

**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 Sharretts, 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 Angstadt, Consultant

Charlie Hooper, Hooper Farm Equipment

Bill Cumings, DEP-Legal

Walt Peechatka, 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

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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:

John Hines, DEP WPO  
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 permittees 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  
Matt Ehrhart, CBF  
Pete Slack, PMAA  
Bob Koroncai, EPA Region 3  
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Jim Spontak, DEP  
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Jack Himes, DEP  
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



CC: Distribution List:

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Andy Zemba, DEP WPO

Ann Smith, DEP WPO

Pat Buckley, DEP WPO

**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?