

October Milestone Workgroup Conference Call  
October 31, 2013 1:00-3:00PM

**Participants:**

Nita Sylvester (Acting Chair), EPA  
Hannah Martin (Staff), CRC  
Carin Bisland, EPA  
Peter Bouxsein, CBF  
Pat Buckley, PA DEP  
Peter Claggett, USGS  
Diane Davis, DC DEP  
James Davis-Martin, VA DCR  
Marcia Fox, DE DNREC  
Jim George, MDE  
Kristina Heinemann, EPA Region 2  
Matt Johnston, UMD CBPO  
Teresa Koon, WV DEP  
Robin Pellicano, MDE  
Chris Pomeroy, Aqua Law VA  
Aaron Ristow, Upper Susquehanna Coalition  
Gregorio Sandi, MDE  
Ben Sears, NY DEC  
Helen Stewart, MD DNR  
Jeff Sweeney, EPA  
Megan Thygne, EPA  
Suzanne Trevena, EPA  
Doreen Vetter, EPA  
Andy Zemba, PA DEP  
Ning Zhou, VA Tech

**Follow up/Action Items:**

**Related to final assessment of 2013 MS:**

1. Provide Diane Davis and copy Steve Saari the WW input deck template for 2013 progress run. (Ning and Nita)
2. Ask WIP Teams to be careful about making any year-to-year comparisons of watershed model progress scenarios (e.g. comparing 2013 to 2012) in materials prepared for oversight mtgs. Any annual comparisons will contain caveat that they are for discussion purposes only. (FHTE/Bay TMDL Managers/WIP Teams)
3. Inform VA WIP Team that CBPO has agreed to re-run VA's 2013 MS input deck using revised nutrient management efficiencies and ask them to consider the revised outputs of the re-run 2013 MS scenario when conducting their final assessment of VA's 2013 milestones. (FHTE/Bay TMDL Managers/VA WIP Team)
4. Pass on to CBF/CCWC concerns from PA, MD and VA regarding the interim assessment of 2013 MS conducted by CBF/CCWC. (Peter B.)

5. Ask EPA to apply more weight to the programmatic commitments (compared to info from watershed model scenarios) when conducting their final assessment of jurisdictions' 2013 milestones. (FHTE/Bay TMDL Managers/WIP Teams)
6. NEIEN is open for business for jurisdictions to start submitting progress run information (jurisdictions). Contact Matt Johnston ([mjohnston@chesapeakebay.net](mailto:mjohnston@chesapeakebay.net)) with any issues. (Jurisdictions)

#### **Related to development of 2015 MS:**

1. Revise "Timeline/Expectations for Development of 2015 Milestones" document to say "...based on the November 2013 version of 2015 land use projections..." instead of September. (Nita)
2. Update the memo and attachments that Jim Edward sent to the MB on Sept 29, 2011 (related to the submission of 2013 MS) so it is current and relevant to the 2015 MS submissions. (Nita, Matt, Suzanne)
3. Ask EPA to include the schedule for finalization, in addition to the "draft" designation, when they post the materials/links related to the 2015 MS submissions on the TMDL website next January. (FHTE/Bay TMDL Managers/WIP Teams)
4. For jurisdictions using WW projections to develop their 2015 MS, please be [more realistic in planned or forecasted wastewater discharges – as this helps EPA in their evaluations of load changes for all sectors combined. This is not a requirement. We understand there are reasons for jurisdictions to use design or capacity flows in their discharge projections for the 2-year Milestones.](#) (Jurisdictions)
5. NEIEN is open for business for jurisdictions to start submitting progress run information to get an early look at their 2013 progress to inform development of 2015 MS. [We are also open for business for draft 2015 Milestone model assessments. Jurisdictions need to furnish wastewater information as well as non-wastewater data where non-wastewater is either spreadsheets of M-V-CAST output. Jurisdictions are encouraged to first use M-V-CAST for their what-if scenarios as this is the purpose of the tools.](#) (Jurisdictions)

#### **Related to future MSWG and/or WQGIT mtg agendas:**

1. For both MSWG and WQGIT mtgs: Provide regular updates regarding timing of new ag. census and the "spring" version of the 2015 land use. (Matt and Peter C.)
2. For upcoming MSWG mtg: Look at 2012-2013 Milestone info posted on ChesapeakeStat website and discuss how conveyed/communicated. (Doreen)
3. For a future MSWG mtg: Provide better technical understanding of what the outputs of two versions of 2013 progress run scenarios will look like in comparison to the 2013 MS scenario, the 2009 baseline scenario and the 2017 scenario (based on Phase 2 WIPs) and how EPA will use that information to develop summarized statements about jurisdictional

achievement/non-achievement of their 2013 MS commitments in EPA's final assessment "product" to be posted on the TMDL website on May 2014. (FHTE/Bay TMDL Managers)

4. For a future MSWG mtg: Ask EPA to clarify if/when jurisdictions can revise milestones for load reductions and programmatic commitments. (FHTE/Bay TMDL Managers)

