



EPA Evaluation of New York's 2014-2015 Milestone Progress and 2016-2017 Milestone Commitments to Reduce Nitrogen, Phosphorus and Sediment

Overview

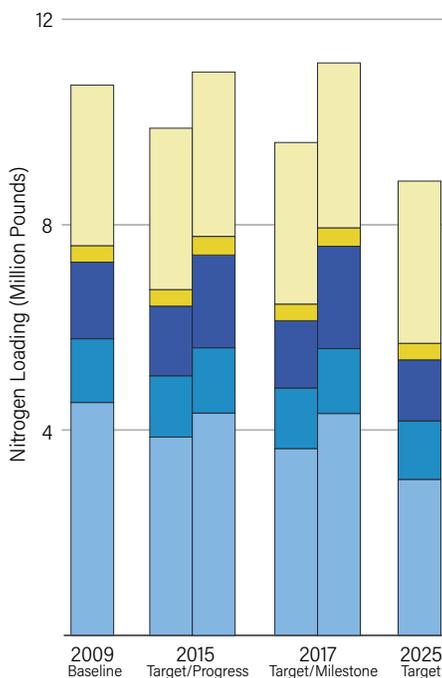
Two-year milestones are short-term objectives under the Chesapeake Bay Total Maximum Daily Load (Bay TMDL) accountability framework used to assess progress toward restoration goals while allowing jurisdictions to flexibly adapt their Watershed Implementation Plans (WIPs) to meet those goals. The Chesapeake Bay Program partnership set restoration goals of having all practices necessary to meet applicable Chesapeake Bay water quality standards in place by 2025 and practices in place by 2017 that would achieve 60 percent of the necessary pollutant reductions compared to 2009.

Pollutant Reduction Progress and Future Targets by Source Sector

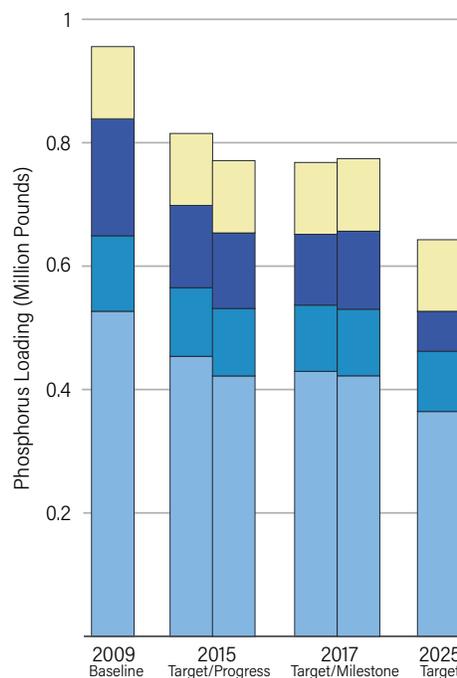
According to the data provided by New York, the state did not achieve its state-wide 2015 targets for nitrogen and sediment, but did achieve its state-wide target for phosphorus. New York is significantly off track across all source sectors to achieve its 2015 milestone target for nitrogen.

Based on New York's anticipated reductions during the 2016-2017 milestone period, New York is not on track to meet its 2017 state-wide Bay TMDL targets for nitrogen, phosphorus and sediment.

