

Pennsylvania Chesapeake Bay Phase 3 Watershed Implementation Plan (WIP)
Steering Committee
July 10, 2018 Meeting Minutes
Approved: November 20, 2018

Members Present:

Name	Agency
Patrick McDonnell	Department of Environmental Protection
Russell Redding	Department of Agriculture
Cindy Dunn	Department of Conservation and Natural Resources
Sara Nicholas, Alternate	
Karl Brown	State Conservation Commission
Brion Johnson	Pennvest
Andrew Dehoff	Susquehanna River Basin Commission (SRBC)
Carlton Haywood (via webinar)	Interstate Commission of the Potomac River Basin (ICPRB)
Marel King, Alternate	Chesapeake Bay Commission
Matt Keefer	Forestry Workgroup Co-Chair
Kate Ombalski	Forestry Workgroup Co-Chair
Greg Hostetter	Agriculture Workgroup Co-Chair
Doug Goodlander	Agriculture Workgroup Co-Chair
Matt Royer (via webinar)	Agriculture Workgroup Co-Chair
John Bell	Agriculture Workgroup Co-Chair
Felicia Dell	Stormwater Workgroup Co-Chair
Lisa Schaefer	Local Planning Goals Co-Chair
Davitt Woodwell	Local Planning Goals Co-Chair
Steve Taglang	Local Planning Goals Co-Chair
John Brosious	Wastewater Workgroup Co-Chair
Jay Patel	Wastewater Workgroup Co-Chair
Katie Hetherington-Cunfer	Communications and Local Engagement Co-Chair
Marcus Kohl	Communications and Local Engagement Co-Chair

(Note: Sign in sheets were missing, so this list may be incomplete)

Other Attendees:

Federal Agencies:

Rich Batiuk, EPA Chesapeake Bay Program Office
Mike Langland, US Geological Survey (via webinar)
Emily Trentacoste, EPA, Chesapeake Bay Program Office (via webinar)
Suzanne Trevena, EPA, Region 3

DEP:

Hayley Jeffords Nicki Kasi
Ted Tesler Kristen Wolf

Other State Agencies:

Rob Boos, Pennvest (via webinar)
am Robinson, Governor’s Policy Office
Teddi Stark, DCNR

Other Governmental Agencies:

Andrew Gavin, Susquehanna River Basin Commission
Jamie Shallenberger, Susquehanna River Basin Commission

Other:

Dennis Auker (via webinar)
Harry Campbell, Chesapeake Bay Foundation
Jens Damgaard, Eckert Seamans Cherin and Mellott, LLC (via webinar)
Su Fanok, The Nature Conservancy (via webinar)
Josie Gaskey, PACA (via webinar)
Mary Gattis, Alliance for the Chesapeake Bay (via webinar)
Allyson Gibson, Lancaster Clean Water Partners (via webinar)
Jennifer Handke, Consulting with a Purpose
Stephanie Herbstritt, Penn State University (via webinar)
David Hess, Crisci Associates (via webinar)
Peter Hughes, Red Barn (via webinar)
Kimberly Long, Exelon Corp. (via webinar)
John Nikoloff, ERG Partners (via webinar)
Ron Ramsey, The Nature Conservancy (via webinar)
Ann Roda, Elizabethtown Borough (via webinar)
T. Salvia, Chesapeake Bay Foundation (via webinar)
Derrek Reitz, Weis Markets (via webinar)
John Seitz, York County Planning (via webinar)
Pam Shellenberger, York County Planning
Kristopher Troup, North Londonderry Twp (via webinar)
Roger Varner, Ecology and Environment, Inc. (via webinar)
Roland Wall, Drexel University (via webinar)

Welcome and Introductions – Patrick McDonnell, Secretary, DEP

Secretary McDonnell opened the meeting at 1:05 pm.

Approval of Meeting Minutes – All

A motion to approve the March 16 meeting minutes was made by Brion Johnson. Second by Drew Dehoff. Motion passed unanimously. Approval of the May 10 meeting minutes was deferred.

