

CHESAPEAKE BAY PROGRAM
WATER QUALITY GOAL IMPLEMENTATION TEAM
AUGUST 13TH, 2012 CONFERENCE CALL

Conference Call Phone Number: 866-299-3188 **Code:** 410-267-5731

Adobe Connect: <https://epa.connectsolutions.com/waterqualitygit/>

ACTION ITEMS AND DECISIONS

ACTION: Jeff Sweeney to follow-up with James Davis-Martin on status of NEIEN enhancement tools.

ACTION: Scott Phillips will send the link to website with USGS study on N, P, TSS trends.

ACTION: Friday, August 24th deadline for two feedback requests:

- 1) WQGIT members to provide feedback on topics to consider in the October meeting regarding the midpoint assessment. Feedback should be submitted to [Larry Merrill](#), [Katherine Antos](#), [Gary Shenk](#), and [Molly Harrington](#);
- 2) WQGIT members to submit comments on draft Midpoint Assessment Guiding Principles. Send comments to [Larry Merrill](#), [Russ Baxter](#), [Katherine Antos](#), and [Molly Harrington](#).

ACTION: Chesapeake Bay Program Office will develop separate, shorter Urban Stormwater Performance Standards and Retrofit BMP recommendation documents that are easier for local governments to use.

ACTION: Urban Stormwater Panel recommendations on performance standards and urban retrofits will be revised, noting modifications based on VA DCR and PA DEP comments, and distributed to the WQGIT. If acceptable, DCR and DEP to reply affirmatively by Wednesday, August 29th (if others see points to comment on, please also comment by August 29). Affirmative or no response by the deadline will act as confirmation that the recommendations are in place. Please send reply to [Tom Schueler](#) with copy to [Larry Merrill](#), [Katherine Antos](#), and [Molly Harrington](#).

ACTION: Comments on Forest Restoration strategy should be sent to [Sally Claggett](#) by Monday, September 10th.

MINUTES

Welcome/Confirm Call Participants and Updates – Larry Merrill, Chair

- 8/13 email containing WQGIT WG and other relevant updates.
- **Branosky:** TOWG update
 - TOWG Workplan has been updated in conjunction w/ EPA Work Plan. Darrell Brown to lead on EPA Workplan. Both workplans are accessible through CBP Trading and Offsets WG website.
 - [CBP Trading and Offsets WG: Draft Workplan](#)
 - [EPA Trading and Offsets Draft Workplan](#)
- As suggested by James Davis-Martin, VA DCR, evaluate potential enhancements to NEIEN, allowing for local implementation reporting to states through this tool.

- Jeff Sweeney wrote a short update on this subject, which is included in [Modeling and BMP Verification Updates](#).
 - Inform WQGIT leadership if additional discussion is needed.
- **Davis-Martin:** Topic emerged through discussion of potential opportunities to update/prioritize M/V/CAST and whether those tools could be mechanisms for localities to report implementation data to states. At that time, Jeff Sweeney said that NEIEN was being updated to serve that functionality.
 - Sweeney's write-up did not address this issue of reporting mechanisms. If NEIEN will not serve local reporting function, need to reprioritize M/V/CAST. Would like additional follow-up on this topic.
- **Shenk:** At this time, still intend for NEIEN to be for reporting and CAST to be for planning. Will continue to work with Partnership to ensure these tools are serving those purposes.
- **Merrill:** Will consider Sweeney's write-up an interim response and follow-up with Davis-Martin in the near future.

ACTION: Jeff Sweeney to follow-up with James Davis-Martin on status of NEIEN enhancement tools.

- 8/2 Harris Creek oyster restoration presentation to Management Board illustrated overlapping GIT goals at a small scale. Merrill presented WQGIT portion of presentation.
 - Example of the importance of cross-GIT collaboration in Bay restoration.
 - Accessible at [Harris Creek Case Study Presentation](#).
- Other Updates:
 - **Phillips:** USGS website containing the results of 2010 N.P, TSS trends study will be up by the end of the week. This will also be the site used to update trends annually.

ACTION: Scott Phillips will send the link to website with USGS study on N, P, TSS trends.

