

CHESAPEAKE BAY PROGRAM
WATER QUALITY GOAL IMPLEMENTATION TEAM

January 9, 2017 CONFERENCE CALL

Meeting Summary

Meeting Materials: <http://www.chesapeakebay.net/calendar/event/24772/>

Actions & Decisions:

Decision: The WQGIT approved the WWTWG request to submit CSO data after December 31st and before February 1st for use in the Phase 6 model calibration.

Action: The WQGIT will schedule a cross-sector meeting, comprised of representatives and members from the Land Use, Wastewater, Urban Stormwater, and Milestones workgroups, to discuss the process of updating coverage data for MS4s, CSOs, and sewer areas, concurrent with the 2-year milestone periods, and how this updating process may intersect with updating permits for these regulated areas.

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

Submitting Additional CSO Data for Phase 6 Model Calibration – Tanya Spano, MWCOG, and Ning Zhou, VT

Tanya and Ning briefed the WQGIT on the WWTWG's intent to submit additional CSO data before February 1st, for use in the Phase 6 model calibration. Their [presentation](#) is available online.

Discussion:

- James Davis-Martin: When would this approach be ready for inclusion in the model?
 - Ning Zhou: I'm working with Virginia right now, and Tanya is working with DC Water. We're trying to get the data in by mid- to late-January so that we can meet the February 1st deadline.
 - James Davis-Martin: Does that have any impacts on our modeling timeline then? As I understand it, December 31st was our deadline for inputs to the calibration.
 - Tanya Spano: Right, and my understanding is that this wouldn't impact the modeling effort, so therefore we could submit this additional data without impacting any other model-related efforts.
 - Gary Shenk: We received the input data by December 31st, but we have a lot of processing to do before calibration begins on February 1st. So as long we have the data in before February 1st, it doesn't impact the calibration schedule. Ultimately it's up to the WQGIT on whether to approve this.
- James Davis-Martin: And I assume there wouldn't be any post-processing needed on this data?
 - Ning Zhou: Correct.

- Dave Montali: So are you proposing to use site-specific data when available, and defaulting to Tetra Tech data for the rest?
 - Ning Zhou: For the rest of the facilities, we'll use whatever they provide. For the CSOs that have site-specific data, it would substitute the Tetra Tech model outputs with local modeling results. For Virginia facilities, there's a major CSO in the watershed and this would be very important for them.
 - Dave Montali: So for the smaller CSOs, we'll continue using the same methodology. And for bigger CSOs, we'll use their localized model outputs.
 - Ning Zhou: Correct.

Decision: The WQGIT approved the WWTWG request to submit CSO data after December 31st and before February 1st for use in the Phase 6 model calibration.

Milestone Updates – Peter Claggett, USGS

Peter briefed the WQGIT that updated coverage data for MS4s, CSOs, and sewer areas can be submitted to the Phase 6 model every two years in accordance with the 2-year milestone cycles.

Discussion:

- James Davis-Martin explained how the question was raised as to whether model input overlays could be updated over time, with specific regard to CSOs, MS4s, and sewer areas. Peter Claggett communicated that updates to the coverage of these areas can be inputted every 2 years, following the 2-year milestone cycles.
- Tanya Spano: I would ask that in terms of process, the issue of updating coverage be vetted through the Land Use Workgroup. If they could agree on a process for how these changes could be done, especially in coordination with the WWTWG, then that would be useful.
- James Davis-Martin: I do still think there are questions lingering in terms of how this process will manifest itself down the line.
- Mary Gattis: I agree with everything you've said, and in terms of reiterating the call for process and transparency, it will help with messaging that the model is imperfect. So if we can get this improved data incorporated into the 2-year milestones, then that would be very important for the localities to understand.
- Ning Zhou: With CSO shapefile optics, we already have this as part of annual progress reporting and we track changes and provide them to the GIS team.
- James Davis-Martin: And I think the difference between doing this every year, or alongside 2-year milestone cycles, is the result of a previous decision to incorporate changes at the beginning of a new 2-year milestone cycle.
- Norm Goulet: If we're potentially changing boundaries every 2 years with the milestones, how does that play with 5-year permits and any kind of associated wasteload allocation? At the very least, they need to be in step with each other.
 - James Davis-Martin: You could look at this two ways: from one perspective, it's a way to try and help the permits better align with the model. But once they are

aligned, and the model changes again, then you're in a tough spot. Different states follow the model different ways.

