

Chesapeake Bay Phase II WIP: Waste Load Allocations & Local Targets

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Whitney Katchmark
Principal Water Resources Engineer



Structure of Virginia's WIP

- Phase I Watershed Implementation Plan (WIP):
 - Virginia proposed goals in pounds of nutrients.
 - Virginia agreed to include specific goal for each large city (Individual Waste Load Allocation).
- Phase II WIP to date:
 - Virginia proposed local targets in pounds of nutrients.
 - Virginia proposed tracking progress by calculating pounds of nutrients reduced based on the Bay model (VAST tool).



TMDL Summit

- States were not releasing model information because of concerns about the accuracy.
- On September 16, 2011 EPA and State Secretaries discussed Bay Model and Phase II Watershed Implementation Plans (WIPs).
- States proposed:
 - Submit plans at Basin level instead of city and county level.
 - June 1, 2012 as the deadline for basin level plans, instead of March 30, 2012.



TMDL Summit Results

➤ Handout - EPA response letter:

“EPA does not expect the jurisdictions to express the local area targets in terms of Phase 5.3.2 Watershed Model inputs or outputs, such as pounds of pollutant reductions by county”.

➤ Instead, WIPs can identify actions that local partners would take, for example, adopting ordinances.

➤ EPA letter mentions March 30, 2011 deadline for final Phase II WIP.



Summit impact on Localities (not confirmed)

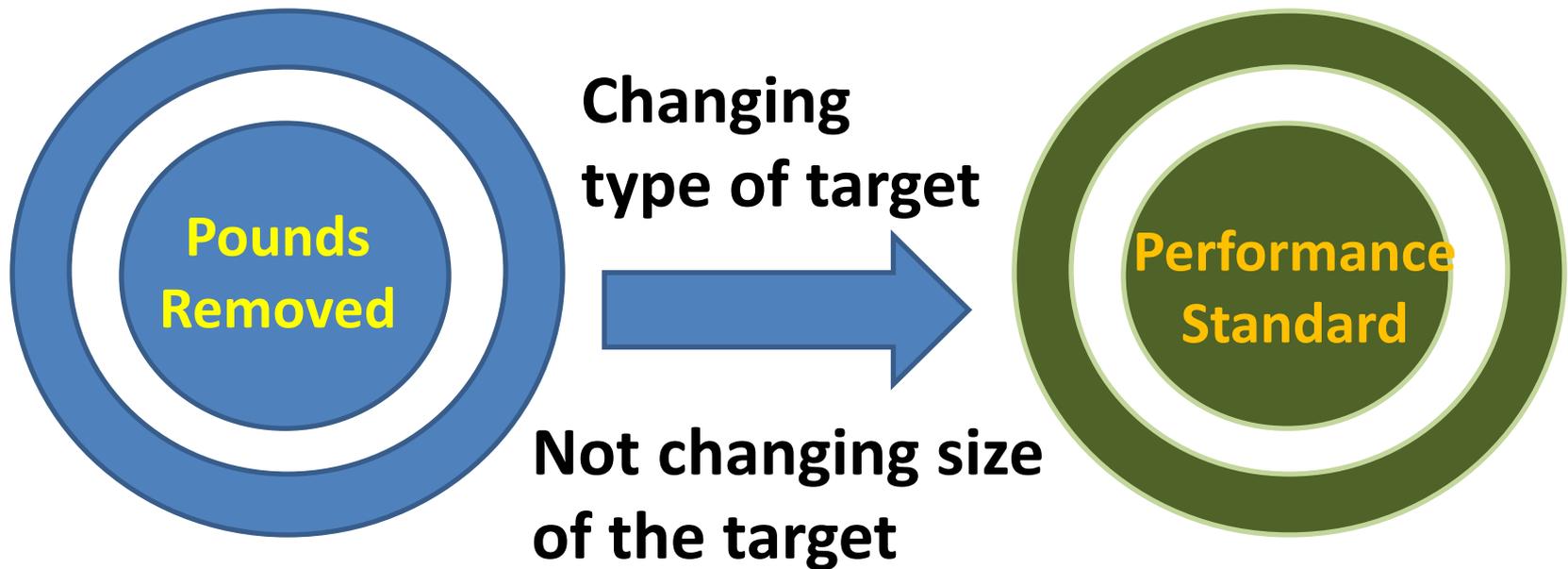
- Localities will probably not be required to submit VAST input files identifying number and type of BMP that you propose to implement.
- Instead, submit an outline of strategies. For example:
 - ❑ Continue sewer upgrades to reduce overflows.
 - ❑ Plant more urban trees.
 - ❑ Establish or enforce maintenance agreements with Homeowner Associations that have BMPs.
 - ❑ Ensure that all homes are connected to sewer in areas where it is required by local ordinance.



Measuring Progress & Compliance

- September 28th letter from Virginia to EPA:

Model is “not appropriate for use in assigning loads in permits, developing local load targets, or measuring reduction progress”.



Evaluation of Performance Standards

➤ Advantages:

- Progress is based on real world implementation projects.
- Model calibration will not influence calculated effectiveness of BMPs (pounds removed).

➤ Disadvantages:

- Virginia has not established formulas to convert all BMPs to acres of impervious area treated.
- Trading nutrient credits between sectors could be more difficult.



TMDL Will Influence MS4 Permit Conditions

- TMDL will be enforced by the permit conditions in new MS4 stormwater permits.
 - Hampton Roads localities will be issued new permits within 1-4 years.
 - Permits must be consistent with TMDL.
 - Better for compliance to be based on performance standards, not model results (sufficient monitoring data is not available).
- Want confirmation from EPA that individual Waste Load Allocations will be removed from TMDL.



Local Planning Without Local Targets

- Virginia needs to provide localities more information about State's Path Forward.
- HRPDC staff recommends localities focus on preparation for MS4 permit renewals.
 - Groundtruth land use data & existing BMPs.
 - Evaluate potential nutrient reduction strategies.
 - Develop rough cost estimates of strategies.



Recommended Actions

- 1) Approve draft letter to the EPA requesting removal of the individual Waste Load Allocations for the Phase I MS4s from the Chesapeake Bay TMDL.

- 2) Approve draft letter to Secretary Domenech requesting:
 - a) More information about the role of localities in the State's proposed Path Forward.
 - b) Commitment from the state to participate actively in the Hampton Roads Chesapeake Bay TMDL Steering Committee process.