Midpoint Assessment Process and Guiding Principles – Merrill

- Framing the planned face-to-face discussions through Midpoint Assessment topics.
 - Email request for input on subjects and priorities for the Midpoint Assessment sent on 8.2.12. Feedback deadline of 8.24.12.
- Draft version of [Midpoint Assessment Guiding Principles](#) shared.
 - Compare to 2007 Guiding Principles for Bay TMDL.
 - Feedback on document requested by 8/24, in order to revisit and finalize by September 10th WQGIT call. Send comments to [Larry Merrill](#), [Katherine Antos](#), and [Molly Harrington](#).
- Regional Administrator shared "Request for WQGIT Meeting Topics and Midpoint Assessment Priorities" memo with PSC last week and will share Midpoint Assessment Guiding Principles in early fall.

ACTION: Friday, August 24th deadline for two feedback requests:

- 3) WQGIT members to provide feedback on topics to consider in the October meeting regarding the midpoint assessment. Feedback should be submitted to [Larry Merrill](#), [Katherine Antos](#), [Gary Shenk](#), and [Molly Harrington](#);

- 4) WQGIT members to submit comments on draft Midpoint Assessment Guiding Principles. Send comments to [Larry Merrill](#), [Russ Baxter](#), [Katherine Antos](#), and [Molly Harrington](#).
- **Merrill:** WQGIT Ad-Hoc group established for planning October 22-23rd face-to-face meeting.
 - Initial Ad-Hoc call will be 8/15, and will focus on determining meeting location.
 - After receiving feedback by 8/24 deadline, Ad-Hoc group will use input for setting the meeting agenda.

Discussion:

- **Merrill:** Emphasize Principle 1; primary focus on implementation.
- **Buckley:** Questions on the version of the draft principles posted last week were resolved in next version of the draft document, which was reposted to the CBP website on 8/13 morning.
- **Currey:** Is accountability framework the modeling system? If so, does Principle 2 mean that EPA has the final say in modeling changes?
 - **Merrill:** Accountability system broader definition than modeling system. Also includes milestones, reporting, etc. Partnership will have involvement in modeling changes.
 - EPA will be closely working with partnership throughout process.
- **Merrill:** Principle 5 refers back to Section 10 of the TMDL, which discussed midpoint assessment.
- **Davis-Martin:** In preamble, unusual that document references 2017 and 60% target analysis.
 - Midpoint assessment would not provide enough time to make strategy changes to affect 2017 outcomes. Is midpoint assessment an exercise EPA envisions as happening well before 2017?
 - **Merrill:** Probably both. Coming out of assessment and assessment planning, much will be geared to 2017 timeframe. However, shorter-term adjustments can also be considered.
 - Notion of adaptive management important within this process. Stated goal of 2017, but other benefits realized in the assessment process can be incorporated.
 - **Davis-Martin:** Given this, these should be guiding principles for evaluation of milestones and for adaptive management, not just midpoint assessment and Phase III WIPs.
 - Adaptive management needs to be mentioned within principles document.
 - **McNally:** Noted that adaptive management mentioned in Principle 5. If want this in preamble, please make written comment to that effect.
- **Currey:** Views accountability framework as a comprehensive system of tools and milestones. A definition of the accountability framework in the document would be helpful.
- **Montali:** Clarify expectations for 2017. Possible to provide documentation on the expectations relative to a new model, new allocations, and assessments of actions?

- **Merrill:** Per TMDL, benchmark of 60% reductions by 2017. However, with large scope of this process, providing more definition of expectations would be helpful.
 - Encourages WV to include this point in written comments.
- **Davis-Martin:** Not looking for any additional assessments beyond the two-year milestones and 2017 WIP assessments. Hopes this does not imply additional assessments outside of those established standards.

Urban Stormwater BMP Panel Recommendations – Norm Goulet, Tom Schueler

- Full draft BMP recommendation memos: [Final Performance Standards Expert Panel Recommendation Memo 070912](#); [Final Retrofit Expert Panel Recommendation Memo 070912](#).
- **Merrill:** Process of BMP recommendations: Expert Panel → Sector Workgroup (review of technical components) → Watershed Technical Workgroup (review of modeling components) → WQGIT (final approval).
 - Balance technical quality/rigor of recommendations with need to move process forward, as many other BMP recommendations are in various stages of this process.
- **Goulet:** Requesting decision on the recommendations developed by two expert panels, the Performance Standards and Retrofit Panels.
 - At this time, four other Urban Stormwater expert panels are underway- Erosion and Sediment Control, Urban Fertilizer, Illicit Discharge Elimination, and Stream Restoration panels.
 - The two BMP recommendation memos posted for today's meeting incorporated the comments from the WTWG, and subsequent revisions by the Panels and USWG.
 - CBP Modeling team was also involved in the process in order to avoid potential modeling problems.
 - Believe that consensus has been reached on both recommendations.
- **Schueler:** See presentation: [Urban Stormwater BMP Recommendations](#).
 - As recently as this morning, comments from VA DCR and PA DEP were received and consensus on recommendations believed to be reached. Final iterations of the recommendation memos will be distributed soon.
 - See [Consolidated WTWG Comments](#) and [Consolidated Response to WTWG Comments](#).

