

CHESAPEAKE BAY PROGRAM  
WATER QUALITY GOAL IMPLEMENTATION TEAM

JANUARY 24<sup>TH</sup>, 2011 CONFERENCE CALL MINUTES

## **SUMMARY OF DECISION AND ACTION ITEMS**

**DECISION:** WQGIT approved Larry Merrill of EPA Water Protection Division as interim WQGIT chair.

**ACTION:** Jurisdictions will submit additional nominations for WQGIT vice-chair.

**ACTION:** States should submit any CAFO/AFO data or questions by February 7<sup>th</sup>, 2011.

**ACTION:** EPA and CBPO will provide clarification on the following AFO/CAFO questions:

- Should load from a production area that fully complies with a CAFO permit be considered in the TMDL load allocation or wasteload allocation?
- Clarify why, if CAFO permits are “zero discharge,” the Bay TMDL still assigns loads associated with a CAFO production area.
- Are there additional BMPs that could be applied to CAFO production areas to further reduce these loads?

**DECISION:** WQGIT approves the Agricultural and Watershed Technical Workgroup recommendations for how to update Scenario Builder and the Watershed Model’s simulation of nutrient management.

**ACTION:** Sally Claggett will add Pennsylvania’s proposed BMPs to the Forestry Workgroup BMP list.

**ACTION:** Peter Claggett will send Ron Entringer the GIS layer for population on septic versus sewer.

**ACTION:** WQGIT members should provide comments on the Phase 5.3.2 Land Use model update to Peter Claggett and Gary Shenk by February 7<sup>th</sup>.

**ACTION:** Rachel will post the Phase 5.3.2 land use data to the 1/24 WQGIT and 1/31 Stormwater Workgroup meeting calendar entries by tomorrow. Will post the STAC written response by the end of the week. Comments from the Stormwater Workgroup and WQGIT members will be summarized on the February 14 WQGIT call.

**ACTION:** Rachel will distribute the Watershed Model Phase 5.3 documentation for land use methodology to the Stormwater Workgroup and WQGIT.

**ACTION:** WQGIT members should provide any factual corrections or errata to TMDL numbers to Jennifer Sincock (sincock.jennifer@epa.gov) by January 31<sup>st</sup>.

## **MINUTES**

### **Discussion of Future WQGIT Chair/Vice-Chair – Rich Batiuk**

- Agreement on need for greater state role in WQGIT leadership
- Rich Batiuk nominated Larry Merrill, U.S. EPA Region 3 Water Protection Division, for interim Chair
- NY - Nominated Carl Zimmick, Cornell for Vice Chair
- No other jurisdictions at this time can commit to WQGIT Chair or Vice Chair; would like additional time to consider.

**DECISION:** WQGIT approved Larry Merrill of EPA Water Protection Division as interim WQGIT chair.

**ACTION:** Jurisdictions will submit additional nominations for WQGIT Vice Chair, to be discussed further on February 14 conference call.

### **Phase II WIP Schedule – Katherine Antos**

- At February 17 meeting, PSC will discuss the Phase II WIP schedule and schedule for possible modifications to the TMDL based on the Phase II WIPs. EPA will finalize the schedule shortly after the PSC meeting.
- We are seeking feedback on schedule proposed by Regional Administrator in January 18 email to the PSC
- Concerns expressed at Management Board were passed on to Regional Administrator. More specific dates will be discussed at PSC meeting.
- EPA will try to ensure that states will see the suite of results from the model and scenarios; we are considering when the information could be shared with states and how it would be used.
- EPA is working on providing tools for estimating effects of BMP without a full model run. Realistically jurisdictions will be asking for many more model runs in Phase II and we need to take that into account.
- Through the Phase I WIP processes jurisdictions had ideas for new and improved practices, which will undoubtedly happen again this time. Not all placeholder BMPs could be fully approved by the time Phase II is due, but we are still allowing states to use placeholder BMPs in Phase II and will work with jurisdictions to review supporting documentation, etc. to get placeholder BMPs into the model as necessary. Jurisdictions cannot report BMPs in annual progress runs or 2-year milestones until they are approved according to the Chesapeake Bay Program protocol.
- One option for the schedule would be putting TMDL changes out for public comments after the jurisdictions submit draft and Final Phase II WIPs. Proposed Draft WIP could be due in late fall 2012, with EPA providing feedback in early 2012 and jurisdictions submitting Final Ph II WIP in late Winter. EPA would review Final WIP and public notice any draft modifications to the TMDL allocations. In summer 2012 jurisdictions would make any amendments to their Final Phase II WIPs based on the TMDL public comment period and resubmit to EPA before final modifications to the TMDL are established. Under this approach, EPA would not expect any major changes from TMDL comment period.
- Final schedule is an EPA decision, but we want PSC and other level inputs.

