



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III**

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Ramez Ziadeh, Acting Secretary
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 2036
Harrisburg, Pennsylvania 17105-2063

Dear Acting Secretary Ziadeh,

Thank you for submitting Pennsylvania's final amended Phase III Watershed Implementation Plan (WIP) to the U.S. Environmental Protection Agency, Region III (EPA) on July 18, 2022. The final amended Phase III WIP includes information regarding Pennsylvania's investment of \$154 million of the American Rescue Plan funds to establish the new Clean Streams Fund which will support the Pennsylvania agricultural cost share program, as well as implementation of other best management practices (BMPs). I am hopeful that Pennsylvania will continue to make similar investments in future years. Increased sustained funding at the state level is essential to build and maintain capacity to improve local water quality and to accelerate implementation of BMPs critical to the health of the Chesapeake Bay.

EPA and Pennsylvania met several times during Pennsylvania's development of its final amended Phase III WIP to discuss EPA's evaluation of the draft submittal. During these meetings, technical staff and managers discussed opportunities to increase BMP implementation in Pennsylvania that could be included in the final amended WIP. Although Pennsylvania did make some changes between the draft and final amended Phase III WIPs, those changes did not result in any significant increase in proposed implementation.

Pennsylvania's final amended Phase III WIP meets 72% of the nitrogen target, 99% of the phosphorus target, and 93% of the sediment target. As outlined in our April letter and evaluation, some of the methods identified to achieve reductions in the final amended Phase III WIP are not currently approved by the Chesapeake Bay Program (CBP) partnership. Pennsylvania did not change the over 70 unique Chesapeake Assessment Scenario Tool (CAST) scenarios that were submitted with the draft amended WIP in December 2021 but did submit a few new scenarios with the final submission in July 2022. Based on this information, Pennsylvania has not demonstrated that its final amended Phase III WIP will meet the CBP partnership's nitrogen and sediment planning targets by 2025.

The final amended Phase III WIP does not provide EPA with confidence that Pennsylvania will have all practices and controls in place by 2025 to achieve the CBP partnership's nitrogen and sediment targets. Pennsylvania still has a 9.3-million-pound nitrogen gap and has not provided a final plan that demonstrates a sufficient acceleration of implementation to close that gap.

Enclosed with this letter is EPA's evaluation of Pennsylvania's final amended Phase III WIP that highlights the strengths and recommended enhancements included in EPA's evaluations of Pennsylvania's 2019 Phase III WIP and 2021 draft amended Phase III WIP that

still apply to this submission, as well as new feedback on the portions of the final amended document that did change. The enhancements noted in the enclosed evaluation would increase EPA's confidence that Pennsylvania will meet its nitrogen and sediment targets.

In my [letter to Pennsylvania in December 2021 and my transmittal letter that accompanied EPA's evaluation of Pennsylvania's draft amended WIP in April 2022](#), I noted that EPA expected Pennsylvania's final amended Phase III WIP to fully address the nitrogen shortfall and provide confidence through enhancements to programs and increased funding that it could meet its nutrient and sediment reduction targets. Given the lack of programmatic changes to accelerate BMP implementation, EPA will continue to take action to ensure adequate progress toward meeting the CBP partnership's 2025 targets. We will continue our increased compliance assistance in the agriculture and stormwater sectors, increased permitting oversight and, as appropriate, grant-related actions including the establishment of additional federal award conditions and/or redirection of certain federal funding to agencies and programs that can spend it more efficiently in Pennsylvania.

EPA is committed to working with Pennsylvania to provide assistance that supports the development of programmatic strategies to increase BMP implementation in the watershed and implementation of the Phase III WIP. In 2022, EPA provided over \$15 million in funding to the Commonwealth to support the Phase III WIP implementation through the Infrastructure Investments and Jobs Act (IIJA), the American Rescue Plan Act (ARPA) of 2021, and existing EPA grant programs.

Pennsylvania's commitment to the CBP partnership is critical to the partnership's success to restore our local and regional waters. I urge Pennsylvania to establish programmatic changes and resources to ensure the success of the Countywide Action Plans and other BMPs to achieve the 2025 targets. As always, the Region 3 team and I are on hand to provide any and all support we can.

Sincerely,

Adam Ortiz
Regional Administrator

Enclosure: EPA's Evaluation of Pennsylvania's Amended Phase III WIP

Cc: Secretary Dunn, Pennsylvania Department of Conservation & Natural Resources
Secretary Redding, Pennsylvania Department of Agriculture

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