

**MIDPOINT ASSESSMENT PRIORITY WORK PLAN:
HOW TO CREDIT 60% BY 2017
LEAD: EPA**

Full Title of Priority: How to credit 60% by 2017, including programmatic progress and timing of assessment

High / Low Priority: Low (0 votes)

Short Description of Priority: Bay jurisdictions are seeking clarity from EPA on how EPA will assess if they have met the “60% by 2017” interim target set forth in EPA’s expectations dating back to November 2009 and established in the Chesapeake Bay TMDL. Jurisdictions wish to know:

- Which modeling tool will be used to assess quantitative progress (ie, the load reductions resulting from BMP implementation through the end of the 2017 progress run period).
- Whether the 60% by 2017 quantitative goal refers to:
 - 60% of BMPs implemented compared to 2009;
 - Practices in place to achieve 60% of load reductions compared to 2009 in each sector; or
 - Practices in place to achieve 60% of load reductions compared to 2009 for jurisdiction as a whole.
- Whether the 60% interim target applies to programmatic progress.

As stated in previous communications, EPA will use Phase 5.3.2 of the Watershed Model to assess progress runs through 2017 and to determine if jurisdictions met their 60% interim target. Achievement of the 60% interim target goal will be based on an analysis of just the quantitative commitments of the necessary reductions between nutrient and sediment loads delivered to the Bay in 2009 and final target loads that meet water quality standards.

Supporting Partners: Milestones Workgroup and/or WQGIT if further questions.

Necessary Datasets, Analyses, or Decisions: Likely none, given that many of these expectations for the 60% target remain unchanged since previous EPA communications. Potentially may require decisions from Senior EPA management if clarification is required.

Start Date: November 2009 (EPA Regional Administrator’s letter to PSC on WIP expectations)

Interim Deliverables, Including Lead and Deadlines:

Completion Date: Complete

Level of Effort for Lead and Supporting Partners, Including (as relevant) CBPO Modeling Team: None

Potential Conflicts with Other Priorities: None

Issues Requiring Input from Full WQGIT: Are there any further questions on this topic?

Issues Requiring Input from Management Board and/or Principals' Staff Committee? No

Other Notes: Previous EPA communications dating back to the EPA Regional Administrator's letter to the PSC on WIP expectations have explained how EPA will assess the 60% target, and EPA does not foresee any changes to these expectations. A summary of expectations is as follows:

- “Nevertheless, the Agency expects the States and the District to have controls in place by 2017 that would achieve at least 60% of the necessary reductions between nutrient and sediment loads delivered to the Bay in 2008 [Bay TMDL changed this to 2009] and final target loads that meet water quality standards” (EPA, November 4, 2009, page 21).
- Although EPA's WIP and milestone expectations call for quantitative commitments (loads resulting from BMP implementation) and programmatic commitments to fill capacity gaps, the 60% goal has always been an analysis of just the quantitative commitments.
- In reality, likely more than 60% of programmatic commitments would need to be in place by 2017 in order to build the capacity to support future implementation practices in place by 2025 that would achieve 100% of the pollutant reductions necessary to meet water quality standards in the Bay.
- EPA will assess the interim target across the jurisdiction as a whole, rather than sector by sector. “EPA would first evaluate milestones based on whether [they are] consistent with jurisdiction target load. EPA accepts shifts among source sectors and basins as long as the jurisdiction target is met and local and Bay water quality goals are achieved” (EPA, November 4, 2009, pages 24-25).
- Programmatic commitments could help to justify why it could be ok if Bay jurisdictions miss the 60% goal, given that, “If a State or the District can provide a robust documentation for why it could not meet the 60% interim goal but could still implement all necessary practices by 2025, EPA would consider accepting that only 50% of necessary implementation would occur by 2017” (EPA, November 4, 2009, pages 21-22).
- EPA will use Phase 5.3.2 of the Watershed Model to assess progress runs through 2017, including whether jurisdictions meet their 60% interim target (EPA presentations to WQGIT, Management Board, and Principals' Staff Committee, September – December, 2012).