

EPA EVALUATION OF WEST VIRGINIA'S 2014-2015 AND 2016-2017 MILESTONES

The U.S. Environmental Protection Agency (EPA) is providing this evaluation of West Virginia's progress toward meeting its 2014-2015 milestones and its sector-specific commitments for the 2016-2017 milestone period.

Load Reduction Review

When evaluating 2014-2015 milestone implementation and the 2016-2017 commitments, EPA is comparing progress and commitments to expected pollutant reduction targets to assess whether statewide and sector load reductions are on track to have practices in place by 2017 that will achieve 60 percent of necessary reductions compared to 2009.

According to the data provided by West Virginia for the 2015 progress run¹, West Virginia achieved its state-wide 2015 targets for nutrients and sediment.

Based on West Virginia's anticipated reductions for nitrogen, phosphorus and sediment during the 2016-2017 milestone period, West Virginia is on track to meet its 2017 state-wide targets for both nutrients and sediment. West Virginia has already achieved its 2017 targets for phosphorus for each source sector. For nitrogen, West Virginia is on target for all source sectors with the exception of the urban/suburban stormwater sector. West Virginia has already achieved its 2025 state-wide target for sediment. However, data that is being gathered for the Chesapeake Bay Total Maximum Daily Load (Bay TMDL) midpoint assessment could show that changes in levels of effort may be necessary in order to achieve the 2025 targets for all three pollutants.

Water quality monitoring data from the U.S. Geological Survey (USGS) confirms that nitrogen, phosphorus, and sediment trends are improving across nine streams and rivers in West Virginia's Potomac watershed.

West Virginia will need to place additional emphasis on increasing implementation in the urban/suburban stormwater sector and maintain its implementation in the wastewater and agriculture sectors in order to stay on track towards meeting its Watershed Implementation Plan (WIP) and Bay TMDL commitments for by 2025.

Agriculture – Upgrade to Ongoing Oversight **2014-2015 Milestone Achievements**

- Planted over 2,000 acres of cover crops.
- Developed a buffer-specific outreach program to encourage installation and maintenance of riparian buffers.
- Developed an agricultural Best Management Practice (BMP) verification program that was approved by EPA.

¹ Loads simulated using 5.3.2 version of the Chesapeake Bay Watershed Model and wastewater discharge data reported by the Bay jurisdictions.

2014-2015 Milestones Missed

- None identified.

2016-2017 Milestones Strengths

- Committed to plant 7,000 acres of cover crops annually within the Potomac Valley and Eastern Panhandle Conservation Districts through increased funding.
- Included a milestone to develop a formal riparian buffer outreach strategy to increase the adoption of riparian buffers by 250 acres annually.
- Included milestones to implement agriculture BMP verification pilot projects and trainings.
- Committed to develop a comprehensive Nutrient Management Planning (NMP) outreach strategy to facilitate increased adoption of NMPs along the Eastern Panhandle, resulting in at least 10,000 new acres.

Key Areas to Address in 2016-2017 Milestone Period

- EPA recommends that West Virginia conduct a program evaluation to quantify how well the voluntary nutrient management program is working in order to provide additional documentation to bolster West Virginia's reported nutrient management compliance levels.

Urban/Suburban Stormwater – Maintain Ongoing Oversight*

2014-2015 Milestone Achievements

- Three communities formally adopted the local stormwater ordinance and urban tree canopy goals.
- Used the performance standard reporting method for BMP progress.
- Reissued its General Municipal Separate Storm Sewer System (MS4) permit.
- Enhanced its urban stormwater BMP tracking, verification, and reporting program.

2014-2015 Milestones Missed

- None identified.

2016-2017 Milestones Strengths

- Included a milestone to reissue the Construction General Permit (CGP).
- Included a milestone to train MS4 permittees on BMP verification.
- Committed to evaluate the use of non-agricultural fertilizer sales in order to continue receiving credit for urban phosphorus fertilizer reductions.

Key Areas to Address in 2016-2017 Milestone Period

- Since nitrogen loads in the urban/suburban stormwater sector have continued to increase since 2009, EPA expects West Virginia to implement more aggressive programmatic milestones to close the nitrogen gap.
- EPA expects quantifiable goals associated with urban BMP implementation in the 2016-2017 period.

Wastewater Treatment Plants and Onsite Systems – Maintain Ongoing Oversight

2014-2015 Milestone Achievements

- Four significant wastewater treatment plants (WWTPs) – Pilgrim's Pride Corporation (2), town of Moorefield and Charles Town – have been upgraded or combined to comply with West Virginia's Bay TMDL wasteload allocations.

2014-2015 Milestones Missed

- None identified.

2016-2017 Milestones Strengths

- Committed to completing significant WWTP upgrades in the 2016-2017 milestone period.
- Provided an inventory of WWTPs that have been upgraded and those scheduled for upgrades.

Key Areas to Address in 2016-2017 Milestone Period

- None identified.

Offsets and Trading – Maintain Ongoing Oversight

2014-2015 Milestone Achievements

- Continued an operational tracking and accountability system for tracking new or increased loads.

2014-2015 Milestones Missed

- None identified.

2016-2017 Milestones Strengths

- Committed to continue funding of the litter transfer cost share program to move litter out of the Chesapeake Bay watershed into nutrient deficient areas and to continue to provide no cost nutrient management services to agricultural producers to offset any increase of nutrient loads from growth within the poultry industry.
- Committed to continually update its operational tracking and accountability system for tracking new or increased loads.

Key Areas to Address in 2016-2017 Milestone Period

- EPA expects West Virginia to submit offsets requests to EPA for review prior to approval by West Virginia.
- EPA expects further clarification from West Virginia on how it defines an "offset."

Potential Federal Actions and Assistance

- EPA will upgrade West Virginia agriculture to ongoing oversight as West Virginia provided additional detail on targeted implementation levels for key agricultural practices, such as cover crops and NMPs.
- *EPA will maintain ongoing oversight for West Virginia urban/suburban stormwater but will continue to monitor West Virginia's progress in closing the nitrogen gap in the 2016-2017 milestone period.