

EPA Evaluation of Programmatic Two-Year Milestones for Agriculture (2012-13 & 2014-15)

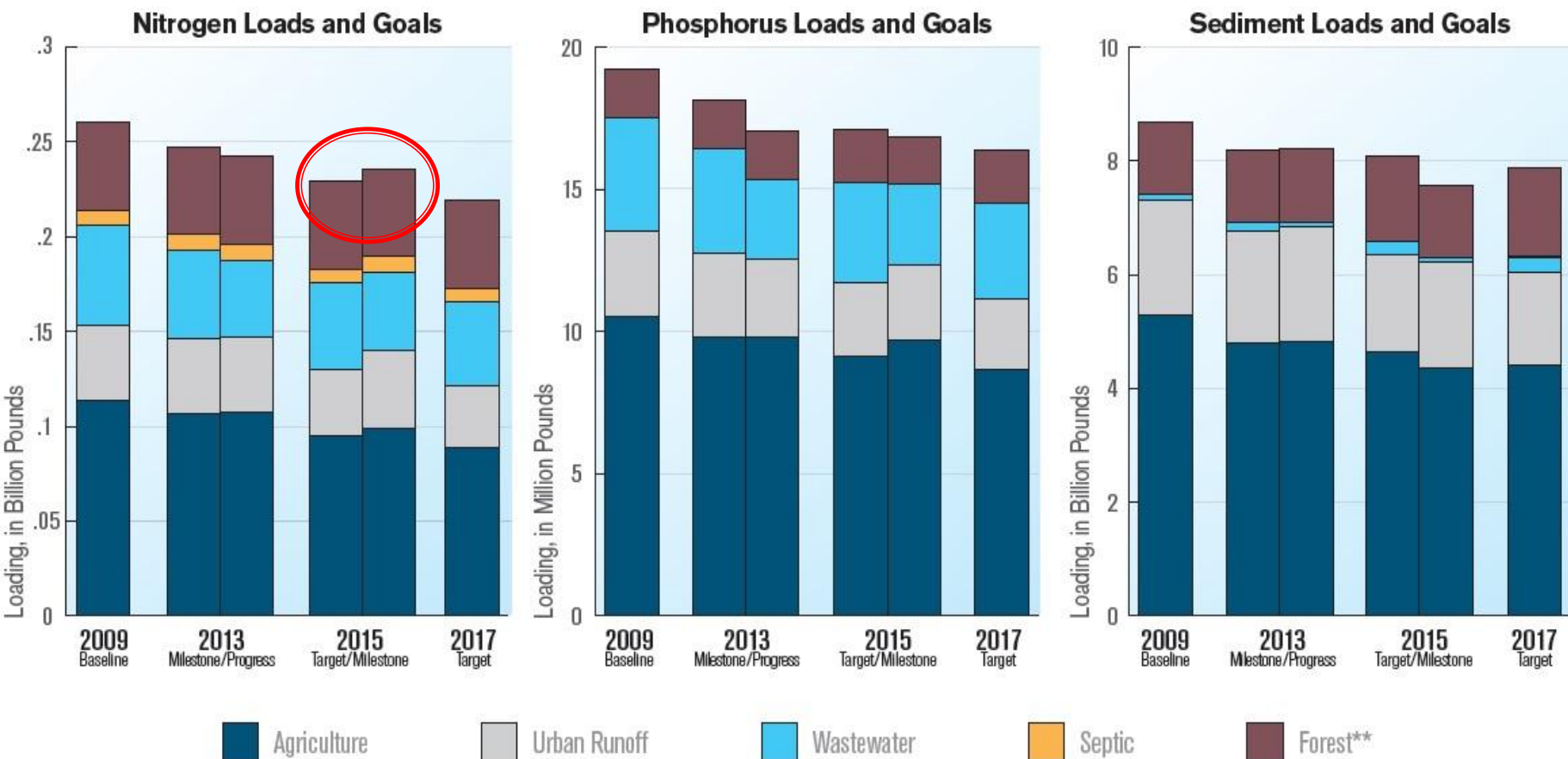
Agriculture Workgroup
November 13, 2014

Kelly Shenk
Agricultural Advisor
EPA Region III Water Protection Division

Milestones Evaluation

- ▶ 2012–13: Did jurisdictions and federal agencies achieve their 2012–13 commitments set 2 years ago?
- ▶ 2014–15: Are commitments strong enough to keep jurisdictions and federal agencies on track to have:
 - All practices in place by 2025 to achieve clean water in Bay
 - Practices in place by 2017 to achieve 60% of necessary reductions compared to 2009
- ▶ Milestones comprise:
 - Numeric: translate practices into load reductions and compare to long-term trajectories
 - Programmatic: Actions to build capacity to achieve necessary implementation levels

