

# Hampton Roads Regional Steering Committee for development of the Chesapeake Bay Phase II WIP

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HRPDC Regional Building



# *Chesapeake Bay TMDL Phase II WIP Process Update*

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# Structure of Virginia's WIP

- Phase I Watershed Implementation Plan (WIP):
  - Virginia proposed goals in pounds of nutrients.
  - Virginia agreed to include individual Waste Load Allocations for Phase I MS4s.
- Phase II WIP to date:
  - Virginia proposed local targets in pounds of nutrients.
  - Virginia proposed tracking progress by calculating pounds of nutrients reduced based on the Bay model (VAST tool).



## 5.3.2 Model Revisions

### ➤ Changes

- ❑ Simulation of nutrient application on agricultural lands (included eight updates)
- ❑ Estimation of urban lands in the watershed land cover.

### ➤ Results

- ❑ Nutrient management did not have the expected effect on load reductions.
- ❑ 2025 Load targets changed slightly at the State level.
- ❑ Difference between 2009 Progress and 2025 Target changed significantly for some localities.
- ❑ Urban localities not as affected by changes.



# September 2011 TMDL Summit

- States were not releasing model information because of concerns about the accuracy.
- On September 16, 2011 EPA and State Secretaries discussed Bay Model and Phase II Watershed Implementation Plans (WIPs).
- States proposed:
  - Submit plans at Basin level instead of city and county level.
  - June 1, 2012 as the deadline for basin level plans, instead of March 30, 2012.



# Recent Developments: Sept - Oct 2011

## ➤ Letter from Virginia to EPA

*Model is “not appropriate for use in assigning loads in permits, developing local load targets, or measuring reduction progress”.*

## ➤ Letter from EPA to Virginia

*“EPA does not expect the jurisdictions to express the local area targets in terms of Phase 5.3.2 Watershed Model inputs or outputs, such as pounds of pollutant reductions by county”.*



# HRPDC Action

- Sent letter to Secretary Domenech requesting guidance to PDCs and local governments regarding expectations for our involvement in the Phase II WIP Process.



# Virginia Response

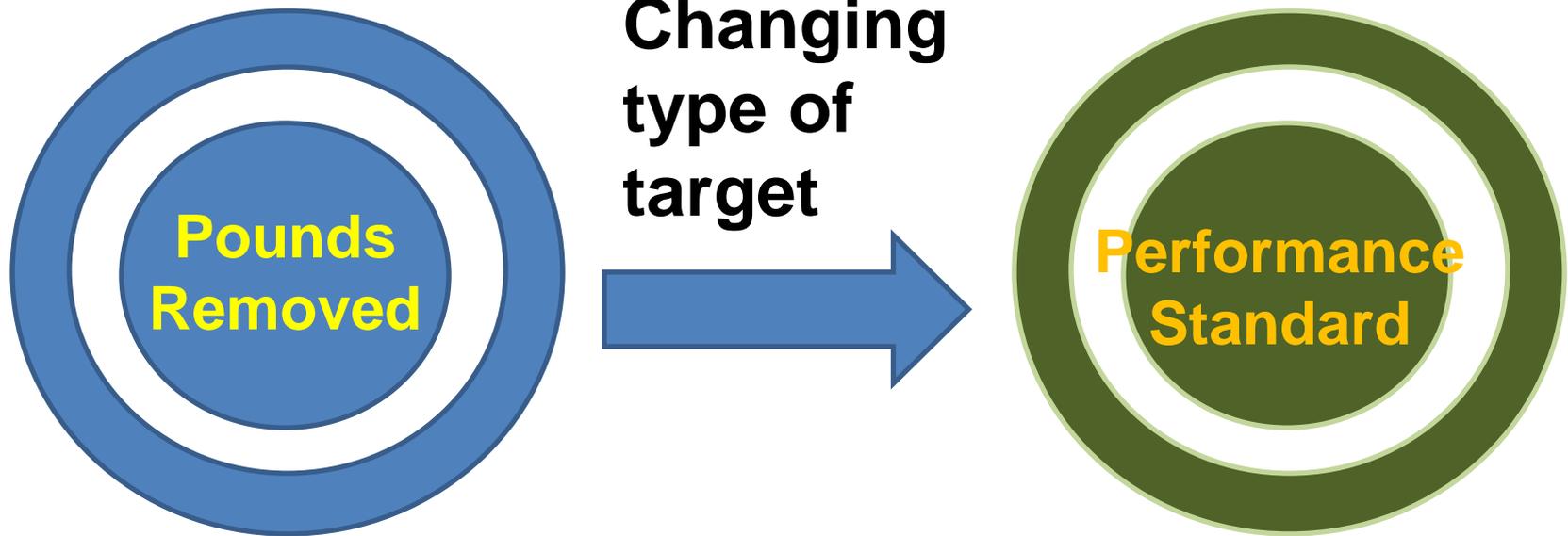
- Anticipate letter from Virginia's Secretary of Natural Resources within the next month.
- Letter will be sent to locality CAOs and PDCs
- Localities should still submit local strategies but can focus on level of effort expressed in Phase I WIP rather than pounds of pollutants.