- Tanya Spano: Since there are issues in wastewater similar to what Norm raised, then maybe we should charge a group to look at this issue and explain how to reconcile the differences between the reporting period and the permitting cycles.
- Norm Goulet: My concern is that 2-year milestones are not a local government product, so I'm concerned about how the 2-year milestones are interacting with local government goals.
- Tanya Spano: I agree, but all I'm proposing is that we talk about it.
- Mary Gattis: One of the comments that LGAC has made to the Executive Council is that there be more engagement of local governments in the establishment of these 2-year milestones.
- James Davis-Martin: I think I'm hearing that we like the idea of updating this data, but there are a lot of strings that get pulled when that happens. We need to make sure that we're communicating effectively about what we're changing, why, and what its impact is. Does that sound accurate?
 - Mary Gattis: An MS4 overlay doesn't affect loads as far as I understand. Loads are associated with a land use, so it's simply giving you additional information on how land can be regulated. So this would be additional information to help with developing local planning goals.
 - Norm Goulet: It doesn't establish loads, but loads are reflected in the permit.
 - James Davis-Martin: Yes, and if you're an MS4, it would appear as a change of loads if the coverage was updated. Although the net change in loads for the region would be 0.
- Sarah Diebel: So is the concern right now whether we should have these distinguished layers in the model or not? Or is the concern whether the overall regulatory requirements are incorporated into VA's input deck?
 - Norm Goulet: My bigger concern is that we don't have a roadmap as to what happens once the data is updated. Does this mean the state can make changes to the wasteload allocations? There are too many questions once we open the updating process.
- James Davis-Martin: My view is that we would update it with the 2-year milestones cycle, and we would also update it with the permitting cycle. Though I'm not exactly sure how that would work.
- Tanya Spano: I've raised this issue before, because it's not a surprise to folks on the permitting side that there needs to be this kind of clarity. I would suggest this may be a topic for a cross-sector workgroup to develop some recommendations to make sure everyone understands what the concerns are, and if there's some clarity that could be provided. And if there is something that EPA could do on the regulatory side, they could agree to that too. So that's an approach for moving forward.
 - James Davis-Martin: So that would be a WWTWG, USWG, LUWG combined effort?
 - Sarah Diebel: What about the Milestones Workgroup?

- James Davis-Martin: Let's see if we can draft up an invite and participate in a preliminary discussion.

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CMAC for Stormwater BMPs – Norm Goulet, NVRC, and Tom Schueler, CSN

Norm and Tom presented a recent [memo](#) issued to the WTWG and WQGIT, detailing the USWG-approved proposal to credit the Continuous Monitoring and Adaptive Control (CMAC) technique for retrofitting existing stormwater BMPs.

Discussion:

- Sarah Diebel: It seems now there is an add-on BMP that can get credit in the model. Normally we go through an expert panel process to approve BMPs, and I'm not sure of the distinction between how this BMP went through versus the standard ones?
 - Norm Goulet: The WQGIT BMP protocol has a section essentially stating that if a new BMP is found to be similar in nature/efficiency/technique to an existing BMP that's already been through the panel process, then we can use an abbreviated method to incorporate it into the model. It enables us to get this into the system, without having to go through the entire BMP expert panel process for a technique or technology that's already been approved. This is utilizing the already-approved retrofit BMP panel, and incorporating it into their work.
 - Sarah Diebel: So there is enough of the CMAC techniques being implemented in order to justify this going through?
 - Norm Goulet: We felt there was.
 - James Davis-Martin: Even if there's not, the protocol allows for the incorporation of new technologies into existing panel reports. It just updates how we're defining and representing retrofits in this case.
- Jeremy Hanson: Do you have any plans to update the fact sheets, or provide a CSN webcast on CMAC practices and how you'd report them under those protocols?
 - Tom Schueler: We'll probably do some outreach, and I think there will be some other practices that go through this process in 2017. One that we're working on later this week is on whether roadside ditch management can be mapped into existing urban and agricultural BMP panel reports.

