

## Chesapeake Bay Program Partnership Development and Review of the Draft Phase III WIP Planning Targets

On December 19-20, 2017, the Water Quality Goal Implementation Team (WQGIT) will be seeking the approval of the Principals' Staff Committee (PSC) to release the draft Phase III Watershed Implementation Plan (WIP) planning targets for a four-month Partnership review period. The Phase III WIP planning targets represent the major state-basin nitrogen, phosphorus, and sediment load reduction targets needed in order to meet the jurisdictions' applicable Chesapeake Bay water quality standards. These planning targets, once finalized, will be used to inform the development of the Phase III WIPs in 2018 and 2019.

The Phase III WIP planning targets were developed using the Partnership's Phase 6 suite of modeling tools and the Partnership-approved planning target methodology, similar to the methodology used in the Phase I and Phase II WIPs. The Partnership will have four months (December 22 – April 20, 2018) to review the draft Phase III WIP planning targets to determine if any adjustments to the draft planning targets are needed before the Phase III WIP planning targets are finalized by May 7, 2018. It should be noted that any adjustments made to a state-basin planning target will need to be balanced by adjustments in all of the remaining state-basin planning targets so that the Baywide pollutant loads for nitrogen and phosphorus are maintained sufficient to achieve applicable Bay water quality standards, as well as not impair non-tidal local water quality. During the four-month review period, the Bay jurisdictions should consider the following actions:

- **Analysis of the level of effort and cost** to achieve the draft Phase III WIP planning targets.
- **Analysis of the effects of accounting for Conowingo Dam and climate change to levels of effort** as expressed by the draft Phase III WIP planning targets, and how and where best to address any additional load reductions needed as a result of these changed conditions.
  - The decisions of who will be impacted and by how much will be decided by the PSC on December 19-20, 2017.
- **Assess the need for exchanges of nitrogen and/or phosphorus loads** between a jurisdiction's major river basins using specific exchange ratios, as long as the exchanges still result in attainment of all applicable water quality standards in the Chesapeake Bay.
  - The Partnership's Modeling Workgroup will develop exchange ratios that will be used to inform the basin-to-basin exchanges within each jurisdiction.
- **Assess the need for exchanges of nitrogen for phosphorus or phosphorus for nitrogen** within a jurisdiction's major river basin, using specific exchange ratios, as long as the exchanges still result in attainment of all applicable water quality standards in the Chesapeake Bay, as well as not impair non-tidal local water quality.
  - The Partnership's Modeling Workgroup will develop exchange ratios that will be used to inform the N-to-P and P-to-N exchanges within each basin.
- **Determine if any proposals for certain discretionary adjustments<sup>1</sup> to the planning targets** are justified (otherwise known as "special cases"), similar to what was provided for in the Phase I WIP planning target process. (See **Appendix A** for additional information on special case requests.)
  - E.g., assign a certain amount of additional nutrient and/or sediment pounds to a particular state, as long as water quality standards are still met in the Chesapeake Bay.
  - The **deadline for notifying WQGIT jurisdictional representatives and EPA of a jurisdiction's intent to submit special case requests is February 28, 2018. The final deadline for submitting**

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<sup>1</sup> [Section 6 of the 2010 Chesapeake Bay TMDL](#)

**the special case request(s)**, along with the justification, to the Partnership for consideration is **March 16, 2018**.

Understanding that jurisdictions may have different timelines for addressing these actions, some additional analysis that jurisdictions may want to consider during this review period for the draft planning targets include:

- **Preliminary development of measurable, local planning goals** below the major state-basin level.
  - As reflected in the [final recommendations](#) of the Partnership’s Local Planning Goals Task Force and EPA’s [Interim Phase III WIP expectations](#) document, jurisdictions have the flexibility to determine how to define “local” and how best to express local planning goals in their respective jurisdiction.
- **Apply the results of the geographic isolation runs** to help inform implementation planning and targeting.
  - The Partnership’s Modeling Workgroup will run a series of geographic isolation runs, as part of the development of the draft Phase III WIP planning targets, using methods that are consistent with those used to form the previous Phase II WIP planning targets.
    - These geographic isolation runs will update and refine the quantification of how nutrient inputs to the tidal Bay from different locations influence tidal Bay water quality.
  - As part of the Phase III WIP development process in 2018, the Partnership’s Modeling Workgroup will run an additional series of geographic isolation runs to continue to understand the relative effectiveness of each contributing area of the Chesapeake Bay watershed on dissolved oxygen and water clarity in each of the 92 Chesapeake Bay segments, and to identify those Chesapeake Bay segments that are most vulnerable to nonattainment.
- **Evaluate potential changes needed to a jurisdiction’s Phase I and Phase II WIP source sector goals**, taking into account the following considerations (this list is not exhaustive):
  - Programmatic and numeric implementation progress to date;
  - New scientific understandings and data gathered from the Bay TMDL’s midpoint assessment; and/or
  - Observed short- and long-term watershed and tidal water quality monitoring data and trends.
- **Evaluate whether (1) the jurisdiction will propose modifications to the Bay TMDL and/or (2) EPA should consider revising the existing Chesapeake Bay TMDL (or portions thereof).**

EPA’s Chesapeake Bay Program Office has a number of resources to assist the jurisdictions in this four-month review period of the draft Phase III WIP planning targets. This includes, but is not limited to:

