

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



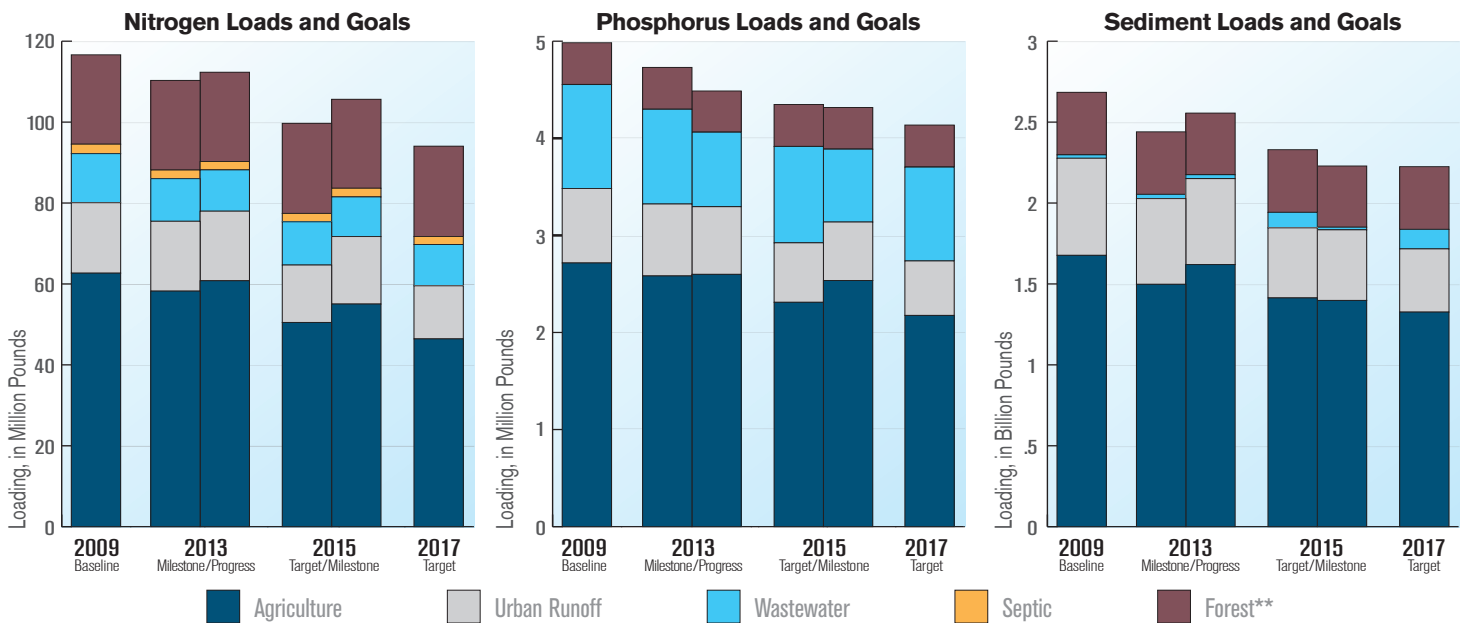
## Overview

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 Pennsylvania, the state surpassed its 2013 milestone target for phosphorus. Pennsylvania did not achieve its milestone targets for nitrogen or sediment, in part, because a review and correction of previously reported data found overestimated Best Management Practices (BMPs) for land retirement and riparian areas. EPA supports efforts to review and correct previously reported data. Pennsylvania finished the 2012-2013 milestone period more than 242,000 pounds ahead of schedule for phosphorus reductions, but was more than 2 million pounds behind schedule for nitrogen reductions and nearly 116 million pounds behind schedule for sediment.

Pennsylvania's 2014-2015 milestone wastewater strategy and BMP commitments for other source sectors would reduce phosphorus by more than 667,000 pounds and decrease sediment by more than 415 million pounds by the end of 2015, compared to the 2009 baseline. Nitrogen totals indicate a reduction of nearly 11 million pounds over the 2009 baseline, however this reduction is nearly 6 million pounds less than is needed to remain on track to meet its 2017 target. Pennsylvania will need to substantially increase its nitrogen reductions in order to get back on target.



\*\* 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 Pennsylvania has made enough progress in the Wastewater sector to ensure implementation is occurring. Pennsylvania will need to substantially increase its efforts in the Agriculture sector and place additional emphasis on improving capacity, implementation and reporting in its Stormwater sector to get back on track to meet its WIP and Bay TMDL commitments. Additionally, Pennsylvania must continue efforts to review and correct data on BMPs previously reported across all sectors, consistent with the Chesapeake Bay Program partnership's verification framework. Pennsylvania'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 reductions necessary for phosphorus and sediment, however projected reductions for nitrogen would be substantially behind schedule.

### Strengths

- Added programmatic milestones to enhance Pennsylvania's existing BMP tracking, verification and reporting program
- Issued the Concentrated Animal Feeding Operation (CAFO) General Permit
- Reissued the Stormwater Municipal Separate Storm Sewer System (MS4) Phase II General Permit and the Construction General Permit
- Made good progress in issuing updated wastewater permits – 26 permits for significant dischargers reissued to include permit limits consistent with the Bay TMDL for the first time
- Will perform 450 agricultural compliance inspections and 100 compliance actions
- Will focus grant funding for BMP implementation for priority practices
- Will develop a stormwater management offsetting program by the end of 2014

### Shortfalls

- Pennsylvania did not meet its 2013 milestone targets for nutrients and sediment in agriculture, and did not meet implementation targets for critical BMPs – Pennsylvania is relying heavily on these practices to meet nutrient and sediment reduction targets
- Pennsylvania's reporting template for the MS4 TMDL plan lacks sufficient detail to ensure consistency with the Bay TMDL allocations and assumptions
- Pennsylvania's agriculture trading baseline has not been updated to be consistent with the TMDL; EPA has begun to object to permits with the Pennsylvania trading language to address this concern

### Issues to Address

- Increase progress in agriculture and urban/suburban stormwater sectors to get Pennsylvania on track to meet the nitrogen target for 2015, with focus on highest priority water quality BMPs
- Develop a tracking system to account for cover crops and manure transport
- Detail information on stormwater training milestone – how many workshops and when during 2014
- Notify localities within new and expanded urbanized areas based on the 2010 Census that they require Phase II MS4 permit coverage by September 30, 2014
- Ensure adequate systems in place to determine whether sector loads are increasing

## Potential Federal Actions and Assistance

EPA will downgrade the Pennsylvania Agriculture sector to “Backstop Actions Level” and will further maintain “Backstop Actions Level” for the Stormwater sector. EPA will maintain “Ongoing Oversight” of the Wastewater sector and “Enhanced Oversight” for their Trading and Offset program. Pennsylvania is responsible for 46 percent of the nitrogen load to the Chesapeake Bay, so it is critical that their load reductions remain on track. If Pennsylvania makes substantial improvements in implementation of pollution reduction practices in the agriculture sector, EPA may upgrade this sector back to enhanced oversight in the interim evaluation.

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