Reaching Consensus on Midpoint Assessment Policy Decisions

Chesapeake Bay Program Principals' Staff Committee
December 20, 2017

PSC Policy Decision: Phase 6 Modeling Tools

Adopted the **Phase 6 suite of modeling tools** for finalizing the Phase III planning targets and for management application in the Phase III WIPs and two-year milestones through 2025

PSC Policy Decisions: Planning Targets

Approved the release of the **draft Phase III Planning Targets** as the starting point for the Partnership review process

- The PSC recognizes that the draft Phase III Planning Targets are subject to change based on the Partnership's review period and prior to finalizing the Phase III Planning Targets in May 2018

- The draft Phase III Planning Targets for West Virginia and New York reflect the same adjustments provided during the establishment of the 2010 Bay TMDL allocations. The PSC is committed to providing those same adjustments in the final Phase III Planning Targets

PSC Policy Decisions: Planning Targets

Approved the **process for reviewing** the draft Phase III Planning Targets, including three weeks added to the 4-month review period

PSC Actions

Based on the revised draft Phase III Planning Targets that provide:

- an additional one million pounds of nitrogen and 100,000 pounds of phosphorus to New York and
- an additional two million pounds of nitrogen to West Virginia

EPA, in coordination with the WQGIT and Modeling Workgroup, will conduct further analyses to determine the source of those additional nitrogen and phosphorus pounds, and impacts to the Bay's assimilative capacity

PSC Interim Decision: Assimilative Capacity

Approved setting the Bay's assimilative capacity at a higher level, as needed, of nitrogen and phosphorus above 195 and 13.7 million pounds, respectively, which will still achieve Delaware, the District of Columbia, Maryland and Virginia's* applicable Chesapeake Bay water quality standards, including a 6% restoration variance for Maryland's CB4 deep channel segment.

*excludes Virginia's James River chlorophyll-*a* standards

PSC Policy Decisions: Assimilative Capacity

- The PSC supports Maryland in moving forward with its water quality standards regulatory process, recognizing that any adjustments to Maryland's current restoration variances to meet the Bay's assimilative capacity for nitrogen and phosphorus are subject to EPA approval

- The PSC recommends the development of Partnership communication messages for the public over the next four months, in time for the release of the final Phase III WIP planning targets in May 2018

PSC Actions

- In early February, EPA will present the following results:
    - Additional scenario runs to determine the Bay's assimilative capacity based on the revised draft Phase III planning targets (201.25 million pounds of nitrogen and 14.173 million pounds of phosphorus)
    - Determination if any additional pounds of nitrogen from implementation of Clean Air Act regulations are available to provide to West Virginia and New York
- The PSC will convene in mid-February to determine the Bay's assimilative capacity that will reflect agreed-upon results from these additional analyses

Draft Phase III Planning Targets*: Nitrogen

Jurisdiction	1985 Baseline	2013 Progress	Phase III Planning Target
NY	18.71	15.44	11.59
PA	122.41	99.28	73.18
MD	83.56	55.89	45.30
WV	8.73	8.06	8.35
DC	6.48	1.75	2.43
DE	6.97	6.59	4.59
VA	84.29	61.53	55.82
Basinwide	331.15	248.54	201.25

Units: millions of pounds

*Draft planning targets are subject to change as a result of the Partnership's review period to be completed in May 2018

Draft Phase III Planning Targets*: Phosphorus

Jurisdiction	1985 Baseline	2013 Progress	Phase III Planning Target
NY	1.198	0.710	0.606
PA	6.115	3.696	3.073
MD	7.419	3.919	3.604
WV	0.793	0.560	0.456
DC	0.090	0.062	0.130
DE	0.225	0.115	0.120
VA	13.545	6.345	6.186
Basinwide	29.384	15.408	14.173

Units: millions of pounds

*Draft planning targets are subject to change as a result of the Partnership's review period to be completed in May 2018

PSC Policy Decisions: Accounting for Growth

Approved the Water Quality Goal Implementation Team's recommended use of 2025 projected conditions (based on the current zoning scenario) to account for growth in the development and implementation of the jurisdictions' Phase III WIPs and two-year milestones

PSC Policy Decisions: Accounting for Growth

Approved the Water Quality Goal Implementation Team's proposed approach to continued Partnership accounting for growth into the future by:

- Updating the Partnership's projection of future growth every two years
- Factoring these updated future projections into next round of the jurisdictions' two-year milestones
- Factoring in future (every 4 years) updates to the Partnership's high resolution land use/cover data across the entire watershed
- Ensuring local partner review of the future growth forecasts with each 2-year update

PSC Policy Decisions: Conowingo Infill

- Recognized that reducing increased pollution as a result of the Conowingo infill and now near full capacity is an important issue for all Partnership members.

- Agreed to the concept which is to develop a separate Conowingo target, with a separate watershed implementation plan.

PSC Policy Decisions: Conowingo Infill

- Agreed to the concept of pooling resources applied by a third party (with Partnership oversight) in areas determined to have most impact on the Bay as part of the plan

- Agreed to review and provide feedback on the current draft plan to the drafting committee (jurisdictional and EPA representatives) by January 15, 2018. Drafting committee will address comments and forward to PSC to discuss and seek approval for Conowingo WIP framework by February 2018

PSC Policy Decisions: Climate Change

1. **Incorporate Climate Change in the Phase III WIPs**

- Include a narrative strategy in the Phase III WIPs that describes the jurisdictions current action plans and strategies to address climate change, as well as the jurisdiction-specific nutrient and sediment pollution loadings due to 2025 climate change conditions, while incorporating local priorities and actions to address climate change impacts

PSC Policy Decisions: Climate Change

2. Understand the Science

Address the uncertainty by documenting the current understanding of the science and identifying research gaps and needs:

- Develop an estimate of pollutant load changes (N, P and Sediment) due to climate change conditions
- Develop a better understanding of the BMP responses, including new or other emerging BMPs, to climate change conditions
- In 2021, the Partnership will consider results of updated methods, techniques, and studies and revisit existing estimated loads due to climate change to determine if any updates to those load estimates are needed
- Jurisdictions will be expected to account for additional nutrient and sediment pollutant loads due to 2025 climate change conditions in a Phase III WIP addendum and/or 2-year milestones beginning in 2022

PSC Policy Decisions: Climate Change

3. Incorporate into Milestones

Starting with the 2022-2023 milestones, determine how climate change will impact the BMPs included in the WIPs and address these vulnerabilities in the two-year milestones.