

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

Presented to  
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# 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)

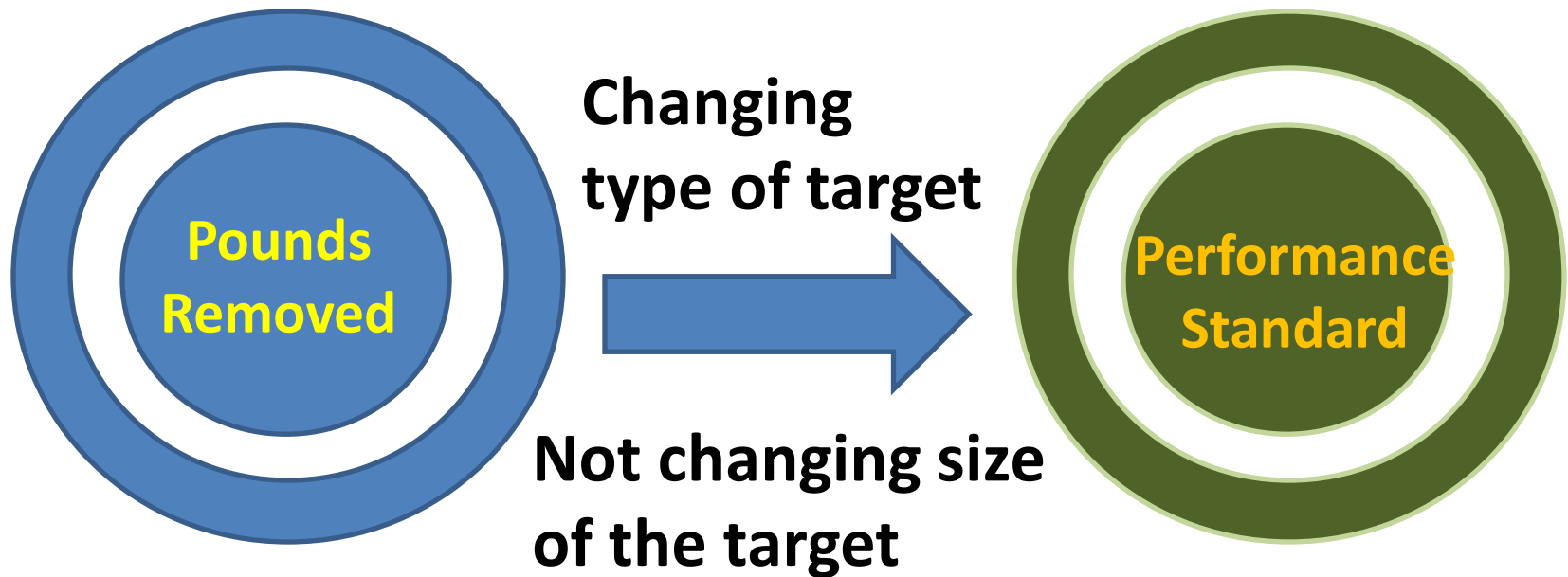
- Localities will probably not be required to submit VAST input files identifying number and type of BMP that you propose to implement.
- Instead, submit an outline of strategies. For example:
  - ☐ Continue sewer upgrades to reduce overflows.
  - ☐ Plant more urban trees.
  - ☐ Establish or enforce 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 28<sup>th</sup> 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.

