

CHESAPEAKE BAY PROGRAM
WATER QUALITY GOAL IMPLEMENTATION TEAM
February 22, 2016 CONFERENCE CALL
Minutes

Summary of Actions/Decisions

ACTION: Lucinda will add additional language to the Phase III WIP Stakeholder Assessment Action Plan to address the need for programmatic capacity analyses at the local level.

DECISION: The WQGIT approved the Phase III WIP Stakeholder Assessment Action Plan, contingent upon the inclusion of language to address the need for programmatic capacity analyses at the local level.

ACTION: The Phase 5.3.2 Nutrient Management Task Force's Crosswalk Report will be revised to include the summary table, and will be re-posted to the meeting calendar page.

DECISION: The WQGIT approved the Phase 5.3.2 Nutrient Management Task Force's Crosswalk Report. Approval of the report does not necessarily represent approval of future interpretation and use of the report.

ACTION: Local Area Targets Task Force membership nominations should be sent to Katherine Antos (Antos.Katherine@epa.gov) by March 24th for review and approval by the WQGIT on March 28th.

DECISION: The WQGIT approved the draft charge for the proposed Local Area Targets Task Force.

Welcome/Confirm Call Participants/Workgroup Updates – James Davis-Martin, Chair

Opening Discussion/Announcements:

- James Davis-Martin (VA DEQ): I would like more closure on the roles and timelines for the Phase 6.0 Model review period. Is this something that the WQGIT would like to see as well?
 - Tanya Spano (MWCOG): Yes.
 - Ann Swanson (CBC): Yes. At the January Chesapeake Bay Commission meeting, the elected officials were requesting more information about the roles and responsibilities for the Phase 6 Model review.
- Davis-Martin: I propose that an ad-hoc team be put together to develop a detailed Phase 6 Model review plan, with more explicit tasking to our different groups, that the WQGIT can review and adopt at our next meeting.
- John Rhoderick (AgWG Co-Chair): One concern the AgWG raised was the fact that we need a more complete model in order to do this kind of review.
- Dave Montali (WV DEP): Lee Currey (MDE) and I talked with Lew Linker (EPA), Gary Shenk (USGS) and Matt Johnston (UMD) on Friday. Within the week we plan to develop a schedule that would provide more information on the different beta versions, when

documentation updates would be done, more formalized dates for comments, and plans for addressing those comments in terms of what can be done, when and why. We need to do a little more work on our end, then we plan to coordinate with you.

- Chris Brosch (DDA): I would be happy to join this ad-hoc team to discuss how I have been working with MDA to go through the Scenario Builder output files to see how to attack this review.
- Bill Angstadt (Angstadt Consulting): I think this review process is important, and coordination of activities is important so we don't overload the modelers.
- Spano: I would also be willing to participate in the ad-hoc group.

Phase III WIP Stakeholder Assessment Action Plan – Lucinda Power, EPA

Lucinda reviewed the comments received on the draft Action Plan, presented the major changes and additions, and asked for approval of the revised Phase III WIP Stakeholder Assessment Action Plan.

Discussion:

- Norm Goulet (NVRC): The capacity gap will be the programmatic capacity of local governments actually doing the Phase III WIP work. I feel that an assessment of local government capacity is missed here.

ACTION: Lucinda will add additional language to the Phase III WIP Stakeholder Assessment Action Plan to address the need for programmatic capacity analyses at the local level.

