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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE RESOLUTION

No. 149 Session of  
2021

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INTRODUCED BY RIGBY, PICKETT, STEPHENS, ZIMMERMAN, MOUL AND  
SCHEMEL, OCTOBER 25, 2021

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REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
OCTOBER 25, 2021

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A RESOLUTION

1 Directing the Legislative Budget and Finance Committee to study  
2 the costs and methods for permit holders to comply with the  
3 proposed revisions to General Permit PAG-07, General Permit  
4 PAG-08 and General Permit PAG-09 called for under  
5 Pennsylvania's Phase 3 Chesapeake Bay Watershed  
6 Implementation Plan and to provide for a moratorium on  
7 revisions to General Permit PAG-07, General Permit PAG-08 and  
8 General Permit PAG-09 until the Legislative Budget and  
9 Finance Committee reports its findings and conclusions to the  
10 House of Representatives.

11 WHEREAS, The Chesapeake Bay is the nation's largest estuary,  
12 with a watershed spanning 64,000 square miles, including parts  
13 of six states and the District of Columbia; and

14 WHEREAS, The Environmental Protection Agency (EPA) has found,  
15 through numerous studies of the Chesapeake Bay, that excess  
16 nutrients from agricultural development, population growth and  
17 discharges from wastewater treatment plants, along with over-  
18 harvesting, habitat loss and disease, have contributed to an  
19 overall decline in the aquatic health and environmental quality  
20 of the bay; and

21 WHEREAS, Portions of the Chesapeake Bay and its tidal rivers

1 are listed as impaired waters under the Federal Water Pollution  
2 Control Act; and

3 WHEREAS, The environmental status of the Chesapeake Bay has  
4 led the Chesapeake Bay Program, consisting of the states of  
5 Maryland, Pennsylvania and Virginia, the District of Columbia,  
6 the EPA and the Chesapeake Bay Commission, a tristate  
7 legislative commission representing the legislatures of  
8 Maryland, Pennsylvania and Virginia, to adopt agreements to  
9 restore the environmental integrity of the bay; and

10 WHEREAS, The Commonwealth is a signatory to the Chesapeake  
11 2000 agreement that establishes a commitment to restore the  
12 water quality of the bay and remove the bay from the list of  
13 impaired waters; and

14 WHEREAS, The Department of Environmental Protection (DEP)  
15 released "Pennsylvania's Phase 3 Chesapeake Bay Watershed  
16 Implementation Plan" in 2019, which calls for the review,  
17 consideration and potential incorporation of a revised  
18 Phosphorous Index into planning requirements for land  
19 application of biosolids; and

20 WHEREAS, In 2021, the DEP released revisions to the General  
21 Permit for the Beneficial Use of Exceptional Quality Biosolids  
22 by Land Application (PAG-07), General Permit for the Beneficial  
23 Use of Biosolids by Land Application (PAG-08) and General Permit  
24 for the Beneficial Use of Residential Septage by Land  
25 Application (PAG-09) to include requirements for the monitoring  
26 of polyfluoroalkyl substances and Phosphorus Index based land  
27 application rate requirements; and

28 WHEREAS, The DEP has not estimated the cost of permit holder  
29 compliance with the proposed revisions to PAG-07, PAG-08 and  
30 PAG-09; and

1       WHEREAS, It has not been addressed how waste management  
2 facilities, communities and the agricultural industry would, in  
3 practice, comply with the proposed revisions to PAG-07, PAG-08,  
4 PAG-09; and

5       WHEREAS, The increased costs necessary to comply with the  
6 proposed revisions to PAG-07, PAG-08 and PAG-09 may be passed  
7 down the economic chain to residents across this Commonwealth  
8 who are struggling with financial hardships due to the COVID-19  
9 pandemic; therefore be it

10       RESOLVED, That the House of Representatives direct the  
11 Legislative Budget and Finance Committee to estimate the costs  
12 that permit holders will incur to comply with the proposed  
13 revisions to PAG-07, PAG-08 and PAG-09; and be it further

14       RESOLVED, That the Legislative Budget and Finance Committee  
15 assess the methods by which permit holders may achieve  
16 compliance with the proposed revisions to PAG-07, PAG-08 and  
17 PAG-09; and be it further

18       RESOLVED, That the Legislative Budget and Finance Committee  
19 identify the financial resources that other states have  
20 committed to assist permit holders in achieving compliance with  
21 similar permit revisions and the financial resources currently  
22 available to permit holders in this Commonwealth to meet the  
23 proposed changes to PAG-07, PAG-08 and PAG-09; and be it further

24       RESOLVED, That the Legislative Budget and Finance Committee  
25 report its findings and conclusions to the Governor, the  
26 Department of Environmental Protection of the Commonwealth and  
27 the House of Representatives within 12 months from the date of  
28 adoption of this resolution; and be it further

29       RESOLVED, That the House of Representatives strongly urge the  
30 Department of Environmental Protection to refrain from revising

1 PAG-07, PAG-08 and PAG-09 until the Legislative Budget and  
2 Finance Committee has reported its findings under this  
3 resolution so that the economic consequences of a revision can  
4 be adequately analyzed.