



# EPA Evaluation of New York's 2012-2013 Milestone Progress and 2014-2015 Milestone Commitments to Reduce Nitrogen, Phosphorus and Sediment



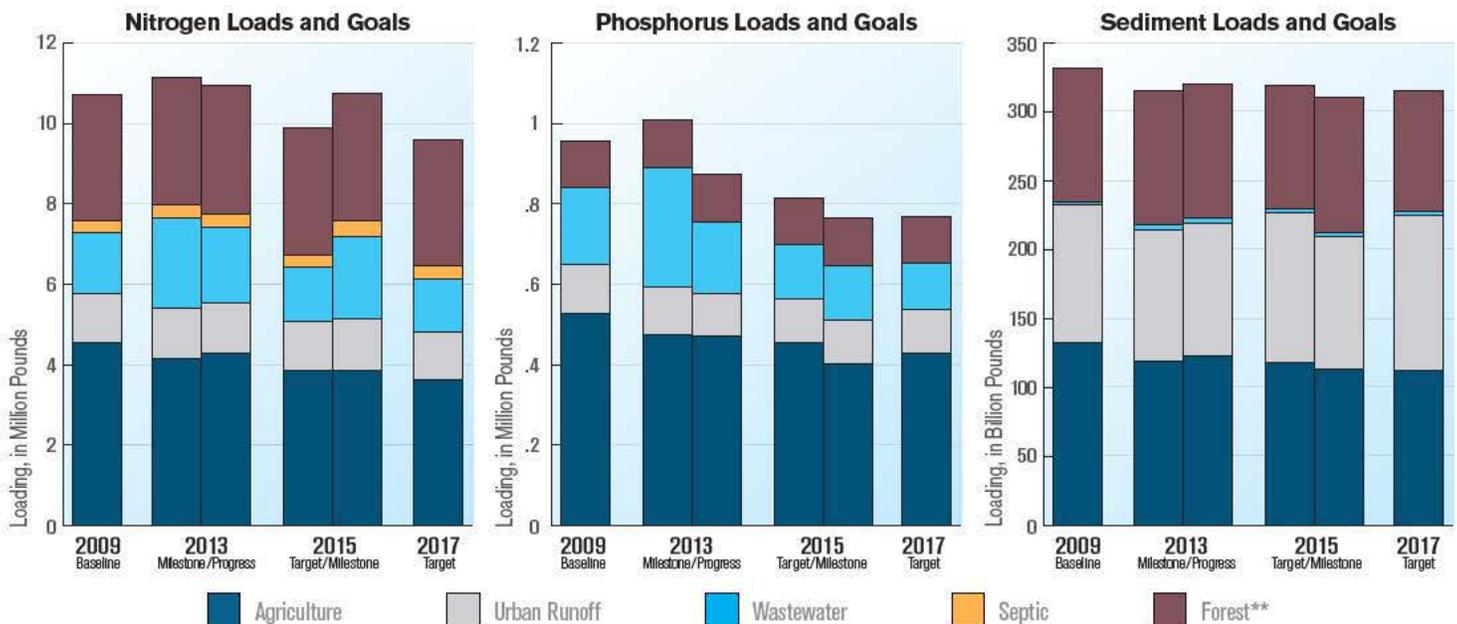
## Overview

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 New York, the state achieved its 2013 milestone targets for nitrogen and phosphorus. New York did not achieve its milestone target for sediment. New York finished the 2012-2013 milestone period more than 219,000 pounds ahead of schedule for nitrogen reductions and more than 135,000 pounds ahead of schedule for phosphorus reductions. While New York is more than 4.6 million pounds behind its target for sediment, its 2015 milestone has it still on track to meet its 2017 and 2025 targets.

