

Commonwealth of Virginia

January 1, 2012 – December 31, 2013 Programmatic Two-Year Milestones – Closeout Report

| Target Date | Milestone (WIP page reference)* | Deliverable | Lead Agency | Comments/Status Updates |
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| Agriculture | | | | |
| 12/31/2012 | Improve the state’s capacity to respond to water quality complaints/inquiries and provide outreach and education to producers concerning environmental stewardship. (Phase 1 WIP, pg. 55) | Establish two new Agricultural Stewardship Act Coordinators | VDACS | Completed. Two new coordinator positions have been filled, doubling the ability to respond and follow-up on Agricultural Stewardship Act complaints. |
| 12/31/2013 | Renew relationship with fertilizer companies to encourage and track precision agricultural application (Phase 1 WIP, pg. 65) | 12,500 acres of precision agriculture annually | DCR | Completed. 11,139 acres reported in 2013. |
| 12/31/2013 | Increase nutrient management planning to 70% to include all applicable state-owned land (Phase 1 WIP, pg. 61) | 669,722 acres NM annually | DCR | Completed. 2013 reporting of 640,000+ acres in Bay watershed. State owned lands at 78% current plans. |
| 12/31/2013 | Renew enhanced funding for livestock exclusion (Phase 1 WIP, pg. 63) | | DCR | Completed. In December 2012 Governor McDonnell announced the new Virginia Enhanced Conservation Initiative (VECI) to boost existing state agricultural cost-sharing programs reimbursing up to 100% of the cost to install systems that manage grazing and keep livestock out of nearby waterways. Over \$4.8 million in new and reallocated Cost-Share funds were made available for the enhanced reimbursement under VECI. These projects are currently completing or under construction. |
| 12/31/2012 | Report voluntarily installed conservation | | DCR | Completed. The pilot project with 6 |

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| | practices for 6 pilot SWCD's (Phase 1 WIP, pg. 54) | | | SWCDs was completed in 2012 and resulted in the reporting of 524 practices that met NRCS standards and specifications or were deemed functionally equivalent based on best professional judgment of SWCD staff. Credit in the Bay model for functionally equivalent practices needs final decision from the Bay Program Partnership. |
| 12/31/2013 | Implement voluntary Best Management Practice collection statewide (Phase 1 WIP, pg. 54) | | DCR | Completed. As a result of the pilot project with 6 SWCDs, DCR made modifications to the Ag BMP Tracking Program to enable all 47 SWCDs to collect voluntary BMPs across the state. |
| 12/31/2013 | Initiate Resource Management Plan framework (Phase 1 WIP, pg. 59) | Agricultural Certainty Program | DCR | Continued. Legislation passed in the 2011 General Assembly Session regarding Resource Management Plans. Final regulations were approved by the Virginia Soil and Water Conservation Board in March 2013. The program framework is currently under development. In 2014, DCR will begin certifying RMP developers who will then begin developing RMPs for agricultural operations. |
| CAFO/AFO | | | | |
| 9/1/2012 12/31/13 | Convert CAFO VPA permits to VPDES permits (Phase I WIP, pg. 74) | VPDES permits issued | DEQ | Continued. EPA has approved the VPDES individual permit (IP) template, and VPDES IPs are being drafted for 8 CAFO facilities. Additional VPA-permitted CAFOs requiring VPDES |

