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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

Member
75th Legislative District

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December 14, 2010

MEMORANDUM

TO: All House Members

FROM: Representative Matt Gabler *MG*

SUBJECT: Introduction of Legislation – Amending Act 167, the Storm Water Management Act to protect municipalities from unreasonable penalties (formerly HB 14 of 2009-10)

In the near future, I plan to re-introduce legislation amending Act 167, more commonly known as the Storm Water Management Act. Specifically, current law authorizes the withholding of all Commonwealth funds to a municipality for failure to adopt storm water management ordinances and more specifically, changes to storm water plans that are initiated at a county level.

The legislation I am proposing would eliminate the provision which permits the DEP to direct that all Commonwealth funds are to be withheld. Further, this proposed legislation would add a component providing a municipality aggrieved by any action of the Department of Environmental Protection (DEP) the right to appeal the action to the Environmental Hearing Board.

Given the challenges facing our local governments today, and the changing storm water management requirements, it does not seem prudent, or fair, to place this burden on our communities. It seems especially unsuitable to withhold all state funding to a local government simply because the local elected leaders decide not to enact an ordinance that could put them not only between a fiscal rock and a hard place, but one that could be incompatible with other existing ordinances.

If you are interested in joining me as a co-sponsor, please contact Alex Baldivieso at 260-6142 or via email abaldivi@pahousegop.com.

Previous cosponsors: BAKER, BROOKS, CAUSER, CHRISTIANA, CREIGHTON, DENLINGER, EVERETT, GINGRICH, GODSHALL, HESS, KILLION, LONGIETTI, MAHONEY, METZGAR, MOUL, MURT, OBERLANDER, PRESTON, QUINN, RAPP, ROAE, SWANGER, and TURZAI