



# EPA Assessment of Chesapeake Bay

## 2012-2013 Milestone Progress and 2014-2015 Milestone Commitments to Reduce Nitrogen, Phosphorus and Sediment



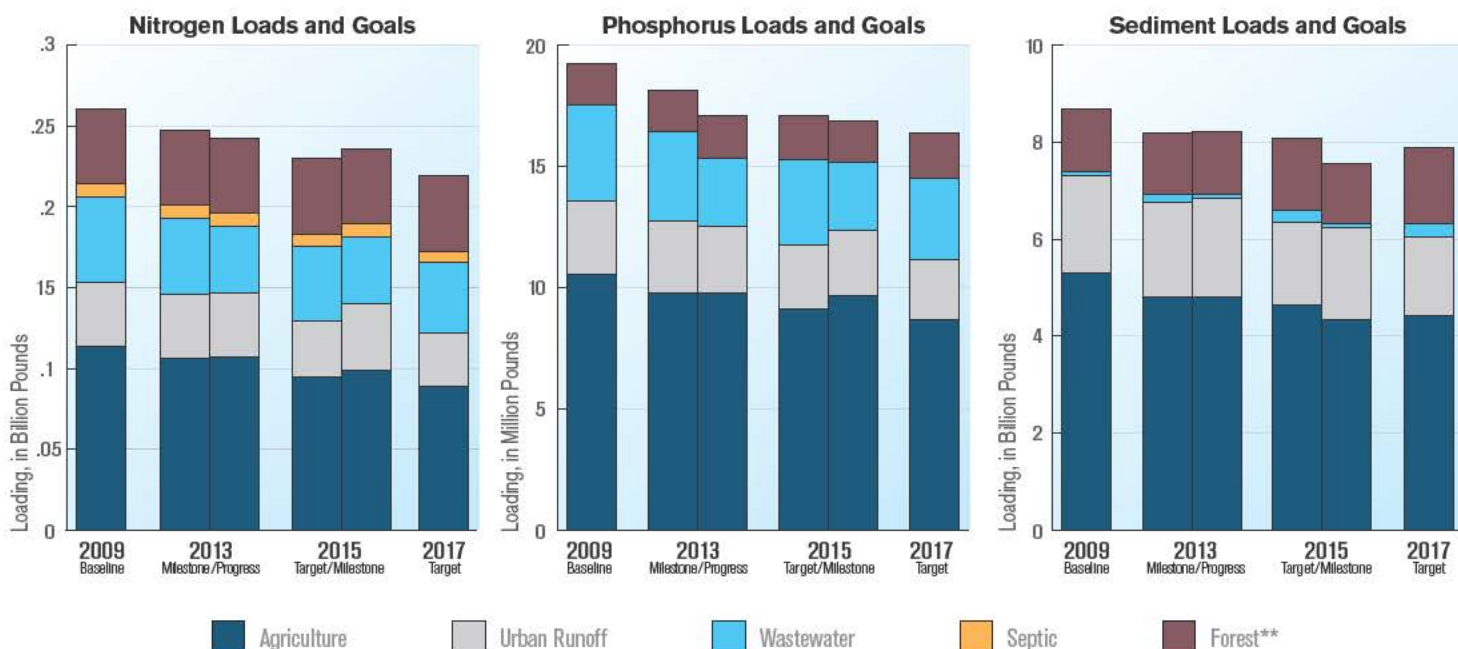
### Overview

In 2008, the Chesapeake Executive Council charged the seven jurisdictions to develop a two-year milestone process for reducing their respective nitrogen, phosphorus and sediment contributions to the Chesapeake Bay and to track the pace of those reductions. Two-year milestones are short-term objectives now under the Chesapeake Bay Total Maximum Daily Load (Bay TMDL) accountability framework used to assess progress toward restoration goals while allowing jurisdictions to flexibly adapt their Watershed Implementation Plans (WIPs) to meet those goals. When fully implemented, the seven WIPs will ensure all practices necessary to meet water quality standards in the Chesapeake Bay will be in place by 2025. By 2017, jurisdictions should have practices in place that would achieve 60 percent of necessary pollutant reductions compared to 2009.

