



Chesapeake Bay Program Partnership
Principals' Staff Committee
Maryland Department of Environment
Montgomery Park Building
1800 Washington Boulevard
Baltimore, MD 21230-1718.

March 2, 2018
10:00 a.m. – 3:15 p.m.

Conference Line:

202-991-0477

Code: 9037008

Web Access:

<https://epawebconferencing.acms.com/psc>

Agenda

Requested Decisions

- 1) Approve revisions to the Midpoint Assessment schedule, reflecting the PSC agreed-upon three-week shift.
- 2) Approve the Bay's assimilative capacity based on results from EPA's additional analyses.
- 3) Agree upon the process for providing additional pounds of nitrogen and phosphorus to West Virginia and New York, and the resultant changes to the draft Phase III planning targets.
- 4) Approve the revised Conowingo Watershed Implementation Plan (WIP) Framework and confirm next steps to move the Framework forward.
- 5) Adopt the 2025 climate change nutrient and sediment loads.
- 6) Approve the presented approach and schedule for developing and sharing explanations and management implications of the trends across the Bay. Commitment to work with these explanations.
- 7) Approve Executive Council meeting planning committee.

I. Welcome and Introductions 10:00 a.m. – 10:20 a.m.

Principals' Staff Committee Chair, Secretary Ben Grumbles, will open the meeting, welcome PSC members, and briefly review actions & decisions from the December PSC retreat.

Materials:

I.a. PSC Actions & Decisions, December 2017

I.b. 2018 PSC Meetings Calendar (suggested)

II. Revised Midpoint Assessment Schedule 10:20 a.m. – 10:30 a.m.

An overview and discussion of the revised Midpoint Assessment schedule. As agreed upon by the PSC during their December 19-20, 2017 retreat, three weeks were added to the original four-month review period of the draft Phase III planning targets and subsequent Midpoint Assessment and Phase III WIP deliverables in 2018 and 2019.

Presenter: James Davis Martin, VA DEQ and CBP WQGIT Chair

Requested Decision: Approval of the revised Midpoint Assessment schedule

Materials:

II. Proposed Revised Midpoint Assessment schedule

III. Adjustments to the Bay's Assimilative Capacity & Determination of Additional Nitrogen and Phosphorus Loads 10:30 a.m. – 11:30 a.m.

In response to the PSC's request, EPA will present additional scenario runs to determine the Bay's assimilative capacity, based on the revised draft Phase III planning targets agreed to by the PSC at their December 19-20, 2017 retreat (201.25 million pounds of nitrogen and 14.173 million pounds of phosphorus to determine what additional pounds of nitrogen and phosphorus may be available while still achieving a 6 percent restoration variance in Maryland's CB4 deep channel segment; and whether additional pounds of nitrogen from implementation of Clean Air Act regulations are available to the jurisdictions). At that same December retreat, the PSC committed to providing West Virginia and New York the same adjustments in their Phase III planning targets that were provided during the establishment of the 2010 Chesapeake Bay TMDL allocations.

Presenter: Rich Batiuk, EPA

Requested decisions: Approve the Bay's assimilative capacity based on results from EPA's additional analyses. Agree upon the process for providing additional pounds of nitrogen and phosphorus to West Virginia and New York, and the resultant changes to the draft Phase III planning targets.

Materials:

III.a. Presentation

III.b. Briefing Paper

III.c. PSC Approved Draft Phase III Planning Targets: Nitrogen and Phosphorus

III.d. West Virginia Contingency Language

IV. Conowingo WIP Framework 11:30 a.m. – 12:30 p.m.

An overview of the revised draft Conowingo WIP Framework, agreement on proposed revisions to the framework, and confirmation of next steps. At their December 19-20, 2017 retreat, the PSC agreed to the concept for the Partnership to develop a separate Conowingo planning target with a separate WIP in order to address the additional nutrient loads from the Conowingo Dam infill.

