



## **EPA Issues Draft WIP III Expectations August 2016**

On June 27, 2016, EPA issued a draft of its *Preliminary Expectations for the Phase III Watershed Implementation Plans*. It will issue a revised version next January and a final version next April. EPA explains that it expects Bay jurisdiction, working with federal and local partners, to include the following in their Phase III WIPs:

- Implementation Commitments – Specify programmatic and numeric approaches for the 2018 to 2025 period.
- Engagement – “Commit to comprehensive strategies” to engage local, regional and federal partners in implementation.
- Population Growth and Land Use – Account for growth and land use changes by offsetting new or increased loads.
- WIP III Adjustments – Make changes to state planning targets to address MPA.
- Local Targets – “Develop and implement” local area targets “at the scales and in the form best suited for directly engaging local and federal partners in WIP implementation;” and
- Climate Change – Include “projected influence” of climate change into plans for 2018-2025 period.

If states are currently under enhanced federal oversight or are lagging on their 2017 goals, EPA cautions that it expects “more detailed documentation” in Phase III WIPs. EPA will write state-specific expectations if necessary, and they will “above and beyond” the base level expectations.

We note with interest EPA’s inclusion of the local area targets idea in the draft WIP Expectations. The WQGIT is overseeing the work of a new task force, the Local Area Targets Task Force, which has been charged with making recommendations regarding local area targets for the Phase III WIP. Chris Pomeroy was requested to serve on the Task Force. It will be the job of the Task Force to make recommendations to the WQGIT on *whether* the Phase III WIPs should include LATs. If the Task Force recommends in favor of LATs, it is tasked with providing options for how LATs could be expressed. Some Task Force members are concerned that EPA’s real goal here is to transfer responsibility for nonpoint source TMDL reductions to local governments, despite their limited regulatory authority to require property owners to implement TMDLs. To date, the Task Force has met three times, most recently on July 12, and will continue to meet on the first Monday of every month through September. The LAT Task Force will deliver preliminary recommendations to the WQGIT in September, 2016 and final recommendations by March 2017.