



GOVERNMENT RELATIONS

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Senator Yaw Elected Chairman of Tri-State Chesapeake Bay Commission

On January 3, 2020, state Sen. Gene Yaw (R-23) became the new Chairman of the tri-state Chesapeake Bay Commission (CBC) for the 2020 calendar year. Yaw is the first member and chairman of the CBC to have a legislative district that covers the northernmost part of the watershed to the New York border.

As Chairman, Yaw will oversee the policy making efforts of the 21 member Commission, whose members are senators and house members from Maryland, Virginia, and Pennsylvania, along with heads of the natural resources agencies, and a prominent citizen member, from each member state.

"We all want to have and protect clean water in our streams and the residents of my district work very hard at being good stewards of our resources," Yaw said. "Being a member of the Commission for a number of years, and now Chairman, along with my northern tier roots, gives me a good understanding of where we need to target our clean-up efforts for the Bay, most of which begins south of Harrisburg," he added.

As he took over the gavel, Yaw announced his intent to have the Commission continue to focus attention on the Susquehanna River watershed, the single-largest tributary to the Chesapeake Bay supplying over 50 percent of the freshwater flowing into the Bay. The 23rd Senate District, consisting of Bradford, Lycoming, Sullivan, Susquehanna and Union counties, is unique in that the district includes both the North Branch and the West Branch of the Susquehanna.

Senator Yaw has served as a member of the CBC since 2014, most recently serving as Chair of the Pennsylvania delegation. He now takes over leadership from Maryland Senate Democratic Majority Leader, Senator Guy J. Guzzone (D-13), who represents Howard County.

The Chesapeake Bay Commission is a policy leader in the restoration of the Chesapeake Bay. As a tri-state legislative body that advises the legislative branch of state government, its mission is to identify critical environmental needs, evaluate public concerns, and ensure state and Federal actions to sustain the living resources of the Chesapeake Bay. The Commission works directly with the state general assemblies and the U.S. Congress and serves as the legislative branch of the Chesapeake Bay Program.

For more state-related news and information, visit Senator Yaw's website at <http://www.senatorgeneyaw.com/> or on Facebook and Twitter @SenatorGeneYaw. For committee-related news and information visit <https://environmental.pasenategop.com/>.

Source: Chesapeake Bay Commission, 1/6/2020

Report: Sen. Yaw: Raising Enough Money to Implement PA's Chesapeake Bay Clean Water Plan -- Isn't Going To Happen

After the Senate Environmental Resources and Energy Committee Chesapeake Bay briefing January 8 <https://paenvironmentdaily.blogspot.com/2020/01/senate-environmental-committee-puts.html>, Sen. Gene Yaw (R-Lycoming) who serves as Majority Chair of the Committee, told the PA Capital-Star-- "raising that much money [\$324 million a year to implement the recommendations in PA's Clean Water Plan to meet its Bay obligations] through new fees or taxes "isn't going to happen."

He added, even if the state generated more than \$300 million in new taxes and fees by 2025, "I don't know that we'd have the wherewithal to spend it."

In a final comment to PA Capital-Star, Sen. Yaw said: "The chances of us meeting the 2025 suggested [goals] are not likely."

Sen. Yaw said he thinks it's more likely Pennsylvania will get a slap on the wrist from EPA for not meeting its Chesapeake Bay obligations -- "nobody knows what the EPA will do."

During the Committee briefing, which included representatives of the interstate Chesapeake Bay Commission, PA Farm Bureau, the Chesapeake Bay Foundation-PA, the departments of Agriculture and Environmental Protection and the State Conservation Commission which administers

programs supporting county conservation districts, participants agreed:

- **We Have A Credible Plan:** The Phase III Chesapeake Bay Watershed Implementation Plan submitted to EPA showing how Pennsylvania would meet its water quality cleanup obligations was built from the ground up, based on significant local input and buy-in and represents the most credible plan ever developed by the state.
- **We Need More Resources:** Many more resources were needed to implement the stakeholder-backed recommendations in the Plan, including help for farmers to install conservation practices, for communities to deal with issues like stormwater and to provide incentives for installing riparian stream buffers.
- **Momentum:** As a result of the stakeholder process that was used to develop the WIP III Plan and other issues, there is now momentum and energy building to address clean water issues in the General Assembly and across the state.

