

Comments of the Pennsylvania Delegation to the Chesapeake Bay Commission

Environmental Resources and Energy Committee and Agriculture and Rural Affairs Committee Senate of Pennsylvania

Tuesday, September 20, 2005

Good morning, Madame Chairwoman, Mister Chairman.

Thank you for the opportunity to speak with you today. The Commission is a tri-state, legislative commission with members representing the legislatures of Pennsylvania, Maryland, and Virginia, the agencies with authority over water quality in each of those states, as well as a citizen representative from each state. The Commission's role is to advise the state legislatures on matters of importance to the Chesapeake Bay and its tributaries, just as we are doing here today. Our 2005 chairman is Sen. Mike Waugh. My name is Marel Raub, and I am the Pennsylvania Director for the Commission, speaking today on behalf of the Pennsylvania Delegation to the Commission.

The Commission is a signatory to the Chesapeake 2000 Agreement and its predecessors, back to the first Chesapeake Bay Agreement in 1983 -- making the Commission one of six "Bay Program Partners" including the Governors of Pennsylvania, Maryland, and Virginia, the Mayor of the District of Columbia, and Administrator of the U.S. Environmental Protection Agency.

The first agreement to reduce nutrient loads to the Bay was an across the board target of 40% by 2000. In 1992 the partners agreed to continue the goal beyond 2000 and to look for reductions at the tributary level.

Pennsylvania, of course, is a tributary state. We have no Chesapeake tidal waters. However, the Susquehanna River provides 50% of the fresh water to the Bay, and its water quality significantly impacts the spawning areas, crab habitat, and the open- and deep-water fisheries of the upper and middle Bay.

Subsequent to the 1992 amendments to the Bay Agreement, over 90% of the Bay's tidal waters have been listed as "impaired" under the federal Clean Water Act, triggering a process to develop regulatory Total Maximum Daily Loads (TMDLs). Pursuant to a consent agreement, the states have until the year 2010 to improve water quality to the point where the "impaired" designation is removed. After 2010, EPA will have the authority to enforce the requirement to develop TMDLs for any remaining segments of the Bay that are still listed as "impaired."

As a result, in 2000, the *Chesapeake 2000 Agreement* was signed by the Bay Program Partners with one of its goals being: "improving water quality in the Bay and its tributaries so that these waters may be removed from the impaired waters list prior to the

time when regulatory mechanisms under Section 303(d) of the Clean Water Act would be applied.”

To do this, the Partners agreed to revise the 1992 Tributary Strategies and begin implementation of them. Furthermore, jurisdictions with tidal waters agreed to adopt new or revised water quality standards consistent with the defined water quality conditions.

By the time the Chesapeake 2000 Agreement was adopted, research and technology development had progressed to the point where nutrient load reductions could be targeted to specific areas of the Bay based on local characteristics and function such as water depth and whether the local area was a spawning area, an open water fishery, etc. This further allowed load reductions to be assigned to the individual tributaries that feed each area of the Bay and even segments of those tributaries, and forms the basis for the Tributary Strategies currently in place.

In addition to the Bay Program Partners, the headwater states of New York, Delaware, and West Virginia have entered into a Memorandum of Understanding committing them to the 2000 water quality goals and action steps.

From the perspective of a tri-state commission, it is heartening to see the cooperative approach to this effort. From the perspective of the Pennsylvania Delegation, it is again heartening to know that Pennsylvania is not in this alone – that our sister states in the watershed are going through the same processes and challenges. Furthermore, we support the Tributary Strategy focus on reducing load reductions at the local tributary level, rather than a one-size-fits-all approach to the watershed as a whole.

Although worthwhile and necessary, water quality improvements do not occur without cost. In 2002, under the leadership of Pennsylvania Representative Russell Fairchild, the Commission undertook a fiscal analysis of the Chesapeake 2000 Agreement in order to accurately quantify the financial needs associated with its implementation. The publication *Cost of a Clean Bay* stated that out of a total cost of almost \$19 billion, water quality improvements accounted for \$11.5 billion, with a then-current funding gap of \$9.2 billion. Since then, the Commission has been focused on reducing that funding gap.

To that end, the Commission in 2004 released *Cost-Effective Strategies for the Bay*, the results of an extensive look into the reduction potential of various nutrient and sediment reduction practices and their associated costs. The purpose of the report was to identify where investments of public funds would result in the greatest water quality improvement for the dollar spent. Out of 31 different practices considered, wastewater treatment plant nutrient reduction technology and five agricultural practices were found to provide the most reductions for the least cost per pound. Not only were these six practices the most cost-effective but full implementation of these practices would provide a majority of the total reductions needed at only a fraction of the total cost.

As for funding sources for these practices, the Commission, under the leadership of our Chairman, Sen. Mike Waugh, is currently engaged in a project on behalf of the Chesapeake Bay Partners to look for and develop strategies to take advantage of opportunities presented by the 2007 Farm Bill. Farm Bill conservation programs are a significant source of federal money that leverages state and private contributions toward water quality efforts.

Regarding point sources, the Commission is supportive of efforts to develop a nutrient trading program in the Commonwealth that would allow a wastewater treatment plant to meet its cap load requirements in the most cost-effective manner, whether by installing technology at its own plant, trading with another point source or trading with a non-point source. The Commission is monitoring the development of this program and looks forward to a market-based program that can meet the needs of potential partners on both sides of the trade.

In conclusion, the Commission supports the use of Tributary Strategies to meet our nutrient and sediment reduction goals locally so that the Chesapeake Bay can be removed from the federal “impaired” waters list and prevent development of TMDLs for impaired Bay segments. The Commission understands that this is an ambitious goal, and one that will take new and innovative approaches to meet. Finally, the Commission also wants to emphasize that all efforts to improve water quality in the Bay also improve the quality of our local rivers and streams.

Here with me today is our Executive Director, Ann Swanson, on behalf of the full Commission. At this time we will gladly entertain any questions you may have.

Thank you.

Cost of a Clean Bay can be accessed at:
<http://www.chesbay.state.va.us/C2Kfunding.pdf>

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<http://www.chesbay.state.va.us/cost%20effective.pdf>