

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

ENVIORNMENTAL RESOURCES & ENERGY COMMITTEE
PUBLIC HEARING

STATE CAPITOL
HARRISBURG, PA

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MONDAY, JUNE 13, 2022
9:30 A.M.

PRESENTATION ON
MS4 COMPLIANCE AND
HOUSE BILLS 2153 (BOBACK) AND 2331 (GLEIM)

BEFORE:

HONORABLE DARYL METCALFE, MAJORITY CHAIRMAN
HONORABLE DONALD COOK
HONORABLE R. LEE JAMES
HONORABLE PERRY STAMBAUGH

HONORABLE GREG VITALI, DEMOCRATIC CHAIRMAN
HONORABLE MARTELL COVINGTON
HONORABLE JOE HOHENSTEIN
HONORABLE MARY ISAACSON
HONORABLE RICK KRAJEWSKI

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*Pennsylvania House of Representatives
Commonwealth of Pennsylvania*

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P R O C E E D I N G S

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MAJORITY CHAIRMAN METCALFE: This hearing of the House Environmental Resource & Energy Committee is called to order. Before we get started with the attendance, if I could ask everybody to please rise and Representative Lee James, if would you lead us in the Pledge, sir?

(Pledge of Allegiance recited.)

MAJORITY CHAIRMAN METCALFE: Thank you, Representative Lee James. If you could also call the roll call for attendance, please.

REPRESENTATIVE JAMES: Yes, sir, Mr. Chairman. Beginning with Chairman Metcalfe.

MAJORITY CHAIRMAN METCALFE: Here.

REPRESENTATIVE JAMES: Armanini?

(No Response.)

REPRESENTATIVE JAMES: Borowicz, leave. Cook?

REPRESENTATIVE COOK: Here.

REPRESENTATIVE JAMES: Hamm, leave. James here. Kail leave. Mackenzie leave. O'Neal leave. Ortitay leave. Rapp leave. Sankey?

(No response.)

REPRESENTATIVE JAMES: Schemel?

1

(No response.)

2

3

REPRESENTATIVE JAMES: Stambaugh?

4

REPRESENTATIVE STAMBAUGH: Here.

5

REPRESENTATIVE JAMES: Warner, leave. Chairman

6

Vitali?

7

DEMOCRATIC CHAIRMAN VITALI: Here.

8

REPRESENTATIVE JAMES: Covington?

9

REPRESENTATIVE COVINGTON: Here.

10

REPRESENTATIVE JAMES: Fiedler?

11

DEMOCRATIC CHAIRMAN VITALI: Leave.

12

REPRESENTATIVE JAMES: Herrin leave. Hohenstein?

13

(No response.)

14

REPRESENTATIVE JAMES: Isaacson?

15

(No response.)

16

REPRESENTATIVE JAMES: Krajewski?

17

(No response.)

18

REPRESENTATIVE JAMES: Krueger?

19

(No response.)

20

REPRESENTATIVE JAMES: Otten?

21

DEMOCRATIC CHAIRMAN VITALI: Leave.

22

REPRESENTATIVE JAMES: Snyder, leave.

23

MAJORITY CHAIRMAN METCALFE: Thank you,

24

Representative Lee James.

25

This morning's public hearing is on MS4

1 compliance with the specific reference, specific
2 reference to House Bills 2153 and 2331. The bills have
3 been introduced by Representative Boback and Representative
4 Gleim and they're both with us this morning.

5 Representative Boback just came in. He was
6 sitting in the back there, escaped my view for a moment.
7 And I'd invite them both up to the microphones to share
8 with us their thoughts on the two bills that they've
9 introduced.

10 And as they're getting ready to present -- and
11 we're not going entertain any questions with either of you.
12 So, but you're welcome to join the Committee after your
13 remarks. If you'd like to sit with the Committee, you're
14 welcome to. And we're not going to do any Q&A with you
15 regarding the bills, but we did invite the DEP to this
16 hearing. We invited them actually on May 27 through an
17 email and we were told the Secretary would be consulted and
18 we would get a response. On Friday, June 3 at 7:00 p.m.,
19 we were told that they were "we regret that we do not have
20 anyone available".

21 So my staff responded immediately with a
22 suggestion of Mike Callahan, a current DEP employee who
23 came from Derry Township's MS4 Program and we received no
24 response to that. So I'm not sure the DEP -- actually,
25 just by their actions, they've proven that they really

1 don't care what our citizens, our constituents have
2 concerns regarding the MS4 issue at all, based on their
3 unwillingness to step forward and actually have a dialogue
4 with us and present testimony on this.

5 We had, in fact, received their written testimony
6 just last night prior to this morning's meeting. So it's a
7 problem we've had with the DEP on other issues and
8 specifically on MS4 as we've tried to deal with them over
9 the last three and a half years that I've been Chairman of
10 this Committee.

11 But MS4 remains a concern for our citizens, for
12 our municipalities, and for our -- the Members of this
13 legislature who have introduced legislation to try and help
14 address some of those concerns as evident by the
15 legislation we have before us for consideration during the
16 testimony today that have been introduced by Representative
17 Boback and Representative Gleim.

