

CHESAPEAKE EXECUTIVE COUNCIL

RESOLUTION TO SUPPORT FINANCING OF PENNSYLVANIA'S WATERSHED IMPLEMENTATION PLAN

AS OF SEPTEMBER 5, 2019, WHEREAS the Chesapeake Bay Program partners envision an environmentally and economically sustainable Chesapeake Bay watershed with clean water, abundant life, conserved lands, access to the water, a vibrant cultural heritage and a diversity of engaged citizens and stakeholders; and

WHEREAS, in 2010, the Environmental Protection Agency (EPA) and the Bay jurisdictions established the Chesapeake Bay Total Maximum Daily Load (Chesapeake Bay TMDL) that set allocations for major sources of nitrogen, phosphorus and sediment entering the Chesapeake Bay at levels needed to restore water quality to the tidal portions of the Chesapeake Bay and the living resources dependent on clean water; and

WHEREAS, these pollutant allocations were divided across the seven Chesapeake Bay jurisdictions, Delaware, the District of Columbia, Maryland, New York, Pennsylvania, Virginia and West Virginia, which developed Watershed Implementation Plans (WIPs) to achieve these limits and committed to full implementation of the plans by 2025; and

WHEREAS, on June 16, 2014, the Chesapeake Executive Council signed the Chesapeake Bay Watershed Agreement, which incorporates key terms of the Chesapeake Bay TMDL, and, for the first time, representatives from the entire watershed, including the Bay's headwater states, committed to full partnership in the Bay Program; and

WHEREAS, citizens desire clean water in their local streams and rivers, and local, state and federal elected officials are responsible to their constituents to help maintain the quality of life that clean water provides; and

WHEREAS, efforts made to date to implement the Chesapeake Bay TMDL are working, but significant effort is still required to fully implement its requirements by 2025; and

WHEREAS, Pennsylvania, in particular, has failed to meet its pollution reduction targets to date and failed to provide a Phase III WIP that achieves the needed pollution reduction targets by 2025, and current levels of public funding and private investment are insufficient to carry out the conservation and restoration activities necessary to achieve healthy local streams, rivers and a vibrant Chesapeake Bay; and

WHEREAS, agriculture, an integral part of Pennsylvania's culture and economy, plays a critical role in improving local water quality and the health of the Chesapeake Bay, yet lacks sufficient financial resources and technical assistance to implement the conservation practices needed to achieve the necessary pollution reductions; and

WHEREAS, July's dead zone was one of the largest on record, and, with climate change increasing the severity and frequency of storms, absent significant new efforts to reduce pollution in Pennsylvania the Bay's dead zone will get even worse; and

WHEREAS, EPA has clearly and repeatedly stated its authority and commitment to fulfilling its obligations to the Chesapeake Bay under the Clean Water Act, the Chesapeake Bay Agreements and the Chesapeake Bay TMDL; and

WHEREAS, the restoration of the Chesapeake Bay through full implementation of the Chesapeake Bay TMDL will provide immeasurable benefits throughout the watershed and will

be a historic success that serves as an international model for multi-jurisdictional efforts to restore a waterbody.

NOW, THEREFORE BE IT RESOLVED that the Chesapeake Executive Council:

Commits to work to acquire the necessary funds to help the Commonwealth of Pennsylvania close the financial gap for its Phase III WIP, including the establishment of a dedicated, consistent funding source for agricultural practices. EPA, as lead federal agency in the partnership, commits to work with the other federal agencies to secure a dedicated source of funding for Pennsylvania. These funding sources include, but are not limited to:

- U.S. Environmental Protection Agency's Section 319 grant funds, State Revolving Loan Fund, Chesapeake Bay Implementation Grants and Chesapeake Bay Regulatory and Accountability Program Grants.
- U.S. Department of Agriculture's Environmental Quality Incentives Program, Regional Conservation Partnership Program, Conservation Reserve Program, Agricultural Conservation Easement Program and Conservation Technical Assistance.
- U.S. Army Corps of Engineers Chesapeake Bay Comprehensive Plan (when appropriated).
- Mitigation funds from Exelon Corporation for downstream water quality impacts associated with the Conowingo Dam.

BE IT FURTHER RESOLVED that the Chesapeake Executive Council commits to holding Pennsylvania accountable for finalizing, by October 31, 2019, a Phase III WIP that sufficiently demonstrates how Pennsylvania will achieve its pollution reduction targets by 2025, and identifying sufficient existing and new sources of state and federal funding to implement its Phase III WIP. Increased public funding and private investment for local implementation of conservation and restoration activities will achieve healthy local streams, rivers and a vibrant Chesapeake Bay.

BE IT FURTHER RESOLVED that, beginning with Fiscal Year 2020 and through Fiscal Year 2025, existing and new state and federal resources shall be directed to priority best management practices identified in the county-level WIPs. Where county-level WIPs are not yet completed, existing and new state and federal resources shall be directed to priority best management practices identified in Pennsylvania's Phase III WIP. The existing and new resources should be directed to the following areas: 60 percent to Tier 1 counties, 30 percent to Tier 2 counties, and 10 percent to Tier 3 and Tier 4 counties, as identified in Pennsylvania's Phase III WIP.

BE IT FURTHER RESOLVED that if Pennsylvania does not accomplish the above-mentioned terms, EPA shall use its authority under the Clean Water Act to hold Pennsylvania accountable.