

EPA's Expectations for Phase III Watershed Implementation Plans

What is a WIP?

In 2010, the U.S. Environmental Protection Agency (EPA) established the Chesapeake Bay Total Maximum Daily Load (Bay TMDL). This historic clean-up plan provides a guide for reducing pollution and restoring clean water to the Chesapeake Bay and its local rivers, streams and creeks. To guide these efforts, Delaware, Maryland, New York, Pennsylvania, Virginia, West Virginia and the District of Columbia (collectively referred to as the “Bay jurisdictions”) created a series of roadmaps—known as watershed implementation plans (WIPs)—describing how each would achieve the pollution reductions called for in the Bay TMDL.

There are three phases of WIPs. Phase I and II WIPs were developed in 2010 and 2012, respectively, and describe actions to be implemented by 2017 and 2025 to achieve the goals of the Bay TMDL. Phase III WIPs, under development in the 2018 to 2019 timeframe, will describe actions Bay jurisdictions intend to implement to meet Bay restoration goals by 2025. Despite some jurisdictions having to do more in order to achieve their nutrient and sediment targets, each of the seven Bay jurisdictions reaffirmed their commitment to having all the practices and controls in place by 2025 to meet applicable water quality standards in the Chesapeake Bay.

What should the Phase III WIP include?

On June 20, 2018, the EPA released its expectations for the Phase III WIPs, detailing what these documents should entail. The full expectations for Phase III WIPs can be found at: <http://bit.ly/phase3expectations>.

Based on the EPA's expectations document, each Phase III WIP should describe how the Bay jurisdiction—in collaboration with its local and federal partners—will:

1. Specify the programmatic and numeric commitments in order to have all practices and controls in place by 2025 to achieve the final Phase III WIP nutrient and sediment planning targets

This includes:

- Building the financial capacity, technical assistance, regulatory oversight and other incentives to oversee and implement the necessary MS4 and other stormwater management and prevention programs
- Increasing and/or sustaining the financial cost share, technical assistance, regulatory oversight and other incentives to deliver the necessary agricultural conservation practices
- Securing legislative, regulatory, cost-share, incentive, voluntary and market-based levels of pollutant reductions across all source sectors, which in combination, will achieve each jurisdiction's planning targets
- Documenting the programmatic actions and the specific pollutant load reducing practices, treatments, and technologies to be implemented in order to achieve planning targets by 2025
- Including more detailed and more systematic documentation of planned changes to existing programmatic capacity or development of new programmatic capacity for jurisdictions with source sectors under “enhanced” or “backstop” oversight, or with specific source sectors not on a trajectory to achieve their planning targets by 2025

- *Encouraged:* Considering the [co-benefits of BMPs](#) that are targeted for implementation. Co-benefits are those that not only result in water quality improvements but could address other 2014 [Chesapeake Bay Watershed Agreement outcomes](#) (e.g., brook trout, wetlands, or forest buffers), local water quality benefits, as well as economic and ecosystem services benefits.

2. Develop comprehensive local, regional and federal engagement strategies and commitments

This includes:

- Documenting detailed strategy of how each jurisdiction will engage its respective local, regional and federal partners in the implementation of the Phase III WIPs
- Identifying specific target audiences for local, regional and federal engagement, as well as the geographical and/or source sector areas where local and federal engagement is most needed to accelerate WIP implementation
- Clearly describing the role local and federal partners will play in implementing programmatic and numeric (e.g., BMP) commitments in each of the source sectors, including the tracking, verifying and reporting of those commitments
- Identifying gaps in capacity in programmatic, financial, technical assistance, or other capacity needed to advance WIP implementation and recommendations to address those gaps and needs;
- Identifying required funding and technical support needed for local partners to aid in WIP implementation
- Identifying other resources available to local partners to aid in WIP implementation (e.g., meeting facilitation), or, where no (financial or technical) resources are available, identifying pollution reduction strategies that can be accomplished with no additional resources
- Including examples of successful working relationship or models (e.g., local stormwater ordinance) that local, regional and federal partners can adopt and replicate in other portions of a jurisdiction's Bay watershed to support WIP implementation

3. Consider adjustments of Phase III WIP state-basin targets and Phase II WIP source sector goals, as long as they meet Phase III WIP planning targets

This includes changes to reflect new information and data from the midpoint assessment and lessons learned from previous implementation efforts, based on:

- EPA and jurisdictional assessments of numeric and programmatic implementation progress to date.
- Enhanced understanding and the ability to better simulate lag times and delivery factors of nutrients and sediments from the watershed to the Chesapeake Bay and its tidal tributaries and embayments.
- Refinements to the Chesapeake Bay Program partnership's Phase 6 suite of modeling and other decision support tools which were used to develop the Phase III WIP planning targets and support the jurisdictions' development and implementation of their Phase III WIPs and two-year milestones.
- Programmatic and policy implications of the explanations of observed long term trends in watershed and tidal water quality and biological resource monitoring data.
- More specific geographical and/or source sector targeting in the Phase III WIPs and subsequent two-year milestones.
- New innovative technologies, treatments and practices emerging as a result of the partnership's BMP expert panel recommendations.

