

EPA EVALUATION OF DELAWARE'S 2026-2027 MILESTONE COMMITMENTS

Executive Summary

The Chesapeake Bay Program (CBP) partnership established the goal to implement and maintain practices and controls to reduce nitrogen, phosphorus and sediment in order to achieve the applicable water quality standards, as described in the [Chesapeake Bay Total Maximum Daily Load](#) (Bay TMDL). The CBP partnership, including the seven jurisdictions (Delaware, the District of Columbia, Maryland, New York, Pennsylvania, Virginia, and West Virginia) and the U.S. Environmental Protection Agency (EPA), agreed to develop and implement a framework for holding each partner accountable for reducing nitrogen, phosphorus, and sediment loads to meet the [CBP partnership water quality targets](#). EPA has evaluated Delaware's draft 2026-2027 milestone commitments for the CBP partnership and the public in accordance with its oversight role and responsibility under the CBP partnership's accountability framework. The next evaluation will assess Delaware's 2024-2025 milestone progress, final 2026-2027 milestone commitments, and numeric progress toward meeting its water quality targets through implementing its Phase III Watershed Implementation Plan (WIP) and two-year milestones.

Background

The CBP partnership has been using two-year milestones since 2009 to help identify shorter term actions to implement the WIPs and document progress toward the partnership's water quality targets. In January 2025 the Principals' Staff Committee (PSC) approved [an updated approach to the two-year milestones](#) to streamline the milestone commitments and milestone progress reporting, starting with the 2026-2027 milestones. Jurisdictions, the Conowingo WIP Steering Committee, and Federal Agencies (collectively referred to as Milestone Partners) are expected to identify high-level programmatic actions they plan to implement during the 2026-2027 milestone period to maintain or accelerate implementation toward meeting the water quality targets through 2030. By December 31, 2030, the CBP partnership will update its modeling tools, approve updated planning targets, and develop or amend WIPs designed to meet these updated targets by 2040.

Progress and Monitoring

In addition to updating tools, targets, and WIPs, the CBP partnership is also exploring ways to better explain progress, using a combination of modeling results and monitoring data. Although this evaluation of the *draft* 2026–2027 milestones will not review modeled or

monitoring information, the final evaluation will include a detailed review of load reductions and further descriptions of monitoring data.

EPA encourages each of the Milestone Partners to review and assess both the available real-world monitoring data and the most recent modeling results (Progress Year 2024) to inform the priority strategies and actions identified in the final 2026-2027 milestones. Milestone Partners can use the [Chesapeake Assessment Scenario Tool \(CAST\)](#) to access the latest modeled progress results and build scenarios estimating future nitrogen, phosphorus, and sediment loads. The CBP partnership's Chesapeake Bay Nontidal Water Quality Monitoring Network, [supported by twenty-five groups](#) representing local, State, and Federal agencies, including the EPA, the U.S. Geological Survey (USGS), the Susquehanna River Basin Commission (SRBC), and the Bay jurisdictions, generates water quality monitoring data in freshwater rivers and streams throughout the watershed that is analyzed by USGS to provide monitoring-based information about the amount of nitrogen, phosphorus, and sediment entering the Chesapeake Bay through its nontidal rivers. These data inform watershed management by providing information on which to base restoration and conservation actions. The most recent results (www.usgs.gov/CB-wq-loads-trends) for the full 123-station network over the long-term 1985-2023 and short term 2014-2023 were published in March 2025.

Additionally, the [Monitored and Expected Total Reduction Indicator for the Chesapeake \(METRIC\) tool](#) can be used to compare observed water-quality trends with expected outcomes based on management actions, helping to clarify progress and guide priorities.

Future EPA evaluations will continue to stress the importance of using both modeling and monitoring information to target water quality actions such as milestone commitments to maintain and accelerate meeting the partnership's water quality targets. This integrated approach supports more accurate assessments and reduces misinterpretation, ultimately aiding partnership efforts to maintain and accelerate restoration and conservation efforts to achieve the water quality targets.

