

Virginia Phase III WIP Programmatic Action Template

The Commonwealth has initiated the process for developing the Phase III Watershed Implementation Plan (WIP), which builds on BMPs and programmatic actions developed during the Phase II WIP to meet 2025 goals. As Virginia and local stakeholders move forward in Phase III, this document has been developed to provide a format for building and submitting local Phase III programmatic actions. Localities, PDCs and SWCDs will submit input decks with revised or enhanced BMP data that will be run through the Chesapeake Assessment and Scenario Tool (CAST). Programmatic actions that will facilitate BMP implementation will be submitted to DEQ using this formatted spreadsheet.

Using the table below, enter proposed programmatic actions and quantitative measures of implementation, when applicable. In addition, you may enter funding/capacity needs that can be utilized to implement the programmatic actions. There are also columns to enter co-benefits that will result from the implementation of the programmatic actions and gaps in statutory/regulatory authority that may exist.

PROGRAMMATIC ACTIONS TO IMPLEMENT SELECTED BMPS	QUANTITATIVE MEASUREMENT	FUNDING AND CAPACITY NEEDS	LOCALLY IDENTIFIED CO-BENEFITS	GAPS IN STATUTORY/REGULATORY AUTHORITY
Shoreline Management/Stream Restoration				
Need a specific tidal wetland enhancement BMP (similar to non-tidal wetland enhancement BMP) and more tidal wetland BMPs to include enhancements and improvements that are already being done in localities	Acres or linear feet	Expert Panel review process or add-on to existing expert panels, experts to participate that understand tidal wetlands in the coastal plain, the variety of designs that can be created, and the nutrient and sediment reductions that can be achieved	Tidal wetlands, living shorelines, etc. provide protection from nuisance flooding, sea level rise, and increasing plant densities could help mitigate these threats, as wetlands become inundated, densities decrease providing less shoreline stabilization and nutrient reduction. Providing more options and flexibility to rehabilitate shorelines in high-priority flood zones that also provide nutrient reductions and improve water quality	
Need dedicated funds for NGOs to educate and obtain buy-in from private property owners to understand the importance of 'soft' shorelines compared to hardened shorelines, expand existing outreach/incentive programs, to increase shoreline management by x% (or ft/yr) and stream restoration implementation by x% (or ft/yr) by 2025	Increase shoreline management by x% (or ft/yr) and stream restoration implementation by x% (or ft/yr) by 2025	Dedicated funding source or cost-share program for NGOs to utilize, evaluate the dedicated VMRC funding source established by law (§ 28.2-1204.2. Marine Habitat and Waterways Improvement Fund established), educational resources for localities and NGOs to establish programs for private properties owners, find funding sources to stabilize regional programs	Tidal wetlands, living shorelines, etc. provide protection from nuisance flooding, sea level rise, and increasing plant densities could help mitigate these threats, as wetlands become inundated, densities decrease providing less shoreline stabilization and nutrient reduction. Identifying opportunities at the neighborhood scale and helping incentivize those projects could provide long-term shoreline stabilization of private property.	
Stormwater Management				
For all publicly funded BMPs outside of an MS4 service area, provide incentives and/or technical assistance to report BMPs to the BMP Warehouse and perform inspections for verification.		Dedicated DEQ staff person, funding for locality staff, or funding for competitive bid for consultants		
Develop a program that is targeted to the unregulated developed lands for the purposes of retrofitting BMPs and prioritizes projects on water quality improvements on more effective basins		Dedicated program for a BMP cost-share program (similar to the Agriculture cost-share program), incentives to provide funds for implementing, reporting, and verifying BMPs		BMPs for retrofits need to be verified and maintained for incorporation into the Bay model however these practices must remain voluntary so an incentive program must be the driver to implement, report, maintain, and verify these practices
Homeowner BMPs - Increase funding for VCAP, including SWCD staff to administer the program and cost-share.	Triple? Double? Amount of existing funds allocated.	Additional funding for the VCAP program and SWCD/DCR staff that allows cities not within SWCDs to participate.		
Homeowner BMPs - Expand VCAP to allow localities that are not a part of SWCDs to participate		A separate program or funding mechanism must be implemented.		Allow a portion of VCAP funds to be administered to PDCs to allow localities that are not part of SWCDs to participate in the program.
Homeowner BMPs - Provide a tool for easy verification and reporting, follow up on the SMART tool being developed by the Alliance for the Chesapeake Bay		Additional funding for SMART tool development, training, and dissemination		
Allow manufactured treatment devices (MTDs) to be counted for Bay Program credit	Currently x acres of MTDs are being omitted from the Bay model in Hampton Roads, resulting in x lbs N and x lbs P reduction.	The Stormwater BMP Clearinghouse must have dedicated time and effort towards moving this process forward, which has been stalled for a number of years.	Many MTDs can be used to reduce a variety of pollutants, and can be used in small urban areas that do not have space for larger traditional BMPs.	The Commonwealth must be an advocate to the Bay Program to allow for MTDs to be included in the Bay model.
Assess number of industrial facilities that should be regulated by VPDES but do not have permits		Increase capacity at DEQ to follow-up on those facilities that require VPDES permits but do not have one		
Require industrial VPDES facilities to develop TMDL Action Plans based on their calculated loads, using the same methodology that is required by MS4s, and report implementation practices in the BMP Warehouse	100% of all permitted industrial VPDES facilities	Dedicate state staff to implement, enforce, and track this program		New industrial VPDES permit should reflect this
Assess the challenges of developing BMPs that treat roadway run-off. Encourage the long-term goal for VDOT to develop strategies that improve local run-off as opposed to downstream regional BMPs. Develop strategies other than roadside ditch management and incorporate green infrastructure.		Incentivize VDOT to facilitate the implementation of linear BMPs on roadways that better treat roadway run-off closer to the roads, provide funding for demonstration projects on how to retrofit existing roadways not effectively treating run-off		Address this issue prior to project development, must be incorporated into initial design specifications.
Septic				
Expand 5-year pump-out requirement statewide, require retrofits for failing systems		State-level funding for VDH and DEQ to administer program beyond the CBPA		septic tanks are not limited to these areas, DEQ does not have regulatory authority beyond the CBPA, VDH does not have any regulatory or enforcement capabilities other than maintenance requirements,