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| | | | | permits will be processed following completion of permit applications. Recent litigation outcomes have provided helpful clarification in this area. |
| 12/31/2013 | Complete evaluations of 35% of small AFOs in Virginia’s portion of the Chesapeake Bay watershed in accordance with the Small AFO Strategy developed in cooperation with VDACS (see below) (Phase I WIP, pg. 76) | Completion of evaluation and, if necessary appropriate remedies employed | DEQ/VDACS | Completed. Expectations for this goal have been exceeded. Approximately 42% (334) of the Small AFOs which were identified in the WIP (800) have been evaluated. Additionally, 202 evaluations have been completed at operations which were not originally identified in the WIP. DEQ and VDACS conducted on-site assessments at 110 of the small AFOs evaluated, and AFO owners are employing appropriate remedies at the 23 AFOs where issues were identified. |
| 12/31/2012 | Complete Small AFO strategy in the form of an MOA in cooperation with VDACS (Phase I WIP, pg. 76) | Complete MOA | DEQ/VDACS | Completed. MOA completed December 21, 2012. |
| 12/31/2013 | Achieve 75% nutrient management plans for unpermitted dairies (Phase I WIP, pg. 76) | | DCR | Continued. 144 small dairies had nutrient management plans as of December 31, 2013. A Small Farms Specialist was hired in 2013 to perform outreach to small operations and encourage nutrient management planning. A grant obtained with Virginia State University will also augment the work on all small farms. |
| 12/31/2013 | Develop specific, targeted educational program for unpermitted dairies | | DCR | Continued. DCR has lead staff making progress. Development of the education |

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| | (Phase I WIP, pg. 66) | | | program is underway. |
| Urban | | | | |
| 2014 | Implement contractor-applicator training and certification regulation. Establishes a training and certification program for the proper handling, use, and application of fertilizer to nonagricultural lands. Establishes recordkeeping requirements for certified applicators. (Phase I WIP, pg. 90) | Implement regulations | VDACS | Continued. 2 VAC 5-405, <i>Regulations for the Application of Fertilizer to Nonagricultural Lands</i> , became effective February 1, 2012. Four courses of training have been approved. One such course was developed jointly by Virginia Cooperative Extension (Virginia Tech), VDACS, and DCR, and is available online at no cost to participants. As of this report, 1,138 individuals have received credentials as Certified Fertilizer Applicators. |
| 2014 | Implement amendments to the Virginia Fertilizer Law to protect water quality (Phase I WIP, pg. 90) | Implement new provisions | VDACS | Continued. Provisions regarding zero phosphorous in lawn maintenance fertilizer, as well as certain deicing agents containing various forms of nitrogen or phosphorous, become effective December 31, 2013. VDACS will seek to ensure compliance through label review at the time of product registration and marketplace inspections. Provision regarding the slowly-available nitrogen content of lawn maintenance fertilizer and the application thereof become effective July 1, 2014. |
| 12/31/2013 | Continue to accelerate compliance with | 19,966 acres | DEQ | Completed. 14,123 acres of E&S |

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| | erosion and sediment control requirements for private construction projects as well as State construction projects | of E&S annually | | compliance is estimated from the disturbed acreage addressed in construction general permits issued in 2013 in the Bay watershed. This value underestimates the total acreage as it does not include local E&S compliance efforts required through Chesapeake Bay Preservation Act programs and other locality administered E&S programs. A total of 26,722 acres (including local compliance efforts) was covered in 2012. DEQ is responsible for the review of local government E&S control programs every five years. These reviews, however, were temporarily suspended in 2012 and the suspension will remain in place through June of 2014 to allow staff to work with localities on the development of local stormwater management programs in accordance with the Virginia Stormwater Management Program (VSMP) regulations. |
| 12/31/2013 | Accelerate application of Urban Nutrient Management on State facilities | | DCR | Continued. Most state-owned land nutrient management plans have recently been renewed. Work to complete and approve the remaining unplanned areas is ongoing. |
| 12/31/2013 | Improve tracking and reporting of Urban Nutrient Management on State facilities and local government lands. | 60,149 acres of urban NM annually | DCR | Continued. Modifications to Virginia’s urban nutrient management tracking systems will allow for improved tracking, |