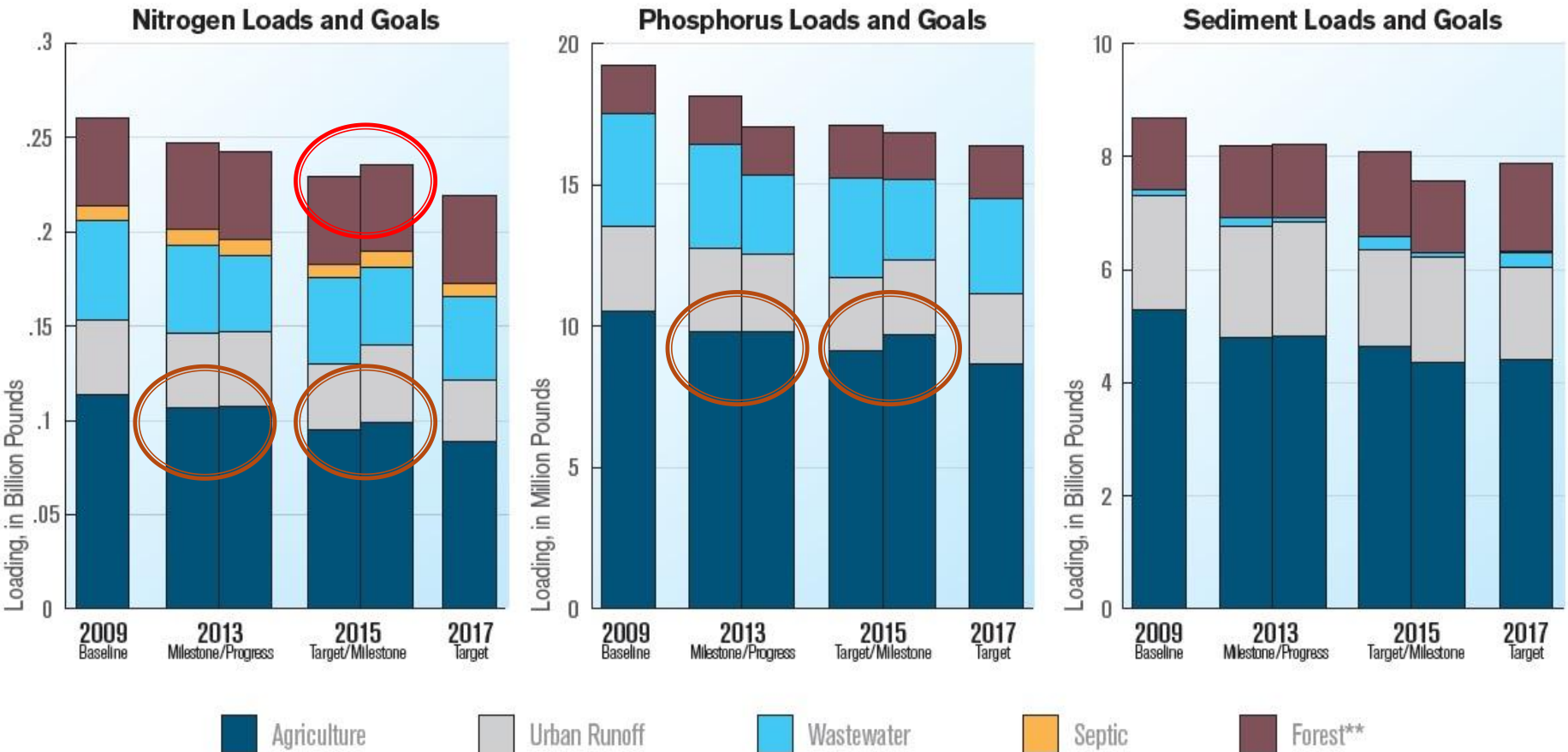
Basinwide Progress and Projections



** Forest includes other sources

Note: 2013 milestones and 2013 progress are based on 2010 conditions. For additional information on pollution reduction progress, commitments, and BMP see <http://stat.chesapeakebay.net/milestones>