Final Planning Targets – Secretary Patrick McDonnell, Nicki Kasi

The final planning targets are as follows:

Table 1. Nitrogen Planning Targets

Jurisdiction	2017 Progress	Final Planning Target	Additional Reduction Needed
Delaware	6.85	4.55	2.30
Maryland	54.03	45.78	8.25
New York	14.32	11.53	2.79
Pennsylvania	107.31	73.18	34.13
Virginia	58.16	55.73	2.43
West Virginia	7.77	8.22	Already achieved by 450,000 lbs
TOTAL		201.41	

Table 2. Phosphorus Planning Targets

Jurisdiction	2017 Progress	Final Planning Target	Additional Reduction Needed
District of Columbia	0.076	0.130	Already achieved by 54,000 lbs
Delaware	0.126	0.108	0.018
Maryland	3.625	3.680	Already achieved by 55,000 lbs
New York	0.632	0.587	0.045
Pennsylvania	3.801	3.044	0.757
Virginia	6.226	6.192	0.034
West Virginia	0.429	0.432	Already achieved by 3,000 lbs
TOTAL		14.173	

Secretary McDonnell acknowledged the work of everyone to get to this point. There was a lot of back and forth among the states to get to this point. To come to agreement, New York and West Virginia agreed to adjust their special case request slightly so that Pennsylvania did not have to take on any additional load

In addition, the schedule for completion of the plan was extended again. The draft Phase 3 WIP is due to the Partnership on April 12, 2019, final on August 9, 2019. The date to have all practices in place remains 2025.

Secretary Dunn mentioned the Farm Bill, recommending that the members should start thinking about conveying a uniform message around the importance of this Bill.

Secretary McDonnell mentioned the webinar DEP held in the morning. The purpose of the webinar was to describe the countywide planning process that is underway. The target audience for the webinar was local and county officials. A recording of the webinar will be posted on the website in the next couple of days.

Technical, Financial Assistance Scoping Scenarios – Workgroup Co-Chairs Agriculture

John Bell described the Agriculture Workgroup Recommendations, emphasizing that these are preliminary, the work is far from done. Additional information may change these recommendations. He listed some of the factors that may impact the content of the final recommendations as:

1. Funding, both current and planned
2. Ability to report progress and reporting that still needs to be done.
3. The total costs. These costs are currently estimated as approximately \$327 million annually.

The recommendations are as follows:

1. Agricultural Compliance -- Ninety percent compliance with existing regulations for Agricultural Erosion and Sediment Control Plans, Manure Management or Nutrient Management Plans on 90% of the cropland in the watershed.
2. Soil Health – Crop and soil management practices to improve water quality and long term soil health and productivity.
3. Expanded Nutrient Management – Nutrient management planning on non-manured farms and precision management.
4. Manure Storage
5. Precision Feeding
6. Integrated Systems for the Elimination of Excess Manure – manure transport out of the watershed or beneficial uses.
7. Forest and Grass Riparian Buffers

These seven recommendations will cumulatively result in a reduction of 33,314,000 pounds of nitrogen per year and 2,155,500 pounds of phosphorus per year. This is 63% of the nitrogen planning target and 106% of the phosphorus planning target.

The workgroup also had additional recommendations to facilitate implementation including:

1. Discourage Legal Mandates – Local land use ordinances will likely to be counterproductive to consistent implementation
2. Financial and Tax Incentives – Compensation and exclusion from property and other taxes

3. Reporting and Confidentiality – Right-to-know requests and existing state laws are barriers to self-reporting, tracking and verifying of practices
4. Additional Technical Assistance
5. Advanced Soil Health – Funding initiatives to facilitate advance soil health
6. Regulatory Incentives – Implement exemptions from regulatory obligations to incentivize adoptions of recommended practices.
7. Reevaluate Existing Funding Programs – Redirect funding to the implementation of agricultural practices.
8. Biosolids – Require phosphorus-based nutrient management planning standards for biosolids
9. MS4s – Develop strategies to allow MS4s to meet permit obligations through integrated implementation of practices on farms.
10. Stream Restoration and Legacy Sediment Projects – Increase efforts to coordinate and implement these projects and ensure these projects are fully credited.

Secretary McDonnell acknowledged that the success of this effort hangs on agriculture and thanked the work of the workgroup. He appreciated the approach taken. There was general agreement on the great work done by the workgroup, and recognition to the assistance provided by Matt Johnston.

There was some discussion about the work of the Funding Workgroup and the analysis this group is completing on existing funding sources. In addition there was discussion on legacy sediment projects. The costs per acre may be high, but the reductions achieve can be very significant. DEP is doing more work internally to ensure Pennsylvania gets the maximum credit possible for these projects.

Secretary McDonnell concluded the conversation by continuing to evaluate these recommendations in light of other benefits and the costs relative to the primary benefit of nutrient and sediment reductions.