On January 24, 2017, Sen. Yaw and other Pennsylvania members of the Chesapeake Bay Commission wrote to all members of the General Assembly putting a spotlight on the need to address the state's water pollution cleanup problem and suggested creating a dedicated Clean Water Fund for Pennsylvania.

One proposal outlined in the letter was to **raise \$245 million a year through a fee on water use**. And nothing was done. *Click here for more* <http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=38575&SubjectID=202>.

The General Assembly actually cut funding \$16 million from the Environmental Stewardship (Growing Greener) Fund in FY 2019-20 that could have supported farm conservation and community stormwater pollution reduction projects.

For more information on how Pennsylvania plans to meet its Chesapeake Bay cleanup obligations, visit **DEP's PA's Phase 3 Watershed**

Implementation Plan webpage

[https://www.dep.pa.gov/Business/Water/Pennsylvania%E2%80%99s%20Chesapeake%20Bay%20Program%20Office/WIP3/Pages/Phase-III-WIP-\(Watershed-Implementation-Plans\).aspx](https://www.dep.pa.gov/Business/Water/Pennsylvania%E2%80%99s%20Chesapeake%20Bay%20Program%20Office/WIP3/Pages/Phase-III-WIP-(Watershed-Implementation-Plans).aspx) .

Click here for a **summary of the steps the Plan recommends**

<https://paenvironmentdaily.blogspot.com/2019/08/final-pa-chesapeake-bay-implementation.html> .

Maryland to File Lawsuit

On the same day as the Senate briefing, Maryland Gov. Larry Hogan directed Attorney General Brian Frosh to pursue legal actions against the Commonwealth of Pennsylvania and the U.S. Environmental Protection Agency (EPA) in order to protect Chesapeake Bay restoration efforts.

“Pennsylvania, which is under ‘enhanced’ or ‘backstop’ federal oversight due to failed pollution reduction efforts, has proposed a draft Phase III Watershed Implementation Plan (WIP) under which it would fall drastically short of its agreed-upon 2025 pollution reduction targets,” writes Gov. Hogan. “The EPA currently appears to have no intention of taking the necessary action to ensure Pennsylvania’s compliance with its commitments.”

Click here for more

<https://paenvironmentdaily.blogspot.com/2020/01/maryland-governor-directs-attorney.html> .

Source: PA Environmental Digest, 1/13/2020

CBF Statement on Maryland Gov. Hogan's Directive to Pursue Legal Actions Against PA and EPA over Chesapeake Bay Cleanup

The Chesapeake Bay Foundation (CBF) is supporting Maryland Gov. Larry Hogan's effort to pursue legal actions against the EPA and Pennsylvania for that state's deficient Chesapeake Bay cleanup plan.

Gov. Hogan **announced this afternoon** <https://governor.maryland.gov/2020/01/08/to-protect-chesapeake-bay-governor-hogan-directs-attorney-general-to-pursue-legal-actions-against-pennsylvania-and-epa/> he directed Maryland Attorney General Brian Frosh to begin the **legal actions to attempt to hold Pennsylvania accountable.**

The Chesapeake Bay Foundation first sued EPA in 2009 for its failure to enforce the Clean Water Act regarding Chesapeake Bay pollution. The settlement to that lawsuit established the Chesapeake Clean Water Blueprint, or Bay TMDL, which set a pollution reduction requirement for each state in the Bay's watershed.

Last year, Pennsylvania submitted to EPA its most recent plan to reduce Bay pollutants. The plan included an annual estimated funding gap of more than \$300 million and fell 25 percent short of the state's requirement for reducing nitrogen.

