

Revised Guidelines for Watershed Implementation Plans

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**Attachment A
Water Quality Goal Implementation Team
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Overview

- What we heard
- What we need
- What we've changed
- Revised approach
- Accountability over time

What We Heard

Partners concerned with drafting and completing plans by May/December 2010:

- With specific controls
 - Likely more controls available in 2025 than 2010
- By county/impaired segment drainage
 - Lack time to fully engage local decision-makers and commit them to specific controls
- Suggest deferring some planning until after TMDL established

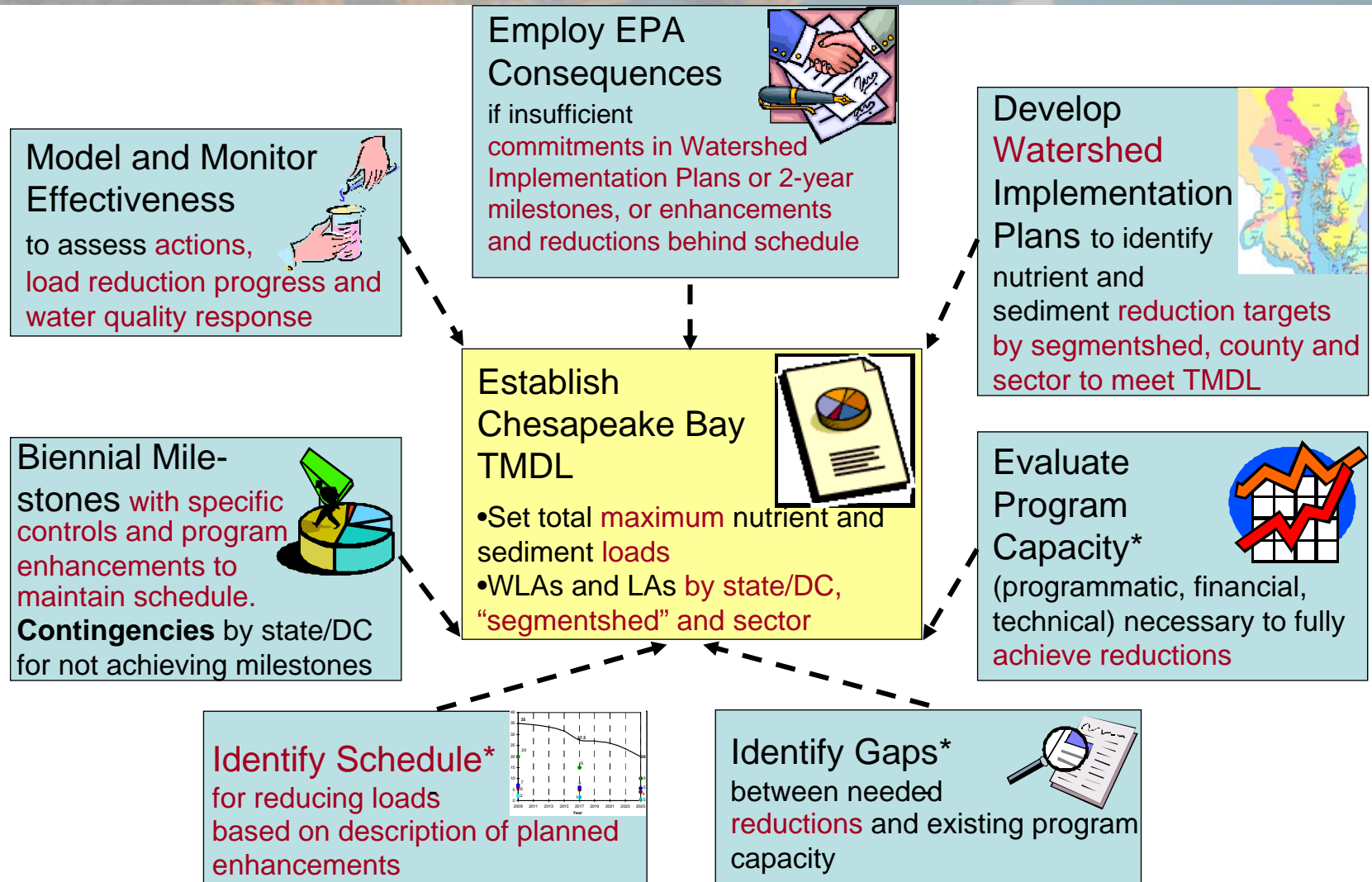
What We Need

- Fulfill responsibilities under §117 and 303 of Clean Water Act and Executive Order
- TMDL wasteload and load allocations
 - By impaired segment drainage area
 - By jurisdiction
 - By sector
- Assurance that will be more successful than past planning efforts and goals
- Accountability with clear triggers and timelines for imposing consequences

