



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

Overview

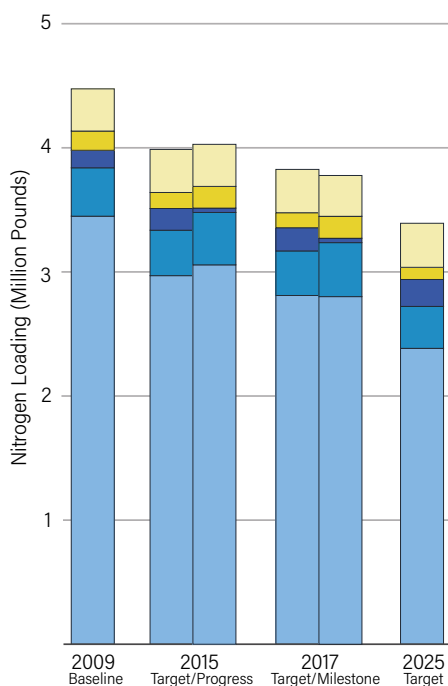
Two-year milestones are short-term objectives under the Chesapeake Bay Total Maximum Daily Load (Bay TMDL) accountability framework used to assess progress toward restoration goals while allowing the Bay jurisdictions to flexibly adapt their Watershed Implementation Plans (WIPs) to meet those goals. 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 that would achieve 60 percent of the necessary pollutant reductions compared to 2009.

Pollutant Reduction Progress and Future Targets by Source Sector

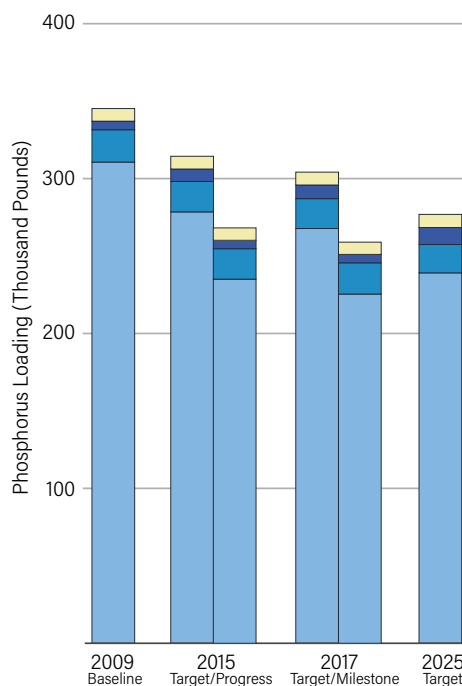
According to the data provided by Delaware for the 2015 progress run, Delaware achieved its state-wide 2015 targets for phosphorus and sediment, but did not meet its state-wide 2015 target for nitrogen as a result of being off target for nitrogen in all source sectors except for Wastewater.

Based on Delaware's anticipated reductions for nitrogen, phosphorus and sediment during the 2016-2017 milestone period, Delaware is on track to meet all of its state-wide targets for 2017. For all three pollutants Delaware is off track for the Urban/Suburban Stormwater sector to meet its 2017 target.

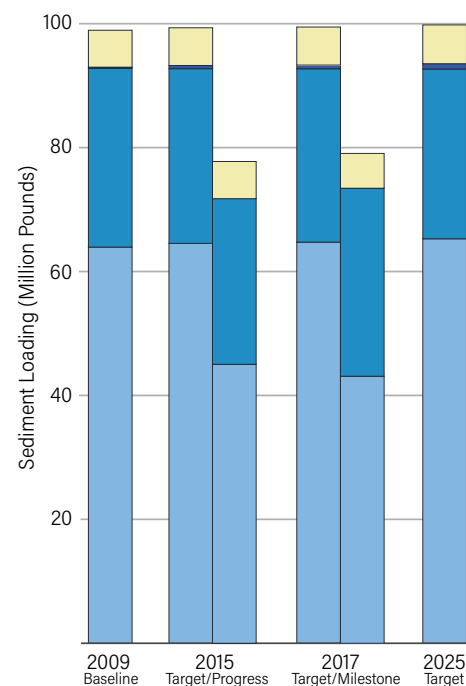
Nitrogen Loads and Goals



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

Enhanced 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 Delaware has made progress in the Agriculture and Urban/Suburban Stormwater sectors to ensure implementation is occurring, although not all of its milestone commitments were achieved. Delaware will need to place additional emphasis on increasing implementation in the Agriculture and Urban/Suburban Stormwater sectors to stay on track to meet its commitments by 2025. Delaware's anticipated reductions for the 2016-2017 milestone period should keep it on track to meet its 2017 restoration target.

Strengths

- Conducted cropland transect surveys to track and report cover crop and conservation tillage data and will be conducting these surveys annually in the future
- Increased the acres of cover crops planted in 2015 by 33.8% over the 2014 acreage
- Issued CAFO permit for large and medium poultry operations that do not have any crop production and do not land apply manure in April 2016
- Committed to increase cover crop acres through use of the Sussex Conservation District's air seeder and early planting of rye cover crops
- Launched the Livable Lawns program to incentivize homeowners
- Reissued INVISTA and Seaford's NPDES permits, effective October 2015
- Committed to reissue NPDES permit for Town of Laurel by August 2016

Shortfalls

- Did not issue Phase II MS4 General Permit
- Did not issue a CAFO General Permit to cover 150 CAFO operations or 100 individual permits during the milestone period; milestone has been moved to the 2016-2017 milestone period

Issues to Address

- Issue permit coverage for the 167 non land-applying poultry operations that submitted a Notice of Intent for coverage
- Issue the CAFO General Permit for land-applying poultry operations
- Provide adequate documentation to support its nutrient management compliance levels submitted for the 2015 progress reporting year by October 2016
- Develop a Database Correction Plan which includes actions to remedy database issues and improve agricultural conservation data management and nutrient management compliance tracking and documentation

Potential Federal Actions and Assistance

EPA is downgrading the Agriculture sector to "Enhanced Oversight" and will be carefully monitoring progress toward the following: providing permit coverage for non-land applying CAFO operations; issuance of a CAFO permit for land applying agriculture operations; and compliance documentation to justify nutrient management credit. Substantial improvements on these issues may lead EPA to upgrade this sector back to "Ongoing Oversight" in subsequent evaluations. EPA will maintain "Ongoing Oversight" of the Urban/Suburban Stormwater and Offsets and Trading sectors and "Enhanced Oversight" for the Wastewater sector.