Basinwide Progress and Projections



** Forest includes other sources

Note: 2013 milestones and 2013 progress are based on 2010 conditions. For additional information on pollution reduction progress, commitments, and BMP see <http://stat.chesapeakebay.net/milestones>

Delaware: Ongoing Oversight

Strengths

- ▶ Increased funding for cover crops.
- ▶ Built CAFO program capacity, staff, and baseline data.
- ▶ Developing ways to better track practices.

Challenges

- ▶ Did not meet N and P reduction milestones for 2012/2013.
- ▶ No documented acceleration of implementation of priority BMPs.

Focus Areas in Moving Forward

- ▶ Detail how will fund and increase implementation of high priority BMPs during 2014–2015.
- ▶ Demonstrate progress that puts DE on track to meet 2017 goals.
- ▶ Finalize CAFO General Permit and issue permits.
- ▶ Improve BMP tracking

Maryland: Ongoing Oversight

Strengths

- ▶ Revised nutrient management regulations and began implementation.
- ▶ Drafted Ag Certainty regulations.
- ▶ Drafted renewed CAFO General Permit.
- ▶ Developing plan for advancing manure-to-energy projects.

Challenges

- ▶ Phosphorus Management Tool regulation deadline missed. Promulgating regulations is a 2014/2015 milestone.

Focus Areas in Moving Forward

- ▶ Promulgate PMT. If not, what is alternative approach to reaching P targets?
- ▶ Finalize Ag Certainty regulations, outreach strategy, and launch program.

New York: Ongoing Oversight

Strengths

- ▶ Funded ag BMPs, exceeded animal waste management system target.
- ▶ Provided uniform approach to BMP reporting across watershed.
- ▶ Set milestones for extensive outreach to farm community.

Challenges

- ▶ Did not meet N reduction milestone in 2012–2013.
- ▶ NY did not release amended CAFO General Permit in 2013.
- ▶ Raised state CAFO threshold from 200 to 300 dairy cows. Will this be a challenge for meeting targets?

Focus Areas in Moving Forward

- ▶ Issue draft CAFO General Permit and revise State CAFO regulations in 2014.
- ▶ Fund the Dairy Acceleration Program for 200–299 head that are no longer part of NY's CAFO program.

Pennsylvania: Backstop Action

Strengths

- ▶ Issued CAFO General Permit.
- ▶ Developed Ag Complaint Response Policy.
- ▶ Revised Delegation Agreements with CDs to implement MMP.
- ▶ Extensive education on state regulations.
- ▶ Commits to 3 watershed compliance assessments.

Challenges

- ▶ Did not meet N and P reduction milestones for 2012/2013.
- ▶ Did not meet critical BMP implementation targets, and has heavy reliance on ag to meet 75% of necessary nutrient reductions.

Focus Areas in Moving Forward

- ▶ Get on track to meet 2015 targets with focus on implementing priority BMPs. Focus on compliance with state regulations. Data management/reporting. 3 Watershed Compliance Assessments.

Virginia: Ongoing Oversight

Strengths

- ▶ VA Enhanced Conservation Initiative to fund stream exclusion, commitment to continue funding.
- ▶ Progressed on small AFO strategy.
- ▶ Resource Management Plan Program – is rolling out.

Challenges:

- ▶ Did not meet N and P reduction milestones for 2012/2013.
- ▶ Missed deadline for issuing CAFO permits. Issued 0 permits and deferred goal until 2014/2015.
- ▶ Missed target for implementing NMPs for 75% of unpermitted dairies.

Focus Areas Moving Forward:

- ▶ Increase implementation of priority BMPs to stay on track to meet 2017 targets.
- ▶ Implement CAFO permitting program.
- ▶ Develop and implement NMPs for 75% of unpermitted dairies.

West Virginia: Enhanced Oversight

Strengths

- ▶ Implemented new nutrient management regulations.
- ▶ Met all programmatic milestones.
- ▶ Developed 19 NMPs for CAFOs.

Challenges

- ▶ Keep up the pace.

