

EPA Expectations & Draft Schedule for Phase II Watershed Implementation Plans

FACT SHEET

Issue

- EPA has received requests from the Bay jurisdictions to modify the schedule for the Phase II Watershed Implementation Plans (WIPs) to allow more time for local stakeholder engagement and to respond to the changes in the Bay watershed model. **This Fact Sheet is a compilation of existing language from guidance EPA has issued to the states regarding Phase II WIPs since November 2009.**

Current Schedule for Phase II WIPs

- June 1, 2011: Draft Phase II WIPs with local area targets and specific controls to meet 2017 interim target submitted to EPA
- November 1, 2011: Final Phase II WIPs submitted to EPA

EPA Expectations for Phase II WIPs *(Unless otherwise noted, language below is from the November 4, 2009 “expectations” letter)*¹

- EPA expects the Bay jurisdictions to develop Phase II WIPs that **further divide final nonpoint source and aggregate point source target loads for the 92 303(d) segment drainage areas (first identified in the Final Phase I WIPs) using a finer geographic scale** such as a counties, conservation districts, sub-watersheds, or, where appropriate, individual sources or facilities.
- EPA expects the local targets to be used for planning purposes and **does not intend to establish local targets as separate allocations within the Bay TMDL.**
- EPA expects the Bay jurisdictions to work with local elected decision-makers, local agency staff, and other local partners to identify within their Phase II Plans specific controls and practices that will be implemented by no later than 2017 to meet interim water quality goals.
- Phase II WIPs will contain greater specificity for implementation activities occurring between 2011 and 2017 than for implementation activities occurring between 2018 and 2025.
 - **EPA expects the Phase II WIPs to include a full description of each jurisdiction’s approach** as well as the specific nutrient and sediment target loads from point and nonpoint sources within each local area.
 - **Federal agencies are expected to create 2-year milestones** detailing specific implementation actions to achieve federal lands’ and facilities’ share of load reductions. Federal facility-specific target loads are expected to be included in the Phase II WIPs **via one of two approaches:** (a) explicit load reduction expectations as part of the Phase II process; or (b) development of Federal Facility Implementation Plans.²
- This targeting of nutrient and sediment loads to a finer scale will help local decision makers, including municipal governments, conservation districts, and watershed associations, better

¹ EPA’s November 4, 2009 letter to the Chesapeake Bay Program Principals Staff Committee outlining EPA’s expectations for Watershed Implementation Plans can be accessed at: http://www.epa.gov/reg3wapd/pdf/pdf_chesbay/tmdl_implementation_letter_110409.pdf

² U.S. Environmental Protection Agency (2010). Chesapeake Bay Total Maximum Daily Load for Nitrogen, Phosphorus and Sediment. (Section 10)

understand their contribution to and responsibilities for reducing pollutant loads, as well as more readily factor Bay water quality needs into their land use and capital planning processes.

- EPA is allowing at least an additional year³ for the development of these more specific local target loads **to enable meaningful local engagement and for the jurisdictions to respond to changes in the Bay watershed model.**
- The Phase II WIPs would inform the first two-year milestone established after the TMDL. Within each successive two-year milestone, **EPA expects the milestone target loads to be subdivided by source sector, tidal Bay segment drainage, and local area to clearly indicate specific actions and entities responsible for achieving short-term goals.**
- **EPA will assess progress in maintaining and achieving load reductions as defined in the final Bay TMDL through two-year milestones and in the Phase II and III WIPs.** If the jurisdictions do not demonstrate sufficient progress in the wastewater, urban stormwater, or agriculture sectors in their Phase II WIPs, EPA is committed to taking actions consistent with its December 29, 2009, letter, as necessary.⁴
- During Phase II (and III) of the WIP process, **EPA will consider whether modifications to the Chesapeake Bay TMDL are necessary and appropriate on the basis of developments or changes in the jurisdictions' WIPs.**⁵

Comparison of Elements within Bay TMDL and Phase I, II, and III WIPs

Element	Bay TMDL	Phase I WIP	Phase II WIP	Phase III WIP
Individual or Aggregate WLA & Las to Tidal Jurisdictions	✓			
Gross WLAs & LAs for Non-Tidal Jurisdictions if those Jurisdictions submit WIPs meeting EPA expectations	✓			
WLAs for individual significant point sources or aggregate point sources		✓	✓	✓
LAs for nonpoint source sectors		✓	✓	✓
Proposed actions & specific controls to achieve point & nonpoint source target loads		✓	✓	✓
Point & nonpoint source loads by local area			✓	✓
Specific controls & practices to be implemented by 2017		To the extent possible	✓	
Refined point & nonpoint source loads				✓
Specific controls & practices to be implemented by 2025				✓

³ The Final Phase I WIPs were due to EPA on November 29, 2010.

⁴ U.S. Environmental Protection Agency (2010). Chesapeake Bay Total Maximum Daily Load for Nitrogen, Phosphorus and Sediment. (Section 8)

⁵ U.S. Environmental Protection Agency (2010). Chesapeake Bay Total Maximum Daily Load for Nitrogen, Phosphorus and Sediment. (Section 7)