Call for Nominations for WQGIT 1-year at-large Membership Positions

All nominations are due to Lindsey Gordon (Gordon.lindsey@epa.gov) and Lucinda Power (power.lucinda@epa.gov), with resume or CV, by **COB Friday, January 13th**.

Final Draft Phase III WIP Expectations – Lucinda Power, EPA

Lucinda Power presented the [revised final draft Phase III WIP expectations](#) for continued Partnership feedback. All comments were due to Lucinda Power (power.lucinda@epa.gov) by **COB January 9, 2017**.

Discussion:

- Bill Ball noted that the CRC is involved with hiring a lead to work on the Optimization Tool, and clarified that the process of developing this tool will be iterative. He submitted comments geared towards clarifying the expectations related to the Optimization Tool, specifically related to the 2-year milestone period and adaptive management.
 - Lucinda Power: In the past, we've used 2-year milestones to adaptively manage the WIPs, and I haven't seen any changes the jurisdictions have made currently to their WIP documents. But we can certainly have that larger discussion with the GIT.
 - Bill Ball: I think how we communicate this with jurisdictions, and the dialogue, will be important. They need to recognize that it's to their benefit to get this Optimization Tool developed and continually improved, especially in terms of cost of compliance.
- Nicki Kasi: Could you clarify what this Optimization Tool is supposed to do for us?
 - Bill Ball: It was an RFP from the Chesapeake Bay Program, and CRC will be putting someone in place at the Chesapeake Bay Program to develop an Optimization Tool. This is on-going, and there is an advisory committee of mentors and academics. The idea is that a WIP is an amalgamation of different BMPs and activities that cost money. Depending on a whole host of parameters related to the BMPs, the cost can change and there can be some co-benefits that a jurisdiction may want to consider. So the hope is that this will be automated and incorporated into CAST to provide results on the least costly plan.
- James Davis-Martin: The language on page 7 related to Conowingo actions that will need to be in place by 2025 does not entirely reflect the actions or recommendations from the WQGIT, since we had supported the option for deferred implementation. I'm concerned about the expectations document over-stepping WQGIT decisions here.
 - Lucinda Power: At the last two PSC meetings, EPA Regional Administrator Shawn Garvin stated that deferred implementation was not something EPA could support. Whether that changes remains to be seen, but the language of putting actions in place by 2025 is a reflection of his statements at those PSC meetings.
- Ann Swanson: The PSC was having discussions about the climate change language that would focus on BMPs, and adjust them as needed if those BMPs were being impacted by climate change. Based on this language, it's not clear whether that would be an acceptable approach or not. I understand that it would be acceptable. Can you give any further clarification?
 - Lucinda Power: My understanding is that the PSC agreed to keep option 2 (quantitatively factoring in climate change conditions into the Phase III WIPs), and options 5, 6, and 7 were condensed into one that would look at BMPs and programmatic commitments. The Partnership hasn't made a final decision, so we

wanted to keep the language fairly general by saying we expect at a minimum that the jurisdictions address the additional level of effort associated with climate change. We noted that any Partnership decision would be appended to this document on how climate change will be addressed.

