

Evaluation of Delaware's Phase III Watershed Implementation Plan

Executive Summary

The U.S. Environmental Protection Agency (EPA) is providing this evaluation of Delaware's Phase III Watershed Implementation Plan (WIP). EPA's review of Delaware's Phase III WIP found Delaware largely addressed the goals of the Chesapeake Bay Total Maximum Daily Load (Bay TMDL) and the additional expectations set by the CBP partnership.

Delaware engaged and collaborated with a broad group of stakeholders for the development of the Phase III WIP and the local planning goals. Delaware utilized individual and large public events to engage key stakeholders to inform the goals of the Phase III WIP. Delaware acknowledged that nitrogen reductions from agriculture are more cost effective and the Phase III WIP reflects an approach that is reasonable and achievable for the state. Delaware established goals such as enrolling every eligible acre in cover crops and is looking to install forest and grass buffers to reduce nutrients. In addition to the agriculture commitments, Delaware revised its Sediment and Stormwater regulations, which focus on runoff reduction practices to minimize increases in stormwater loads from new development. Delaware submitted a comprehensive Phase III WIP that clearly laid out the current progress, goals, and resources available.

Delaware's Phase III WIP meets its numeric planning targets for nitrogen and phosphorus at the state and state-basin (Eastern Shore) levels through the submission of Best Management Practices (BMPs) and wastewater reductions. Delaware's plan provides confidence in its narrative submission (i.e., adequate funding) that it will attain the necessary load reductions by 2025 through the suite of BMPs and wastewater reductions proposed. The associated level of confidence could be improved as further detailed in this evaluation.

In its Phase III WIP, Delaware identified implementation of nine specific BMPs that account for 79% of the Phase III WIP nitrogen load reduction moving forward. For confidence the planned load reductions will occur, Delaware's Phase III WIP could have included detailed explanations about how Delaware will strengthen these practices and programs, including the inspection and maintenance of the BMPs already implemented. These concerns could be addressed through development of specific and detailed numeric targets for BMP implementation in selected source sectors. EPA recommends that Delaware include two-year numeric BMP implementation targets for these nine practices as part of its programmatic milestones.

Evaluation of Delaware's Phase III Watershed Implementation Plan

Background

The seven jurisdictions (Delaware, the District of Columbia, Maryland, New York, Pennsylvania, Virginia, and West Virginia) in the CBP partnership agreed to develop Watershed Implementation Plans (WIPs) in three phases to provide a framework for reducing nitrogen, phosphorus, and sediment loads to meet water quality standards in the Chesapeake Bay and its tidal tributaries. The CBP partnership established the goal to have all practices in place by 2025 that were necessary to achieve applicable water quality standards in the tidal Bay. The Chesapeake Bay TMDL (Bay TMDL), which is an informational planning tool, established goals to be met using the CBP partnership's timeline of 2025. In 2010, EPA worked with the CBP partnership to establish the Bay TMDL based primarily on the Phase I WIP commitments made by each of the Bay jurisdictions. Delaware agreed to develop Phase II and Phase III WIPs to set out an adaptable approach for achieving the pollutant reductions and programmatic commitments that Delaware intended to implement in each Phase so that it would meet its commitment to the CBP partnership's 2025 goals.

The CBP partnership agreed that EPA should help provide accountability and assess whether (1) each jurisdiction's WIP sets out sufficient commitments to meet the 2025 goals and (2) whether there is an adequate level of confidence that the jurisdiction will achieve those specific commitments. While EPA does not approve or disapprove a WIP, EPA provides the assessment for the benefit of the CBP jurisdictions, and, as appropriate, may provide additional recommendations for strengthening the WIP or its components. EPA evaluated Delaware's Phase III WIP to assess whether Delaware's commitments will meet the 2025 statewide and state-basin Phase III WIP planning targets and whether Delaware included sufficient information in the WIP to provide confidence that Delaware will achieve these targets by 2025.

Overview

In reviewing Delaware's Phase III WIP, EPA found the State largely addressed the goals of the Bay TMDL and the additional expectations set by the CBP partnership. Using the CBP partnership's suite of modeling tools, simulations indicate that full implementation of Delaware's plan is expected to achieve 100% of the statewide and state-basin (Eastern Shore) Phase III WIP planning targets for nitrogen and phosphorus¹.

