

Maryland's Phase II WIP Report Structure

In a letter dated October 5, 2011 EPA Region III Administrator Shawn Garvin laid out a "Path Forward" that revised the Phase II WIP guidance. EPA's revised guidance is in response to concerns that have been raised about the time constraints and limitations of the Bay watershed model.

In the letter EPA clarified that:

- Confidence in model outputs increases as scales become larger.
- Jurisdictions (States or DC) may submit input decks that meet major river basin planning targets rather than targets for each county or sub-watershed.
- The WIP must clearly articulate that local partners understand their roles and responsibilities for implementing their share of WIP strategies.
- EPA no longer expects jurisdictions' WIPs to express local targets in terms of pounds of pollutant reductions by county, rather,
- Phase II WIPs may identify local actions that would be taken "to fulfill their contribution toward meeting...TMDL allocations."
- These actions can be expressed as "programmatic actions" such as adopting ordinances.

EPA's letter reduces reliance on model load targets at smaller scales and gives increased weight to local "programmatic actions;" however, Maryland's WIP still must meet the quantitative goals of the TMDL. Therefore, to construct the basin scale strategies described below, the State still needs the local MAST scenarios. Your MAST analyses will also help inform the local narrative strategies and programmatic milestone actions described in Section III below.

MDE will implement these points in The Maryland Phase II WIP document as follows:

Section I: Maryland's Phase II WIP Strategies

1. Allocations, progress runs and strategies (BMP reduction analyses) will be presented and established at the **major basin scale** (Potomac, Patuxent, Susquehanna, Western Shore, Eastern Shore). Much of this material will be presented in tables, and will include subtotals by sector for each basin and subtotals for each basin, adding up to Maryland's assigned reduction. It will be as concise as possible and will not restate the details of any Phase I strategies that are adopted unchanged in Phase II.
2. The basin-scale strategies will reflect, as much as possible, strategies received from the local teams. It will provide a narrative describing in general terms what was included and what is expected in the future. It will also note the opportunities for continued local team input during the public comment period on the WIP, as well as subsequent revisions to the WIP in response to comments on the Bay TMDL.
3. The input decks submitted to EPA by the State will be interpreted as basin-scale plans that are subject to change through adaptive management. The input deck of strategies for the 2017 target will build upon local MAST scenarios, the Phase I WIP input deck, and

modifications as needed to meet a 70% statewide reduction goal. A second input deck, that meets the 2020 Final Targets at the State major-basin scale, will also build upon local MAST scenarios and be supplemented if necessary.

Section II: Engaging Our Local and Federal Partners

1. This section will list our interactions with local governments through Team meetings, regional meetings, webinars, hands-on training, written communication and any other means, with local governments, both county and municipal, federal facilities and State highways.
2. MDA's interactions with and through the Soil Conservation Districts with the farm community will also be described, and may also include our responses to the letters from the Farm Bureau, MASCD and the Grain Producers, but will not in any way refer to the law suit.

Section III: Local Area Phase II WIP Contributions

Although EPA is now allowing WIPs to be submitted at the major basin scale, Maryland's logic of deeply involving local partners in WIP development and planning still pertains; local partners are the primary decision-makers for many of the actions that will be necessary to implement the WIP. With this in mind Maryland's Phase II WIP submitted to EPA in March 2011 will include the following local information in addition to the basin scale plans.

1. Overview of the Local Team's process:

- Identify County's local Phase II WIP Team membership
- Summarize County Team's work and commitment to meet Phase II WIP goals.

Recommended items to include:

- Coordination among local government departments, elected officials and decision makers, state and federal partners, key stakeholders
- Team's general approach to meeting reduction targets
- Past successes
- Biggest future challenges

2. County Area Phase II WIP Strategies

Provide narrative strategies that describe general expectations for accomplishments by 2017. Include a broad schedule of steps to advance the programmatic changes needed to realize the accomplishments. The steps should address development of funding sources. Note that the 2013 programmatic milestones, discussed below, will likely be a subset of these steps. (See: Local WIP Strategy Guidance).

