

EPA EVALUATION OF DISTRICT OF COLUMBIA'S DRAFT PHASE II WIPs AND FINAL 2012-2013 MILESTONES

WIP and Milestone Overview:

Overall, the District's Phase II WIP meets EPA's expectations. The final 2012-2013 milestones address many of EPA's comments on the draft milestones and identify important near-term commitments to implement WIP strategies. The District made commendable progress engaging and assigning target loads to federal agencies. The District explained that efforts in the next few years will focus on upfront capacity-building and continued upgrades at Blue Plains Wastewater Treatment Plant. The pace of pollutant reductions will increase over time so that practices are in place by 2017 to meet 60% of the necessary pollutant reductions. Based on this explanation, the milestone and the 2017 and 2025 WIP model input decks meet or approximate planning targets for nitrogen, phosphorus and sediment.

There are some inconsistencies between the practices identified in the input decks and the strategies and programmatic actions described in the Phase I and II WIPs and milestones. In addition, the final milestones do not reflect some of the specific, near-term commitments in the draft Phase II WIP and the DC MS4 Permit. EPA will work with District Department of the Environment (DDOE) to reconcile the draft WIP, final milestones and input decks prior to issuance of the Final Phase II WIP.

EPA will maintain "ongoing" oversight for all sectors in the District of Columbia to ensure that commitments are implemented.

Local Engagement

- Extensive engagement of federal agencies as local stakeholders through workshops, meetings, and identification of specific BMPs and timelines for implementation.
- The Draft Phase II WIP includes target loads for each federal agency with landholdings in the District, as well as a discussion of each federal agency's strategy to meet these targets.
- Federal agencies created input decks identifying specific BMPs that would be implemented in the 2012-2013 milestone period.
- In the Final Phase II WIP, EPA expects more information on how D.C. plans to engage watershed organizations and other stakeholder groups beyond federal agencies.

Urban/Suburban Stormwater

Key Strengths of Draft Phase II WIP

- Reasonable assurance is stronger than the Phase I WIP due to additional information on the MS4 permit issued in October 2011.

Key Strengths of Milestones

- Addresses many of EPA's comments on the draft milestones.
- Due to upfront capacity building, pollutant loads increase in the short-term but fall within the targets for 2017 and 2025.

Improvements EPA Expects in Final Phase II WIPs

- The District should review the 2017 and 2025 input decks to assure they capture onsite low-impact development (LID) and green street retrofits being considered for future implementation and are consistent with the Phase II WIP strategies.
- As input deck shows major increase (6 miles) in stream restoration, the final WIP needs to describe location of projects and how they will be funded. DC should assure that there are enough stream miles in DC to achieve this restoration goal.

Improvements EPA Expects in Final 2012-2013 Milestones

- Add milestone with commitment and schedule to revise, adopt and implement stormwater regulations by 2013.
- Add milestone with schedule for finalizing Stormwater Management Guidebook
- Consider adding milestone to reflect commitments in the draft Phase II WIP and MS4 Permit, such as retrofits.
- Consider revising BMPs in milestone table so that they are consistent with the reporting categories used by CBPO (e.g. onsite BMPs and green streets).
- Please clarify why in the input deck BMP implementation levels appear to increase for BMPs associated with stormwater retention and decrease for traditional (non-LID related) categories.

Potential EPA Actions: Maintain ongoing oversight, including conducting stormwater assessment.

Wastewater

Key Strengths of Draft Phase II WIP

- Includes status of insignificant facilities and projected timelines for discontinued discharges.
- Addresses D.C. Water's concerns with Bay TMDL wasteload allocation.

Key Strengths of Milestones

- Includes progress under Long Term Control Plan to minimize combined sewer overflows.

Improvements EPA Expects in Final Phase II WIPs

- More clearly document the impact of discontinued discharges from insignificant facilities on the aggregate wasteload allocation and the reserve in narrative and input deck.
- To avoid confusion, list the reserve as an individual wasteload allocation as opposed to part of the aggregate.
- Reflect the Blue Plains wasteload allocation listed in the December 2010 TMDL. EPA maintains its position that unless there is a future revision to the Bay TMDL that significantly changes the Blue Plains wasteload allocation, no modification to the DC Water permit is necessary.
- Coordinate closely with EPA to develop language for the final WIP that acknowledges future conditions and adaptive management.

Improvements EPA Expects in Final 2012-2013 Milestones – none specified

Potential EPA Actions: Maintain ongoing oversight.

Offsets and Trading

Key Strengths of Draft Phase II WIPs

- The District will accommodate new loads through new stormwater regulations that will require all new development and re-development sites greater than 5,000 square feet to retain the runoff from a 24-hour, 1.2 inch storm. Regulated sites can achieve off-site retention by acquiring stormwater retention credits or paying an in-lieu fee.
- The District does not plan to develop a trading program at this time. The District remains open to developing a trading program if needed.

Key Strengths of Milestones – none submitted

Improvements EPA Expects in Final Phase II WIP

- Include a plan of action to address all unresolved, jurisdiction-specific Tier 1 and Tier 2 recommendations from EPA's offsets and trading program assessment by the end of 2012 and to address all unresolved recommendations common to all jurisdictions by the end of 2013.

Improvements EPA Expects in Final 2012-2013 Milestones

- Add milestones to address all unresolved, jurisdiction-specific Tier 1 and Tier 2 issues in EPA's offsets and trading program assessment in 2012 and all unresolved recommendations that are common to all jurisdictions in 2013.
- Add milestone to have a fully effective offset program in place by December 2013 for sectors with planned new or increased loadings, or make a demonstration that a specific sector will not experience net growth in loading. Explain how new or increased loads that occur prior to offset program implementation in 2013 will be addressed.

Potential EPA Actions: Conduct ongoing oversight to ensure commitments are implemented and recommendations from EPA's offsets and trading program assessment are addressed.

Federal Agencies

Key Strengths of Draft Phase II WIPs

- The District coordinated closely with 9 federal agencies to obtain updated GIS files and developed loadings for agencies including those in the CSO drainage area.
- The District of Columbia will utilize the newly issued MS4 Permit to the maximum extent possible to encourage federal partner compliance with milestones.
- A separate input deck was developed through CAST for the Federal Partners.
- WIP projects 408,000 sf of green roof on Federal buildings by 2015.

Key Strengths of Milestones

- Input deck includes practices that Federal agencies have in the ground that were not previously reported to the Bay Program.

Improvements EPA Expects in Final Phase II WIPs

- Discuss development of the Stormwater Memorandum of Understanding (MOU) with Department of Defense (DoD) and other federal agencies for implementing the Energy Independence and Security Act (EISA).

Improvements EPA Expects in Final 2012-2013 Milestones – none specified

Potential EPA Actions: Conduct ongoing oversight and continue to encourage work with federal facilities to identify specific implementation actions.

General Note to All Jurisdictions on EPA Actions: EPA may take federal actions, as described in its December 29, 2009 letter, to ensure that nitrogen, phosphorus, and sediment reductions identified in the WIP and needed to meet Chesapeake Bay TMDL allocations are achieved.