18 So Representative Boback, Chair Boback, we
19 welcome your thoughts on why you introduced the bill.

20 REPRESENTATIVE BOBACK: Thank you, Chairman. And
21 thank you for having me here today.

22 We all know that what we're calling the rain tax
23 is an onerous tax on our taxpaying public. And for me,
24 it's something that's truly unfair and we need help with
25 it.

1 So my legislation would direct money from the
2 American Rescue Plan of 2021 to assist our communities with
3 addressing the municipal separate storm sewer system
4 compliance issue that was put upon us by the federal
5 government.

6 MS4 costs have only increased as the federal
7 mandate expands throughout the Commonwealth and our
8 communities need to address funds so they are not levied as
9 per rain taxes. Again, they're unfunded mandates.

10 Costs to comply with the federal MS4 mandate have
11 become far too burdensome for communities throughout
12 Pennsylvania. I happen to live in Luzerne County and
13 that's where I remember way back when they were trying to
14 bring this forward saying it was the above-all, end-all to
15 create all cures for our waterways and instead what we're
16 seeing is people losing homes through school property taxes
17 and now what's called the rain tax. You can't go through
18 my district without seeing signs along the highway and in
19 private residences saying end the rain tax.

20 So I'm asking for federal dollars since it's a
21 federal mandate to be directly put into Pennsylvania
22 communities that will enable the expense of sewer and
23 stormwater infrastructure plans to come to fruition. The
24 legislation will create the Municipal Stormwater Assistance
25 Program overseen by DEP. I'm sorry they're not here to

1 address this. Hopefully, you did get some information
2 Chairman, on how they would address this, should there be
3 an infusion of federal funds. And it would be as I said,
4 overseen by DEP and it would provide the direct funding
5 toward counties, the municipalities, et cetera as I
6 mentioned.

7 The funding is really desperately needed by
8 communities that are ongoing this unfunded mandate that we
9 have to comply with MS4 and the association with permits
10 that would be necessary through DEP.

11 Thank you for allowing me to be here today and
12 for following through on this important piece of
13 legislation, Mr. Chairman.

14 MAJORITY CHAIRMAN METCALFE: Thank you, Chair
15 Boback.

16 And as I had mentioned, we just received their
17 testimony for today's hearing last night I think around
18 almost 9:00 p.m. was when it came in. So I haven't
19 personally read their testimony yet. If they would have
20 wanted me to read it, they would have sent it sooner than
21 last night at 9:00 p.m. So we'll be looking it over after
22 the hearing today.

23 Representative Gleim, thank you for joining us
24 and you're welcome to present your thoughts and reasons for
25 introducing your bill.

1 REPRESENTATIVE GLEIM: Thank you, Chairman and
2 the Committee for organizing the hearing today. And also
3 the panel guests who are going to be offering testimony.

4 I wrote this bill, House Bill 2331 out of concern
5 for my constituents and the obvious inconsistencies that
6 exist with implementation of the municipal stormwater
7 mandate.

8 I attended a township meeting in my district on
9 the issue and heard that one small business, Irv Coover,
10 who owns a scrapyard, had a bill of \$5,000 for the year
11 which is nearly one-third of his net income during that
12 year.

13 One land owner was given a 50 percent discount on
14 their bill for mitigating their stormwater, yet to get the
15 credit, they had to sign a maintenance agreement that would
16 be recorded on their deed and it was binding forever.

17 One homeowner testified that he owned homes in
18 different townships and all of the townships had different
19 fees, one of them had no fee, so it's very inconsistent
20 across the board.

21 I have another homeowner who -- and her name was
22 Gail Schlessler. She is 85-years-old and her husband had
23 just died and they issued her a stormwater fee of \$14,000.
24 And she called to tell me about it and she said it was just
25 too much for her to think about so soon, but she would

1 receive a penalty if she didn't pay it within 30 days.

2 So I asked for a meeting and did some research.
3 MS4 was mandated to the states from the federal government,
4 yet they soon realized that scientifically, they couldn't
5 prove it would work. Maybe a lift of one percent within
6 their modeling. There was no verification process. And
7 their original TMDL studies and modeling have not been
8 updated in my research since 2001.

9 The EPA backed off and made the MS4 process
10 guidelines, yet the Wolf Administration has kept their push
11 in spite of the negative punitive impact of this unfunded
12 mandate.

13 DEP does say in their testimony that the fees are
14 not federally mandated, yet we still utilize these old
15 models in spite of what the DEP testimony today says and
16 their two year stream monitoring system.

17 There was a hearing on September 11 in 2019 in
18 the Greencastle area where the EPA did come to that
19 meeting. And I would encourage the Committee here to
20 review the testimony there where it backs up basically what
21 I am saying in my testimony.

22 Mr. Chairman, in my district, the Letort and the
23 Yellow Breeches waterways are touted as the best waterways
24 in the nation for fly fishing. Okay? Yet, the modeling
25 says that we need to have MS4 mitigation in my area. They

1 didn't even test to see what the phosphorus and nitrate
2 levels are in those streams. They just went to the
3 modeling which is old.

4 It is because the state has been trying to force
5 these mandates on municipalities in recent times, that we
6 are here today, in my opinion, to -- and they're doing this
7 to fund the Chesapeake Bay cleanup on the backs of
8 taxpayers that can -- and these tests cannot be verified
9 and there's no mitigation in end. So there's no end to
10 them. So if you get your nitrate levels and your
11 phosphorus levels down, where is the point where those
12 townships then can get out of this? There's none of that.