Additionally, Phase III WIP planning targets for sediment were approved by the CBP partnership's Management Board on October 17, 2019 and recommended to the Principals Staff Committee (PSC) for final approval. In its Phase III WIP, Delaware committed to provide an addendum to its Phase III WIP once the PSC approves these sediment targets. The Phase III WIP sediment targets will not affect the BMPs called for in the WIP and are not intended to be the driver for implementation moving forward.

Some of the notable strengths identified in Delaware's Phase III WIP include:

¹ Each jurisdiction has the option of adjusting its Phase III WIP state-basin planning targets through nutrient exchanges and/or exchanges with other basins within that jurisdiction. Consistent with commitments Delaware agreed to through the CBP partnership, any adjustments to the state-basin planning targets must still result in all 92 Chesapeake Bay segments achieving the respective jurisdictions' Chesapeake Bay water quality standards under Phase 6 Chesapeake Bay airshed, watershed, and estuarine water quality/sediment transport model simulated conditions.

- Delaware established a Chesapeake Bay Cover Crop Initiative with a goal of enrolling every eligible acre in cover crops.
- Delaware engaged with appropriate agricultural partners including the U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) and conservation districts.
- Delaware revised its Sediment and Stormwater regulations, which focus on runoff reduction practices to minimize any increases in stormwater loads from new development.
- Delaware reviewed and updated the Erosion and Sediment (E&S) Control Handbook and Post-Construction BMP Standards and Specifications, in conjunction with the regulatory revision.
- Delaware developed a data quality and verification plan to improve the processes for tracking, reporting, and verifying BMPs implemented throughout the state. The plan was most recently updated in 2018.

EPA's review also noted potential enhancements that could increase confidence that Delaware's Phase III WIP will attain the 2025 goals. These enhancements include:

- Delaware can provide more detailed information on its commitment to accelerate nitrogen reductions in the agriculture sector. For example:
 - Demonstration that increases in cover crop funding can achieve the goal of every eligible acre enrolled.
 - Strategy to convert agricultural land to grass or forest buffers.
 - Specific drivers to ensure adoption of supplemental nutrient management practices. It is important to provide more detail on how these implementation rates will be supported and sustained long-term.
- Delaware can provide more detail on its commitment to achieve and verify 85% nutrient management implementation and compliance and how it is following its Standard Operating Procedures to ensure accurate reporting and verification of all reported acres.
- Delaware can provide more detail (e.g., new strategies, legislative programs, incentive programs, compliance programs, and/or funding mechanisms) for BMPs such as tree planting, tree canopy expansion, urban nutrient management, conservation landscaping, urban stream restoration, and septic system denitrification.
- Delaware acknowledged that urban retrofits are not a viable alternative to get nitrogen reductions when agriculture is more cost effective. Delaware can provide more detail on its BMP scenario commitments to implement urban retrofits to achieve the planning targets.

EPA Oversight and Assistance²

As it has done since the release of the Bay TMDL, EPA will continue to commit staff, contractual, and funding resources to support the implementation of Delaware's Phase III WIPs and future two-year milestones. This support includes evaluation of the most-effective practices and locations, annual WIP assistance funding to address priority implementation needs, evaluation of Delaware's implementation capacity under various staffing, funding, regulatory and programmatic scenarios, local planning outreach, legislative and regulatory gap analysis, and monitoring trend analyses. EPA will continue its commitment to track annual progress of Delaware and all of the other Bay jurisdictions and make those

² This Evaluation is not a final agency action, and does not create any right, responsibility, or benefit, substantive or procedural, enforceable by law or equity. Pursuant to the Anti-Deficiency Act, 31 U.S.C. §§ 1341 and 1342, all commitments made by EPA in this Evaluation are subject to the availability of appropriated funds and budget priorities. Nothing in this Evaluation obligates EPA to obligate or transfer any funds.

results available to the CBP partnership. [See: <https://www.epa.gov/chesapeake-bay-tmdl/epa-oversight-watershed-implementation-plans-wips-and-milestones-chesapeake-bay>]

In our role to help Delaware improve its accountability to the CBP partnership in meeting its commitment to the 2025 goals, EPA recommends that the following be included in Delaware’s 2020 – 2021 milestones:

Recommended Enhancements to the Phase III WIP (See Detailed Review)	Recommended Actions
<p>Additional information to increase confidence that practices that account for the majority of load reductions will be implemented.</p>	<p>Develop specific numeric BMP implementation goals within the 2020-2021 milestone period that tie directly to the WIP for the following practices:</p> <ul style="list-style-type: none"> • Cover Crop (Wheat Early Aerial) • Animal Waste Management Systems • Nutrient Management Core Nitrogen • Manure Transport • Wetland Restoration - Floodplain • Soil Conservation and Water Quality Plans • Grass Buffers • Nutrient Management Nitrogen Rate • Nutrient Management Nitrogen Timing
<p>Additional information on the significant increases in implementation levels for agricultural and stormwater practices without supporting documentation (WIP calls for a 10-fold in implementation in some cases, a 97% reduction in agriculture nitrogen load since 2009, and a reversal in the 30-year trend of increasing stormwater loads).</p>	<ul style="list-style-type: none"> • Develop specific programmatic milestones within the 2020-2021 milestone period to track and report its WIP initiatives (i.e., cover crops, nutrient management, animal waste management systems, buffers) • Develop milestones that link specific programs or strategies with the BMP implementation increase for the 2020-2021 period for BMPs expected to provide the most significant reductions. • Information could include how its proposed or new strategies, legislative programs, incentive programs, compliance programs, additional resources and/or funding mechanisms support the specific BMPs.
<p>Provide detail on the number of concentrated animal feeding operations (CAFOs) under each permit, the schedules for CAFO permits, and the permit coverage under each of the CAFO general permits.</p>	<p>Include programmatic goals within the 2020-2021 milestone period to document CAFO numbers per permit, permit coverage per permit, and schedules for writing permits and providing coverage.</p>
<p>Provide detail on its plans to address BMP implementation, including how to fund or incentivize</p>	<p>Include programmatic goals within the 2020-2021 milestone period to document how reductions from non-MS4 lands will be incentivized.</p>

implementation, on non- Municipal Separate Storm Sewer Systems (MS4) lands.	
Provide detail on the future permit changes and requirements of MS4 permits (New Castle County Phase I, the Tier I and future Tier 1 MS4s).	Include programmatic goals within the 2020-2021 milestone period to document upcoming permit changes to address the Bay TMDL and goals related to incentivizing MS4 implementation.
Provide detail on tracking growth from agriculture and stormwater to determine if loads need to be offset.	Include programmatic goals within the 2020-2021 milestone period to describe the process to track growth.

Over the 2020-2021 milestone period, EPA plans to provide the following specific assistance to Delaware to increase the level of confidence in achieving the current Phase III WIP goals:

General

- Provide annual grant (e.g., Chesapeake Bay Implementation Grant, Chesapeake Bay Regulatory and Accountability Program grant, Local Government, etc.) and WIP assistance funding to Delaware to support implementation of their Phase III WIP.
- Assist Delaware in such actions as targeting practices in higher loading counties and in specific segment sheds, EPA plans to continue to provide technical assistance, data and tools to aid Delaware in conducting assessments at local levels, including water quality monitoring data, model analyses, high-resolution land cover, improved stream networks, BMP opportunity layers and application of management-relevant research findings.
- Working with Delaware to refine tools that integrate locally relevant watershed data and provide a platform for streamlined progress tracking and implementation reporting, to assist Delaware in identifying BMP implementation opportunities and tracking and reporting implementation, especially toward local area goals.
- Track Delaware’s progress with its initiatives to support the state’s iterative decision-making process.
- EPA supports refinement of the modeling tools used to evaluate state compliance with the Bay TMDL³. To the extent there are jurisdiction-specific issues that should be addressed in the modeling framework, jurisdictions should identify those and propose a plan for resolution.

Agriculture

- Continue to identify opportunities to coordinate and leverage Federal (EPA and USDA), State and private funding to increase agricultural conservation practice implementation in Delaware.
- Continue to work with Delaware to provide targeted financial assistance, if available, to support its agricultural initiatives.
- Conduct inspections, upon request, to assist Delaware in implementation of their nutrient management initiative.

³ These refinements should not impact calibration of the model. As such, refinements should follow the CBP partnership-agreed upon schedule for model updates to coincide with the two-year milestone submissions.

- Work to advance opportunities to provide EPA grant funding to Delaware agencies that work directly with agriculture, particularly in those instances where it can improve the timely expenditure of Federal funds to support environmental protection goals (e.g., Chesapeake Bay Program grants).
- Work with the appropriate Delaware agencies to host joint trainings for the agricultural community to ensure effective implementation of Federal and State agricultural regulatory programs and to host EPA trainings for Delaware agencies for delegated programs, upon request.

