

# EPA Evaluation of Programmatic Two-Year Milestones for Urban/Suburban Stormwater (2012-13 & 2014-15)

Urban Stormwater Workgroup  
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# Milestones Evaluation

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- ▶ 2012–13: Did jurisdictions and federal agencies achieve their 2012–13 commitments set 2 years ago?
- ▶ 2014–15: Are commitments strong enough to keep jurisdictions and federal agencies on track to have:
  - All practices in place by 2025 to achieve clean water in Bay
  - Practices in place by 2017 to achieve 60% of necessary reductions compared to 2009
- ▶ Milestones comprise:
  - Numeric: translate practices into load reductions and compare to long-term trajectories
  - Programmatic: Actions to build capacity to achieve necessary implementation levels

# 2014 Oversight Status

## Urban/Suburban:

DE

Ongoing Oversight

DC

Ongoing Oversight

MD

Ongoing Oversight

NY

Ongoing Oversight

PA

Backstop Actions  
Level

VA

Enhanced Oversight

WV

Ongoing Oversight

**Ongoing Oversight:** Good strategy and progress is on track.

**Enhanced Oversight:** Concerns because:

- Progress not on track;
- Lacks capacity to achieve commitments;
- Commitments do not meet 2017 and 2025 goals; or
- Some combination of above.

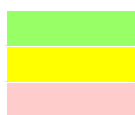
**Backstop Actions:** Substantial problems:

- Progress not on track;
- Lacks capacity to achieve commitments; and
- Commitments do not meet 2017 and 2025 goals.

# Chesapeake Bay Watershed Loads/Goals

	2009 Progress	2011 Progress	2013 Progress	2013 Progress	2013	2013	2015 Draft	2015 Final	2015	2017	2025
			(on 2013)	(on 2010)	Milestone	Trajectory	Milestone	Milestone	Trajectory	Target	Target
	TOTN	TOTN	TOTN	TOTN	TOTN	TOTN	TOTN	TOTN	TOTN	TOTN	TOTN
Source	(lbs/year)	(lbs/year)	(lbs/year)	(lbs/year)	(lbs/year)	(lbs/year)	(lbs/year)	(lbs/year)	(lbs/year)	(lbs/year)	(lbs/year)
Agriculture	113.80	108.26	107.38	107.28	106.29	101.23	101.42	99.24	94.95	88.67	71.91
Urban Runoff	39.70	40.07	40.76	39.50	39.63	36.42	40.82	40.53	34.78	33.13	28.76
Wastewater+CSO	52.18	44.42	40.88	40.88	46.85	47.88	41.68	41.31	45.73	43.58	37.86
Septic	8.42	8.33	8.75	8.19	8.26	7.78	8.72	8.71	7.46	7.14	6.28
Forest+	46.16	46.21	45.82	46.45	46.32	46.58	45.83	45.89	46.80	47.01	47.58
AllSources	260.25	247.29	243.58	242.31	247.35	239.89	238.47	235.67	229.71	219.53	192.39
	2009 Progress	2011 Progress	2013 Progress	2013 Progress	2013	2013	2015 Draft	2015 Final	2015	2017	2025
			(on 2013)	(on 2010)	Milestone	Trajectory	Milestone	Milestone	Trajectory	Target	Target
	TOTP	TOTP	TOTP	TOTP	TOTP	TOTP	TOTP	TOTP	TOTP	TOTP	TOTP
Source	(lbs/year)	(lbs/year)	(lbs/year)	(lbs/year)	(lbs/year)	(lbs/year)	(lbs/year)	(lbs/year)	(lbs/year)	(lbs/year)	(lbs/year)
Agriculture	10.546	10.449	9.884	9.790	9.794	9.604	9.718	9.678	9.132	8.661	7.404
Urban Runoff	3.010	3.037	2.812	2.750	2.940	2.741	2.755	2.674	2.607	2.472	2.114
Wastewater+CSO	3.972	3.146	2.809	2.809	3.687	3.665	2.826	2.813	3.512	3.358	2.949
Forest+	1.701	1.696	1.684	1.711	1.699	1.787	1.692	1.693	1.831	1.874	1.989
AllSources	19.229	18.328	17.189	17.059	18.120	17.797	16.991	16.858	17.082	16.366	14.457
	2009 Progress	2011 Progress	2013 Progress	2013 Progress	2013	2013	2015 Draft	2015 Final	2015	2017	2025
			(on 2013)	(on 2010)	Milestone	Trajectory	Milestone	Milestone	Trajectory	Target	Target
	TSS	TSS	TSS	TSS	TSS	TSS	TSS	TSS	TSS	TSS	TSS
Source	(lbs/year)	(lbs/year)	(lbs/year)	(lbs/year)	(lbs/year)	(lbs/year)	(lbs/year)	(lbs/year)	(lbs/year)	(lbs/year)	(lbs/year)
Agriculture	5,295	4,885	4,800	4,815	4,798	4,855	4,504	4,349	4,634	4,414	3,826
Urban Runoff	2,019	2,046	2,034	2,032	1,957	1,819	1,946	1,873	1,719	1,620	1,353
Wastewater+CSO	87	80	86	86	169	183	92	82	231	279	406
Forest+	1,274	1,268	1,258	1,284	1,270	1,418	1,269	1,263	1,490	1,562	1,755
AllSources	8,675	8,279	8,178	8,217	8,193	8,275	7,811	7,567	8,075	7,874	7,341