13 So I'm asking this Committee to take -- today to
14 take a really close look at this, to hopefully, update the
15 modeling system if we're going to stick with modeling and
16 use at least portions of my bill in order to do that.

17 And I look forward to the testimony today. Thank
18 you.

19 MAJORITY CHAIRMAN METCALFE: Thank you,
20 Representative Gleim. And you're both welcome to join the
21 Committee up here or stay in the audience, wherever you'd
22 like to sit to be comfortable with hearing the testimony as
23 long as you're both able to join us today.

24 Our first testifier is Sarah Ryan, Stormwater
25 Program Manager from Derry Township Municipal Authority

1 testifying on behalf of PMAA, the Pennsylvania Municipal
2 Authorities Association. Thank you for joining us. And
3 before you get seated, if I could ask you when you're
4 comfortable there to raise your right hand.

5

6 [Witness sworn.]

7

8 MAJORITY CHAIRMAN METCALFE: Thank you, ma'am.
9 You can have a seat and the microphone light will be green
10 when it's on and however you want to adjust that and get
11 comfortable and you can begin when you're ready, ma'am. Is
12 the green light on?

13 MS. RYAN: There we go. Now it's on.

14 MAJORITY CHAIRMAN METCALFE: Thank you.

15 MS. RYAN: Good morning, Chairman Metcalfe and
16 Chairman Vitali and Members of the Committee. Thank you
17 for having me here.

18 My name is Sarah Ryan. I am the Stormwater
19 Program Manager for Derry Township Municipal Authority. I
20 actually have replaced Mike Callahan in December 2021. So
21 he left and is now -- has his own private business. So I'm
22 running the Derry Township's Stormwater Program.

23 I started in December 2021, so I'm still getting
24 to learn a lot about it. I've been in stormwater since --
25 for nearly eight years now. So I'm very familiar with many

1 of the issues and challenges that we've had.

2 But I'm here to tell you about Derry Township's
3 Stormwater Program. Derry Township's located -- am I able
4 to advance that or -- okay. All right. Thank you. We're
5 just -- we're about 15 miles east of Harrisburg. As you
6 can see, we were founded in 1792. We have approximately 27
7 square miles and nearly 25,000 residents in the 2020 census
8 and over 90 percent of them live in urbanized areas. We're
9 a second class township and we are an MS4.

10 The primary watersheds in Derry Township are
11 Spring Creek Watershed. It's approximately 24 square miles
12 in total drainage area and nearly 40 miles of contributing
13 stream length and it's almost entirely in Derry Township.

14 And Swatara Creek Watershed is also the larger
15 watershed that we're part of and approximately 513 square
16 miles of that watershed drains to Derry Township. So
17 that's a lot of water coming to us.

18 If you want to go ahead and switch.

19 We also are kind of uniquely shaped township
20 where the southern end or the upstream end of Spring Creek
21 Watershed which is shown here is either on steep slopes,
22 forested, agriculture, and then the urbanized areas are at
23 the toe of the slope. So that creates a challenge if we
24 are not controlling the water appropriately.

25 The -- if you want to go ahead and switch to the

1 next one.

2 So just to tell you a little more about Derry
3 Township Municipal Authority. We were formed in 1971 for
4 sanitary sewer system and wastewater management. It's a
5 seven member board appointed by the Township of Derry
6 Supervisors. And two members are Township of Derry
7 Supervisors on that board.

8 From 2016 to 2017, the stormwater management was
9 transferred from the township to the authority and we
10 implemented a stormwater fee in 2017.

11 Go ahead and switch.

12 The process of transferring stormwater to the
13 authority was done through partnerships. The township
14 supervisors identified a need for comprehensive stormwater
15 management. We -- after -- you know, Derry Township has
16 experienced some extreme flood events. I'm pretty sure
17 everyone's familiar with the Tropical Storm Lee and just
18 how intense that was. And while they -- that's the
19 exception, we are still getting very intense, quick flashy
20 storms.

21 So that we -- the supervisors decided detainment
22 was the best fit. We -- they developed a stakeholder
23 advisory committee which included public and private
24 partnerships that we could develop a fee, a credit program,
25 and implement it.

1 Go ahead and switch.

2 That stakeholder advisory committee decided they
3 wanted a more comprehensive level of maintenance which
4 would be based on both routine maintenance, as well as,
5 inspection for problem areas. We wanted to prioritize
6 planning and do phased, allocated budgets in order to
7 implement improvements.

8 So the stormwater program fee, it helps to
9 dedicate funds for stormwater management. It helps to
10 share the costs based on impervious area which is the
11 primary source of increased stormwater runoff. And the tax
12 exemption status then is not relevant. And the credits are
13 available for practices to reduce runoff.

14 So why authorities manage stormwater. A lot --
15 there's a lot of overlap between sanitary and storm sewer
16 collection system. It's the same skillset in terms of
17 inspection. It's a lot of the same equipment, so we can
18 really leverage cost savings by doing that.

19 So, you know, our crews go out -- you can go
20 ahead and skip forward.

21 You can see, you know, after storms, it's
22 important that we're cleaning out our inlets so that the
23 storm sewer system can function properly.

