Evaluation of Virginia's Draft Phase III Watershed Implementation Plan

Background

The seven jurisdictions (Delaware, the District of Columbia, Maryland, New York, Pennsylvania, Virginia, and West Virginia) in the Chesapeake Bay Program (CBP) partnership agreed to develop Watershed Implementation Plans (WIPs) in three phases to provide a framework for reducing nitrogen, phosphorus, and sediment loads to meet water quality standards in the Chesapeake Bay and its tidal tributaries. The Phase III WIPs provide a road map for the numeric and programmatic commitments the jurisdictions intend to implement between 2019 and 2025 so that all practices are in place by 2025[1] to achieve the Bay's dissolved oxygen, water clarity/submerged aquatic vegetation, and chlorophyll-a standards. The 2010 Chesapeake Bay Total Maximum Daily Load (Bay TMDL) document outlined the process for the development of WIPs and for tracking progress towards attaining the CBP partnership restoration goals.

The U.S. Environmental Protection Agency (EPA) is providing this evaluation to the CBP partnership and the public. The draft Phase III WIP was evaluated to determine whether Virginia included sufficient information in the WIP to provide confidence[2] that Virginia will achieve its statewide and state-basin Phase III WIP planning targets by 2025. The seven jurisdictions, EPA, and the Chesapeake Bay Commission jointly approved these Phase III WIP planning targets in July 2018.

The seven jurisdictions each divided their respective Phase III WIP planning targets into reduction goals for specific source sectors to more finely demonstrate how overall pollutant load reductions would be achieved by 2025. Those major source sectors include agriculture, wastewater, and stormwater. Each jurisdiction could shift reductions between source sectors through development and implementation of programs for pollutant trading and offsetting. In addition, the CBP partnership decided that jurisdictions would highlight pollutant reductions from federal facilities separately in each WIP and would consider the following when addressing specific source sector pollutant reductions: growth, local engagement strategies, local planning goals and climate. The CBP partnership expects these local and changing conditions to be addressed in each jurisdiction's Phase III WIP.

This evaluation is also based on whether Virginia met the numeric and programmatic expectations as described in the June 2018 *U.S. Environmental Protection Agency's Expectations for the Phase III Watershed Implementation Plans*. Virginia recommitted to the CBP partnership that it would meet these numeric and programmatic expectations.

Overview

EPA's review of Virginia's draft Phase III WIP found many areas in which the Commonwealth exceled in addressing the expectations. Some of the notable strengths include:

- Extensive local engagement which resulted in reduction plans at the local level that had the support of the local implementers.
- New agricultural strategies such as proposing legislation for nutrient management and livestock exclusion should certain reduction goals not be attained.
- Proposal to achieve additional reductions in the wastewater sector.

[1] This commitment to have all practices and controls installed by 2025 to achieve applicable water quality standards was reaffirmed by the Chesapeake Bay Program signatories in the 2014 Chesapeake Bay Watershed Agreement.

[2] The phrase "reasonable assurance" is a term of art specific to TMDL establishment. In evaluating the Phase I WIPs, EPA used the phrase and concept of "reasonable assurance" because those WIPs ultimately formed the basis of the 2010 Bay TMDL. EPA continued to use the phrase in its evaluation of the Phase II WIPs, but was using it in a more general way, as TMDL establishment had been completed. In Phase III, to be more consistent with applicable guidance and regulations and to avoid potential confusion, EPA is using the term "confidence" instead of "reasonable assurance."

- Proposal to continue the annual needs assessment for the agricultural sector and to perform similar assessments in the urban/suburban stormwater section and the wastewater sector. These assessments will be used to provide information to the legislature on needed funding.

EPA's review, however, also noted potential enhancements in Virginia's draft Phase III WIP that should be areas of focus in revising the draft document prior to submitting a final WIP. These areas include:

- Virginia should provide more detailed information on the funding needed and further define the current funding gaps in its proposed agricultural and stormwater implementation programs over the next 6 years.
- Virginia should provide more details on the schedule for implementing some of its new strategies, such as proposed regulations for nutrient management and livestock exclusion and reducing pollution from wastewater treatment plants.
- Virginia should provide more detail on how pollution reducing techniques will be incentivized in the unregulated portion of the urban/suburban stormwater sector and how the trading program will be used to address reductions in this sector.
- Virginia should provide more detailed information on how the excess capacity achieved in the wastewater sector will offset the gap in the regulated stormwater sector meeting its permit requirements by 2025.

