



CHESAPEAKE BAY COMMISSION

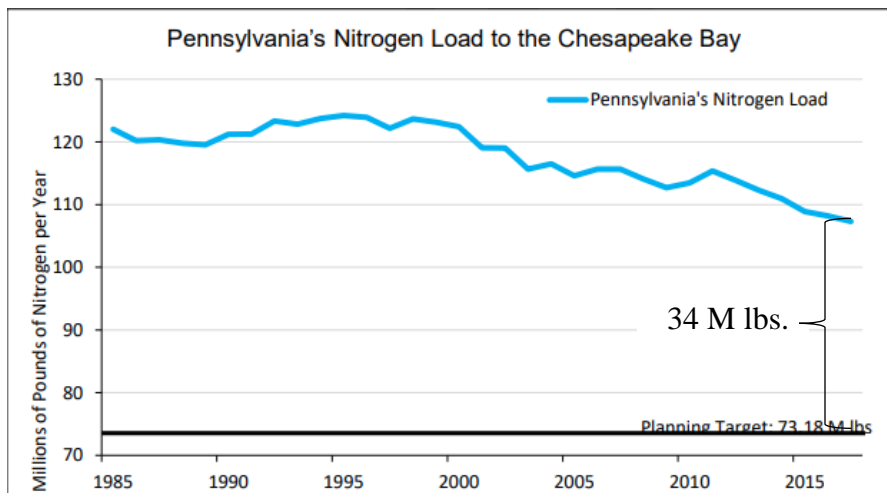
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MEMORANDUM

TO: Pennsylvania Delegation of the Chesapeake Bay Commission
DATE: April 22, 2019 **(REVISED 4-30-19)**
FROM: Marel King, Pennsylvania Director
RE: Pennsylvania's Draft Phase III Chesapeake Bay Watershed Implementation Plan

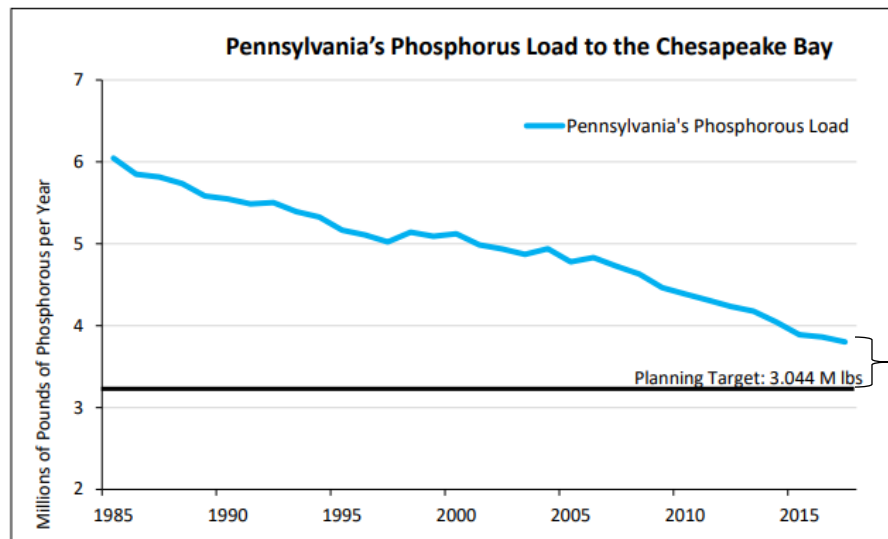
On Friday, April 12, DEP released the Commonwealth's Draft Phase III Chesapeake Bay Watershed Implementation Plan (WIP). The draft plan is the result of extensive stakeholder input, including participation by over 100 representatives of public and private organizations that participated in the WIP Steering Committee and Workgroups.

Reductions Needed



To meet our Chesapeake Bay TMDL obligations, Pennsylvania will need to reduce 51 million pounds of nitrogen and 2.02 million pounds of phosphorus from Pennsylvania's local streams. This translates to a **reduction in delivered loads to the Bay of 34 million**

pounds of nitrogen and 0.756 million pounds of phosphorus, or a 32% reduction in nitrogen and 20% reduction in phosphorus from 2017 levels. The deadline to have all practices in place to achieve these reductions is 2025. The draft WIP includes both statewide initiatives and county-level plans



0.756 M lbs.

from four pilot counties – Lancaster, York, Franklin and Adams. The planned reductions total 22.57 million pounds of nitrogen and 0.824 million pounds of phosphorus. Pennsylvania expects to fully meet its reduction goals through a combination of:

- Future completion of the remaining 39 county-level plans and their implementation
- The benefits of over-performance on phosphorus
- Improved tracking of practice implementation

County Planning Process

Four county plans have been completed. These are indicated in the chart below in red. The remaining county plans are scheduled to be written in phases between now and the Fall of 2020, with the schedule following the priority tiers that have been established based on a county's contribution toward the total loads:

Tier 1 - First 25% of Reductions	Tier 2 - Second 25% of Reductions	Tier 3 - Third 25% of Reductions		Tier 4 - Last 25% of Reductions	
Lancaster York	Franklin Lebanon Cumberland Centre Bedford	Adams Northumberland Perry Snyder Huntingdon Columbia Mifflin Lycoming	Schuykill Bradford Juniata Clinton Tioga Susquehanna Clearfield Fulton	Union Chester Dauphin Berks Blair Lackawanna Luzerne Montour Cambria Sullivan	Potter Somerset Wyoming Elk Indiana Cameron Wayne McKean Jefferson Carbon

To support and facilitate the development of these additional county plans, 10 agency staff and 28 external staff are needed. The one-time cost of this activity is estimated to be \$3.9 million, with \$1 million of that not currently budgeted.