Focus Areas in Moving Forward

- ▶ Continue CAFO program implementation.
- ▶ Strengthen voluntary programs in unregulated areas to stay on track with targets.

Agriculture

MORE WORK TO DO:

- Implementation rates for priority BMPs are lagging
- Better target and leverage funds.
- Grow and organize technical assistance network.
- Build program capacity and long-term sustainability of ag conservation.
- Improve accounting on what hasn't been implemented vs. what hasn't been tracked

PROGRESS!

- New programs are in place (regulatory, voluntary, incentive based) to ramp up efforts.
- More attention on better accounting for the big-hitter practices.
- Examples of new funding, better leverage of funding.
- Examples of building staff with EPA CBRAP funding.
- Progress on improving accounting.

Urban/Suburban Development

- Loads continue to grow in many jurisdictions
- Permit backlogs persist
- Compliance assurance is lacking
- Local regulated communities need training and guidance from the states
- Need strategies to finance local stormwater management programs

Wastewater

- Wastewater reductions well ahead of schedule
- Several states depending on this sector for helping achieve their 2017 60% interim target
- Septic loads continue to increase
- Need to issue remaining permits with Bay TMDL limits
- Need to track compliance schedules and put more focus on non-significant facilities

- We are seeing evidence that our investments in practices and upgrades **ARE** working—at local scales and regional scales
- We are also seeing evidence of starting to lose the cleaner waters progress we made in earlier decades
- We are not on track to achieve our nitrogen interim target by 2017; based on monitoring, we are likely not on track to achieve phosphorus
- We have some significant challenges in front of us to achieve our goals by 2025

Animal Agriculture Program Assessments

CAFO and AFO
Regulatory and Voluntary
Programs

Consistent
with CWA
NPDES
Requirements?

Implemented
effectively to
achieve the
State WIP
commitments of
the CB TMDL?

Take
appropriate actions to
address any inconsistencies.

Animal Agriculture Program Assessments – Data Evaluated

▶ Data sources:

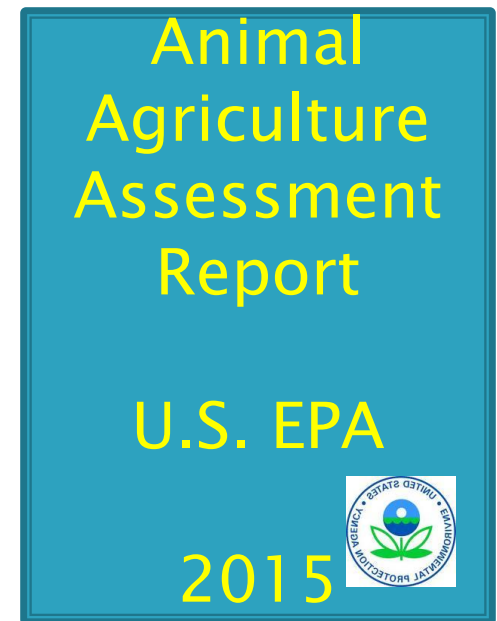
- State agencies
- Regional offices
- Conservation District offices
- File reviews
- EPA knowledge

• Factors:

- Funding, Staff
- Data Systems
- Compliance & Enforcement
- Connection to Watershed Implementation Plans

Program Assessment Reports

- ▶ Six reports for all Bay states in 2015.
 - Winter 2015: NY, PA, and VA
 - Summer 2015: DE, MD, and WV
- ▶ Findings:
 - What's working well.
 - Any inconsistencies.
- ▶ Next steps:
 - Address any inconsistencies.



Activities are Consistent with Settlement Agreement

- CBF Suit (Fowler et al., v. EPA): January 2009
 - Failure to take adequate measures to protect & restore Bay.
- Settlement Agreement: May 2010
 - Propose revised CAFO regulations by June 30, 2012 to more effectively achieve objectives of the TMDL.
- Revised Settlement Agreement: May 2013
 - AFO & CAFO Program Assessments
 - AFO Reviews
 - CAFO Permit Reviews
 - CAFO Regulation Assessment in 2018



For More Information



Programmatic Milestones and EPA Evaluations

- ▶ www.epa.gov/chesapeakebaytmdl

Pollutant Load and BMP Progress and Targets

- ▶ <http://stat.chesapeakebay.net/>

Kelly Shenk

- ▶ shenk.kelly@epa.gov