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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE RESOLUTION

No. 539      Session of  
2005

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INTRODUCED BY NAILOR, ADOLPH, FEESE, ARGALL, GABIG, GRELL,  
MARSICO, BAKER, BALDWIN, BUNT, CAUSER, CIVERA, CLYMER,  
CORNELL, CREIGHTON, DENLINGER, DIGIROLAMO, ELLIS, FAIRCHILD,  
FORCIER, GEIST, GILLESPIE, GINGRICH, GODSHALL, HERMAN,  
HERSHEY, HESS, HUTCHINSON, M. KELLER, KILLION, LEH,  
MACKERETH, MAITLAND, MAJOR, McILHINNEY, McNAUGHTON, MICOZZIE,  
MILLARD, R. MILLER, NICKOL, PERZEL, PETRI, PHILLIPS, PICKETT,  
QUIGLEY, RAPP, ROSS, RUBLEY, SATHER, SAYLOR, SEMMEL,  
S. H. SMITH, SONNEY, R. STEVENSON, T. STEVENSON, WATSON, WILT  
AND ZUG, DECEMBER 13, 2005

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INTRODUCED AS NONCONTROVERSIAL RESOLUTION UNDER RULE 35,  
DECEMBER 13, 2005

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## A RESOLUTION

1 Directing the Department of Environmental Protection to place a  
2 moratorium on all actions required of affected entities  
3 relating to implementation of the Pennsylvania Chesapeake Bay  
4 Tributary Strategy for a period of nine months from the date  
5 the adoption of this resolution.

6 WHEREAS, The Chesapeake Bay is the nation's largest estuary,  
7 with its watershed spanning 64,000 square miles, including parts  
8 of six states and the District of Columbia; and

9 WHEREAS, The Chesapeake Bay is a biologically diverse area  
10 that provides habitat for more than 3,600 species of plants,  
11 fish and shellfish; and

12 WHEREAS, The Chesapeake Bay has the highest land-to-water  
13 ratio of any estuary in the world, allowing the bay to be  
14 susceptible to activities that take place on surrounding lands;  
15 and

1       WHEREAS, These activities have led to a decline in the  
2 overall environmental quality of the Chesapeake Bay including a  
3 decline in water clarity, oyster and fish populations and  
4 underwater grasses that provide habitat for various species of  
5 shellfish; and

6       WHEREAS, The Environmental Protection Agency (EPA) has found  
7 through numerous studies of the Chesapeake Bay that excess  
8 nutrients from agricultural development, population growth and  
9 discharges from wastewater treatment plants along with  
10 overharvesting, habitat loss and disease have contributed to an  
11 overall decline in the aquatic health and environmental quality  
12 of the bay; and

13       WHEREAS, The environmental status of the bay has led the  
14 Chesapeake Bay Commission, a tristate legislative assembly  
15 comprising Maryland, Pennsylvania, Virginia, the District of  
16 Columbia and the EPA, to adopt voluntary agreements to restore  
17 the environmental integrity of the bay; and

18       WHEREAS, The Commonwealth has recognized the role it must  
19 play in being a contributing partner with the other Chesapeake  
20 Bay Commission states in helping to improve the environmental  
21 well-being of the bay and has worked diligently over the last  
22 two decades to implement programs that will improve the waters  
23 of the bay; and

24       WHEREAS, In the most recent voluntary agreement, the  
25 participating Chesapeake Bay Commission states established an  
26 agenda for environmental improvements to the bay calling for  
27 initiatives that will further address restoring vital habitats,  
28 water quality and developing sound land use practices that will  
29 maintain reduced pollutant loadings for the bay; and

30       WHEREAS, The Department of Environmental Protection has

1 released "Pennsylvania's Chesapeake Bay Tributary Strategy" in  
2 response to these initiatives that calls for the reductions of  
3 nitrogen, phosphorus and sediment entering the Susquehanna and  
4 Potomac River basins and eventually, the Chesapeake Bay; and

5 WHEREAS, These pollutants come from agricultural sources,  
6 storm water runoff, wastewater treatment plants, septic systems,  
7 forested lands and atmospheric deposition; and

8 WHEREAS, The strategy envisions that major stakeholders,  
9 including the agricultural community, local government,  
10 individual homeowners, businesses and land developers, will need  
11 to contribute more than \$8 billion to achieve this pollutant  
12 reduction effort by the year 2010; and

13 WHEREAS, The costs associated with corrective actions are not  
14 commensurate with available financial resources from the  
15 Federal, State or local governments and may require a  
16 disproportionate financial burden being placed upon individual  
17 citizens, businesses and farmers through increased rates, taxes,  
18 fees or new practices; and

19 WHEREAS, Through the course of testimony during public  
20 meetings on the strategy in both the Senate and the House of  
21 Representatives, a number of issues were raised regarding:

22 (1) the participation of major stakeholders in  
23 developing the strategy;

24 (2) whether the chosen activities and expenditures  
25 outlined in the strategy represent the best investment of  
26 public and private moneys to accomplish overall nutrient  
27 reduction goals;

28 (3) the lack of any legislative or regulatory initiative  
29 to provide a review and oversight process that ensures  
30 adequate public review and comment; and

1           (4) consideration of alternative approaches;

2   and

3       WHEREAS, These public meetings further highlighted the fact  
4   that the key elements necessary to facilitate implementation of  
5   the strategy in the form of a workable nutrient trading program  
6   and a watershed permitting process are not yet fully developed  
7   and deployed; and

8       WHEREAS, The House of Representatives fully support efforts  
9   directed to the environmental improvement of the Chesapeake Bay  
10   and its surrounding watershed provided those efforts can be  
11   clearly demonstrated to yield the environmental benefits sought  
12   for the financial resources expended without creating a  
13   disproportionate financial burden on the taxpayers of this  
14   Commonwealth or sacrificing important and needed economic  
15   development projects to move forward; therefore be it

16       RESOLVED, That the House of Representatives direct the  
17   Department of Environmental Protection to place a moratorium on  
18   all actions required of affected entities relating to  
19   implementation of the Pennsylvania Chesapeake Bay tributary  
20   strategy for a period of nine months from the date of the  
21   adoption of this Resolution; and be it further

22       RESOLVED, That during this period the Department of  
23   Environmental Protection be directed to:

24           (1) implement a formal strategy stakeholder process to  
25       obtain further input from major stakeholders, the general  
26       public and the General Assembly;

27           (2) determine the specific costs associated with  
28       implementing various nutrient reduction strategies and their  
29       effects upon the various sectors responsible for implementing  
30       these strategies;

1           (3) determine the specific environmental benefits  
2 associated with each nutrient reduction strategy and the  
3 overall effect that these programs will have on improving the  
4 water quality of the bay, its tributaries and downstream  
5 waters;

6           (4) explore alternatives to the strategy as initially  
7 proposed in December 2004; and

8           (5) fully identify whether there are sufficient  
9 financial resources to adequately and uniformly implement the  
10 possible nutrient reduction strategies that may be needed;  
11 and be it further

12       RESOLVED, That the Department of Environmental Protection be  
13 directed to report to the House of Representatives the results  
14 of the actions taken by the department as directed by this  
15 Resolution through a comprehensive revision of the strategy  
16 dated December 2004 that shall include a public participation  
17 process that ensures full engagement of all impacted  
18 stakeholders and the General Assembly.