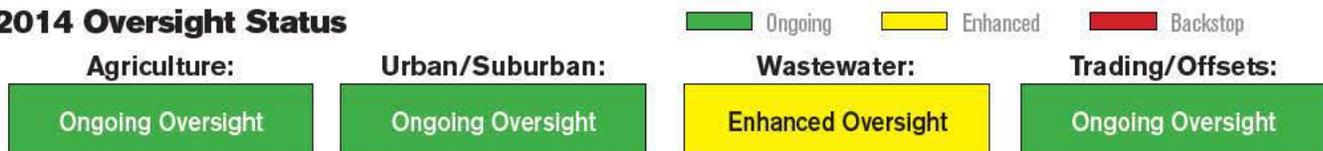
New York's 2014-2015 milestone wastewater strategy and best management practice (BMP) commitments for other source sectors would reduce phosphorus by more than 192,000 pounds and decrease sediment by more than 21.5 million pounds by the end of 2015, compared to the 2009 baseline. Nitrogen totals would indicate an increase by more than 37,000 pounds over the 2009 baseline. Significant additional nitrogen reductions are needed to ensure New York meets both its Watershed Implementation Plan (WIP) and 2017 targets.



\*\* 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 New York has made more than enough progress in the agriculture and stormwater sectors to ensure implementation is occurring, even though all of its milestone commitments were not achieved. New York will need maintain its efforts in the agriculture sector and place additional emphasis on improving capacity, implementation and reporting in its wastewater and stormwater sectors to stay on track to meet its WIP and Bay TMDL commitments. New York'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 nitrogen reductions are behind schedule.

### Strengths

- Implemented two rounds of New York State Agricultural Non-point Source Abatement and Control Program funding to support implementation of BMPs
- Completed an Agriculture Environmental Management on-line application to provide uniform approach to BMP reporting across the watershed
- Completed all 2013 programmatic milestones in the Urban/Suburban Stormwater and Wastewater sectors
- Issued draft permits with wasteload allocations (WLAs) for 29 of its 30 significant wastewater treatment facilities
- Provided two quantitative sector analyses using Chesapeake Bay Program and USDA data to document the small additional loads expected in the urban stormwater sector will be more than compensated for by load reductions from predicted decreases in numbers of farm animals and agricultural acreage
- Will continue extensive outreach to farm community with workshops to increase understanding and use of state-of-the-art conservation practices through the Upper Susquehanna Coalition and Cornell University
- Will fund Dairy Acceleration Program targeting farms with 200-299 cows, which are no longer part of CAFO program
- Will report out on post-construction BMPs in 2014 and 2015

### Shortfalls

- New York did not release an amended draft of the federal Clean Water Act or state Concentrated Animal Feeding Operation (CAFO) general permits for notice and public comment in 2013
- Revised state CAFO regulations and general permit raising state CAFO threshold from 200 to 300 animals (dairy cows)
- New York's 2014-2015 numeric milestones for wastewater are not on track for nitrogen because New York's WIP commitments for nitrogen in this sector are less aggressive than those in other jurisdictions; nitrogen loads from wastewater are not expected to significantly decrease until reconstruction of the Binghamton/Johnson City plant is completed in 2017

### Issues to Address

- Issue draft Clean Water Act CAFO general permit and state CAFO general permit in 2014; revise state CAFO regulations
- Meet with EPA Region 2 officials to discuss how Construction and Municipal Separate Storm Sewer Systems (MS4) general permits that are to be reissued in 2015 will be consistent with the allocations and assumptions of the Bay TMDL
- Implement urban and suburban stormwater BMPs
- Include a statement each year in Chesapeake Bay Regulatory and Accountability Program work plan to satisfy EPA expectations for tracking and accounting for growth

## Potential Federal Actions and Assistance

EPA will maintain "Ongoing Oversight" of the New York programs for the Agriculture, Urban/Suburban Stormwater and Offsets and Trading sectors. EPA will also 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. This information could inform the New York Phase III WIP, when EPA expects New York to commit to load reductions that will achieve water quality standards in the Chesapeake Bay.

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