What We've Changed

- Watershed Implementation Plans focus on reduction targets (interim, final) and schedule rather than specific controls
 - By impaired segment drainage area
 - By county
 - By sector
- Watershed Implementation Plans still identify existing capacity and commit to fill capacity gaps through program enhancements, with dates for key actions
- Defer identification of specific controls to 2-year milestones
 - By impaired segment drainage area
 - By county
 - By sector
- Reasonable assurance demonstration includes EPA's commitment to evaluate milestones and impose consequences through ongoing accountability framework

Revised Approach



* Included in Watershed Implementation Plan

	Tributary Strategy	2009 State 2-Year Milestones	Watershed Implementation Plans	Future 2-Year Milestones
1) Scale of interim and final load target	Basin- and Sector-Specific	Statewide	Basin, “Segmentshed”-County and Sector-Specific	Basin, “Segment”-County and Sector-Specific
2) Bay model % reductions by sector in each “segmentshed” and county			✓	
3) Load reduction schedule that meets interim and final targets (Note: Primary link between Watershed Implementation Plans and 2-Year Milestones to evaluate whether adequate progress)			✓	✓
4) Identification of program gaps			✓	
5) Program enhancements (legal, funding, etc) and schedule to fill		✓	✓ (with schedule)	✓
6) Contingencies		Somewhat	✓	✓
7) Account for growth by setting aside allocations or specifying how will offset			✓	✓
8) General description of planned pollution controls	✓		✓	
9) Quantitative planned BMP controls	✓	✓		✓
10) Quantitative planned PS controls	✓	✓	✓	✓
11) County/segmentshed location of BMP’s				✓
12) Uniform, transparent and consistent tracking and reporting requirements			✓	✓

Watershed Implementation Plan

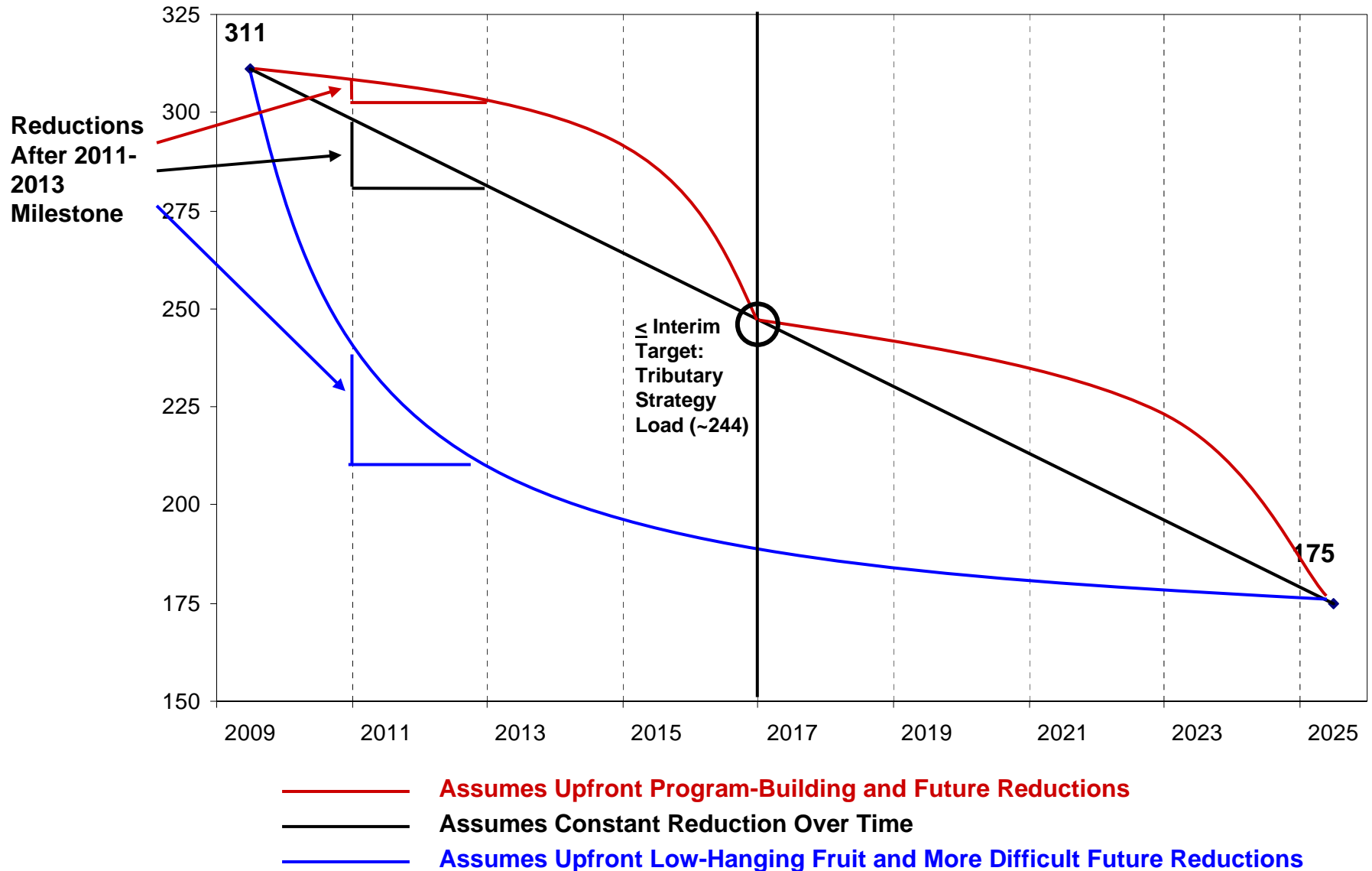
Includes:

1. What State/DC will do State/District-wide
 - Policies, regulations, etc., by sector
 - Dates for key actions
2. What state will do in each major basin, by sector
 - Interim and final reduction targets by sector
 - Dates for key actions
3. Appendix with interim and final reduction targets for each segmentshed/county, by sector
 - Report targets using input deck template for Chesapeake Bay Program Decision Support System
4. Appendix with reduction schedule by major basin
 - Hits interim and final target
 - With reference to dates for key actions discussed in body of WIP⁸

Planned Program Enhancements and General Description of Pollution Controls Must Include:

- Enforceable or binding commitments that controls will be implemented and maintained
- Permits or contracts with quantifiable limits and milestones consistent with wasteload and load allocations
- Estimate and commit necessary resources (funds, technical assistance, permit reviewers, inspectors) to support implementation and maintenance of practices
- Historic compliance and participation rates, and measures and authorities to increase rates to achieve necessary reductions
- Process for reporting, tracking and verifying practices

What the Compiled Watershed Implementation Plan Nitrogen Reduction Schedule Would Look Like Baywide



Interim Target: Average Tributary Strategy Load

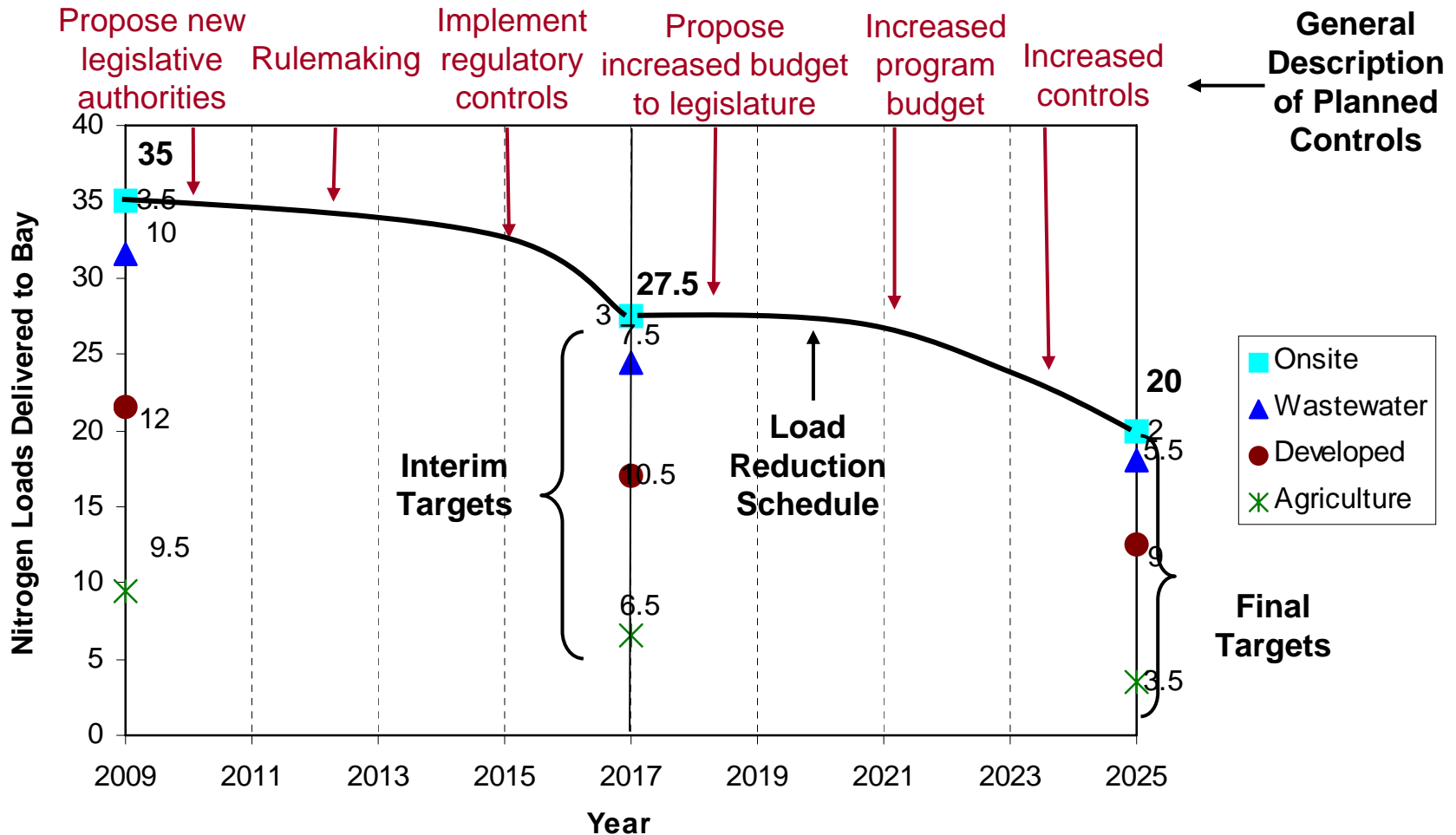
Why?