•2013 Progress **bold type** = 2013 Progress load meets jurisdiction's 2013 Milestone goal.

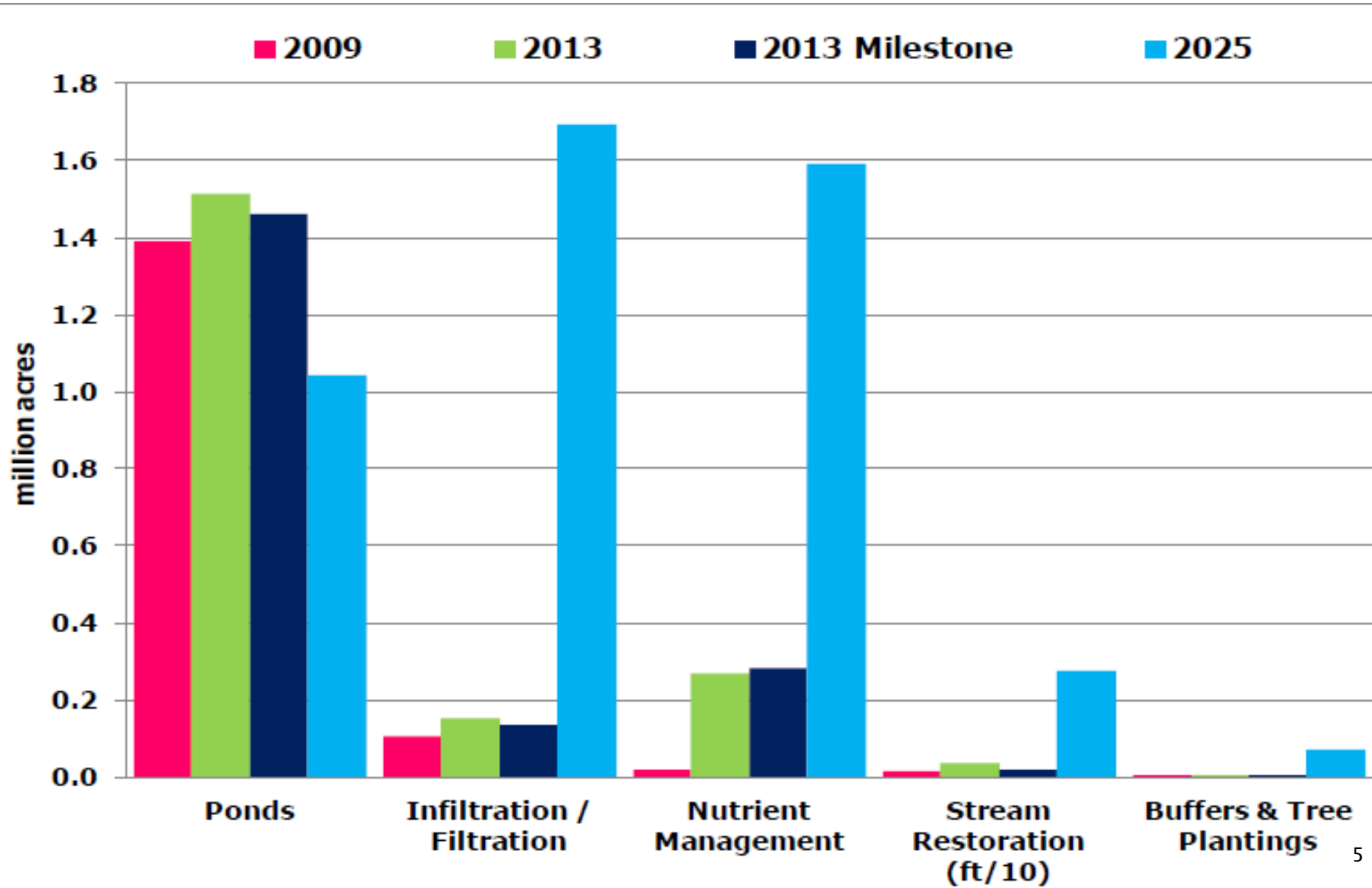


Loads meet trajectory target

Loads don't meet trajectory target but are close.

Loads don't meet trajectory target by relatively large amount.

# Urban/Suburban BMP Implementation



# Delaware: Ongoing Oversight

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## Strengths

- ▶ Promulgated revised Sediment and Stormwater Regulations
- ▶ Will provide training on Sediment and Stormwater Regulations
- ▶ Will conduct maintenance and construction inspections

## Shortfalls

- ▶ Did not reissue final Phase II MS4 general permit, but included a 2014–2015 milestone for this

## Issues to Address

- ▶ Specify the type and timing of outreach to MS4 communities

# Washington, DC: Ongoing Oversight

## Strengths

- ▶ Finalized Stormwater Fee Discount Program rule in 2013
- ▶ Implementing newly adopted stormwater regulations
- ▶ On target to inspect all MS4 outfalls every 5 years
- ▶ Will develop operation and maintenance protocols for District-owned and operated onsite retention practices
- ▶ Commits to work with federal agencies as part of MOU
  - ☑ Signatories and DC met in May and will reconvene in near future

## Shortfalls

- ▶ Did not complete online stormwater tool by 2013

## Issues to Address

- ▶ Increase implementation of tree plantings and projects that meet 1.2" retention standard to meet projected goals
- ▶ Perform follow-up activities from inspections



# Maryland: Ongoing Oversight

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## Strengths