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| | (Phase I WIP, pg. 90) | | | reporting and verification of urban nutrient management. A MOA with VDACS agrees to capture Urban Nutrient Management acres in February for implementation the previous year improving implementation reporting. Documented implementation was 39,156 acres for 2012 and 32,050 acres for 2013. |
| 12/31/2013 | Achieve reductions from new development and redevelopment using urban BMPs through ramped up compliance with the Virginia Storm Water Management permit (VSMP) and the storm water provisions of the Chesapeake Bay Preservation Act (CBPA). | Enhanced enforcement | DEQ | Continued. A revised and enhanced compliance process for the review of local Chesapeake Bay Preservation Act programs was developed in 2010 and staff began conducting reviews in accordance with this new, enhanced process in 2011. However, as with the E&S program reviews discussed above, Bay Act programs were also temporarily suspended in 2012 to allow for staff to work on the development of local VSMP programs. Staff from DEQ’s regional offices conduct VSMP inspections and enforcement. |
| 12/31/2013 | Continue development of the Stormwater Management Enterprise Website as a management tool for the new stormwater management regulations and to track and report all urban and suburban BMPs. The website will allow local entry of data into the tracking database and allow DCR to consolidate locality data for submission to EPA through the NEIEN. | | DEQ | Continued. With the transfer of stormwater programs from DCR to DEQ in 2013 the e-Permitting system previously under development has been replaced by a new permitting platform compatible with the DEQ’s IT infrastructure. The new e-Permitting platform is still being developed under a CBRAP grant. Funding has also been |

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| | (Phase I WIP, pg. 96) | | | secured for a second phase of the project which will include tracking of urban BMPs for submission to EPA through the NEIEN. |
| 12/31/2012 | Institute phased pollutant reductions for Municipal Separate Storm Sewer Systems (MS4s) through three permit cycles at 5%, 35% and 60% consecutively. (Phase I WIP, pg. 93) | | DEQ | Continued. Phase 1 MS4 permits are being developed through the required state process with close coordination with Region 3. The Phase 2 MS4 general permit has been issued with an effective date of July 1, 2013. The Phase 2 MS4 general permit and draft individual permits all include the 5% reduction goal for the first permit cycle. Guidance on development of TMDL Action Plans by permittees to document compliance with TMDL goals is under development. |
| 12/31/2013 | Establish pollutant removal efficiencies for typical roadway vegetated shoulders and drainage conveyances thereby promoting the use of such practices over those employing impervious materials. | | VDOT | Completed. Studies performed by EEE Consulting (VDOT MS4 Consultant) and VCTIR (VDOT research arm) to establish removal efficiencies. Information submitted to DCR for approval. An expert panel at the Chesapeake Bay Program is expected to complete its recommendations on urban filter strips in early 2014. |
| 12/31/2013 | Provide training to internal and contract personnel on the Best Management Practices for use on roadway construction and maintenance activities | | VDOT | Completed. Conducted inspections of all facilities and a number of construction projects in all MS4 areas statewide to assess stormwater pollution prevention practices being utilized. Developed and |

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| | | | | provided awareness training to personnel in all facilities in MS4 areas. |
| 12/31/2013 | Revise guidance documents to incorporate and promote the use of Low Impact Development techniques for managing stormwater runoff from roadways | | VDOT | Continued. Activity still in the review/development stage. |
| Stormwater – Industrial Stormwater | | | | |
| 7/31/2012 | Initiate Regulatory Process to Reissue Industrial Stormwater General Permit (Phase 1 WIP, pg. 21) | Establish Regulatory Advisory Panel and begin work | DEQ | Completed. Notice of Intended Regulatory Action (NOIRA) filed on August 22, 2012 and published on September 10, 2012. Technical Advisory Committee Formed and four meetings were held between March and May 2013. |
| 1/31/2013 6/1/2013 | Propose Draft Regulation to State Water Control Board (Phase 1 WIP, pg. 21) | Draft regulation published in Virginia Register | DEQ | Completed. Draft regulation presented to State Water Control Board on June 17, 2013 and published in the Virginia Register on July 15, 2013. The SWCB approved final regulations on December 17, 2013. Target date for General Permit Reissuance is July 2014 |
| Onsite Sewage Systems | | | | |
| 12/31/2013 | Implement Operation and Maintenance portions of final <i>AOSS Regulations</i> (12VAC5-613) when effective; (Phase I WIP, pg. 104) | | VDH | Continued. Implementation of the O&M requirements is underway. VDH is finalizing an implementation manual to improve consistency in application of the regulations. |
| 12/31/2013 | Train Agency staff on new inspection, compliance, and enforcement procedures for alternative onsite sewage systems (Phase I WIP, pg. 104) | | VDH | Continued. Training will be offered to agency staff when the O & M implementation manual is completed. |