4. Engage local partners in local planning goal development and implementation

This includes:

- Working with local and regional partners, stakeholders, and federal and state facilities to establish measurable local planning goals at a geographic scale below the state-major river basin and implement them through their Phase III WIPs and future two-year milestones.
- Documenting the process for defining and establishing local planning goals.

5. Account for changes due to growth, Conowingo Dam infill and climate change

For 2025 projected growth:

- Describe approaches to offset any increases in nutrient and sediment pollution loads as a result of growth at the state-basin level.
- Describe programs and regulations to maintain existing land covers, including high quality beneficial land covers (e.g., mature forests).

For Conowingo Dam: The Chesapeake Bay Program agreed to develop a separate and collaborative Conowingo WIP. Total pollution load targets attributed to Conowingo Reservoir infill will be assigned to a separate Conowingo Planning Target which all Bay jurisdictions will work collaboratively to achieve. Bay jurisdictions agreed to contribute resources (e.g., funding, technical assistance, in-kind services, etc.) into a pool to be managed collaboratively to achieve the necessary pollution load reductions. A third party will be responsible for developing and implementing a financing strategy to support implementation of the Conowingo WIP.

For climate change:

- Describe the state and local jurisdictions' current action plans and strategies in the Phase III WIPs to address climate change and commit to adopting climate change targets by 2021, employing the Partnership's suite of models that factor in climate change and other relevant local information.
- Continue to understand the science and research behind climate-resilient BMPs.
- Beginning in 2022, the Chesapeake Bay Program partnership will determine how climate change will impact the BMPs included in the WIPs and address these vulnerabilities in the two-year milestones.

6. Delaware, District of Columbia, Maryland and Virginia: target implementation at the Bay segment-shed scale

This includes using the results of the Chesapeake Bay Program Office's geographic isolation runs, as well as explanations of observed long-term trends in watershed and tidal water quality and biological resource monitoring data, to demonstrate a greater level of targeting towards those Bay segments significantly out of attainment (based on monitoring assessments) with their water quality standards

7. Pennsylvania-specific expectations for its Phase III WIP

This includes:

- Developing local planning goals that show how the Phase III WIP goals will be achieved through action at county, municipal and/or sub-watershed scales
- Demonstrating collaboration among local governments, state agencies, nonprofit organizations, academic institutions, utilities, the agriculture sector and others as partners in identifying, planning and implementing BMPs
- Committing to programmatic, policy, legislative and regulatory changes needed to meet Bay TMDL goals by 2025

- Committing to the level of the staff, partnership and financial resources needed to fully implement the practices, treatments and technologies necessary to achieve planning targets, including maximizing capacity between state agencies to fund and implement grant commitments
- Continuing to track, report and participate in quarterly grant meetings with EPA to demonstrate Pennsylvania’s commitment to reduce the amount of unspent or unliquidated obligations for Chesapeake Bay Regulatory and Accountability Program and Chesapeake Bay Implementation grant funding
- Modifying the current expected reductions for the Urban/Suburban Stormwater sector

Note: EPA will be issuing federal agency expectations for the development of federal water quality milestones and the role federal agencies play in the development and implement of the jurisdictions’ Phase III WIPs.

Resources

- For more information, including key partnership decisions and opportunities for assistance, see the full expectations document at <http://bit.ly/phase3expectations>.
- Chesapeake Bay Program watershed implementation plan information (including the co-benefit fact sheets and presentation): https://www.chesapeakebay.net/what/programs/watershed_implementation.
- Chesapeake Bay Program TMDL website: https://www.chesapeakebay.net/what/programs/total_maximum_daily_load
- Environmental Protection Agency TMDL website: <https://www.epa.gov/chesapeake-bay-tmdl>
- Chesapeake Assessment and Scenario Tool (CAST): <http://cast.chesapeakebay.net/>.