Forestry

Matt Keefer presented the recommendations of the Forestry Workgroup relative to Riparian Forest Buffers, Urban Tree Canopy and Land Conservation. The workgroup is looking to implement a more holistic approach to the implementation of Riparian Forest Buffers. Workgroup recommendations to accelerate the implementation of Riparian Forest Buffers include:

1. Communications -- Consistent messaging, including the co-benefits of buffers and the importance of peer-to-peer networks
2. Agency, Partner Leadership and Coordinated Commitment -- Capitalize on organizational strengths and regional partner networks to leverage funding and resources. Coordination, collaboration and innovation.
3. Technical Assistance – Concentrated, landowner-focused and service oriented assistance where people are talking to landowners results in higher levels of implementation
4. Funding -Leveraging, mixing and matching of both public and private funding is essential.

5. Site Preparation and Maintenance – Develop a stand-alone buffer maintenance model to ensure long term success.
6. Riparian Forest Buffer Width – The goal is to pursue 100-foot width for buffers, due to the higher reduction efficiencies. Incentives for wider buffers are needed.
7. Other Recommendations to Support Implementations
 - a. Enhanced reporting and tracking
 - b. Concentrated flow paths – this is a new science, where problems can be solved with the correct practice combinations and improved design
 - c. Stream restoration and legacy sediments -- Waiting on the Science and Technical Advisory Committee (STAC) report recommendations relative to this subject.
 - d. Conserving existing riparian forests.

Matt went on to emphasize the importance of trees. There are multiple benefits that can be achieved from trees including improvements to public health, increases in property value and pedestrian traffic and improvements in hydrology by intercepting rainwater. He described training programs for the maintenance of trees once planted and practices for trees in an urban setting.

Matt concluded his presentation with a brief overview of the Land Conservation Scenario he is working on with the Land Use Workgroup and program staff in the EPA Bay Program Office. This scenario is a combination of forest conservation, growth management policies and the Farmland Preservation Program. An early draft of this scenario resulted in a reduction of 250,000 pounds of nitrogen.

Secretary McDonnell thanked the workgroup for their work and recognized the cross-pollination between the Forestry Workgroup and the Agriculture and Stormwater Workgroups. There was further discussion about the importance of the social science element in getting these practices implemented. Getting buffers implemented will be done person by person, property by property. Secretary Dunn highlighted the work of the DCNR Riparian Forest Buffer Advisory Committee. Many of the members of this committee are hands-on practitioners. Katie emphasized the importance of Slide 7, which showed the level of implementation in different counties. This shows the impact one person can have on implementation.

Other reactions of steering committee members:

1. There is a common theme for the need for flexibility and technical assistance. There is good language in both the House and Senate versions of the Farm Bill to facilitate additional funding for this.
2. One main issue is maintenance. Strategies for avoiding invasive species in buffers are needed.
3. Flexibility to meet landowner needs and interests is essential.

BMP Verification Program – Nicki Kasi

Nicki shared a draft agenda for a one-day workshop on BMP Verification. The purpose of the workshop is to solicit input on the components of a realistic Verification Program plan for Pennsylvania. The goal is to submit a draft Verification plan to EPA by October for incorporation in the Phase 3 WIP. The workshop is planned for August 30 in Camp Hill.

Matt Royer commented on the importance of this plan. He reported that he is finalizing a report from results of the survey Penn State completed a year ago relative to voluntary, non-cost shared practices installed by farmers. He is looking at practice implementation relative to type and size of farms. He has come to the conclusion that there is probably a significant amount of voluntary practices being installed that are missed with current tracking and reporting mechanisms.

County Planning Process – Nicki Kasi

Nicki reported progress so far with the four pilot counties to date. York had a very good kick off meeting. Lancaster has a core group that the Support Team is working with. Kristen Wolf has met with Adams County. Franklin County has been called to schedule their initial planning meeting,

Public Comment

Rich Batiuk, EPA Chesapeake Bay Program Office, retired at the end of the month. Secretary McDonnell recognized all he has done for the state, pushing us when he needed to, highlighting the progress the state has made to the other states. The focused assistance, the prodding and extra help over the past couple years from Rich as this process unfolds is much appreciated.

Doug Goodlander asked about the templates that the workgroups need to complete, now that the draft recommendations have been reviewed by the Steering Committee. Nicki responded that her office is working on pre-populating these templates with the 2018-2019 milestones submitted to EPA in January, 2018 as a starting point.

Greg Hostetter moved to adjourn. Brion Johnson seconded. Meeting adjourned at 4:00 pm.