



west virginia department of environmental protection

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West Virginia General Comments on Climate Change WIP Guidance
West Virginia Comments also contained in the marked-up version.

We found the document very difficult to comprehend and less than clear with respect to narrative strategy language that would be endorsed under the guidance. West Virginia will likely take an approach (described below) that is different from most other jurisdictions, and we would like the guidance to recognize it as adequate.

West Virginia intends to include BMPs in its WIP that will accommodate the West Virginia climate change load reduction responsibilities determined in 2017. We will commit to evaluating the new assessment directed by the PSC to be developed in 2021 and determine if existing planned WIP activities will allow targets to be met if West Virginia responsibility is modified. West Virginia will accept BMP crediting revisions approved by the Partnership. We will commit to address any necessary plan alteration in accordance with the two-year milestone process.

The concise language in the above paragraph describes West Virginia's intentions with respect to this issue and should satisfy the narrative strategy requirements. We will likely supplement that basic approach by highlighting the component BMP strategies that we believe are climate smart/resilient with co-benefits (exs. runoff reduction in urban settings, streambank restoration, forest buffers). West Virginia does not agree that the template should be used as review criteria with respect to the adequacy of Phase 3 WIPs, unless our basic approach is *clearly* stated as adequate. If the Partnership finds our approach lacking, then the necessary missing elements should be *clearly* identified for our consideration.

West Virginia thinks that BMP design criteria modification or changes to credited efficiencies is best handled through the expert panel process. We cannot envision independent scientific assessment by West Virginia (of either dissolved oxygen impacts in tidal waters or BMP design, efficiency or siting requirements). We prefer WIP planning under BMP criteria or crediting as currently approved. As stated above, changes to BMP crediting for progress that are approved by the Partnership must be addressed through the two-year milestone process.

West Virginia does not agree that new documentation and reporting requirements (and timeline) aimed specifically at the climate change issue should be expected. The annual progress reporting, two-year milestone process and EPA oversight are sufficient.

Promoting a healthy environment.