Stormwater

- Conduct National Pollutant Discharge Elimination (NPDES) inspector training for state agency staff, upon request.
- Review annual reports and BMPs implemented to address water quality as part of oversight inspections to determine progress towards meeting MS4 permit requirements.
- EPA may, if requested:
 - Provide MS4 forums in Delaware as an opportunity for local permittees to collaborate and exchange ideas on improved compliance with permit requirements.
 - Conduct green infrastructure workshops.
 - Recommend projects to prioritize in unregulated areas to address reductions needed in that portion of the sector.
- If Delaware intends in the future to use trading to achieve MS4 reductions, EPA could provide assistance in reviewing draft policies and rulemakings.

Wastewater

EPA plans to assist Delaware, as requested, with nutrient optimization and compliance assistance in this sector.

Trading and Offsets

EPA can continue to provide oversight and input into Delaware's trading and offset program by reviewing draft regulations, and policies and NPDES permits as well as participate on regulatory advisory committees.

Growth

EPA plans to provide to Delaware a sector growth breakout for each sector based on state submitted progress data each milestone period.

Detailed Evaluation of Overall Load Reduction and Source Sectors

The following sections provide specific highlights of key strengths of Delaware's Phase III WIP. These sections also highlight areas for enhancement to assist Delaware in implementing its Phase III WIP and subsequent two-year milestones to provide confidence that Delaware will have programs and practices in place by 2025 to achieve its Phase III WIP planning targets.

Load Reduction Review

When evaluating Delaware's Phase III WIP numeric commitments, EPA modeled implementation scenarios through the CBP partnership's Phase 6 suite of modeling tools and compared those simulated nutrient⁴ loads to Delaware's 2025 statewide and state-basin Phase III WIP planning targets.

⁴ Phase III WIP planning targets for sediment were developed by the CBP partnership after the Phase III WIP submittal and will be incorporated into Delaware's Phase III WIP.

Simulations using that scenario indicate that full implementation of Delaware's plan is expected to achieve 100% of the statewide and state-basin (Eastern Shore) Phase III WIP planning targets for nitrogen and phosphorus.

Delaware proposes to achieve most of its pollutant reductions by implementing BMPs in the agricultural sector: 95% for nitrogen and 68% for phosphorus. Delaware plans to maintain the progress it has made in pollutant reductions from the wastewater sector. The remainder of the pollutant reductions are to come from existing programs for stormwater management and the natural sector which includes preservation of forests and wetlands and controls on stream bed and bank loads. Finally, Delaware's Phase III WIP addresses each of the additional changing and local conditions identified by the CBP partnership.

Source Sectors

Agriculture

Key Strengths

Key strengths in the Phase III WIP include:

- Delaware reissued its CAFO General Permit (GP) 2 on April 30, 2019.
- Commitment to establish a Chesapeake Bay Cover Crop Initiative with a goal of enrolling every eligible acre in cover crops.
- Engaged with appropriate agricultural partners including the USDA, NRCS and conservation districts.
- Commitment to exploring other viable options for alternative uses of excess poultry litter nutrients, such as CleanBay Renewables, now that Perdue AgriRecycle has closed.
- Commitment to provide incentives to licensed consultants (annual consulting license fee waivers) to report soil phosphorus data.
- Commitment to developing a method for capturing and verifying the supplemental nutrient management practices, such as split application of nutrients, pre-sidedress soil nitrate test, and manure injection, through the Mid-Atlantic 4R (Right Source, Right Rate, Right Time, Right Place) Nutrient Stewardship Association and the Delaware-Maryland 4R Alliance.

Enhancements

EPA recommends Delaware address the following in its 2020-2021 milestones to satisfy its CBP partnership commitments:

- Provide more detailed information on its commitment to accelerate nitrogen reductions in the agriculture sector expected from the Phase III WIP.
- Document the number of CAFOs under each permit and the permit coverage under each of the CAFO general permits.
- Describe the final CAFO general permit schedule for development, issuance, and implementation.
- Detail how it will achieve and verify 85% nutrient management implementation and compliance and how it is following its Standard Operating Procedures to ensure accurate reporting and verification of all reported acres.
- Explain the strategy and timeframe for addressing the backlog of cost-share applications for animal waste management systems.

