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June 7, 2019

Governor Tom Wolf  
Commonwealth of Pennsylvania

Secretary Patrick McDonnell  
Pennsylvania Department of Environmental Protection

Via electronic mail [ecomment@pa.gov](mailto:ecomment@pa.gov)

Re: Comments on Pennsylvania's Draft Phase III Watershed Implementation Plan

Dear Governor Wolf and Secretary McDonnell,

On behalf of the Pennsylvania Delegation of the Citizens Advisory Committee (CAC) to the Chesapeake Executive Council please find the following comments on Pennsylvania's draft Phase III Watershed Implementation Plan (WIP). First, we recognize how far the Bay watershed recovery efforts have come since *The Chesapeake Bay Agreement of 1983* and since the 2010 TMDL was established.

Secondly, we commend Pennsylvania for the thorough process of participation utilized to develop the Phase III WIP. Broad opportunities for public and industry participation were developed at the sector level and the local county level. Numerous sequential discussions on the challenges and opportunities that define the draft WIP provided forums to collect input from both seasoned voices of experience who have been through the process previously and individuals who are new to the effort and bring fresh ideas. The process to assist counties in developing local implementation plans was well developed and well supported by the Department of Environmental Protection resources, EPA Chesapeake Bay Program Office staff expertise, and other crucial players such as Susquehanna River Basin Commission and US Geological Survey, in addition to local groups and expertise.

The PA Watershed Implementation Plan itself falls far short of the agreed upon pollution reduction goals. For example, the WIP approaches a 22.72 million pound total nitrogen load reduction, rather than the target reduction of 34.13 million pounds. We would argue that, in this context, the plan is incomplete. While recognizing that the efforts necessary are very significant, the opportunities to secure the necessary, and agreed upon, reductions, exist. We hope that Pennsylvania's final WIP is designed to meet the target reductions.

Jessica M. Blackburn, CAC Coordinator

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Pennsylvania's draft WIP highlights the severe resource shortfalls that exist with respect to implementation. Pennsylvania documents an annual funding gap of \$256,775,167. That number is the gap to get to a nitrogen reduction that falls 33% short of the target. There is no estimate of the funding gap (or gap in other resources) necessary to meet the reduction targets. This discrepancy indicates a failure to provide reasonable assurance that the goals of the TMDL can be met.

While progress is being made at a very small, incremental pace to improve funding resources, there is currently no legislative or policy discussion that would specifically deliver resources of the appropriate magnitude to address the stated funding gap. We urge the Governor and the Legislature of the Commonwealth of Pennsylvania to put the necessary resources in place.

Lastly, we encourage you to take advantage of funding sources for restoring abandoned mine lands to help meet sediment and nutrient pollution targets. We recommend you to consider including in the final WIP the secured source of funding through the mandatory spending provision in the 2006 re-authorization of the Abandoned Mine Lands (AML) Fund with as much as \$59 million coming to Pennsylvania annually. Also, a federal program called PILOT has provided an additional \$105 million through the general budget. PILOT will fund pilot mine reclamation projects that include job creation in coalfield communities in preparation for a larger sum coming through potential passage of RECLAIM Act introduced in April of this year. With passage, Pennsylvania would receive a portion of \$1 billion spent from the AML Fund and would be approximately \$55 million in additional funding for this purpose for each of five years.

Given the magnitude of this problem of huge acreages of toxic pollution from acid mine drainage, it is unwise to leave mineland reclamation out of the Phase III WIP document. The funds are there for reclamation and Pennsylvania should be credited with the reductions in sediment and the opportunity for nitrogen processing this practice produces.

We encourage the Commonwealth to remain steadfast in its efforts to fully implement the plan. Thank you for the opportunity to comment on Pennsylvania's draft Phase III WIP. We look forward to hearing how the final Watershed Implementation Plan considers and/or addresses these and other public comments.

Sincerely,

Pennsylvania's Delegation of the Citizens Advisory Committee



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