CHESAPEAKE BAY PROGRAM
WATER QUALITY GOAL IMPLEMENTATION TEAM
JULY 8TH, 2013 CONFERENCE CALL MINUTES

ACTION ITEMS AND DECISIONS

BMP Protocol Addendum
- **ACTION:** Lucinda Power included additional language to reference the importance of highlighting in the Panel's charge statement if an interim recommendation will be necessary, and to more clearly define who is responsible for developing the technical appendices and the process of its review and approval.
- **ACTION:** WQGIT will be asked to review the revised BMP Protocol Addendum and submit comments to Lucinda Power (power.lucinda@epa.gov) by COB Monday, July 15th.

Milestone Workgroup Recommendations
- **DECISION:** The WQGIT agreed that CBP jurisdictions will submit their 2015 milestones by January 15, 2014 based on the September 2013 version of 2015 land use projections.
- **ACTION:** (1) EPA agreed that jurisdictions have the opportunity to amend milestone submissions based on the 2013 Progress Run, EPA's comments on their January submission, and updated 2015 land use projections available in April 2014; (2) EPA agreed that the January submissions would be labeled as "draft"; and (3) EPA would consider May 15, 2014 as the date-certain for submitting final milestones.
- **ACTION:** Matt Johnston (CBPO) committed to continually track the availability of new data sets to gauge whether the April 2014 deadline will be met.
- **DECISION:** WQGIT decided that final milestone input decks should be run on the updated 2015 land use projections when they are available. Therefore, the jurisdictions committed to request that CBPO re-run their latest 2015 milestone input deck submission using the updated 2015 land use projections available in April 2014 and CBPO committed to re-run this submission through the CB model.
- **DECISION:** The WQGIT will receive updates on the availability of new data and may adjust their recommendations based on future circumstances.
- **FOR FUTURE DISCUSSION:** The WQGIT will continue to evaluate all aspects of progress and milestone reporting to ensure that such reports are as fully reflective as possible of actual environmental and programmatic conditions.

Water Quality Criteria Technical Addendum
- **DECISION:** The WQGIT agreed to give additional time for the CAP Workgroup to determine what more can be done on the Deep Water Designated use to complete Chapter 1 of the short duration DO criteria assessment.
- **DECISION:** The WQGIT approved the interim BIBI rules application.
- **DECISION:** The WQGIT approved the near-term recommendations for working with the 2013 funding shortfalls, recognizing that more discussion is needed, and provided their support for the continued coordination with STAC on a longer-term funding plan for sustaining the water quality monitoring networks.

MINUTES

1. **Welcome/Confirm Call Participants and Updates**

- Russ Baxter (WQGIT Chair): The Principals Staff Committee met in person on 6/27 to discuss the new Bay Agreement. Follow up discussions on the agreement include a PSC conference call and a two day Management Board retreat this week. A decision has not yet been made on whether or not there will be a toxics goal and outcome statement in the new Bay Agreement.
- On June 28, EPA released a model program for onsite wastewater treatment systems in the Chesapeake Bay watershed to help jurisdictions more effectively prevent nutrients from entering the Bay from onsite or septic systems, which will improve water quality. When properly designed, sited and maintained, decentralized systems like septic systems can treat wastewater effectively and protect surface water and groundwater.
    - The model is part of EPA's effort to collaborate with state and local partners in promoting nitrogen reductions from onsite systems. The model program will help implement an executive order that President Obama signed in 2009 that recognized the Chesapeake Bay as a national treasure and called on the federal government to lead a renewed effort to restore and protect the nation's largest estuary and its watershed.
    - The model program is available at http://executiveorder.chesapeakebay.net/.
- Workgroup Updates will be provided in a follow up email to the WQGIT membership.

2. **BMP Protocol Technical Appendices**
- Lucinda Power (EPA) and Matt Johnston (UMD) presented the draft addendum to the Partnership's BMP Protocol, which will 1) allow submission and approval of incremental recommendations from the Partnership's BMP Expert Panels and 2) require future panel reports to include a technical appendix to the BMP Expert Panel Reports.
- Both pieces of this addendum are intended to streamline the review process and to more efficiently make decisions that benefit the Partnership in the approval and use of these BMPs.
- Norm Goulet (NoVA): Recommend that the full charge for the panel, that would include the need for these incremental recommendations, be provided up front in fairness to the panel members.
    - Power: Will edit the language under incremental recommendations to address the concern about panel receiving their full charge up front.
- Baxter: Whose responsibility will it be to write the technical appendices?
    - Johnston: The Scenario Builder Team will work closely with the Watershed Technical Workgroup.
    - Power: Will add a sentence to clarify responsibility for writing the technical appendices.

