Agricultural Sector

Potential Enhancement 1. Although EPA commends New York for conducting a thorough gap analysis, New York should also provide a more detailed strategy and commitment to implement such a strategy to reduce the nitrogen gap in the agricultural sector.

Response to Comment: As discussed throughout the Phase III WIP, New York is committed to executing a level of implementation consistent with achievements made during the Phase II WIP period, which was discussed with EPA prior to assignment of final planning targets. In Section 5 of the WIP document, New York estimates the cost to meet the 2025 nitrogen targets in the agricultural sector to exceed $92 million per year. Additional language was added to the sector section regarding additional potential funding initiatives. However, New York is unable to commit to implementing the “2025 Program Scenario” to meet the 2025 nitrogen targets assigned the agricultural sector without acquiring the substantial increases in funding needed to increase local capacity for implementation oversight and farmer incentives. Planned reductions were based on extensive coordination between DEC, the Upper Susquehanna Coalition (USC), Soil and Water Conservation Districts (SWCDs), and the New York State Department of Agriculture and Markets. DEC received letters of support for the draft Phase III WIP from the USC and the New York Farm Bureau during the public comment period. New York is committed to pursuing new funding sources and increases to existing grant programs in order to assist with closing the nitrogen gap. A more detailed strategy to fill the agricultural sector gap, including additional potential funding strategies, was added to Section 5.10.

Potential Enhancement 2. New York should include more detailed information on how new strategies, incentive programs, compliance programs, and/or funding mechanisms will be used to achieve higher BMP implementation levels. Examples of BMPs where such information is expected include soil and water conservation plans, prescribed grazing, and barnyard control and loafing lot management, non-urban stream restoration and wetland restoration.

Response to Comment: Additional information on new strategies and funding initiatives was added to Sections 5.10. New York is not proposing any new compliance programs to achieve higher BMP implementation in the agricultural sector at this time.

Potential Enhancement 3. New York proposes increases of implementation for structural practices such as animal waste management and barnyard runoff control to address a significant percentage of animals in the watershed. However, implementation of nutrient management plans is planned for less than 10 percent of available acres. Nutrient management plans are typically an essential management element of the implementation and long-term operation and maintenance of effective manure management BMPs. New York should consider increasing coverage under nutrient management plans to ensure that structural BMPs are managed properly and can achieve their full nutrient reduction potential.
Response to Comment: New York has committed to implementing core nutrient management on a minimum of 22% of available acres with a goal of implementing core nutrient management on 50% of available acres. New York has also set a goal of implementing supplemental rate, placement, and timing on 40% of available acres. The figure of less than 10% was derived from an error in the draft agricultural input deck submitted to EPA by New York. The error was corrected and is reflected in the final agricultural input deck submission.

Potential Enhancement 4. Establishing the USC greatly enhanced communication and implementation throughout the New York’s Chesapeake Bay watershed. Unfortunately, maintaining the organizational structure in its current configuration may not be adequate to achieve CBP partnership goals. Steps to ensure that Soil and Water Conservation District staff fully understand New York’s role in watershed restoration and CBP partnership-approved BMPs and are familiar with how other partners are increasing implementation and improving tracking, reporting, and verification using innovative methods, may be necessary to allow New York to achieve its 2025 goals.

Response to Comment: Upper Susquehanna Coalition (USC) staff regularly participate in Chesapeake Bay workgroups and goal teams, where information about innovative tracking, reporting, and verification methods is disseminated by EPA, jurisdictions, and partners. Member districts are trained annually on changes and additions to partnership-approved BMPs and verification protocols. The jurisdictions rely on EPA to facilitate the sharing of innovative strategies. DEC continues to rely on the successful USC structure to accomplish the goals set for agricultural sector implementation and will pursue additional funding to enhance the capacity of both the USC and its member districts.

Potential Enhancement 5. New York should fully explore how to more effectively use its existing resources and access additional state funding to bolster agricultural nutrient reductions in its final Phase III WIP.

Response to Comment: Additional language was added to Section 5.10 regarding access of state funding sources to bolster agricultural implementation.