Discussion:

- **Keeling:** VA DCR's suggested revision to restoration BMP within the Retrofit recommendation memo:
 - Concerned with some of the language in the document. Will this information be used in enforcement action?
 - E.g. admission of non-functional, reported BMPs makes states susceptible to EPA enforcement actions.
 - Suggested removing reference to 2006 date.

- Alternative: Has the failed BMP ever been reported? If so, report BMP in degraded state in at least one reporting year; afterwards, full restored BMP credit would apply.
 - If hasn't been reported in past, would report restored BMP as new BMP.
- Also suggested revision to design example to make more consistent with definition proposed for retrofit BMPs.
 - Schueler will make this revision in the next version of the memo.
- Target audience: are these recommendations intended for modelers or for local governments?
 - Sections of memo focused on local government reporting could be included in a companion document rather than this memo.
 - Concern about conflicting language on what local governments will need to report to states.
 - **Schueler:** Long documents will include all technical documentation for archival purposes. CBPO will develop separate, shorter document that is easier for local governments to use.

ACTION: Chesapeake Bay Program Office will develop separate, shorter Urban Stormwater Performance Standards and Retrofit BMP recommendation documents that are easier for local governments to use.

- **Stewart:** Do BMPs only have 10-year life?
 - **Schueler:** Visual inspection after 10 years to verify retrofit BMP function. If still functional, BMP not inspected for another 10 years.
 - If BMP is not functional, 1 year to meet compliance. If corrective action not taken, BMP discredited.
 - First time that BMPs are not assumed to be perpetual. Significant contribution by panel.
 - **Stewart:** Decision on existing inventory of BMPs?
 - **Schueler:** For retrofit BMPs, 10 year cycles. Existing BMPs under new performance standards need to be reconfirmed under twice the normal maintenance inspection frequency of the locality. For legacy BMPs built in past, most states have 3-5 year inspection requirement for MS4s.
- **Buckley:** Is 10-year inspection for MS4s only, or non-MS4s?
 - **Schueler:** Recommendations only apply to MS4s. A subgroup of the USWG established to address verification and inspection protocols for non-MS4s.
- **Currey:** Documents reflect the great work of panels and address overlapping urban BMPs.
 - For clarification: assume graphs will stand on own. Many places in reports refer to “per impervious acres treated”, but each state calculates a little differently.
 - Change graphs' label of figures and/or add footnote “impervious area or equivalent as determined by state.”
 - **Schueler:** Curves reflect science of pollution removal. Equation examples and design examples (Sections 3 and 4) in Memos show how this is done across states.

- **Schueler:** Additional objections to baseline unit loading contained in both BMP recommendation memos. Removing this at request of Bill Keeling, PA DEP, and some panel members.
- **Keeling:** The proposals may change based on the BMP Verification Panel's decisions.
 - **Schueler/Antos:** If needed, will revisit panel recommendations in the future. Per the BMP Review Protocol, this can be accomplished through a more streamlined process of sector and Watershed Technical workgroup consultation rather than reconvening a full panel.
- **Schueler:** Also addressed concerns regarding groundwater nitrate issue. Most states in favor of method developed by Shenk associated with groundwater nitrate.
 - PA's perception that these two BMPs were unfairly singled out; however, discussions with other sector experts indicated that this issue will have to be examined by every panel.
- **Raub:** Explain the differences in inspection cycles between retrofit BMPs and LID. Will this impact cost-effectiveness of LID?
 - **Schueler:** 5-year inspections for on-site homeowner retrofit BMPs because can be changed and not unmaintained more easily, necessitating more frequent inspection.
 - Other non-homeowner retrofits can be LID, green streets, or conventional stormwater and are inspected in 10-year cycles.
- **Raub:** Clarification of BMP classifications?
 - **Schueler:** Performance standards: New development or redevelopment (where previously untreated impervious cover). Retrofits: Untreated impervious cover, or enhancing treatment of BMPs.
- **Buckley:** Is Keeling comfortable with the recommendations?
 - **Keeling:** Yes, with the revisions made today.
- **Buckley:** Can the WQGIT make a decision after the documents are updated?
 - **Merrill:** Asking for approval of the recommendations as amended today.
 - **Davis-Martin:** What is the urgency to do this today?
 - **Merrill:** Overall workload. Have many panels underway that need to get through.
 - **Davis-Martin:** Would prefer seeing final revisions completed based on past experiences with miscommunication.
 - **Buckley:** Concurs.
- **Merrill:** Will distribute revised materials, noting modifications based on VA DCR and PA DEP comments. If acceptable, ask DCR and DEP to reply and have that be confirmation that recommendations are in place.
 - **Keeling:** Yes, that's reasonable.
 - **Buckley:** Yes.
 - **Tesler:** Amended report should include Gary's response in WTWG minutes that there are no BMPs which ignore the effect of BMPs on groundwater. Groundwater will be considered by other BMP panels.

