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## **Chapter 1 - Introduction**

This document is West Virginia’s revised Nonpoint Source Management Plan. It updates the State’s Nonpoint Source Management Plan originally developed under § 319 of the Clean Water Act (CWA) in 2000. The document was developed by the WV Department of Environmental Protection (WVDEP) as part of its 2015 workplan with the US Environmental Protection Agency (EPA). According to EPA guidance, states should periodically review and evaluate their Nonpoint Source Program Management Plan. State’s should assess their goals and objectives and revise their Program’s goals and objectives every five years or as appropriate.

The Management Plan will be reviewed every two-years or more frequently if needed, and revised every five years to make sure it consistently addresses WV’s NPS Program needs and priorities taking into account new and existing TMDLs/WBPs, funding and stakeholder opportunities.

### **Statutory Background**

Congress enacted § 319 of the Clean Water Act in 1987, establishing a national program to control nonpoint sources of water pollution. Clean Water Act § 101(a)(7) states, “it is the national policy that programs for the control of nonpoint sources of pollution be developed and implemented in an expeditious manner so as to enable the goals of this Act to be met through the control of both point and nonpoint sources of pollution.”

Funding appropriated under § 319 can be used to implement state NPS programs including, as appropriate, non-regulatory or regulatory programs for enforcement, technical assistance, financial assistance, education, training, technology transfer, and demonstration projects to achieve implementation of best management practices (BMPs) and water quality goals.

Under § 319(a), all states have addressed NPS pollution by developing NPS assessment reports that identify NPS pollution problems and sources responsible for the water quality impairments. Under § 319(b), all states have also adopted state NPS management programs to control NPS pollution. State

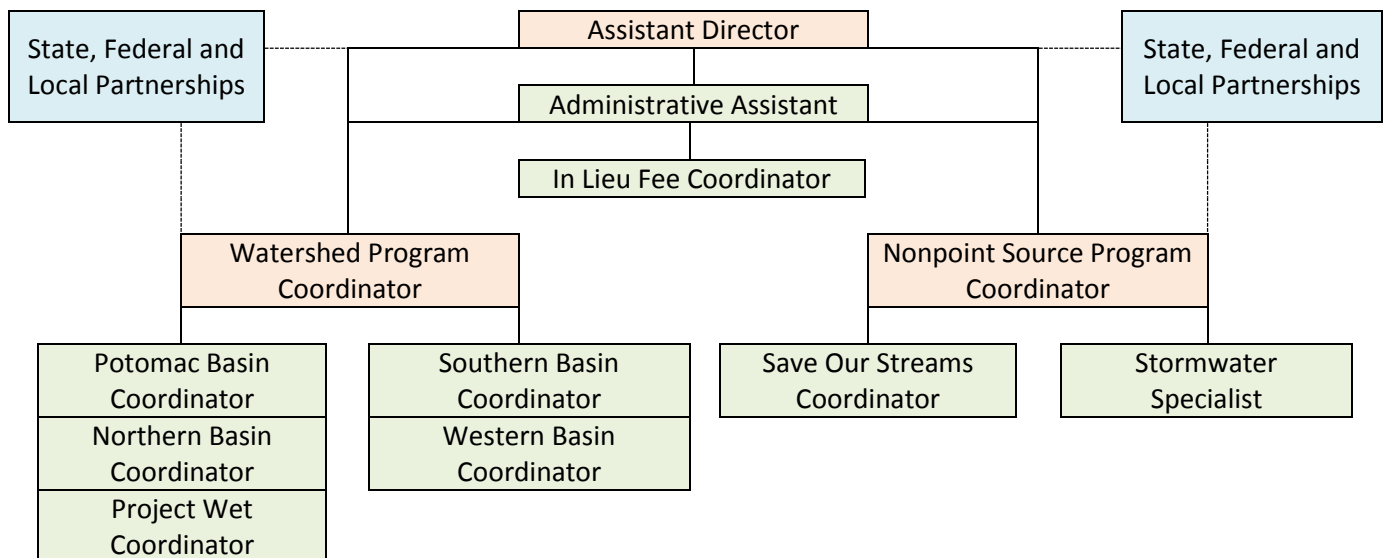
NPS management programs provide the foundation for state programs to address NPS pollution. These programs should articulate each state’s strategy to address nonpoint sources and to achieve/maintain water quality standards. Since 1990, Congress has annually appropriated grant funds to states under § 319(h) to implement their approved state NPS management program.

