priorities identified by the workgroups and discussed at the October face to face meeting are due to Lucinda and Jeremy on Monday, February 4th.
- Merrill explained that several Best Management Practice (BMP) Panels are currently underway to evaluate and assign efficiencies to practices that help reduce nutrient and sediment pollution.
  - Merrill: The initiation and successful completion of these BMP Panels are a high priority for the Partnership and are an integral part of the 2017 midpoint assessment process. The technical and administrative issues surrounding these Panels are often complex in nature; therefore, the Panel process requires time and resources from both the Bay Program and external Bay partners. We are actively engaged in identifying and directing support to these Panels. For example, EPA is exploring an RFP for a consortium of universities, which we believe will strongly enhance the support for these Panels. Please note that we will be looking to our jurisdictional partners for assistance should such an RFP come to fruition.
- **ACTION:** Lucinda Power will compile a more detailed report on the status of the Chesapeake Bay Program BMP Panels currently underway, and will distribute this report to the WQGIT in advance of the February 11th call.
- Merrill noted a question raised by James Davis-Martin (VA Dept. of Conservation and Recreation) on the status of expert Panels at the recent Agriculture Workgroup (AgWG) meeting, specifically on the Conservation Tillage and Nutrient Management Panels. Davis-Martin was concerned about the characterization of the Panels as “stalled.”
  - Response from Mark Dubin (Univ. of Maryland, Chesapeake Bay Program Office; Coordinator, AgWG): The “stalled” comment from Frank Coale (UMD; Chair, AgWG) was made about the past, not in the context of looking forward. The comment did not refer to the Conservation Tillage Panel, as that Panel is currently active.
  - Davis-Martin: All of the state secretaries met last September of 2011 to discuss state concerns with the Watershed Model and following that meeting was correspondence from

Region 3 and the Bay Program that made commitments to resolving those issues in time for the 2012 progress. (e.g. using interim BMPs for nutrient management). Now we're being told that the Panel hasn't finished its work. When we evaluate VA's milestones and don't allow those interim BMPs, it's an apples and oranges comparison. That's why this Panel's work is such a priority for VA.

- Merrill explained he is hitting the two-year mark as WQGIT Chair and that he will retire in the spring. Per the protocol, a new Chair is appointed from the Vice-Chair position, so Russ Baxter (VA Dept. of Environmental Quality; Vice-Chair, WQGIT) is next in line for Chair. He has accepted the position.
  - Merrill: We're planning a full in-place transition in time for the April call, so we need to initiate the nomination process of a new Vice-Chair.
  - **ACTION:** WQGIT members are asked to submit their nominations for WQGIT Vice-Chair to Larry Merrill (Merrill.Larry@epa.gov) and Lucinda Power (Power.Lucinda@epa.gov) by February 1, 2013.
  - Merrill thanked the WQGIT members for all of their work and efforts to the GIT during his time as Chair.
- Merrill asked for any agency/partner updates or announcements. None were provided.

#### **Water Quality Goal: 2017 WIP Outcome**

- Merrill: Last November, the WQGIT established a goal statement with language from the TMDL and WIP Guide, along with other materials dealing with expectations for 2017 and 2025.
- Pat Buckley (PA Dept. of Environmental Protection): It is more appropriate to be consistent with language in the TMDL executive summary and it's an appropriate time to change the language since we are in the process of aligning *Chesapeake 2000* goals with Executive Order goals and outcomes. There is a specific rationale for the 2025 outcome and we should not be applying a different rationale to the 2017 outcome. The 60% reduction outcome was developed by EPA. It's time for the Partnership to provide input on this outcome.
  - Katherine Antos (EPA, CBPO): Is the concern the Executive Order outcome talks about 60% of segments in attainment by 2025 or is the concern about whether 60% by 2017 is referring to actions or reductions implemented or achieved by that time?
    - Buckley: 60% of the actions should be completed by 2017.
    - Antos: On that point, the language there now was never intended to refer to segments in attainment. I understand the executive summary simplifies this in the TMDL.
    - Baxter: We had also interpreted it as being loads in the WIP – 60% of the 2025 loads.
- Lee Currey (MD Dept. of Environment): How do you define actions? We expect those practices to achieve 60% by evaluation through some of the tools but will we achieve it?
  - Currey suggested revised language: "Have practices in place by 2017 that are expected to achieve 60 percent of the load reductions necessary to achieve applicable water quality standards compared to 2009 levels."
  - Bruce Michael (MD Dept. of Natural Resources): Aren't the two year milestones based on load reductions?
  - Antos: For the quantitative evaluation of the milestones, we are looking at the associated load reductions with the BMPs.
- Michael: It would be hard to look at actions and not transfer them to actual loads.
- Buckley: The reason why concerns were raised on this was because of the WQ indicator for tracking the outcome.
- Davis-Martin: One of the other distinctions is the base from which you're going to be measured. The Bay TMDL mentioned 60% without a mention of the Bay. The other aspect is that you're using

