

EPA INTERIM ASSESSMENT OF WEST VIRGINIA’S 2012-2013 MILESTONES AND WIP PROGRESS

The U.S. Environmental Protection Agency (EPA) is providing this interim assessment of West Virginia’s progress towards meeting its 2012-2013 sector-specific milestones to assist West Virginia in meeting its short-term goals and maintaining progress on its Watershed Implementation Plan (WIP).

Load Reduction and BMP Implementation Progress

According to the data provided by West Virginia for the 2012 progress run, West Virginia is achieving its 2013 milestone target for nitrogen and phosphorus. West Virginia will need to reduce sediment by 10% to reach its 2013 milestone target, but is on track to meet its 2013 milestone target based on significant sediment reductions from 2011 to 2012. For future progress runs starting in 2013, EPA encourages West Virginia to clarify the source of best management practice (BMP) data and distinguish between actual increases in implementation and improved reporting of existing implementation when submitting data annually to the Chesapeake Bay Program Office. The following chart contains a sample of BMPs that West Virginia implemented in 2012 to achieve progress towards its 2013 milestone targets, as well as 2012 delivered loads and 2013 target loads for wastewater.

Implementation of Select BMPs ¹ and Wastewater Loads				
		Unit	2012 Progress ²	2013 Milestone Target ²
Agriculture	Livestock Waste Management Systems	Animal Units	11,857	11,933
	Non-urban Stream Restoration	Feet	14,533	14,618
	Stream Access Control w/ Fencing	Acres	10,414	10,856
	Conservation Tillage	Acres	23,683	26,865
Urban	Erosion and Sediment Control	Acres	9,220	11,824
	Abandoned Mine Reclamation	Acres	14,318	14,384
Wastewater	Nitrogen Loads	Pounds delivered to the Chesapeake Bay	240,515	526,436
	Phosphorus Loads	Pounds delivered to the Chesapeake Bay	91,451	178,399
	Wastewater Facilities Meeting Water Quality Standards in Chesapeake Bay as of June 30, 2012 ³	Facilities Meeting/ Total Facilities (Percent of Facilities)	3/19 (16%)	6/19 (32%)

Notes:

¹ Table only includes a subset of BMPs that were implemented as of June 30, 2012 and reported by jurisdictions in their 2012 progress runs and projected by jurisdictions in their 2013 milestone targets. At the end of the 2012-2013 milestone period, EPA will assess implementation based on achievement of the milestone target nitrogen, phosphorus and sediment loads. Therefore, jurisdictions may change the BMPs that they implement during the milestone period to achieve their milestone target loads.

² 2012 progress and 2013 targets represent the total acres, feet, or animal units that will have BMPs in place as of 2012 or 2013. Values do not represent a net increase in BMP levels compared to the start of the milestone period in 2011. 2012 actual loads and 2013 target loads are provided for wastewater.

³ Based on date that West Virginia expects significant facilities to be in compliance with effluent limits that meet DO and SAV/clarity standards.

Agriculture – Enhanced Oversight

Achievements

- West Virginia is generally on track with BMP implementation and is exceeding its 2013 milestones for many BMPs, such as conservation plans and waste management systems.
- West Virginia launched new nutrient management regulations, which became effective July 1, 2012.
- West Virginia issued its first concentrated animal feeding operation (CAFO) permit.

Improvements to Meet 2012-2013 Milestones and Maintain WIP Progress

- EPA recognizes that West Virginia is making significant strides in the development of the state's nutrient management program and is making adjustments to ensure nutrient management plans for CAFOs are sufficient to meet federal requirements. EPA expects West Virginia to continue to work towards finalizing a state technical standard for CAFOs that is consistent with federal regulations and the National Resources Conservation Service 590 standard, recognizing the continued evolution of this standard.
- EPA will continue to coordinate with West Virginia Department of Environmental Protection in finalizing their Permit and Compliance Strategies in 2013 and to ensure resources are in place for implementing these strategies.
- EPA expects West Virginia to provide documentation with the 2013 progress run to distinguish whether increased reporting of BMPs is the result of improved tracking or increased implementation, particularly for non-urban stream restoration (44% increase from 2011); barnyard runoff control (128% increase from 2011); nutrient management (18% in 2012 progress to 55% in 2025); mortality composting (0% in 2012 progress to 39% in 2025); and waste management systems (29% in 2012 progress to 50% in 2025). EPA encourages West Virginia to provide this documentation directly in the data source element in National Environmental Information Exchange Network (NEIEN).