24 You want to go ahead and switch.

25 And then, we also have CCTB cameras that do

1 inspections. You know, this is all hidden utilities under
2 the ground. So, you know, these are running under our
3 streets and when we have holes in our storm sewer pipes,
4 that's -- that water runs through and it eats away the
5 subbase of the roads and eventually you get, you know,
6 localized sinkholes. So it's really important to stay on
7 top of the storm sewer system itself and make sure that we
8 are doing preventative maintenance so that we aren't having
9 to respond to emergencies.

10 And then we also have emergency repairs when
11 those sinkholes do open up. And that drives the cost up
12 significantly if we are not able to do that routine,
13 preventative maintenance.

14 So having dedicated funding, we have increasing
15 regulatory requirements that we need to meet. We need to
16 manage our stormwater to protect public health and safety,
17 as well as, property and maintain that system.

18 We also want to implement capital improvements.
19 Plans to address stormwater and flooding problem areas. I
20 have residents calling me regularly saying hey, this wasn't
21 like this before. I'm getting flooded so much, what can
22 you do for me? And a lot of it requires systemic issues,
23 systemic plans to be implemented to help them out.

24 So we also meet with regulatory compliance. MS4
25 has six minimum control measures that we need to meet. We

1 also need to inspect our outfalls regularly. So those,
2 just meeting that basic part of it is expensive. It takes
3 investment to just maintain our system, as well as, to
4 reach out to the public.

5 We also need to meet our pollutant reduction plan
6 goals which are above and beyond the MCM's. In 2021, we
7 spent over \$120,000 just towards those goals. We have many
8 more, much more to spend to meet them. We also have a TMDL
9 goal which is part of the tests we pay in different
10 watersheds. Fortunately, our PRP goals overlap there. We
11 also need to do annual compliance reports.

12 You may skip forward.

13 So you can see, we just have, you know, these
14 intense drainage. When we have these intense storms and it
15 comes down really fast and it really carries a lot of
16 sediment with it. So that creates problems for homeowners,
17 it creates problems for the system itself.

18 If you want to skip forward.

19 So maintain our current infrastructure. We -- my
20 township faces a lot of storm sewer structures that are
21 beyond their expected useful life. We had a lot of
22 development in the late 70's and 80's with corrugated metal
23 pipe. That's supposed to have about a 50 year lifespan and
24 well, here we are and I am inheriting a lot of storm sewer
25 systems and inlets that need to be repaired. I have

1 hundreds of thousands of linear feet of storm sewer
2 systems, hundreds of inlets that I see are crumbling. I'm
3 getting phone calls, hey, there's a little hole here. So
4 there is a lot of maintenance that needs to be done in
5 order to do it.

6 We also need -- I'm sorry. So in emergency
7 repair costs in 2021, we spent over \$175,000. So that's
8 emergency repairs. So if we can actually plan and
9 implement before we get to that emergency point, that's
10 where we will save money. And then the MP's themselves,
11 the basins, many of them are aging and need their sediment
12 removed or allied structures replaced because again, it's
13 failing.

14 Sorry, my apologies. I'm a little nervous. This
15 is my first time speaking with everyone here, so.

16 MAJORITY CHAIRMAN METCALFE: You're doing good.

17 MS. RYAN: Thank you.

18 MAJORITY CHAIRMAN METCALFE: Take your time. We
19 appreciate your testimony today.

20 MS. RYAN: Well, thank you.

21 So we also have intense storms. They increase,
22 you know, the increase in rainfall and intensity patterns
23 have changed, so we're getting different types of storms,
24 so we need to look at how we're going to address those. So
25 we might not be getting, you know, three days of rain like

1 we got with Lee, but we're getting, you know, 30 minutes
2 where it is just dumping down and it might as well be that,
3 you know, 100-year storm. So we need to look at new ways
4 of addressing that issue.

5 And again, that's, you know, public health. We
6 have, you know, I have seen motorists get stranded just
7 because it's coming down so fast, basements get flooded,
8 you know, things like that, so that is an ongoing issue.
9 And again, with Derry Township, the shape of our watershed
10 makes it especially unique and challenging.

11 And then just to help recover after those big
12 storm events. You know, there's a lot of work to do. This
13 is after Tropical Storm Lee. This is actually the clear
14 water facility where we do Derry Township wastewater
15 treatment. So, and again, that's an exceptional event, but
16 we are seeing more and more of those quick flashy storms.

17 If you want to go ahead.

18 So, when we were reviewing our needs, we have
19 over \$27 million of improvements that have been identified
20 through our planning documents. Now, some of these are
21 above and beyond, but that's a lot of money just in Derry
22 Township. We need to do condition assessments, prioritize
23 our planning, and implement these plans.

24 I, you know, many times there are a lot of plans
25 out there, but there's no money to implement them. So that

1 is definitely time again restrictive for us to do it. And
2 again, we need to rehab that system. You know, 50 years of
3 development, at some point, we need do that maintenance and
4 more at this point, I'm more reactive than I'd like be. We
5 need to be proactive and actually help do some cost savings
6 just to do that.