2009 progress developed on a 2009 land use baseline compared to the WIPs based on a 2010 land use baseline.

- Currey: We are talking about load reductions as opposed to standards attainment.
- Baxter: This is a broad goal and Currey's first statement is more consistent with the language of the TMDL. It's a good compromise.
  - Sarah Diebel (U.S. Dept. of Defense): I like the first statement Currey had mentioned.
- Davis-Martin: If we start talking about the Phase II WIPs, they were developed from the planning targets, not the TMDL.
  - Baxter: That's why we're going to go with the first one.
- Merrill: There seems to be support for Currey's first iteration of revised language.
- **ACTION:** The 2017 WIP Outcome statement has been revised to state (changes in red): "Have practices in place by 2017 that **are expected to** achieve 60 percent of the **load** reductions necessary to achieve applicable water quality standards compared to 2009 levels." WQGIT members are asked to review this language and submit any questions and comments to Larry Merrill (Merrill.Larry@epa.gov) and Lucinda Power (Power.Lucinda@epa.gov) by February 1, 2013. An approved 2017 WIP Outcome statement will be shared with the Management Board at their February 2013 meeting; depending on the date of the Management Board meeting, we will affirm the update on the WQGIT February 11, 2013 call or, as necessary, forward the agreed language via email consensus (unless there is significant comment against).

#### **Modeling Update:**

- Gary Shenk (EPA, CBPO) described two meetings:
  - The Modeling Workgroup held its quarterly meeting the preceding week and it was extremely well attended. Highlights: first half of first day was an overview of the testing involved in transitioning to the Phase 6 model; looking at the sensitivities to atmospheric deposition from the AGCHEM model; and a presentation from the University of Wisconsin to discuss a separate formulation to changes of forest to atmospheric deposition. Also discussed advances in atmospheric deposition modeling; modeling of Conowingo; the Susquehanna assessment; and work going on in the James River.
  - STAC Multiple Modeling Workshop: specifically focused on implications of using multiple models. Anyone from the WQGIT who is interested is invited to participate. The meeting will be February 25-26 in Annapolis. From a scientific standpoint, it's easy to lay out advantages of using multiple models; however, from a management level, environmental advocates are wary of using this approach. This workgroup is aimed at trying to delve into those issues (refer to agenda). Please let Gary Shenk or Natalie Gardner (STAC Coordinator) know if you're interested in participating.
    - Buckley: Will there be a conference line available?
    - Shenk: Typically no, STAC does not offer a call-in option, given the technical nature of the discussion and an emphasis on face-to-face interaction. If you want to request a call-in option, contact Don Weller, the Steering Committee Chair.
      - Buckley: PA is interested in participating by conference call if possible.
    - **Follow Up:** Additional information and the agenda for STAC's multiple models workshop, scheduled for February 25-26, 2013, can be found on STAC's website: [http://chesapeake.org/stac/workshop.php?activity\\_id=222](http://chesapeake.org/stac/workshop.php?activity_id=222)

#### **NEIEN Open Enrollment Protocol**

- Matt Johnston (UMD, CBPO; Coordinator, Watershed Technical Workgroup): As the WQGIT members know, the CBP ask the jurisdictions each year to report BMP implementation acres and

level. There is an appendix that allows us to take data that's reported to NEIEN and convert the necessary data in Scenario Builder (SB). Sometimes the data does not map to SB as intended, so we have to update appendix periodically. What the [proposed open enrollment protocol](#) says is that we need to set the appendix in stone for every progress reporting period – between January and April. The purpose is to give the jurisdictions clear rules of the road for a reporting year. Does the WQGIT support this proposal for an open enrollment period?