Meanwhile Maryland and Virginia's plans were mostly on track to meet their pollution reduction goals by 2025, although Maryland must make more progress on reducing pollutants from agriculture and stormwater runoff.

Pennsylvania is the lynchpin of the Chesapeake Bay cleanup. The state makes up the bulk of the Susquehanna River's watershed and the Susquehanna supplies about 50 percent of the freshwater that enters the Bay.

For several months, CBF has been considering a second lawsuit as EPA has failed to vigorously enforce the Blueprint.

In August, CBF sent a letter to Gov. Hogan in his role as Chairman of the Chesapeake Executive Council urging him to take a leadership role and to consider ways to hold Pennsylvania accountable if EPA failed to move forward with enforcement.

In response to Gov. Hogan's directive today, CBF President Will Baker issued the following statement:

"We commend Gov. Hogan for pursuing legal options. The Chesapeake Clean Water Blueprint

requires all states in the watershed to do their part and EPA to hold them accountable. So far, Pennsylvania's elected officials have not made the investments needed to meet their clean water commitments. And EPA's failure to impose consequences puts the entire cleanup at risk."
Source: CBF, 1/8/2020

First Meetings of DEP Regional Water Resources Committees Jan. 14, 16 - Join Online

PA Clean Water Academy Presentation Available on State Water Plan Process

DEP's Office of Water Resources Planning will host the first **State Water Plan** <https://www.dep.pa.gov/Business/Water/PlanningConservation/StateWaterPlan/Pages/default.aspx> regional water advisory committee meeting on January 14 in Montgomery County.

The **Delaware Water Resources Regional Committee** <https://www.dep.pa.gov/Business/Water/PlanningConservation/StateWaterPlan/Committees/Delaware/Pages/default.aspx> will meet at the DEP Southeast Regional Office, 2 East Main Street in Norristown at 10:00 a.m.

Click here to **join the meeting online through Go To Meeting** <https://global.gotomeeting.com/join/697470821>. You can also join via Conference Call: 872-240-3412, Access Code: 697-470-821.

This is the first of six scheduled meetings around the state to kick-off the State Water Plan update process. The other meetings will be held:

- **January 16: Potomac Water Resources Regional Committee** <https://www.dep.pa.gov/Business/Water/PlanningConservation/StateWaterPlan/Committees/Potomac/Pages/Members.aspx>, Adams County Ag Center, 670 Old Harrisburg Road, Gettysburg.

1:00. Click here to **join the meeting online through Go To Meeting** <https://global.gotomeeting.com/join/722866189>. You can also join via Conference Call: 872-240-3212, Access Code: 722-866-189.

- **January 23: Upper/Middle Susquehanna Water Resources Regional Committee** <https://www.dep.pa.gov/Business/Water/PlanningConservation/StateWaterPlan/Committees/Upper-Middle%20Susquehanna/Pages/default.aspx>, Ferguson Township Building, 3147 Research Drive, State College. 1:00. Click here to **join the meeting online through Go To Meeting** <https://global.gotomeeting.com/join/303518933>. You can also join via Conference Call: 872-240-3212, 303-518-933.
- **January 28: Ohio Water Resources Regional Committee** <https://www.dep.pa.gov/Business/Water/PlanningConservation/StateWaterPlan/Committees/Ohio/Pages/default.aspx>, Westmoreland County Conservation District, 218 Donohoe Road, Greensburg. 10:00. Click here to **join the meeting online through Go To Meeting** <https://global.gotomeeting.com/join/522143877>. You can also join via Conference Call: 646-749-3112, Access Code: 522-143-877.
- **January 29: Great Lakes Water Resources Regional Committee** <https://www.dep.pa.gov/Business/Water/PlanningConservation/StateWaterPlan/Committees/GreatLakes/Pages/default.aspx>, Erie County Conservation District, 1927 Wager Road, Erie. 10:00. Click here to **join the meeting online through Go To Meeting** <https://global.gotomeeting.com/join/880453653>. You can also join via Conference Call: 312-757-3121, Access Code: 880-453-653.
- **February 6: Lower Susquehanna Water Resources Regional Committee** <https://www.dep.pa.gov/Business/Water/PlanningConservation/StateWaterPlan/Committees/LowerSusquehanna/Pages/default.aspx>, DEP Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg. 10:00. Click here to **join the meeting online through Go To Meeting** <https://global.gotomeeting.com/join/978335981>