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| 12/31/2013 | Continue to operate and expand online reporting capabilities of the VENIS database (Virginia Environmental Information System) that enable licensed AOSS operators to report Operation and Maintenance activities (including pump-outs) (Phase I WIP, pg. 103) | | VDH | Completed. VDH negotiated a new contract with the database vendor, including additional functionality, in 2013. VDH continues to operate the VENIS database and look for ways to improve functionality. |
| 12/31/2013 | Develop Guidance Documents to assist in implementing provisions of the final <i>AOSS Regulations</i> that control N from alternative onsite sewage systems (Phase I WIP, pg. 104) | | VDH | Completed. The nitrogen-reducing requirements of the <i>AOSS Regulations</i> became effective in December 2013. Draft guidance was released November 2013. |
| 12/31/2013 | Work with DEQ and local governments to capture and report the number of septic tank pump-outs that occur as a result of the Chesapeake Bay Act requirements (local ordinances) and voluntary efforts and repairs throughout the Bay watershed. | 36,606 septic tank pump-outs per year | VDH/ DEQ | Continued. The target values are a combination of the annual pump-out data submitted to DCR by the localities within the CBPA area, and an annual estimate based on VDH data of the pump-outs performed voluntarily or as part of permitted repair activities outside CBPA localities. 2013 progress includes approximately 25,102 pumpouts. |
| 12/31/2013 | Work with DCR and local governments to capture and report the number of connections to public sewer. | 600 Sewer connections during the milestone period | VDH/DCR | Continued. VDH has recently revised the VENIS database to enable the tracking of onsite facilities that are connected to public sewer when the information is received from the locality. However, there is no requirement for the information to be reported to VDH. Discussions are planned to solicit the information from wastewater authorities. |

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| 12/31/2013 | Report the number of AOSS meeting the current BMP for 50% TN reduction installed voluntarily | 154 systems installed during the milestone period | VDH | Completed. The nitrogen requirements in the AOSS regulation became effective in December 2013. Data from the VENIS database indicates that 216 nitrogen reducing systems were installed voluntarily within the Chesapeake Bay watershed in the Milestone period. |
| 12/31/2013 | Work with EPA and other TMDL stakeholders to approve additional BMP strategies for 25% and 75% reductions in total nitrogen. | | VDH | Completed. VDH representatives participated in the Chesapeake Bay Program Onsite Wastewater Treatment Systems Nitrogen Reduction Technology Expert Review Panel, and developed additional BMP strategies. While the term of this review panel has expired, it does not preclude the submittal of additional BMP strategies in the future. A draft document is currently under review by Chesapeake Bay Program workgroups and implementation teams. |
| Forest | | | | |
| 12/31/2013 | Work with EPA and other Chesapeake Bay Watershed jurisdictions to determine the feasibility of reporting conserved riparian buffers and forests | | DEQ/DOF | Continued. The Chesapeake Bay Program’s Forestry Workgroup is exploring alternatives for establishing a new BMP in the Bay watershed model to account for the benefits of forest conservation programs. |
| 12/31/2013 | Initiating BMP training sessions for forest harvesting contractors | 4 training sessions | DOF | Completed. 6 training sessions were held in 2012 with 95 loggers attending. In 2013, an additional 8 training programs were conducted that involved |

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| | | | | training an additional 233 logging contractors for a total during the two-year program period of 14 training sessions with 328 loggers in attendance. In addition, BMP training was conducted as part of the Southeast Virginia 2013 Logging Expo in Franklin, Virginia with approximately 400 loggers in attendance. |
| 12/31/2013 | Develop new on-line BMP training program for harvest contractors through VT SHARP Logger Program focusing on underutilized harvesting BMPs. | 1 on-line training program | DOF | Completed. Two online training programs have been developed. One is on Stream Crossings and the second on Forest Roads BMPs. Two workshops on Gravel Road management were held with 100 logging contractors attending during 2012. An additional Gravel Roads Workshop was held in the Fredericksburg area with 36 attendees during 2013. |
| 12/31/2013 | Provide cost-share to forest harvesting contractors to implement BMPs (Phase I WIP, pg. 110) | 86% of harvested area treated | DOF | Completed. Assumes funding from WQIF is made available – While no funding was provided for this program during this milestone period, the project will remain in place should funding become available in the next two-year milestone period. The tract average BMP implementation rate during 2012 and 2013 was 91% of the harvest area treated. |
| 12/31/2013 | Utilizing CCPI Grant through NRCS, focus Riparian Forest Buffer and Tree Planting efforts in the Rappahannock and York River Watersheds through enhanced | | DOF | Completed. Funding for this project is provided annually for a 5 year cycle based on NRCS available funds. The first two years were fully funded at |

