

EPA INTERIM ASSESSMENT OF NEW YORK’S 2012-2013 MILESTONES AND WIP PROGRESS

The U.S. Environmental Protection Agency (EPA) is providing this interim assessment of New York’s progress towards meeting its 2012-2013 sector-specific milestones to assist New York in meeting its short-term goals and maintaining progress on its Watershed Implementation Plan (WIP).

Load Reduction and BMP Implementation Progress

According to the data provided by New York for the 2012 progress run, New York has achieved its 2012-13 milestones for nitrogen and phosphorus. However, New York will need to reduce its overall sediment load by 1% to reach its 2013 milestone target. Loads in New York's wastewater sector increased significantly for nutrients and sediment from 2011 to 2012 due to both increased loading by significant dischargers and the reporting of additional non-significant dischargers. For future progress runs starting in 2013, EPA encourages New York to clarify the source of Best Management Practice (BMP) data and distinguish actual increases in implementation from improved reporting of existing implementation when submitting annual data to the Chesapeake Bay Program Office. The following table contains a sample of BMPs that New York implemented through 2012 to make progress towards its 2013 milestone targets, as well as 2012 delivered and 2013 target loads for wastewater.

Implementation of Select BMPs¹ and Wastewater Loads				
		Unit	2012 Progress ²	2013 Milestone Target ²
Agriculture	Conservation Plans	Acres	99,402	83,103
	Livestock and Poultry Waste Management Systems	Animal Units	114,032	126,067
	Pasture Management (All Forms)	Acres	50,800	60,536
	Livestock and Poultry Mortality Composting	Animal Units	145	50
Urban	Erosion and Sediment Runoff Controls	Acres	657	2,911
Wastewater	Nitrogen Loads	Pounds delivered to the Chesapeake Bay	2,235,014	2,245,372
	Phosphorus Loads	Pounds delivered to the Chesapeake Bay	192,843	297,315
	Wastewater Facilities Meeting Water Quality Standards in Chesapeake Bay as of June 30, 2012 ³	Facilities Meeting/ Total Facilities (Percent of Facilities)	0/30 (0%)	0/30 (0%)

Notes:

¹ Table only includes a subset of BMPs that were implemented as of June 30, 2012 and reported by jurisdictions in their 2012 progress runs and projected by jurisdictions in their 2013 milestone targets. At the end of the 2012-2013 milestone period, EPA will assess implementation based on achievement of the milestone target nitrogen, phosphorus and sediment loads. Therefore, jurisdictions may change the BMPs that they implement during the milestone period to achieve their milestone target loads.

² 2012 progress and 2013 targets represent the total acres, feet, or animal units that will have BMPs in place as of 2012 or 2013. Values do not represent a net increase in BMP levels compared to the start of the milestone period in 2011. 2012 actual loads and 2013 target loads are provided for wastewater.

³ Based on permits for significant facilities with effluent limits in effect that meet DO and SAV/clarity standards.

Agriculture - Ongoing Oversight

Achievements

- The Upper Susquehanna Coalition conducted a full range of on-farm assessments and supported BMP planning and implementation at more than half of all of the farms in the watershed. These activities were funded by the Agricultural Environmental Management Program.
- New York exceeded its 2013 milestone for conservation plans in 2012 and also significantly increased the use of commodity cover crops.

Improvements to Meet 2012-2013 Milestones and Maintain WIP Progress

- EPA expects that New York will release an amended draft Clean Water Act CAFO general permit for notice and public comment in 2013. This general permit will be consistent with all federal CWA requirements, including the 2003 and 2008 regulations.

Urban/Suburban Stormwater - Ongoing Oversight

Achievements

- New York, with contract support provided by EPA, developed two software tools. The first extracts construction stormwater BMP data from the New York database and converts it to the proper format for reporting through EPA's National Environmental Information Exchange Network (NEIEN). The second tool allows individual Municipal Separate Storm Sewer Systems (MS4s) to model the effect of various BMP scenarios on their nutrient and sediment loads to help MS4s select the most effective BMP or combination of BMPs.

Improvements to Meet 2012-2013 Milestones and Maintain WIP Progress

- EPA expects New York to revise its construction Notice of Intent form by 2013 to allow reporting of stormwater BMPs beyond erosion and sediment control in annual progress runs as soon as possible.

Wastewater Treatment Plants and Onsite Systems - Enhanced Oversight

Achievements

- As described in its Phase II Watershed Implementation Plan (WIP) and in conversations with EPA, New York is moving forward with a strategy for issuing bubble permits for significant wastewater treatment plants.

Improvements to Meet 2012-2013 Milestones and Maintain WIP Progress

- EPA expects New York to continue work closely with EPA to finalize language for its revised permits for significant dischargers and to propose dates for public noticing these permits.

Offsets and Trading - Ongoing Oversight

Achievements

- New York has committed to reevaluate sector growth periodically and submitted an initial sector growth evaluation in response to EPA trading and offset assessment findings in February 2013. New York's submission included both a mathematical and qualitative description of how new sector loads are managed.

Improvements to Meet 2012-2013 Milestones and Maintain WIP Progress

- New York should provide a response to the common recommendations that EPA made in its 2012 trading and offset assessment by the end of 2013. EPA is issuing Technical Memoranda to assist with this response as well as guide development and implementation of trading and offsets programs.
- New York should reevaluate its initial sector growth submittal in 2013 after EPA issues its Technical Memorandum on sector growth management. This reevaluation should consider the projected 4% increase in New York's dairy cow herd necessary to meet the milk demand from the yogurt industry cited in the the March 6, 2013 Final Environmental Impact Statement.

Suggested Considerations for Development of 2014-2015 Milestones

- New York should consider milestones to increase the pace of nitrogen and phosphorus reductions. EPA expects milestones for nutrient and sediment targets to be on track for having practices in place by 2017 to achieve 60% of the load reductions necessary to reach final targets based on 2009 loads.
- New York should consider ways to reduce the loads from non-significant wastewater treatment plants and to achieve opportunistic reductions in the wastewater sector, when feasible, to achieve 2017 interim targets.
- EPA suggests that New York submit 2014-2015 milestones describing how it plans to achieve large increases in implementation for composite BMPs, such as pasture management (32% in 2012 to 95% in 2025) and barnyard and runoff control and loafing lot management (17% in 2012 to 77% in 2025). The need for these milestones is heightened as a result of the proposed changes to New York's Concentrated Animal Feeding Operations (CAFO) permit thresholds.

Summary Points and Next Steps

- EPA will host quarterly calls with New York to track progress in implementing its Phase II WIP and meeting its milestones (including New York's 2017 interim targets).
- The Chesapeake Bay Program partnership is developing verification protocols in order for nutrient and sediment controls to be more accurately credited by the Chesapeake Bay Program models. These protocols will address the sources of BMP implementation data and under-reported and non-cost shared practices; they will also include guidelines for identifying and removing duplicate records and addressing expired, failed, or removed practices.