

EPA Evaluation of Programmatic Two-Year Milestones for Agriculture (2012-13 & 2014-15)

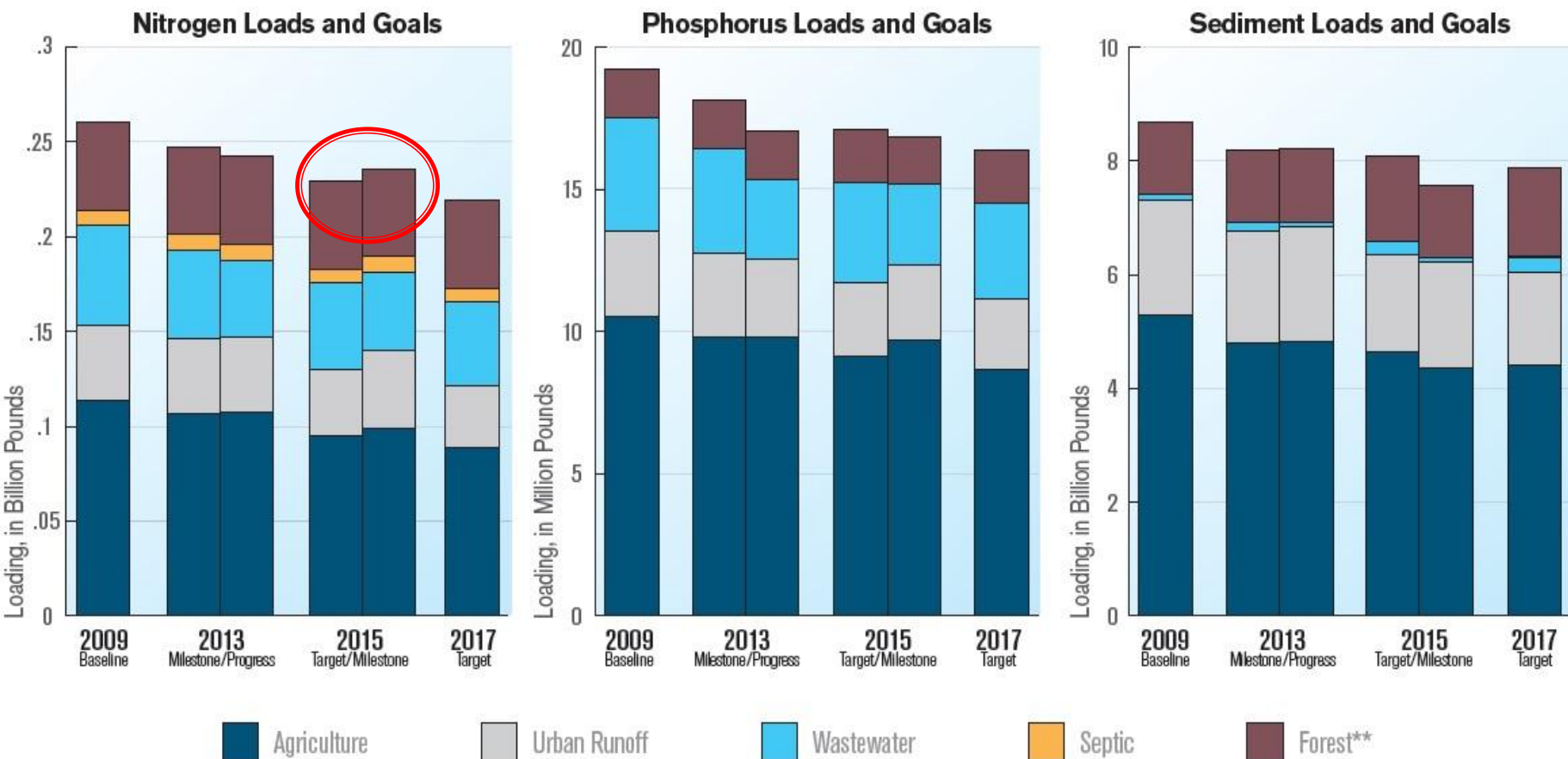
Agriculture Workgroup
November 13, 2014

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Milestones Evaluation

- ▶ 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

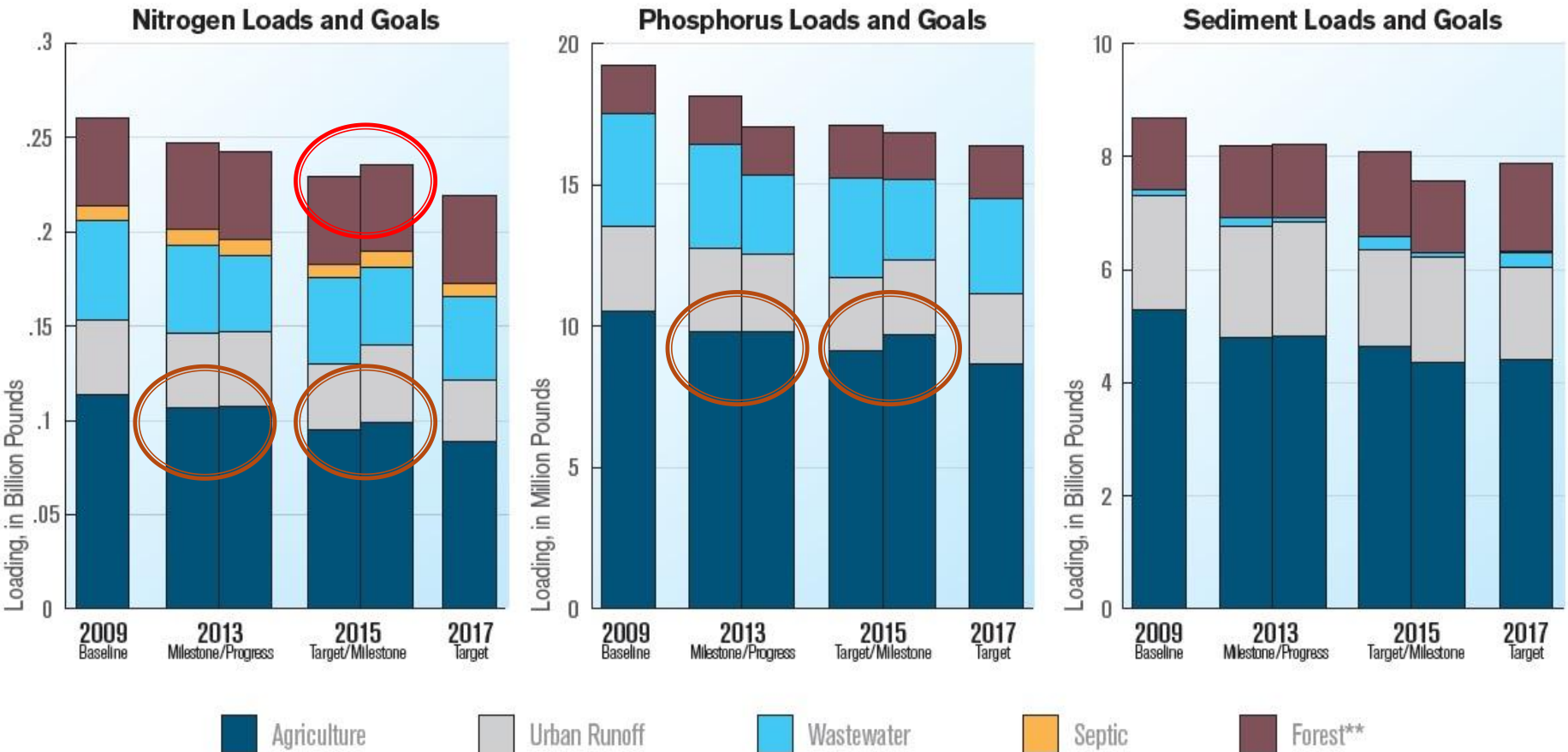
Basinwide Progress and Projections



** 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>

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Delaware: Ongoing Oversight

Strengths

- ▶ Increased funding for cover crops.
- ▶ Built CAFO program capacity, staff, and baseline data.
- ▶ Developing ways to better track practices.