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| | landowner incentives (Phase 1 WIP, pg. 62) | | | \$120,000 per year during the two year milestone cycle. Both years of funding were fully utilized for management plans, tree planting projects and land management initiatives. |
| 12/31/2013 | Focus Riparian Forest Buffer establishment efforts in Potomac River Watershed through the establishment of “Buffer Teams” composed of NRCS, FSA, DCR, VDOF, SWCD and other partners through a focused Riparian Forest Buffer - GIS Targeting / Marketing initiative (Phase 1 WIP, pg. 62) | | DOF | Completed. Teams were established in 2012 and began targeting of landowners. Teams remain in place and will continue to work into the next milestone cycle. A GIS targeting project took place in the Potomac River watershed and landowners that required forest buffers were identified and contacted to attend one of two information marketing meetings. Each landowner that expressed an interest in buffer establishment was visited individually by a member of the Buffer Team, and several projects were completed as a result. The GIS list that was developed was shared with program partners and future contacts will be initiated. In addition, an informational mailer was sent out to each person on the list along with contact information should interest be shown. Overall, a successful effort. Future milestone will target northern piedmont counties with the same effort. |
| 12/31/2013 | Provide cost-share funding to those landowners to establish Riparian Forest Buffers that would not otherwise qualify | | DOF | Completed. Although no funding was made available for this goal through WQIF state program funds, funding was |

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| | for cost-share funding through federal programs (Phase 1 WIP, pg. 62) | | | provided through a U. S. Forest Service Grant that provided for 35 projects. |
| Nutrient Trading and Offsets | | | | |
| 2/1/2012 | Propose Expansion of Existing Nutrient Credit and Stormwater Offset program (Phase I WIP, Page 12) | Introduced legislation in 2012 Session of the General Assembly | Secretary of Natural Resources DEQ/DCR | Continued. Legislation passed the 2012 general assembly and was signed by the Governor. A Regulatory Advisory Panel has begun work to develop regulations on the certification of nonpoint source credits. Regulation on the certification of nonpoint source credits expected to be completed by 2015. Trading provisions currently being placed into MS4 permits as they are reissued. |
| 4/1/2012 4/1/2013 | Report results of wastewater nutrient monitoring and credit availability for the prior year's annual loads. Reports will be made available on DEQ's nutrient trading webpage | Report | DEQ | Completed. 2011 and 2012 Nutrient Load Analyses posted to DEQ website at: http://www.deq.virginia.gov/Programs/Water/PermittingCompliance/PollutionDischargeElimination/NutrientTrading.aspx |
| 7/1/2012 7/1/2013 | Publish notice of all nutrient credit exchanges and purchases for the previous calendar year and make all documents relating to the exchanges available to any person requesting them. Reports will be made available on DEQ's nutrient trading webpage | Report | DEQ | Completed. 2011 and 2012 Nutrient Trading Reports posted to DEQ website at: http://www.deq.virginia.gov/Programs/Water/PermittingCompliance/PollutionDischargeElimination/NutrientTrading.aspx |
| James River Phased Implementation/Chlorophyll Study | | | | |
| 12/31/2013 | Develop detailed study workplan, establish Scientific Advisory Panel and Stakeholder Committee; (Phase I WIP Page 7 – 11) | Panels established | DEQ | Completed. The Science Advisory Panel and Stakeholder Advisory Group have been established, as well as the study workplan. Information on |