- Don't want to overly prescribe shape of reduction schedule given different state approaches
- Need some measure before 2025 to assure jurisdictions on a trajectory to meet 2025 goal

Description:

- Use allocation methodology to distribute tributary strategy load (~244 mil lbs/yr N, 16 mil lbs/yr P) among major basin jurisdictions
- Familiar reference point
- Does not mean that jurisdictions have to implement specific controls identified in tributary strategies

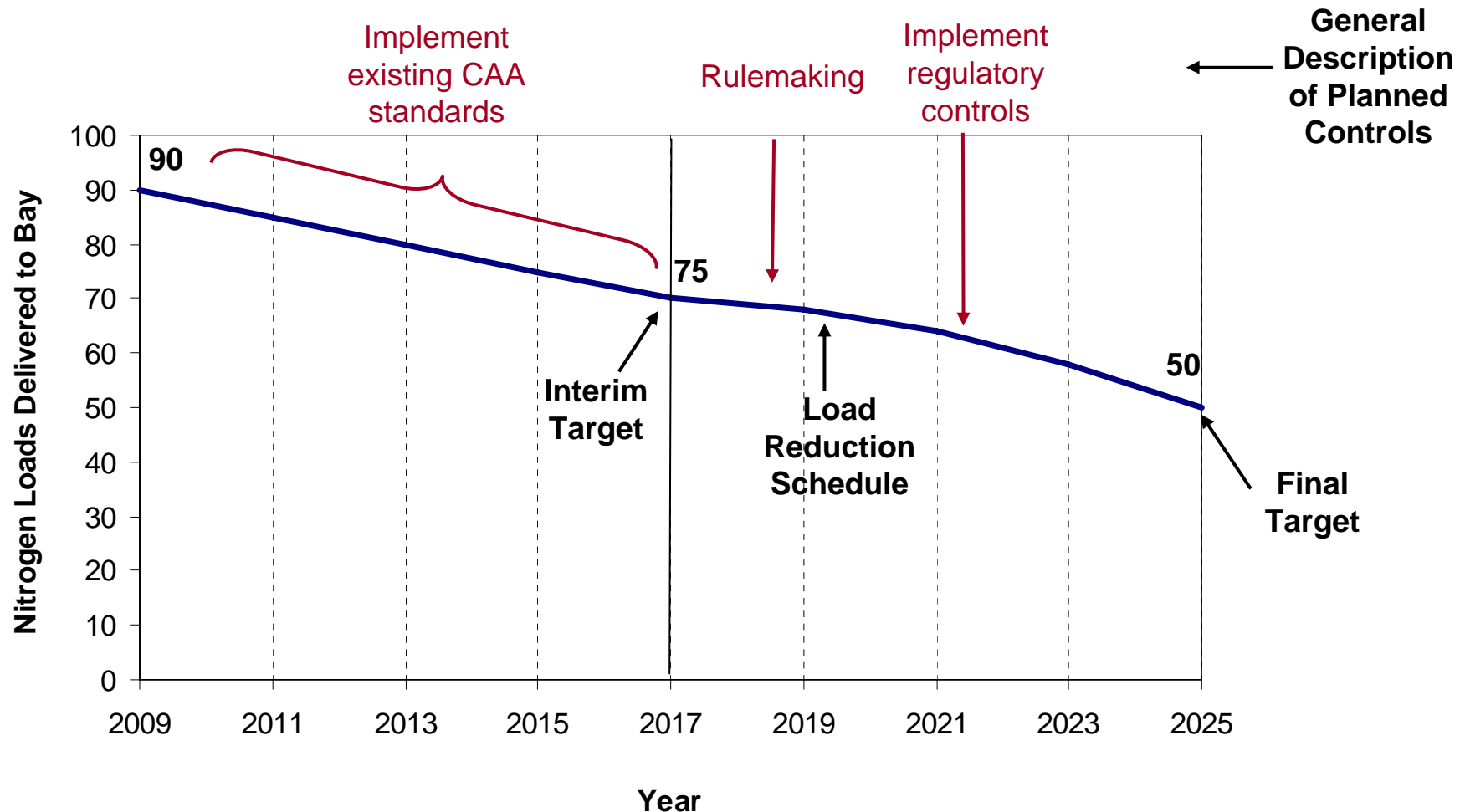
Example: MD W. Shore Projected N Delivery by Source Sector



