

## **Introductory Materials for The Phase II WIP Development Process**

### **1. Basic Expectations for Phase II WIP**

The main things that must be included in the Phase II watershed implementation plan (WIP) are effectively the same as the 8-Elements of the Phase I WIP. The 8-Elements of the Phase I WIP are described in pages 25-29 of EPA's "[Expectations Letter](#)" (PDF - Nov. 4, 2009).

However, the basic expectations for Phase II differ in two broad ways. First, the Phase II information is supposed to be more refined geographically. This includes more detailed allocations and more explicit descriptions of the controls for meeting the Interim Target by 2017 (a quantitative load reduction analysis that describes the amount of various pollution control actions and the estimated reductions to be achieved by those actions).

Second, lessons learned by EPA and the states during the Phase I process will influence how we address the 8-Elements in the Phase II Plan. Some things will receive more emphasis, such as what to include when describing reduction strategies (e.g., schedules), and some things might be receive less attention, such as the quantitative gap analysis.

*Attachment 1* is an outline of the basic elements that serves as a quick reference. EPA is likely to provide refined guidance in early spring 2011.

### **2. Overview of Phase II WIP Development Process**

The Phase II WIP will be developed in a collaborative way involving local teams of stakeholders, which will be organized for each county geographic area. EPA delegated this choice of geographic scale to the states. Maryland chose this scale because two of the primary parties with authority to conduct implementation actions, the county governments and most soil conservation districts, operate at that scale.

The State will lead the WIP development process through a logical series of steps. The State will provide liaisons to work closely with local teams, coordinating meetings and facilitating communications with subject area experts and technical support from the State.

*Attachment 2* is an outline of the key steps in the process. These steps are subject to refinement as we learn more about EPA's expectations and have

an opportunity to work directly with the local teams. In addition, the outline of the key steps does not yet reflect a timeline for developing the Phase II WIP, which awaits a final decision by EPA.

### **3. Initial Schedule for Developing Phase II WIP**

The Phase II WIP development schedule remains somewhat uncertain; however, EPA is expected to extend the schedule. It is likely that states will be given nine months, from the time that EPA provides revised modeling results, to complete a draft Phase II WIP for public review. However, EPA does not know exactly when it will complete its modeling. They currently think the results will be completed in late Spring 2011.

Several tasks can be addressed without the model, which will allow the State to begin working with local teams immediately. These were alluded to in the outline of the process for developing the WIP (Attachment 2) and are referenced in the basic elements (Attachment 1).

*Attachment 3* provides an initial schedule that focuses on the early stages of development (winter/spring). A more detailed schedule is under development that begins to lay out proposed activities, tasks and products to coincide with the timing of periodic local team meetings.

### **4. Key Technical Focus & Outcome of Phase II WIP**

The prospect of developing a Phase II WIP can seem very complicated and overwhelming. The “basic elements” help to overcome this by providing some structure (Attachment 1).

Another way to avoid getting lost in the details is to focus on the essential technical outcomes. There are only a hand full of nutrient source categories, which if taken individually, are fairly straight forward to address.

*Attachment 4* identifies the primary source categories and the entities that are associated with them. We can address individually each source category and the party associated with that source, e.g., urban stormwater from federal Defense Department facilities. In many cases, plans of action are already in place, e.g., major industrial point sources, major municipal treatment plants, major federal treatment plants to name some.

## **Attachment 1 Basic Expectations for Phase II WIP**

- Interim and Final Target Loads (The Phase I WIP is a default starting point)
- Strategies for meeting Interim Target Loads by 2017. For each strategy include the following to support reasonable assurance of implementation:
  - Strategy Narrative
  - Load reduction estimates (& Gap Analysis)\*\*
  - Cost estimate & Funding Strategy to address funding gap
  - Schedule for “program development” (including funding)
- Contingencies for slow or incomplete strategies for each source sector & accountable party\*.
- 2-Year Milestones for 2012 - 2013 (Separate from Phase II WIP. Due @ end of 2011)
- Current Capacity by source sector & accountable party\*:
  - Describe current relevant programs
  - Pace of current implementation, e.g., amount of stormwater retrofitting per year, amount of agricultural practices implemented per year; etc.
  - Current or expected Staffing
  - Current or expected Funding: Revenue sources, Capital and Operating Budget information.
  - Key Legal and Regulatory information (demonstration of sufficient authority).
- Tracking & Reporting processes and future anticipated refinements: Will build on documentation of Statewide process, but will likely require the description of local verification procedures.
- Accounting for Growth in Loads: Will likely build on a statewide process.