- Merrill: Any questions or comments from members?
  - Davis-Martin: Could you run through the rest of the timeline associated with progress reporting to understand how this open enrollment period lines up with those dates?
    - Johnston: Jurisdictions will start working on September 1<sup>st</sup> to compile data. Final date next year is December 1<sup>st</sup> for when CBPO staff runs the original progress reports through Scenario Builder and produce a series of additional runs and conversations with the jurisdictions over the following several months.
- Davis-Martin: It seems like December 1<sup>st</sup> should be a hard cut off date?
  - Johnston: We did not include that exact date, but that's a good recommendation and we can float the language to the WTWG.
- Bill Keeling (VA DCR) explained past frustration with appendix changes when it was unclear what the rules were. Having the rules clearly documented and locked down while doing the reporting is essential.
- **ACTION:** Matt Johnston will revise the draft NEIEN Open Enrollment Protocol document to read (changes in red):

The Appendix, Table and supporting documents as approved on August 31 of any progress reporting year will not be altered for any reason except in the following cases:

  - 1) A new BMP or new BMP information is approved by the Chesapeake Bay Program.
    - a. If this occurs, the newly approved information must be presented to the WTWG by no later than the initial progress reporting deadline for any given year so all jurisdictions are aware of the changes, and the appropriate supporting materials describing the change such as the Appendix and Table, must be provided to all jurisdiction's reporting teams by no later than the initial progress reporting deadline for any given year.

Matt will raise this revised language to the WTWG at their February 2013 conference call.

- Merrill: If there's no objection, the recommendation is acceptable to all. This will not need to come back to the WQGIT. Johnston will raise this additional language to the WTWG for their consideration.
- **DECISION:** The Open Enrollment protocol is accepted, pending final approval of the revised language by the WTWG.

### **2025 Land Use Baseline Discussion**

- Merrill clarified the agenda topic was for initial discussion purposes only and that the WQGIT was not seeking a final decision on using a 2025 land use baseline projection for the Phase III WIPs during today's call. He explained the issue will be undertaken by the Land Use Workgroup as part of their Midpoint Assessment High Priority Work Plan, and their recommendations will be brought back to the WQGIT for final approval. He emphasized that when we talk about using a 2025 land use projection for the Phase III WIPs, it is within a planning context only. This issue is separate from the TMDL allocation methodology.
- Gary Shenk and Peter Claggett (US Geological Survey, CBPO; Coordinator, Land Use Workgroup) provided context and reviewed the [draft issue paper](#).