#### State Feedback:

MD – Maryland requests a total of 1 year after completion of the model and scenarios, last 3 months for adequate public comment with jurisdictions. How do errors and subsequent changes fit into EPA's proposed schedule?

NY – EPA is often behind schedule on model updates and allocations and we need a firm, committed efficiency for management practices. NY wants at least 6-9 months from model/allocation completion to draft TMDL. Phase II dates do not have legal/regulatory significance and to make this matter to the locals we need these questions answered.

VA – Schedule should be contingent on model completion. We did not have the relative effectiveness of different basins to support cross-basin exchanges in Phase I and that would be useful.

WV - Model being done isn't necessarily same as having allocations, which is when we can really begin discussions with local partners.

#### **Phase 5.3.2 Update – Gary Shenk**

See [include hyperlink for Gary's presentation].

#### Discussion:

*Coale:* Gary provided good summary of combined WG meeting, items that were accepted or rejected were the result of sound discussion.

*Pattison:* Are the CAFO animal numbers going to be correctly adjusted for counties? Our biggest CAFO in the state is not found in the model.

*Shenk:* We need information from the state to make the differentiation between AFO/CAFO, not differentiated in terms of load.

*Brosch:* Data received from Tom Youngst today and will review and see how to incorporate it.

*Diamond:* Don't understand mortality composting.

*Shenk:* When farmers fill out NASS survey they give the number of animals that they expect to be there. If they put the total expected number, we are accounting for manure from animals that are actually there and ones that would die. We are counting excess manure for animals that have died, so we shouldn't compound that by adding nutrients in the carcass.

*Brosch:* Did an analysis to determine how many nutrients would be contributed from animal carcasses and it was .7% of all manure in Scenario Builder.

*Shenk:* Does not eliminate Mortality Composting BMPs.

**ACTION:** States should submit any CAFO/AFO data or questions by February 7<sup>th</sup>, 2011.

**DECISION:** WQGIT approves Agricultural and Watershed Technical Workgroup recommendations for how to update Scenario Builder and the Watershed Model's simulation of nutrient management.

#### **Update on the Review/Approval of Interim BMPs used in State Phase I WIPs –Workgroup Chairs Agricultural Workgroup – Frank Coale**

- Several weeks ago put out call to states for which agricultural BMPs need to be reassessed for efficiencies, etc. and received 39 BMPs for consideration.
- Asked for brief description and prioritizations with these responses.
- At the workgroup meeting we combined BMPs to reach 20 BMP topics and then ranked these with at least the top BMP for each state in the top priority ranking. Within three major groups the BMPs were ranked in order of priority.
- Some BMPs will take much longer than others and we set out a timeline with the goal of completing the list in two years.

*Montali:* AFO land use was confusing the Phase I; it was a very high loading land use and significant loading remained after applying all possible BMPs.

*Dubin:* Had request at WG meeting to look at base assumption for nutrients lost in these areas as an attribute rather than a BMP.

*Pattison:* CAFOs have non-discharge permits so model should have BMPs that allow CAFOs to reach no discharge in most conditions. My understanding is that a surface discharge from a CAFO is illegal in PA.

*Dubin:* Last year the Agricultural WG worked on this issue that can be shared, but it was deemed by EPA that "zero discharge" as a CAFO term of art did not literally mean zero discharge in the real world. 15-20% is deemed lost to the environment and BMPs are applied against that load. We are considering base assumption of the loss.

*Reilly:* NY has similar concerns associated with loads from CAFO production areas. Believes these loads should be considered "de minimus" and not quantified in the TMDL WLA.

*Batiuk:* The discussion of WLA/LA for AFO/CAFO and other legal aspects will have to occur at another time, we are currently discussing practices, scheduling, and process for the 2 model updates.

*Lane:* Assuming from column, "review WQGIT" that priority group one is in 2011 and other groups for 2012. For liquid manure injection/incorporation we ranked as priority two but that was intended to be a definition change not a BMP. If this BMP is not approved before 2012 this would be a problem for MD's 2-year milestones.

*Coale:* Need state partners' participation regularly so that issues do not need to be discussed multiple times. Sometimes will be difficult to find raw data and may need states to access these data. At the EPA

level, I don't think we necessarily have enough support to pull this off, and need to discuss additional support needed.

Koon: WV feels like we missed the boat on these BMPs. AFO/CAFO is a huge land use in WV. We need an interim BMP available to eliminate loads from production areas.

Coale: Did not have enough information to make an informed decision on loss from AFOs, for which default with 15-20% of load

Dubin: DE championed assessing the base assumption for losses from AFOs. Already began discussion with modeling team.