Priority Practices and Sectors

The statewide initiatives rely on implementation of priority BMPs across **three key sectors – Agriculture, Stormwater and Forestry**. The wastewater sector has already achieved its 2025 goal under the Phase I and II WIPs and is therefore not expected to make significant new reductions.

For the priority sectors, a description of recommended practices, their expected benefits and costs are as follows:

Priority Initiative	Nitrogen Reduction (to Pennsylvania Streams)	Phosphorus Reduction (to Pennsylvania Streams)	Estimated Annual Cost for Practice Implementation ¹
Agriculture			
Total	28,572,000	1,790,000	\$313,140,000
Agriculture Compliance	7,381,000	251,000	\$33,105,000
Soil Health	7,337,000	298,000	\$32,980,000
Expanded Nutrient Management	755,000	34,000	\$20,853,000
Manure Storage Facilities	7,167,000	300,000	\$214,042,000
Precision Feeding	604,000	61,000	(-\$1,687,000)
Integrated Systems for Elimination of Excess Manure	1,230,000	101,000	\$4,666,000
Grassed Riparian Buffers	4,098,000	747,000	\$9,183,000
Stormwater¹			
Total	296,000	39,250	\$78,552,000
Meet Current MS4 Permit Requirements	179,000	34,000	\$74,033,000
New Riparian Forest Buffers	7,000	1,000	\$68,000
Control Measures for Illicit Discharge	3,000	150	\$898,000
Industrial Stormwater	2,000	100	\$3,553,000
Fertilizer Legislation	105,000	4,000	TBD
Meet Current Erosion and Sediment (E&S) Control and Post Construction Stormwater Management (PCSM) Requirements	TBD	TBD	TBD
Forestry			
Total	7,681,000	1,029,000	\$67,701,000
Forested Riparian Buffers	7,445,000	993,000	\$41,439,000
Tree Canopy	180	10	\$5,400
Woods and Pollinator Habitat	86,000	5,300	\$1,046,000
Forest, Farm, and Natural Areas Conservation	TBD	TBD	TBD
Stream and Wetland Restoration	147,000	29,000	\$27,303,000
Total Workgroup Recommendation Reductions (to Pennsylvania Streams)	33,239,000	2,123,000	\$459,393,000
Reductions Delivered to Chesapeake Bay	22,371,000	893,000	\$459,393,000

Costs and Funding Needs

Compared to existing funding levels, the cost of \$459 million per year results in a **funding gap of \$257 million per year**, including \$14 million to fund an **additional 80 internal and 109 external staff** to provide technical assistance, education & outreach, and administrative support for implementation.

To prioritize funding in the near term, it is suggested that the highlighted items above (agricultural compliance, soil health, grassed buffers and forested buffers) receive the first focus. These practices alone would result in 45% of the needed nitrogen reduction and 75% of the needed phosphorus reduction at a cost of \$116.6 M annually.

Legislative Recommendations

To address both funding and programmatic gaps, **these legislative actions are recommended:**

- Create New Dedicated Funding Source(s) for clean water in Pennsylvania, with a focus on the Chesapeake Bay watershed. It is likely that a combination of revenue sources will be needed, such as:
 - Water Use Fee
 - Bottled Water Tax (remove the sales tax exemption from bottled water, teas, and similar beverages)
 - RestorePA (\$4.5 billion bond issue to fund infrastructure, including green infrastructure)
 - Keystone Tree Fund (voluntary check-off on driver's license and vehicle registration applications)
 - Clean Water License Plate
- Remove prohibition against stream fencing requirements in the Clean Streams Law (35 P.S. §691.702)
- Establish a Nutrient Procurement Program
- Revise Local Procurement Limits to Facilitate Municipal P3s
- Amend the Right-to-Know Law to protect farmer information, thus improving the reporting and crediting of existing BMPs
- Enact the Fertilizer Bill
 - Reduce the N and P in bagged “do-it-yourself” fertilizer
 - Require training and certification for professional applicators, both ag and non-ag (not farmers themselves)
 - Consumer education and outreach
 - Establish best practice expectations for fertilizer application
- Other Budget Items
 - Restore Act 167 Funding
 - PA Farm Bill
 - Increase REAP to \$13 M
 - Provide \$3 M for BMPs and Technical Assistance

Timeline & Additional Action

The public comment period is open now through June 7. The final Phase III WIP is due in August. The draft WIP is available on the DEP website at:

http://files.dep.state.pa.us/Water/ChesapeakeBayOffice/WIP/III/DraftPlan/PA_Phase_3_WIP_FinalDraft.pdf

The Pennsylvania WIP does not include any reductions to address new loads from the Conowingo Dam. Those will be addressed in a separate Conowingo WIP under development by the Chesapeake Bay Program partners.