EPA Oversight and Assistance

The 2010 Bay TMDL contains an accountability framework that guides and supports restoration efforts and includes: three phases of WIPs, two-year milestones, and EPA's tracking and assessment of restoration progress. EPA tracks and assesses annual progress and two-year milestone commitments to determine if the Bay jurisdictions are on track toward meeting their water quality goals.

Under the accountability framework, EPA assigns each jurisdiction's source sectors (e.g., agriculture, stormwater, wastewater, and trading and offsets) a level of oversight based on its evaluation of whether the jurisdiction provided sufficient information in its WIP and/or two-year milestones that load reductions and programmatic commitments will be achieved in those source sectors by 2025. The levels of oversight are as follows:

- **Ongoing oversight**: EPA, while having no significant concerns with a jurisdiction's strategy to implement the TMDL goals, will continue to monitor progress.
- **Enhanced oversight**: EPA, having identified specific concerns with a jurisdiction's strategy to implement the TMDL goals, may take additional federal actions, as necessary, to ensure that the jurisdiction stays on-track.
- **Backstop oversight**: EPA, having identified substantial concerns with a jurisdiction's strategy to implement the TMDL goals, has taken necessary federal actions to help the jurisdiction get back on-track.

Virginia is currently subject to ongoing oversight in all source sector categories.

Since the release of the 2010 Bay TMDL, EPA has provided technical and financial assistance to Virginia to support meeting its 2025 planning goals and during Phase III WIP development, EPA continued to assist staff at Virginia's Department of Environmental Quality (VADEQ). EPA provided approximately 1,800 hours of technical assistance to help VADEQ incorporate the results of the Bay TMDL's Midpoint Assessment into their input data for the draft Phase III WIP. This included understanding changes in pollutant loadings and Best Management Practice (BMP) implementation under a new suite of modeling tools; acquiring high resolution land use and land cover data; developing local planning goals; and adapting to changing conditions, such as climate.

EPA has worked with Virginia to increase and accelerate BMP implementation and identify options to strengthen programmatic commitments. EPA remains committed to providing resources to help improve water quality in the Commonwealth. For instance, EPA has provided:

- Support of the United States Geologic Survey (USGS) non-tidal water quality monitoring network that enables staff to provide detailed descriptions of trends in nutrients throughout the Rappahannock, York, James, and Potomac watersheds;
- Quantification the environmental impact of changing animal and human populations, as well as land use and crop patterns;
- Support of Virginia agencies and science institutions in their development of methods to assess attainment of chlorophyll-a standards in the tidal James; and,
- Trainings for Virginia agency staff and local area entities (such as Planning District Commissions or PDCs) on data analysis tools.

This assistance has been instrumental in advancing Virginia's Chesapeake Bay cleanup efforts across the Commonwealth, and continued support will be critical as Virginia begins Phase III WIP implementation and considers new strategies to reduce nutrient pollution to its local waters.

On February 6, 2019, EPA issued an updated Water Quality Trading Policy Memo to promote market-based mechanisms for improving water quality. This policy update includes additional flexibilities that state and local policy makers may consider incorporating into trading and other market-based programs to promote water quality improvements and may provide Virginia with an opportunity to update or improve its current policies and regulations related to nutrient accounting and trading. EPA welcomes the opportunity to discuss with Virginia new market-based approaches to consider in support of finalizing the Phase III WIP.

EPA will continue to commit staff, contractual, and funding resources to support the finalization and implementation of Virginia's Phase III WIPs and future two-year milestones. This support includes evaluation of the most-effective practices and locations, annual WIP assistance funding to address priority implementation needs, evaluation of Virginia's implementation capacity under various staffing, funding, regulatory and programmatic scenarios, local planning outreach, legislative and regulatory gap analysis, and monitoring trend analyses. In addition, EPA will continue to work with federal partners to provide leadership and coordinate with Virginia on WIP and two-year milestone implementation to reduce pollution from federal lands.

Detailed Evaluation

The following sections provide specific highlights of key strengths of Virginia's draft Phase III WIP. These sections also provide potential enhancements for the WIP, designed to provide greater confidence to the CBP partnership and the public that Virginia will have programs and practices in place by 2025 that will promote achievement of its Phase III WIP planning targets. Virginia should maintain these key strengths and address potential enhancements in its final Phase III WIP.

