

Guidance for Documenting Local Team Phase II WIP Strategies

This guidance provides instructions and a template, with sample language and examples, for the local strategy section of the Phase II WIP¹ to be delivered by local teams to the State November 18, 2011. This template is intended as a guideline, which may be modified to the liking of the WIP local teams. If you have already adopted a format that addresses the requested information in this guidance, you are welcome to use it as-is.

New EPA guidance, released in a letter to states on October 5, 2011, relaxes the expectations for quantitative BMP analyses at the local level. Although the State still seeks MAST BMP reduction scenarios, the local Phase II WIP Strategy section will focus on Narrative Strategies describing programmatic actions to achieve future nutrient and sediment reductions:

Narrative Strategies, focused on the 2017 Interim Target, should describe:

- **What?** Briefly highlight of the implementation actions for each source sector, which can take the form of outlining the key elements of the BMPs entered into MAST or other proposed actions that might not fit within the MAST modeling framework. Articulate an understanding that implementation of existing or expected permits might not be sufficient to reach the TMDL allocations and that implementation beyond the minimum requirements in the next permit cycle might be needed. (An example for regulated stormwater is provided below).
- **How & When?** Briefly describe the key steps needed to advance the proposed strategies (scheduled actions). In addition to program enhancements and operational actions, these key steps should address plans to enhance funding and secure any new authorities needed. (An example for stormwater is provided below).
- **2013 Milestones:** The templates below provide a separate place to summarize your milestones. NOTE: Some of the key steps scheduled to occur in FY2012 & FY2013 equal programmatic 2-year milestones and should be repeated for clarity in the milestones subsection for each pollutant source sector.

2017 Targets, identified in the sector allocation graphs provided to local teams in September 2011, show where progress would be in 2017 if reductions were made in equal amounts each year between 2009 and 2017. The 2017 Targets are references by which to compare the pace of local 2017 reduction strategies. Local strategies should strive to meet the 2017 Targets, either directly for each sector or via trading among sectors. Local BMP reduction strategies that fall short of the 2017 Target will need to make up the difference between 2017 and 2020.

The 2020 BMP reduction strategies must achieve the 2020 Final Targets. These BMP reduction strategies are intended to demonstrate one technically viable way of achieving the Final Target. These strategies may be changed substantially in the future as part of an adaptive management process that will respond to new information, enhanced technologies and changes in the regulatory environment.

¹ See: Section III of “Phase II WIP Report Structure” guidance document.

Example “WIP Strategy Description” (Stormwater Phase I MS4 regulated):

What?: By 2017, we will retrofit an additional 20% of impervious urban area that currently has little or no stormwater treatment (in addition to the 10% retrofit goal from previous permit requirements). About a quarter of the treatment will be in the form of stream restoration projects. About half of the treatment will be traditional stormwater BMPs (ponds, filtering practices, infiltration practices, etc.), much of which will be installed upland of the stream restoration projects to reduce the hydrologic energy to the streams. The remainder will be a combination of street sweeping, micro-projects on residential properties (down-spout disconnects, rain barrels, rain gardens, etc.), removal of impervious cover, urban nutrient management, and reforestation in non-regulated areas above and beyond the target reductions for non-regulated areas, and credited to the regulated stormwater sector.

How? When?: In 2012, we will seek funding for contractor support to refine our strategy under the pending Phase I MS4 permit, refine our cost estimates, and evaluate options for fee systems and rates. In 2013, we will complete the refinement our strategy, conduct the fee study and select a preferred funding option. In 2014, we will implement the funding system. In the interim (2012 – 2014), with existing resources, we will maintain the current pace of retrofits, which is about XXX acres treated per year. We will also accelerate project identification and project design and permitting in this period. We anticipate accelerating project construction in the period 2015 – 2017 as new resources become available.

In 2012, as part of our anticipated Phase I MS4 permit requirements to develop WLA implementation plans, we will investigate the viability of performing septic system upgrades for stormwater credit under the provisions of MDE’s June 2011 NPDES stormwater guidance.

(How to meet 2020 Target) Unless new technologies are realized, or the deadline for meeting Final Target loads is extended, we predict that it will be infeasible to meet the stormwater Final Target via stormwater controls alone. Therefore, we anticipate the need to temporarily borrow unused waste water load allocations to meet our stormwater Final Target loads. In 2018, we will make a judgment in this regard and enter negotiations with MDE. We will continue stormwater load reductions following 2020 at a sufficient pace to allow the borrowed loads to revert back to the waste water treatment plant at such time they are needed in the future.

Example “2013 Programmatic Milestones” (Stormwater Phase I MS4 regulated):

- 2012 - Seek funding for contractor support
- 2013 – Complete refinement of our strategy per anticipated MS4 permit WLA planning requirement (this might occur after June 30, 2013 depending on when the MS4 permit is issued).
- 2013 – Conduct fee study (this is contingent on securing funding).
- 2013 – Select preferred fee option (this might occur after June 30, 2013).