#### **Stormwater Workgroup - Norm Goulet**

- Similar process and needs to the Agricultural Workgroup
- Meeting scheduled for January 31<sup>st</sup>, similar to Agricultural Workgroup meeting
- Some may require changes to the watershed model as many deal with hydrological modifications which will have to be handled externally
- Given that it's taken a year to review two BMPs, practicality is a bit of an issue. Only so many experts to draw upon and there is a limit to how much you can draw upon them.
- Need commitment from state partners to attend meetings on a regular basis with an allocation of some of their individual support, particularly for BMPs that do not need to go through an expert panel

#### **Forestry Workgroup – Sally Claggett**

- Two BMPs are currently with an expert panel and will be returned shortly and presented to the WQGIT at their February or March meeting
- Two others are potential future BMPs

*Pattison*: PA has submitted afforestation, reforestation for pasturing, want to put on the list, also perhaps forest understory carbon sequestration

**ACTION**: Sally Claggett will add Pennsylvania's proposed BMPs to the Forestry Workgroup BMP list.

*Keeling*: Concerned about the tracking of these BMPs and who is actually employing these BMPs. People in VA Agricultural program will argue that targeting buffers is what we have been doing

*Claggett*: BMPs in review process, do not think that these will require significantly additional time. Will take time to get the word out if these are approved.

*Burrell*: DC does not have space for 100 foot buffers but are working on 25 foot buffers and would like those considered for credit.

#### **Wastewater Treatment Workgroup Onsite BMPs – Ning Zhou**

- 10 identified in state WIPs, 6 from DE
- Will discuss at workgroup meeting on January 26th

*Buckley*: Observe that this is high priority effort and there are insufficient resources to address this in the time that we would like. Suggest that EPA reallocate resources from GIT 4 healthy watersheds to help address BMP reviews and other needs of the WQGIT that are priorities for the partnership.

#### **Watershed Technical, Chris Brosch**

- Had joint meeting with Agricultural Workgroup and would like to offer the same opportunity to the other WG chairs to streamline the process to BMP discussions

#### **Results of the Updated Land Use Model and Projections – Peter Claggett**

See [include hyperlink for Peter's presentation].

Discussion:

**ACTION**: Peter Claggett will send Ron Entringer the GIS layer for population on septic versus sewer.

*Entringer*: Agricultural to forest land is the dominant trend in NY.

*Sweeney:* Do not yet have a forecast of agricultural land going to forest.

*Claggett:* Capturing more sewer areas in 5.3 which would mean less of a septic load and more on sewer.

*Goulet:* Urban workgroup has not looked at this information yet. Urban acreage numbers have been moving around a lot. This is a very important piece of the model and until the numbers have been carefully reviewed, as the chair of the Stormwater Workgroup I cannot recommend inclusion in the model yet. Workgroup is meeting on Monday, January 31<sup>st</sup>, but it will take several weeks to review. State partners do not want to present this data to locals if there are large discrepancies with local data. Will undermine confidence in the models.

*Linker:* This is a fatal error review occurring while we do the model calibration.

**ACTION:** WQGIT members should provide comments on the Phase 5.3.2 Land Use model update to Peter Claggett by February 7<sup>th</sup>.

**ACTION:** Rachel will post the Phase 5.3.2 land use data to the 1/24 WQGIT and 1/31 Stormwater Workgroup meeting calendar entries by tomorrow. Will post the STAC written response by the end of the week and then return to WQGIT on 2/14/11

*Claggett:* 1984, 1992, 2001, 2006, 2010, 2017, 2025 data will be provided, could compare 2010 to outputs from phase 1, include developed land, extractive, population on sewer and septic, number of septic and regulated vs. unregulated. Will do special analysis in any area that can provide high resolution imaging data.

*Shenk:* There is processing between land use model and watershed model, so comparing to phase 5.3.0 urban land use acres is not straightforward. Urban land use information usually gets through scenario build unscathed. Changes in acres between Land Change Model and Watershed Model generally occur to the forest land use.

*Batiuk:* Land use methodology is documented in the Watershed Model Phase 5.3 documentation, which is cited in the TMDL

**ACTION:** Rachel will distribute the Watershed Model Phase 5.3 documentation for land use methodology to the Stormwater Workgroup and WQGIT.

*Kennedy:* How can we use our growth experience from the past to the future if land uses change unexpectedly?

*Claggett:* We can accommodate different scenarios, but we do not use a straight extrapolation. Forecasts are constrained by county developed growth projections, which do not always match existing trends. Projections also constrained based on amount of land available for development and increased density as available land decreases. This will be explored in the Alternative Futures Workshops.

#### **Other Items:**

**ACTION:** WQGIT members should provide any factual corrections or errata to TMDL numbers to Jennifer Sincock ([sincock.jennifer@epa.gov](mailto:sincock.jennifer@epa.gov)) by January 31<sup>st</sup>.

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