Load Reduction Review

When evaluating Virginia's draft Phase III WIP numeric commitments, EPA modeled implementation scenarios through the CBP partnership's Phase 6 suite of modeling tools and compared those simulated nutrient[3] loads to Virginia's 2025 statewide and state-basin Phase III WIP planning targets. Virginia noted after releasing its draft Phase III WIP that its draft Phase III WIP implementation scenario used different numbers for wastewater than the draft WIP document used; specifically, the scenario used 2018 current flows for the wastewater treatment

[3] Phase III WIP planning targets for sediment are currently under development by the CBP partnership.

plants while the draft Phase III document used design flow of the wastewater treatment plants. After confirming with Virginia, EPA used Virginia's implementation scenario in its evaluation of whether Virginia's draft Phase III WIP met the planning targets. Virginia has noted that the draft Phase III WIP will be corrected in the final version to reflect 2018 current wastewater flows.

Simulations indicate that Virginia's plan achieves 100% of the statewide Phase III WIP planning targets for nitrogen and phosphorus. Virginia's plan achieves its Potomac, Rappahannock, York and James state-basin Phase III WIP planning targets for nitrogen and phosphorus and for phosphorus in the Eastern Shore. However, despite making exchanges of phosphorus to nitrogen on the Eastern Shore[4], modeling simulations do not indicate that the plan will fully achieve the nitrogen planning target for that state-basin.

While Virginia did make numeric reduction commitments to address climate change (i.e., 1.72 million pounds of nitrogen and 0.19 million pounds of phosphorus), in this analysis, EPA only evaluated Virginia's attainment of the statewide and state-basin Phase III WIP planning targets. EPA will work with Virginia prior to the release of its final Phase III WIP to determine if the additional climate change reduction commitments (with the associated nutrient exchanges and state-basin exchanges) will achieve water quality standards in the Chesapeake Bay and its tidal tributaries.

EPA will continue to work with Virginia to determine the impact of any changes to the numeric chlorophyll-a criteria applicable to the tidal James River. As described in the Bay TMDL, a staged approach and schedule to implement the reductions necessary at wastewater treatment facilities in the James River was anticipated to achieve the applicable chlorophyll-a water quality standards promulgated by Virginia, allowing consideration of new criteria.

Virginia proposes to achieve most of its pollutant reductions by implementing BMPs in the agricultural sector: 68% for nitrogen and 52% for phosphorus. The remainder of the pollutant reductions are to come from enhancements to existing programs for wastewater treatment (including septic systems), stormwater management and forestry. Virginia also proposes to shift reductions between sectors through enhancement and implementation of its existing program for trading and offsetting. Finally, Virginia's Phase III WIP addresses each of the additional changing and local conditions identified by the CBP partnership.

Source Sectors

Agriculture

Key Strengths

- Virginia conducted a thorough review of its agricultural cost share program (VACS), solicited recommendations from the Soil and Water Conservation Districts (SWCDs), formed subcommittees to fully vet recommendations, and is advancing the consensus recommendations and refining the program in 2019, 2020, and 2021.
- Virginia proposes to enhance coordination of state agency activities and funding through a formalized letter of agreement to better assist farmers, including identifying capacity needs.
- Virginia commits to continue to conduct its annual needs assessment to ensure appropriate resources for meeting WIP commitments.
- Virginia commits to refining its Resource Management Plan (RMP) program to maximize implementation.

[4] Each jurisdiction has the option of adjusting its Phase III WIP state-basin planning targets through nutrient exchanges and/or exchanges with other basins within that jurisdiction. Any adjustments to the state-basin planning targets must still result in all 92 Chesapeake Bay segments achieving the respective jurisdictions' Chesapeake Bay water quality standards under Phase 6 Chesapeake Bay airshed, watershed, and estuarine water quality/sediment transport model simulated conditions.

- Virginia commits to pursuing new legislation to ensure accelerated implementation of agricultural practices such as increasing nutrient management plans on agricultural lands and legislation establishing a date by which all farms with livestock accessing perennial streams must provide exclusion measures.