** Note: Numbers are illustrative and do not indicate Western Shore and sector current, tributary strategy, or target loads **

- Attaining specific load reductions by the interim target would be required
- Jurisdiction would determine desired reduction schedule to meet load reduction
- EPA would evaluate milestones based on whether consistent with reduction schedule

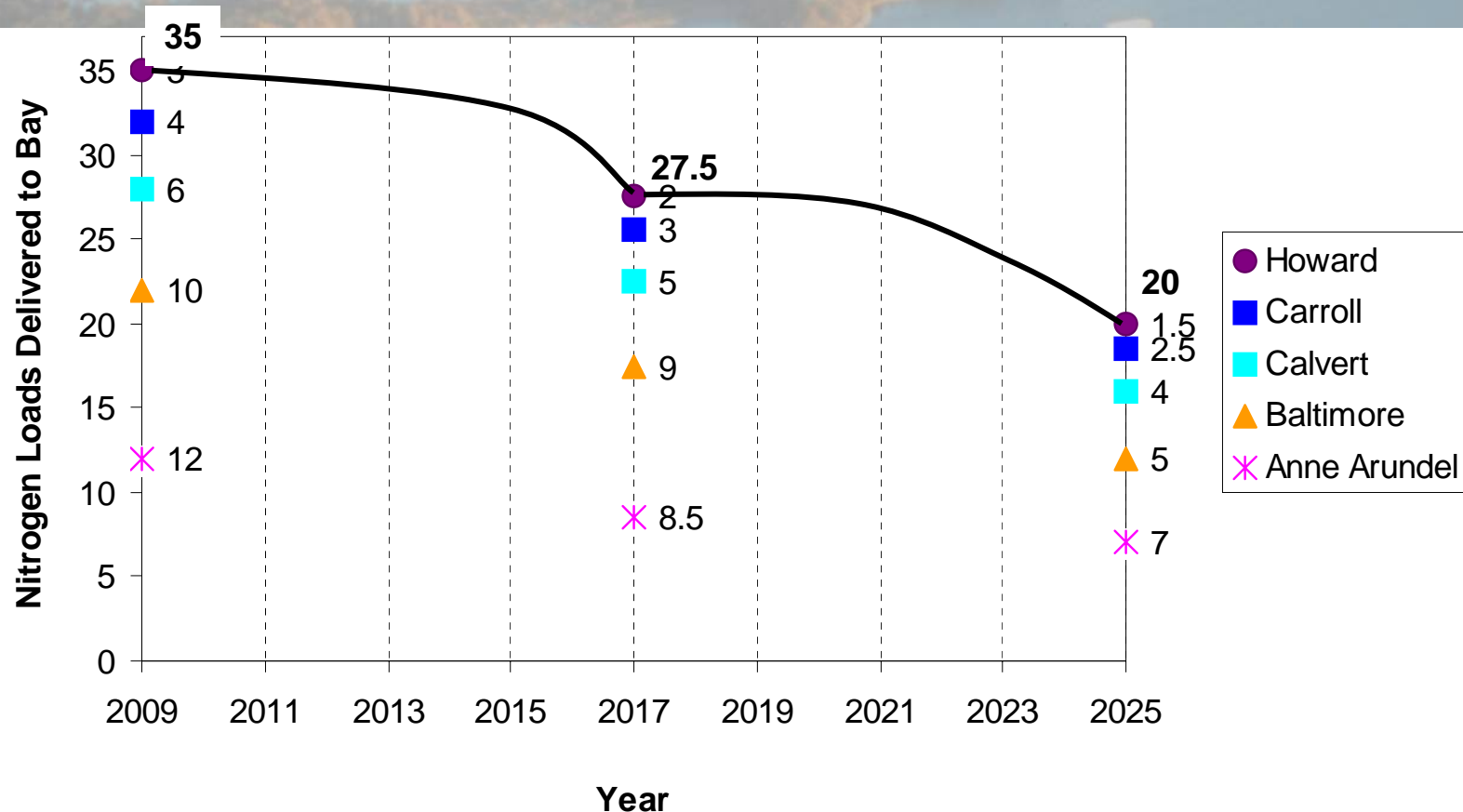
Example: EPA Plan to Reduce Atmospheric N Deposition



