Chesapeake Bay Tributary Strategy Steering Committee  
Follow-Up to January 24, 2006 Meeting  
Workgroups and Issues

Agriculture Workgroup  
Chair: Cedric Karper  
Co-Chair: Karl Brown (SCC)

Members:
Mark Dubin, PADEP  
Elam Herr, PSATS  
Jim Spontak, PADEP  
Keith Ashley, PA Builders  
Andrea Sharrett, PA Farm Bureau  
Brenda Shambaugh, PACD  
Douglas Brennan, PADEP  
Matt Ehrhart, CBF  
Sue Wilson, CAC  
George Wolff, Wolff Consultants  
Bill Achor, Wenger Feeds  
Don Robinson, Conservation and Ag Interest  
Matt Ehrhart, CBF  
Jay Howes, representative for State representative Hershey  
Kristen Ebersole, representative for State Senator Waugh  
Bill Angstatd, Consultant  
Charlie Hoober, Hoober Farm Equipment  
Bill Cumings, DEP-Legal  
Walt Pechatka, PennAg  
Bob Koroncai, EPA Region 3  
Fred Suffian, EPA Region 3  
Don Robinson, Public  
John Brosious, PMAA  
Scott Van de Mark, PEC

CC: Distribution List:  
John Hines, DEP WPO  
Andy Zemba, DEP WPO  
Ann Smith, DEP WPO  
Pat Buckley, DEP WPO

Issues Identified:  
1. Compliance and Threshold  
   • Defining baseline for agriculture compliance and threshold for nutrient trading  
   • How much of total load does compliance (assumption is all enforcement tools are put in place) get us?
• Suite of requirements as identified by DEP – need to add up the reductions and see how close we get to the mandatory reduction. Enforcement, outreach mechanisms, tracking needed and how accomplish
• Agriculture target that can’t be part of pot for trading, need a road map for the producers to identify how they get at the target – need a “farm-friendly” way of showing farmers what is expected of them.
• Fairness and equity to those farmers that have already gone above and beyond what is required.

2. BMPs
• Tracking of Best Management Practices, including new practices and those that are non-structural
• Use of cover crops as a nutrient and sediment reduction and the practical application and use of cover crops
• How link the numbers of BMP’s in the Trib Strategy versus land available
• Addition of other practices that need to be added to the model for consideration.

3. Monitoring
• Monitoring the effectiveness of BMP’s enrolled in the trading program
• Who certifies the practices that are implemented and their effectiveness? The practice needs to be within the ranges as defined by the Chesapeake Bay Model.
• In addition to monitoring implementation on land, how do we monitor water quality to document progress. Also, the accuracy of the monitoring results and ability to link water quality monitoring results to the actual practices being implemented on each farm. Need to do monitoring on a broader scale as well, to also account for impact of groundwater and delivery time to the streams and to the bay.

4. Human Capital and Financing
• Human capital … who are the delivery people and mechanisms to aggregate reductions, facilitate implementation and tracking
• Role and responsibilities for conservation districts – possible conflicts of interests between enforcement role and facilitation role of conservation districts
• Financing of agriculture BMPs and purchase of credits

5. Liability and Contracting
• Liability of agriculture – sign a contract to implement practices, then weather, etc. cause problems and use of bank of credits
• Obligation of NPS contractee to replace BMPs that are eliminated due to extenuating circumstances and the practical ability of parties to get back in operation
  - Insurance system or insurance like system
  - Size of the bank needed – may need a bigger bank
• Willingness of those with credits to trade to buy-in to the program


**Legacy Sediments Workgroup**  
Chair: Jeffrey Hartranft  
Co-Chairs: Dr. Dorothy J Merritts & Dr. Robert Walter, Franklin and Marshall College

Members:  
Jim Spontak, PADEP  
Elam Herr, PSATS  
Harry Campbell, CBF  
Andrea Sharretts, PA Farm Bureau  
Kenn Pattison (BMP Efficiency Development Assistance)  
Sue Wilson, CAC  
Bill Cumings, DEP-Legal  
John Kraeuter, DEP  
Courtney Accurti, PSBA  
Marel Raub, CBC  
George Wolff, Wolff Strategies  
Doug Brennan, DEP  
Shelby Chunko, Land Studies  
Ward Oberholtzer, Land Studies  
Dennis Stum, DEP  
Will Brown, DEP  
Patricia McSparran, DEP  
John Hines, DEP  
James Pizzuto, University of Delaware  
Mike Langland, USGS  
Lewis Linker, Chesapeake Bay Program Office  
Scott Carney, PA Fish and Boat Commission

CC: Distribution List:  
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Andy Zemba, DEP WPO  
Ann Smith, DEP WPO  
Pat Buckley, DEP WPO

**Issues Identified:**  
- Accounting for legacy sediment and link to point sources  
- Accounting for the importance of legacy sediment, and the need to include this in getting credit towards nutrient reductions.  
- Legacy sediments … how do we get it out of the system and who gets credit for it? -- which group is this assigned too?  
- Legacy sediments and relative impacts.  
- Look into legacy sediment reductions and allowance for sediment credits, link between nutrient reductions based on sediment reductions
Point Workgroup
Chair: Dana Aunkst and Nicki Kasi
Co-Chair: John Brosious

