

Martin, Laughlin and Yaw Applaud Establishment of \$220M Pennsylvania Clean Streams Fund

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Senators Martin, Yaw & Laughlin

HARRISBURG – Legislation establishing the landmark Pennsylvania Clean Streams Fund heads to the governor’s desk this week as part of the 2022-23 budget, Sens. Scott Martin (R-13), Dan Laughlin (R-49) and Gene Yaw (R-23) announced today.

The senators have spearheaded the creation of this fund over the last two legislative sessions through multiple proposals, including Senate Bill 832, which passed the Senate Environmental Resources and Energy Committee in September of 2021.

“This is a momentous investment in our rivers and streams to improve water quality for all Pennsylvanians,” Martin said. “We will be able to reduce pollutants to support healthy habitats for fish and humans alike, decrease flooding in prone areas, while reducing water treatment costs. This is all at no additional expense to taxpayers.”

The Clean Streams Fund uses \$220 million from the American Rescue Plan to clean up rivers and streams damaged by decades of non-point source pollution, including agricultural runoff, abandoned mine drainage and stormwater management in developed areas.

“I’m happy that we could get this done as part of the budget,” Laughlin said. “In a year where we had this type of surplus, it would be a travesty if we couldn’t invest in our environment the way we have with the Clean Streams Fund. As Chairman of the Senate Game and Fisheries Committee and a proud conservationist, I have a million reasons to support healthy and vibrant streams, rivers and waterways. This is a win-win-win for Pennsylvanians.”

The fund will support a new statewide Agricultural Conservation Assistance Program that will partner with counties to remediate the affected waterways. It will also launch a “Pay for Success” pilot program that rewards entrepreneurs for discovering new and cost-effective ways to reduce pollution.

“The Clean Streams Fund puts money into action by correcting decades of non-point source pollution with innovative solutions, like farming cooperatives and strategic tree planting, without demanding a single cent from taxpayers,” Yaw said. “Our rivers and streams are a source of beauty, purpose and economic opportunity in this state and the Clean Stream Funds will preserve and enhance these waterways for generations to come.”

Pennsylvania boasts the highest stream density in the continental United States, with more than 85,000 miles of waterways that support a \$26.9 billion outdoor recreation industry and more than 390,000 jobs.

Unfortunately, one-third of those rivers and streams are not safe for fishing, swimming or drinking. Every mile of polluted stream limits economic opportunity and increases treatment

costs for residents, though historically, the state's efforts to remediate its waterways has focused on point sources of pollution – like wastewater treatment plants.

“An investment of this magnitude will go a long way toward restoring our streams with the help of farmers, whose modern techniques and commitment to conserving our land and water will be crucial to the success of this program,” Martin said. “I appreciate the support and commitment from the General Assembly and our governor in making the Clean Streams Fund a reality.”

Without a regulatory permit, and without any ratepayers or user fees to support them, the burden of protecting our local streams and creeks from non-point sources falls on individual farmers and landowners. However, the impacts of non-point pollution as well as the benefits of its clean-up are felt by all Pennsylvanians.

“This is an historic achievement and I am grateful for the support of my fellow lawmakers and our governor in getting this across the finish line,” Yaw said. “We must do all that we can to support our top industries, agriculture and tourism, and preserve the natural resources we've been gifted.”

Lancaster County leads state in most miles of impaired streams: draft report

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LNP/Lancaster Online*

More miles of impaired streams exist in Lancaster County than any other county in Pennsylvania, according to a [draft report](#) by state environmental regulators.

Of the 1,432 stream miles assessed in Lancaster County, 1,286 miles — or 89.4% — are considered impaired. There are 1,438 total stream miles in the county.

Those figures were attached to the state Department of Environmental Protection's draft 2022 Pennsylvania Integrated Water Quality Report, a biennial assessment of the state's streams and other waterbodies.

A waterbody is considered impaired when it fails to meet standards that allow for regular uses, including supporting recreation and aquatic life, as well as providing drinkable water and consumable fish, according to DEP.

Elk County had the next most impaired stream miles at 1,126, though that's only 68.4% of its assessed waterways. Chester County followed with 1,020 impaired miles, or 71.9%.

Both Philadelphia and Delaware counties had higher waterway impairment percentage totals than Lancaster County at 96.9% and 94.3%, respectively.

Statewide, this year's assessment put impaired stream miles at nearly 28,000, up from the 2020 report's recorded total of just under 25,500 miles.

There are nearly 86,000 miles of stream in Pennsylvania, according to DEP figures.

The chief contributors to stream impairment are mine drainage, agricultural runoff and urban stormwater runoff and storm sewers, in that order, according to the 2022 draft.

Lancaster County is the [most-productive, non-irrigated farming county](#) in the United States, with more than 5,000 individual farms.