- Spano: There is often some friction between existing regulatory mechanisms and a lot of these efforts. There may be a need to be flexible and creative in the solutions.
- Dinorah Dalmasy (MDE): Are the actions identified in this plan recommendations or requirements? MDE wanted to make sure they will not be subject to EPA consequences.
 - Power: At this point, these actions are not required. The Principles Staff Committee (PSC) could decide to change that, but as of now, these actions are recommendations.
 - Dalmasy: Then Maryland would support approval of this action plan.
- Davis-Martin: Could you provide a quick overview of where these recommendations fit into the midpoint assessment?
 - Power: Actions related to communications, outreach and local area targets are closely linked to what EPA could use in the Phase III WIP expectations. It is really about getting down to the local level. I am not sure how local area targets and communicating local successes will be factored into the Phase III WIP expectations, but they were cited in the stakeholder report as something stakeholders would like to see addressed.
- Swanson: When should we expect a decision on the use of local area targets?
 - Power: My understanding is that a preliminary recommendation will go before the WQGIT the summer or fall of 2016 and a final decision will be made in March 2017 by the Management Board and PSC. Katherine will go into more detail later.

- Davis-Martin: Are there any objections to approving the Phase III WIP Stakeholder Assessment Action Plan and moving it forward to the Management Board?
 - None were raised.

DECISION: The WQGIT approved the Phase III WIP Stakeholder Assessment Action Plan, contingent upon the inclusion of language to address the need for programmatic capacity analyses at the local level.

Phosphorus Management Tool Report – Ann Swanson, CBC and Ann Jennings, CBC

Ann Jennings and Ann Swanson reviewed the recently released Chesapeake Bay Commission report on the Phosphorus Management Tool. The report was prepared as a helpful tool to explain the complex science of soil phosphorus and to educate policy makers about what is currently required.

Discussion:

- Rhoderick: This is very helpful. From a Bay Program perspective, it would be nice to see all of the other jurisdictions' information presented in a similar manner.
 - Swanson: When doing something like this, a major effort is figuring out how to make it accessible. If Delaware, New York and West Virginia wanted to, they could use this same template and create an addendum that we could include in this report.
- Brosch: The Delaware recommendation would be identical to Maryland's.
 - Swanson: I think that's a simple way to describe it for conversational purposes, but I would want to make sure every column was checked to make sure there weren't any differences.
- Swanson: I would strongly recommend that the WQGIT help make sure that all of the indices are updated in the next year or two.
 - Davis-Martin: I think we can certainly take that recommendation under advisement.

Phase 5.3.2 Nutrient Management – John Rhoderick, AgWG and Kelly Shenk, EPA

John provided a summary of the Nutrient Management Task Force's work and Kelly Shenk provided a status update on crediting state-reported nutrient management acres for assessing 2015 progress towards the nutrient reductions goals.

Discussion:

- Davis-Martin: Did the Nutrient Management Task Force have any discussion about what would happen to a Tier 3 acre found not to be compliant? Does that mean it qualifies for nothing? Or does it step down to Tier 2?
 - Rhoderick: There was a series of check boxes we provided. If you wanted to apply for Tier 2, you had to check all the boxes, or it falls back to Tier 1. Tier 3 actually has some either/or categories, so it isn't as clean of a line.

ACTION: The Phase 5.3.2 Nutrient Management Task Force's Crosswalk Report will be revised to include the summary table, and will be re-posted to the meeting calendar page.

- Kelly Shenk (EPA): EPA's steps regarding how to use the crosswalk should not prevent approval of the crosswalk report. That report will not change. EPA will use the crosswalk to make adjustments where there isn't adequate information provided by the jurisdictions.
- Brosch: The AgWG only approved the task force report, not EPA's methodologies.
 - Rhoderick: We are only asking for approval of the task force report. Not its interpretation and use by EPA.
- Davis-Martin: Are there any objections to approving the Nutrient Management Task Force's Crosswalk Report?
 - None were raised.

DECISION: The WQGIT approved the Phase 5.3.2 Nutrient Management Task Force's Crosswalk Report. Approval of the report does not necessarily represent approval of future interpretation and use of the report.

Local Area Targets Task Force Discussion – Katherine Antos, EPA

Katherine reviewed the proposed charge and schedule for convening an ad-hoc Task Force with cross-sector representation that will frame out the options for a WQGIT recommendation regarding the development of local area targets for the Phase III WIPs.