Potential Enhancements

- Virginia's final Phase III WIP should provide additional detail on its funding needs and gaps, as well as contingencies should the funding not be available, to provide greater confidence to the partnership that such sustained funding, increased technical capacity and BMP implementation will be realized.
- Virginia should include more detailed information (e.g., new strategies, legislative programs, incentive programs, compliance programs, and/or funding mechanisms) on how it will fully support the proposed implementation levels including levels for new practices such as supplemental nutrient management, forest riparian buffers, and manure treatment technologies.
- Virginia should include more detailed information on development, enhancement and implementation of the following initiatives: partnering with NGOs on voluntary conservation, market-based approaches, pay for performance approaches, public-private partnerships, and improving regulatory compliance.
- Virginia should clarify the intent of the "target date" associated with several of the agricultural initiatives listed in the draft Phase III WIP, as it is unclear what the proposed timeframes are for implementation.
- Virginia should expand on its reinstatement of the agricultural BMP loan program by explaining such things as the incentives for participation (e.g., principal forgiveness only).
- Virginia should provide detailed information on its poultry litter transport program, including the resources and funding to address the anticipated growth from 6,000 to 89,000 tons per year.
- Virginia should explain what incentives beyond the current 100% cost share will enhance farmer participation in its livestock exclusion proposal.
- Virginia should clarify the timeframes for initiating proposed legislation for nutrient management. The draft Phase III WIP notes that the regulatory requirement will be initiated "within 6 months". Virginia should clarify if this means six months from WIP acceptance.
- Virginia should describe its process for targeting BMP implementation in the higher loading counties.

Stormwater

Key Strengths

- Virginia utilized the expertise of SWCDs, Planning District Commissions (PDCs) and local governments to determine the most feasible BMP implementation rates for the localities.
- Virginia plans to prepare an annual "needs assessment" for the stormwater sector (both regulated and non-regulated) to present to the General Assembly to secure appropriate funding to assist in achieving reduction goals.
- Virginia established a trading program to achieve nutrient and sediment reduction goals in the stormwater sector (as well as other sectors) and anticipates greater use of this program during Phase III WIP implementation and beyond.
- Virginia plans to initiate a regulatory action to amend the erosion and sediment regulations to require nutrient management planning for regulated land disturbing activities greater than or equal to one acre.
- Virginia plans to initiate a review of post-development design criteria to determine whether these criteria continue to satisfy the Bay TMDL assumption that new or increased loads will be offset.
- Virginia commits to load reductions for BMPs managing stormwater on non-municipal separate storm sewer systems (MS4s) in addition to those regulated by MS4 permits.
- Virginia established the key role of PDCs and SWCDs for both large and small communities in BMP implementation.

- Virginia plans to expand the focus on forestry practices in both rural and urban areas (e.g., tree planting, urban tree canopy, forested stream buffers and other green practices).

Potential Enhancements

- Virginia committed to achieving reductions in the regulated stormwater sector through the implementation of MS4 permits over three permit cycles (i.e., 5 years each), anticipating that the permit implementation, or at a minimum, permit issuance, would be finalized in 2025. The first cycle of these MS4 permits in the Tidewater region was not issued until 2016. Virginia has indicated in its draft Phase III WIP that "Any gap in this sector meeting its permit requirements by 2025 that are due to timing will be offset by the excess capacity achieved in the wastewater sector." Virginia should clarify the expected gap in this sector meeting its permit requirements and timing of these permits.
- Virginia should provide a full listing of all its NPDES permits having individual wasteload allocations or that are part of aggregate wasteload allocations, such as stormwater individual and general permits. This list should include each Phase 1 and Phase 2 MS4 permit, the anticipated date of permit reissuance, and the load reduction cycle (i.e., 5%, 35% or 60%) of the permit.
- Virginia should include more detailed information on its funding needs and gaps, including estimated funding, technical assistance, and staffing, required to achieve the (increased) implementation levels called for in the Phase III WIP including levels associate with impervious surface reduction, infiltration and filtering practices, forest buffers, and shoreline management.
- Virginia's draft Phase III WIP calls for approximately 80% of the nitrogen and phosphorus load reductions in the stormwater sector to come from unregulated lands. Virginia should provide more detail on the incentives and drivers to support these proposed reductions.
- Virginia should consider nitrogen in its re-evaluation of the Virginia Stormwater Management Program (VSMP) regulations. Virginia should clarify the statement that the current criteria satisfy the requirement to offset growth since nitrogen is not considered and the allowable phosphorus loads exceed the forest background.
- Virginia should clarify how its trading program for the MS4 community will be incentivized and from where generated credits will be purchased.
- Virginia should more clearly demonstrate the capacity and additional funding necessary to meet the proposed higher demand for new forestry practices envisioned by draft Phase III WIP.
- Virginia should describe its process for targeting BMP implementation in the higher loading counties.

