

# GAPS AND CHALLENGES TO FULL IMPLEMENTATION OF WATERSHED IMPLEMENTATION PLANS

Chesapeake Bay Commission  
January 8, 2015 Meeting

EPA has identified the following gaps which the Agency expects jurisdictions to address in order to fully implement their Watershed Implementation Plan (WIP) commitments and meet the Chesapeake Bay Total Maximum Daily Load (Bay TMDL) allocations.

## **ALL JURISDICTIONS:**

**Agriculture:** Watershed-wide, 2013 progress and 2015 milestone commitments for agricultural sector are not on track to meet 2025 nutrient goals.

Existing technical assistance, cost share programs and regulations will not deliver high priority conservation practices to the priority watersheds in each jurisdiction at the levels committed to within their Watershed Implementation Plans.

Existing programs are not facilitating the large-scale deployment of manure-to-energy technologies.

**Urban/Suburban Stormwater:** Not all jurisdictions have adequate resources to administer and oversee stormwater programs.

Need adequate resources at the state level to oversee local programs.

Under Phase I MS4 permits, permittees must demonstrate financial capability to implement the program. Stormwater fees are a means to provide funding, but are only required for Maryland Phase I permittees. In Pennsylvania, all local governments now have authority to establish utilities and/or levy fees and Virginia localities have the authority to establish stormwater fees.

**Forests:** Annual progress to plant and restore urban trees and riparian buffers is not on pace to meet jurisdictions' 2025 WIP goals. Watershed-wide, jurisdictions committed to over 563,000 acres of forest buffers and tree planting on agricultural and urban lands.

As of 2013, they'd accomplished only 10% of this goal compared to 2009; 30% by 2013 would be on track to meet their 2017 interim targets (60%) and the 2025 goals (100%).

**Trading/Offsets/Growth:** Jurisdictions lack means to fully track and ensure growth in sectors is properly offset. Appropriate accounting for growth is needed to maintain TMDL allocations.

**All Sectors:** Jurisdictions do not have BMP tracking, verification and reporting programs that are consistent with the Chesapeake Bay Program partnership's basinwide verification framework.

## **MARYLAND**

**Agriculture:** The following practices are not on track to meet Maryland's 2025 agriculture goals: practices to improve management of manure nutrients (manure transport and injection/incorporation, irrigation, animal waste management systems); and cover crops.

**Urban/Suburban Stormwater:** The following practices which are not on track to meet Maryland's 2025 urban/suburban goals: filtering practices; environmental site design; and urban stream restoration

**Forests:** By 2013, Maryland has only planted only 8% of its planned 2025 acreages of urban tree plantings and riparian forest buffers.

**Wastewater:** Not on track to upgrade 60% of septic systems in the Critical Area by 2017.

**Trading/Offsets/Growth:** Has not promulgated Accounting for Growth regulations on the schedule committed to in its Watershed Implementation Plan.

## **PENNSYLVANIA**

**Agriculture:** The following practices are not on track to meet Pennsylvania's 2025 agriculture goals: practices to improve management of manure nutrients (manure transport and treatment technologies, diet and feed management for poultry, dairy and swine, animal waste management systems, nutrient management plans); riparian forest buffers; stream exclusion; and cover crops.

Pennsylvania lacks a unified strategy to bring together the Department of Environmental Protection, Department of Agriculture, State Conservation Commission, local conservation districts and other partners to deliver consistent messages about compliance with existing state laws and regulations and effectively deliver agricultural conservation practices at levels committed to within their Watershed Implementation Plan.

Pennsylvania lacks the technical assistance resources and the level of cost share funding needed to achieve the level of agricultural conservation practices committed to within their Watershed Implementation Plan.

**Urban/Suburban Stormwater:** Pennsylvania's WIP calls for 40-50% reductions in existing urban/suburban nutrient and sediment loads, which far exceeds reductions in other jurisdictions.

The following practices are not on track to meet Pennsylvania's 2025 urban/suburban goals: filtration practices and green infrastructure, including replacing dry detention ponds with infiltration practices.

Pennsylvania does not have urban nutrient management legislation that limits nitrogen and phosphorus.

Local governments do not have adequate resources and understanding to effectively administer stormwater programs and comply with permit conditions.

Unlike other jurisdictions, Pennsylvania does not have statewide legislation to require mitigation (reforestation) for forestland acreage losses due to development.

**Forests:** By 2013, Pennsylvania has only planted only 2% of its planned 2025 acreages of urban tree plantings and urban riparian forest buffers.

**Wastewater:** If other sectors do not set and achieve practicable load reduction goals, EPA has the authority to tighten wastewater allocations. Pennsylvania's limits are less stringent than those for significant wastewater treatment plants in Maryland, Virginia, West Virginia, Delaware and District of Columbia

Opportunities may exist to achieve low-to no-cost reductions in nutrient loads through optimization efforts at wastewater treatment plants

**Trading/Offsets/Growth:** Pennsylvania's trading regulations currently do not meet EPA's expectations for trading programs.

## **VIRGINIA**

**Agriculture:** The following practices are not on track to meet Virginia's 2025 agriculture goals: management of manure nutrients (application rates and timing, animal waste management systems, manure transport); riparian buffers; cover crops; livestock exclusion; and high residue tillage.

Virginia lacks the technical assistance resources—agricultural engineers and trained technical staff—and the level of cost share funding needed to achieve the level of agricultural conservation practices committed to within their Watershed Implementation Plan.

**Urban/Suburban Stormwater:** The following practices are not on track to meet Virginia's 2025 urban/suburban goals: infiltration and filtration practices; and urban nutrient management to limit nitrogen. Reporting by commercial fertilizer applicators (e.g., lawn care companies) has decreased.

Virginia localities need resources and technical assistance to successfully administer Virginia Stormwater Management Program (delegated from DEQ to local governments with MS4 permits or opted into program) and comply with regulatory programs.

**Forests:** By 2013, Virginia has only planted only 19% of its planned 2025 acreages of agricultural tree plantings and riparian forest buffers and only planted only 2% of its planned 2025 acreages of urban tree plantings and riparian forest buffers.