





Images by Chesapeake Bay Program

## 2016 Oversight Status

- Ongoing
- Enhanced
- Backstop

### Agriculture

Ongoing 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 New York has made more than enough progress to ensure implementation is occurring across all source sectors for phosphorus reductions, although not all of its milestone commitments were achieved. However, New York has not met its own nitrogen milestones and has not made progress towards offsetting additional agricultural loads identified in 2014. Further, while the Urban/Suburban Stormwater sector is on track to meet the 2017 sediment reductions, all other sectors' sediment loads are off track.

### Strengths

- Released draft CAFO General Permits under both federal Clean Water Act and state authorities
- Implemented two rounds of the Agricultural Nonpoint Source Abatement and Control Program for a total of \$6.1 million to support technical assistance and BMP implementation by Soil and Water Conservation Districts
- Committed to track and report on urban/suburban stormwater BMPs beyond erosion and sediment control in annual implementation progress submissions by 2017
- Reduced wastewater load for phosphorus by 20 percent primarily due to implementation of phosphorus permit limits at all significant facilities

### Shortfalls

- Did not meet planned BMP implementation trajectories for grass buffers, conservation plans or conservation tillage
- Completed approximately half of 2015 goal of integrating 8,000 feet of stream rehabilitation with 100 acres of buffers and 450 acres of pasture land; this ongoing project is continued in the 2016–2017 milestones

### Issues to Address

- Provide milestone describing new plans for funding and implementing updated suite of BMPs, or explanation of how implementation of current suite of BMPs will be accelerated by additional funding and/or new programs in order to get back on track with Phase II WIP targets
- Provide milestone to ensure 2017 MS4 General Permit includes provisions that address reductions in Urban/Suburban Stormwater sector in New York's portion of the Chesapeake Bay watershed, consistent with the assumptions and requirements of applicable Bay TMDL wasteload allocations; continue discussions between EPA and NYDEC during the general permit review and coordination process
- Provide inventory of WWTPs that have been upgraded and those scheduled for upgrades
- Incorporate monitoring data where possible in tracking and reporting of non-significant WWTPs starting with the 2016 progress run

## Potential Federal Actions and Assistance

EPA will potentially downgrade New York's Agriculture sector to "Enhanced Oversight" by the end of 2016 unless the state provides EPA with a detailed strategy describing how it will offset increased loads identified in the 2012 Agriculture Census and meet the state's Phase II WIP planning targets. New York has agreed to provide this detailed strategy to EPA by August 5, 2016. EPA will evaluate this strategy and would maintain New York's oversight in "Ongoing Oversight" if a clear, credible strategy is provided. EPA will maintain "Ongoing Oversight" of the New York sectors for Urban/Suburban Stormwater and Offsets and Trading, and will maintain "Enhanced Oversight" for the Wastewater sector.