

# Metropolitan Washington Council of Governments

## WRTC Work Session on Watershed Implementation Plan Development

### Questions and Issues for Discussion

**March 12, 2010**

(Revised March 4, 2010)

At its regularly scheduled Water Resources Technical Committee (WRTC) meeting on Friday, March 12, 2010, COG will host a 2 hour Work Session on the development of the Phase 2 Watershed Implementation Plans (WIPs). This is a follow on to the Roundtable Discussion held at COG on September 10, 2009. We intend to cover the latest schedule for the development of the Bay TMDL and the related WIPs and also delve into several important aspects of the WIPs.

A distinguishing feature of the Phase 2 WIPs will be refined geographic specificity, down to the county level. They will update the Phase 1 WIPs and are to be completed by the end of 2011. There are a number of key topics that COG and its members would like to address and help work on as they evolve.

While EPA is providing overall direction and guidance for the WIPs, the individual states are responsible for WIP development. As this is largely uncharted territory, both the states and EPA anticipate substantial interaction with and involvement of local governments, wastewater utilities, soil conservation districts (SCDs) and other stakeholders. Accordingly, COG expects a diverse set of participants from the COG region at the March 12<sup>th</sup> WIP Work Session.

COG has identified six key topics to be addressed at the WRTC Work Session, though the discussion may cover other topics as well. The topics and related specific questions are:

1. **Allocation Methodology** - What philosophy and methodology is envisioned to allocate loads at the county level? [In addressing this, it is important to understand how the Bay TMDL LAs and WLAs are developed for the governing geographic area.]
  - a. How will loads be allocated among local governments (counties and cities), SCDs, and wastewater authorities within the boundaries of a single political jurisdiction?
  - b. How will wastewater allocations be handled for WWTPs that serve multiple jurisdictions? For example, in the case of Blue Plains, the allocations of capacity are multistate and, the allocation to WSSC in Maryland is not county-specific. There are similar in-state issues for other WWTPs in the COG region as well as others in the Bay watershed.
2. **Implementation Responsibilities** - How are implementation responsibilities for each source sector to be determined to ensure that the county load targets are met?
  - a. Will such responsibilities be explicitly included in the Phase 2 WIPs?
  - b. How will allocations be linked to MS4 permits?
  - c. How will responsibility for implementation be shared within a single 'county' when there are multiple parties doing the implementation?
  - d. For sectors that are NOT regulated under NPDES, what mechanisms including potential "consequences" will be used to help insure implementation of the WIPs?
3. **WIP Pilots** - What is the status of the "WIP Pilots" that EPA is encouraging?

- a. How will information from these pilots be shared with other local governments?
  - b. How can COG and its member's best participate in these pilots and in further development of the WIPs? [Note: Maryland is developing WIP Pilots for Anne Arundel and Caroline Counties and has encouraged COG to be active participants. Virginia is considering a Ravenna pilot and may be open to another pilot in Northern Virginia.
4. **Status of "Consequences" Elements** - What is the status of the key elements identified in the December 29, 2009 "consequences" letter from EPA to Secretary Bryant?
- a. In particular, what is the status of the "Transparent Accountability System" intended to be a web-accessible database? EPA is to provide the proposed framework and major design components by July 2010.
  - b. Is it envisioned that "consequences" will be extended to local entities? If so, how?
  - c. How does this effort relate to the 'Evaluation Guidelines' that EPA is proposing for various sectors? (i.e., (1) Agriculture; (2) Wastewater; (3) Stormwater; (4) Tracking and Reporting; and (5) Offsets and New Growth).
5. **Two Year Milestones** - What are the status of and prospects for the Two-Year Milestones (2YMs) for Maryland and Virginia?
- a. What tracking system is being used to track the first set of 2YMs and what on-the-ground progress has been made since they (the 2011 2YMs) were adopted in May 2009?
  - b. Will future 2YMs (i.e., the 2013 2YMs and beyond) have geographic (e.g., county) specificity?
  - c. What will be the connection between the Phase 2 WIPs and the 2YMs?
  - d. What opportunity will local governments, utilities and SCDs have to help develop the next round of 2YMs before they are adopted by the states and EPA?
6. **New Regulations** - EPA is presently going through the rulemaking process to update the CAFO and stormwater program requirements.
- a. While it is too early to know what the final rules will look like, will the proposed rulemaking affect WIP and Bay TMDL development?
  - b. What is the status of the proposed rules?
  - c. Do the states have a position on the proposed rules?
  - d. How are any of these new regulatory requirements likely to affect COG's local governments and utilities?