



EPA Support and Expectations for States: Phase II WIPs and Schedule

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Overview

- Preview of PSC materials
- Jurisdictions' response to EPA questionnaire
 - Feedback requested on additional considerations as EPA prioritizes support for Phase II WIPs
- Update on Phase II WIP expectations and schedule
 - Feedback requested on EPA guide to states on Phase II WIPs



EPA Support for Phase II WIPs: Feedback from Bay Jurisdictions

How EPA is Using this Feedback

- Purpose of Questionnaire
 - Determine what EPA support was most frequently used and effective for Phase I WIPs
 - Prioritize key areas of support for Ph II WIPs
- Compiling feedback
 - All jurisdictions responded – Thank you!
 - Where more than one response per jurisdiction, averaged responses so that jurisdictions' feedback had equal weight

Overall Findings

- Improve understanding and access to Chesapeake Bay decision support tools
- Jurisdictions would prefer EPA participation – not leadership – in local level engagement & stakeholder meetings
- Request continued contractor support
- Maintain frequent communication with EPA
- Have one-stop-website for Phase II and TMDL information
- Request concise Phase II written clarification

Prioritization of Technical Support Tools for Phase II WIP Development

1. Scenario runs
2. Scenario Builder training
3. Contractor support (general)
4. Senior manager leads
5. Submission of draft WIP narratives for EPA review
6. Sector experts
7. Staff-level leads
8. Written clarification from EPA
9. Sector-specific workshops and training
10. Other (geodatabase & tool that can provide immediate load estimates for reduction strategies & scenario builder isolation runs)
11. Information on federal rulemakings
12. Contractor support (facilitation)
13. Program and/or permit reviews

Comments on Technical Support

- Break open the black box! Need way to
 - Analyze local scenarios and effect of individual management practices in real time
 - Incorporate innovative practices into CBP models
- EPA and CBP feedback needs to be concise and consistent
- Improve engagement with other federal agencies and access to federal facility information
- Provide information on economic costs and benefits of alternative strategies

Prioritization of Information-Sharing Support for Phase II WIP Development

1. One-on-one conference calls and meetings
2. WIP tools website
3. Scenario Builder internet-based tool
4. Bay TMDL website
5. Materials to incorporate into partners' outreach
6. Discuss at Water Quality Goal Implementation Team and Workgroup conference calls and meetings
7. Fact sheets
8. EPA attendance at jurisdictions' meetings
9. Non-public WIP info-sharing webinars
10. EPA public meeting tour
11. Monthly webinars for public
12. EPA presentation at conferences
13. Other (geodatabase)

Comments on Information Sharing

- Half of jurisdictions have strategy to engage local partners
- Need assistance tapping into data and capacity that exists at local level
- EPA should support rather than lead communication effort
- Update outreach material more often and make it easier to visualize (model: BayTAS)
- Create more accessible “one-stop” website for WIP support information. Model: Bay TMDL website
- Create stronger link to local water quality benefits

EPA Support Underway

- Scenario Builder and Watershed Model
 - Completing 2 agreed-upon updates
 - Developing Scenario Builder workshops
 - Considering options for “estimator tool”
 - Reviewing ways to make documentation more accessible
- Development of short guide to clarify Phase II expectations
- Continuation and enhancement of EPA WIP Team
- Use of EPA contracts, CBIG and CBRAP grants for WIP support; amounts contingent on final FY2011 budget

EPA Support Underway

- Working with federal agencies
 - Preparing short guide for federal agencies
 - Creation of federal agency workgroup
 - Greg Allen and Kevin DeBell: Points of Contact for federal facilities and federal 2-year milestones
- Developing communications strategy
 - Greater online access to support information and tools
 - Outreach materials for partners to use
 - Primary EPA role: participating in rather than leading outreach efforts. Phase II is YOUR process!
 - Expanding target audience. Would like to seek input from local governments.