# Measuring Progress & Compliance

- September 28<sup>th</sup> letter from Virginia to EPA:

*Model is “not appropriate for use in assigning loads in permits, developing local load targets, or measuring reduction progress”.*



# Phase I WIP Urban Performance Standard

Land Use Category	Practice Description	Level 2 Practice % Coverage	Effective Net Reduction Prorated Over Entire Land Use Category Acreage		
			N	P	Sediment
Impervious Urban High and Low Intensity	Impervious Cover Reduction	7.5%	0%	5%	6%
	Filtration Practices	7.5%	3%	4%	6%
	Infiltration Practices	8.0%	6%	7%	8%
	<b>Total</b>		<b>9%</b>	<b>16%</b>	<b>20%</b>
Pervious Urban High and Low Intensity	Impervious Cover Reduction	-			
	Filtration Practices	5%	2%	3%	4%
	Infiltration Practices	5%	4%	4.25%	4.75%
	<b>Total</b>		<b>6%</b>	<b>7.25%</b>	<b>8.75%</b>



# Evaluation of Performance Standards

## ➤ Advantages:

- Progress is based on real world implementation projects.
- Model calibration will not influence calculated effectiveness of BMPs (pounds removed).

## ➤ Disadvantages:

- Virginia has not established formulas to convert all BMPs to acres of impervious area treated.
- Trading nutrient credits between sectors could be more difficult.



# Local Planning Without Local Targets

- Virginia needs to provide localities more information about State's Path Forward.
- HRPDC staff recommends localities focus on preparation for MS4 permit renewals.
  - Groundtruth land use data & existing BMPs.
  - Evaluate potential nutrient reduction strategies.
  - Develop rough cost estimates of strategies.



# HRPDC Guidance to Localities

- Focus on finalizing baseline data on BMPs and land use.
- Focus on program level goals and identifying effective BMPs.
- Consider benefits to locality
  - Improve local water quality
  - Urban Renewal
  - Reduce flooding
- Wait for guidance from State before using VAST to create scenarios at any scale.
- Focus on developing narrative Regional submittal.



# Local Strategy Focus

Local Government Criteria	Local Government Objectives
Cost effectiveness	Improve Local Water Quality
Ease of implementation	Urban Renewal / Beautification
Long-term O&M costs	Expand trail system
Project Visibility	Protect drinking water
Public Education & Outreach	Economic Development

- Sewer Upgrades
- Tree Planting
- Urban Buffers
- Stream Restoration
- Improve/transform existing Public Ponds.



# BMP Decision Matrix

- Help locals evaluate multiple benefits of BMPs.
- Include BMPs not currently in the Model, but likely to be added in future.
  - ❑ Encourage locality inputs.
- Incorporate cost data.
- Draft in December meeting agenda packet.



# Maryland's Schedule

- Submit a draft Watershed Implementation Plan (WIP) to EPA in December and a final plan in March 2012.
  - ❑ Meet the basin-specific allocations assigned to Maryland by EPA.
- Extend the time for submission of final, approved local implementation plans to July 2, 2012.
  - ❑ Request any draft strategies and funding proposals ready in time to incorporate into the State submissions to EPA.
- EPA will use the final Phase II WIP determine whether any modifications to the TMDL allocations are necessary.
- State will continue to work with local staff after the March submittal to ensure that final approved local plans will meet water quality standards.
  - ❑ If consistent with public comments on EPA's modifications of the TMDL allocations local plans will be used to modify Maryland's WIP after July, 2012.



# Report from Septic System (onsite) Legislative Subcommittee

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# Septic System (onsite) Legislative Subcommittee Recommendations

- Seek legislative changes necessary to establish tax credits for upgrade/ replacement of existing conventional systems with nitrogen reducing systems, or connection to existing sewer.
- Look into steps for gaining General Assembly approval to grant all counties, at once, the authority to require hook-ups to existing sewer lines when appropriate.
- Work with state agencies to establish a cost share program, similar to what is done with the Agricultural BMP Cost Share Program, to assist with the cost of required upgrades or replacements and incentivize non-failing septic system owners to upgrade to a denitrifying system.

