



EPA Evaluation of Delaware's

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



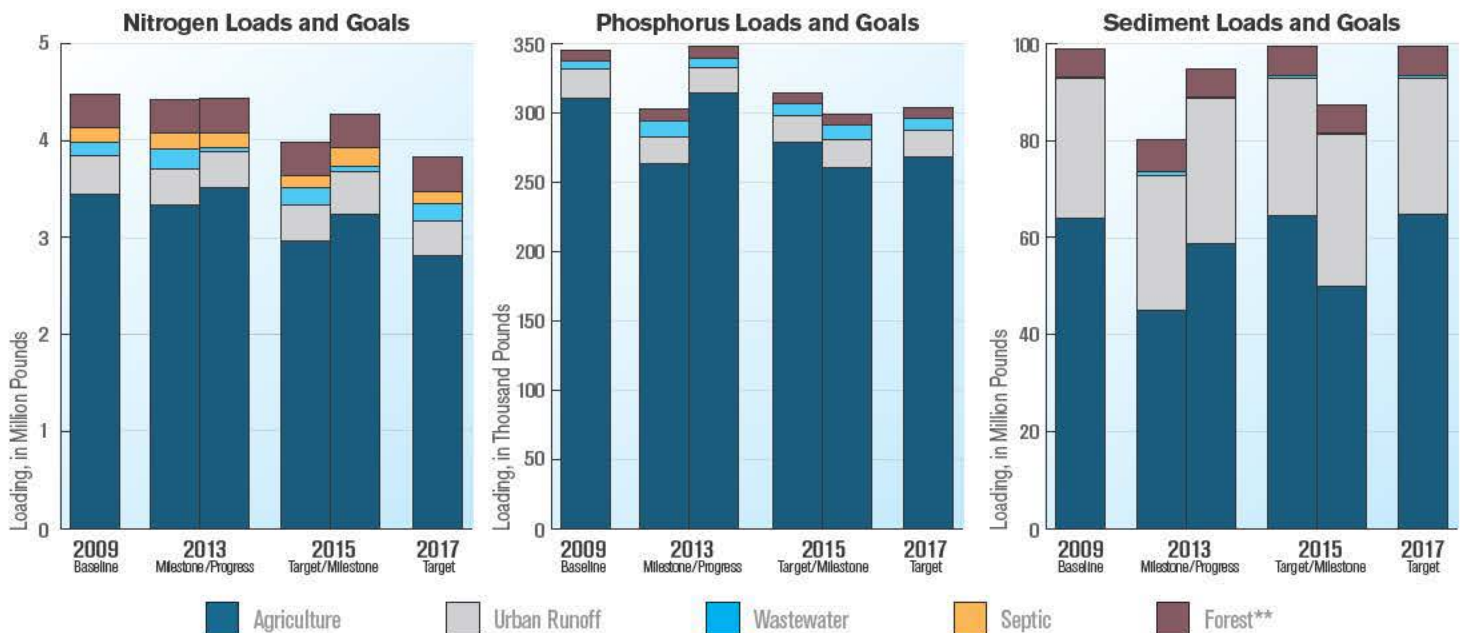
Overview

Two-year milestones are short-term objectives 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 the data provided by Delaware, the state nearly achieved its 2013 milestone targets for nitrogen. Delaware did not achieve its milestone targets for phosphorus and sediment. While the sediment targets were not achieved, Delaware has already met its 2025 WIP sediment target. Delaware finished the 2012-2013 milestone period less than 5,000 pounds behind schedule for nitrogen reductions, but was more than 45,000 pounds behind schedule for phosphorus reductions, and nearly 15 million pounds behind schedule for sediment.

Delaware's 2014-2015 milestone wastewater strategy and best management practice (BMP) commitments for other source sectors would reduce phosphorus by nearly 46,000 pounds and decrease sediment by nearly 12 million pounds by the end of 2015, compared to the 2009 baseline. Nitrogen totals indicate a reduction of nearly 200,000 pounds over the 2009 baseline, however this reduction is nearly 290,000 pounds less than is needed to remain on track to meet its 2017 target. Delaware will need to increase its 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>

2014 Oversight Status



2012-2013 Milestone Progress and 2014-2015 Milestone Review

The EPA review of progress toward meeting 2012-2013 milestones shows Delaware has made enough progress in the agriculture and stormwater sectors to ensure implementation is occurring, even though all of its milestone commitments were not achieved. Delaware will need to place additional emphasis on improving implementation in the agriculture and wastewater sectors to stay on track to meet its commitments by 2025. Delaware did not meet their milestone targets, in part, because improved scientific information approved by the Chesapeake Bay Program (CBP) partnership and incorporated into CBP's decision-support tools in late 2013 indicated agricultural Best Management Practices (BMPs) installed in Delaware were not as effective as anticipated. As a result, nitrogen and phosphorus loads increased. Delaware's anticipated reductions for the 2014-2015 milestone period should keep it on track to meet the 2017 target of having practices in place to achieve 60 percent of necessary phosphorus and sediment reductions compared to 2009, but projected reductions for nitrogen are behind schedule.

Strengths

- Acquired additional funds necessary to meet implementation goals for cover crops
- Promulgated revised Sediment and Stormwater Regulations and Onsite Wastewater Regulations
- Included provisions for offsets and/or fee in lieu
- Will issue general permit for 150 concentrated animal feeding operations (CAFOs) or 100 individual CAFO permits, a major step toward reducing the permit backlog
- Will develop and implement a method of tracking and reporting agriculture non-cost share BMPs such as conservation tillage
- Will provide training on the revised regulation for sediment and stormwater, and conduct maintenance and construction inspections
- Will refine Sediment and Stormwater Program offset program by December 2015

Shortfalls

- Delaware did not meet its nitrogen, milestone in in 2012-2013 in the agriculture and stormwater sectors and is substantially off the planned 2015 target for nitrogen
- Final wastewater treatment permits were not reissued during 2012-2013 milestone period

Issues to Address

- Increase implementation progress during 2014-2015 milestone period to get back on track to meet nitrogen targets for 2015
- Increase the compliance and monitoring program for nutrient management
- Reissue all expired wastewater treatment plant permits by December 31, 2014

Potential Federal Actions and Assistance

EPA will maintain "Ongoing Oversight" of the Delaware programs for all sectors. EPA may downgrade the 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 Wastewater sector to "Enhanced Oversight" if permits for expired significant wastewater treatment plants are not reissued prior to December 31, 2014.

For the full details of EPA's evaluation of Delaware's 2012-2013 milestone progress and 2014-2015 milestone commitments, please see [Delaware's Full Evaluation Report](#).