- ▶ Issued Industrial Stormwater General Permit
- ▶ Will develop online BMP reporting tool for non-MS4 localities
  - ☑ EPA provided assistance funds; MD included in FY14 CBRAP work plan

## Shortfalls

- ▶ Did not submit all draft Phase II MS4 permits and did not issue final determinations for all Phase I MS4 permits
  - ☐ Issued tentative determinations for remaining, expired Phase I MS4 permits and submitted SHA permit for EPA review; EPA still awaiting draft Phase II MS4 permit for review

## Issues to Address

- ▶ Finalize revised stormwater retrofit guidance by 9/30/2014
  - ☑ Finalized and published retrofit guidance
- ▶ Sign Work Plan with EPA responding to EPA's assessment of program
  - ☑ Work Plan signed
  - ☐ Some deadlines have been met



# New York: Ongoing Oversight

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## Strengths

- ▶ Completed all 2012–13 programmatic stormwater milestones
- ▶ Will report post-construction BMPs in 2014 and 2015

## Issues to Address

- ▶ Meet with EPA to discuss how Construction and Phase II MS4 General Permits to be reissued in 2015 will be consistent with allocations and assumptions of Bay TMDL
- ▶ Implement urban and suburban stormwater BMPs
- ▶ Develop and implement Chesapeake Bay watershed outreach and technical assistance plan for MS4s

# Pennsylvania: Backstop Actions

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## Strengths

- ▶ Reissued Phase II MS4 and Construction General Permits
- ▶ Will develop stormwater management offsetting program by end of 2014