Nonpoint Source pollution is not specifically defined in the CWA. A brief definition is that nonpoint pollution includes pollution caused by rainfall or snowmelt moving over and through the ground and carrying natural and human-made pollutants into lakes, rivers, streams, wetlands, estuaries, other coastal waters and ground water. Atmospheric deposition and hydrologic modification are also sources of nonpoint pollution.

### NPS Organization and Structure

As the lead agency the WVDEP, Division of Water and Waste Management’s (DWWM) Nonpoint Source (NPS) Program manages and coordinates the statewide NPS Program activities. The NPS Program is grouped with the Stream Partners Program (SPP), Chesapeake Bay Program (CBP), and the In Lieu Fee (ILF) Program. The NPS Program employs four environmental specialists as Basin Coordinators (BCs) and one Stormwater Specialist (SWS) to locally coordinate, develop, track and implement plans and projects. The NPS Program also employs the Project Wet Coordinator, Save Our Streams (SOS) Coordinator, and an ILF Coordinator. US EPA’s § 319 Grant funds the Northern and Southern Basin Coordinators. WV Conservation Agency takes a leadership role in agriculture and construction activities.

**Table 1 - Nonpoint Source Program’s Organizational Chart**



This chart shows the hierarchal structure of the Nonpoint Source Section. However many of our duties and responsibilities cross-over into many areas depending upon the type of grants, goals and objectives of the work and the skill sets of the employees. To carry out the overall goals and objectives of the NPS program we work as a team. Our Mission Statement is **“To inspire and empower people to value and work for clean water”**.

The NPS Program coordinates within WVDEP with the Division of Mining and Reclamation (DMR), the Office of Abandoned Mined lands and Reclamation (OAMR), the Stormwater Permitting Program, the State Revolving Loan Fund (SRF), the Watershed Assessment Branch (WAB), Office of Oil and Gas (OOG) and Office of Environmental Enforcement (EE).

Other agency partners include the WV Dept. of Agriculture (WVDA), WV Division of Forestry (WVDOF), WV Division of Natural Resources (WVDNR), WV Dept. of Health and Human Resources (WVDHHR), US Office of Surface Mining (OSM), US Dept. of Agriculture's Natural Resource Conservation Service (NRCS). Non-governmental partners include West Virginia University (WVU), Canaan Valley Institute (CVI), Cacapon Institute, Freshwater Institute, numerous watershed organizations, schools, and many types of non-governmental organizations (NGOs).

## **Chapter 2 – Watershed Management**

The NPS Program is charged with the mission of implementing nonpoint source Total Maximum Daily Loads (TMDLs). The ultimate goal is the full restoration of the targeted stream with its removal from the State's 303(d) list. The 303(d) list is published by WVDEP every two years. It identifies streams that are not meeting water quality standards.

Watersheds are selected for TMDLs based on the groupings and schedule listed on the map in Figure 1. A TMDL is the total amount of a pollutant that can be assimilated by the receiving water while still achieving water quality standards. TMDLs can be expressed in terms of mass per time such as tons per year or by other appropriate measures. TMDLs can be considered to be like a water quality budget for a specific water body. The "expenses" of the "budget" are comprised of the sum of individual wasteload allocations for point sources, load allocations for nonpoint sources, and natural background levels. In addition, the TMDL must include a margin of safety. The "assets" of the budget would be all those factors that allow the water body to dilute or absorb pollutants. As with any budget when expenses are greater than assets problems occur.

A TMDL sets load reductions from the various sources to bring the "budget" back into balance. It allows for various management options that will achieve the desired source load reductions. A load reduction is the amount of pollutant that is prevented from entering a stream. Achieving load reductions is the goal of any NPS project.

WVDEP is currently developing TMDLs in Hydrologic Group A (Upper Ohio North, Upper Kanawha, and South Branch Potomac), Group B (Tygart Valley River) and preparing to start Group C (Select tributaries of the Meadow River, Rocky Marsh Run, and Warm Springs Run) in early 2015. Hydrologic Group D (Monongahela River mainstem and Hughes Creek) is projected to start October 2015. The streams included in the TMDL development schedule are provided in [Appendix 5](#).