



**CHESAPEAKE BAY FOUNDATION**  
*Saving a National Treasure*

August 16, 2017

Representative Martin T. Causer, Chair  
Pennsylvania House of Representatives Agriculture and Rural Affairs Committee  
41B East Wing  
PO Box 202067  
Harrisburg, PA 17120-2067

Representative Eddie Day Pashinski, Minority Chair  
Pennsylvania House of Representatives Agriculture and Rural Affairs Committee  
203 Irvis Office Building  
PO Box 202121  
Harrisburg, PA 17120-2121

**RE: PA CBF comments to the Pennsylvania House of Representatives on Pennsylvania's Phase III Watershed Implementation Plan Development for the Chesapeake Bay**

Dear Representatives Causer and Pashinski:

On behalf of the Pennsylvania Office of The Chesapeake Bay Foundation (CBF), we thank the Pennsylvania House of Representatives Agriculture and Rural Affairs Committee for holding a public meeting on Pennsylvania's development for the Phase 3 Watershed Implementation Plan (WIP 3) for the Chesapeake Bay Total Maximum Daily Load (TMDL).

Celebrating our 50<sup>th</sup> year, CBF is the largest nonprofit organization dedicated to the protection and restoration of the Chesapeake Bay, its tributaries, and its resources. Since 1986, our Pennsylvania staff of scientists, attorneys, educators, policy experts, and others work to ensure that policy, regulation, and legislation are protective of the quality of Pennsylvania's rivers and streams, and ultimately the Chesapeake Bay. And our nationally award-winning restoration program has worked with over 5,000 farmers and other landowners on projects that keep nutrients and soil on the land, instead of the water.

**Progress is being made...**

Pennsylvania formally joined the effort to "Save the Bay" along with the other major watershed states and the District of Columbia, in the first Chesapeake Bay Agreement in 1983 which was signed by Governor Thornburgh. Since that time, substantial efforts have been made watershed wide to reduce pollution entering the Bay, improve fisheries management and aquatic life habitat, protect and restore sensitive areas, and enhance the awareness of and access to the Bay and its tributaries.

Simply stated, the Chesapeake Bay is improving. Recent information indicates that this years "dead zone" is far smaller than predicted, despite heavy precipitation events in the watershed this

earlier this year.<sup>1</sup> And submerged aquatic vegetation—a key protective habitat for young crabs and fish and a natural re-oxygenator of water—in the Bay were seen by scientists at the highest levels in decades,<sup>2</sup> dissolved oxygen levels are at their second highest level in three decades,<sup>3</sup> and water clarity is also improving.<sup>4</sup>

Furthermore, the United States Geological Survey (USGS) recently reported that 17 of 23 water quality monitoring stations in the Susquehanna River Basin have significantly decreasing trends in nitrogen pollution loads between 2005 and 2012. Nineteen of these monitoring stations also saw phosphorus pollution loads reduction.<sup>5</sup>

According to the U.S. Environmental Protection Agency's (EPA) Chesapeake Bay Program (CBP), since the mid-1980s Pennsylvania has reduced nutrient and sediment pollution by roughly 11 million pounds of nitrogen, 1.7 million pounds of phosphorus, and 540 million tons of sediment.<sup>6</sup>

### **But more work is necessary...**

Although decades of investments in clean water by Pennsylvania are producing returns, we still have over 19,000 miles of rivers and streams that do not meet standards for aquatic life, fish consumption, recreational, or potable water supply uses.<sup>7</sup> The leading identified source of this impairment has been identified as agricultural activities. The leading cause, excessive erosion causing sedimentation.

In addition, recent assessments by the CBP<sup>8</sup> have indicated that the Commonwealth is notably behind on implementing its Chesapeake Bay Phase 1 and 2 Watershed Implementation Plan commitments for agricultural and urban stormwater runoff and is at “Backstop Action Level” for both source sectors. In an April 27, 2017 letter, EPA established detailed expectations for Pennsylvania’s forthcoming Phase 3 WIP which are intended to help address the “...serious challenges in meeting its commitments.”<sup>9</sup>

---

<sup>1</sup> Early July 2017 Hypoxia Report. Maryland Department of Natural Resources.  
<http://news.maryland.gov/dnr/2017/07/25/early-july-hypoxia/>

<sup>2</sup> Dietrich, T. “Chesapeake Bay grasses surge to levels not seen in decades.” The Daily Press. May 3, 2016. Online.

<sup>3</sup> Dance, S. “Chesapeake Bay oxygen levels rise to second-highest since 1985.” The Baltimore Sun. July 15, 2016. Online.

<sup>4</sup> Blankenship, K. “2015 Bay water quality was fourth best since 1985.” The Chesapeake Bay Journal. September 21, 2016. Online

<sup>5</sup> Moyer, D. 2016. Nitrogen, Phosphorus, and Suspended-Sediment Loads and Trends Measured at the Chesapeake Bay Nontidal Network Stations. U.S. Geological Survey, Richmond, VA.

<sup>6</sup> USEPA Chesapeake Bay Program. CBP Model 5.3.2 output from 2015 implementation.

<sup>7</sup> Pennsylvania Department of Environmental Protection, 2016 Draft Pennsylvania Final Integrated Water Quality Monitoring and Assessment Report. Clean Water Act Section 305(b) Report and 303(d) List.