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| | | | | meetings of these groups can be found on the DEQ website. James River Chl A Study Materials |
| 12/31/2013 | Define relationships between harmful algal blooms (HAB) indicators and designated use (DU) attainment (Phase I WIP Pages 7 – 11) | Report section completed | DEQ | Continued. Implementation of the study workplan is underway. In order to understand the relationships between HABs and their potential impacts on the James River aquatic life, the first year of the Workplan implementation focused on HAB characteristics and conditions favoring bloom development. In particular, the magnitude, duration and frequency of HABs in the tidal James River were monitored. |
| 12/31/2013 | Begin development of empirical relationships between HAB measures and designated use attainment | | DEQ | Continued. Implementation of the study workplan is underway. In addition to HAB characteristic, studies were begun to look at various toxins produced by HABs and their potential to impact aquatic life. The reports associated with the first year of study are available on the DEQ website. James Chl A Study Data collection activities in 2013 continue in each of the three target areas: (1) characterizing the magnitude, frequency and duration of algal blooms, (2) understanding the conditions which favor the development of algal blooms, and (3) identifying and quantifying impairments to designated uses associated with algal blooms. |

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| 12/31/2013 | Begin development of models for indicators, nutrient inputs and HABs (Phase I WIP Page 9) | | DEQ | Continued. Implementation of the study workplan is underway. The contractor completed the data inventory and empirical data analysis and model selection. It was determined that all observations from 2011 to 2014 should also be included. The contractor received additional monies under a WQIF Technical Assistance grant to extend the data collection and model calibration period to include 2011-13 data. |
| Wastewater | | | | |
| 1/1/2012 | TMDL waste load allocation requirements have been established by the reissued Chesapeake Bay Watershed General Permit; (Phase I WIP Page 7 – 11) | Reissued permit | DEQ | Completed. The Chesapeake Bay Watershed General Permit has been reissued and is consistent with the Bay TMDL waste load allocations. |
| Federal Facilities | | | | |
| 10/1/2013 | Enhance direct coordination with federal facilities to encourage submission of 2014-2015 milestones in accordance with EPA established timelines. | | DEQ | Closed. Efforts to develop a MOU with the Department of Defense in 2012 and 2013 failed. Of the 221 federal facilities, that collectively represent 12% of Virginia’s Chesapeake Bay watershed, 2 facilities reported 2013 implementation actions and one provided input for the 2014-2015 milestones. While Federal agencies have increased their involvement in the Bay Program as a result of Executive Order 13508, to date the federal facilities have failed to accept their responsibility to participate in the |

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| | | | | planning and implementation efforts necessary to achieve TMDL commitments. |
| Additional Activities not Included in Original 2012-2013 Milestones | | | | |
| | Urban Stormwater BMP Cost-Share (Phase I WIP Page 89, Phase II WIP page 29) | | DEQ | <p>Continued. The 2013 General Assembly authorized \$35 million in bond proceeds to fund the Stormwater Local Assistance Fund, which will provide 50% cost-share for local SWMP implementation projects, including new stormwater best management practices, installation or retrofit of stormwater control structures, low impact development projects, and stream and wetlands restoration.</p> <p>In response to a Request for Proposals, \$39.4 million in total grant funding was requested from 35 localities, covering 106 individual projects.</p> <p>Eligibility review and proposal ranking are now underway. Awards anticipated in early 2014.</p> |
| 2013 | Resource needs for Agricultural BMP implementation through Soil and Water Conservation Districts (Phase I WIP Page 65-66, Phase II WIP page 18) | | DCR | <p>Completed. The Secretary of Natural Resources convened a stakeholder advisory group to examine funding needs for administration and operation of the soil and water conservation districts and the technical assistance they provide for implementation of agricultural best management practices needed to meet</p> |

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| | | | | Virginia's WIP. 2012 Study Report 2012 Ag Needs Report 2013 reports pending release. |
| * As part of the adaptive management process for achieving water quality goals, jurisdictions may submit programmatic milestones that modify, are in place of, or are in addition to milestones listed in their Phase I WIPs so long as the jurisdiction can demonstrate that they will be as effective toward meeting water quality goals. | | | | |