

Choose Clean Water Coalition - Pennsylvania State Lobby Day

Legislative Requests – April 24th, 2017

The Choose Clean Water Coalition harnesses the collective power of more than 225 groups to advocate for clean rivers and streams in all communities in the Chesapeake Bay region. The Coalition is focused on helping local communities and states to meet their pollution limits as outlined in their state blueprints or clean water plans. These pollution limits and blueprints were created to protect human health and fisheries throughout the Bay watershed.

Pennsylvania members of the Choose Clean Water Coalition work from DuBois to Scranton and Bedford to Lancaster County in both Susquehanna and Potomac River basins, including:

Alliance for Aquatic Resource Monitoring (ALLARM), Alliance for the Chesapeake Bay, Chesapeake Bay Foundation, Citizens for Pennsylvania's Future (PennFuture), Clean Air Council, ClearWater Conservancy, Conodoguinet Creek Watershed Association, Conservation Pennsylvania, Conservation Voters of Pennsylvania, Countryside Conservancy, Eastern Pennsylvania Coalition for Abandoned Mine Reclamation, Elk Creeks Watershed Association, Lackawanna River Conservation Association, Lancaster County Conservancy, Lancaster Farmland Trust, Lower Susquehanna Riverkeeper, Mehoopany Creek Watershed Association, Middle Susquehanna Riverkeeper, Paxton Creek Watershed & Education Association, Peach Bottom Concerned Citizens Group, PennEnvironment, Penns Valley Conservation Association, Pennsylvania Council of Churches, Pennsylvania Council of Trout Unlimited, Pennsylvania Organization for Watersheds and Rivers, Protecting our Waters, Sierra Club – Pennsylvania Chapter, Susquehanna Heritage, Susquehanna Greenway Partnership, The Environmental Justice Center of Chestnut Hill United Church, and Western Clinton Sportsmen's Association.

Our goals cannot be realized without continuing to make critical clean water investments in our communities. It means cities and towns need to prevent stormwater from running off our streets and parking lots and washing pollutants downstream. It means homeowners need to be careful not to over apply fertilizers to their lawns and farmers need to prevent nutrients and sediment from running off farm fields and entering waterways.

We are asking our state legislators to continue to support funding for programs that provide critical support to Pennsylvania, local governments and communities and farmers throughout our region. We ask our members of the General Assembly and State Senate to enact these common sense protections for our clean water.

Ask # 1- FERTILIZER BILL – *Please support/co-sponsor the Fertilizer Bill.* We urge you to come together to support forthcoming fertilizer legislation, identical to Senator Alloway's SB 563 introduced in the 2015-2016 legislature. This bill will be an Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, in fertilizer, further providing for labels and labeling and for disposition of funds; and providing for fertilizer for use on turf. Senator Alloway published a co-sponsorship memo on 4/19/17: <http://tinyurl.com/mis44bl>.

- This lawn fertilizer legislation has received support from the Pennsylvania Department of Agriculture, and we feel that this is the next common-sense step to homeowners helping with their share of nutrient reduction.
- We feel that this legislation should be supported with these recommendations and considerations:
 - Passage of this legislation will create a level playing field across the state and protect local waters. Over 2,600 miles of the Commonwealth's streams are impaired due to excess nutrients.

Additionally, this bill will move towards one standard across the region, providing regional companies with similar market requirements to those in neighboring states.

- Established lawns do not need phosphorus, so there is no need for its application. Phosphorus is more of a risk for local freshwaters than nitrogen. If a soil test says otherwise, or the lawn is new, the bill should allow for phosphorus to be used in those circumstances. The bill should also create limits for organic products that include phosphorus.
- Residential users tend to apply fertilizer without properly calibrating their spreader and measuring area to use an accurate application rate. The proposed bill should include a 10% reduction in nitrogen content per bag of fertilizer. This will reduce the inputs of nitrogen on the land, while still staying within the scientifically-supported range for application.
- This legislation is supported by PennAg Industries, and the Pennsylvania Farm Bureau.

Ask #2 – CLEAN & GREEN BILL (HB 1053 – Sponsor: Rep. Sturla) – Please support/co-sponsor the Clean & Green Bill. The Clean and Green program is a state program designed to preserve agricultural and forest land. The purpose of Clean and Green (ACT 319) is to provide a real estate tax benefit to owners of agricultural or forest land by taxing that land on the basis of its “use value” rather than its market value. This act provides preferential assessment to any individuals who agree to maintain their land solely devoted to agricultural use, agricultural reserve, or forest reserve use. This legislation was introduced and referred to the House Agriculture & Rural Affairs Committee on 4/3/17: <http://tinyurl.com/k4vdybv>.