Efforts are underway in the county to reduce both agricultural and urban pollution to local waterways, mostly in an effort to meet federal clean water mandates within the Chesapeake Bay Watershed, where Lancaster County is Pennsylvania's largest polluter.

EPA agrees to make Pennsylvania cut Chesapeake Bay pollution

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Lea Kene

AP News

BALTIMORE (AP) — Pennsylvania must minimize its outsized role in polluting the Chesapeake Bay, according to a proposed settlement agreement announced Thursday that would subject the state to increased oversight from federal environmental officials.

The agreement comes after other jurisdictions in the bay's watershed — Maryland, Virginia, Delaware and the District of Columbia — [filed a lawsuit in 2020](#) arguing Pennsylvania wasn't pulling its weight in their collective effort to reach a 2025 pollution reduction goal. The states were looking to reduce harmful nutrient and sediment runoff that flows from farms and cities into the Chesapeake.

Environmental groups also filed a similar lawsuit around the same time, and the two were combined. Thursday's agreement between the plaintiffs and the U.S. Environmental Protection Agency would resolve both.

“The bay is a national treasure and a vital part of Maryland's identity,” Maryland Attorney General Anthony Brown said on a call with reporters Thursday afternoon. “Marylanders deserve a clean, healthy bay ... but we can only get so far without the commitment and the effort of all jurisdictions within the bay's watershed.”

The nation's largest estuary has been gradually rebounding under a federal cleanup program launched in 1983 that put an end to unbridled pollution, but more recent efforts have been lagging.

In Pennsylvania, the Susquehanna River cuts through the state's farmland, picking up polluted runoff before pouring into the Chesapeake in Maryland — producing about half of its fresh water supply.

The 2020 litigation arose from an earlier settlement agreement that required the watershed states to each implement a pollution reduction plan by 2025. Pennsylvania largely did not follow through, and federal environmental officials have failed to adequately intervene, according to the lawsuits.

The so-called “pollution diet” sets limits in the Chesapeake for nitrogen and phosphorous, as well as sediment. The nutrient pollution often comes from agricultural fertilizer and livestock waste. It stimulates excessive algae growth that can create low-oxygen dead zones where aquatic animals and plants are unable to survive — bad news for Maryland's crab industry, oyster harvests and more.

Robert T. Brown, president of the Maryland Watermen's Association, said the upcoming fish spawning season provides an annual reminder of the myriad values of clean water.

“This is a major victory for the Chesapeake Bay,” he said of the proposed settlement.

The agreement, which will undergo a 30-day public comment period before taking effect, provides a mechanism for holding EPA officials accountable if they fail to enforce pollution requirements. It also lays out specific oversight actions — including an annual report examining Pennsylvania’s progress that will be published online — and calls for additional grant funding opportunities to help Pennsylvania make necessary changes. The state has more farmland than others in the watershed, a source of pollution that has proven difficult to address.

Federal officials also agreed to exercise more oversight of other pollution sources in Pennsylvania, such as factories, concentrated livestock operations and sewage treatment plants. That includes identifying and regulating them through an existing EPA permitting process.

However, the agreement avoids asserting a broader definition of the EPA’s oversight role under the Clean Water Act, saying the parties disagree on whether it’s “mandatory or discretionary.”

Officials with the Pennsylvania Department of Environmental Protection didn’t immediately respond to a request for comment Thursday afternoon.

New York was also a named defendant in the initial litigation, but later dropped from the lawsuit after it adequately amended its pollution reduction plans.

While the litigation was ongoing, Pennsylvania officials took steps to improve their implementation of a pollution reduction plan and obtain adequate funding. Last year, state lawmakers approved \$154 million in pandemic-relief funding for a program that would help farmers implement more sustainable practices and prevent nutrients from entering the watershed.

Environmental groups have credited the Biden administration for signing onto the proposed settlement agreement, saying the decision demonstrates a commitment to curbing pollution that was missing under former President Donald Trump.

Despite the optimism, however, the 2025 pollution targets probably won’t be achieved, said Hilary Harp Falk, president of the nonprofit Chesapeake Bay Foundation.

The Chesapeake Bay Clean Water Blueprint, a plan established in 2010 to reduce pollution, has already faced significant challenges and slow progress. In a [report earlier this year monitoring the bay’s health](#), the foundation said polluted runoff was increasing amid inconsistent enforcement from government agencies, new development and climate change, which is causing stronger rainstorms that produce more polluted runoff.

“While 2025 will be yet another missed deadline, the Blueprint’s goal remains achievable and should remain our north star,” Falk said in a statement Thursday. “Together, we must build on lessons learned and accelerate progress toward a new deadline measured in years — not decades.”

EPA officials said they were unable to comment on the proposed settlement agreement during the 30-day public comment period.

“The agreement is just one part of EPA’s broader strategy to work with the Bay States and other stakeholders ... to restore the Chesapeake Bay,” the agency said in a statement.