Feedback Requested

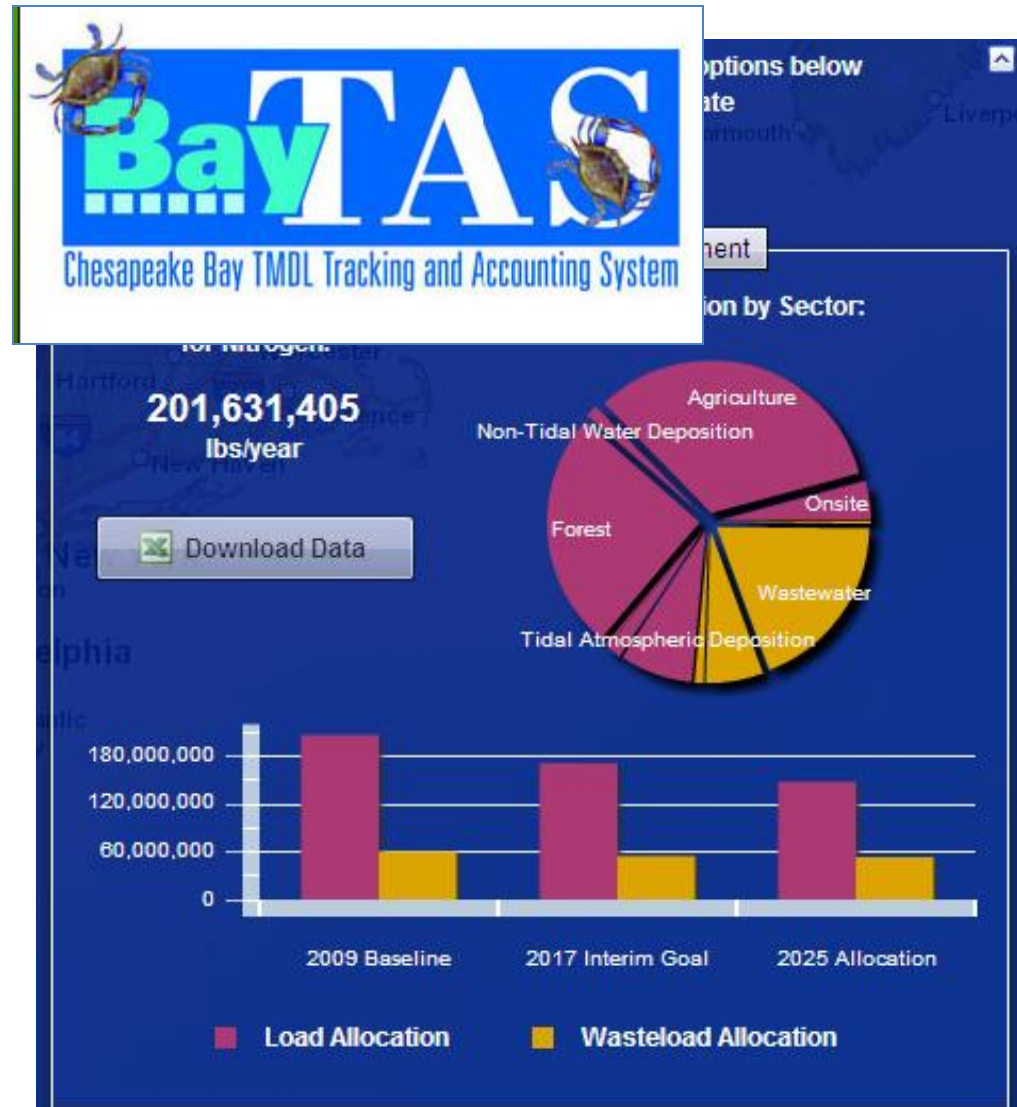
- Additional considerations for EPA as we prioritize our resources to support for Phase II WIPs?

The background image is a soft-focus photograph of a natural wetland or marsh area. In the foreground, there is a calm body of water that reflects the surrounding environment. A dense patch of tall, golden-brown reeds or grasses grows in the middle ground, partially submerged in the water. The background is filled with a thicket of bare, greyish-brown trees, suggesting a late autumn or winter setting. The overall lighting is diffused, creating a tranquil and somewhat somber atmosphere.