[http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-116746/01%202016\\_IR\\_Narrative-Final.pdf](http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-116746/01%202016_IR_Narrative-Final.pdf)

<sup>8</sup> USEPA Chesapeake Bay Program. Evaluation of Pennsylvania’s 2014-2015 and 2016-2017 Milestones June 17, 2016. Website: [https://www.epa.gov/sites/production/files/2016-06/documents/pa\\_2014-2015\\_-\\_2016-2017\\_milestone\\_eval\\_06-17-16.pdf](https://www.epa.gov/sites/production/files/2016-06/documents/pa_2014-2015_-_2016-2017_milestone_eval_06-17-16.pdf)

<sup>9</sup> EPA Expectations for Pennsylvania’s Phase III Watershed Implementation Plan.  
[https://www.epa.gov/sites/production/files/2017-05/documents/final\\_pennsylvania\\_phase\\_iii\\_wip\\_expectations\\_4\\_27\\_17\\_508.pdf](https://www.epa.gov/sites/production/files/2017-05/documents/final_pennsylvania_phase_iii_wip_expectations_4_27_17_508.pdf)

## **Importance of Pennsylvania’s Phase 3 WIP...**

The Phase 3 WIP is the final plan to be developed before the 2025 target of achieving full implementation of pollution reduction practices necessary to achieve the Chesapeake Bay Total Maximum Daily Load (TMDL). Because Pennsylvania is substantially behind in implementing key commitments, a scientifically sound and implementable Phase 3 WIP is critical to the Commonwealth’s success.

Historically, much of the reduction in pollution has come from efforts by Pennsylvania’s farmers. But in recent years, upgrades in sewage treatment plant technologies have represented a large proportion of pollution reductions to the Bay from Pennsylvania. In order to reinvigorate pollution reductions from agricultural activities—and from urban and suburban stormwater runoff—we believe that the Phase 3 WIP must consider the following critical elements which are briefly summarized below.

**Meaningful localization of efforts.** Pennsylvania’s efforts have been historically challenged because expectations and responsibilities were not effectively communicated to local decision-makers, landowners, and other stakeholders. Meaningful and collaborative local stakeholder engagement and clear and measurable expectations are crucial to develop strategies based on local area land use and sub-watershed pollutant loading. We recommend the Commonwealth develop and adopt a deliberate approach to the prioritization of areas within each county of the Bay watershed, and that local partnerships be developed in priority watersheds where nutrient loads and restoration opportunities are high, local impairments exist, with special emphasis on local efforts are underway or capacity otherwise exists and can be built upon, as discussed by *Pennsylvania in the Balance*.<sup>10</sup> This approach will require new types of technical assistance to local groups to develop plans and approaches, the cultivation of local leadership, and networking among watershed leaders to sustain partnerships in priority watersheds throughout the Commonwealth.

**Harmonized and prioritized investment of resources** in the right places, with the right practices, and the right constituencies in order to galvanize the coordination and harmonization of existing and new programs, technical and financial resources, and initiatives. This includes, but is not limited to the synchronized federal and state financial assistance opportunities; targeted and coordinated federal, state, and private technical and financial assistance in high priority local subwatersheds, areas with existing backlogs, regions found to have of high levels of non-compliance with existing applicable regulations; integration of local WIP 3 efforts with other plans and initiatives, like source water protection plans and long term control plans for combined sewer overflows; and increased use of public-private partnerships like environmental impact bonds and pay for success models.

**Focused effort on agriculture and urban/suburban runoff** that are scientifically accepted and proven, provide multiple local and regional benefits, and support farm and community economies. To achieve this requires a three-pronged approach of sufficient investment in

---

<sup>10</sup> Pennsylvania in the Balance Report. March 1, 2017. Penn State Agriculture and Environment Center. [http://agsci.psu.edu/aec/research-extension/conferences-and-workshops/pa-in-balance/default/extension\\_publication\\_file](http://agsci.psu.edu/aec/research-extension/conferences-and-workshops/pa-in-balance/default/extension_publication_file)

outreach & education, technical & financial assistance, and inspections &, if necessary, enforcement. Specifically, this approach includes, but is not limited to:

- Implementation of the recommendations in the 2017 *Pennsylvania in the Balance* report;
- Advancing farm inspection protocols to include not only whether required plans exist and are complete, but that they are fully implemented, address all environmental concerns, and help farms meet production goals;
- Adequately funding County Conservation Districts to provide assistance for agricultural nutrient and sediment management;
- Sufficient resources to proven strategies for agricultural operations, such as the PAOneStop and REAP programs;
- Regionalized efforts to address MS4 responsibilities, like in York County and Luzerne County; and
- Adopting new regulations when necessary and cost-effective, such as legislation on lawn fertilizer restrictions.

**There is no magic bullet, no simple solution...**

We must avoid the temptation to believe that a single technology, practice, or approach will solve the diverse challenge of achieving Pennsylvania’s clean water commitments and to restore the 19,000 miles of impaired rivers and streams in the Commonwealth. We must focus on the practices demonstrated by scientists, policy makers, and practitioners to not only work, but to have the most benefits as the least-cost.

We must prioritize our limited resources and new funding, to those places, practices, and engaging the right people and communities in order to achieve results-oriented and cost-effective solutions that count.

We must do it in way that stacks the benefits of clean water, productive soils, healthy livestock, reduced flooding, thriving communities, and others. In fact, doing so could result in \$6.2 billion in benefits to Pennsylvanians every year.

In summary, today Pennsylvania’s efforts to “Save the Bay” stand at the threshold of meaningful success. Investments of the last decades are paying off. But to achieve the states clean water obligations, the Commonwealth must continue these efforts. We believe that the Phase 3 WIP can set the stage for such success. We look forward to working the General Assembly and the Administration in exploring these opportunities.

Thank you for the opportunity to share our views.

Sincerely,

Harry Campbell /s/, PA Executive Director