

Environmental Protection: Stormwater

The Association believes that government at all levels has a responsibility to ensure that future generations will be able to enjoy a clean, safe, and bountiful environment. Accordingly, the Association has consistently supported local, state, and federal policies that will ensure the preservation of our environment for all Pennsylvanians without imposing an undue burden and cost on the residents.

The state Department of Environmental Protection and the U.S. Environmental Protection Agency should recognize local governments as partners and work with them in the protection of the environment. To that end, both agencies should recognize the variety of environmental problems faced by Pennsylvania's municipalities and the need for diverse, multi-faceted alternatives to meet local environmental needs.

The expansion of municipal responsibility for the oversight of the quality and quantity of public and private stormwater discharges is an example of the continual escalation of unfunded mandates imposed by state and federal environmental regulations. The commonwealth's changes to its erosion and sedimentation regulations are a costly mandate that is not accompanied by state or federal funding, leaving cash-strapped municipalities with few affordable options for compliance. In fact, a two-year moratorium should be imposed on the new requirements for the

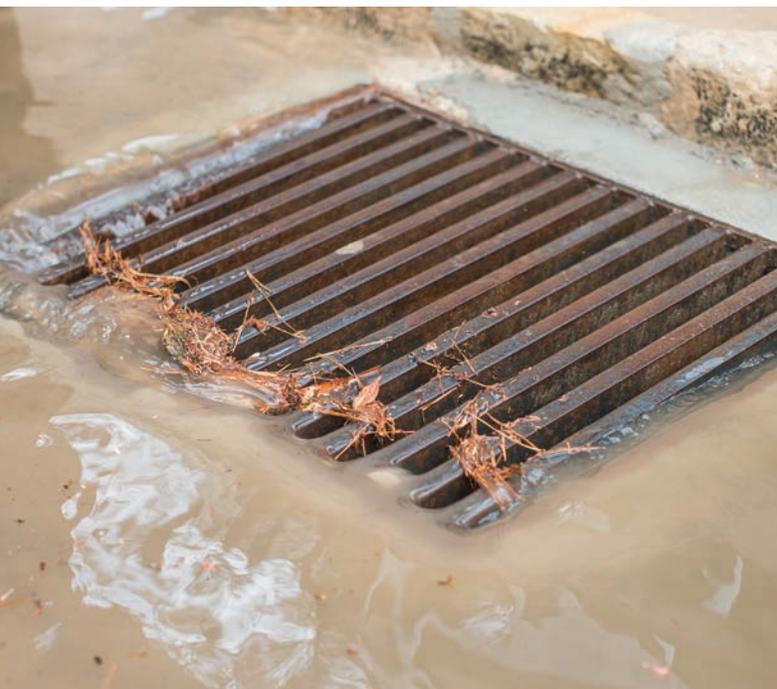
National Pollutant Discharge Elimination System (NPDES) stormwater discharges from municipal separate storm systems (MS4s).

The Association opposes any expansion of the definition of "waters of the U.S." that would include tributaries, ditches, and "other waters" or require new and additional permitting by the EPA and the U.S. Army Corps of Engineers. Any change to the definitions in the federal Clean Water Act must be made by Congress and not through an agency's rulemaking process.

PSATS opposes efforts by the EPA to require that all municipalities, regardless of size, obtain an NPDES permit for their municipal separate storm sewer systems (MS4s). In addition, we oppose efforts by the EPA to include private land as part of any township's MS4 permit. Also, municipalities should not be liable for stormwater issues on state roads.

DEP should incorporate the following changes into Chapter 102 of Title 24 (*Environmental Protection*) of the

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The Association continues to work with DEP and EPA to determine how to best meet the upcoming water quality standards that EPA will impose on the commonwealth to improve water quality in the Chesapeake Bay.

Pennsylvania Code to alleviate the impact of these mandates:

- reduce the engineering and permit requirements needed for low-impact land use changes, such as changing agricultural fields to athletic fields;
- increase the amount of acreage that can be disturbed before an NPDES permit is needed from one acre to five acres; and
- simplify the NPDES permit application for single lots.

The Association continues to work with DEP and EPA to determine how to best meet the upcoming water quality standards that EPA will impose on the commonwealth to improve water quality in the Chesapeake Bay. We believe that a flexible

menu of cost-effective options is needed that will maximize the reduction in pollutants and sediments being deposited into our waterways without bankrupting our communities and shutting down economic growth. This menu should give municipalities the freedom to work together creatively to share the burden of compliance.

Any effort to impose reductions in nutrient or sediment discharges should equitably allocate responsibility between the state's point and non-point sources on a proportionate basis and include state or federal funding to help local governments implement these reductions. Finally, townships need new funding sources to comply with these mandates.

DEP needs to streamline its stormwater permitting process for local governments by taking into consideration existing conditions pertaining to a project, the cost of the project, and the impact on motorists. Municipalities should be exempt from any fees levied by a state agency when applying for a stormwater permit. ❖



To help meet Chesapeake Bay water quality mandates, PSATS believes that a flexible menu of cost-effective options is needed to maximize the reduction in pollutants and sediment without bankrupting municipalities.



PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS

David M. Sanko, Executive Director

4855 Woodland Drive • Enola, PA 17025-1291
Telephone: (717) 763-0930 • Fax: (717) 763-9732

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