

COG WRTC Work Session

Phase II WIP Development Process

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EPA Expectations

- States will allocate to finer scale
 - County-level, conservation districts, etc.
- “Targets” for planning
 - Not regulatory local allocations
- Include full description of local approach
- Nutrient and sediment target loads for PS and NPS

EPA Expectations (cont.)

- Federal property addressed through
 - 2 yr milestones or
 - Separate federal implementation plan
- State 2 yr milestones informed by Phase II WIP
- Negative “consequences” for local failure
 - Falling short on wastewater, stormwater, ag reductions
- EPA Jan. 12 Fact Sheet:
 - Link at:
http://archive.chesapeakebay.net/pubs/calendar/47043_01-24-11_Handout_1_11159.pdf

Threatened Consequences

- Possible consequences (EPA Dec. 29, 2009 letter):
 - Object to permits and increase federal oversight
 - Reduce allocations for existing point sources (i.e., wastewater plants)
 - Require offsets “plus” for new or increased discharges
 - Set TMDL allocations at finer scale
 - Increase enforcement efforts
 - Condition or redirect federal grants to states
 - Promulgate federal nutrient water quality standards
 - Use residual designation authority (RDA) to regulate currently unregulated entities

Different Approaches Similar Challenges

- Each state will have own process, but common substantive challenges
- Very aggressive schedule
 - Draft due June 1, 2011
 - Final due November 1, 2011
- Problems with Bay Modeling
 - Urban Land and Nutrient Management Inputs
 - Corrections not expected until late spring
- Data Issues
 - EPA Model versus Local Information on Land Use
 - Translating Bay model from segment-shed to county-level

MD Phase II WIP Development

- Robust pilot program
- Two very different counties
 - Anne Arundel (more urbanized)
 - Caroline (more rural)
- Lessons learned may help other counties
 - State creating template for Phase II
- Drafting Phase II at the County level

MD Phase II WIP Development (cont.)

- State is very process driven and detail oriented
 - Multiple county kick-off meetings
 - Guidance Binder
 - State Liaisons (about 12 from MDE, DNR, MDP)
 - Each agency will have assigned technical support
 - To run Scenario Builder model (not available directly to localities)

MD's Likely Approach to Addressing Tough Issues

- **Data**
 - Must use Bay model numbers
 - Results will be fed back into Bay model to check for compliance
- **Costs**
 - State willing to discuss cost, cost-effectiveness, cost-share
- **Accounting for Growth**
 - Workgroup will be defining areas discussed in Phase I WIP
- **Existing Planning Documents**
 - State encouraging use (WRE, etc.)

VA Phase II WIP Development

- Pilots not as far along
- State plan is preliminary
- Disbanding TMDL Advisory Group
 - Letter from Secretary out very soon
- Creating new Advisory Group
 - Emphasis on local approach and Planning Districts
- State recognizes there will be variability across VA
 - Not a MD template style approach
- Also drafting at County level
 - How will State deal with independent cities?

Tips for Phase II WIP Development

- Assemble local team to work with state
- Assign local spokesperson to talk with state liaison (MD)
- Educate your team on:
 - EPA and State expectations for process and documentation
 - Pilots: Q&A from AA and Caroline
- Begin gathering resources (GIS, local maps, etc.)

Tips for Phase II WIP Development (cont.)

- Identify possible local stakeholders
- Calendar meetings with staff and stakeholders to discuss development of local plan
- Inform elected officials re key details of process and plan
- Continue to talk with other localities
 - Individual attention (i.e., state liaison, etc.) is good, but no opportunity for information sharing, and united front

Tips for Phase II WIP Development (cont.)

- Keep thinking about the big questions
 - Local financial and operational resources (or lack thereof)
 - Legal impediments (state law, local code) to implementation
 - Getting credit for existing efforts (existing BMPs)
 - Where to target future efforts
 - Consistency between local plan and MS4 permit negotiations (if applicable)