

Pennsylvania Chesapeake Bay Phase 3 Watershed Implementation Plan (WIP)
Steering Committee
November 30, 2017 Meeting Minutes
Approved: January 26, 2018

Members Present:

Name	Agency
Patrick McDonnell	Department of Environmental Protection
Russell Redding	Department of Agriculture
Cindy Dunn	Department of Conservation and Natural Resources
Karl Brown	State Conservation Commission
Brion Johnson	Pennvest
Andrew Dehoff	Susquehanna River Basin Commission (SRBC)
Andrew Gavin, Alternate	
Marel King, Alternate	Chesapeake Bay Commission
Matt Keefer	Forestry Workgroup Co-Chair
Doug Goodlander	Agriculture Workgroup Co-Chair
Greg Hostetter	Agriculture Workgroup Co-Chair
John Bell	Agriculture 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
Felicia Dell	Stormwater Workgroup Co-Chair
Sean Furjanic	Stormwater Workgroup Co-Chair

Other Attendees:

Federal Agencies:

Rich Batiuk, EPA Chesapeake Bay Program Office
Joe Duris, US Geological Survey
Matt Johnston, EPA Chesapeake Bay Program Office
Mike Langland, US Geological Survey
Tammy Zimmerman, US Geological Survey
Curtis Schrefkler, US Geological Survey
Emily Trentacoste, EPA Chesapeake Bay Program Office
Suzanne Trevena, EPA Region 3 (via webinar)

DEP:

Katie Hetherington-Cunfer	Hayley Jeffords
Nicki Kasi	Lee McDonnell
Natahnee Shrawder	Ted Tesler
Jill Whitcomb	Amy Williams

Other State Agencies:

Neal Brofee, PennDOT

Teddi Stark, DCNR

Destiny Zeiders, House Agriculture Committee (via webinar)

Other Governmental Agencies:

Other:

Courtney Bernhardt, Environmental Integrity Project (via webinar)

Paul Bruder, Rhoads and Sinon

Harry Campbell, Chesapeake Bay Foundation

Andrea Darclov, Exelon

Frank Dukes, Institute for Environmental Negotiation, University of Virginia (via webinar)

Carrol Ehrhart, Skelly and Loy, Inc. (via webinar)

Marah Fielden (via webinar)

Ronald Furlan, Citizen

Josie Gaskey (via webinar)

Mary Gattis, Chesapeake Bay Local Government Advisory Committee/Alliance for the Chesapeake Bay

William Glasser, Gibson Thomas Engineering (via webinar)

Philip Gruber, Lancaster Farming (via webinar)

Deron Gue, Liberty Belle Drone Imaging Services (via webinar)

David Hess, Crisci Associates (via webinar)

Colleen Hicks, Exelon

Sunshyne Hummel, Taylor GeoServices, Inc. (via webinar)

Kimberly Long, Exelon (via webinar)

Aaron Maurer, Waste Management (via webinar)

Teresa McCurdy, TD Connections, Inc. (via webinar)

Gary Milbrand, York Township (via webinar)

Donna Morelli, Bay Journal

John Nikoloff, ERG Partners (via webinar)

Gretchen Schatschneider, Bucks County Conservation District (via webinar)

Dr. Robert Shannon, Penn State (via webinar)

Martin Siegel, Stock and Leader (via webinar)

Alyssa Schell, Taylor GeoServices (via webinar)

Brenda Shambaugh, Pennsylvania Association of Conservation Districts

Pam Shellenberger, York County Planning Commission

Kim Snell-Zarcone, Choose Clean Water (via webinar)

Ezra Thrush, PennFuture

Kristopher Troup, North Londonderry Township (via webinar)

John Tucci, Lake Savers

Roger Varner, Ecology and Environment, Inc. (via webinar)

Marjorie Zeff, AECOM

Stephen Zeller, EBA Engineering

Welcome and Introductions – Patrick McDonnell, Secretary, DEP

Secretary McDonnell opened the meeting at 1:07 pm.

Approval of Meeting Minutes – All

Brion Johnson moved for the approval of the August 24, September 27 and October 19, 2017 meeting minutes. Andrew Dehoff seconded. Motion passed unanimously.