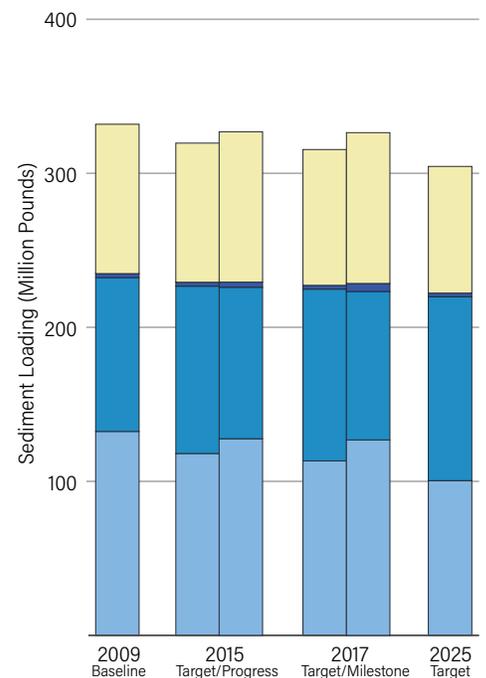
Nitrogen Loads and Goals



Phosphorus Loads and Goals



Sediment Loads and Goals



■ Agriculture
 ■ Urban Runoff
 ■ Wastewater
 ■ Septic
 ■ Forest*

*Forest includes other sources

For additional information on pollution reduction progress, commitments, and BMP see <http://www.chesapeakeprogress.com/clean-water/water-quality/watershed-implementation-plans>



Images by Chesapeake Bay Program

2016 Oversight Status

- Ongoing
- Enhanced
- Backstop

Agriculture

Ongoing Oversight

Urban/Suburban

Ongoing Oversight

Wastewater

Enhanced Oversight

Trading/Offsets

Ongoing Oversight

2014–2015 Milestone Progress and 2016–2017 Milestone Review

The EPA review of progress toward meeting 2014–2015 milestones shows New York has made more than enough progress to ensure implementation is occurring across all source sectors for phosphorus reductions, although not all of its milestone commitments were achieved. However, New York has not met its own nitrogen milestones and has not made progress towards offsetting additional agricultural loads identified in 2014. Further, while the Urban/Suburban Stormwater sector is on track to meet the 2017 sediment reductions, all other sectors' sediment loads are off track.

Strengths

- Released draft CAFO General Permits under both federal Clean Water Act and state authorities
- Implemented two rounds of the Agricultural Nonpoint Source Abatement and Control Program for a total of \$6.1 million to support technical assistance and BMP implementation by Soil and Water Conservation Districts
- Committed to track and report on urban/suburban stormwater BMPs beyond erosion and sediment control in annual implementation progress submissions by 2017
- Reduced wastewater load for phosphorus by 20 percent primarily due to implementation of phosphorus permit limits at all significant facilities

Shortfalls

- Did not meet planned BMP implementation trajectories for grass buffers, conservation plans or conservation tillage
- Completed approximately half of 2015 goal of integrating 8,000 feet of stream rehabilitation with 100 acres of buffers and 450 acres of pasture land; this ongoing project is continued in the 2016–2017 milestones

Issues to Address

- Provide milestone describing new plans for funding and implementing updated suite of BMPs, or explanation of how implementation of current suite of BMPs will be accelerated by additional funding and/or new programs in order to get back on track with Phase II WIP targets
- Provide milestone to ensure 2017 MS4 General Permit includes provisions that address reductions in Urban/Suburban Stormwater sector in New York's portion of the Chesapeake Bay watershed, consistent with the assumptions and requirements of applicable Bay TMDL wasteload allocations; continue discussions between EPA and NYDEC during the general permit review and coordination process
- Provide inventory of WWTPs that have been upgraded and those scheduled for upgrades
- Incorporate monitoring data where possible in tracking and reporting of non-significant WWTPs starting with the 2016 progress run

Potential Federal Actions and Assistance

EPA will potentially downgrade New York's Agriculture sector to "Enhanced Oversight" by the end of 2016 unless the state provides EPA with a detailed strategy describing how it will offset increased loads identified in the 2012 Agriculture Census and meet the state's Phase II WIP planning targets. New York has agreed to provide this detailed strategy to EPA by August 5, 2016. EPA will evaluate this strategy and would maintain New York's oversight in "Ongoing Oversight" if a clear, credible strategy is provided. EPA will maintain "Ongoing Oversight" of the New York sectors for Urban/Suburban Stormwater and Offsets and Trading, and will maintain "Enhanced Oversight" for the Wastewater sector.