Stormwater

Key Strengths

Key strengths in the Phase III WIP include:

- Describing the analysis completed on retrofit costs for the Phase II WIP and why retrofits are not a focus of the Phase III WIP.
- Revised its Sediment and Stormwater regulations, which focus on runoff reduction practices to minimize any increases in stormwater loads from new development.
- Reviewed and updated the E&S Control Handbook and Post-Construction BMP Standards and Specifications, in conjunction with the regulatory revision.
- Developed a data quality and verification plan to improve the processes for tracking, reporting, and verifying BMPs implemented throughout the state. The plan was most recently updated in 2018.
- Utilizing Chesapeake Bay tools and grant funds to target BMP implementation in watersheds where these practices will be more effective at reducing pollutants to the Chesapeake Bay.
- Awarded Surface Water Matching Planning grants to all currently designated MS4s in the Chesapeake Bay watershed to assist in mapping stormwater infrastructure.
- Discussed various funding mechanisms available to implement stormwater BMPs.
- Shifted from individual BMP accounting to the use of the stormwater performance standards through Delaware's statewide Sediment and Stormwater Regulations.
- Commitment to conduct regular inspections of all BMPs constructed within and outside of MS4 areas throughout the state, not only through MS4 permit commitments, but also through mandates relating to the Sediment and Stormwater Regulations that require property owners to regularly maintain BMPs.
- Delaware provided further detail on its commitment to expand staff to increase compliance with the Erosion and Sediment Control Program.

Enhancements

EPA recommends Delaware address the following in its 2020-2021 milestones to satisfy its CBP partnership commitments:

- Provide additional detail (e.g., new strategies, legislative programs, incentive programs, compliance programs, and/or funding mechanisms) to support how it will achieve the BMP implementation rates of the nutrient reductions from the stormwater sector.
- Provide additional information on how existing loads in this sector will be reduced and reductions will be achieved.
- Provide further detail on future permit changes to the New Castle County (NCC) Phase I MS4 permit since it expired in 2018 and is currently administratively extended. The Phase III WIP states that the NCC Phase I MS4 permit will include measures and requirements to address the Bay TMDL when it is reissued. The Phase III WIP does not provide details related to those permit requirements such as a required study for a Chesapeake Bay watershed, and only notes tracking and monitoring of BMPs in the Chesapeake Bay watershed.
- Provide detail on its plans to address BMP implementation, including how to fund or incentivize implementation, on non-MS4 lands.
- Provide additional detail on the requirements that the Tier I MS4s may be subject to in the future, beyond preparation of a TMDL Plan-which is proposed to be in the Tier I 2019 permit. The Phase III WIP states that the Tier II MS4 permittees (which will eventually cover most of the municipalities in

the Chesapeake Bay watershed) will be required to begin developing their MS4 program in the upcoming permit and will then transition to a Tier I permit.

- Provide more detail on its BMP scenario commitments to implement urban retrofits to achieve the planning targets. Delaware acknowledged that urban retrofits are not a viable alternative to get nitrogen reductions when agriculture is more cost effective.

Wastewater

Key Strengths

Key strengths from the Phase III WIP include:

- Remaining on track to meet its 2025 goals without further enhancements.
- Revised its on-site wastewater disposal regulation requiring new or replacement systems within 1,000 feet of tidal waters and associated tidal wetlands to comply with a 20 gm/L limit for total nitrogen.
- Provided further detail on how it established the goal to upgrade 25% of septic systems (i.e., septic system denitrification) and the metrics used to establish this goal.
- Clarified that the numbers in Table 3-13 included small septic systems.

Enhancements

EPA recommends Delaware address the following in its 2020-2021 milestones to satisfy its CBP partnership commitments:

- The Phase III WIP notes one of the biggest challenges for the wastewater sector is future increases in flow from growth which may require facility upgrades presenting significant financial hardship for the affected communities. It states that future increases in flow will be addressed by maintaining current loads while tightening concentration limits. EPA recommends that Delaware provide a long-term strategy to address this impending issue. Such a plan could include requiring facilities to monitor growth in their service area or have a plan of action/advanced planning for expansion needs.
- Section 6.2 (page 97) of the Phase III WIP indicates that loads from wastewater treatment plants (WWTPs) will be routinely monitored. As growth occurs and loading from facilities approaches their maximum loads, the Phase III WIP notes two potential scenarios: land applying and trading. While land applying may be an option, it is unclear whether facilities will be required to act once their loads are approaching the maximum. Additionally, it is unclear whether trading is feasible for WWTPs since the credit exchange program is still being developed with no projected completion date. EPA recommends that Delaware clarify these issues.

