

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of Water Resources, Deputy Commissioner  
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March 25, 2022

Honorable Adam Ortiz  
Regional Administrator  
U.S. Environmental Protection Agency, Region III  
1560 Arch Street (3RA00)  
Philadelphia, PA 19103-2029

Re: Chesapeake Bay Conowingo WIP

Dear Administrator Ortiz:

This letter is in response to your January 25, 2022 communication to the Chesapeake Bay Partnership Principal Steering Committee concerning the Conowingo Watershed Implementation Plan (CWIP). Your letter and the U.S. Environmental Protection Agency's CWIP evaluation requested a response within 60 days regarding EPA's assertion of "no confidence" without adequate implementation funding.

New York intends to achieve the additional reduction of 80,000 pounds of nitrogen (and associated phosphorus), or an equivalent in less effective areas, within the New York portion of the Chesapeake Bay watershed by expanding the State's ongoing implementation programs. New York does not intend to meet its CWIP goals through a separately managed or financed initiative, nor does New York currently intend to participate in the entity proposed to be created and funded within the auspices of the Susquehanna River Basin Commission.

New York has robust statewide funding programs providing more than adequate assurance that the State has adequate funding to achieve its CWIP goals. New York's dedicated implementation team will draw upon the statewide programs to support necessary implementation of watershed programs for the Chesapeake Bay basin.

These funding programs, all subject to budget allocations, include:

- The annual Water Quality Improvement Project grant program, which provided \$272 million in grants for clean water projects in 2021.
- The annual Water Infrastructure Improvement Act grant program, allocated \$400 million for grants for clean water and drinking water projects in 2021.
- The annual Agricultural Non-Point Source Pollution Control program, funded at \$18 million in 2021.



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Since 2017, New York has appropriated \$4 billion for the Clean Water Infrastructure Act, which is deployed in the form of grants. An additional \$500 million is proposed for this grant program in New York's 2022 budget. New York operates the nation's largest Clean Water State Revolving Loan Program, and frequently matches clean water infrastructure grants with low or zero-interest loans, particularly in financial hardship communities. In addition, Governor Hochul proposed increasing New York's Environmental Protection Fund program, which supports numerous water, habitat, and resilience project grants and initiatives, to \$400 million in her budget proposal. Moreover, Governor Hochul has also proposed a \$4 billion Clean Water, Clean Air, and Green Jobs Environmental Bond Act, which will go before voters this November if approved by the Legislature, and if adopted would provide additional dollars for clean water projects. New York has also developed focused funding programs to "prime the pump" on the formulation of clean water projects in hardship communities to help these communities access larger capital grants, including the Engineering Planning Grant and Non-Point Planning grant programs.

DEC is prepared to share additional information regarding New York's nation-leading investments to support clean water projects statewide.

Finally, New York requests that EPA and other federal agencies match the state investments towards the CWIP with federal funding, such as through available Bipartisan Infrastructure Law funding. Continued federal investment is critical to the success of the CWIP and overall Chesapeake Bay restoration effort.

Sincerely,



James Tierney  
Deputy Commissioner for Water Resources