Examples “2013 Implementation Milestones” (Stormwater Phase I MS4 regulated):

- XXX acres treated (for period July 1, 2011 – June 30, 2012). (You may specify impervious or total acres. You may identify sub-elements of what you mean by “treatment,” e.g., feet of streams restored, miles of streets swept, etc.)

Addressing Federal and Municipal Contributions:

The following recommendations should be incorporated into the appropriate source sector strategies. They are almost exclusively relevant to the urban stormwater sector.

Federal Facility Strategy Recommendation: It is understood that the general strategy for federal facilities is to secure permit requirements from the State and use those to justify budget requests through the U.S. Congress. Federal facilities will have an opportunity to evaluate what BMPs to use within the context of meeting future permit requirements. In the mean time, as part of the WIP, the State will select a representative set of urban stormwater BMPs that demonstrates a viable plan to meet federal facility load reduction targets. This will be reflected in the main section of the Phase II WIP. Local Teams that have major federal facilities in their jurisdiction may include strategy information in the local section of the WIP in coordination with the federal facilities; however, it will be optional.

Federal facilities subject to Federal Facility Implementation Plan (FFIP) requirements are encouraged to develop those plans according to EPA guidance and share them with EPA and the State of Maryland. The FFIPs will be incorporated as stand-alone documents on the State’s WIP web page as they become available. Provisional load reduction information is being provided to federal facilities intended to give a sense of the scale implementation needed. MDE will work with federal entities in the coming years to refine load reductions estimations and communicate that information to the US EPA in advance of the Phase III WIP development process.

MDE will work with federal and municipal entities in the coming years to refine load reductions estimations.

Phase 2 Municipal MS4 Strategy Recommendation: Phase II municipal MS4 permittees should anticipate future requirements to retrofit land that was developed in the past without sufficient stormwater management. Municipalities will have an opportunity to evaluate what BMPs to use within the context of meeting future permit requirements. In the mean time, as part of the WIP, the State will select a representative set of urban stormwater BMPs that demonstrates a viable plan to meet municipal load reduction targets. This will be reflected in the main section of the Phase II WIP.

In the strategy narrative for Phase II MS4 stormwater, as appropriate, the county and municipal team members should coordinate on describing their anticipated future relationships. For example, in certain counties, the county shares in the permit responsibility for some of the municipalities, but not for others. In such cases, please describe whether the relationship might change and, if so, provide a broad timeline for evaluating and adopting changes in the relationship, including whether this might involve changes in funding arrangements.

Begin Template and Sample Language:

Guidance Note: The strategy categories outlined below, and in the alternative formatting tables at the end of this document, draw upon the State’s Phase I WIP. They are intended to provide examples of possible strategy categories, but are not intended to be comprehensive nor are you required to address them all.

This section summarizes the BMP reduction strategies for the Interim Target (2017) and Final Target (2020). Narrative descriptions of the implementation strategies provide a schedule of key actions and funding approaches for the 2017 strategy. These strategies reflect a local perspective on how the Interim and Final targets could be achieved with the understanding that the strategies may be revised in the future as part of an adaptive management process.

The following local strategies are organized by the primary source sectors. They pertain primarily to the functions of local government and do not repeat the functions of the State except where necessary to supplement State activities.

Guidance Note: You Do Not need to include all of the sub-sections identified in the following template. You may simplify it by identifying only broad sectors (e.g., Stormwater, Septic Systems). We are providing the many sub-sections to help prompt your thinking and because those were the sub-sections used in the Phase I WIP.

SEE: Guidance for each source sector is listed at the bottom of the template.

Point Sources

Major Municipal WWTPs (ENR Upgrades)

- WIP Strategy Description:
- 2013 Programmatic Milestones:
- 2013 Implementation Milestones:

Minor Municipal WWTPs

- WIP Strategy Description
- 2013 Programmatic Milestones:
- 2013 Implementation Milestones:

Major Industrial WWTPs

- WIP Strategy Description
- 2013 Programmatic Milestones:
- 2013 Implementation Milestones:

Minor Industrial WWTPs

WIP Strategy Description
2013 Programmatic Milestones:
2013 Implementation Milestones:

Eliminate Combined Sewer Overflows

WIP Strategy Description
2013 Programmatic Milestones:
2013 Implementation Milestones:

Septic Systems

Continue Upgrade of new and failing Septic Systems in the Critical Area

WIP Strategy Description:
2013 Programmatic Milestones:
2013 Implementation Milestones:

Septic hookups to ENR plants

WIP Strategy Description:
2013 Programmatic Milestones:
2013 Implementation Milestones:

Require upgrade of all systems in Critical Area (60% by 2017)

WIP Strategy Description:
2013 Programmatic Milestones:
2013 Implementation Milestones:

Require upgrade of a percentage of all systems outside of the Critical Area

WIP Strategy Description:
2013 Programmatic Milestones:
2013 Implementation Milestones:

Urban/Suburban Stormwater

MS4 Phase I Permitted Counties

WIP Strategy Description:
2013 Programmatic Milestones:
2013 Implementation Milestones:

MS4 Phase II (Cecil and Washington Counties, larger municipalities, and federal facilities)

WIP Strategy Description:
2013 Programmatic Milestones:
2013 Implementation Milestones:

Urban Nutrient Management

WIP Strategy Description:
2013 Programmatic Milestones:
2013 Implementation Milestones:

Other Strategy Categories Included in the Phase I WIP (you are not limited to these)

Regenerative Stormwater Conveyance

Rural Residential Tree Planting

Urban Tree Canopy

Tree Planting (urban/suburban)

Wetland Restoration (urban/suburban)

Streamside Forest Buffers (urban/suburban)

Streamside Grass Buffers (urban/suburban)

Guidance Notes for Source Sectors and Strategy Categories

Major Municipal WWTPs (ENR Upgrades): In most cases the Point Source strategies will be addressed by the State, like they were in the Phase I WIP, and can be omitted from the local report sections. The various categories of point sources are being provided in the template for completeness and to prompt local consideration of special cases of local actions that might be warranted.

Jurisdictions with ongoing ENR upgrades should consider whether the ENR upgrade depends on any actions or resources of the local jurisdiction. If so, those actions or resources should be described as part of the local strategy. For example, if completion of the ENR project depends on design and construction of a new pumping station, financed by a low-interest loan, and paid for through a future increase in local utility rates, the strategy should outline the key steps currently envisioned in doing this.

Minor Municipal WWTP: Jurisdictions for which an upgrade of their minor WWTP would have mutual local and Bay restoration benefits should contact MDE to evaluate their options.

Major Industrial WWTPs: The Major Industrial point source sector is being addressed through the State permitting process. It is included in this template for completeness, but may be deleted from the local section if no further local actions are anticipated.

Minor Industrial WWTPs: The Minor industrial source sector is being addressed through the State permitting process. It is included in this template for completeness, but may be deleted from the local section if no further local actions are anticipated.

Eliminate Combined Sewer Overflows: In most cases, combined sewer overflows are being addressed by long term control strategies, which will be reflected in the WIP by the State. It is included in this template for completeness, but may be deleted from the local section if no further local actions are anticipated.

Septic Systems: The Phase I WIP called for 60% of the septic systems in the Critical Area to be upgraded with supplemental State assistance (See the Phase I WIP). Local alternatives that address the estimated load reduction needed from this sector by 2017 may be considered.

The State's Phase I WIP did not call for any upgrades of septic systems outside of the Critical Area. However, to be on pace for meeting the 2020 Target, reductions from septic systems outside of the Critical Area should be considered.

Stormwater: Some of these categories are the same as the "Natural Filters on Private/Public lands" that have been tracked as part of the State's 2011 Milestones. These should be coordinated with DNR to ensure that any local strategies are not double-counted with similarly named commitments made by the State. (See the Phase I WIP).

Phase 1 MS4 Stormwater: The Phase I WIP calls for reductions equivalent to a 30% restoration of untreated impervious cover by 2017. Local alternatives that address the estimated load reduction needed from this sector by 2017 will be considered in Phase II.

Phase 2 MS4 Stormwater: The Phase I WIP calls for reductions equivalent to a 20% restoration of untreated impervious cover by 2017 (See the Phase I WIP). Local alternatives that address the estimated load reduction needed from this sector by 2017 may be considered.

Urban Nutrient Management: The "urban nutrient management" BMP in MAST accounts for local educational and outreach programs to promote fertilizer management. In addition to this, the Maryland Department of Agriculture regulation of lawn care companies and the State's new fertilizer law will be coming into effect. The State plan will address the later two forms of urban nutrient management in the WIP on behalf of local teams.

Other Strategy Categories Included in the Phase I WIP: Guidance Note on the following urban stormwater related practices: See the Phase I WIP for descriptions of these practices. If any of these are being used to meet Phase I or Phase II MS4 retrofit targets, be careful to avoid

double-counting. You need not address all of these individually; they are just being provided to prompt your thinking about possible strategy options.

If you address the other individual subcategories, please address the WIP Strategy Description, 2013 Programmatic Milestones and 2013 Implementation Milestones.

Agricultural Strategies: Agricultural strategies are being addressed separately from the local team narrative strategy submittals.

State Facilities and Lands Strategies: State property strategies are being addressed separately from the team narrative strategy submittals.