\* Examples of accountable parties are State agencies, county and municipal agencies, SCDs, federal agencies, utilities.

\*\* EPA is open to building the gap analysis into the strategy development process, which is associated with the load reduction estimation analyses.

## **Attachment 2 Overview of Phase II WIP Development Process**

- State “Liaisons” & Steering Committee: State representatives will work at the county scale with accountable parties. They will be supported by a State coordinating committee, subject area experts and State technicians as needed.
- Identify & Assemble Accountable Parties – Local Leads: Develop a working group at the county scale. Determine how the group will operate.
- Review Background Materials & Guidance
- Compile Key Local Information on Programs & Capacity.
- Assess Current Capacity - Foundation for Draft 2-year Milestones (2012-2013)
- Start Writing Phase II Plan Documentation Early in Process
- Refine Target Loads and Strategies: Use Load Analysis Tools (under development)
- Reach Consensus on Target Loads & Strategies or Use State Default or Hybrid
- Complete Draft Plan for Public Review
- Validate Target Loads via EPA Model
- Conduct Public Review
- Finalize Phase II Plan\*
- Finalize 2-yr Milestones by end of 2011\*

\* The order of completing Phase II and 2-yr Milestones is uncertain. EPA might extend the deadline for a draft Phase II plan from June 1, 2011 to the end of 2011; the final WIP would be due in mid-2012. The Final 2-year Milestones are, however, due strictly before the end of 2011, because the implementation clock for the next set of milestones starts January 1, 2012.

### Attachment 3 Initial Schedule for Developing Phase II WIP

Jan/Feb	<ul style="list-style-type: none"> <li>• Form Local Team (will take some time)</li> <li>• Study background material (come up to speed on the issues)</li> </ul>
Feb/May	<ul style="list-style-type: none"> <li>• Start with:                             <ul style="list-style-type: none"> <li>• Current Capacity</li> <li>• 2-Year Milestones, using current capacity information as a starting point.</li> <li>• Tracking &amp; Reporting</li> <li>• Accounting for Growth</li> </ul> </li> <li>• Begin writing the document</li> <li>• Collect local Information/Data to Support Allocation Discussions</li> </ul>
Late Spring	<ul style="list-style-type: none"> <li>• Assess Default Allocation Numbers (might be delayed)</li> <li>• Document Current Capacity</li> <li>• Study the Load Evaluator Tool</li> </ul>
9 Mos from receipt of allocations from EPA	<ul style="list-style-type: none"> <li>• Address data differences</li> <li>• Consider Refined Allocations &amp; Strategies</li> <li>• Continue writing the document:                             <ul style="list-style-type: none"> <li>• Current Capacity</li> <li>• Local Tracking &amp; Reporting</li> </ul> </li> <li>• Document Preliminary 2-Year Milestones</li> <li>• Identify Barriers, Resource Needs, Ideas for Addressing Needs.</li> <li>• Identify potential strategies for meeting gap and addressing barriers</li> </ul>
October/Nov	Draft 2 year Milestones available for review
December	Finalise 2 Year Milestones for 2012 and 2013

## Attachment 4

### Key Technical Focus & Outcome of Phase II WIP

The essential aspects of the Phase II WIP development process are simple in concept:

- **Allocations:** Set allocations for the major source sectors outlined below.
- **2-Year Milestones:** Identify what implementation and capacity building will occur in 2012 and 2013
  - Implementation Actions
  - Program Development Actions
- **2017 Interim Strategy:** Identify a viable strategy for achieving 70% of the Final Target by 2017.
  - Implementation Actions
  - Program Development Actions

### Primary Sectors & Accountable Parties:

- Agriculture (MDA, SCDs)
- Stormwater (MDE, SHA, MS4 Phase I, MS4 Phase II, federal, industrial, other)
- Septic Systems (MDE, counties, municipalities)
- Municipal WWTPs (MDE, counties, municipalities, private, federal)
- Industrial WWTPs (mostly private sector)
- Other sources/lands: Atmospheric, Natural Filters, Reforestation (federal, state, local)