



January 25, 2022

Senate Environment Resources & Energy Committee
Senate Box 203023
Harrisburg, PA 17120-3023

“Public Hearing on Stormwater Fees and Implementation” Tuesday, January 25, 2022 10AM Room 8-EB,
East Wing, State Capitol Complex, Harrisburg, PA 17120

Dear Mr. Chairman & Committee,

The historical trends for the northeastern United States are clear. Since 1900, total annual precipitation in the region has increased by roughly 1 cm per decade – twice as fast as the country as a whole. In the Chesapeake Bay region, record-setting amounts of rain fell in 2018 in Baltimore (72 inches), Harrisburg (62 inches), Richmond (64 inches), and Washington DC (67 inches), among other locations, according to data from the National Oceanic and Atmospheric Administration (NOAA) dating back to the 1940s. The upward trend has been fairly consistent over the decades, suggesting that 2018 was not a freakish year but possibly a reflection of a new normal. In Harrisburg, the 2010-2019 average was 44 inches, 22 percent more than the 36-inch average during the 1960s.

Among all the problems that stormwater causes one example of direct harm to water quality and impairment to designated uses of our waters are combined sewer overflows (CSOs) which is a mixture of stormwater and raw sewage that is directly discharged into our waters without treatment. These overflows occur all over our state, but our capital city Harrisburg discharges the most. In 2018, Harrisburg dumped more than one billion gallons of combined sewer overflow into the Susquehanna River and Paxton Creek and continues to dump over 700 hundred million gallons on average.

To address the sewage and stormwater overflow problem, Capital Region Water (CRW) signed a partial consent decree with the Pennsylvania Department of Environmental Protection & the Environmental Protection Agency in 2015 that required more stormwater planning and development of a Long Term Control Plan under EPA’s CSO Policy to achieve compliance with the Clean Water Act. In 2018, CRW released a plan that proposes for Harrisburg area residents and all property owners to pay \$315 million over 20 years to improve the long-neglected combined sewage and stormwater pipes. These Stormwater Service Fees are charged to all developed non-residential and Mixed-Use Residential/Non-Residential properties based on their actual Impervious Area, including properties used for commercial, industrial, institutional, governmental, educational, and/or religious purposes, including all tax-exempt and non-tax-exempt properties within CRW’s service area. These properties also include all state-owned buildings and their impervious surface areas.

However, the state is refusing to pay the \$355,332 per year in stormwater fees that CRW since October 2020 has been billing to PA for properties owned by the state in Harrisburg to address the CSO problem because the state argues it is a tax, not a fee, and the state refuses to pay taxes. This would add up to about 7 percent of the \$5 million that CRW is hoping to collect every year from stormwater fees from everyone, including all government entities, churches and private landowners and nonprofits, etc. Over 20 years, the state should be paying about \$7.1 million (or 2 percent) toward the total \$315 million cost of controlling CSO’s through CRW

2098 Long Level Rd. Wrightsville, PA 17368 - lowsusriver@hotmail.com - www.lowersusquehannariverkeeper.org

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“City Beautiful H20” stormwater program. But the state refuses to pay these stormwater fees, although the state should really be paying the fees and is not exempt.

That refusal by the state to pay the stormwater fee does not mean, however, that the state is contributing nothing toward addressing the CSO problem in Harrisburg. The state is not contributing any grants or paying any fees toward fixing the problem but the board of PENNVEST, the Pennsylvania state infrastructure investment authority controlled by the governor, has approved a total of \$95 million in loans since 2020 to help Harrisburg CRW address the CSO issue. Those state loans make up about 30 percent of the \$315 million that CRW is planning to raise over 20 years to reduce the CSOs. However, it should be noted that Harrisburg’s mostly lower-income residents will be burdened with having to pay back all of these state loans through potential increases in their water and sewer rates. In the end, local city ratepayers will have to pay all of these state loans back, so it won’t cost the state anything in the end -although the state owns large portions of real estate in Harrisburg.

Even though Pennsylvania may own more than 40 percent of the real estate in Harrisburg, that does not mean that Pennsylvania has the same amount of the impervious surfaces in Harrisburg. The total impervious surface total that is owned to the state is roughly 4.9 million square feet of state-owned impervious surfaces. The state should be paying their fair share just like everyone else in Harrisburg.

Harrisburg is home to over 49,000 residents, two thirds of whom are Black or Latino and 26 percent of whom are living in poverty. The state is the biggest employer here, but many state employees live outside of Harrisburg city limits. However, when they flush their toilets in our State Office Complex, DEP headquarters at the Rachel Carson Building, or at the Governor’s Residence, their waste flows often directly into the river without any treatment and keeps residents from enjoying their right to swim, fish and recreate along our most prized resource, the Susquehanna River.

The refusal of the state to curb its own pollution in its own capital city by not paying stormwater fees which it is supposed to be paying just like every other citizen, business and non-profit is deplorable. The State of Pennsylvania should be ashamed of themselves by not paying these fees and not taking stormwater and water quality concerns seriously. I sit back and watch as our general assembly continues to try and gut clean water provisions that protect our health and the environment. By shirking their responsibility of paying stormwater fees, the state slaps the face of every single resident and business owner of Harrisburg. Enough is enough, Pennsylvania should be better than this and we need leaders who will speak up to address the concerns of its citizens. I urge this committee to approach the appropriate parties and ensure payment of fees owed to CRW. Our citizens and the Susquehanna River deserve better.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted E".

Ted Evgeniadis
Lower Susquehanna Riverkeeper
Executive Director – LSRA