

POTENTIAL COG COMMENTS ON PHASE III WIPS
Draft as of 05/03/19

Status – All of the Bay partners have issued draft Phase III watershed implementation plans. Details on those relevant to COG can be found here:

- Maryland (<https://mde.maryland.gov/programs/Water/TMDL/TMDLImplementation/Pages/Phase3WIP.aspx>)
- Virginia (<https://www.deq.virginia.gov/Programs/Water/ChesapeakeBay/ChesapeakeBayTMDL/PhaseIIIWatershedImplementationPlanning.aspx>)
- The District of Columbia (<https://doee.dc.gov/service/watershed-implementation-plans-chesapeake-bay>) Note: COG does not intend to comment on the District's draft WIP.

Comment Deadline: June 7, 2019

Potential Comments

Re BMP implementation

- Nutrient reductions from the wastewater sector currently exceed their respective jurisdictional targets by 3.9 million pounds of nitrogen and 330,000 pounds of phosphorus for POTWs in the COG region (and by larger amounts on a statewide basis). Over time, this excess will shrink as flows and loads increase from new growth, but it will allow both MD and VA to meet their overall reduction targets by 2025 even if other sectors do not reach their sector goals
- Wastewater utilities and local governments will eventually need this temporary excess reduction to accommodate increased flows and loads from population growth.
 - In the meantime, the excess should be used primarily to offset any delays in achieving urban stormwater nutrient load reduction targets set by the states. Further BMP implementation beyond 2025 in the region's urban stormwater sector will be necessary to preserve the capacity to accommodate growth.
- Nitrogen reductions are the biggest remaining gap to be addressed by the WIPs. MD and VA should not expect the urban stormwater sector to achieve a significant portion of this nitrogen reduction because most of the stormwater BMPs approved by the Bay Program are relatively inefficient at removing nitrogen. Focusing the WIPs on the most cost effective reduction practices in all sectors will mean that urban stormwater will not be a significant source of further nitrogen reductions.
 - Achieving Bay TMDL nitrogen reduction targets should not set the pace of BMP implementation or overall program costs for the region's stormwater sector. Stormwater permits need to recognize the many objectives of stormwater programs beyond just nutrient reduction and be based on a "Maximum Extent Practicable" standard.

Re climate change: Until the Bay Program technical staff has finalized its estimate of the impact of climate change on nutrient and sediment loads and Bay water quality, it is premature to quantify how the MD and VA WIPs will address this issue. The Bay Program and its partners also don't know

how current BMPs will respond to different weather patterns driven by climate change and don't know how to design or site new BMPs to better address climate change.

- In the meantime, the Bay Program and its partners should prioritize the funding of research into BMP siting and design to address climate change.

Re Conowingo: The separate Conowingo WIP is not addressed directly in the draft MD and VA WIPs. But COG should reiterate a previous comment that local government stakeholders in the COG region need a voice in assembling that WIP to the extent that its provisions may affect us.

Re growth: We support the Bay Program's decision to incorporate estimates of future changes in land use and agricultural practices directly into the framework of the Phase III WIPs.