- James Davis-Martin: So in this case, the intent is not to constrain the options before the Partnership any further, whereas on Conowingo, you are constraining the options that were considered.
- Lucinda Power: I don't believe that deferred implementation was something that the PSC would consider. So it's similar to Conowingo in that we have a responsibility to address it by 2025 because it's a changed condition. My understanding is that deferred implementation on this issue was not still on the table.
- Marel King: Back on page 5 – it mentions changes to state-basin and segment-shed targets, and it specifically mentions the tidal jurisdictions. I understand what you're saying regarding tidal jurisdictions, but the paragraph is silent on headwater states. Are you assuming there would not be changes to state-basin targets for headwater states? Or there would be, but they won't be held to the same standard?
 - Lucinda Power: Based on our modeling tools, we assume that most, if not all, of those state-basin targets might shift. We'll start to roll out what that looks like in the early spring timeframe prior to the draft targets coming out in June. So we expect state-basin targets for the headwater states to change, and they have the opportunity to make any changes to their source-sector loads. But this paragraph is directed to tidal waters because we believe that where implementation is happening makes a difference in terms of water quality attainment. So we want jurisdictions to look at what additional refinements need to be made to source-sector targets and segment-shed targets to see what needs to change to meet water quality standards.
 - James Davis-Martin: I think some of the confusion is that the planning target methodology is used to establish the state-basin planning targets. We don't have segment-shed or source sector targets to speak of. The TMDL has source-sector scale allocations, but I think it's confusing to introduce these concepts of segment-shed and source sector targets if we don't have it.
 - Ann Swanson: Based on your answer, it sends a mixed signal. On one hand, geography matters, but on the other hand we're saying we can't save the Bay without Pennsylvania's help.
- Bill Angstadt: Page 3 discusses engagement with timely dialogue, but there's not 'when' and 'what'. My question is: looking at our master midpoint assessment calendar, I see a presentation in March by EPA on midpoint assessment profiles for Bay jurisdictions, which talks about main challenges that need to be addressed. So is EPA working with the jurisdictions between now and March 13th to solidify gaps and the challenges for Phase III WIPs? Should the agricultural folks wait until after March 13 to begin engagement?
 - Lucinda Power: Thanks for your comment, and I need to update that overall calendar. I believe we'll initiate jurisdiction profiles in Spring 2017, and that's

focused on understanding what capacity the jurisdictions need to address implementation gaps and challenges. For capacity and implementation, we'll be reaching out to the individual states to talk about our thinking for doing such profiles, but that process hasn't started. We're starting to reach out to jurisdictions, and we're looking to have those done by end of 2017-2018.

- Bill Angstadt: There are 6 at-large members of the WQGIT, myself included. Is there some role or inclusion of us in these midpoint assessment profiles for each of the jurisdictions?
 - James Davis-Martin: To my knowledge, these are through the EPA.
 - Lucinda Power: We haven't yet initiated those discussions, and that will start with each individual jurisdiction. So there could be a role for the other at-large members, but I don't think we're at the point to make those decisions. We need to reach out to jurisdictions to let them know what we're thinking in order to emphasize this as a collaborative effort, but it's a good question to raise about how this group fits in with that.
- James Davis-Martin: If we're not going to have these until 2018, that may be too little too late.
 - Lucinda Power: We'll be working on them in 2017, and the current schedule has the profiles being submitted in late 2017. Draft Phase III WIPs are due August 2018.
 - James Davis-Martin: I feel the expectations that are spelled out call for a planning process that is longer than what's been communicated. So either the expectations need to be trimmed, or the planning process needs to be expanded.
 - Nicki Kasi: I agree with James on this. We need to be realistic on what's expected and by when, and I think we need to look at this calendar.
- Bill Angstadt: So on this expectations document, without a timeline it really confuses me on what has to be done, and when.
 - Lucinda Power: The jurisdictions decide what commitments to make in their Phase III WIPs. Are you asking to include more midpoint assessment-related priorities into this document?
 - Bill Angstadt: I agree that the states have responsibility of writing the Phase III WIPs, but EPA has some responsibility to accept or not accept them. So this is not just the jurisdictions' load to bear, and you're asking for engagement from local partners. We need some kind of timeline of what the mile posts are to get from here to 2018.
 - Lucinda Power: We don't want to tell jurisdictions on when they need to engage their local partners, because that will vary across the watershed. We have the major mile posts set, so each state has their own plans and partners to reach out to. I don't think it's EPA's role to tell the jurisdictions to engage a certain group by a certain date.
- James Davis-Martin: So we can recognize that certain components are needed to facilitate the engagement process. Planning targets, for example, need to be developed to understand level of effort in the engagement process. Ultimately, I think what's laid out

in these expectations is the idea that the full engagement of local governments and their establishment of actions (a local plan for what they'll do in 2025) is envisioned to be completed by the time these draft WIPs are submitted in August 2018. And if that's the expectation, I think it's too much.