Addition of Forestry Workgroup Member – Matt Keefer, Co-Chair, Forestry Workgroup

Matt Keefer presented the addition of Jacqui Bonomo from Penn Futures to the Forestry Workgroup. Katie Ombalski, Forestry Workgroup Co-chair also endorses the addition. Brion Johnson moved to approve the addition of Ms. Bonomo to the Forestry Workgroup. Steve Taglang seconded the motion. Motion passed unanimously.

Results of Local Area Goals, Priority Areas and Practices Workgroup Analysis – Lisa Schaefer, Co-Chair, Local Area Goals, Priority Areas and Practices Workgroup Matt Johnston, University of Maryland, EPA Chesapeake Bay Program Office

Matt and Lisa provided an overview of the work done by the Local Areas Goals Workgroup relative to the following Steering Committee requests:

1. The methods for establishing local area planning goals for: (a) Land-River Segments (505); (b) River (122); (c) County (42) and (d) Sub-basin (6).
2. Demonstrate the percent of controllable load that would have to be reduced by geographies if: (a) all geographies were expected to reduce the same percentage or (b) the highest contributing geography was expected to reduce 20% more than the lowest contributing geography.
3. Present maps of results.
4. Provide pros and cons for each geography and level of effort rule.

Maps for each geographic scale were presented, along with the pros and cons for each (see handout presentation, “Local Nitrogen Goals Across Different Geographies.”) They also demonstrated how the data could be broken down by sector using York County as an example. Finally, they presented a bar graph by county that showed the total load contributed to the Bay from each county, the amount of that load that is controllable, how much has been reduced so far as of 2013 and the amount still needed should an equal level of effort of 77% be assigned. The counties were also displayed in 4 tiers, each tier demonstrating achievement of 25% of the planning target goal.

There were two decisions requested:

1. At what geographic scale should the local, numeric goals be provided to stakeholders? The workgroup’s recommendation was county scale.
2. Will some geographies be asked to reduce more of their controllable nutrient and sediment loads than other geographies? If so, how much more will be required? The workgroup did not have a recommendation, as no conclusions could be reached. However, pros and cons for both options were provided.

Comments and discussion included the following highlights:

- If the level of effort for the lowest contributing county is 77%, the level of effort for the highest contributing county would be 94% if a 20% level of effort methodology was selected. Using this methodology does not result in a significant amount of additional reductions and does not start getting close to a reduction level that is not achievable in the higher contributing counties. At 77%, some counties are close to actually having reached their planning goal. However, this can change as the 77% equal level of effort will change when the planning targets are finalized by the Bay Program Partnership.
- The county level does make sense for planning purposes due to the existing infrastructure for the delivery of programs. Much of the data was also collected at the county level and can easily be presented at that level.
- We need to identify who the stakeholders are, like funders and have the necessary information to get the resources to them.
- These goals are not regulatory. They can be adjusted and refined as progress is made and more information gathered. In many ways, these goals are “thresholds” to define whether or not the planning targets are achievable, where we need to be and how we get there. This can then be overlaid over existing resources and the gaps identified. It gives us a framework for dividing the needed reductions into manageable pieces, tracking progress and future engagement and feedback. These are a great tool for cross-sector collaboration.
- Definition of the steps as to what to do with the planning goals is critical. Local input is essential. In addition, messaging will be important. We must ensure that county executives understand these are for planning and implementation purposes, but they are not regulatory, nor will county executives be held responsible for compliance. These planning goals could present opportunities for counties to help each other. For example, some counties could invest in efforts in the lower counties.
- The tiers are important to reconcile the assumption that everyone must do something. We can’t lose sight of the fact that everyone still has to meet regulatory compliance. We still need to make sure standing obligations are met. In some ways, to address this, everyone is in “Tier 1”. Perhaps the first step should be to define the amount of reductions achieved through everyone being in compliance with all regulatory requirements and then calculate the level of effort from there.
- If the tiers are to be used for prioritization, there is a concern that those counties that are in the upper tiers will lose momentum if they must wait for additional resources. However, some form of prioritization will have to happen, if only to address capacity issues. There is going to be a natural attenuation that will divide the focus and the work. There may be some areas that don’t get immediate attention.
- Let’s not be a slave to the numbers. The numbers should be used to justify decisions, but not necessarily the only reason for the decision. The numbers should be applied in relative, rather than absolute, terms. These numbers are a way to show EPA how we are managing the planning targets.
- Numbers for phosphorus and sediment can’t be provided until the Bay Program Partnership makes decisions on how to address the issue of the trapping of sediment behind Conowingo Dam.