- This legislation would amend the Farmland and Forest Land Assessment Act of 1974, to require that those seeking preferential assessment for agricultural land in the Clean and Green Program have submitted an Agricultural Erosion and Sediment Control Plan, Manure Management Plan, National Pollutant Discharge System Permit for Concentrated Animal Feeding Operations and a Nutrient Management Plan.
- Those seeking preferential assessment for forest land would only be required to obtain an Erosion and Sediment Control Plan. It should be noted that these plans are all currently required by law. However, many landowners receiving a preferential assessment and the resulting tax benefits are non-compliant with the requirements of existing law.
- It is estimated that approximately half of those now participating in the Clean and Green program do not have the required plans submitted. This legislation would use a two-year time frame to insure that all lands are compliant. It is imperative that we are doing our part as stewards of the land as well as make certain that tax dollars are being used properly.
- This legislation has the support of the Pennsylvania Department of Agriculture.

Ask #3 – INCREASED AGENCY FUNDING FOR CLEAN WATER PROGRAMS & INFRASTRUCTURE – Please support full/increased funding for clean water programs and infrastructure in Pennsylvania’s FY18 budget.

- **State Budget Funding**
 - Department of Environment Protection (DEP)
 - Over a decade of cuts to PA DEP’s budget hinders its ability to regulate EPA clean drinking water standards in the Commonwealth, among other environmental protections.
 - Much of this funding pays for staff - inspectors and analysts - to test drinking water and monitor water pollution issues throughout the Commonwealth. Due to budget cuts, hundreds of staffing positions have been lost and DEP can only address fewer than half of the state’s water critical pollution issues.
 - Department of Conservation and Natural Resources (DCNR)

- DCNR's budget has shrunk, resulting in the agency to cut vital state park and forest maintenance budgets to continue providing basic conservation services, like park rangers.
 - Increased funding will help the agency address nearly a billion dollar maintenance backlog as well as work on critical water pollution issues, like expanding forested riparian buffers.
 - Department of Agriculture
 - Increased funding to Conservation Districts in the Chesapeake Bay and Delaware River watersheds will support more technical assistance for farmers and land owners to meet their obligations to properly conserve and manage their land.
 - Increased funding will also support shovel-ready projects for best management practice implementation in the agriculture sector.
- **HB218 & the DEP**
 - 10% cut to DEP General Operations
 - 6.5% cut Environmental Programs
 - 5% cut to Environmental Protection Operations
 - Up to a 50% cut to all of the Commission
 - 8% cut to the Chesapeake Bay Abatement Program
 - 15% cut to DEP granting to Conservation Districts

Ask #4 – WATER USAGE FEE – *Please support/co-sponsor a water usage based on previous legislation by Senator Alloway and Representative Sturla.* Pennsylvania should enact a fee on major water withdrawals to fund Bay-related restoration projects and other statewide water quality efforts. Currently, the Susquehanna and Delaware River Basin Commissions levy small water withdrawal fees to support their limited basin activities.

- **SB1401 (2015-16) – Sen. Alloway**
 - Levies a \$0.001 per gallon fee on withdrawals greater than 10,000 gallons that are consumed and not returned.
 - Exempts agriculture, public, and municipal water withdrawals.
 - Revenue put into a Watershed Quality Improvement Fund to be used by the State Conservation Commission for financing BMPs.
 - Also allows the Commission to create a nutrient credit-trading program to allow for compliance and dictates that no less than 30% of the funds should be used through the trading program.
 - Limits no more than 60% of the Fund to be used within the Chesapeake Bay watershed in any given year.
 - This bill was referred to the Senate Environmental Resources & Energy committee on October 26, 2016: <http://tinyurl.com/lcpzkgv>.
- **HB 2114 (2015-16) – Rep. Sturla**
 - Levies a \$0.001 per gallon fee on withdrawals greater than 10,000 gallons that are consumed and not returned.
 - Exempts agriculture, public and municipal water withdrawals.
 - Revenue used to fund debt service on a \$3 billion Growing Greener 3 bond (\$180 million) and water-related programs in relevant state agencies (\$195 million). Revenue would be used throughout the state.
 - On 4/19/17, Rep. Sturla published a co-sponsorship memo on his upcoming 2017-18 version of his bill, "The Pennsylvania Water Resource Act:" <http://tinyurl.com/l5xpxry>.