



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

The Honorable Joe Martens, Commissioner
Department of Environmental Conservation
625 Broadway
Albany, New York 12233-1011

AUG 01 2011

Dear Commissioner Martens:

Thank you for your comments on the U.S. Environmental Protection Agency's (EPA) proposed revised target allocations transmitted to you on June 30, 2011 and the clarification provided electronically on July 14, 2011. As described in my June 30, 2011 letter, EPA made the refinements to the Chesapeake Bay Program Watershed Model requested by the Principals' Staff Committee in April 2010. These changes resulted in a more accurate estimate of urban and suburban lands and more credit for nutrient management on agricultural lands.

This letter provides the planning targets for the Phase II Watershed Implementation Plans (WIPs) based on the updated Chesapeake Bay Program Watershed Model. The Phase II WIPs are expected to provide the strategies necessary to have practices in place by 2017 that would result in 60 percent of the necessary nitrogen, phosphorus and sediment reductions needed by 2025.

Based on feedback from the jurisdictions and Chesapeake Bay Partnership Executive Council members at the July 11, 2011 meeting, EPA is asking that jurisdictions develop their Phase II WIPs using the planning targets in the enclosed table. EPA arrived at the planning targets by running the pollutant controls included in the Phase I WIPs and any backstop allocations or adjustments necessary to meet the 2010 TMDL through the updated model. These planning targets for nitrogen, phosphorus and sediment, while slightly higher, represent the actions, assumptions and "level of effort" necessary to meet the final allocations in the 2010 Total Maximum Daily Load (TMDL). These targets also inform the actions that must be in place by 2017 to achieve the interim goal of 60 percent of the necessary nitrogen, phosphorus and sediment reductions.

EPA will use these planning targets when assessing two-year milestone progress toward meeting the 2017 interim goal. The 2017 Phase III WIPs are expected to address any needed modifications to ensure, by 2025, that actions are in place which would achieve full restoration of the Chesapeake Bay and its tidal tributaries to meet applicable water quality standards.

It is important to note that there is a difference of approximately two to three percent watershed wide between the numbers provided in the enclosed table and the numbers meeting applicable water quality standards that were provided to you on June 30, 2011 (i.e., 187.25 million pounds nitrogen, 14.16 million pounds phosphorus and 7,128 million pounds sediment). EPA may modify the Chesapeake Bay TMDL in 2012 based on the Phase II WIPs, the two updates to the Watershed Model or other considerations. Any modification to the Bay TMDL would meet applicable water quality standards in the Bay and its tidal tributaries that are in place at that time.



However, the Phase II WIPs should be developed based on the planning targets you are receiving today in the enclosed table (i.e., 191.57 million pounds nitrogen, 14.55 million pounds phosphorus and 7,341 million pounds sediment).

In our adaptive management approach, the Partnership will have opportunities to explore new technologies, more efficient Best Management Practices, and updated science in our continuing work to restore the Bay over the next 15 years. In 2017, the Partnership has committed to conduct a mid-course review of our progress under the WIPs and the TMDL as well as take stock of the science and our modeling tools. By that time, we will need to address the two to three percent difference noted above to ensure that both the TMDL and the Phase III WIPs include provisions and actions which will fully achieve water quality standards.

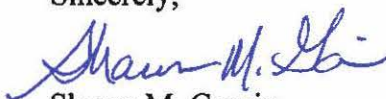
To address the additional two-week period of time it has taken to provide you the draft target allocations and the planning targets for Phase II WIP development, EPA is extending the period to submit draft Phase II WIPs from December 1, 2011 until December 15, 2011. EPA will provide formal comments by February 15, 2012. The deadline for final Phase II WIP submission is March 30, 2012.

EPA is committed to assisting each jurisdiction to meet these deadlines. EPA is in the process of increasing contractor support to help the jurisdictions develop their Phase II WIPs. In 2011, we will fully fund both Chesapeake Bay Implementation Grants (CBIG) and Chesapeake Bay Regulatory and Accountability Program (CBRAP) grants at the same levels as last year (\$20.3 million). In addition to substantial technical and financial resources, EPA is available to assist each jurisdiction to evaluate various "what-if" scenarios. Later this summer, we will be offering training and tools that can be used to evaluate the load reducing impact of local actions. Also, at the request of the jurisdictions, EPA will reevaluate the exchange ratios for nitrogen and phosphorus. In August, EPA will provide materials to assist you with communicating these planning targets to your stakeholders.

Thank you for your continued support for the WIP process. EPA remains committed to working with you on the next phase of Bay restoration and the specific issues that you raised in your July 20, 2011 letter, including the additional model runs you requested and the concerns you raised regarding the proposed allocations. Mr. Kevin Bricke, Acting Director of EPA Region II's Division of Environmental Protection and Planning, will be contacting your staff this week to discuss the planning targets and address any remaining questions that you may have.

If you have any questions, please do not hesitate to contact me directly or have your staff contact Mr. Peter Brandt, EPA's New York Liaison, at 212-637-3654.

Sincerely,



Shawn M. Garvin
Regional Administrator

Enclosure

Table 1 - August 1, 2011 Phase II Watershed Implementation Plan Planning Targets

cc: Ms. Judith Enck, EPA Region II Administrator



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**Table 1: August 1, 2011 Phase II Watershed Implementation Plan
Planning Targets¹**

	Nitrogen (million pounds per year)	Phosphorous (million pounds per year)	Sediment (million pounds per year)
PENNSYLVANIA			
Susquehanna	74.63	3.12	1677
Potomac	3.85	0.45	245
Eastern Shore	0.32	0.02	23
Western Shore	0.04	0.002	0.31
PA Total	78.83	3.60	1945
MARYLAND			
Susquehanna	1.19	0.06	64
Eastern Shore	11.82	1.02	189
Western Shore	9.77	0.55	243
Patuxent	3.10	0.24	123
Potomac	15.29	0.94	731
MD Total	41.17	2.81	1350
VIRGINIA			
Eastern Shore	1.41	0.15	15
Potomac	16.41	1.81	921
Rappahannock	5.92	0.93	1197
York	5.51	0.63	153
James	23.21	2.94	966
VA Total	52.46	6.46	3251
DISTRICT OF COLUMBIA			
Potomac	2.37	0.12	17
DC Total	2.37	0.12	17
NEW YORK			
Susquehanna	8.35	0.64	304
NY Total	8.35	0.64	304
DELAWARE			
Eastern Shore	3.39	0.28	100
DE Total	3.39	0.28	100
WEST VIRGINIA			
Potomac	4.98	0.63	351
James	0.02	0.01	22
WV Total	5.00	0.64	373
Total Basin/Jurisdiction Draft Allocation	191.57	14.55	7341
Atmospheric Deposition Draft Allocation	15.70	--	--
Total Basinwide Draft Allocation	207.27	14.55	7341

Note: Any discrepancy is due to the rounding of figures.

¹ The difference in load reductions between these planning targets and full attainment of water quality standards will be addressed no later than the Phase III process in 2017.