Wastewater

Key Strengths

- Virginia commits to advance Chesapeake Bay restoration and improves local water quality through its proposal to require additional reductions from many wastewater treatment plants (which equates to most significant point sources operating at 4 milligram/liter [mg/L] Total Nitrogen and 0.3 mg/L Total Phosphorus).
- Virginia commits to annually conduct a "Wastewater Needs Assessment" beginning in fiscal year 2020 to estimate Water Quality Improvement Fund funding expected by local governments for eligible wastewater treatment projects.
- Virginia commits to provide incentives to reduce loads from this sector through various septic initiatives.

Potential Enhancements

- Virginia should clarify how and when the new requirements for additional reductions related to the proposed chlorophyll-a standards for the James River will be incorporated into the Watershed General Permit.

- In its draft Phase III WIP numeric commitment submission, Virginia assumes its wastewater treatment plants will be operating at the 2018 actual flowrates in 2025. Virginia should demonstrate why this assumption is valid, since it expects that the gap in achieving MS4 permit reductions will be achieved through the wastewater "excess capacity".
- Virginia should provide a full listing of all its NPDES permits that are part of its Phase III WIP major river-basin targets and have individual wasteload allocations and/or are part of aggregate wasteload allocations. Virginia should identify in this list which facilities will achieve the additional reductions proposed in the draft Phase III WIP.
- Virginia's Phase III WIP planning targets did not account for any changes that may result from proposed changes to the James River chlorophyll-a water quality standards. Virginia should clarify how and when those criteria will be finalized, and whether Virginia will provide a Phase III WIP that meets current chlorophyll-a criteria.
- Virginia should provide additional clarification indicating how it intends to meet the current chlorophyll-a and Dissolved Oxygen (DO) standards in the James River basin. EPA understands that the current point source loads include additional reductions beyond only the DO-based wasteload allocations. However, Virginia acknowledges in its draft Phase III WIP, certain loads from non-wastewater sources (e.g., MS4 permittees) will not meet the load reduction goals by 2025. The draft Phase III WIP calls for significant additional non-point source load reductions.
- EPA understands that Virginia is proposing to make additional nitrogen reductions in the James River and exchange most of these reductions with the other four basins to, in part, address its climate change commitments. Virginia should clearly explain how, why, and when these reductions will be made because of these exchanges to better understand the full extent of any (possible) additional reductions needed in the James River to meet the chlorophyll-a water quality standard. EPA would need this explanation prior to running any nitrogen/phosphorus and basin exchanges through the CBP partnership's Phase 6 suite of modeling tools.
- The Virginia Department of Health (VDH) requires annual septic inspection as of 2018 for Alternative Onsite Sewer Systems. Previously, local governments were responsible for septic systems. Virginia should provide additional supporting information regarding the source of additional resources dedicated to VDH for this effort.

Trading & Offsets

Key Strengths

- Virginia provides permittees subject to MS4 requirements opportunities to take advantage of point source and nonpoint source trading programs to achieve their nutrient and sediment reduction goals.

Federal Facilities

Key Strengths

- VADEQ included information on detailed collaboration with Department of Defense (DoD) and included a description of DoD's activities and commitments for the draft Phase III WIP in Appendix E.
- Virginia included a federal facility discussion in each basin-specific section of the draft Phase III WIP, which is a strong improvement over the Phase II WIP.
- Virginia provides ongoing support and leadership in the CBP partnership's Federal Facilities Workgroup.

Potential Enhancements

- Virginia should continue to evaluate the content of DoD and other federal agency programmatic and numeric commitments and include this information in the final Phase III WIP.

- Virginia should incorporate information from other federal agencies that provided data after the draft Phase III WIP was released.

Changing and Local Conditions

Growth

Key Strengths

- Virginia developed its implementation scenarios based on 2025 forecasted growth conditions, per the CBP partnership decision.
- Virginia plans to initiate a review of the stormwater construction post-development water quality design criteria requirements established under the VSMP Regulation, 9VAC25-870-63 in 2011 for phosphorus. Virginia's review will determine if the criteria continue to satisfy the assumption of the Bay TMDL that any new or increased loads will be offset.