3. Local Area 2012-2013 Milestones

Local partners, including local governments, soil conservation districts, federal and State facilities and SHA, should provide 2013 milestones¹ in reasonable detail as describe the following:

- a. Consider both implementation milestones and programmatic milestones. Partners that do not currently have programs may not be able to commit to implementation milestones and should focus on programmatic milestones. The implementation milestones should include the units of activity such as number of acres to be managed, but need not include load reductions.
- b. Describe the approach or thinking for developing the milestones, e.g., *we do not currently have a program and must first focus on developing the capacity needed, or we wanted to focus on restoring our streams as part of this process.*
- c. Describe the ability to implement the milestones, e.g., *for 2012 the milestone reflects the current budget. By 2013 the milestones reflect a 10% increase in resources by reallocation of funding*
- d. Examples of programmatic milestones:
 - *Our locality is expecting that a new, more stringent permit will be issued by 20XX, and we are taking BLANK BLANK steps to be prepared to implement it.*
 - *We expect to increase staff capacity by X FTEs by 2013 to accommodate the work required for increased implementation. (Try to be specific)*
 - *We will develop and assess options for increasing revenues for our stormwater program in 2012.*
 - *In 2012, we will identify revenues for consulting services to assist with the development of a funding system for implementation of our strategy.*
 - *In 2013, we will select an option for increasing revenues for our BLANK program and begin conducting rate studies and a public involvement process.*
 - *In the 2014-2015 time period we will attempt adoption of a funding system for our stormwater program. (Technically, this would be part of your WIP strategy, because the dates fall outside of the 2013 milestone period; however, it foreshadows likely 2015 programmatic milestones).*
 - *Over the 2013 milestone period, our locality will focus on project development, requests for bids and engineering studies, so that we are ready for implementation when anticipated additional funding becomes available in 20XX.*
 - *For 2012, our implementation is built into our CIP and our 2013 CIP will recognize the need to accelerate progress to meet the 2020 goal. These plans reflect the quantitative allocations provided by the State.*

Local partners will have the flexibility needed to implement adaptive approaches to meeting local 2-year milestones that allows for changes in the selection of BMPs in response to changes in funding opportunities, logistics, etc. However, local 2-year milestones will set

¹ The 2013 Milestone period covers July 1, 2011 through June 30, 2013. The State fiscal year was chosen to align with the existing annual BMP implementation progress reporting to EPA.

programmatic goals and implementation targets that will clearly articulate expectations for local contributions to meeting TMDL allocations. It will also be explicit that any departures from the original strategy must still achieve the same pace of nutrient reductions. (See: Local 2-Year Milestone Guidance).

4. Area Implementation Tracking, Verification and Reporting Methods

Briefly describe how local implementation actions will be tracked, verified and reported.

5. Relationship of Local Watershed Planning Framework to Phase II WIP (Optional)

Optional: Counties are encouraged to briefly describe any existing or future local watershed planning frameworks that will complement the WIP planning. Examples include watershed planning under NPDES MS4 permits, plans associated with the Section 319 Nonpoint Source Program, special plans like the Anacostia Watershed Restoration Plan, the Baltimore Reservoir Action Strategy and other local watershed planning frameworks. Identifying the existence of these planning frameworks, which supplement the WIP planning, will provide further assurance of implementation by demonstrating that planning will continue at more refined geographic and temporal scales beyond the WIP planning.

6. Identification of technical discrepancies, such as data concerns, and recommended future steps to address these concerns.

Optional: County team documentation of identified discrepancies between State, CBP Bay Model, and local area data (e.g., land use/land cover information, BMPs reported, etc.) as a matter of record for potential reconciliation during future assessments of Bay TMDL and WIP implementation progress.

NOTES: The State requests that the following information be provided by the local teams in the November 18, 2011 submittal; however, this information will not be documented explicitly in the March 2012 WIP.

- Current Capacity Analyses
- Interim Target MAST BMP Reduction Strategies: The local section of the WIP documentation will focus on 2017 programmatic targets rather than quantified BMP analyses. The MAST information will be used to inform Maryland's Interim strategy to achieve 70% of the Final Target statewide.
- Final Target MAST BMP Reduction Strategies: Unless specifically requested by a local partner, the local section of the WIP documentation will not address local Final Target strategies. However, the local Final Target MAST strategies will be used to inform Maryland's major basin Final Strategies.
- WIP Strategy cost estimates.

Section IV: Appendices