Members:
Kate Crowley, DEP NERO
Crystal Newcomer, DEP SCRO
Dan Alters, DEP NCRO
Bryon Johnson, PennVest
Patricia McSparran, DEP
Pete Slack, PMAA
James Elliott, Gannett Fleming
Jeff Wendle, CET
Cory Miller, UAJA
Bill Cumings, DEP-Legal
Bill Gerlach, CBF
Lee McDonnell, DEP – NPDES
Tom Franklin, DEP – Water Facilities
Dennis Lee, Infrastructure Financing
Tom Brown, DEP
Sue Wilson, CAC
Bob Koroncai, EPA Region 3
Keith Ashley, PA Builders
Marel Raub, CBC
Jodi Reese, CET
John Brossman, Lower Allen
Ken Eyre, Greeley-Hansen
Mike Kyle, LASA
Jim Kerns, EPA
Joe Swanderski
Mike Henry
Peggy Miller, HRG
Tom Mealy, Harrisburg
Uwe Weindel, Williamsport
Ralph Watters, Derry Twp
Scott Wyland
Steve Hann, PMAA

CC: Distribution List:
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Andy Zemba, DEP WPO
Ann Smith, DEP WPO
Pat Buckley, DEP WPO

Issues Identified:
1. Implementation
   • Determining Nutrient Reduction Technology Implementation Needs
- Optimization Options
- Capacity Issues
  • Bank of credits needed for use by point source entities

2. Monitoring
  • Monitoring requirements to verify nutrient credits
  • Nutrient credits based on Discharge Monitoring Reports at the end of the year or established at the beginning of the year based on permit limits and flow?

3. Watershed Permit
  • Permit procedure and compliance schedule before and after development of the Watershed Permit
  • Wastewater Treatment Plant Compliance schedule requirements before and after development of the Watershed Permit

4. Contracts
  • Details of contracts between point source entities and others to achieve reductions, tradable credit contracts, compliance with and needed flexibility

5. Financial
  • Transaction costs
  • Financing resources, provision of money for point source infrastructure

6. Enforcement
  • Enforcement has to lie with permitees at Federal level, and the use of other tools available on the state level and the ability to account for a “good faith” effort

7. Load Elimination
  • Human activities that may not exist in the future, such as elimination of industrial plant because it goes out of business. Who owns the credits … do they go into the bank?
Stormwater and Development Workgroup
Chair: Stu Gansell
Co-Chair: James Wheeler

Members:
Jim Spontak, PADEP
Keith Ashley, PA Builders
Jackie Parker, DCED- Community Action Team
Amy Sturges, PLCM/PSATC
Ed Troxell, PSAB
James Wheeler, PSATS
Pat Devlin, ACB
Kate Crowley, PADEP
Jack Rokavec, PennDOT
Harry Campbell, CBF
Sue Wilson, CAC
Bill Cumings, DEP-Legal
Ken Murin, DEP
Jay Africa, DEP
Tom Franklin, DEP
Jack Crislip, DEP
Keith Dudley, DEP
Darryl Fritz, DEP
Gary Metzger, DEP
Jim Novinger, DEP
Tim Wagner, DEP
Kristen Goshorn, County Commissioners Association of PA (CCAP)

CC: Distribution List:
John Hines, DEP WPO
Andy Zemba, DEP WPO
Ann Smith, DEP WPO
Pat Buckley, DEP WPO

Issues Identified:
1. Act 537
   - Act 537 planning requirements for new development and new point source facilities letter.
   - Application of post-construction permit to insure long-term operation and maintenance.
   - Local municipal regulations and consistency with state and federal regulations. Lack of understanding at the local level as to what they need to do. Clear presentation is needed as to defined level of compliance and what is available for trading at the local municipal level.

2. BMP
• Tracking stormwater BMP’s implemented in the course of new development and retrofits.
• Expand scope to include other nonpoint sources such as street cleaning – need to also establish baselines from other nonpoint sources
• Addition of other practices not accounted for in model.

3. Load Reductions/ Conversion of land reduction
• Conversion of agriculture to urban development and assessment of nutrient credits, factoring in a number of criteria such as original ag practices being implemented and number of urban BMPs implemented as part of the development. When can credits be assessed and when not.
• What about increase in loading due to conversion of forest land?
• Partnerships needed with PennDOT and others to help contribute to load reductions from stormwater.

4. New Development
• Concern has been raised that not providing a reserve for new development hurts developers.
• How account for retrofits? How track implementation and achieve credit for their implementation?
• Can you explain the zero net discharge limit that new facilities will have to obtain?
Trading Workgroup
Chair: John Hines

Members:
Rich Adams, DEP
Andrea Sharretts, PA Farm Bureau
Ben Feldman, Natsource
Bill Achor, Wenger Feeds
Brenda Shambaugh, PACD
Doug Brennan, DEP
Brian Hill, PEC
Karl Brown, SCC
Ed Corriveau, DEP
Cory Miller, UAJA
Bill Cumings, DEP
Don Robinson, Ag Interest
Mark Dubin, DEP
Elam Herr, PSATS
Stu Gansell, DEP
Jeff Wendle, CET
Jim Elliott, Gannett Fleming
John Brosious, PMAA
Keith Ashley, PA Builders
Paul Marchetti, PennVEST
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Bob Koroncai, EPA Region 3
Scott Van de Mark, PEC
Andrew Sleigman, EPA Region 3
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Susan Marquart, PACD
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Kenn Pattison, DEP
Lee McDonnell, DEP
Bob Yowell, DEP
Dana Aunkst
Sue Wilson, CAC
John Bell, PA Farm Bureau
Emily Wade, Wenger Feeds
George Wolff, Wolff Strategies
Suzie Greenhalgh, WRI
Mindy Sleman, WRI
Cedric Karper, DEP
Andy Zemba, DEP
Jeff Hartranft, DEP
Issues Identified:

- Defining the Tradable Load
- Shelf life of a credit
- Compliance history
- Risk – Compliance with the Trading Agreement
- Trading in a TMDL
- Contract form
- How promote innovation, creative approaches to solving the problem while limited by list of certified practices available for trading.
- Human activities that may not exist in the future, such as elimination of industrial plant because it goes out of business. Who owns the credits … do they go into the bank?