



# CHESAPEAKE BAY PROGRAM BAY TMDL MIDPOINT ASSESSMENT

## Key Decision Points & Opportunities for COG Input - **UPDATES**

Tanya T. Spano  
Chief, Regional Water Quality Management

Water Resources Technical Committee  
July 20, 2017



Metropolitan Washington  
Council of Governments

Agenda Item #2

# Overview

- Ongoing efforts, but **very accelerated/compressed schedule**
- Good news – and challenges: **little time to review/analyze and outputs often incomplete &/or changing**
- Opportunities for COG input – Need WRTC guidance
- Guided by approved COG/CBPC Policy Principles
- CBP “What if scenario?”
  - **COG Board resolution & letters sent to Congress**
    - EPA/CBP budget will be cut, but close to FY17 levels now likely
    - So can plan rest of FY 2017 work effort accordingly
- **Midpoint Assessment Schedule - see updated graphic**
  - Review of Key Decisions:
    - **WSM use/Fatal Flaw review and Allocation of Conowingo/Climate Loads – Top priorities & critical timing**
  - Proposed Work Efforts
- **Wrap-up / Questions?**

# EPA/CBP Funding – COG Efforts

Resolution R35-2017  
June 14, 2017

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS  
777 NORTH CAPITOL STREET, NE  
WASHINGTON, DC 20002

## RESOLUTION SUPPORTING CONTINUED FEDERAL FUNDING FOR THE CHESAPEAKE BAY PROGRAM

WHEREAS, the Metropolitan Washington Council of Governments (COG) is comprised of the 24 jurisdictions of the National Capital Region's local governments and their governing officials, plus area members of the Maryland and Virginia legislatures and the U.S. Senate and House of Representatives, and COG provides a focus for action on issues of regional concern; and

WHEREAS, the COG Board recognizes that the Chesapeake Bay and its tributaries provide a wide variety of economic and environmental benefits, employment opportunities, recreational opportunities, and ecological, cultural, and historic resources, and are fundamental to our region's quality of life, environment, and economic competitiveness; and

WHEREAS, COG members and water utilities have invested billions of dollars and resources as leaders in the Chesapeake Bay restoration efforts, and are seeing measurable improvements in Bay, Potomac, and Anacostia water quality; and

WHEREAS, there is a clear and direct federal interest in the health of the Chesapeake Bay and its tributaries given that the Bay is the nation's largest estuary, is a \$130 billion annual economic driver, is home to approximately 18 million people, and multiple federal agencies provide significant technical support to the Bay restoration effort; and

WHEREAS, the U.S. Environmental Protection Agency's Chesapeake Bay Program (CBP) Office serves a unique, critical role in coordinating the multi-lateral Chesapeake Bay restoration efforts of the 20 federal agencies, six states, the District of Columbia, thousands of counties and towns, numerous universities, and other organizations; and provides essential technical resources via modeling and monitoring to ensure accountability, effectiveness, and equity among the Bay states; and

WHEREAS, Congress supported continuing the full funding for the CBP in FY 2017, and there is strong bipartisan support by metropolitan Washington Congressional members for continuing full funding in FY 2018 and beyond; and

WHEREAS, reductions in critical funding for the CBP or that of the other associated federal agencies, at this tipping point in the Bay's progress, would risk slowing or reversing the progress and investments made to-date by the Bay states, local governments, and water utilities.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS THAT:

- 1) The board recognizes the value of clean water and the Chesapeake Bay and supports continued full funding for the Chesapeake Bay Program, and other federal water quality programs.
- 2) The board directs the Executive Director, or his designee, to communicate the board's position to the necessary entities and individuals at the local, state, and federal level.



June 20, 2017

The Honorable Ben Cardin  
Senator  
United States Senate  
509 Hart Senate Office Building  
Washington, DC 20510

Re: Support for EPA's Chesapeake Bay Program

Dear Senator Cardin:

On behalf of the Metropolitan Washington Council of Governments (COG) Board of Directors, I have enclosed Resolution R35-2017: *Resolution Supporting Continued Federal Funding for the Chesapeake Bay Program*. COG is an independent, nonprofit association of leaders from local governments that addresses major regional issues in the District of Columbia, suburban Maryland and Northern Virginia.

This resolution represents regional consensus that the efforts to restore the Chesapeake Bay's water quality are working, that there is a direct federal interest in continuing to improve the Chesapeake Bay, and that sustained federal funding of the EPA's Chesapeake Bay Program and related federal water quality programs is crucial.