Establish a septic system cost-share program to increase annual pump-outs by x% outside the CBPA, upgrades to alternative/denitrifying systems by x%, and decrease number of waivers authorized by x%	Increase septic system pump-outs by x% outside the CBPA, x% conventional systems upgraded to alternative/denitrifying systems, decrease waivers by x%	Dedicated funding for DEQ or VDH to administer to PDCs or SWCDs for cost-share programs, similar to Middle Peninsula PDCs program and/or proposed VDH program for some localities in the James River watershed		Pump-outs are only required within areas of the CBPA, septic tanks are not limited to these areas, DEQ does not have regulatory authority beyond the CBPA, VDH does not have any regulatory or enforcement capabilities, current code of VA allows for waivers for failing systems
Establish tax credits for upgrade or replacement of conventional systems to nitrogen reduction systems, or connections to sewer by x%	Upgrade or replace x% of systems or connect x% of existing septic to sewer			
Grant counties authority to require sanitary sewer connections				Currently counties do not have this authority
Land Conservation				
Commonwealth should promote land conversion from vacant urban lots or fallow agriculture fields to forested lands		Include land purchase in SLAF funds for the purpose of land use conversion, implement a more robust state urban forestry program	Increased tree canopy and decreasing impervious surfaces provides nutrient reduction benefits, flood control benefits, and reduces blight	
Incentivize local planning and fund conservation programs to conserve x% of local lands by 2025	Conserve x% of regional lands by 2025	Strengthen land trusts in Virginia		
Develop conservation easement ordinances in localities that do not already have one	Conservation easement ordinances in localities	Develop policy to better track easements across localities		Expand annual DCR data call for conservation easements to capture smaller easements that aren't protected or tracked
State Specific				
Separate state lands from locality lands and provide a state local area planning goal, currently state lands are included in locality loads unless excluded from the MS4 service area, the state could implement BMPs on at least 50% of these lands by 2025 and use them as demonstration projects	BMP Implementation on 50% of state-owned lands by 2025	State funds to implement projects	Demonstration projects could address a variety of co-benefits, as well as showing localities that the state is leading by example.	
While this process has been primarily focused on the unregulated developed sector, it has brought attention to the fact that the MS4 sector has been complying with state permits but much of the efforts and implementation practices have not been recorded at the state level and reflected in the model. The projections for the future indicated growth in this sector, however if state-wide compliance is achieved, this sector should remain steady or decrease in terms of nutrients loads		Dedicated staff at the state level to evaluate the MS4 programs and adequately translate reductions being made to be reflected in the Phase 6 model.		
Expand CBPA to the entire Bay watershed				Currently CBPA and associated programs are limited in geography and do not include the whole Bay watershed
Overall recognition of the voluntary nature of efforts in unregulated developed areas.				Phase III WIP discussions have recognized that strategies being implemented on unregulated land may become regulatory requirements. We would like the state to provide a statement of assurance that actions on unregulated developed lands will continue to be voluntary.