## Shortfalls

- ▶ Reporting template for Chesapeake Bay Pollutant Reduction Plan lacks sufficient detail to ensure consistent with Bay TMDL allocations and assumptions
  - ❑ EPA has provided examples of MD and VA guidance to PADEP

## Issues to Address

- ▶ Increase number of MS4 trainings within next year to comply with existing permit
- ▶ Notify localities within new/expanded urbanized areas that they require Phase II MS4 permit coverage
  - ❑ EPA and PADEP are meeting regularly to discuss

# Virginia: Enhanced Oversight

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## Strengths

- ▶ Significantly increased resources for local governments
- ▶ Implemented amendments to Virginia Fertilizer Law
- ▶ Will develop system to track, verify and report homeowner BMPs
- ▶ Reissued Arlington County Phase I MS4 Permit and Phase II MS4, Construction and Industrial Stormwater General Permits
- ▶ Will develop CGP Coverage System tool for VSMP and CGP regulations
  - ☑ First phase live; ongoing development included in FY14 CBRAP work plan

## Shortfalls

- ▶ Did not reissue 10 expired, Phase I MS4 permits
  - ☑ Committed to submit remaining permits for EPA review by 12/31/2014

## Issues to Address

- ▶ Expect increased implementation of stormwater management, particularly infiltration and filtration practices, so that all practices in place by 2025
- ▶ Issue Chesapeake Bay TMDL Action Plan Guidance
  - ☑ Issued in July 2014
- ▶ Help localities implement regulations and report measurable results associated with increasing compliance with NPDES permits
  - ☑ EPA provided assistance for MS4 trainings

# West Virginia: Ongoing Oversight

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## Strengths

- ▶ Released statewide stormwater management guidance manual
- ▶ Jefferson County and Martinsburg adopted ordinances to better manage stormwater
- ▶ Will reissue Phase II MS4 General Permit
  - ☑ Reissued July 2014

## Shortfalls

- ▶ Did not meet pollutant reduction milestones for urban sector

## Issues to Address

- ▶ Complete comprehensive assessment of new growth and loadings by September 2015. Follow through with Phase II WIP contingencies if assessment finds that urban goals will not be achieved
  - ☑ Has shared scope with EPA and committed to complete by 9/2015. Included in FY14 CBRAP work plan
- ▶ Provide inspection and compliance information to substantiate claim that lands under development are in compliance with permit requirements
  - ☐ EPA will compare any information submitted by West Virginia to its own inspection findings

# Federal Agencies



## Strengths

- ▶ DoD conducted stormwater assessments at several installations
- ▶ EPA developed BayFAST to assist facility-level planning

## Shortfalls

- ▶ EPA deferred revisions to national stormwater rule

## Issues to Address

- ▶ Improve BMP progress reporting by federal facilities
  - ☑ EPA recently sent directions to federal agencies for submitting 2014 progress data
- ▶ EPA working with federal agencies and jurisdictions to improve coordination
  - ☑ Additional federal agencies may join efforts to implement Stormwater MOU in DC

# Common Programmatic Findings

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- ▶ Provide/enhance trainings to regulated community
  - ☑ EPA provided assistance funds
- ▶ Enhance compliance assurance and enforcement
- ▶ Improve BMP tracking, verification, reporting
  - ☑ Asked PSC to approve Verification Framework
- ▶ Clean up historic BMP data (all sectors)
  - ☑ EPA provided assistance funds
- ▶ Demonstrate trends in nutrient loads associated with urban nutrient management and/or fertilizer legislation
  - ☑ Coordination call with Bay jurisdictions
  - ☑ Objective of Virginia's 2014 CBRAP Work Plan



# WWTSD?

- What Would Tom Schueler Do?
- How can the Urban Stormwater Workgroup help to address some of these findings?
  - Coordinate activities
  - Share best practices/approaches
  - Provide recommendations



# For More Information



## Programmatic Milestones and EPA Evaluations

- ▶ [www.epa.gov/chesapeakebaytmdl](http://www.epa.gov/chesapeakebaytmdl)

## Pollutant Load and BMP Progress and Targets

- ▶ <http://stat.chesapeakebay.net/>

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