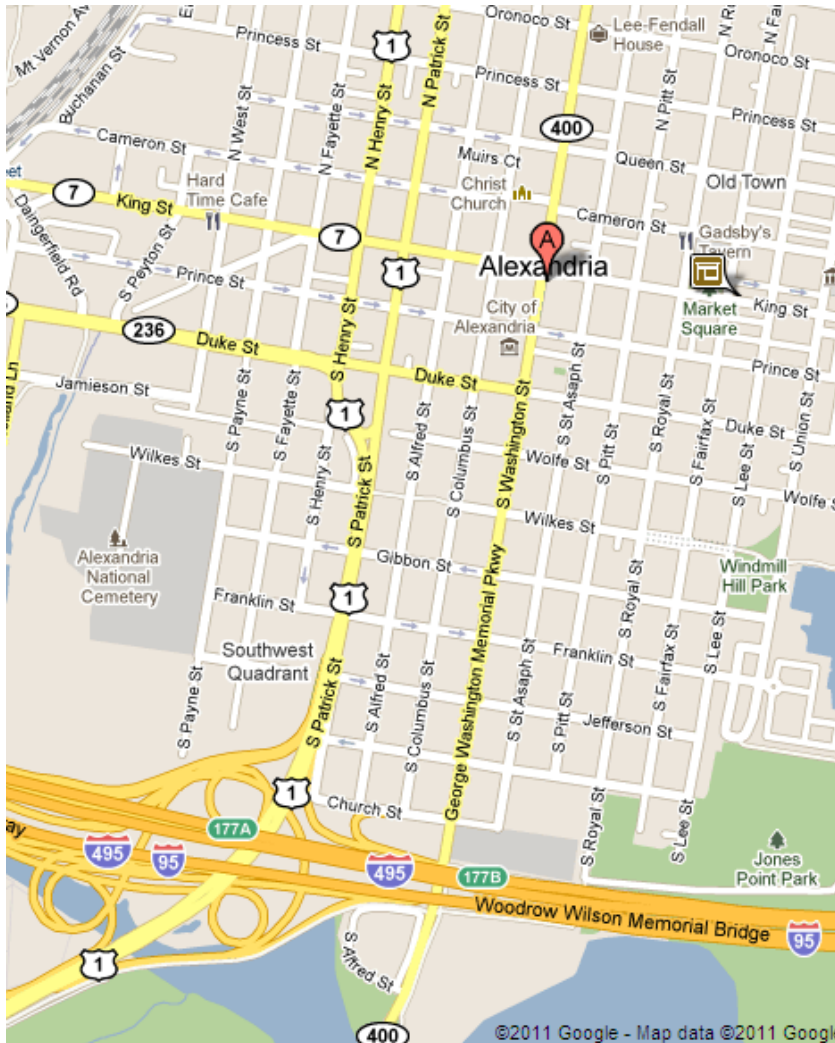
EPA Expectations for States on Phase II WIPs and Schedule

Phase II WIPs: Part of Chesapeake Bay Accountability Framework

- WIPs
 - Phase I: Define strategies, propose TMDL allocations
 - Phase II: Refine strategies
 - Phase III: Mid-course adjustments
- 2-Year Milestones
- Track and Assess Progress
- Federal Actions, as necessary



Primary Purpose of Phase II WIPs: Taking It Local!



- Provide roadmap at scale that helps partners reach their goals
- Respond to concern that Tributary Strategies not understood at local level
- Engage local decision-makers
- Primary EPA expectations for Phase II (November 2009):
 - Divide TMDL allocations to finer scale. Targets are not finer scale allocations
 - Provide specific controls that will be implemented by 2017
- Extra time so 7 Bay jurisdictions could work with local decision-makers in Phase II strategies

Phase II WIPs Provide 7 Jurisdictions with Opportunity to Refine Phase I WIPs

Expectations for Phase II that emerged in 2010:

1. Complete 2 agreed-upon model changes and refine TMDL allocations accordingly
2. Phase II will reference and build upon Phase I management strategies
3. Provide another check-in for reasonable assurance for statewide strategies
 - Ensure no backsliding
 - Opportunity to remove “enhanced oversight” or “backstop actions” from Phase I

EPA Role

Phase I

- Provide specific expectations to support Chesapeake Bay TMDL
- Lead outreach effort on TMDL
- Evaluate state strategies in Phase I WIPs
- Establish Chesapeake Bay TMDL

Phase II

- Support jurisdictions in Phase II WIP development
- Support jurisdictions, where requested, in local outreach effort
- Targeted reasonable assurance evaluation of state strategies
- Leave it to states to review specifics of local strategies
- Oversight of Bay TMDL and Phase I WIP implementation
- Modify TMDL allocations as necessary and ensure numbers still add up to meet water quality standards

Phase II WIP Basics

- Is Phase II WIP separate or built upon Phase I WIP?
 - Not a wholesale change; Phase II helps ramp up implementation capacity
- How many documents does EPA want to capture the local component?
 - 1 document from each of the 7 Bay jurisdictions
 - Can integrate local implementation strategies into Phase I sector discussions, or have standalone chapter on local implementation
- Is EPA prescribing a minimum threshold for local engagement?
 - No single approach for working with local partners
 - EPA will provide options and alternative approaches in a short guide to be completed soon

What is the Phase II Schedule?