7 So and then systemic improvements. Like I said,
8 I have many neighborhoods that, you know, they're at the
9 toe of the slope. We had a lot of development for our
10 current regs. We also have changes in our -- where storms
11 come down, so we need to help these citizens so they're not
12 constantly getting inundated with this. You know, hey, is
13 that about to come in my basement? I mean, it's many times
14 where I get calls and they're saying hey, this is super
15 close. This is not like it used to be.

16 So dedicating stormwater funding uses. They'd
17 help us not -- they'd help us maintain our current systems,
18 implement plans to improve those problem areas and which
19 that goes to protecting public health and safety, property,
20 as well as, our streams and then meet those regulatory
21 goals.

22 Thank you.

23 MAJORITY CHAIRMAN METCALFE: Thank you very much.

24 Members with questions? None of the Members of
25 Committee are indicating they have any, but Representative

1 Gleim who joined us, she is indicating that she'd like to
2 ask a question if you have time still.

3 MS. RYAN: Of course, yeah, thank you.

4 MAJORITY CHAIRMAN METCALFE: Okay.

5 REPRESENTATIVE GLEIM: Just a really quick
6 question. Before the MS4 mandate came down, how did your
7 township pay for those type of water events before this
8 happened?

9 And then the second part of that is would you be
10 in favor of separating the pollutant reduction plan and the
11 MS4 program because they're different?

12 MS. RYAN: In terms of separating the two, I
13 don't know enough to speak to say yes or no on that, but I
14 do know one thing that would be really helpful is if we
15 could implement improvements outside the MS4 area and get
16 credit for them. Because sometimes when you in a very
17 restrictive space, it's very hard to do that. We actually
18 have -- and to some extent, we are starting to be able to
19 do that.

20 We actually have a partnership with Hummelstown
21 Borough. We're going to be doing a stream restoration on
22 -- along Bull Frog Valley Run which is on our -- is in
23 Derry Township, but because Hummelstown Borough is in a
24 very unique situation where they don't have a lot of
25 undeveloped area, they were able to create a deal to buy

1 credits. But more and more of that, we're lucky that Bull
2 Frog Valley is in the urbanized area, but some townships
3 don't have that.

4 And if you are able to, you know, implement
5 improvements upstream, that has downstream benefits. You
6 know, the more we can improve those upstream, that means
7 less and less burden downstream. So in looking at it more
8 systemically. Like hey, what does it do here? If we put
9 this improvement upstream, what does that do down here?
10 Not necessarily just focus on just the urbanized area. You
11 know, create a program where we could do some sort of
12 credit trading or something like that would be really
13 helpful.

14 But in terms of the logistics of separating them
15 or not, that -- I'm sorry, I don't know enough to really
16 speak to that.

17 REPRESENTATIVE GLEIM: Okay. And then, do you
18 know the history of how you paid for those water events
19 beforehand?

20 MS. RYAN: Oh, yes, sorry. So I know FEMA flood
21 relief money for the extreme ones. A lot of times, it was
22 the last thing though that the township was able to do.
23 So, you know, when it was an emergency, they would pay for
24 it, but like I said, I'm inheriting a lot of areas that
25 really should have been replaced a long time ago. So I'm

1 trying to kind of move forward and make up for that. And
2 moving forward, look at hey, let's do this in a systemic
3 way so that we can do, you know, economy of scale cost
4 savings. So we're not just reacting, we're actually going
5 out fixing lining, replacing before it's an emergency,
6 before I have a hole in my road.

7 MAJORITY CHAIRMAN METCALFE: Representative
8 Vitali?

9 DEMOCRATIC CHAIRMAN VITALI: Thank you. Great
10 testimony. You're doing great.

11 MS. RYAN: Thank you.

12 DEMOCRATIC CHAIRMAN VITALI: So I just wanted to
13 ask like a really basic question just kind of for the
14 benefit of people who are new to the issue.

15 One, what does MS4 mean? Two, what are broadly
16 speaking the requirements of MS2 on municipalities and
17 authorities. And three, what are its goals? What's it
18 trying to accomplish?

19 MS. RYAN: Sure. So, MS4 is Municipal Separate
20 Storm Sewer System. So that's why there's four S's there.
21 We are different than a combined sewer system. Combined
22 sewer systems, the sanitary and the storm are separate
23 until there's so much rain, then it gets pushed into the
24 sanitary system. With municipal separate storm sewer, they
25 are completely separate, they never combine and that's our

1 type of system.

2 DEMOCRATIC CHAIRMAN VITALI: The goal, the
3 requirement is to keep the two systems separate. In other
4 words, the stormwater is what goes down the drains you see
5 in the street.

6 MS. RYAN: Yes.

7 DEMOCRATIC CHAIRMAN VITALI: And then there is
8 something different which is the wastewater which is, you
9 know, comes out of your house --

10 MS. RYAN: Yeah, so that system --

11 DEMOCRATIC CHAIRMAN VITALI: -- when it's not
12 needed.

13 MS. RYAN: -- the --

14 DEMOCRATIC CHAIRMAN VITALI: And so, you need to
15 -- does this program require that those both be separate?
16 Is that what the program's about?

17 MS. RYAN: Well, that -- so that's basically the
18 structure of our collection system. So it's when our
19 township was built or over time. Sanitary system is
20 basically a closed system where it's directly connected to
21 the houses, where storm sewer systems are open, we're
22 catching the runoff and it -- pretty much typically in the
23 streets and then it goes through our storm sewer system
24 where either it's treated by our BMP's or it drains to our
25 outfalls and then ultimately into the creek without any

1 additional treatment beyond those BMP's.