- Shenk: There were two different choices that were made. For both we chose 2010 – base year for allocations and WIPs. I want to make it clear how these two things are separate but both will be discussed at the WQGIT level. Please refer to the discussion paper, which articulates the differences.
- Claggett: The point of the issue paper was to tee up the pros and cons of using a 2025 baseline and what kind of data we'll have available in 2017. The LUWG is going to explore this issue further and bring it back to the WQGIT over time. We'll have more partner involvement in these discussions – especially about forecasting and backcasting. There are policy issues about what land use to use for the Phase III WIPs so it is good to get these discussions going.
- Buckley: One comment on the paragraph for base year for WIPs, last sentence. I don't understand how you can conclude that choosing a future year would likely be more accurate, since there would be uncertainty.
  - Shenk: It's more likely the land use projections will line up more accurately to the land use in that future year (2017 or 2025) – more accurate representation than a 2010 land use.
  - Buckley: Isn't that a subjective opinion?
  - Shenk: Perhaps, but the purpose of doing these projections is based on information on human population growth and agriculture that we get from state offices doing the projections. If they believe that information is better than no information at all, we're reducing the uncertainty.
- Claggett: If you did not account for growth at all in the Bay, it would be less accurate than doing so since we know there will be growth.
- Buckley: It's more appropriate to incorporate the updated information into the Watershed Model as soon as it is available so the two year milestones are informed with the most up-to-date land use information. It's far more valuable for using this data than projecting into 2025.
  - Claggett: Those are not exclusive of one another; we would use the most up to date information for the progress runs. For planning purposes in the WIPs and offset strategies, we're looking more at the long range implementation options.
  - Buckley: Another point is that the Phase II WIPs describe how the jurisdictions plan to account for growth. We may not be accounting pound by pound but we do explain how our existing regulatory program does address growth. It's not necessary to project out to 2025 in order to offset growth. PA is not supportive of this strategy.
- Davis-Martin: While the decisions regarding base year for allocations and WIPs are distinct decisions, in my mind, they are closely tied. WIPs are intended to achieve the allocation; therefore, should be using the same baselines. We should keep that in mind.
- Beth McGee (Chesapeake Bay Foundation): Since you have parsed out the TMDL and WIPs, you could have a scenario where the WIP baseline is different.
- Davis-Martin: We should also leave room for the possibility that the allocations won't change. Is that true?
  - Claggett: Yes.
- Merrill: Thanks to Peter Claggett and Gary Shenk for kicking off the discussion. If necessary, send any clarifying questions through your WQGIT rep to Peter Claggett.

### **WQ Indicator discussion:**

- Liza Hernandez (University of Maryland Center for Environmental Science (UMCES), CBPO) provided an overview of a new water quality indicator for tracking progress toward achievement of water quality standards.
  - For more details, view her [presentation](#) or [draft description](#).



- Hernandez explained they are asking for the WQGIT's approval to bring the new indicator forward to the Management Board next month for final Partnership adoption.
  - She noted that separate from the public indicator the Partnership has discussed here, the Criteria Assessment Protocol workgroup (CAPWG) will continue to explore a means to measure incremental progress towards the attainment of water quality standards.
    - The CAPWG will play a role in how the indicator will continue to be reported. Expect to see changes in percentages as the work progresses. The development of this indicator is part of the CAPWG list on slide 7.
- Diebel: Question on background paper – it discusses not using the migratory spawning designated use but in the presentation it does. Change in approach?
  - Hernandez: We are considering using the spawning and nursery in the calculations.
- Lee Currey: On the slide with surface area in attainment, the right hand column...if a segment is in partial attainment, would it show up?
  - Hernandez: It would have to be 100%. Not looking at whether a segment is in partial attainment of a particular designated use.
  - Currey: 7% calculation...if the 30 day mean was applied, would the 7% increase?
  - Hernandez: Yes, it would. We did a comparison analysis where we assumed that the 30 day was protective of other criteria. We got roughly a 20-30% difference if the umbrella criteria assumption does apply.
  - Currey: In presenting that slide to the Management Board, I recommend highlighting and footnoting them (those that could fall under the umbrella criteria) to automatically apply that it's in zero percent attainment but as unresolved.
- Bruce Michael: We need to move forward with assessing other temporal criteria resolutions where we don't have information. Don't support that we have 60% in attainment by year 2017 because of lag time associated with it, high flow years, etc. This does show we have our work cut out for us over the years.
- Hernandez: This indicator, the way we have developed it, is consistent with how the jurisdictions are doing their assessment procedures right now. That's why it's important we develop these assessment criteria procedures.
- Merrill: We need to have the ability to show the success of what we've done.
- Buckley: There's no criticism of the methodology of whether to evaluate if you're in compliance with the criteria. My concern is that the WQGIT is asked to endorse the outcome while we're proposing another outcome. The document was developed in late 2010 and for each of the EO goals and outcomes, they provided info on current conditions, and that is the basis for the target. Rich Batiuk (EPA, CBPO) developed an explanation for the 2025 outcome. This may need to be revised based on new modeling information.
- Merrill: My sense is that this is a complimentary goal and we are trying to work step by step with the assessment results. Recognize that this is a placement from the EO so it may be a different context but very much integral to the overall effort we are undertaking.
- Hernandez: This indicator was more or less developed separate from the 60% issue. We're not asking the WQGIT to endorse the WQ outcome but the indicator in and of itself. The indicator is not directly tied to the outcome. We can include that in the briefing document.
- Davis-Martin: I think it will still be more zero percent (perhaps because of the lag times?).
- Merrill: Is there a consensus to move forward?
- Currey: It seemed like there were a lot of concerns. So will it go to the Management Board that the WQGIT is ok with all of this? Still worried about the 60% attainment. How can we move forward with all of these concerns?

