

EPA INTERIM EVALUATION OF WEST VIRGINIA'S 2016-2017 MILESTONES

As part of its role in the accountability framework described in the Chesapeake Bay Total Maximum Daily Load (Bay TMDL) for nitrogen, phosphorus, and sediment, the U.S. Environmental Protection Agency (EPA) is providing this interim evaluation of West Virginia's progress toward meeting its statewide and sector-specific two-year milestones for the 2016-2017 milestone period. In 2018, EPA will evaluate whether each Bay jurisdiction achieved the Chesapeake Bay Program (CBP) partnership goal of practices in place by 2017 that would achieve 60 percent of the nitrogen, phosphorus, and sediment reductions necessary to achieve applicable water quality standards in the Bay compared to 2009.

Load Reduction Review

When evaluating 2016-2017 milestone implementation, EPA is comparing progress 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. Loads in this evaluation are simulated using version 5.3.2 of the CBP partnership Watershed Model and wastewater discharge data reported by the Bay jurisdictions.

According to the data provided by West Virginia for the 2016 progress run, West Virginia is on track to achieve its statewide 2017 targets for nutrients and sediment.

The data also show that, at the sector scale, while West Virginia is off track for the Urban/Suburban Stormwater sector to meet its 2017 nitrogen target, West Virginia is exceeding its 2017 target for phosphorus. West Virginia is on track for all other sectors to meet its 2017 nutrient and sediment targets. The Phase III Watershed Implementation Plan (WIP), combined with supporting two-year milestones, will address reductions needed from 2018 to 2025.

Through the CBP partnership's Chesapeake Bay Watershed Monitoring Network, supported by the U.S. Geological Survey (USGS) and the Bay jurisdictions, the monitoring trends indicate that instream nitrogen and phosphorus loads in West Virginia have been steadily improving (decreasing) over the past 10 years, particularly in the Cacapon River and Opequon and Patterson Creeks. Additional study will continue by USGS and others to better understand the causes behind the short-term and long-term monitoring trends observed at all monitoring stations. The continued investment into long-term monitoring allows the CBP partnership to demonstrate observed improvements to local water quality, and to assist in identifying where additional implementation is necessary to achieve applicable water quality standards locally and in the Chesapeake Bay.

Agriculture – Maintain Ongoing Oversight **2016-2017 Milestone Achievements**

- Implemented 7,217 acres of cover crops in 2016, surpassing its goal of 7,000 acres per year.
- Completed a Nutrient Management Planning Outreach strategy to facilitate increased adoption of nutrient management plans in the Eastern Panhandle.
- Moving forward with completing a tracking, reporting, and verification system for agricultural Best Management Practices (BMPs).

- Exceeded its implementation goals for pasture management and animal waste management systems within the 2016-2017 milestone period.

Key Areas to Address to meet 2016-2017 Milestones

- None identified.

Urban/Suburban Stormwater – Maintain Ongoing Oversight

2016-2017 Milestone Achievements

- Completed the development of a Standard Operation Procedure Model Manual for local stormwater management programs.
- On track for reissuing its National Pollutant Discharge Elimination System (NPDES) Stormwater Construction General Permit by December 2017.
- Improved its tracking and reporting of BMP implementation in the Urban/Suburban Stormwater sector.

Key Areas to Address to meet 2016-2017 Milestones

- EPA expects West Virginia to outline a timeline and next steps for obtaining non-agricultural fertilizer sales data in order to determine whether credit should continue to be provided for urban phosphorus fertilizer reductions.

Wastewater Treatment Plants and Onsite Systems – Maintain Ongoing Oversight

2016-2017 Milestone Achievements

- Finalized upgrades for Martinsburg, Keyser, and Berkeley County Public Service Sewer District (PSSD) North. The remaining three Berkeley County PSSD projects are up and running but still undergoing minor refinements.
- Continues to update and input its compliance schedules into EPA's Integrated Compliance Information System.
- Provided biosolid and spray irrigation data for use in the CBP partnership's Phase 6 suite of modeling tools.

Key Areas to Address to meet 2016-2017 Milestones

- None identified.

Offsets and Trading – Maintain Ongoing Oversight

2016-2017 Milestone Achievements

- Continues to update and maintain its offsets tracking and accountability system in accordance with EPA expectations.
- Commits to approve offset requests on a case-by-case basis.

Key Areas to Address to meet 2016-2017 Milestones

- None identified.

Potential Federal Actions and Assistance

- None identified.

Suggested Considerations for Development of the Phase III WIP and 2018-2019 Milestones

- EPA will work with West Virginia on the Municipal Separate Storm Sewer System (MS4) General Permit revisions to ensure consistency with the assumptions and requirements of the Bay TMDL.
- EPA expects West Virginia to identify and commit to additional strategies in its Phase III WIP and 2018-2019 milestones to reduce the nitrogen load in the Urban/Suburban Stormwater sector.
- EPA recommends that West Virginia provide a specific commitment in the 2018-2019 milestones 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.
- EPA recommends that West Virginia continue to work with the Federal Facilities Workgroup (FFW) in the collection and reporting of BMP data from the federal agencies, with a specific focus on USGS and the General Services Administration which have not submitted BMP data for previous progress runs. The FFW will rely on West Virginia's input to ensure that federal facility targets, the use of the CBP partnership's Phase 6 Watershed Model, and federal facility-content in the Phase III WIP are fully supportive of West Virginia's WIP implementation. Continued coordination with federal agencies is necessary to allow full credit to be available to the jurisdiction and federal agencies for BMP implementation on federal lands.