2 DEMOCRATIC CHAIRMAN VITALI: And what's this
3 federal law making you -- or this federal requirement
4 making you do?

5 MS. RYAN: So the MS4 permit, it's part of the
6 MPDES Program. There's actually six MCM's. We -- the
7 first one is public education and outreach on stormwater
8 impacts. The second one is public involvement and
9 participation. The third one is elicit discharge detection
10 and elimination. The fourth one is construction site
11 stormwater runoff. Our fifth one is post-construction
12 stormwater management. And then our last one is pollution
13 prevention and good housekeeping and that's, you know, our
14 routine maintenance, making sure that we are staying on top
15 of those things.

16 So we need to basically reach out to the public
17 and educate them. And it is a very important thing if, you
18 know, I was out in a rainfall event at an intersection that
19 a resident had complained about, you know, flash flooding
20 and collecting all the time and it was dry when he was
21 showing it to me. And I just kept -- I was like how does
22 this intersection, you know, become inundated and flood?

23 So I drove out there in a -- when it was raining
24 pretty intensely and low and behold, there it was filling
25 up with water. I was like how is this possible? The storm

1 sewer inlet that was there was clogged with grass clippings
2 and it created such a mat that it couldn't drain down. And
3 so, it created this, you know, possible situation where a
4 car could totally get caught in this unnecessary flood
5 event.

6 So that's where it's really important to reach
7 out to our citizens. To reach out to our residents and let
8 them know, hey, if it's clogged, please clear this before a
9 storm event.

10 We have street sweepers. We have crews that go
11 out. We have thousands and thousands of inlets and so,
12 that's where that public involvement and education is super
13 important.

14 The elicit discharge and detection is just
15 looking for, hey, are people dumping things they shouldn't
16 be dumping?

17 Then the construction site stormwater runoff is
18 making sure that when we're undergoing construction, we're
19 reducing sediment as the ground is being torn up. And then
20 post-construction again is just making sure that they're
21 maintaining that stormwater BMP's that were part of the
22 development.

23 And then, again, the pollution prevention, good
24 housekeeping. That is making sure that our storm pipes are
25 in good system. Making sure that we aren't stockpiling

1 things in areas that can get flooded and washed away. And,
2 you know, just the basic routine of keeping people aware of
3 hey, this is an ongoing issue that we just want to make
4 sure we are maintaining things properly, preventing my
5 roads from getting sinkholes and all of that, so.

6 DEMOCRATIC CHAIRMAN VITALI: Thank you.

7 MS. RYAN: Sure.

8 MAJORITY CHAIRMAN METCALFE: So prior to the MS4,
9 it sounds like your township was already working on the
10 stormwater management.

11 MS. RYAN: So we were -- we've been in MS4. I'm
12 not sure when that term exactly came into -- I know as far
13 as the MPDS permitting program. The -- so the -- it was
14 managed by the township, but they struggled. They did not
15 have enough funds to do it. It was again, at the end of
16 the day, emergency response was their primary way of doing
17 it, unfortunately. It's the story of infrastructure in
18 America. You know, the storm sewer system --

19 MAJORITY CHAIRMAN METCALFE: So it sounds like
20 they still don't have enough funds to manage the
21 stormwater. You said you need \$27 million worth of
22 improvements --

23 MS. RYAN: There are a lot of improvements that
24 we could do. Now these are beyond just the gray
25 infrastructure. It's looking at hey, how can we do the

1 things that would help prevent the downstream flooding?
2 How can we, you know, do things like reconnect a stream to
3 the floodplain that helps slow down and helps water
4 upstream and downstream. Things like that.

5 Because right now, we have a lot of really
6 incised streams so, you know, it's a very steep channel.
7 And what happens when that stream is really steep, that
8 water doesn't have anywhere to go, so it just builds and
9 builds and builds until it finally overtops. But if you're
10 reconnected to the floodplain wherever you can be, that
11 water spills over and slows down much quicker.

12 So, you know, looking at implementing things like
13 that, you know, restoring our streams so that they are
14 healthy and reconnected to the floodplain wherever they can
15 be, actually provides huge flood relief downstream and
16 upstream.

17 MAJORITY CHAIRMAN METCALFE: So is the \$27
18 million, does that include mandates from --

19 MS. RYAN: That --

20 MAJORITY CHAIRMAN METCALFE: -- the DEP and the
21 EPA and MS4?

22 MS. RYAN: So that was a review of all the
23 planning documents that are out there. Stormwater has a
24 lot of water, like watershed planning. You know, you can
25 look and there are documents and documents. The money to

1 implement them just isn't there. So that includes things
2 like upsizing culverts. You know, we have a Norfolk
3 Southern Railroad that runs --

4 MAJORITY CHAIRMAN METCALFE: But more
5 specifically is it -- does this include requirements from
6 MS4 --

7 MS. RYAN: Yes, that would be --

8 MAJORITY CHAIRMAN METCALFE: -- from the feds and
9 --

10 MS. RYAN: Yes.

11 MAJORITY CHAIRMAN METCALFE: -- DEP?

12 MS. RYAN: That is part of that, yes.

13 MAJORITY CHAIRMAN METCALFE: So do you know what
14 component of this you wouldn't be doing without the mandate
15 to be able to address the needs of the township as the
16 township sees them?