Please take a few moments to review the enclosed resolution. Specifically, we ask you to consider the following points:

- We are seeing marked improvements in Bay, Potomac River, and Anacostia River water quality, which produces a wide variety of environmental and economic benefits.
- Local governments and utilities will continue to do their part in restoring the Bay, but as a key player in this region, the federal government must continue its contribution.
- The Chesapeake Bay Program assures equity and accountability among the six Bay states and the District of Columbia, and it is responsible for monitoring and modeling Bay water quality across the multi-state region. The Chesapeake Bay Program's unique, scientific role is critical for evaluating progress and informing policy and planning.

The COG Board of Directors urges you to support continued full funding of the Chesapeake Bay Program, and other federal water quality programs.

If you have questions please feel free to contact COG's Department of Environmental Programs Director, Steve Walz, at [swalz@mwcof.org](mailto:swalz@mwcof.org) or (202) 962-3205.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenyan R. McDuffie'.

Kenyan R. McDuffie  
Chair, COG Board of Directors

Enclosures: Resolution R35-2017; Mailing Distribution List

777 NORTH CAPITOL STREET NE, SUITE 300, WASHINGTON, DC 20002  
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Metropolitan Washington  
Council of Governments

Agenda Item #2  
WRTC (7/20/17)

# CHESAPEAKE BAY PROGRAM MIDPOINT ASSESSMENT

## Chesapeake Bay Program Midpoint Assessment – CBP-COG Master Calendar (updated for WRTC 7/20/17 & CBPC 7/28/17)

*[Approved by WQGIT & MB, as of 4/13/17, approved by PSC 5/17/17.*

*All of which is 'conditional' after August – based on successful resolution of Fatal Flaw Review, & driven by Partnership's '100% by 2025' goal]*

COG FY	FY 2017						FY 2018						
Calendar Year	2017										2018	2019	
	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan - Jun	Jan - Jun		
NOTES						Vacation Season		Holiday Season					
CHESAPEAKE BAY PARTNERSHIP SCHEDULE													
Model Activities	Updated Historical data (2014-2016) due (9/1/17)											EPA assess '60% by 2017 goal' (Mar-Apr 2018)	
	Beta 6 WSM Calibration		WSM Scenarios Run (e.g., E3, No Action, Progress)										
	Beta 6 'Scenario Builder Outputs' Review												
			Beta 6 WQSTM Calibration	WQSTM Output Issued (for attainment assessment, revising allocations, etc.)								2018-19 Milestones & 2016-17 Reports issued (Jan-Mar)	
Output & Reviews			STAC Review of WQSTM (early June - TBD)									Issuance of Final Planning Targets to Issuance of Final WIPs (April 2018) - 1 Year interval	
			Fatal Flaw Review of Beta 6 Modeling Tools (WSM and WQSTM) and all documentation	Fatal Flaw Review Resolution - & Final Calibration (if needed)									
				Draft Phase III WIP Planning Target Development			Draft Phase III WIP Planning Targets Issued (Oct 31)	Review of Draft Phase III WIP Planning Targets [4 mo.] (10/31/17 to 2/28/18) & any proposed 'special case' changes due (2/28/18)			Final Phase III WIP Planning Targets Issued (Mar 2018)		
				Final Quantification of Conowingo, Climate Change, & Growth Loads, & run scenario									
Meetings, Key Policy Decisions & Deadlines	WQGIT 4/10 & MB 4/13 Agree on revised MPA schedule WQGIT 4/24	MB 5/11 PSC 5/17 Decision re: revised MPA schedule		WQGIT 8/14/17 (or later in Aug) Reevaluate MPA schedule based on Beta 6 Fatal Flaw Review	MSC & WQGIT (Sept TBD) Approval of Phase 6 Modeling Tools		PSC 2-Day Retreat (late Oct TBD) Final decisions on Conowingo+ & Approval of Draft Phase III WIP Plan. Targets	EPA Issues Final Phase III WIP Expectations Document (Nov TBD)			PSC (Mar TBD) Final decisions on Phase III Planning Targets & 'special cases'		
				WRTC WSM Workshop - late Aug/early Sept			9/15/17 - CBPC Bay & WQ Forum						
COG SCHEDULE													
COG FY	FY 2017						FY 2018						
CALENDAR YEAR	2017										2018		
	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan - Jun			
WRTC & CBPC Review & Input	MPA Schedule	Beta 6 Scenario Builder Output Review	Fatal Flaw Review & Conowingo+ Loads		Acceptance of Phase 6 Modeling Tools & Conowingo+ Loads	Conowingo+ Loads & Draft Phase 3 WIP Planning Targets	Final Conowingo+ Loads; & Draft Phase III WIP Planning Targets	Draft Phase III Planning Targets			EPA's Assessment of '80% by 2017' goal		
								Ongoing -Draft & Final Planning Targets and Draft & Final WIPs					

