

# **Chesapeake Bay Tributary Strategy**

**Testimony presented by Robert Fisher on behalf  
of the Pennsylvania Builders Association before the**

**Pennsylvania Senate Agriculture and Rural Affairs and  
Environmental Resources and Energy Committees**

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## **Introduction**

Good morning. I am Robert Fisher. I am testifying on behalf of the Pennsylvania Builders Association, as a member of the association and the chairman of PBA's Chesapeake Bay Tributary Strategy task force. I am president and principle of Robert J. Fisher & Associates, an engineering, planning and surveying firm. Our projects range from housing developments and churches to retail and other business development.

As a member of the building industry, I welcome the opportunity to share our views regarding policies that will shape the future of two areas of paramount importance: the economic and environmental future of Pennsylvania.

We join the state Department of Environmental Protection in support of policies that preserve and protect the state's environmental resources. At the same time, we recognize that what happens in the 33-county area that forms the Chesapeake Watershed affects the ability of the bay to sustain life.

I am here today to share our industry's concerns with the tributary strategy because the policy impairs the commonwealth and its ability to sustain the fragile balance needed for growth and development – the economic life of Pennsylvania.

The policy's benefits are minimal because it's based on old ideas. It fails to address the main source the problem.

As it has been presented, the Chesapeake Bay Tributary Strategy will force Pennsylvanians to build their new homes and retirement homes elsewhere. The strategy will smother Pennsylvania's Smart Growth initiative, choke nearly every possible addition of workforce housing and vex every municipal authority with astronomical costs that will oppress homeowners with staggering sewer bills. It will cost Pennsylvania jobs.

### **Fanciful limits for wastewater discharge crimp the ability to grow**

The tributary strategy aims to reduce nutrients, nitrogen and phosphorous, by regulating municipal sewage treatment – arguably already the most regulated source of these nutrients.

Under the tributary strategy, new wastewater treatment facilities would be required to release treated wastewater with no nitrogen and phosphorus content. This policy would halt the addition of any new sewage treatment facilities. The technology required to remove all nitrogen from wastewater immediately makes any sewage plant too expensive to consider building.

Many existing treatment facilities were designed with the capacity to serve more homes and businesses than needed when they opened. Under this policy, many of them already meet or exceed limits for nutrients in discharged wastewater. While they were designed to accommodate higher levels of sewage input, the policy leaves them unable to allow new houses or businesses to connect to the sewer lines. Many would have to retrofit their facility with costly technology. Passed to consumers, the flood of upgrades would sock homeowners with an indirect tax increase, paid through their sewer fees.

So under the policy, new houses and businesses could not be added to many existing sewer systems while no new systems will be built. The strategy will choke all types of development and building projects in 33 counties by adding even more regulation of sewerage systems – the one source of these nutrients that is already overregulated.

### **Myopic policy maims economic ecosystem**

As the tributary strategy trims nutrients that flow into the Chesapeake Bay, it ignores the needs of the commonwealth in attracting people to live in its communities with business opportunities, new jobs and growth. To make matters worse, the policy actually encourages sprawl.

Pennsylvania's Smart Growth initiative calls for building within existing communities, including dense, affordable housing developments. In some areas, wise community leaders planned for community expansion with municipal sewerage systems ready for added lines. Yet if these sewerage systems can't handle any more homes and businesses under tightened limits proposed by the tributary strategy, growth will stop. Today's vigorous communities will stall and languish as Pennsylvania continues to hemorrhage residents and business to other states.

With no opportunity to build in bustling towns and rejuvenated cities, Pennsylvania's residents will be forced to build their homes outside towns on vast lots that can support septic tanks. The unintentional promotion of septic systems – and larger lots – fuels suburban sprawl and makes housing less affordable. Over time septic systems will worsen the problem of nutrients entering the watershed.

## **Chesapeake Bay Tributary Strategy will hobble the state's economy as Pennsylvania workers will lose their jobs**

More than 16,000 homes were built in 2002 in the 33 counties in the Chesapeake Bay Watershed at an average cost of \$97,000\*. With a policy that stymies growth through its burdens on sewerage systems, a loss of half of those homes equates to an investment loss of more than \$600 million dollars. That's \$600 million, or \$3 billion in five years, that could have been invested in Pennsylvania. To hundreds of businesses, including builders, roofers, excavators, appliance salespeople, surveyors, landscapers and plumbers – it's the loss of a livelihood.

### **Time for a fresh approach**

The Chesapeake Bay Tributary Strategy identifies agriculture as the primary source of sediment, nitrogen and phosphorus entering the watershed. The proposed policy with its \$8.2 billion total price tag hits "point sources" including municipal sewerage systems with far more than a fair share.

Point sources proved the easiest source of nitrogen and phosphorus to measure and regulate in the half century since we really began to understand the problems excessive nutrients cause. These point sources, municipal sewerage systems, already do a good job of reducing nutrients. It's time to tackle the real source of the problem, nonpoint sources including farming.

One such remedy would require vegetative buffer zones – planted with certain trees like boxelder, silver maple, black walnut and honey locust – to slow and absorb the nutrients.

Another possibility presents a solution that benefits farmers. Soil nitrogen tests can pinpoint the amount of fertilizer needed and reduce its costs. By reducing excess fertilizer, this solution would curb excessive nutrients entering the bay.

Other experts could suggest more cost-effective strategies for farming operations. Both Finland and Japan forced changes that significantly reduced nutrients washing into their waterways.

We suggest shifting \$2.8 billion from mixed open and developed land use (assigned on Page 15 of the strategy) to reducing agricultural runoff. Promoting effective, sustainable agriculture is a worthy goal for the commonwealth's future economic and environmental health.

\*Source: Pennsylvania Housing Finance Agency – County Fact Sheets

## **Tradeable credit scheme built on shaky ground**

The ability to trade credits is key to the strategy. Its flaws are glaring. The plan was drawn up so quickly without outside input. How can communities be expected to make decisions based on such limited information that was thrown together in haste?

The complicated scheme for trading credits was developed without adequate pilot programs that show it would work. No one knows how many credits will be available, or how long they would be available.

As the state grows, the supply of credits will evaporate. Five years from now, it's possible that none will be available. Technology will not advance quickly enough to keep up. The possible sources for trading are limited.

## **Recommendations for the Chesapeake Tributary Strategy**

PBA suggests that the Department of Environmental Protection change its course with the following recommendations:

- Place a six-month moratorium on the implementation of the strategy.
- The questions we raised on the tributary strategy clearly show that more study from outside the Department of Environmental Protection is needed to explore economic and other implications.
- Reevaluate the strategy and assign costs in proportion to the amount of pollutants coming from specific land-use types and their cost of effectiveness.
- Remove the zero-nutrient discharge requirements on new wastewater treatment facilities and other point source dischargers because these requirements are almost impossible to meet with existing technology and will be exceedingly expensive.

## **Conclusion**

In conclusion, the Pennsylvania Builders Association believes the Chesapeake Bay Tributary Strategy jeopardizes the economic future of the commonwealth in regulation of a relatively minor source of excessive nutrients entering the bay. We hope you will take six months to a year to reevaluate the impact this policy will have and ultimately shift the burden to the primary source of the problem.

Thank you for this opportunity to share our comments.