- Merrill: Would the membership be willing to accept a summation of some of the discussion that Hernandez can point to in the presentation to the Management Board? I've not heard a lot of negative reactions about what has been outlined in the basic methodology and approach.
  - Currey: That's reasonable in terms of basic methodology and approach. Please communicate larger concerns over the outcome metric.
- Hernandez: This sounds similar to PA's concern and I will address this in the context of the paper and the presentation (e.g. the 60% outcome is separate from the indicator).
- Merrill: Agreement has been reached to move this forward to the Management Board.
- **ACTION:** Liza Hernandez will provide a summation to the WQGIT members of the comments received during the call on the EO Water Quality Indicator prior to its submission to the Management Board.

### **Wrap up**

- Merrill noted an omission from the earlier goal statement discussion: the Management Board raised a couple gaps that could be considered as outcomes, pending further discussion – agriculture and toxic contaminants. They highlighted them for consideration about whether to include these in future goal statements.
- Merrill recapped the decisions and action items, and thanked participants for their time.

### **Adjourned 3:30pm**

#### **Next conference call:**

Monday, February 11<sup>th</sup>, 2013

1:30pm – 3:30pm

<http://www.chesapeakebay.net/calendar/event/18968/>

### **Conference Call Participants**

<u>Name</u>	<u>Affiliation</u>
Larry Merrill	EPA, WPD
Russ Baxter	VA DEQ
Lucinda Power	EPA, CBPO
Jeremy Hanson	CRC, CBPO
Katherine Antos	EPA, CBPO
Richard Batiuk	EPA, CBPO
Karl Berger	MWCOG
Pat Buckley	PA DEP
Ann Carkhuff	EPA, WPD
Sally Claggett	USFS
Peter Claggett	USGS, CBPO
Lee Currey	MDE
James Davis-Martin	VA DCR
Kevin DeBell	EPA, CBPO
Sarah Diebel	DoD
Mark Dubin	UMD, CBPO
Mike Fritz	EPA, CBPO
Jack Frye	CBC
Steve Gladding	NYS DEC
Liza Hernandez	EPA, CBPO
Matt Johnston	UMD, CBPO
Bill Keeling	VA DCR



Teresa	Koon	WV DEP
Lewis	Linker	EPA, CBPO
Ross	Mandel	ICPRB
Beth	McGee	CBF
Dianne	McNally	EPA, WPD
Bruce	Michael	MD DNR
Dave	Montali	WV DEP
George	Onyullo	DDOE
Sheryle	Quinn	DoD
Marel	Raub	CBC
Kristen	Saacke-Blunk	Headwaters LLC, on behalf of NFWF
John	Schneider	DE DNREC
Gary	Shenk	EPA, CBPO
Kim	Snell-Zarcone	Conservation Pennsylvania
Tanya	Spano	MWCOG
Nita	Sylvester	EPA, CBPO
Peter	Tango	USGS, CBPO
Larry	Tennity	NRCS-Delaware
Ted	Tesler	PA DEP
Tom	Thornton	MDE
Jennifer	Tribo	HRPDC
Tom	Wenz	EPA, CBPO
Chris	Yearick	USC
Dana	York	Green Earth Connection LLC, on behalf of MDA