17 MS. RYAN: We would probably without the mandate
18 or without --

19 MAJORITY CHAIRMAN METCALFE: Without the mandate.

20 MS. RYAN: Which mandate?

21 MAJORITY CHAIRMAN METCALFE: I assume Derry
22 Township and you as their representative dealing with
23 stormwater want what's best for the township without the
24 mandate. So if you --

25 MS. RYAN: Yes, definitely.

1 MAJORITY CHAIRMAN METCALFE: -- just have the
2 mandate --

3 MS. RYAN: Yeah, definitely.

4 MAJORITY CHAIRMAN METCALFE: -- in place --

5 MS. RYAN: And that's one of the things that, you
6 know, I like about [inaudible]. We really want to do
7 what's best for our residents and do it right, almost
8 regardless of that part of it. But that's -- I'm, you
9 know, very fortunate to work with a group of people that,
10 you know, see the benefit and actual long-term cost savings
11 by --

12 MAJORITY CHAIRMAN METCALFE: So do you --

13 MS. RYAN: -- implementing these changes.

14 MAJORITY CHAIRMAN METCALFE: -- know what
15 component of the 27 million is being put into the -- or
16 being put into this assessment to comply with the mandate
17 outside of what you would normally do to do what's in the
18 best interest of the township stormwater management?

19 MS. RYAN: I'm sorry, no, I do not know --

20 MAJORITY CHAIRMAN METCALFE: Okay.

21 MS. RYAN: -- specifically. I do know what I am
22 spending on our PRP budget for this round. We are looking
23 at almost \$2 million in improvements in term to meet it.

24 Now, we chose to do stream restorations. There
25 are different ways to do things, so we were looking at

1 stream restorations as a more holistic way to help because
2 we do experience that in those intense, you know, short-
3 term flood events where they might not be, you know,
4 disaster level flood events, but it's really intense,
5 really quickly.

6 MAJORITY CHAIRMAN METCALFE: Great.

7 MS. RYAN: All right.

8 MAJORITY CHAIRMAN METCALFE: Thank you.

9 MS. RYAN: Thank you.

10 MAJORITY CHAIRMAN METCALFE: You did a great job
11 testifying.

12 MS. RYAN: Thank you.

13 MAJORITY CHAIRMAN METCALFE: No reason to be
14 nervous. We appreciate you joining us today --

15 MS. RYAN: Thank you so much.

16 MAJORITY CHAIRMAN METCALFE: -- and appreciate
17 you sharing your expertise and the projects that you've
18 been working on. Thank you very much.

19 Our next presenter is Mr. Ben Webber, Lancaster
20 Township Engineer, Lancaster County on behalf of PSATS,
21 Pennsylvania State Association of Township Supervisors.
22 You can raise your right hand when you get ready there,
23 sir.

24

25 [Witness Sworn]

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MAJORITY CHAIRMAN METCALFE: Thank you, sir. You can have a seat, get comfortable, and make sure the green light's on on the microphone and you can begin when you're ready, sir.

MR. WEBBER: Good morning, Chairman Metcalfe, Chairman Vitali, and Members of the House Environmental Resources & Energy Committee.

My name is Ben Webber and I am the Township Engineer for the Lancaster Township, Lancaster County and I'm testifying on behalf of the Pennsylvania State Association of Township Supervisors, PSATS.

Thank you for allowing me the opportunity to present remarks on behalf of our association.

PSATS represents Pennsylvania's 1,454 townships of the second class and is committed to preserving and strengthening township government and securing greater visibility and involvement for townships in the state and federal political arenas.

Townships of the second class cover 95 percent of Pennsylvania's land mass and represent more residents, 5.7 million Pennsylvanian's, than any other type of political subdivision in the Commonwealth.

Under United States Pennsylvania Protection Agency Regulations, municipal separate storm sewer system

1 permittees are responsible for reducing the quantity and
2 improving the quality of stormwater discharge.

3 Currently, these regulations are under the
4 enforcement of the Pennsylvania DEP. For municipalities
5 subject to these provisions, it is the most expensive
6 unfunded mandate that we have ever faced and will cost
7 billions statewide.

8 Lancaster County has been determined to be the
9 largest single county contributor of pollutants to the
10 Chesapeake Bay. In the heart of Lancaster County,
11 Lancaster Township is fortunate to be a growing community
12 of more than 18,000 residents, but we also work diligently
13 every day to keep up with aging infrastructure and legacy
14 land uses.

15 We were fortunate just a few years ago to be the
16 recipient of a \$200,000 grant from DEP for installation of
17 a substantial BMP. The grant alone wasn't sufficient to
18 pay for the entire project, but it did jumpstart an
19 extraordinary collaboration with the apartment complex
20 owner, the City of Lancaster, the School District of
21 Lancaster, the Lancaster County Conservation District, and
22 our own Public Works Department all banding together to fix
23 something gone wrong, improve it, reestablish a pedestrian
24 walkway to the adjacent elementary school, and eliminate a
25 significant source of sediment to the Conestoga River.