ACTION: Urban Stormwater Panel recommendations on performance standards and urban retrofits will be revised, noting modifications based on VA DCR and PA DEP comments, and distributed to the WQGIT. If acceptable, DCR and DEP to reply affirmatively by Wednesday, August 29th (if others see points to comment on, please also comment by August 29).

Affirmative or no response by the deadline will act as confirmation that the recommendations are in place. Please send reply to [Tom Schueler](#) with copy to [Larry Merrill](#), [Katherine Antos](#), and [Molly Harrington](#).

- **Davis-Martin:** Significant focus in reports about reporting, verification, communication with local governments. Should this be the scope/responsibility of panels? Feels this undercuts states' responsibility to establish protocols with local governments.
 - **Merrill:** Will revisit this in future as needed.
 - **Post-meeting note:** BMP Protocol calls for "Description of how the BMP will be tracked and reported: Include a clear indication that this BMP will be used and reported by jurisdictions."
 - Original charge to the Panels included: "What are the proper units that local governments will report to the state to incorporate into the Chesapeake Bay Watershed Model."

Criteria Assessment Protocol Workgroup: Issues and Activities Supporting the Midpoint TMDL Evaluation – Peter Tango

- See presentation: [Criteria Assessment Protocol Workgroup](#).
- [CAP Workgroup Membership List](#).
- **Merrill:** Will likely ask for an update later in the fall, possibly during the October WQGIT face-to-face meeting.
- No questions from the WQGIT on the presented materials.

Forest Restoration Strategy – Sally Claggett

- See presentation: [Forest Restoration Strategy](#).
- **Buchheister:** Any relation to manure-to-energy technologies? Heard that phosphorus-rich ash such as that from manure to energy technologies could be valuable for mine reclamation.
 - **Claggett:** Agree could potentially be a valuable match, but doesn't have specific knowledge of the issue.
- **Buckley:** Timeline for WQGIT comment submissions?
 - **Claggett:** Prior to the September 13th, 2012 Management Board meeting.

ACTION: Comments on Forest Restoration strategy should be sent to [Sally Claggett](#) by Monday, September 10th.

- **Buckley:** Will the Management Board provide comments?
 - **Claggett:** Unsure; that is a question for CBP.
- **Buckley:** When will the strategy be finalized?
 - **Claggett:** Currently unspecified, but likely at some point this fall.
- **Swanson:** Level of buy-in from states? Does this strategy reflect the desire of the states to pursue these restoration strategies?
 - **Claggett:** Good participation from states. Individuals who provided input are listed in strategy document. However, uncertain if this has been moved up the chain in every state.
 - **Buckley:** Hasn't been floated up the chain in PA. Has given Deputy Secretary of PA DCNR a heads up about the strategy.

- **Claggett:** Welcomes any suggestions to encourage state buy-in.
- **Merrill:** Have other GITs had a chance to review, comment?
 - **Claggett:** Will present the strategy to the Habitats and Maintain Healthy Watersheds GITs.

Results of USGS Susquehanna Dams Report – Bob Hirsch

- See presentation: [Results of USGS Susquehanna Dams Report](#).
- Analysis conducted based on data collected from Tropical Storm Lee.
 - Response to extreme weather events can provide a good indication of how hydrological systems operate.
- Need to assess urgency relating to issue of diminishing dam capacities.
- Importance of understanding changing relationship between inputs/outputs to the dams.
- Report is in final stages of review; hope to release to the public by the end of the month.
 - Recognize the sensitivity of this subject. Will stress the importance of both what is happening in the reservoirs and impacts to the watershed.