** Note: Numbers are illustrative and do not indicate current, tributary strategy, or target loads for atmospheric nitrogen deposition **

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- EPA would determine desired reduction schedule to meet load reduction
- EPA would evaluate milestones based on whether consistent with reduction schedule

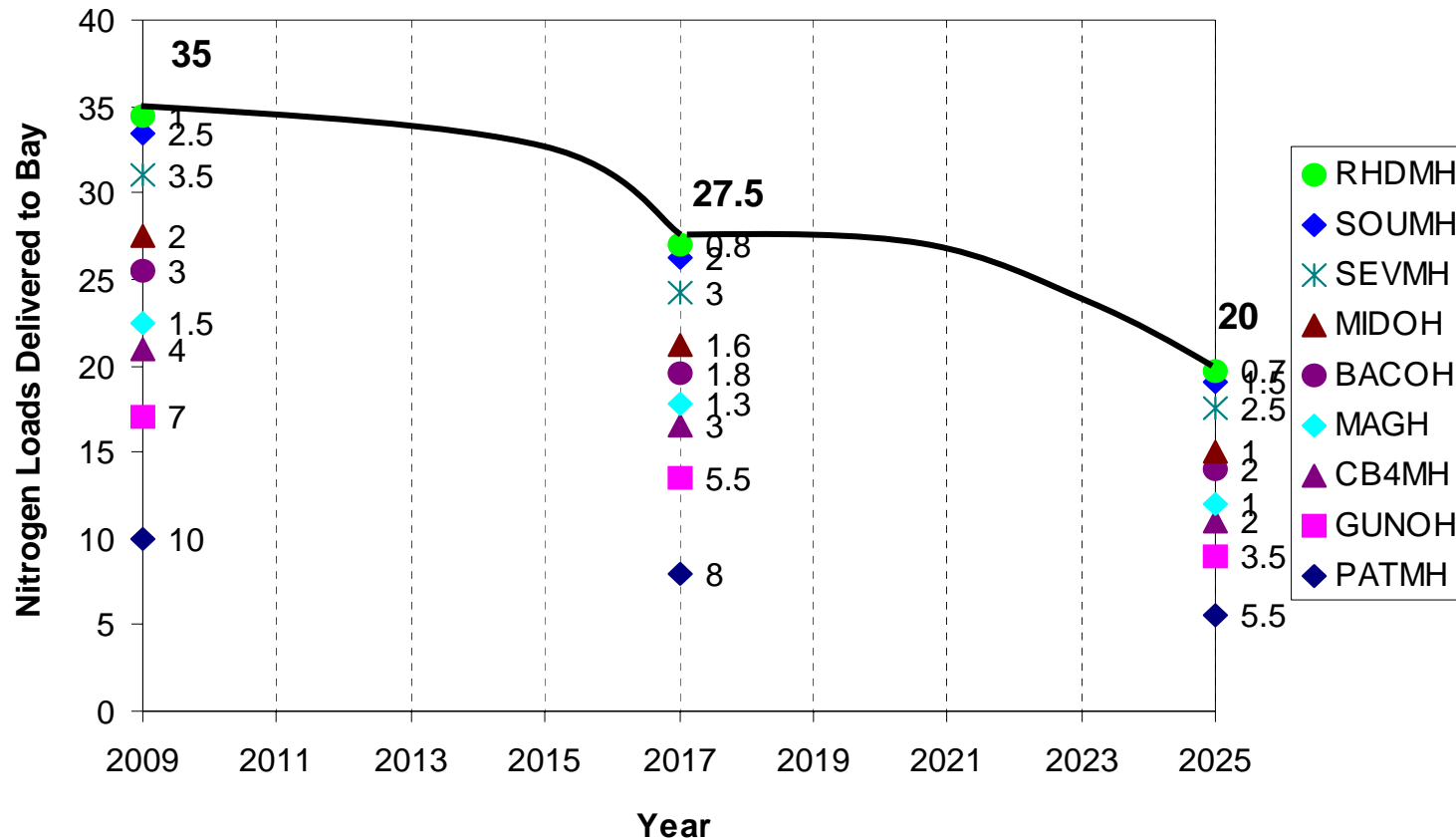
Example: MD W. Shore Projected N Delivery by County



