

RESOLUTION NO. 667

A RESOLUTION OF THE TOWNSHIP OF PENN, YORK COUNTY, PENNSYLVANIA EXPRESSING OBJECTION TO THE UNFUNDED COST IMPACT OF THE CHESAPEAKE BAY TRIBUTARY STRATEGY ON SEWAGE TREATMENT FACILITY RATEPAYERS IN PENN TOWNSHIP AND RAISING SERIOUS CONCERN REGARDING THE EFFECTIVENESS OF THE STRATEGY; AND REQUESTING INTERVENTION BY OUR ELECTED REPRESENTATIVES IN THE PENNSYLVANIA GENERAL ASSEMBLY AND THE CONGRESS OF THE UNITED STATES IN SECURING A MORATORIUM ON FURTHER REGULATORY IMPLEMENTATION OF THE CHESAPEAKE BAY TRIBUTARY STRATEGY IN PENNSYLVANIA UNTIL SUCH TIME AS THIS OBJECTION AND CONCERN HAS BEEN FULLY ADDRESSED.

WHEREAS, the state Department of Environmental Protection (DEP) is implementing a "Chesapeake Bay Tributary Strategy" which imposes new and costly mandatory upgrades of 184 sewage treatment plants throughout central Pennsylvania; and

WHEREAS, these required sewage treatment plant upgrades, intended to limit nitrogen and phosphorus discharges into the Chesapeake Bay, are now projected to cost Penn Township ratepayers as much as \$15 million, with rates expected to increase by 35 percent or more; and

WHEREAS, the Board of Commissioners, as well as municipal officials from throughout central Pennsylvania, is questioning -- even as many move forward with the required upgrades -- the huge unfunded cost of this bureaucratic mandate as well as its cost benefit, or necessity in any event, considering that, according to DEP's own analysis of nutrient discharge sources within Pennsylvania's portion of the Chesapeake Bay watershed, "89 percent of nitrogen loads" originate from non-sewage treatment plant sources and "82 percent of phosphorus" is discharged from non-sewage plant sources and there is no indication that adequate measures are being taken to require or assure that non-sewage treatment plant sources will meet nutrient and sediment reduction goals that could cost an added and unattainable \$7 billion or more (DEP total \$8.2 billion capital cost estimate, Chesapeake Bay Tributary Strategy, December, 2004) defeating the whole purpose of this costly mandate on local municipalities, taxpayers and ratepayers; and

WHEREAS, these new mandates are an outgrowth of agreements with surrounding states, predominantly the Chesapeake 2000 (C2K) agreement, entered into by the executive branch of state government with insufficient statutory authorization, oversight or input from the legislative branch of state government; and

WHEREAS, these new mandates go beyond requirements of Pennsylvania's clean water standards, ostensibly to meet requirements of the federal Environmental Protection Agency and the federal Clean Water Act, although, the state's recent April 24, 2007 advisory regarding new requirements for Pennsylvania sewage treatment plant permitting in central Pennsylvania referenced meeting new requirements of Maryland state regulation or law, and there has been little indication that our federal elected representatives, or the

Congress as a whole, has been a party to any significant oversight or authorization of these federal or state bureaucratic mandates; and

WHEREAS, while the states of Maryland and Virginia have established statewide funding mechanisms designed specifically to pay for a portion of the costs of the steps being taken by those states to implement their Chesapeake Bay tributary strategies, there has been no such funding mechanism to help Pennsylvania's municipalities pay for any substantial portion of the anticipated costs; and

WHEREAS, even the participants of the multi-state Chesapeake Executive Council, at one point, recognized the importance of the issue of a lack of funding for this overall initiative and suggested the creation of a Chesapeake Bay Financing Authority to generate as much as \$15 billion, with 80 percent of the funding coming from the federal government to pay for the implementation of the "tributary strategies basin-wide" because the "Chesapeake is a national treasure and a resource of worldwide significance" and "a powerful engine for the entire mid-Atlantic region," but nothing has come of this proposed funding mechanism.

NOW, THEREFORE, BE IT RESOLVED, that while the Board of Commissioners of Penn Township fully support responsible efforts to protect our environment and improve water quality, we, nonetheless, object to this unfunded mandate that is being foisted upon our municipality, our local taxpayers and ratepayers and question the cost-benefit of a strategy that may never be fully implemented and, therefore, may never result in the stated purpose of restoring the environmental quality of the Chesapeake Bay; and

BE IT FURTHER RESOLVED, that the Penn Township Board of Commissioners respectfully requests its representative delegation to the United States Congress to identify the particular provisions of federal law or federal regulation that requires such an unfunded mandate and (1) provide full funding for said mandate if it exists or (2) take appropriate legislative action to eliminate said mandate until there is a full cost-benefit analysis and, in the absence of said mandate, so state in response to this resolution; and

BE IT FURTHER RESOLVED, that the Penn Township Board of Commissioners respectfully requests its representative delegation to the General Assembly of the Commonwealth of Pennsylvania to take whatever legislative action is necessary to secure a moratorium on further implementation of Pennsylvania's "Chesapeake Bay Tributary Strategy" until there is (1) the assurance of a federal or state funding mechanism to pay for this unfunded mandate and (2) all parties and sources responsible for nutrient and sediment discharge into the Chesapeake Bay and for implementing nutrient reduction strategies as outlined in the Chesapeake 2000 (C2K) agreement are being required to do so uniformly and adequately; and

BE IT FURTHER RESOLVED, that the Penn Township Board of Commissioners urges the General Assembly of the Commonwealth, during the period of moratorium, to conduct fact-finding and hold hearings on the numerous matters that remain unresolved on this issue and to require the Department of Environmental Protection to more adequately

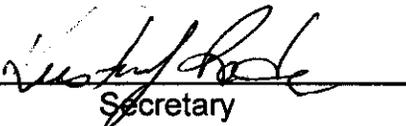
engage the public and local government officials on this issue and more adequately respond to the questions and direction that was contained in House Resolution 539 and Senate Resolution 207, unanimously approved by both houses of the General Assembly in the 2005-06 legislative session, and that DEP be required to present the General Assembly updated information on the progress being made in other states impacting the Chesapeake Bay including detailed information on state funding in those states for required projects, compliance schedules for point source dischargers and compliance data and schedule of non-point source contributors; and

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to our two United States Senators, the Honorable Robert P. Casey, Jr., and the Honorable Arlen Specter, to our United States Representative, the Honorable Todd Platts, to our PA state Senator, the Honorable Michael. L. Waugh, to our PA state Representative, the Honorable Steven R. Nickol, to the Honorable Governor Edward G. Rendell, to the Honorable Kathleen A. McGinty, the Secretary of the state Department of Environmental Protection; to the Honorable Mary Jo White and to the Honorable Raphael J. Musto, the majority and minority chairs respectively of the state Senate Environmental Resources and Energy Committee; to the Honorable Camille Bud George and to the Honorable Scott E. Hutchinson, the majority and minority chairs respectively of the state House Environmental Resources and Energy Committee.

Resolved and Enacted this 17th day of December, 2007.

Attest:

Penn Township Board of Commissioners

BY: 

Secretary

BY: 

President