Potential Enhancements

- Although the Executive Summary of Virginia's draft Phase III WIP indicates that growth is discussed in Chapter 4, it is not included in this chapter or any other part of the draft Phase III WIP. Virginia should describe the programs and regulations that it intends to use to account for and manage new or increased pollutant loadings and clearly state whether, and how much, nutrient and sediment load reductions from land use changes in one sector will be used to offset growth in loads from other sectors.
- Virginia should provide a rationale indicating how using 2018 current flow as an estimate of the 2025 flow expected from its wastewater treatment plants relates to the anticipate growth. This is particularly critical because Virginia intends to meet its Phase III planning targets, in part, using the lack of growth in the wastewater sector to account for a delay in reductions in the stormwater sector due to timing of MS4 permit issuance.
- Although Virginia designed a land use scenario that would result in nitrogen and phosphorus load reductions beyond the current zoning baseline that was agreed to by the CBP partnership, this scenario is not described in the draft Phase III WIP. Virginia should clarify whether it plans to use this (or other) land use scenarios.

Climate

Key Strengths

- Virginia documented its jurisdiction-specific 2025 numeric climate change loads based on factors such as increasing precipitation and rising sea level in the Phase III WIP and committed to address these numeric loads now, as opposed to in its 2022-2023 milestones.
- Virginia commits to several actions to address climate resilience.

Local Engagement Strategies

Key Strengths

- Virginia conducted outreach beginning in January 2017 to engage local partners in the development of the Phase III WIP through training seminars, meetings, webinars, and the development of a Phase III WIP webpage.
- Virginia engaged not only SWCDs, PDCs, and local governments but also conservation groups and other non-governmental organizations, citizens, federal and state agencies, and utilities.
- Virginia utilized the expertise of SWCDs, PDCs and local governments to determine the most feasible BMP implementation rates for the localities.
- Virginia articulated a plan for on-going engagement during Phase III WIP implementation.

- Virginia maintained a Chesapeake Bay Stakeholder Advisory Group to seek input from local governments, the agriculture and conservation communities, wastewater agencies, and private businesses and industry on the Phase III WIP.
- Virginia incorporated input from seven local government roundtables held across the watershed and sponsored by the CBP partnership's Local Government Advisory Committee in its draft Phase III WIP.

Potential Enhancements

- Virginia should provide detailed information on how increased capacity and funding needs will be tied to the PDCs and SWCDs and identify the gaps in needed resources.
- Virginia should include any proposed changes to VACS per the efforts of the Agriculture BMP Technical Advisory Committee.

Local Planning Goals

Key Strengths

- Virginia developed local planning goals that are measurable and below the major state-basin scale (i.e., unregulated), including goals for the unregulated urban, septic, and urban forestry sectors in each of the 15 regional PDCs and goals for unregulated agriculture and forestry in each of the SWCDs in the Chesapeake Bay watershed.
- Virginia specified basin-specific BMP goals for the agriculture, developed land, natural, and septic sectors in each of its five major state-basins.

Potential Enhancements

- Virginia should explain how its local planning goals will be tracked and reported through its two-year milestones and/or annual progress reporting to EPA.

Segment-shed Goals for the Tidal Jurisdictions

Potential Enhancements

- Although Virginia's Phase III WIP references its Chapter 10 for description of segment-shed level targeting, this section does not contain this information. Virginia should describe how it expects to assess its Bay segments and how it plans to target implementation in certain segment-sheds.

Other Comments

Potential Enhancements

- Virginia is reporting cropland irrigation for the first time. However, the findings of the Cropland Irrigation BMP Expert Panel report conclude that nutrient reduction benefits cannot be ascertained now without further long-term research. As a result, Virginia should exercise caution in relying on this practice for attaining its Phase III WIP goals since there is no confirmation that it will result in nutrient reduction crediting for the present time.
- Virginia should consider changing acres of "Wetland Enhancement" to "Wetland Rehabilitation." The current CBP partnership Wetland BMP Expert Panel expects to recommend elimination of "Wetland Enhancement" as a water quality BMP. Both practices will remain for the next two-year milestone period, but Virginia should not rely on the Wetland Enhancement BMP as part of its implementation scenario.
- Regarding plans to conduct an inventory of data for BMPs that have already been implemented, it is important that future reporting of this data include accurate implementation and inspection dates, following the CBP partnership's verification protocols. Much of the historic implementation of practices and programs has already been accounted for in the calibration of the CBP partnership's Phase 6 suite of modeling tools through the changes in loads and water quality at monitored locations.