



March 25, 2022

Regional Administrator Adam Ortiz
US Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Dear Administrator Ortiz:

I am writing in response to the U.S. Environmental Protection Agency (EPA) evaluation of the final Conowingo Watershed Implementation Plan (CWIP), received on January 25, 2022. In the cover letter, you stated that if jurisdictions do not commit funding to the CWIP, the additional 6 million pounds of nitrogen and 0.26 million pounds of phosphorus will be redistributed to the jurisdictions using a Chesapeake Bay Program (CBP) partnership-approved methodology.

The CWIP is a framework that allows for additional and innovative cross-jurisdictional collaboration. Some examples that have already come to fruition are: Pennsylvania, Maryland, and New York convening to coordinate and discuss partnership opportunities for protecting and restoring freshwater mussel populations across the Susquehanna River Basin; the currently proposed legislation in Maryland that would allow for funding to be put toward watershed restoration projects in Pennsylvania; and the purposeful integration of the Susquehanna River Basin Commission (SRBC) as the CWIP financing authority. The Pennsylvania Department of Environmental Protection (DEP) has had a longstanding and strong relationship with SRBC. DEP represents the Commonwealth on SRBC and provides more than \$500,000 to SRBC annually through state and federal funds to support Total Maximum Daily Load (TMDL) development, Pennsylvania's Water Quality Network (WQN), including the Chesapeake Bay Non-Tidal Network (NTN), and Chesapeake Assessment Scenario Tool (CAST) modeling and technical support.

The CWIP identifies a suite of nutrient and sediment reducing best management practices (BMPs) that are currently accepted by the Chesapeake Bay Watershed model. The CWIP also allows for adaptive management and innovative nutrient and sediment reducing solutions that are currently not fully incorporated and credited in states' Phase 3 WIP numeric commitments or modeled progress, including initiatives such as acid mine drainage (AMD) treatment and abandoned mine land (AML) reclamation, legacy sediment removal and ecosystem restoration, and Maryland's proposed Conowingo dredging solutions.

Pennsylvania commits to continued investment of agency staff time and federal Chesapeake Bay Regulatory Accountability Program (CBRAP) funds for the successful implementation of the CWIP. In addition to the funds provided to SRBC, DEP provides more than \$1.5 million in state funds annually to the U.S. Geological Survey (USGS) for NTN implementation. Governor Wolf's FY2022-2023 Budget outlines an additional \$180 million from the federal COVID appropriation for statewide watershed and wetland restoration. Governor Wolf's FY2022-2023 Budget also identifies a \$33.495 million investment in Pennsylvania's Environmental

Secretary

Rachel Carson State Office Building | P.O. Box 2063 | Harrisburg, PA 17105-2063 | 717.787.2814 | www.dep.pa.gov

Stewardship Fund. Additionally, \$244.9 million has been allocated to Pennsylvania annually for the next 15 years from the Infrastructure Investments and Jobs Act (IIJA) for AML reclamation and AMD treatment. A portion of the funds from the new allocations identified above, in addition to other existing funding sources, will be committed to implementing projects and practices within Pennsylvania's portion of the Chesapeake Bay watershed for Pennsylvania's Phase 3 WIP as well as the CWIP. I would also ask that EPA allocates IIJA funds for the Chesapeake Bay Program to implement the CWIP and jurisdictional WIPs.

I look forward to further discussion and action regarding the importance of adequate allocation of federal resources to Pennsylvania for Chesapeake Bay TMDL and Watershed Agreement goals and outcomes.

Sincerely,



Patrick McDonnell
Secretary

CC: Russell Redding, Secretary, Pennsylvania Department of Agriculture
Cindy Dunn, Secretary, Pennsylvania Department of Conservation and Natural Resources
Karl Brown, Executive Secretary, State Conservation Commission
Drew Dehoff, Executive Director, Susquehanna River Basin Commission
Michelle Price-Fay, Acting Director, Chesapeake Bay Program
Ann Swanson, Executive Director, Chesapeake Bay Commission
Marel King, Pennsylvania Director, Chesapeake Bay Commission