Discussion:

- Swanson: Could you please include a CBC representative as a potential member for this task force? Also, the efforts towards developing an optimization tool should be considered in conjunction with this effort.
 - Davis-Martin: I agree about the optimization tool, and would even extend it to the universe of our other planning tools.
- Goulet: I would like to volunteer as a member on this task force.
- John Schneider (DE DNREC): I don't see point sources specifically mentioned in the charge. Would that be part of the discussion?
 - Antos: I would defer to your input on that.
- Davis-Martin: During the process of developing federal facility targets, there was a lot of coordination to make sure federal targets didn't interfere with other regulatory reduction requirements, so I think both regulated and non-regulated communities should be represented.
 - Spano: I agree.
- Jeremy Hanson (VT): Who can submit a member nomination and who should they be sent to?
 - Antos: I'm comfortable with nominations coming from anyone, and they can come directly to me.

ACTION: Local Area Targets Task Force membership nominations should be sent to Katherine Antos (Antos.Katherine@epa.gov) by March 24th for review and approval by the WQGIT on March 28th.

- Davis-Martin: During the nomination process, please include a bio or resume in addition to the name. That way, if there is an overwhelming number of nominees, we have a way of ensuring we have a broad representation that isn't too cumbersome.
- Antos: We could use the March 28th WQGIT meeting to finalize the task force membership. If there are too many nominees, we could ask the WQGIT to help narrow down the number.
- Angstadt: I think there were some lessons learned from the BMP verification effort regarding how to organize a task this large. Could we convene a steering committee to have a better plan for how to bring this together?
 - Antos: The Local Government Advisory Committee (LGAC) is looking at taking a steering committee type of approach. They would have one member on the task force, but would have their own committee to delve deeper into the issue and report through their representative to the task force. Other groups could take that kind of approach.
- Hanson: It would be helpful to provide the estimated number of hours/calls a member to this task force would be committing to.
- Angstadt: I'd like more details in terms of how this would like to work.
 - Antos: Part of this task force will involve some education at the beginning in terms of what was done in Phase II and with the federal facility targets. We are not looking for a one size fits all approach, so I wasn't thinking it would take consensus approval from every workgroup and committee.
 - Davis-Martin: I understand desire to have more specificity in this task force, but in a lot of ways I think this task force is needed to decide these types of specifics. I recommend that we go through the nomination process, and maybe agree that the members of the WQGIT serve as the "steering committee" to review the nominations.

DECISION: The WQGIT approved the draft charge for the proposed Local Area Targets Task Force.

Showcase of Successes – Jim Kern, EPA

- Jim's presentation was postponed to a later meeting.

Urban Nutrient Management Credit – Norm Goulet, NVRC

Norm provided the WQGIT with an update on the Urban Nutrient Management credit and efforts by the Urban Stormwater Workgroup to obtain improved fertilizer sales data to support the temporary credit provided by the Urban Nutrient Management Expert Panel.

Discussion:

- Montali: Are you working on how to deal with this in Phase 6?
 - Goulet: We have to deal with it in both Phase 5.3.2 and Phase 6.
- Montali: In my opinion, work should be focused on how to get this right in Phase 6. I think the WQGIT should consider extending the panel recommendations through the rest of Phase 5.3.2.
 - Davis-Martin: I agree. That would be in line with our December face-to-face decision to hold the modeling decisions constant through the milestone period.
- Spano: Do we have a sense of how accurate some of the loading rates are? Also, how significant are these loads?
 - Goulet: There was not really anything besides SPARROW and Phase 5.3.2 that could be used to run the phosphorus sensitivity analysis. There wasn't the ability to ascribe phosphorus sensitivity in the Phase 6 Model.
 - Gary Shenk (USGS): The urban nutrient management expert panel found that the literature was pretty consistent with what was represented in the Phase 5.3.2 Model, so there is at least a little backing.
- Ann Jennings (CBC): What have you heard in terms of why the states haven't provided any additional data?
 - Goulet: I have heard they are working on it, but my inclination is that it won't be sorted out by March.
- Goulet: We will be discussing our options with the Urban Stormwater Workgroup on March 8th, and I will come back to the WQGIT on March 28th.