Davitt Woodwell moved to define local planning goals at the county scale. Brion Johnson seconded. John Bell questioned as to whether or not this decision was final, could it be changed. Secretary McDonnell responded that yes, as progress is made, if another scale makes sense, these goals can be adjusted or changed. Andrew Dehoff responded that based on experience he has been involved in throughout the watershed, county planning level makes sense. Motion passed unanimously.

Karl Brown moved to assign an equal level of effort across all the counties. Andrew Dehoff seconded, as long as we have the ability to change this later if information warrants such a change. Motion passed unanimously.

After these two decisions were made, the discussion focused on implementation ramifications and the policy issues yet to be addressed. For example:

1. Do we assume some level of compliance and implementation up front and does that come off the top before the planning goals are calculated?
2. How does the issue of local and statewide capacity get addressed? Where are the gaps?
3. It is unclear yet exactly who is writing the WIP. Is it the local counties, the workgroups, the Steering Committee or DEP?

The following next steps were identified:

1. Compile information on what reductions can be reasonably expected from each sector within the existing infrastructure. This needs workgroup feedback.
2. Compile the implications of assigning these reductions by county or by taking these reductions off the top, then calculating local planning goals based on the remaining reductions.

Phase 3 WIP Development Guide – Nicki Kasi

Nicki provided an overview of the Methodology and Development Guide for the writing of the Phase 3 WIP. This led to a discussion of what the next steps are; specifically, for the Local Area Goals Workgroup. There was general agreement that a framework for local participation was needed, to include a process for the formulation of the implementation plans to address the local planning goals. The definition of different options and approaches to present to assist with the development of the local plans may be worthwhile. It was recognized that some counties are prepared and capable of easily doing this, others may not be. A template to hand to these counties is needed.

It was agreed that the Local Area Goals Workgroup would come back to the Steering Committee with a series of approaches, or recipes and templates, to develop the action plans needed to address the local planning goals. These approaches would include a listing of the available information to be used by the locals involved in the process and the information needed from the locals. The approaches do not necessarily need to include the actual selection of practices, but more of a description of the approaches and programs to work with the locals to identify the steps to develop and implement these action plans.

Next Steps and Proposed Schedule – Nicki Kasi

Based on agenda items, the December 13 Steering Committee meeting will be a half day instead of a whole day. Looking at the January and February Steering Committee meetings, agenda items include:

1. The approaches and recipes assigned to the Local Area Goals Workgroup
2. The reductions from Existing Statewide Program efforts
3. Public Engagement strategy.

Public Comment

Deron Gue, Liberty Belle Drone Imaging Services, believes drone imaging could provide a key role to the effort and wants information on how to provide information to this effect. Nicki offers to follow-up with him at a later time.

Kim Snell Zarcone raised the issue she raised before concerning the need to open the workgroup meetings to the public. She believes these meetings need to be open due to the requirements under the Sunshine Law. Nicki responded that she and the Workgroup Co-chairs were working with legal counsel on how best to address this.

Rich Batiuk commented that the decisions made today puts Pennsylvania ahead of the other states in the definition of Local Planning Goals. The other states are still working on defining how they will address this component of the EPA Expectations.

Brion Johnson commended the Local Area Goals Workgroup for the work done and presented today. Secretary McDonnell agreed. The work done by this workgroup certainly facilitated a good discussion and helped facilitate the Committee coming to a final decision. Lisa Schaefer added a special thanks to Matt Johnston for his help in compiling the information for the workgroup.

Steve Taglang moved to adjourn. Brion Johnson seconded. Meeting adjourned around 3:30 pm.