Discussion:

- **Michael:** Hirsch gave similar presentation to the Lower Susquehanna River Watershed Assessment Workgroup last week. Workgroup will be releasing statement in support of this study, concurring with findings and supporting need for continued research.
 - Especially need further assessment of management options for accelerating expansion of storage capacity of Conowingo Dam.
 - Also, still planning on discussing topic during STAR on event-based workshop in the fall.
- **Buckley:** Appreciates that the study demonstrates that loads at Marietta are decreasing.
- **Batiuk:** When is release of technical report?
 - **Hirsch:** End of month.

Next WQGIT Conference Call:

Monday, September 10th, 2012
1:30 P.M. – 3:30 P.M

PARTICIPANTS

Larry Merrill, Chair	EPA	merrill.larry@epa.gov
Katherine Antos, Coord.	EPA/CBPO	antos.katherine@epa.gov
Jennifer Walls	DE DNREC	Jennifer.Walls@state.de.us
George Onyullo	DC DOE	george.onyullo@dc.gov
Mohsin Siddique	DC Water & Sewer Auth.	msiddique@dcwasa.com
Helen Stewart	MD DNR	hstewart@dnr.state.md.us
Bruce Michael	MD DNR	BMICHAEL@dnr.state.md.us
Marya Levelev	MDE	mlevelev@mde.state.md.us
Lee Currey	MDE	lcurrey@mde.state.md.us
Jim George	MDE	jgeorge@mde.state.md.us

Dana York	MDA	dyork818@yahoo.com
Steve Gladding	NY DEC	smgladdi@gw.dec.state.ny.us
Aaron Ristow	USC NY	aaron.ristow@cortlandswcd.org
Pat Buckley	PA DEP	pbuckley@pa.gov
Ted Tesler	PA DEP	thtesler@pa.gov
James Davis-Martin	VA DCR	james.davis-martin@dcr.virginia.gov
Bill Keeling	VA DCR	william.keeling@dcr.virginia.gov
Eric Aschenbach	VA DOH	eric.aschenbach@vdh.virginia.gov
Teresa Koon	WV DEP	Teresa.M.Koon@wv.gov
Dave Montali	WV DEP	david.a.montali@wv.gov
Sarah Diebel	DOD	sarah.diebel@navy.mil
Ruth Izraeli	EPA – R2	izraeli.ruth@epa.gov
Jennifer Sincock	EPA – R3	Sincock.Jennifer@epamail.epa.gov
Suzanne Trevena	EPA – R3	trevena.suzanne@epa.gov
Diane McNally	EPA – R3	mcnally.diane@epa.gov
Chris Day	EPA – R3	Day.Christopher@epamail.epa.gov
Nita Sylvester	EPA/CBPO	Sylvester.Nita@epamail.epa.gov
Lucinda Power	EPA/CBPO	power.lucinda@epa.gov
Lewis Linker	EPA/CBPO	llinker@chesapeakebay.net
Gary Shenk	EPA/CBPO	shenk.gary@epa.gov
Rich Batiuk	EPA/CBPO	Batiuk.Richard@epamail.epa.gov
Larry Tennity	NRCS – DE	lawrence.tennity@de.usda.gov
Dave Koran	USACE	david.koran@usace.army.mil
Sally Claggett	USFS/CBPO	sclaggett@chesapeakebay.net
Bob Hirsch	USGS	rhirsch@usgs.gov
Joel Blomquist	USGS	jdblomqu@usgs.gov
Scott Phillips	USGS/CBPO	swphilli@usgs.gov
Peter Tango	USGS/CBPO	ptango@chesapeakebay.net
Karl Blankenship	Bay Journal	bayjournal@earthlink.net
Marel A. Raub	CBC	mraub@chesbay.us
Ann Swanson	CBC	aswanson@chesbay.us
Bevin Buchheister	CBC	bevinb@chesbay.us
Beth McGee	CBF	bmcgee@cbf.org
Molly Harrington	CRC/CBPO	mharrington@chesapeakebay.net
Jeremy Hanson	CRC/CBPO	jhanson@chesapeakebay.net
Tom Schueler	CSN/CBPO	watershedguy@hotmail.com
Jennifer Tribo	HRPDC	jtribo@hrpdcva.gov
Ross Mandel	ICPRB	rmandel@ICPRB.org
Lisa Ochsenhirt	MAMWA/VAMWA	lisa@aqualaw.com
Karl Berger	MWCOG	kberger@mwkog.org
Norm Goulet	NoVA Regional Council	ngoulet@novaregion.org

Kim Snell-Zarcone	Conservation PA	kim@conservationpa.org
Evan Branosky	WRI	ebranosky@wri.org