ACTION: Lucinda Power included additional language to reference the importance of highlighting in the Panel's charge statement if an interim recommendation will be necessary, and to more clearly define who is responsible for developing the technical appendices and the process of its review and approval.
ACTION: WQGIT will be asked to review the revised BMP Protocol Addendum and submit comments to Lucinda Power (power.lucinda@epa.gov) by COB Monday, July 15th.

3. **BMP Expert Panels Status Update**
- Mark Dubin, Agriculture Workgroup Coordinator, provided an update on the activities and progress of the Agriculture Workgroup's four BMP Expert Panels to develop Phase 5.3.2 recommendation for approval in time for the 2013 progress runs.

- o The Conservation Tillage panel is developing a new definition and effectiveness value for continuous no till that will allow 'stackability' with other BMPs such as cover crops and nutrient management, which are currently combined in the present definition.
  - o The Cover Crops panel is drafting additional cover crop species to be proposed in addition to the currently approved wheat, rye, and barley species..
  - o The Nutrient Management panel is discussing conversion of Nutrient Management from a land use change to an efficiency BMP, as well as defining a new tiered management approach.
  - o The Poultry Litter Subcommittee is working on developing new baseline data on poultry production within the bay watershed.
- Ted Tesler (PA): What is the timeline for cover crop recommendations?
  - o Dubin: The Panel's goal is to have Phase 5.3.2 recommendations approved in time for 2013 progress.

4. Milestone Workgroup Revised Recommendation for 2014-2015 Milestones

- Nita Sylvester (Milestone Workgroup Acting Chair) briefed WQGIT members on the [revised recommendation of the Milestone Workgroup](#) regarding communication of the 2014-2015 milestones.
- Dianne McNally (EPA): While providing jurisdictions with additional time, EPA would expect to see strong submissions from the jurisdictions on January 15.
- Baxter: If the proposed additional data sources are not available, what will be the next steps?
  - o Katherine Antos (EPA): Matt Johnston is continuing to check in on the agriculture census data availability and expected timeframe, so that any potential delay in the data can be communicated and prepared for.
- Beth McGee (CBF): Recommend having a firm deadline for when final Milestones will be posted.
- Jim George (MDE): If some of the projection data is not available April 2014, will jurisdictions be asked to write milestones without it but still be asked to rerun?
  - o Sylvester: Clarified that bullet 4 asks for an agreement that when the updated land use projections are available, jurisdictions will be asking CBPO to re-run their milestones. However, by May 15 EPA will label existing milestones as final.
  - o McNally: Jurisdictions have the opportunity to adjust milestones at any time.
- Pat Buckley (PADEP): Recommend that there not be a hard deadline for labeling milestones "final" if timing of data sources is still unknown.
- Teresa Koon (WV): Is EPA evaluating state progress based on the land use projections coming in April or May of 2014?
  - o Sylvester: EPA will be using 2015 progress run to evaluate how jurisdictions met their 2015 milestones, and will also look at programmatic milestones. It has been the WQGIT agreement in the past to use the most up to date land use projections.
- James Davis-Martin (VA): Note that the jurisdictions can modify milestones at any time.
- Baxter: If the data is not available in April, will the final deadline be moved?
  - o McNally: Milestones will be considered final on May 15; EPA recognizes that adjustments may need to be made after that.
  - o Baxter: Request that EPA consider flexibility with the date based on data availability.

- o Davis-Martin: Recommend that a more realistic date be considered for the final deadline.
- o Sylvester: As Milestone Workgroup Chair, request that EPA is very clear with labeling of final milestones (including EPA's full recognition that jurisdictions have the option to revise milestones.)
- o Baxter: Request that the WQGIT be kept informed of the status of data availability.

DECISION: The WQGIT agreed that CBP jurisdictions will submit their 2015 milestones by January 15, 2014 based on the September 2013 version of 2015 land use projections.
ACTION: (1) EPA agreed that jurisdictions have the opportunity to amend milestone submissions based on the 2013 Progress Run, EPA's comments on their January submission, and updated 2015 land use projections available in April 2014; (2) EPA agreed that the January submissions would be labeled as "draft"; and (3) EPA would consider May 15, 2014 as the date-certain for submitting final milestones.
ACTION: Matt Johnston (CBPO) committed to continually track the availability of new data sets to gauge whether the April 2014 deadline will be met.
DECISION: WQGIT decided that final milestone input decks should be run on the updated 2015 land use projections when they are available. Therefore, the jurisdictions committed to request that CBPO re-run their latest 2015 milestone input deck submission using the updated 2015 land use projections available in April 2014 and CBPO committed to re-run this submission through the CB model.
DECISION: The WQGIT will receive updates on the availability of new data and may adjust their recommendations based on future circumstances.
FOR FUTURE DISCUSSION: The WQGIT will continue to evaluate all aspects of progress and milestone reporting to ensure that such reports are as fully reflective as possible of actual environmental and programmatic conditions.