** Note: Numbers are illustrative and do not indicate Western Shore and county current, tributary strategy, or target loads **

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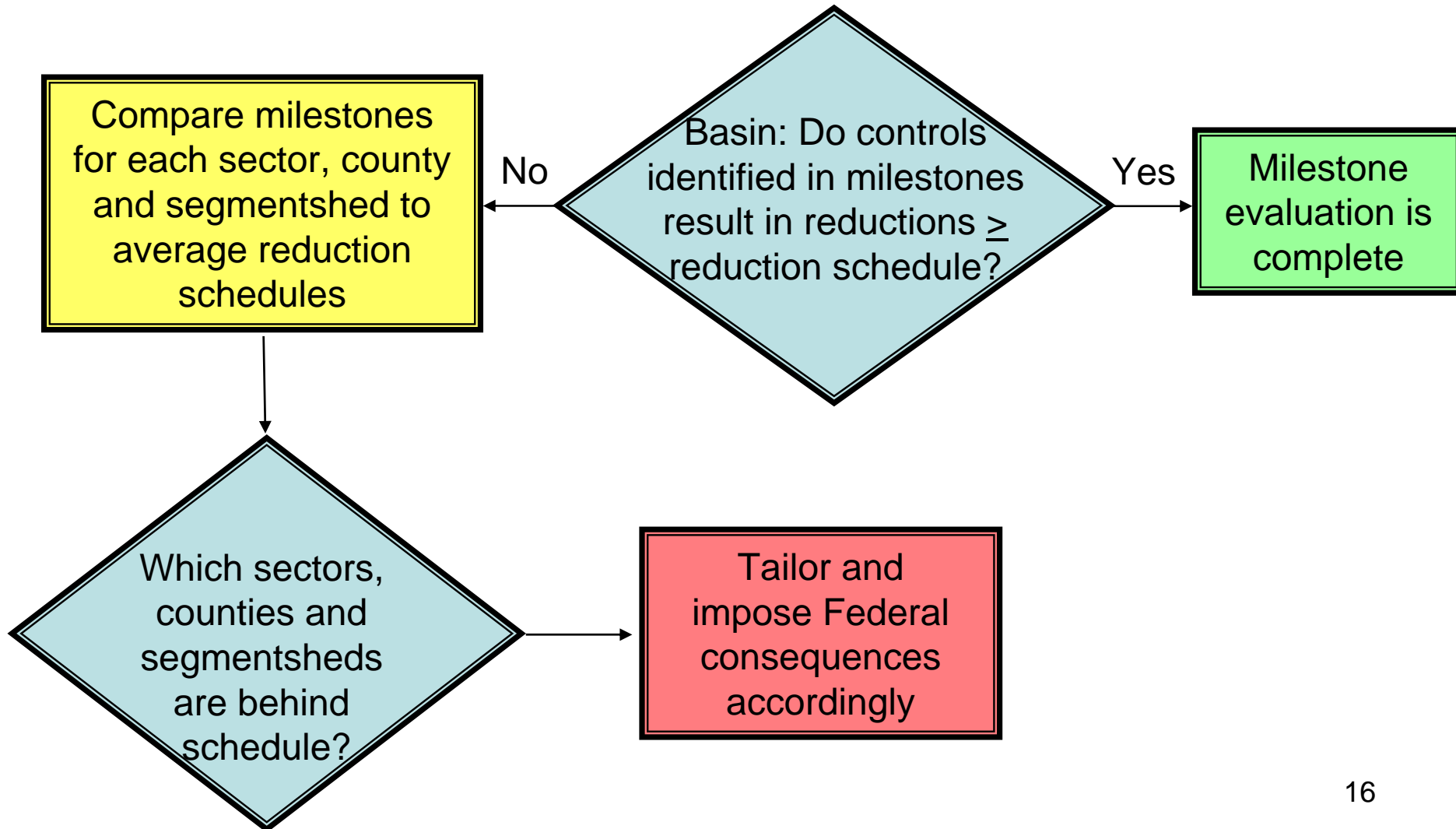
Example: MD W. Shore Projected N Delivery by “Segmentshed”