. You can also join via Conference Call: 312-757-3121, Access Code: 978-335-981.

State Water Plan Presentation - PA Clean Water Academy

To introduce the State Water Plan update process DEP has posted a free online interactive presentation in the **Bureau of Clean Water's Pennsylvania Clean Water Academy** <https://pacleanwateracademy.remote-learner.net/> .

This **free presentation** covers <https://pacleanwateracademy.remote-learner.net/course/view.php?id=281> :

- The History of the State Water Plan
- State Water Plan Update of 2009
- Ongoing State Water Planning
- Proposed Update Work Plan
- Serving on a Regional Committee
- Next Steps

Each module consists of several narrated interactive slide presentations. The total time to view the entire course is about one hour.

It is not necessary to register with the Clean Water Academy to view the course, but you may want to do so to be able to close the course at any time and come back where you left off (account registration and approval may take 1-2 days).

By registering, you can also take advantage of publicly available courses that are offered.

Upon entering the course and reaching the State Water Plan Main Menu, click on "History of the State Water Plan.". Follow through viewing each slide presentation to complete the History module.

Completion of the History module will bring you back to the Main Menu. Move ahead then with the remaining modules. Complete each module in number order.

If you have registered, you may exit from the course and return later by clicking on the "Exit Course" link at the top right corner of any presentation page.

Click here to **access the presentation** <https://pacleanwateracademy.remote-learner.net/course/view.php?id=281> . Questions should be directed to Mark Matlock at DEP by email to: marmatlock@pa.gov or call 717-783-2285.

Background

The Plan update, required every five years by **Act 220 of 2002** <https://www.legis.state.pa.us/cfdocs/legis/li/uconsC heck.cfm?yr=2002&sessInd=0&act=220> , serves as a policy and guidance document providing information, objectives, priorities and recommendations to be considered in a broad range of state, local and private water resource decisions.

The State Water Plan was **last updated in 2009** <https://www.dep.pa.gov/Business/Water/PlanningC onservati on/StateWaterPlan/Pages/2009-Update.aspx> .

The goal of the initial meetings is to formally organize the regional water resources committees and begin a discussion of several issues to be examined in the Plan update, including:

- Impacts of climate change on water resource availability and use and implement applicable strategies included in the **2018 PA Climate Action Plan** <http://www.paenvironmentdigest.com/newslette r/default.asp?NewsletterArticleID=46548&Subj ectID=8> ;
- Assessment of Stormwater Management Issues and Best Management Practices; and
- Discussion of Integrated Water Resources Planning.

Another goal of the Plan update is to review and finalize Critical Area Resource Plans in the Potomac and Ohio regions that were left unfinished during the 2009 update.

Also being developed is a Digital Water Atlas that will make water use information now being collected more accessible to the State Water

Planning process, river basin commissions and users of water information statewide, both public and private.

This initial step in the Plan update process is expected to take 1 to 2 years, followed by a more comprehensive analysis of water resources data after the 2020 census becomes available to help identify water resource use issues and opportunities.

Committee Members Needed

Each Regional Committee and the Statewide Water Resources Committee has openings for representatives of specific sectors of water users. The most pressing need is for members of local governments.

Click here for a **list of members needed** <https://www.dep.pa.gov/Business/Water/PlanningConservation/StateWaterPlan/Committees/Pages/default.aspx> . If you are interested, send a letter of interest and resume to Mark Matlock at DEP by email to: marmatlock@pa.gov or call 717-783-2285 with questions.