5. **Evaluation of Jurisdiction Milestone and WIP Progress**

- John Rhoderick (MDA) presented the [Maryland Department of Agriculture's proposal](#) and recent Agriculture Workgroup discussion regarding Milestone and WIP evaluation for WQGIT consideration.
- Antos: The issues raised by MDA underscore the importance of the BMP protocol addendum addressed previously. Note that while there are some instances, cutoff does not happen for all practices, and is usually just a few percent of the available acres. Also note that jurisdictions can report non cost shared BMPs. Once the verification protocol is in place these BMPs will have to be verifiable as with all BMPs. If a jurisdiction requests it, CBPO has provided a progress run for informational purposes only (e.g. using an unapproved interim BMP to explore a hypothetical scenario).
- Koon: Reporting solely based on number and acres of BMPs would be problematic for WV.
- Buckley: No confidence in the modeled load reductions at this time. Progress runs not the best method of evaluation. Do not recommend changing BMPs so that they can be recognized in the model. Evaluating programmatic milestones could be an appropriate approach.
- Antos: EPA is committed to continue evaluating both programmatic and numeric commitments, in order to continue progress toward achieving the TMDL load reductions.
- Baxter: WQGIT will revisit this issue at future calls.

6. **Benthic IBI Interim Assessment Rule and Short Duration DO Criteria Assessment**

- Peter Tango (USGS) provided additional information ([Peter's presentation](#)) on the [Dissolved Oxygen chapter](#) and [appendices](#) and on the recent discussions by the CAP Workgroup on possible inclusions to the Bay segments that have impacts to local water quality and would encompass additional shallow water acreage.
- Request time for exploring what more can be done on the Deep Water Designated Use to complete Chapter 1.
- Buckley: PA recommends the umbrella approach.
- Request that the WQGIT approve the interim BIBI rules application.
    - Baxter: How are the four segments currently listed?
        - Tango: Will have to follow up with this information, likely listed as failing rather passing. This rule would place in them in a position of not enough information.
    - Baxter: What information is missing?
        - Tango: Insufficient sample size.

DECISION: The WQGIT agreed to give additional time for the CAP Workgroup to determine what more can be done on the Deep Water Designated use to complete Chapter 1 of the short duration DO criteria assessment.
DECISION: The WQGIT approved the interim BIBI rules application.

7. **Addressing the Chesapeake Bay Monitoring Networks 2013 Funding Shortfall**
    - Peter Tango described the process underway through STAR and its tidal and non-tidal monitoring workgroups to develop options for closing the 2013 funding shortfalls for the Partnership's tidal and non-tidal water quality monitoring networks and the baywide SAV aerial survey.
    - Scott Phillips (USGS): Note that the consequences of the cut in the non tidal network are the loss of about 20 sites, and the potential loss of some tidal monitoring stations.
    - Bruce Michael (DNR): Note the importance of monitoring progress, which helps to better target practices.
    - Baxter: Discussion of monitoring efforts and funding shortfall will remain on future WQGIT agendas.

DECISION: The WQGIT approved the near-term recommendations for working with the 2013 funding shortfalls, recognizing that more discussion is needed, and provided their support for the continued coordination with STAC on a longer-term funding plan for sustaining the water quality monitoring networks.

Adjourned

Next WQGIT Conference Call:
Monday, August 12, 2013
1:30 P.M. – 3:30 P.M.

Participants

Russ Baxter (chair)	VA DEQ
Jennifer Volk (vice chair)	U Delaware
Lucinda Power	CBPO
Katherine Antos	CBPO

Greg Albrecht	NY
Karl Berger	MWCOG
Patricia Buckley	PA DEP
Collin Burrell	DDOE
Ann Carkhuff	EPA
Lee Currey	MDE
Dinorah Dalmasy	MDE
Christopher Day	EPA
Mark Dubin	CBPO/UMD
Jim Glancey	U Delaware
Norm Goulet	Northern Virginia Regional Commission
Jeremy Hanson	CBPO
Matt Johnston	UMD
Bill Keeling	VA
Teresa Koon	WV DEP
David Koran	USACE
Sarah Lane	MD DNR
Jackie Lendrum	NY DEC
Ross Mandel	ICPRB
Beth McGee	CBF
Kevin McGonigal	SQRBC
Dianne McNally	EPA
Bruce Michael	MD DNR
George Onyullo	DDOE
Robin Pellicano	MDE
Scott Phillips	USGS
Marel A. Raub	CBC
John Rhoderick	MDA.
John Schneider	DNREC
Ben Sears	NY
Kim Snell-Zarcone	Conservation PA
Helen Stewart	MD DNR
Nita Sylvester	EPA
Ted Tesler	PA DEP
Dana York	MDA
Emma Giese	CBPO
Peter Tango	USGS
Pat Gleason	EPA
Nita Sylvester	EPA
Mark Barath	EPA
Darrell Brown	EPA
Jim George	MDE