### Pollutant Reduction Progress and Future Targets by Source Sector

According to data provided by the Bay jurisdictions, the Chesapeake Bay Program partnership as a whole achieved the 2013 milestone targets for nitrogen and phosphorus set by the jurisdictions in 2012. While the jurisdictions finished nearly 24 million pounds behind schedule for sediment, the reductions achieved keep them on track to meet the 2017 target. The Bay jurisdictions collectively finished the 2012-2013 milestone period more than 5 million pounds ahead of schedule for nitrogen reductions and more than 1 million pounds ahead of schedule for phosphorus reductions.

The Bay jurisdictions' 2014-2015 milestones wastewater strategies and best management practice (BMP) commitments for other source sectors reduce phosphorus by nearly 2.4 million pounds and decrease sediment by more than 1.1 billion pounds by the end of 2015, compared to the 2009 baseline. Nitrogen is projected to be reduced by nearly 25 million pounds, but this reduction is nearly 6 million pounds less than is needed to remain on track to meet the 2017 target. The jurisdictions will need to substantially increase nitrogen reductions in order to get back on target.



\*\* 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>

## Federal Agencies Water Quality Progress and WIP Support

EPA will continue to assess options for developing methods to track progress in reducing the release of nitrogen, phosphorus and sediment pollutants from federal lands and facilities. Progress assessment will continue to provide accountability and inform future federal activities that are intended to support the Bay jurisdictions' WIPs and the Bay TMDL.

### 2014 Oversight Status

	Agriculture:	Urban/Suburban:	Wastewater:	Trading/Offsets:
<b>DE</b>	Ongoing Oversight	Ongoing Oversight	Ongoing Oversight	Ongoing Oversight
<b>DC</b>	Not Applicable	Ongoing Oversight	Ongoing Oversight	Ongoing Oversight
<b>MD</b>	Ongoing Oversight	Ongoing Oversight	Ongoing Oversight	Ongoing Oversight
<b>NY</b>	Ongoing Oversight	Ongoing Oversight	Enhanced Oversight	Ongoing Oversight
<b>PA</b>	Backstop Actions Level	Backstop Actions Level	Ongoing Oversight	Enhanced Oversight
<b>VA</b>	Ongoing Oversight	Enhanced Oversight	Ongoing Oversight	Ongoing Oversight
<b>WV</b>	Enhanced Oversight	Ongoing Oversight	Ongoing Oversight	Ongoing Oversight

### 2012-2013 Milestone Progress and 2014-2015 Milestone Review

The EPA review of progress toward meeting 2012-2013 milestones shows while some jurisdictions are making enough progress in the various sectors to ensure implementation is occurring, there are areas which merit further attention to ensure reductions for the 2014-2015 milestone period keep jurisdictions on track to meet the 2017 target of having practices in place to achieve 60 percent of reductions necessary to obtain water quality standards in the Chesapeake Bay. Some highlights include:

#### Strengths

- Delaware will issue a general permit for 150 concentrated animal feeding operations (CAFOs) or 100 individual CAFO permits, a major step toward reducing the permit backlog
- The District of Columbia continued upgrades to Blue Plains WWTP; will have enhanced nutrient removal in place by October 2014
- Maryland implemented revised agricultural nutrient management regulations and homeowner fertilizer act
- Maryland doubled its Bay Restoration Fund fee allowing sufficient grant funds to complete Enhanced Nutrient Removal upgrades at the 67 major wastewater treatment plants and 5 to 10 minor plants by 2017
- New York issued draft permits with wasteload allocations for 29 of its 30 significant wastewater treatment facilities
- Pennsylvania has committed to performing 450 agricultural compliance inspections and 100 compliance actions during the 2014-2015 milestone period
- Virginia launched the new Virginia Enhanced Conservation Initiative, providing \$4.8 million in cost-share funds and reimbursing farmers up to 100 percent to install stream fencing systems
- Virginia's 2013 General Assembly approved bond authorization including \$101 million to fund grants for wastewater plant upgrades and up to \$75 million for Combined Sewer Overflow control projects
- West Virginia implemented new nutrient management rule and incorporated updated Phosphorus Index into guidance for all federally cost-shared nutrient management plans
- EPA worked with federal agencies to develop the planning tool Bay Facility Assessment Scenario Tool (BayFAST) to allow federal agencies to estimate current loads from individual facilities and pollutant reductions from various BMP scenarios