For more background on the process for updating the Plan, for copies of past Plans and supporting documents, visit **DEP's State Water Plan webpage** <https://www.dep.pa.gov/Business/Water/PlanningConservation/StateWaterPlan/Pages/default.aspx> . Questions should be directed to Mark Matlock at DEP by calling 717-783-2285 or send email to: marmatlock@pa.gov .

Source: PA Environmental Digest Blog, 1/11/2020 http://paenvironmentdaily.blogspot.com/2020/01/meeting-of-dep-delaware-regional-water.html?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+PaEnvironmentDaily+%28PA+Environment+Daily+Blog%29

House Environmental Committee to Hold Info Meeting Jan. 15 on Triennial Review of Water Quality Reg, Stream Redesignations

The House Environmental Resources and Energy Committee is scheduled to hold a January 15 information meeting on “concerns” with the final Triennial Review Of Water Quality regulation.

DEP is required to review, revise and update, as needed, at least once every three years, water quality criteria and standards to reflect the latest scientific information and new federal guidelines for criteria development, and other implementation guidance.

The EQB adopted the regulation for comment in April of 2017 and held four public hearings on the proposal.

Among other issues, the regulation deals with setting standards for ammonia and bacteria, makes changes to stream designations for a variety of streams and providing for exceptions for fishable and swimmable waters.

At the time the regulations were adopted as final by the Environmental Quality Board in November. Rep. Daryl Metcalfe, Majority Chair of the Committee and a voting member of the EQB, raised an issue on behalf of the American Forest Paper Association. (See November EQB Minutes page 6 <http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2019/December%202017/11.19.19%20EQB%20Minutes.pdf> .)

The Association expressed a concern that the Regulatory Analysis Form accompanying the regulation did not provide appropriate cost data to comply with the Regulatory Review Act because the cost data has to be evaluated on a site-specific basis.

Rep. Metcalfe voted against the final regulation.

The regulation is now in final review by the Senate and House environmental committees and the Independent Regulatory Review Commission. It is scheduled to be considered at the **Commission's January 31 meeting** <http://www.irrc.state.pa.us/regulations/RegSrchrslts.cfm?ID=3193> .

should not be used as a substitute for appropriate legal advice.

The only comments submitted to the IRRC so far on the regulation have come from the **Monroe County Clean Streams Coalition**

http://www.irrc.state.pa.us/docs/3182/COMMENTS_FINAL/3182%2001-06-20%20MONROE%20CO%20CLEAN%20STR.pdf

, a business and landowner group representing, among others, Kalahari Resorts, Pocono Manor and the Pocono Raceway, that has been in a multi-year effort to challenge DEP's exceptional value water quality stream designations in the Pocono Region.

The Coalition's comments alleged DEP did not address the comments it submitted on the regulation during the public comment period which included a request for notice to landowners of stream redesignations.

On the other side of this issue in Monroe County has been the Brodhead Chapter of Trout Unlimited and PennFuture.

A copy of the regulation, supporting documents and DEP's presentation to the EQB can be found on the **Environmental Quality Board 2019 meetings webpage for November**

<https://www.dep.pa.gov/PublicParticipation/EnvironmentalQuality/Pages/2019-Meetings.aspx> .

The meeting will be held in Room B-31 of the Main Capitol starting at 10:00 a.m. Click here to **watch the meeting online**

<http://www.pahousegop.com/livestreams> .

Rep. Daryl Metcalfe (R-Butler) serves as Majority Chair of the House Environmental Committee and can be contacted by calling 717-783-1707 or sending email to: dmetcalf@pahousegop.com . Rep. Greg Vitali (D-Delaware) serves as Minority Chair and can be contacted by calling 717-787-7647 or sending email to: gvitali@pahouse.net .

Source: PA Environmental Digest, 1/13/2020

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This newsletter provides general information, not legal advice as to any specific matter. It