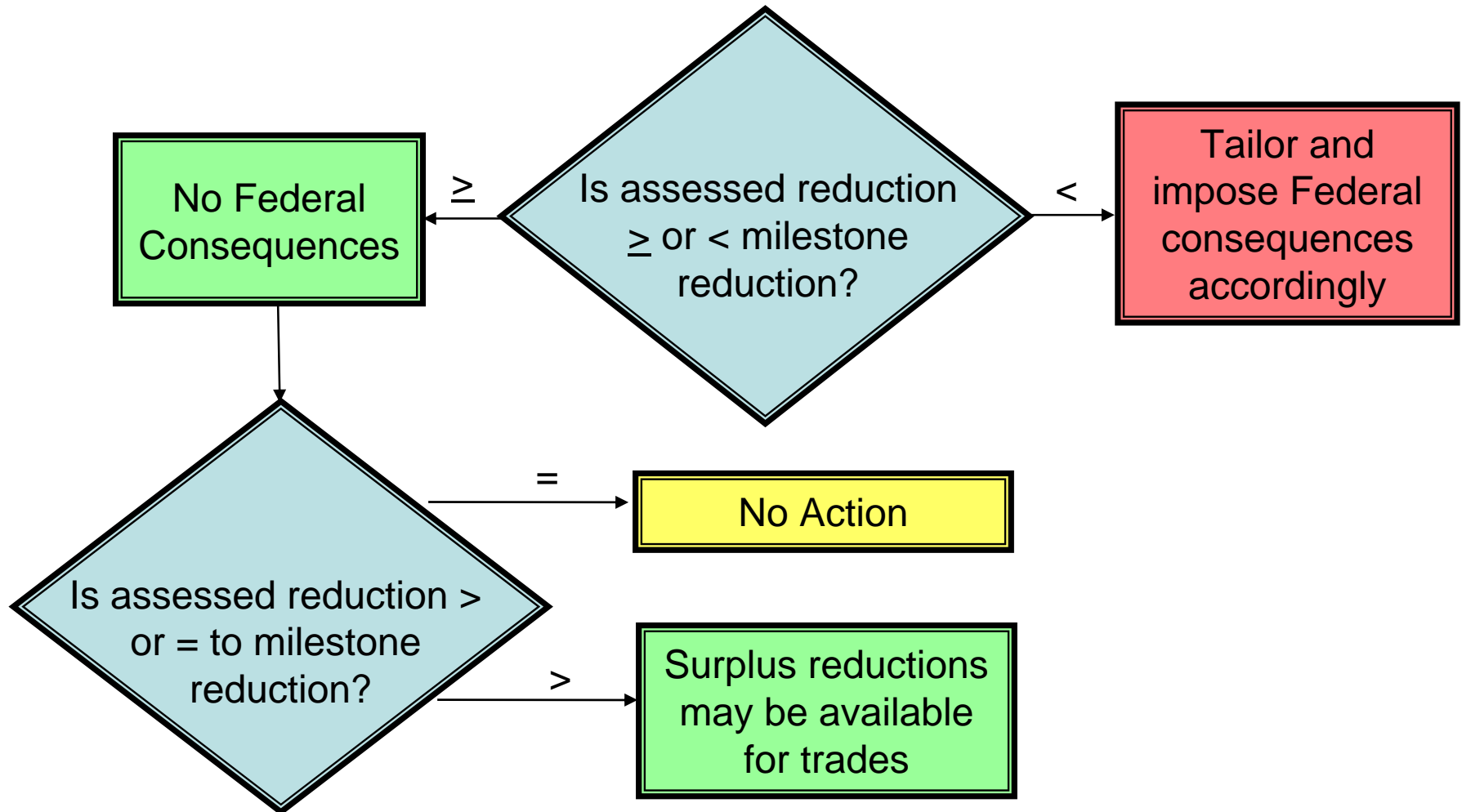
** Note: Numbers are illustrative and do not indicate Western Shore and “segmentshed” current, tributary strategy, or target loads **

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Assessing Proposed Milestones



Assessing Milestone Progress



Will also assess progress with realigned water quality monitoring and refresh models with updated data (land use, agriculture census, etc.)

Advantages Over Previous Approach

- Avoids jurisdictions spending time to identify controls that may not implement by 2025
- Focuses on goal (reductions) rather than methods (controls)
- Clarifies emphasis on and incentives for innovation
 - Creates a possible baseline for trading
- Maintains ongoing process and protocol for accountability by State/DC, segmentshed, sector and county

Feedback Requested

- Do you prefer Watershed Implementation Plans to specify controls or reduction targets and general enhancements?
- What questions do you have about this approach?
- What aspects of this approach appeal to you? Concern you?

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