- Jim George: It sounds like state-basin and source sectors are getting mixed. I would say that state-basins and segment-sheds are one geographic refinement, but then there's the question of source sectors as a delineation. It might be useful to have a conversation on the geographic scale and the source sector scale before this document is finalized.
 - James Davis-Martin agreed with this recommendation.
 - Lucinda Power offered to hold a call with those interested to discuss further.
- Tanya Spano: Can you recap the comments today, and discuss the next steps?
 - Lucinda Power: Final comments are due by COB today, and they should be sent to me. We are not planning on sharing another draft with the group; the plan is to release a final expectations document by January 16th. If that date changes, I will notify the WQGIT.
- James Davis-Martin: So would you anticipate any changes in the document based on discussions today?
 - Lucinda Power: Based on the discussions today, I'll need to bring them to EPA senior management.
 - WQGIT signatory members agreed to coordinate on submitting their comments.
- Lucinda Power: There is a tight turn-around on this – so I can't guarantee that any comments received after today will be addressed. Please submit your comments by COB today.

(Optional) Bay 'TMDL 101' Overview – CBPO Modeling Team Representatives

The Chesapeake Bay Program Office Modeling Team led an information session covering topics related to the Chesapeake Bay TMDL and 2017 Midpoint Assessment. The [presentation](#) is available online.

Discussion:

- James Davis-Martin: As we're looking at climate change through 2025, is the Critical Period (93-95) still a 10-year return with the new information we have about climate change?
 - Gary Shenk: That's a very interesting question, and I don't know.
 - James Davis-Martin: My thinking is that one way to incorporate climate change is to adjust the critical period to better reflect the future, or to adjust the hydrologic period.
 - Gary Shenk: That's one of several reasonable ways to approach climate change, certainly.
 - Tanya Spano: I would caution that it could be construed as making a major change to the TMDL, and not a refinement.

- James Davis-Martin: So theoretically, you could have an area with a high relative effectiveness, but that is entirely forested, thus precluding the opportunity to implement reductions – correct?
 - Gary Shenk: That’s correct.
- Tanya Spano: As we get closer to these goals and planning targets, the TMDL didn’t define how much of a change to load constitutes a significant enough change to ‘reset the clock’. We started this off knowing all of these numbers would change, but it was never identified what the threshold of change would be to induce a revisit of the TMDL.

Participants:

Name	Affiliation
James Davis-Martin	VA DEQ, WQGIT Chair
Teresa Koon	WV DEP, WQGIT Vice-Chair
Lucinda Power	EPA, WQGIT Coordinator
Lindsey Gordon	CRC, WQGIT Staffer
Jim George	MDE
Dinorah Dalmasy	MDE
Paul Emmart	MDE SSA
Alisha Mulkey	MDA
Sara Latessa	NY
Nicki Kasi	PA DEP
Jill Whitcomb	PA DEP
Kristen Wolf	PA DEP
Janice Vollero	PA DEP
John Schneider	DE DNREC
Luke Cole	DC DOEE
Collin Burrell	DC DOEE
Alana Hartman	WV DEP
Jen Sincock	EPA
Ann Carkhuff	EPA
Chris Day	EPA
Suzanne Trevena	EPA
Jeff Sweeney	EPA
Marel King	CBC
Ann Swanson	CBC
Ann Jennings	CBC
Bill Angstadt	Angstadt Consulting
Sarah Diebel	DoD
Jenn Volk	UD
Beth McGee	CBF
Chris Thompson	LCCD
Tanya Spano	MWCOG
Karl Berger	MWCOG
Heidi Bonnafon	MWCOG

Ning Zhou	VT
Gary Shenk	USGS
Peter Claggett	USGS
Jim Pletl	HRSD
Joan Smedinghoff	CRC
Bill Ball	CRC
Angela Redwine	VA Dept. of Health
Zoe Johnson	NOAA
Mary Gattis	LGAC
Jessica Blackburn	CAC
Norm Goulet	NVRC
Mark Dubin	UMD
Emily Dekar	USC
KC Filippino	HRPDC
Tom Schueler	CSN