## **Minutes**

### **Updates/Info related to final assessment of 2013 Milestones**

1. Note: Timeline addresses concerns brought up in previous calls. EPA has approved the timeline.
  - Nita went over the timeline with the group (Attachment: timeline\_final\_assess\_2013ms)
  - Questions/Concerns/Expectations
    - Matt Johnston: NEIEN is open; jurisdictions can start submitting test submissions during November. Contact Matt with any issues so he can work with TetraTech.
    - Wastewater input deck: Jurisdictions can send Ning completed spreadsheet for 2013 wastewater input deck—there have been issues with TetraTech WW data reporting system that is still under development and not available for the 2013 WW data submission. Jurisdictions can start to submit their WW data if it is ready, but the due date is still Dec 31 for NY, PA, MD, DE and WV, and Jan 31 for DC and VA.
      - Action: Nita send spreadsheet to Diane and cc Steve Saari
    - Jim George, MD: Not clear how EPA is going to evaluate quantitative 2013 milestone commitments.
      - Nita: EPA will look at both outputs of 2013 progress run (using 2010 and 2013 landuse) in comparison to numeric commitments for load reduction in 2013 milestone output. Scenario was run with 2010 landuse—there was concern to have exact comparison. EPA has it to make the comparison. EPA also has to have 2013 landuse done as well 1. Reducing pollutant indicators 2. Need to account for growth—using updated landuse. EPA will consider both in review.
      - Jeff Sweeney: looking at individual sectors, but only accountable for overall change in the load. Looking at sectors and change of BMP implementation as well.
      - Jim: sense to make more nuance message when comparing the two. Also—new populations census information was used to revise land use estimates, past progress runs (2012) don't change and new progress run comes out, year to year comparison you get anomalies that make it difficult to do the comparison. MD wants to use the best data, but discontinuity between 2012-2013 it creates

- Matt J: that's why we want to work with both runs to compare.
- Pat Buckley: hope EPA doesn't put undo emphasis on quantitative milestones because of inability of state to report all BMPS. Qualitative should be considered more "real life"
  - Nita: EPA interested in how well you're doing to achieve programmatic commitments. Even if you achieve all loads, there will be issues if you don't achieve all programmatic commitments. Meeting timelines may be more important
  - Jeff Sweeny: concerned how to message the baseline had a load was lower than what your goal was if you are being held accountable.
- James, VA: concern trying to use 2013 land use vs. 2010 land use because the change in methodology adjusts a change in a year by a large percentage, difficult part when you try to compare loads and levels of implementation. Acres changes your percent treated changes. Difficult for 2013 to be compared to previous years.
  - Nita: Year to year basis there are concerns, but EPA wont compare year to year.
  - Ask WIP Teams to be careful about making any year-to-year comparisons of watershed model progress scenarios (e.g. comparing 2013 to 2012) in materials prepared for oversight mtgs—Action: Nita will make sure WIP teams are aware of this concern
  - Oversight reports are the first thing CBF wants. Nita will make sure annual comparisons are caveated heavily only for discussion purposes.
- James, VA: EPA needs to have a re-run of 2013 milestone input decks using newly approved newly approved nutrient management efficiency. VA has concerns about the model and would want to replace VA 2013 with the re-run using the new efficiency.
  - Nita: the re-run will occur. Will let VA WIP team made known about the consider to look at what comes out of re run, if EPA uses that yes or no that you made a reduction—they will look at several things. We can let you know what will happen.
  - Carin: we want the flexibility to switch out BMPs which is why we said we wanted it based on total load reduction, not BMP. Feels like we should keep the load commitment even if things change.
  - Jeff S: anyone can change their WIP and revise over time. Looking at trajectory toward 2025. TMDL type numbers
- James, VA: alignment with 2014-2015 deadlines
  - Nita: note we added extra month and deadlines for 2015 milestones were extended to May to make sure EPA has the best info available at the time fully anticipating we will get better iteration of landuse next spring.

- James, VA: 2013 schedules, when can states to see first model results following dec 1<sup>st</sup> reporting deadline?
  - For progress? Jeff S: run at least scenario builder at least within 2 weeks, and based off that if we will continue to Watershed model.
  - James: Jan 8<sup>th</sup> governor's address speech—VA would like to include preliminary results of 2013 progress in remarks. Tight timeline—but want it late Dec or early Jan.
  - Jeff S: NEIEN is open now. The more difficult thing is the wastewater part. But you can submit now.
- 2. Peter Bouxsein- Choose Clean Water Review
  - Talked with Beth McGee at CBF who is responsible for this review. She plans to do this but hasn't had time to focus on it. CBF will keep everyone informed once we can report on more detail.
  - Nita: CBF did an interim assessment at same time EPA did interim assessment and they published it for public. We wanted to remind you that CBF and Choose Clean Water Coalition will be doing a final assessment. In the past, they relied heavily on info that is submitted for input decks for progress runs—that info when final (next march) loads of 2013 and BMP levels is made available to public. They may ask your staff questions. Be aware and ready for their evaluation.
  - Pat B: I don't recall them calling and asking questions but they issued the assessment without giving us real opportunity for feedback.
    - i. Action: Peter will take back to CBF to let them know
  - James: VA understanding of milestone commitment is the load. We may achieve that load through any combination of BMPs—but we must deliver the load. Problem with CBF evaluation is that their assessment measured BMP by BMP and compared the different practices. It was an evaluation of our ability to predict what BMP will go in the ground and be most successful, not the progress.
  - Nita: For the EPA evaluation, the programmatic milestones are still large part of evaluation.
  - Carin: Beth felt that CBF and Choose Clean Water believe there were certain BMPs that were more sustainable than others. They know our expectations, but they want to keep track of particular BMPs—we can't do anything about it. They are aware that we look at it as meeting the load as the end game.
  - James: We raised our concerns with the interim assessment and nothing was changed. They are doing their own methodology that doesn't align with the bay program.
- 3. Milestones will not be major item on EC agenda. The meeting will mostly focus on new Agreement. Do you have plans to do own evaluation of milestones?