Urban/Suburban Stormwater – Ongoing Oversight

Achievements

- West Virginia reissued their construction general permit in December 2012, and it became effective January 2013.
- West Virginia provided funds for local governments to adopt provisions of the model stormwater ordinance and facilitate reviews of county codes and ordinances.
- West Virginia completed their statewide stormwater management guidance manual in December 2012.
- West Virginia completed development of a tracking and reporting system for stormwater BMPs within and outside municipal separate storm sewer system (MS4) areas and for industrial stormwater BMPs.

Improvements to Meet 2012-2013 Milestones and Maintain WIP Progress

- The 2012 progress run includes significant phosphorus and sediment reductions as a result of high implementation of Abandoned Mine Reclamation on active extractive lands. The Chesapeake Bay Program-approved BMP definition for abandoned mine reclamation represents restoration of non-active extractive lands to a forested landscape by planting trees, as opposed to compliance with effluent standards by regulated active mines. EPA will continue to work with West Virginia on exploring options for crediting this practice in advance of the 2013 progress run.

Wastewater Treatment Plants and Onsite Systems – Ongoing Oversight

Achievements

- West Virginia acquired funding for and began construction on the new Moorefield Regional Wastewater Treatment Plant facility.
- West Virginia completed upgrades to Shepherdstown and Fort Ashby/Frankfort Public Service Districts.

Improvements to Meet 2012-2013 Milestones and Maintain WIP Progress

- EPA expects West Virginia to submit wastewater treatment plant upgrade and permit compliance schedules in 2013.

Offsets and Trading – Ongoing Oversight

Achievements

- West Virginia submitted an initial growth sector demonstration in February 2013, in which the State committed to reevaluate sector growth periodically as a response to EPA trading and offset assessment findings.

Improvements to Meet 2012-2013 Milestones and Maintain WIP Progress

- In 2013, EPA expects West Virginia to provide a more specific demonstration of trends in the agriculture, stormwater, forestry, and onsite sectors in order to continue to demonstrate that offsets are not required. EPA recognizes West Virginia's commitment in 2015 to further evaluate the impacts of any new growth and make adjustments to its offset strategy as needed at that time.
- A response to the common recommendations that EPA made in its 2012 trading and offset program assessment is due to EPA by the end of 2013. EPA is issuing Technical Memoranda to assist with this response as well as guide development and implementation of trading and offsets programs.

Suggested Considerations for 2014-2015 Milestone Commitments

- Consider milestones to increase the pace of nitrogen and phosphorus reductions. EPA expects milestones for nitrogen, phosphorus and sediment targets to be on track for achieving the goal of having practices in place by 2017 that would achieve 60% of the necessary load reductions compared to 2009.
- Consider new programmatic milestones to address implementation support, data tracking and reporting issues, and/or changes in implementation strategies related to practices for which significant increases in implementation are anticipated.
- EPA encourages West Virginia to include a 2014-2015 milestone that will track the progress of their comprehensive assessment of new growth and nutrient loadings from the urban stormwater sector in 2015.

Summary Points and Next Steps

- EPA will continue to host quarterly calls with West Virginia to track progress.
- The Chesapeake Bay Program partnership is developing verification protocols in order for nutrient and sediment controls to be more accurately credited by the Chesapeake Bay Program models. These protocols will address the source of BMP implementation data and under-reported and non-cost shared practices and will include guidelines for identifying and removing duplicate records and addressing expired, failed, or removed practices.