STAC Workshop Updates – James Davis-Martin, VA DEQ and Gary Shenk, USGS

James and Gary reported back on recent STAC workshops on uncertainty in the modeling systems and optimization.

Discussion:

Uncertainty Workshop:

- Spano: When the STAC report comes out, who is responsible for carrying out the STAC recommendations?
 - G. Shenk: I think STAC will probably recommend that the WQGIT decide what the Bay Program should do with uncertainty. That would help define the technical solution.
- Swanson: What would the Management Board or PSC be expected to do with this information?
 - G. Shenk: The workshop attendees did not know. They were more focused on how to get the information.
- Swanson: Could some of the people who manage TMDLs around the country help provide us with any insights? Has EPA ever done a publication on how other watersheds around the country have been managing for uncertainty?
 - G. Shenk: I think they would be able to provide us with some insight.

- Lew Linker (EPA): I think we do have some TMDL guidance on how to deal with uncertainty. We assume implicit uncertainty in our framework, but if we worked it in explicitly, we would need to account for that in the allocations.
- Spano: We know there are lag times and BMP estimate assumptions, etc. How do we know when we are going backwards or making the right decisions?
 - Davis-Martin: I agree that is a challenge. Besides BMPs, there are many inputs and assumptions we make to our modeling systems that impact the combined uncertainty. To me, the main takeaway was that as a partnership, we can make better assumptions with the modeling system as our guide, if we better understand the systems strengths and weaknesses.

Optimization Workshop:

- Spano: Hopefully there are ways to start addressing the uncertainties with optimization data so that people can be better informed without having to quantify it. As far as multiple co-benefits, I think that's great. I just recommend that any time there are suggestions about what is best for management, it should be noted that there are consequences for not doing anything.

Adjourn

List of Call Participants

Member Name	Affiliation
James Davis-Martin (Chair)	VA DEQ
Teresa Koon (Vice-Chair)	WV DEP
David Wood (Staff)	CRC
Lindsey Gordon (Staff)	CRC
John Rhoderick	AgWG Co-Chair
Bill Angstadt	Angstadt Consulting
Karl Blankenship	Bay Journal
Marel King	CBC
Ann Jennings	CBC
Ann Swanson	CBC
Sue Kreibel	City of Virginia Beach
Neely Law	CWP
Chris Brosch	DDA
John Schneider	DE DNREC
Sarah Diebel	DoD
Mary Searing	DOEE
Kelly Shenk	EPA
Katherine Antos	EPA, CBPO
Jeff Sweeney	EPA, CBPO
Lew Linker	EPA, CBPO

Jen Sincock	EPA, R3
Ann Carkhuff	EPA, R3
Chris Day	EPA, R3
Joel Blanco	EPA, R3
Jim Kern	EPA, R3
Jenny Tribo	HRPDC
Jaime Mitchell	HRSD
Chris Thompson	LCCD
Mary Gattis	LGAC
Bruce Michael	MD DNR
Dinorah Dalmasy	MDE
Tanya Spano	MWCOG
Zoe Johnson	NOAA
Norm Goulet	NVRC
Ben Sears	NYSDEC
Kristen Wolf	PA DEP
Ted Tesler	PA DEP
Kevin McGonigal	SRBC
Jenn Volk	U of Delaware
Mark Dubin	UMD, CBPO
Scott Phillips	USGS
Gary Shenk	USGS
Lisa Ochsenhirt	V/MAMAWA
Russ Baxter	VA Secretary of Natural Resources Office
Angela Redwine	VDH
Jeremy Hanson	VT, CBPO
Dave Montali	WV DEP
Alana Hartman	WV DEP
Matt Monroe	WVA