During the PSC review of the draft Conowingo WIP Framework presented at the December 19-20 retreat, the following issues were raised that require PSC decision at this meeting:

- Does the PSC agree that evaluations of progress towards attaining the goals in the Conowingo WIP should be biennial, as opposed to annual?
- Does the PSC agree that EPA should develop and issue the RFP (the latter of which would undergo Partnership review before release) and therefore should not be considered a candidate for the third party?
- Does the PSC agree that two-year milestones should be developed (by the Conowingo WIP Steering Committee and/or third party) for the Conowingo WIP, similar to the two-year milestones developed and submitted by the seven Bay watershed jurisdictions?
- Does the PSC agree with the following revisions to the roles and responsibilities?
Specifically:

- EPA's primary role should be to serve in an oversight capacity, thereby evaluating the draft Conowingo WIP and providing biennial evaluations of progress.
- The name of the "Oversight Committee" would be changed to the "Conowingo WIP Steering Committee"
- The Conowingo WIP Steering Committee would be comprised of a representative from each Bay watershed jurisdiction and the Chesapeake Bay Commission.
 - EPA would not participate on the Conowingo WIP Steering Committee, given its oversight role.
- The Conowingo WIP Steering Committee would be responsible for developing and guiding implementation of the Conowingo WIP, working with the third party.
- The primary role of the third party would be to provide:
 - Facilitation, programmatic and technical assistance to the Conowingo WIP Steering Committee in the development and implementation of the Conowingo WIP.
 - Serves as a fund manager, either using the shared dollars directly and/or awarding the funding to other parties to implement cost-effective pollution reduction technologies in areas having the most impact on the Chesapeake Bay's water quality.
- Approve Development of a Financing Strategy
 - Addresses partner concerns regarding reallocation of current federal funding;
 - First seeks to pool new funding (e.g., federal funds, Exelon) and in-kind services for CWIP;
 - Other funds (state, local, private, existing federal) phased in as necessary/available;
 - Leverages third-party resources for financing efforts; and,
 - Envisions innovative pollution crediting.

Presenter: Lee Currey, MDE and CBP Modeling Workgroup Co-Chair

Requested decisions: Approval of the revised Conowingo WIP Framework, including agreement on the issues highlighted above. Agreement on proposed next steps.

Materials:

IV.a. Presentation

IV.b. Revised Draft Conowingo Watershed Implementation Plan Framework

IV.c. Responses to Comments on Conowingo Framework

Working Lunch

12:30 p.m. – 1:00 p.m.

V. 2025 Climate Change Load Projections

12:30 p.m. – 1:15 p.m.

A presentation on how the additional nutrient and sediment loads based on 2025 climate change conditions were derived, the data and assumptions behind those calculations, and the level of certainty with those projected loads. An overview of the process by which the

Climate Resiliency Workgroup will collect new science and information to inform any updates to these projections by 2022 will also be provided.

Presenter: Mark Bennett, USGS and CBP Climate Resiliency Workgroup Chair

Requested decisions: Adoption of the projected 2025 nutrient and sediment climate change loads.

Materials:

VI.a. Presentation

VI.b. 2025 Climate Change Loads Briefing Paper

VI.c. New York Proposed Language for Accounting for Climate Change

VI. Explaining Three Decades of Watershed and Tidal Water Quality Trends—Implications for Development and Implementation of Phase III WIPs 1:15 p.m. – 2:45 p.m.

A presentation of the latest watershed and tidal water quality monitoring trends and an overview of current efforts on explaining the observed long term trends. Discussion of watershed-wide and local analyses and the technical outreach and engagement efforts underway to provide data and information to jurisdictions and local areas for incorporation into their Phase III WIP development and implementation.

Presenters: Doug Moyer, USGS, Jeni Keisman, USGS, Emily Trentacoste, EPA, and Matt Johnston, UMD

Requested decision: 1) Approval of presented approach and schedule for developing and sharing explanations and management implications of the trends observed at hundreds of monitoring stations around the watershed and across the Bay's tidal waters with the jurisdictions and their local partners. 2) Commitment to work with these explanations of the observed trends and resultant management implications to help inform and guide the jurisdictions' development of their Phase III WIPs and adaptively manage their implementation in the years ahead.

Materials:

VII. Presentation

VII. Executive Council Planning Committee 2:45 p.m. – 2:55 p.m.

A brief discussion to kick off planning for the 2018 Executive Council meeting. The last meeting was held June 8, 2017 in Annapolis, Md.

Discussion Lead: Ben Grumbles, PSC Chair

Requested decision: Approval to convene an Executive Council meeting planning committee for 2018.

VIII. Program Update 2:55 p.m. – 3:05 p.m.

Highlights from the February Program Update. Discussion of items that others have an interest in and would like to hear more about.

Presenter: Carin Bisland, EPA CBPO

Materials:

VII. Program Update

IX. Concluding Remarks - Adjourn 3:05 p.m. – 3:15 p.m.