- Technical staff resources to work with the jurisdictions as they (1) analyze the results of the geographic isolation runs conducted for each of the 92 Chesapeake Bay segments and (2) conduct exchanges of nitrogen and phosphorus within and between their state-basins. This analyses will be done through the Partnership’s Phase 6 Watershed Model and Water Quality Sediment Transport Model. EPA will assist with coordinating and facilitating, when necessary, these efforts amongst the jurisdictions to ensure that any proposed exchanges will result in achieving all jurisdictions’ Chesapeake Bay water quality standards.
- Assist with any programmatic and/or numeric analyses to understand the impacts of adjusting source sector targets and/or goals from Phase I and Phase II implementation levels.
- Technical assistance through trainings and webinars – particularly on the use of the Chesapeake Assessment Scenario Tool (CAST) – to help partners estimate nitrogen, phosphorus, and sediment reductions associated with proposed management actions (including local planning goals).

- Expertise on how findings from observed monitoring trends and corresponding explanations could help with (1) nitrogen and phosphorus exchanges and (2) local planning goal development.

**PSC-Approved Timeline for Reviewing and Finalizing the Phase III WIP Planning Targets**

- **December 19-20, 2017:** PSC 2-day retreat to seek final decisions on Conowingo, climate change, and accounting for growth, and approval of draft Phase III WIP planning targets for distribution to other partners and stakeholders
- **December 22, 2017:** Release of draft Phase III WIP planning targets
- **December 22, 2017 – April 20, 2018:** Partnership's review of the draft Phase III WIP planning targets
- **Late April/Early May 2018:** Partnership's review of any proposed changes to the draft Phase III WIP planning targets, including special case requests, and PSC approval of the final Phase III WIP planning targets with any agreed-to special cases
- **May 7, 2018:** Release of the final Phase III WIP planning targets to inform Phase III WIP development

## Appendix A: Special Cases for the Phase III WIP Planning Targets

### What are Special Cases?

Special cases are requests by the jurisdictions for any (1) changes to their draft Phase III WIP state-basin planning targets and (2) changes to the methodology used to establish the state-basin planning targets.

Requests for changes to the state-basin planning targets might arise from jurisdictions conducting exchanges of nitrogen and/or phosphorus loads; conducting exchanges of nitrogen for phosphorus or phosphorus for nitrogen; requests for additional pounds of nitrogen, phosphorus, and/or sediment from the other jurisdictional partners or EPA, if available; conducting geographic exchanges at the basin scale; and the development of (numeric) local planning and segment-shed goals.

Any changes to the Phase III WIP state-basin planning targets resulting from the Partnership's resolution of a special case request must still result in all 92 Chesapeake Bay segments achieving the Bay jurisdictions' applicable Chesapeake Bay water quality standards.

### How were Special Cases Addressed in the Past?

The allocation methodology used to establish the 2010 Chesapeake Bay TMDL allocations was accepted by all jurisdictions except New York and West Virginia.

- EPA determined that small amounts of additional loadings of nitrogen and phosphorus in excess of the 190 million pounds per year TN and 12.7 million pounds per year TP could be allocated and still attain applicable WQS.
- In the July 1, 2010, letter to the jurisdictions, EPA used its discretionary authority to allocate to New York an additional 750,000 pounds per year of nitrogen. With the final TMDL, EPA provided an additional 250,000 pounds per year of nitrogen and 100,000 pounds per year of phosphorus to New York's allocation.
- In addition, EPA used its discretionary authority to allocate to West Virginia an additional 200,000 pounds per year of phosphorus.

The headwater jurisdictions of New York and West Virginia contribute small portions of the overall nitrogen and phosphorus delivered to the Bay (5 percent or less). In addition, New York's loads had been steadily decreasing since 1985 while most other jurisdictions' loads were increasing due to growth. If the 2010 allocations were established on a year earlier than 2010, it's likely New York would have received a higher allocation. For those reasons, EPA provided small allocations in the Bay TMDL for additional relief to those two jurisdictions in 2010.

### Who Can Submit a Special Case Request?

A special case request can be submitted by any one of the seven Bay watershed jurisdictions to the WQGIT Chair and the WQGIT Coordinator. If a non-jurisdictional partner wishes to submit a special case request, they must submit their request through their respective WQGIT jurisdictional representative. The deadline for notifying the Partnership (e.g., the WQGIT jurisdictional partners and EPA) of a jurisdiction's intent to submit a special case request is February 28, 2018. The final deadline for submitting the special case request(s), along with the justification and any request for nutrient and/or geographic basin exchanges that inform the special case(s), to the Partnership for consideration is March 16, 2018.

### What is the Process for Addressing and Resolving Special Cases?

EPA and USGS staff will work with the jurisdictions to address and identify potential resolutions for special cases during the 4-month review period. In order to create transparency in this process, an update will be provided to

the WQGIT during each conference call on special case requests that have been submitted and by whom, and proposed options for resolving the special case request(s).

#### Who Approves the Resolution of Special Cases?

Ultimately that decision will be made by the Partnership at the PSC level. The WQGIT will review all special case requests during their April 23, 2018 conference call and will provide a recommendation to the PSC on how such special cases should be handled, and the resultant impact to the draft Phase III WIP planning targets. The final resolution and approval of any special cases and the final Phase III WIP planning targets will be made by the PSC in late April/early May 2018, prior to the release of the final Phase III WIP planning targets on May 7, 2018.