Urban/Suburban Stormwater Sector

Potential Enhancement 6. New York should provide more detail on how it will increase stormwater BMP implementation. For example, New York’s draft Phase III WIP plans to achieve about 30 – 35% nutrient and sediment reductions in this sector. To achieve these reductions, implementation of specific BMPs will need to increase, requiring new funding and staff resources. In addition, urban nutrient management has not been reported previously by New York, and the draft Phase III WIP assumes that this BMP will be implemented, reported and verified in over 18,000 developed acres by 2025.

Response to Comment: Additional language was added to Section 7.11.

Potential Enhancement 7. New York should provide a clear basis/rationale for increased BMP implementation levels in its final Phase III WIP. For example, it is not clear how implementation levels will increase significantly in Municipal Separate Storm Sewer System (MS4) areas when the draft Phase III WIP relies on the existing draft MS4 permit that does not include numeric Bay load reduction requirements or reporting requirements. Therefore, New York should revise its final MS4 permit to
include numeric Bay load reduction requirements and Bay BMP reporting requirements as described in EPA Region 2’s comments provided on February 2, 2017.

Response to Comment: As stated in Section 7, New York has not reported any implementation that has occurred outside of the construction stormwater permit program. DEC plans to extract data from the MS4 annual report and anticipates changes to MS4 reporting that will streamline this process. Currently, the MS4 general permit is undergoing revisions and will go through a second public comment period. Any impact the new permit will have on meeting the Phase III WIP goals will be communicated to regulated communities located in the Chesapeake Bay watershed and will be included as an addendum to the final Phase III WIP.

Potential Enhancement 8. New York should provide additional detailed information (e.g., new strategies, incentive programs, compliance programs, and/or funding mechanisms) describing what organization/personnel will be responsible for achieving the implementation levels for each BMP, or group of BMPs listed in Table 20 for both MS4 and non-MS4 areas.

Response to Comment: Noted, additional information on new strategies and funding mechanisms was added to Section 7.11. New York is not proposing any new compliance programs to achieve higher BMP implementation in the developed sector at this time.

Wastewater Sector

Potential Enhancement 9. New York could consider reducing its average nitrogen treatment level (8.0 mg/l) for significant wastewater treatment plants (WWTPs) to compensate for not increasing reductions in agriculture and concerns about achieving planned stormwater goals.

Response to Comment: As WWTP facilities upgrade, New York expects overall reductions in nitrogen concentrations. At this time, New York is not considering requiring enhanced nitrogen treatment at facilities that are not already planning upgrades because it is not a cost-effective to offset reductions needed in other sectors.


Response to Comment: This section already incorporated the updated model delivery factors to calculate the current delivered load and projected 2025 delivered load in Table 14 (P. 73). A statement was added to Section 6.3.1 to clarify that updated model delivery factors were used to calculated delivered loads from the wastewater sector.

Trading & Offsets

No potential enhancements identified.

Federal Facilities

No potential enhancements identified.
Changing and Local Conditions

Potential Enhancement 11. New York should signal its commitment to adopt its numeric climate change loads starting with the 2022 – 2023 milestones.

Response to Comment: A commitment to adopting the numeric climate change loads was added to Section 10.

Local Engagement Strategies

Potential Enhancement 12. New York should include detailed descriptions of local engagement strategies during Phase III WIP implementation in its final Phase III WIP. This is especially important for the stormwater sector.

Response to Comment: Section 14: Ongoing Engagement for Implementation was added to the document.

Local Planning Goals

Potential Enhancement 13. New York should explain how its local planning goals will be tracked and reported through its two-year milestones and/or annual progress reporting to EPA.

Response to Comment: Language was added to Section 3 regarding tracking and reporting of local planning goals.

Other


Response to Comment: The appropriate changes were made in Section 8.1.2.

Potential Enhancement 15. Regarding plans to conduct an inventory of data for BMPs that have already been implemented, it is important that future reporting of this data include accurate implementation and inspection dates, following the CBP partnership’s verification protocols. Much of the historic implementation of practices and programs has already been accounted for in the calibration of the CBP partnership’s Phase 6 suite of modeling tools through the changes in loads and water quality at monitored locations.
Response to Comment: New York will continue to collect accurate BMP information, following CBP’s required verification protocols and in accordance with New York’s Quality Assurance Project Plan.