



CBP Decisions

Reflecting WQGIT 9/25-26/17 Meeting

[i.e., WQGIT recommendations to Management Board (MB) & Principal Staff Committee (PSC)]

DRAFT (as of 9/28/17)
References (see end of document)

OVERALL – Most WQGIT decisions were delayed pending release of additional technical analysis. In general, most key policy decisions delayed 6 weeks to the **December 2017 timeframe**.

WQGIT Decision #1 - Recommend use of Phase 6 models for making decisions – **HOLD**

RECOMMENDED COG POSITIONS:

1. Endorse use of updated Phase 6 Watershed Model with recognition of limitations
2. Endorse use of refined Water Quality & Sediment Transport Model – subject to confirmation that final calibrations are similar to draft calibrations

WQGIT NEXT STEPS:

- CBP will finish making adjustments to the suite of Phase 6 modeling tool, for WQGIT approval of tool by 1st week of December 2017. Model approval by PSC scheduled for December 13, 2017.
 - Need to better understand assimilative capacity of the Bay.
 - Adjustments will include further calibration & verification of the Water Quality & Sediment Transport Model (soil phosphorus); rerunning geographic isolation runs; and rerunning for climate with a sea level rise of 0.17 M (vs. previous 0.3 M),

WQGIT Decision #2 – Recommend Base Year for Draft Phase III WIP Planning Targets

RECOMMENDED COG POSITION:

1. Endorse use of 2010 as Base Year – to be consistent with original TMDL equity decisions.
 - Based on assumption that data accuracy differences for other years is not significant enough to override equity issues; and
 - Noting that if data inequities are significant enough, that some sort of ‘work-around’ should be used vs. changing Base Year.

WQGIT RECOMMENDATION:

- Use 2010 as the base year for establishing the draft Phase III WIP Planning Targets.



WQGIT Decision #3 – Recommend how to address Conowingo Loads in Phase III WIPs:

1. How to allocate the loads; and
2. When to require those load allocations to be addressed.

RECOMMENDED COG POSITIONS:

1. Endorse continued use of sound science and equity principles to guide decisions
2. Endorse ongoing development of accurate, up-dated, & vetted cost-optimization tools before they are used for making decisions;
3. Endorse continued exploration of use of creative options such as dredging pilot, etc.
4. Endorse allocation method that is consistent with original TMDL; and
5. Endorse Adaptive Management approach by incorporating any resultant loads in Phase IV WIPs post-2025.

WQGIT RECOMMENDATIONS:

- Decide on how to address Conowingo loads soon, so that the load allocations are realized and expectations for Exelon can be factored into Maryland/Exelon's discussion about Exelon's recertification (expected by May 2018).
- Remove the "all Partners" option and the Susquehanna+ MD+VA options from consideration due to their infeasibility, and limited water quality gains, based on the new relative efficiencies.
- Develop an isolated phosphorus load allocation, separate from the Phase III WIP Planning Targets, for the Conowingo infill loadings.
 - PA, NY, MD, and Exelon could consider a variety of strategies for addressing the Conowingo loading, such as dredging, variances, nitrogen-phosphorus swap, etc.
- Consider extending implementation to address Conowingo loadings beyond 2025, given the level of effort that will be required.

WQGIT Decision #4 – Recommend how to address Growth in Phase III WIPs:

1. Incorporate loads based on 2025 growth projections for inclusion in Phase III WIPs; **OR**
2. Use a robust narrative approach to reflect how future growth will be addressed.

RECOMMENDED COG POSITIONS:

1. Endorse need to Adaptively Manage over time to address growth:
 - Reinforce protection of local wastewater capacity investments & that planned for growth
 - Reinforce need to maintain flexibility for localities to manage their own growth.
2. Endorse inclusion of loads associated with 2025 growth projections – only after the growth and loads projections associated with those growth projections have been fully reviewed and vetted by [local jurisdictions] and all the associated WQGIT Workgroups.



3. Otherwise,
 - Endorse utilization of EPA’s *Interim Expectations* guidance about how to programmatically address growth (see page 4), and work to more fully analyze and confirm growth and load assumptions & management during the Phase III WIP development process (i.e., get input from localities/agencies).
 - OR, Endorse hybrid approach - where each State works out how best to address growth and any associated loads with their localities during the Phase III WIP development process.

WQGIT RECOMMENDATIONS:

- Use 2025 growth projections to account for growth in the Phase III WIPs.
 - States can use 2017 (current) as a baseline and run the Phase III WIPs on 2025 growth projections to understand what’s changing in each source sector as a result of growth.
 - This current baseline will help inform the description in the Phase III WIPs of the policies, BMPs and/or programs in place to address that growth.
- Land use work group is to review the updates to the land use projections/modeling, and the process will finish by November 15.
- Use the Chesapeake Bay Land Change Model and the MD Land Use Models.
 - Use “current zoning” versus “historical trends” as the scenario for future model runs.
- Update the growth projections every 2 years with the best available data to inform the development of the two-year milestones.
 - Need to be clear about what new data has been incorporated into the projections on this two-year basis, and what has changed as a result of incorporating this new data.