Feedback on 2026-2027 Milestone Commitments

Using the updated milestones framework, there are two categories of milestone commitments: core commitments and sector initiatives. Core commitments are the activities or actions of Milestone Partners that sustain or accelerate implementation priorities identified in the milestone narratives of the optional [milestone commitments template](#), while sector initiatives are the *innovative* actions introducing new approaches that sustain or advance implementation priorities that do the same.

This evaluation reviews how milestone commitments support the identified priorities and acceleration of implementation. When EPA evaluates milestone [progress in 2028](#), EPA will only evaluate progress in meeting the core commitments. EPA will recognize the innovative actions but will not evaluate their outcomes, to encourage innovation and creativity in achieving nutrient and sediment reductions.

EPA reviewed Delaware's draft 2026–2027 milestone commitments, assessing the core commitments and sector initiatives in context of how well they align with the priorities described in Delaware's narrative summary and Phase III WIP, and offers the following feedback.

General Comments

- EPA commends Delaware for revising the format of its milestone commitments to align with the PSC directive to streamline the 2026-2027 milestone commitments.
- The narrative summary does not identify Delaware's specific priorities for the two-year period. For example, the narrative states that Delaware is focusing efforts on priority best management practices (BMPs) identified in the Phase III WIP but only includes milestone commitments for three priority BMPs in their WIP (cover crops, grass buffers, and wetland restoration). EPA recommends that Delaware elaborate on how its programs will advance progress towards all of the priority BMPs Delaware identified in its Phase III WIP.
- EPA recommends Delaware clarify the baselines it will use for milestone outcomes that include “increases” – i.e., how an increase is being measured or determined and by what starting point.

Core Commitments

General Comments

- For all core sector milestones commitments, consider streamlining “actions & deliverables” language to highlight the specific program or program element Delaware will be using to achieve the increase in BMP implementation.
- EPA commends Delaware for identifying numeric targets for milestones that include BMP increases. For Milestones 2-4, however, it would be helpful to see an estimated numerical clarification between “new implementation vs. maintained implementation” of acreages.

Agriculture Sector

- EPA commends Delaware for providing programmatic milestones linked to two of the priority BMPs for the agricultural sector identified in its Phase III WIP: cover crops and grass buffers.
- EPA recommends revising milestone 1 to provide more details about plans to describe the increased incentives for early cover crop plantings of priority seed blends.
- EPA recommends Delaware continue to seek opportunities to accelerate implementation of priority agriculture BMPs to target nonpoint sources of nitrogen, phosphorus, and sediment.

Developed Lands (Regulated and Unregulated) Sector

- EPA commends Delaware for providing programmatic milestones intended to support several BMPs on Developed Lands from its Phase III WIP (urban and non-urban stream restoration, urban nutrient management) along with several BMPs for the developed sector supported by the Delaware Community Conservation Assistance Program (DeCAP).
- EPA recommends including a milestone that Delaware will issue the Tier 2 Phase II Municipal Separate Storm Sewer System (MS4) general permit, the New Castle County Phase I MS4 individual permit, and the industrial stormwater general permit in the 2026-2027 milestone period.
- EPA recommends a milestone that Delaware will create a stormwater management offset district in Sussex County as indicated in its Phase III WIP.
- EPA recommends Delaware continue to seek opportunities to reduce nutrient and sediment loads from the developed sector.

Wastewater and Septic Sector

- EPA recommends a milestone for the timely reissuance of wastewater National Pollutant Discharge Elimination System (NPDES) permits in Delaware that address arrangements for alternative wasteload allocations between Seaford, Bridgeville, and Invista to adhere to wastewater NPDES permitting requirements.

Forestry Sector

- EPA commends Delaware for its commitment to increase tree and forested buffer plantings and to protect existing forest canopy through collaboration with partners. However, it is unclear whether this collaboration is an expansion of existing

programs or the creation of a new program or initiative; EPA recommends Delaware clarify that in its final milestones.

Sector Initiatives (i.e., Innovative Actions)

EPA has no specific comments on the Sector Initiatives but appreciates Delaware sharing updates on innovative programs that support improvements in environmental conditions in the Chesapeake Bay watershed.