

Environmental Resources and Energy Committee
September 11, 2019 at 1:00 PM
Public Hearing to discuss MS4 Requirements

Testimony submitted by:
Antrim Township Board of Supervisors by
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Good afternoon Members of the Senate Committee of Environmental Resources and Energy. On behalf of the Antrim Township Board of Supervisors I would like to thank you for your time and for this opportunity to hear our suggestions to improve the MS4 and Chesapeake Bay Pollutant Reduction Plan (PRP) regulations. I am Sylvia House, Zoning Officer and Code Enforcement Officer for Antrim Township. I have been enforcing the Codes of the Township of Antrim which includes our stormwater regulations since 2004 and have been changing and enforcing the MS4 regulations since 2006. Antrim Township encompasses 69.5 square miles with approximately 15,800 residents. Our residential growth is steady and our economic growth is rapid.

Antrim Township does not have a storm sewer system that discharges to surface waters. When the MS4 program was mandated we did not fit the model program. We had to figure out how to comply with the regulations when all stormwater was managed privately on private property. Our program has been rewritten continuously trying to meet regulations that were a moving target and not quite applicable to an area without a storm sewer system.

Educate Municipalities:

Pennsylvania Municipalities would benefit greatly by hearing from DEP through free monthly or quarterly webinars that would educate us on the ever-changing regulations. We would benefit hearing from DEP what works and what has not worked, what changes are being considered, the pros and cons of non-structural best management practices (BMPs), techniques for cleaning stormwater through natural methods, hear their recommendations to meeting guidelines, what tools are available to us, and what DEP's goals are. Expanding communication and education through both live and on-demand classes is important. We do not have time to travel all over Pennsylvania for classes. We should not need to rely on engineers to make our decisions for us. On-demand classes would allow us to obtain the same information as the live webinars. It should allow us to visit a library at our leisure to browse topics of past webinars. They could take place over lunch time much like FEMA's coffee break classes or PSATS lunchtime webinars.

MS4 vs. PRP:

The Chesapeake Bay Pollutant Reduction Plan (PRP) is a component of the MS4 program. The MS4 program is completely different than the PRP. The two programs should be separate.

MS4 focuses on stormwater management through the implementation of the following 6 Minimum Control Measures (MCMs):

- Public Education and Outreach
- Public Participation and Involvement
- Illicit Discharge, Detection and Elimination
- Construction site runoff
- Post Construction Stormwater Controls and
- Pollution Prevention/Good Housekeeping for Municipal operations

These measures took time to put into place, but the goals can be met at minimal costs. The MCMs did not require an engineer to get involved and did not require fees to be adopted to implement the program. Populated areas should practice these MCMs.

Pollutant Reduction Plans (PRPs) focus on removing nitrogen, phosphorus, and sediment from our surface waters. PADEP required municipalities to adopt PRPs to help Pennsylvania meet the 2010 EPA mandate to reduce:

- Nitrogen by 34 million pounds per year
- Phosphorus by .7 million pounds per year
- Sediment (soil) by 531 million pounds per year

Clean surface water is important. However, the program is missing its mark due to the lack of real water testing, limiting the PRP to MS4s and Urbanized areas, and the extra time and cost put on projects due to regulatory processes. Millions of dollars are being expended to implement these plans based on assumed data.

Municipalities are told that we have impaired streams. Sampling data from the streams are not shared with us. Instead we are using formulas and modeling software programs to give us assumed data. We cannot show progress and truly start cleaning up our waters until we establish a baseline for our water quality first. This data would be used to select the best site for stream restoration and measure the results. A “hold” on implementing PRPs should be put in place until the actual water quality of streams is determined.

PADEP can assist by compiling samples taken from sources such as water plants, wastewater plants, municipalities, conservation districts, private conservancy groups, schools etc. and making them available on one GIS platform that would be available to all Pennsylvania Municipalities at no cost.

Site selection for stream restoration projects should not be limited to areas that are in or flow from our Urbanized Area. It is our rural areas that have streams designated as impaired. Municipalities are preparing to spend millions of dollars on projects that are not going to assist PADEP in reaching their pollutant reduction goals. In Rural Areas this is not about stormwater repairs or Post Construction Stormwater Management BMPs. This is about removing pollutants from surface water. PADEP must reassess the site selection process and allow Municipalities to select projects that will meet Pennsylvania’s goals in the field, not just on paper. Project sites must be selected based on actual test results that show the stream is impaired so the result can be measured and make a difference.

Streamline Processes:

The process to complete a project should be streamlined. Prior to adoption of the PRP we are required to hold public hearings to receive testimony. Once a PRP is approved, a change in project location requires the PRP to be re-advertised and another hearing held. We ask that we are able to change the location of a project so long as the scope of the project (stream bank restoration, riparian buffer, raingarden etc.) has not changed without holding another public hearing. The PRP would still be updated to reflect all changes and would still be submitted to PADEP for approval, but without losing time and money for additional hearings.

Assistance from DEP to reduced paper work, provide a quick turnaround for project reviews, and streamline permit requirements would be appreciated. We request that DEP look internally on ways to eliminate burdensome regulations and processes to help a project proceed smoothly. Simplifying forms and permits so they can be completed by Municipal Officials is requested to eliminate extra expense from engineers. Most importantly the elimination of requiring municipalities to pay prevailing wage for PRP related projects is necessary. Prevailing wage increases the cost of a project by at approximately 25%.

Summary:

In summation Antrim Township requests monthly or quarterly webinars from DEP to guide municipalities through all the layers of regulations and update us on proposed changes before they are made. This education would assist us in completing documentation without paying an engineer to do it and would assist us in planning for the future.

We ask that MS4 regulations and the PRPs be separate programs since the goals of each program are different. MS4 areas should focus on areas with higher populations. PRP's should not be tied to Urbanized Areas. The focus for PRPs should be based on the water quality of the stream, creek, river or body of water. The project should not limit the size of the water body rather focus on the health of the body of water.

We must have real test results for water quality of streams. A "hold" on PRP projects should be applied until real data is collected and shared to determine the level of pollutants in a stream. Proceeding with projects based on formulas could result in millions of dollars expended for projects that did not reduce pollutants in the eyes of EPA.

Streamlining processes, the elimination of duplicated or unnecessary regulations, digitizing and sharing data, and providing a "quick review" for PRP projects is critical for this program. Eliminating prevailing wage on PRP projects would allow more work to be completed and save tax payer dollars.

In closing, Antrim Township thanks you for your time and we look forward to working together and assisting in any way we can to make this program the best it can be. We have hope that Pennsylvania can make a difference by moving forward collectively.