WQGIT Decision #5 – Recommend how to reflect Climate impact loads in Phase III WIPs:

Decision Point #1: Approve policy approach (qualitative vs. quantitative) to guide jurisdictions’ development and implementation of their Phase III WIPs.

Decision Point #2: Establish “minimum” standard for implementation in jurisdictions’ Phase III WIPs.

Decision Point #3: Establish the level of flexibility among jurisdictions for implementation of climate change policies that exceed minimum standards.

RECOMMENDED COG POSITIONS:

1. Endorse use of, and continued assessment of the science of climate impacts.
2. Endorse need to address climate impacts holistically:



- **Timeframe** – Recognize that impacts will vary between near-term, mid-term and long-term (i.e., recognize that the story will change, and dramatically post-2050) – so need to avoid short-term decisions that would impede mid and long-term needs.
 - **Local Waters** – Recognize need to assess impacts not just to the Bay, but also to Tributaries and local waters.
 - **Holistic Solutions** – Recognize need to evaluate decisions and load allocations from a holistic perspective and not from just a narrow water quality/hypoxia/Dissolved Oxygen perspective.
 - **Implementation** - Endorse continued research into quantifying the effectiveness for BMPs to withstand and mitigate climate impacts;
3. Endorse inclusion of explicit loads associated with climate impacts only:
- After assessment of net impacts have been analyzed;
 - After impacts to Tributaries and local waters have been quantified;
 - And ability to assess BMPs effectiveness have been quantified.
4. Endorse use of Adaptive Management:
- Therefore, use qualitative approach in Phase III WIPs, and
 - Assess use of quantitative approach in Phase IV WIPs.

WQGIT RECOMMENDATIONS:

- Did not reach consensus on qualitative or quantitative approach
 - Pros and cons of each quantitative and qualitative policy option will be developed and discussed during one of the WQGIT's October conference calls, prior to the October 30/31 PSC meeting.
 - In qualitative approach, drop language requiring jurisdictions to “prioritize BMPs based on their resiliency to future climate impacts.”
- Provide the jurisdictions with the flexibility to address climate change quantitatively in the Phase III WIPs and 2-year milestones, if the Partnership adopts the qualitative policy options (*would recommend removing these quantitative/qualitative qualifiers...to say adaptively manage using 2-year milestones, and give jurisdictions flexibility to address via the additional policy option).
- Should the quantitative options be adopted, consider the possibility of post-2025 implementation to address any changes in levels of effort.



WQGIT Decision #6 – Draft Phase III WIP Planning Targets

RECOMMENDED COG POSITION:

1. Endorse issuance of Draft Phase III WIP Planning Targets – if they reflect earlier COG policy input on how/when to address Conowingo, Growth and Climate loads.
 - **REQUEST:**
 - Because the **2025 Growth & Climate** loads/net loads are expected to be relatively small, COG staff would ask for ability to potentially support options that allow inclusion of these loads in Phase III WIPs.
 - **However**, due to significant amount of **Conowingo** loads, uncertainty regarding how the various options were developed, uncertainty regarding the net impacts, as well as feasibility and equity concerns, COG staff recommends:
 - Not accepting loads for inclusion in Phase III WIPs - at this time;
 - While expressing a willingness to evaluate proposed options if adequate time is provided for analysis and input.

WQGIT Recommendations:

- Run the Phase III WIP planning targets on Phase 6 relative effectiveness with current conditions, which will assign loads to each state-basin.
- If the Partnership decides to treat Conowingo as a separate load, this may double count the effects of Conowingo in the Susquehanna basins.
- Therefore, we would need to subtract out the Conowingo loads by using the 1990s delivery factors for the Conowingo.
- Further investigation is needed to explain differences in Phase 6, as compared to Phase 5.
 1. Why WIP attainment of planning targets decreased significantly for WV, NY, MD and DC.
 2. Why WIP attainment of planning targets increased significantly for DE.

WQGIT Decision #7 – Recommend timeline & process for reviewing & exercising Draft Phase III WIP Planning Targets– and defining any ‘special cases’

RECOMMENDED COG POSITION:

- Endorse proposed timeline & process for Phase III WIP Planning Targets - as long as the proposed ‘special cases’ and the rationale are also identified at the same time.

WQGIT RECOMMENDATIONS:

- Recommend a 6-week delay in schedule for making decisions



SCHEDULE: Upcoming Decisions

- December 4th & 5th – Joint WQGIT and Modeling Subcommittee Meeting
- December 19th & 20th PSC Meeting with WQGIT

REFERENCE NOTES: Based on WRTC meeting (9/8/17), CBPC webinar (9/12/17) & Bay-Water Quality Forum (9/15/17) [See CBPC 9/12 webinar presentation for additional background/details; plus, new presentations and exchanges with CBP staff; as well as WQGIT Face-to-Face Meeting Agenda (updated) for decisions (9/25-26/17)]

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