Challenges

- ▶ Did not meet N and P reduction milestones for 2012/2013.
- ▶ No documented acceleration of implementation of priority BMPs.

Focus Areas in Moving Forward

- ▶ Detail how will fund and increase implementation of high priority BMPs during 2014–2015.
- ▶ Demonstrate progress that puts DE on track to meet 2017 goals.
- ▶ Finalize CAFO General Permit and issue permits.
- ▶ Improve BMP tracking

Maryland: Ongoing Oversight

Strengths

- ▶ Revised nutrient management regulations and began implementation.
- ▶ Drafted Ag Certainty regulations.
- ▶ Drafted renewed CAFO General Permit.
- ▶ Developing plan for advancing manure-to-energy projects.

Challenges

- ▶ Phosphorus Management Tool regulation deadline missed. Promulgating regulations is a 2014/2015 milestone.

Focus Areas in Moving Forward

- ▶ Promulgate PMT. If not, what is alternative approach to reaching P targets?
- ▶ Finalize Ag Certainty regulations, outreach strategy, and launch program.

New York: Ongoing Oversight

Strengths

- ▶ Funded ag BMPs, exceeded animal waste management system target.
- ▶ Provided uniform approach to BMP reporting across watershed.
- ▶ Set milestones for extensive outreach to farm community.

Challenges

- ▶ Did not meet N reduction milestone in 2012–2013.
- ▶ NY did not release amended CAFO General Permit in 2013.
- ▶ Raised state CAFO threshold from 200 to 300 dairy cows. Will this be a challenge for meeting targets?

Focus Areas in Moving Forward

- ▶ Issue draft CAFO General Permit and revise State CAFO regulations in 2014.
- ▶ Fund the Dairy Acceleration Program for 200–299 head that are no longer part of NY's CAFO program.

Pennsylvania: Backstop Action

Strengths

- ▶ Issued CAFO General Permit.
- ▶ Developed Ag Complaint Response Policy.
- ▶ Revised Delegation Agreements with CDs to implement MMP.
- ▶ Extensive education on state regulations.
- ▶ Commits to 3 watershed compliance assessments.

Challenges

- ▶ Did not meet N and P reduction milestones for 2012/2013.
- ▶ Did not meet critical BMP implementation targets, and has heavy reliance on ag to meet 75% of necessary nutrient reductions.

Focus Areas in Moving Forward

- ▶ Get on track to meet 2015 targets with focus on implementing priority BMPs. Focus on compliance with state regulations. Data management/reporting. 3 Watershed Compliance Assessments.

Virginia: Ongoing Oversight

Strengths

- ▶ VA Enhanced Conservation Initiative to fund stream exclusion, commitment to continue funding.
- ▶ Progressed on small AFO strategy.
- ▶ Resource Management Plan Program – is rolling out.

Challenges:

- ▶ Did not meet N and P reduction milestones for 2012/2013.
- ▶ Missed deadline for issuing CAFO permits. Issued 0 permits and deferred goal until 2014/2015.
- ▶ Missed target for implementing NMPs for 75% of unpermitted dairies.

Focus Areas Moving Forward:

- ▶ Increase implementation of priority BMPs to stay on track to meet 2017 targets.
- ▶ Implement CAFO permitting program.
- ▶ Develop and implement NMPs for 75% of unpermitted dairies.

West Virginia: Enhanced Oversight

Strengths

- ▶ Implemented new nutrient management regulations.
- ▶ Met all programmatic milestones.
- ▶ Developed 19 NMPs for CAFOs.

Challenges

- ▶ Keep up the pace.

Focus Areas in Moving Forward

- ▶ Continue CAFO program implementation.
- ▶ Strengthen voluntary programs in unregulated areas to stay on track with targets.

Agriculture

MORE WORK TO DO:

- Implementation rates for priority BMPs are lagging
- Better target and leverage funds.
- Grow and organize technical assistance network.
- Build program capacity and long-term sustainability of ag conservation.
- Improve accounting on what hasn't been implemented vs. what hasn't been tracked

PROGRESS!

