



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

Ms. Kelly Heffner, Deputy Secretary  
Pennsylvania Department of Environmental Protection  
Rachel Carson State Office Building  
P.O. Box 2063  
Harrisburg, PA 17105-2063

**FEB 15 2012**

Dear Kelly:

Thank you for the submission to EPA of Pennsylvania's draft Phase II Watershed Implementation Plan (WIP) and final 2012-2013 milestones. I greatly appreciate the efforts of the Pennsylvania Department of Environmental Protection (PA DEP) and your partner agencies as well as stakeholder groups in the development of these documents.

The Phase II WIP and 2012 – 2013 milestones are important elements in helping us meet the Chesapeake Bay Program Executive Council's goal of having all practices in place by 2025 to meet water quality standards in the Chesapeake Bay. Through the Phase II WIPs, EPA asked the Bay jurisdictions to make key stakeholders aware of their role in cleaning up our region's waterways and to strengthen the pollution-reduction strategies for sectors that received enhanced oversight or backstop actions based on the Phase I WIPs. EPA expects the 2012-2013 milestones to demonstrate that Pennsylvania is taking the necessary, near-term actions to achieve these long-term goals.

I am enclosing EPA's feedback from our evaluation of your draft Phase II WIP and final 2012-2013 milestones. We recognize Pennsylvania's significant efforts to engage local partners, including hosting a series of workshops with groups of counties across the watershed. We were able to have EPA staff in attendance for each of these workshops and witnessed the great appreciation that various groups had for the ability to provide input to the refinement of the WIP. We ask that the Final Phase II WIP describe how this local engagement will continue and, more specifically, what the Commonwealth expects the localities and conservation districts to do to help Pennsylvania fulfill its WIP and milestone commitments.

As we discussed on February 7, EPA is concerned that the Phase II WIP and 2012-2013 milestones do not identify important next steps to implement core initiatives of Pennsylvania's Phase I agriculture strategy, such as supporting manure to energy technologies and developing methods to defensibly track and report non-cost-shared practices. As these strategies account for sizable portions of the nutrient and sediment reductions of PA's WIP, we have focused our evaluation feedback there and ask for your assistance to shore up the WIP and milestones.



Second, while progress has been made with the reissuance of the PAG-13 General Permit for Phase II Municipal Separate Storm Sewer system (MS4) permittees, EPA still lacks assurance that Pennsylvania will be able to achieve the reductions in stormwater loads identified in the WIP.

Based on your draft Phase II WIP and 2012-2013 milestones, EPA intends to maintain enhanced oversight and proposes to take federal actions if key improvements are not included in the Final Phase II WIPs and 2012-2013 milestones. However, it is EPA's desire to avoid these federal actions if possible and we are committed to working with you to continue strengthening the Phase II WIPs and 2012-2013 milestones between now and March 30, 2012. We appreciated the opportunity to discuss these findings with you on February 7 and your willingness to address our concerns. I look forward to our continued dialogue as we work toward a strong Phase II WIP and near-term milestones that will help achieve our shared goals for a restored Chesapeake Bay. Please let Suzanne Trevena or me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon M. Capacasa", written over a circular stamp or seal.

Jon M. Capacasa, Director  
Water Protection Division

Enclosure

cc: Andrew Zemba

