

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 149 Session of 2021

INTRODUCED BY RIGBY, PICKETT, STEPHENS, ZIMMERMAN, MOUL, SCHEMEL, E. NELSON, O'NEAL, SANKEY, SCHMITT, KNOWLES, STRUZZI, KEEFER, BURNS AND JONES, OCTOBER 25, 2021

AS AMENDED, HOUSE OF REPRESENTATIVES, DECEMBER 15, 2021

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 HOW THESE COSTS MAY <--
14 BE PASSED ON BEYOND THE PERMIT HOLDERS; and be it further

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

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

25 RESOLVED, THAT THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE <--
26 ASSESS WHETHER PERMIT HOLDERS, CONSIDERING CURRENT TECHNOLOGY,
27 WOULD PRACTICALLY BE ABLE TO COMPLY WITH THE PROPOSED REVISIONS
28 TO PAG-07, PAG-08 AND PAG-09; AND BE IT FURTHER

29 RESOLVED, That the Legislative Budget and Finance Committee
30 report its findings and conclusions to the Governor, the

1 Department of Environmental Protection of the Commonwealth and
2 the House of Representatives within ~~12~~ 18 months from the date <--
3 of adoption of this resolution; and be it further

4 RESOLVED, That the House of Representatives strongly urge the
5 Department of Environmental Protection to refrain from revising
6 PAG-07, PAG-08 and PAG-09 until the Legislative Budget and
7 Finance Committee has reported its findings under this
8 resolution so that the economic consequences of a revision can
9 be adequately analyzed.