- New programs are in place (regulatory, voluntary, incentive based) to ramp up efforts.
- More attention on better accounting for the big-hitter practices.
- Examples of new funding, better leverage of funding.
- Examples of building staff with EPA CBRAP funding.
- Progress on improving accounting.

Urban/Suburban Development

- Loads continue to grow in many jurisdictions
- Permit backlogs persist
- Compliance assurance is lacking
- Local regulated communities need training and guidance from the states
- Need strategies to finance local stormwater management programs

Wastewater

- Wastewater reductions well ahead of schedule
- Several states depending on this sector for helping achieve their 2017 60% interim target
- Septic loads continue to increase
- Need to issue remaining permits with Bay TMDL limits
- Need to track compliance schedules and put more focus on non-significant facilities

- We are seeing evidence that our investments in practices and upgrades **ARE** working—at local scales and regional scales
- We are also seeing evidence of starting to lose the cleaner waters progress we made in earlier decades
- We are not on track to achieve our nitrogen interim target by 2017; based on monitoring, we are likely not on track to achieve phosphorus
- We have some significant challenges in front of us to achieve our goals by 2025

Animal Agriculture Program Assessments

CAFO and AFO
Regulatory and Voluntary
Programs

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graph TD; A[CAFO and AFO Regulatory and Voluntary Programs] --> B((Consistent with CWA NPDES Requirements?)); A --> C((Implemented effectively to achieve the State WIP commitments of the CB TMDL?)); B --> D[/Take appropriate actions to address any inconsistencies./]; C --> D;
```

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Take
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Animal Agriculture Program Assessments – Data Evaluated

▶ Data sources:

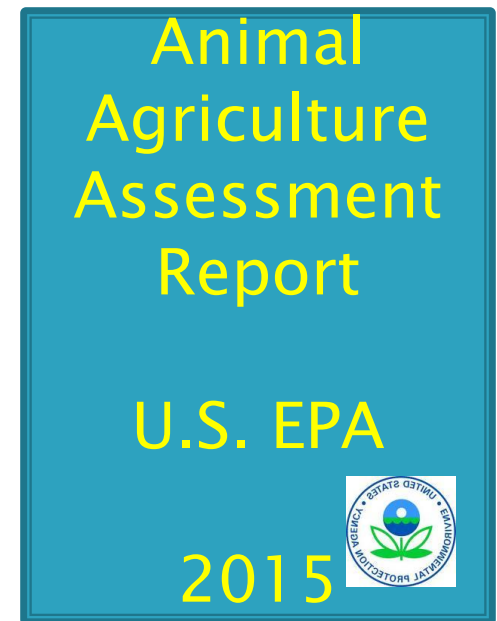
- State agencies
- Regional offices
- Conservation District offices
- File reviews
- EPA knowledge

• Factors:

- Funding, Staff
- Data Systems
- Compliance & Enforcement
- Connection to Watershed Implementation Plans

Program Assessment Reports

- ▶ Six reports for all Bay states in 2015.
 - Winter 2015: NY, PA, and VA
 - Summer 2015: DE, MD, and WV
- ▶ Findings:
 - What's working well.
 - Any inconsistencies.
- ▶ Next steps:
 - Address any inconsistencies.



Activities are Consistent with Settlement Agreement

- CBF Suit (Fowler et al., v. EPA): January 2009
 - Failure to take adequate measures to protect & restore Bay.
- Settlement Agreement: May 2010
 - Propose revised CAFO regulations by June 30, 2012 to more effectively achieve objectives of the TMDL.
- Revised Settlement Agreement: May 2013
 - AFO & CAFO Program Assessments
 - AFO Reviews
 - CAFO Permit Reviews
 - CAFO Regulation Assessment in 2018



For More Information



Programmatic Milestones and EPA Evaluations

- ▶ www.epa.gov/chesapeakebaytmdl

Pollutant Load and BMP Progress and Targets

- ▶ <http://stat.chesapeakebay.net/>

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