## Shortfalls

- Delaware did not meet its nitrogen milestone in 2012-2013 in the agriculture and stormwater sectors and is substantially off the planned 2015 target for nitrogen
- Maryland's Phosphorus Management Tool regulations not completed as specified; committed to implementing in 2014
- New York did not release an amended draft of the federal Clean Water Act or state CAFO general permits for notice and public comment in 2013
- Pennsylvania did not meet 2013 milestone reduction targets in agriculture, and did not meet implementation targets for critical BMPs that the Commonwealth is relying on heavily to meet nutrient and sediment reduction targets
- Virginia did not issue the 10 remaining, expired Phase I Municipal Separate Storm Sewer System (MS4) permits and is therefore not on track to have practices in place by 2025 to meet TMDL allocations for stormwater within Phase I localities
- EPA deferred revisions to the national stormwater rule; an alternative course of action to develop proposals to strengthen the stormwater program in 2014-2015 was determined

## Issues to Address

- Delaware should increase implementation progress during 2014-2015 milestone period to get back on track to meet nitrogen targets for 2015
- Delaware should reissue all expired wastewater treatment plant permits by December 31, 2014
- The District of Columbia should increase implementation of tree plantings and redevelopment projects that meet the 1.2 inch retention standard in order to meet projected implementation goals in the Urban Stormwater sector
- Maryland should issue remaining, expired MS4 permits and construction general permit by agreed upon schedule
- New York should meet with EPA officials to discuss how Construction and MS4 general permits that are to be reissued in 2015 will be consistent with the allocations and assumptions of the Bay TMDL
- Pennsylvania should increase progress in agriculture and urban/suburban stormwater sectors to get Pennsylvania on track to meet the nitrogen targets for 2015, with focus on highest priority water quality BMPs
- Pennsylvania should notify localities within new and expanded urbanized areas based on the 2010 Census that they require Phase II MS4 permit coverage by September 30, 2014
- EPA expects Virginia to demonstrate more aggressive implementation of practices to manage urban and suburban stormwater, including infiltration and filtration practices
- West Virginia should complete its comprehensive assessment of new growth and nutrient loadings by September 30, 2015; EPA expects West Virginia to follow through on Phase II WIP contingencies starting in 2015 and implement them fully by 2017 if its comprehensive assessment shows urban stormwater goals will not be achieved

## Potential Federal Actions and Assistance

EPA will maintain "Ongoing Oversight" for most sectors in most jurisdictions; some sectors merit additional oversight:

- EPA may downgrade the Delaware Agriculture sector to "Enhanced Oversight" within the milestone period unless Delaware details how it will fund and implement load reductions for highest priority water quality BMPs, show progress that puts Delaware on track to meet its 2017 goal, and issues CAFO permits to cover 150 animal operations
- EPA may downgrade the Delaware Wastewater sector to "Enhanced Oversight" if permits for expired significant wastewater treatment plants are not reissued prior to December 31, 2014
- EPA may downgrade the Maryland Urban/Suburban Stormwater sector to "Enhanced Oversight" if the state does not reissue its Phase I MS4, Phase II MS4 and Construction General permits in accordance with the agreed upon schedule deadlines
- EPA will downgrade the Pennsylvania Agriculture sector to "Backstop Actions Level" and will further maintain "Backstop Actions Level" for the Stormwater sector; EPA will maintain "Enhanced Oversight" for the Trading and Offset program
- EPA will maintain "Enhanced Oversight" for the New York Wastewater sector – EPA may provide technical assistance to evaluate whether wastewater treatment plants can further reduce nutrients using low-cost strategies to potentially inform the New York Phase III WIP, when EPA expects New York to commit to necessary load reductions
- EPA will maintain "Enhanced Oversight" for the Virginia Urban/Suburban Stormwater sector – EPA will work with Virginia to incorporate more specific grant outputs and deadlines for Phase I MS4 permits, CAFO permits and the phased development of a stormwater tracking system
- EPA will maintain "Enhanced Oversight" for the West Virginia Agriculture sector, but may downgrade the West Virginia Urban/Suburban Stormwater sector to "Enhanced Oversight" pending demonstration of additional actions to manage loads if the comprehensive assessment shows urban stormwater goals will not be achieved
- EPA is supporting trading and offset tracking systems and the development/enhancement of BMP verification programs