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# Key Decisions & Proposed Work Efforts

- WSM inputs & outputs **[next agenda item]**
  - COG members' review of their individual data – **Observations?**
  - COG staff:
    - Review of region-wide data – **Initial assessments**
    - Communicate issues w/in Bay forum - **Ongoing/bi-weekly/iterative staff coord. & input [Tanya/Karl/Norm]**
- Additional technical work – with local partners **[e.g., VAMWA+/MAMSA+, HRSD, NVRC]**
- Fatal Flaw Review – Key Distinctions – **Initial assessments [next agenda item]**
  - WSM input/output accuracy and limitations **[i.e., not applicable to use output directly in Phase 3 WIPs or MS4 permits]**
  - Vs. Actual 'Flaws' in state/basin-level results



# Key Decisions & Proposed Work Effort

- **Additional Loads & Allocation Decisions**
  - **Conowingo – significant? (quantify) & equity implications – Major - Observations to-date:**
    - Load estimates appear technically sound
    - Load allocation options (still evolving):
      - Process not clear, so not sure if equitable
      - Initial Cost-effective option analysis is flawed (e.g., in-equitable BMP assumptions, use of old cost data, etc.)
  - **Growth – embedded vs. explicit? – Not much difference for overall COG region, & wastewater capacity already captured**
  - **Climate Change – not much through 2025 - Changing**
    - Additional scenarios pending re: balance between impacts of Sea Level Rise vs. Precipitation vs. Evapotranspiration
    - Impact on Bay TMDL vs. Potomac vs. local waters/local TMDLs? – May not be the same/may be opposite in water quality response
    - BMP implications – Being evaluated/still under development



# Key Decisions & Proposed Work Effort

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- **WIP Planning Targets vs. Local Area Planning Goals**
  - State/basin level vs. local goals
  - **Key issues:**
    - Limitations of WSM at local scale
    - Coupled with need to ‘translate’ from local loads to WIP 3 to meet Bay TMDL
- **EPA Assessment of ‘60% by 2017’ – Reassess 2025 (non-regulatory) deadline?**
  - Dependent on results of 2017 Midpoint Assessment
  - Currently any decision by EPA re: not likely until 2019
    - Additional regulatory pressure on states or sectors (?)
    - Formal revision of the Bay TMDL (?)



# Key Decisions & Proposed Work Effort

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- EPA Expectations Document
- Agreement on state/basin-level Planning Targets
- EPA's assessment of '60% by 2017' goal achievement
  - All drivers for what's left to meet TMDL implementation goal by 2025
    - i.e., Quantifying what remains to be done over next 6 years
    - What might this mean for various sectors?
      - Wastewater and stormwater permits
- Ongoing technical work – **reschedule WSM work session (late Aug/early Sept)**





# Wrap-up & Next Steps

- **Policy implications - initial findings/recommendations:**
  - **WSM** – No ‘Fatal Flaws’ (from COG view) but reiterate scale limitations
  - **Conowingo/Susquehanna Loads:**
    - Cost-effectiveness analysis good idea – but current tools/data cannot support making a decision
    - Distributing ‘additional’ load to other states – violates existing TMDL equity rules
    - Adding load burden to localities at this time is disruptive, counter-productive, and infeasible
  - **Climate Change Loads:**
    - Good to address complex issues/balance between impacts of Sea Level Rise vs. Precipitation vs. Evapotranspiration
    - Must differentiate between impact on Bay TMDL vs. Potomac vs. local waters/local TMDLs
    - Allocation of additional loads at this time is not appropriate - given uncertainties & evolving nature of BMP impacts; but continue technical work



# Wrap-up & Next Steps

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- **Key decision points**
  - Guidance to COG staff re: ongoing CBP input – **Do you agree with initial findings/recommendations?**
  - Need for specific WRTC input to CBPC (July 28<sup>th</sup> & beyond)
  - CBPC formal input to CBP (Sept. 15<sup>th</sup> Bay & WQ Forum w/ EPA & States)
- **Schedule & timing of WRTC meetings & work sessions for coming year – see suggested schedule**
- **Questions? Ideas?**



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