Trading & Offsets

Key Strengths

Key strengths from the Phase III WIP include:

- Exploring provisions under the new Sediment and Stormwater Regulations for use in Sussex County, including stormwater management banking, offsets, and trading, along with the creation of a stormwater management offset district.
- Delaware included a strategy developed by the Water Infrastructure Advisory Council for the use of fees-in-lieu collected as offsets for projects unable to comply with the resource protection event requirements under Delaware's Sediment and Stormwater Regulations.
- Delaware established an internal workgroup to better understand the possibilities allowed by the framework of the Sediment and Stormwater Regulations. The internal workgroup has been directed to explore separate regulations for banking, offsets, and trading of items not permissible under the

Sediment and Stormwater Regulations (i.e., copper, zinc, and TMDLs other than nitrogen and phosphorus).

- Delaware decreased nitrogen discharges from five WWTPs in Sussex County; as a result, those five WWTPs now have capacity to accommodate future nitrogen loads.

Changing and Local Conditions

Growth

Key Strengths

Key strengths from the Phase III WIP include:

- Delaware developed its implementation scenarios on 2025 forecasted growth conditions, per the CBP partnership decision, with assumed growth directed towards areas zoned for growth or with the necessary infrastructure and capacity to support growth.
- Delaware discussed specific comprehensive plans for various towns and cities related to growth.

Enhancements

EPA recommends Delaware address the following in its 2020-2021 milestones to satisfy its CBP partnership commitments:

- Providing additional detail on how it will account for projected increases in nutrient loads in the agricultural sector from changes in crops, animals, and/or fertilizer.
- Clarifying whether stormwater controls under its MS4 GP and individual permit are enough to reduce runoff and nutrient export from new development to pre-development levels.
- Clarifying how it will track and report outcomes from its Livable Lawns Program.

Climate

Key Strengths

Key strengths from the Phase III WIP include:

- Delaware documented its jurisdiction-specific 2025 numeric climate change loads in the Phase III WIP document. Delaware also commits to working with the CBP partnership to better understand the climate change science and notes the CBP partnership commitment to account for additional nutrient and sediment pollutant loads beginning with the 2022-2023 milestones.
- Delaware summarized existing resources and documentation related to climate change in Delaware such as guidance related to flooding and flood risk mapping tools, guidance on incorporating green infrastructure and sea level rise planning scenarios.
- Implementing green infrastructure projects in Seaford and Laurel to address flooding and improve infiltration.

Local Engagement Strategies

Key Strengths

Key strengths from the Phase III WIP include:

- Delaware collaborated with a broad group of stakeholders to participate in the development of the Phase III WIP and local planning goals.
- Delaware created a Steering Committee and sector specific workgroups for targeted feedback, holding monthly meetings and larger informational meetings on Phase III WIP development progress.
- Delaware utilized individual outreach for farmers and large public venues such as Ag Week, using presentations and pamphlets regarding the draft Phase III WIP.

- Planning for a workgroup in Sussex County to meet in 2019 to review ordinances to support the Phase III WIP implementation goals.
- Delaware provided further detail on how it will maintain communication and outreach throughout the Phase III WIP implementation to ensure acceptance and success in achieving pollutant reduction goals.
- Delaware will encourage private sector investment in achieving its Phase III WIP goals.

Local Planning Goals

Key Strengths

Key strengths from the Phase III WIP include:

- Delaware established measurable local planning goals by county and by sector, following the CBP partnership decision.
- Delaware focuses implementation predominately in Sussex County, which aligns with the areas of highest nutrient loading and current implementation levels.
- Expecting the most nutrient reductions from the agricultural sector, which aligns with the most cost-effective reductions and existing land use.
- Identifying each BMP as part of the local planning goal, the current implementation level, and projected implementation rates.

Enhancements

EPA recommends Delaware address the following in its 2020-2021 milestones to satisfy its CBP partnership commitments:

- EPA recommends Delaware identify the tools and processes to be used to track and report achievement of local planning goals through the two-year milestones and annual progress submissions.

Segment-shed Goals for the Tidal Jurisdictions

Key Strengths

Key strengths from the Phase III WIP include:

- Delaware provided an explanation of planned implementation in the Nanticoke River watershed.
- Delaware explicitly referenced its tidal segments and describe how implementation is planned for the Nanticoke River Tidal fresh segment.

BMP Verification

- Jurisdictions agreed to follow CBP partnership-approved BMP verification protocols when developing and implementing the Phase III WIPs. Because Delaware is proposing to increase BMP implementation rates of some BMPs by 10-fold or more in the next seven years, Delaware should ensure that implementation at this higher rate can be tracked, verified, and reported within that period. 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, or by another method established by the CBP partnership..