- MD-going to reserve possibility of doing that. If our analyses and talking points/highlights are consistent with Bay Program's. There will be complications with this, we should work together.
- VA-Right approach, have a partnership approved assessment. As long as we understand the methodology.
- Nita: early next year, with meetings with EPA have chances to understand what the EPA review is saying, questions can be answered. Same process as interim assessment.

### **Timeline/Expectation for 2015 Milestones**

- Remind folks-2015 milestones won't be considered final until May (delayed for original EPA intentions)
- Opportunity to submit Programmatic commitments for 2015 milestones if you want feedback from EPA—Deadline is January.
- 2015 milestone input decks—submit by January 15
- Matt Johnston: Committed to states to get versions of landuse to get this out Nov 2013 because of the shutdown. Cleaned up versions, and they have changed because of help from this workgroup.
- There was the recommendation of WQ GIT to post draft ones—we are committed to doing this. They will be labeled Draft.
- May meeting—Nita created document with the language explaining the commitment and include the schedule.
- Jeff Sweeney: WW, put more time into it. Trying to include ag census and have progress baseline to work off of, but it would be helpful for each jurisdiction to think through it more.
  - James: but wastewater loads won't change because of permits
  - Jeff: some have used projections (on the conservative side).
  - Ning: Some facilities are already discharging below permit levels. It is understandable not to project below permit limits. State wide: you can have better data or curve because many of facilities are at permit level, but some are still above it. They can still project lower, that's why some states do own projection based on planning and percentage of targeting load.
  - James: difficult to make commitment for wastewater when lower than permitting discharge loads—becomes a challenge when people extract bits and pieces out of our commitments.
- Has the government shutdown affected the ag census to have 2015 landuse by next April?
  - Matt J: USDA has posted message they are delaying release of ag census (don't know if there is any data delayed). We do not know when to expect this. We will keep in touch and update when we find out.
  - Carin: It has been discussed at FOD/MB level, it's a national database—they don't look at Chesapeake Bay as priority, but it's a big issue for us and we are looking at it at high levels.

- Still premature to start developing contingencies if it doesn't arrive on time.
  - Action: Nita add timing of ag census and other impacts for 2015 landuse update to agenda as ongoing item.
- Submissions of 2015 milestones are done similarly to 2013 milestones—spreadsheet used is on website. Developed template as well and that's available for 2015 milestones with detailed instructions. Would it be helpful for James Edward to do similar correspondence with MB this fall as he did for 2013 milestones? Update the memo he sent with deadlines, attachment with contacts, and clarification of 60%.
  - Jim George: good exercise to make sure everyone is on same page.
  - Action: Everyone look at the materials online to start developing 2015 input decks and programmatic milestones. Update James Edward memo.
  - Jurisdictions that use CAST or any variation, that those outputs can be put directly into scenario builder vs. filling out the spreadsheet for the 2014-15 milestone input deck.
  - Nita: If the jurisdictions provide that info on their own webpages, we can just link to your webpage. If you update 2015 programmatic milestones, there's no need to update on the TMDL website. Do the CAST tools output a spreadsheet to be put on website?
    - Jeff does the stuff and put on password protected site. We present loading results and connected through ChesStat.
    - James: Action: suggests next milestone meeting, take a look at data that is provided under ChesStat and make sure if it's the information we want to post and if it's where we want to post.
    - Carin: we have to post on ChesStat because of CBF settlement
    - Doreen: we can look at that all at a future meeting. Good timing for us so we can update the information.
- Jim George: Model outputs what they will look for 2013 milestones. Review of analysis of the quantitative numeric evaluation. Helpful to know.
  - Jeff: ChesStat lets you look at major basin or state basin or state. Not very detailed. Very general bar charts showing history and where you are to milestone and TMDL goals.
  - EPA reviews are only narrative. It will not be laying out detail, EPA will review with more detail but EPA provides on TMDL webpage—very similar to interim assessment, bulletpoints and discussion.
  - There are still numeric goals but they will be described in narrative format.
  - Nita: Looking for technical understanding of what outputs will look like 2013 progress in relation to 2013 milestones and how it would use under various scenarios to summarized in narrative review
  - Looking for sufficient clarity to know basis on which we are assessed/judged.