- Current Schedule:
 - Draft Phase II WIPs due to EPA June 1, 2011
 - Final Phase II WIPs due to EPA November 1, 2011

Tentative Adjustments: 2011

- Ongoing: Oversight Phase I WIP and TMDL implementation; input to Phase II WIP evaluation
- Now: Jurisdictions begin to engage local stakeholder groups in Phase II process
 - Use TMDL and Phase I WIPs as starting point
 - Senior Managers and State WIP Leads stay in close communication on process and EPA support needs
- March: EPA provides a short GUIDE to Phase II Process for 7 Bay jurisdictions
- Spring: EPA provides short GUIDES for:
 - Federal agencies on federal facility implementation plans and WIP implementation support
 - 7 Bay jurisdictions on 2-year milestones
- Late Spring: Complete 2 agreed-upon model updates and provide updated allocations to 19 state-basins
- Late Fall: Jurisdictions provide DRAFT Phase II WIPs to EPA for review

Tentative Adjustments: 2012

- No Later than January 3: Jurisdictions provide final 2012-2013 milestone commitments
 - Encourage draft commitments to EPA in Fall 2011
- As Early as Possible in 2012: Jurisdictions submit final Phase II WIPs responding to EPA feedback on draft submissions
- EPA makes any modifications to TMDL allocations
 - Following a review of the final Phase II WIPs
 - Public notice of any TMDL modifications would occur after final Phase II WIP completion and review
 - Jurisdictions may submit amended final Phase II WIP based on the TMDL public notice

What Overall Story Should the Phase II WIP Tell?

1. Who are the local implementers? Will vary based on unique strategies defined in jurisdictions' WIPs.
 2. Are local partners aware of their role to implement WIP strategies? How?
 3. How are local partners a) defining and taking ownership of role to implement WIP strategies, and b) documenting their contribution to Phase II WIPs?
 4. What are some state strategies to help facilitate implementation at a local scale, both NOW and into the FUTURE?
 5. How could local partners assist with tracking, reporting, and/or verifying baseline activities and progress?
 6. How are federal agencies contributing to load reductions?
- Following slides share ideas for what Phase II WIPs could include to document ownership and strategies to facilitate implementation

Ideas for How to Show that Local Partners are Aware of and “Own” Their Commitments

1. Document how key local stakeholders contributed to Phase II WIP and have strategy to help meet TMDL allocations
 - Participation in Ph II WIP advisory group, management team, or workgroup
 - Analysis of local capacity and gaps
 - Endorsement from local elected officials, conservation districts, and/or associations
2. Set LOCAL AREA TARGETS to make TMDL allocations “real” at local level
 - Watershed Model outputs by county or subwatershed
 - BMP implementation levels by county, district or subwatershed
 - May vary by local area based on opportunities, willingness, local knowledge, or relative effect of local area on delivered loads to the Bay.
 - Local area targets should not inhibit future targeting
 - Federal facilities’ share of TMDL allocations

Ideas for State Strategies to Help Facilitate Local Implementation

1. Document how targets could be built into existing or future local planning documents
 - Examples could include comprehensive plans, conservation district contracts or work plans, watershed association strategic plans
2. State regulations with local-level requirements tied to TMDL and WIPs
 - Include numeric goals from WIP or TMDL, specific roles for local partners, or creation/revision of local ordinances
 - Evidence of technical assistance and/or compliance assurance to ensure activities are carried through at the local level
3. State permits with specific provisions tied to TMDL and WIPs
 - Set numeric targets at the local level or require certain actions by local governments
 - Serve as leverage if jurisdictions do not meet sector nutrient and sediment reduction targets. Leverage could include more stringent requirements to protect water quality or expanding the universe of permittees

Ideas for State Strategies to Help Facilitate Local Implementation (continued)

4. Target grant programs and/or contracts to align objectives with WIP strategies
 - Reworking existing grant work plans and/or contracts to carry out specific objectives of WIP
 - Creating new grant programs and/or contract mechanisms to support WIP implementation
 - Existing federal grant programs with work plans that could be modified to more effectively implement WIPs: CBRAP, CBIG, 319, SRF, 106, NOAA Coastal Grants, Federal Farm Bill.
5. Trading programs that support accountability at the local level. If consistent with Appendix S of Bay TMDL, could:
 - Provide communities with options for accommodating growth
 - Create an incentive for improved accountability
 - Include safeguards to protect against local water quality impairments or exceedence of local TMDLs
6. Available support for technical assistance, compliance assurance and TMDL/WIP information
 - “How to” for revising codes and ordinances to implement numeric targets of WIP/TMDL/MS4 permit or for setting up stormwater utilities
 - “Tributary Teams” or circuit riders that provide direct assistance to local partners
 - Technical and compliance assistance for regulated entities at local levels
 - Coalitions such as Upper Susquehanna Coalition that help to communicate goals, prioritize efforts, and track progress

Feedback Requested

- What are other ideas that EPA should include in Phase II guide?