1 This project alone reduced sediment loading enough to meet
2 our 10 percent reduction goal.

3 Earlier this year, our township was subject to an
4 EPA audit of our MS4 program. The audit came out of the
5 blue with a contact from the EPA's consultant out of
6 Colorado. They scheduled a three-day online conference
7 with me and other township officials in addition to a one-
8 day field inspection. We were required to supply certain
9 records by a given date which we were able to do. We also
10 offered a self-evaluation of what we've accomplished and
11 what we haven't yet been able to do.

12 The field inspection included tour of an NPDSBMP
13 facility to show that it was being properly inspected and
14 maintained and to several regulated outfalls where we're
15 required to do screening. The day ended with a tour of our
16 public works campus.

17 The EPA inspectors made several suggestions and
18 offered opinions about where we were not in compliance with
19 the permit requirements. We agreed with some suggestions
20 and pointed out an understanding of our permit requirements
21 that in some cases may be different from MS4 requirements
22 in other states.

23 Last month, EPA issued a report and allowed us
24 the opportunity to provide supplemental information by a
25 certain date in June. Due to our summer workload, we asked

1 for an extension which was granted and we now have until
2 the end of July to respond.

3 Since the audit, the township has moved forward
4 with making improvements to our plan and implementation.
5 We're on track for completing various components and making
6 improvements to our stormwater management plan. That's
7 committed to EPA for completion by the end of this calendar
8 year.

9 PSATS in many of its member townships would like
10 to see additional guidance from DEP on how to demonstrate
11 compliance with various minimum control measures, the
12 MCM's. DEP has taken steps in this direction, including
13 for MCM's 1 and 2, but more guidance of a technical nature
14 is needed. This could include an inspection protocol to
15 help townships demonstrate compliance, including that the
16 BMP's that we have implemented are working as intended.
17 Pre-audit training would also be helpful.

18 Funding continues to be a challenge for this
19 mandate. PSATS appreciates that the state has provided
20 townships of the second class with the option to levy
21 dedicated fees to pay for stormwater facilities and their
22 maintenance through a stormwater authority or directly by
23 the township.

24 In addition, the American Rescue Funds received
25 by all municipalities are being leverage by many MS4

1 communities to help complete required projects. While not
2 recurring, they can certainly help with the township's
3 requirements during the current permit cycle.

4 House Bill 2153 would direct 300 million from the
5 American Rescue Plan Act to assist communities with MS4
6 compliance. PSATS supports any financial assistance that
7 the state or federal government provides to offset the
8 costs of this expensive unfunded mandate.

9 In the case of House Bill 2153, state direction
10 of federal funds to help with this mandate is particularly
11 appropriate and PSATS urges the state to use those funds in
12 such a manner as to provide the best long-term investment
13 for the Commonwealth. Investments in projects and
14 facilities that would provide cleaner water to
15 Pennsylvanian's would seem to be an appropriate use of
16 these funds.

17 House Bill 2331 would authorize municipalities to
18 supply test results to DEP to improve MS4 models. While we
19 all appreciate this option, we also realize that
20 variability in the background and water table levels could
21 provide results that could show more rather than less
22 pollution. As drafted, the bill appears to impact only
23 counties with very few MS4's which could limit its impact.

24 We understand that there are many concerns with
25 the models. And models are dependent on data. There needs

1 to be sufficient stream monitoring with comprehensive,
2 cohesive, and consistent testing to provide data for the
3 model. Then the models could be checks for accuracy and
4 adjusted as needed.

5 In the most recent permits, MS4 communities in
6 the Chesapeake Bay Watershed were required to develop and
7 implement a pollutant reduction plan to reduce sediment
8 discharge by 10 percent over the next five years. DEP's
9 draft watershed implementation plan indicates that MS4
10 municipalities in the Chesapeake Bay Watershed will spend
11 \$74 million annually to meet their current permit
12 requirements which is projected to amount to less than 1
13 percent of the needed reduction in the state's nitrogen
14 goal and less than 2 percent of the state's phosphorus
15 goal.

16 All of us hope that these expenditures and
17 efforts can be focused on more cost effective means of
18 achieving these reductions. Short-term history is showing
19 us the huge amounts of public resources are being spent for
20 miniscule improvements and even those can be washed away in
21 the next flood.

22 PSATS continues to support a flexible menu of
23 cost effective options to maximize the reduction in
24 pollutants and sediment in the state's waterways that
25 doesn't bankrupt communities or shutdown economic growth.

1 This menu should allow municipalities to work together
2 creatively to share the burden of compliance.

3 Regulators should consider partnering with non-
4 point source sources like nutrient credit trading with
5 farmers who might implement no till farming or other
6 techniques that could reduce pollutants beyond what is
7 required of their conservation plans. If developed as an
8 option with the input and support of the regulated and
9 farming communities, this could provide a greater pollutant
10 reduction at a fraction of the cost.

11 Such options could provide an equitable and more
12 proportional allocation of the responsibility for reducing
13 discharges between point and non-point sources with the
14 funding needed to implement those reductions.

15 The association also suggests that the timeframe
16 for completion of this unfunded mandate should be extended
17 and that the pollution reduction targets be lowered. DEP
18 should amend it's regulations to streamline stormwater
19 permitting for local governments by considering existing
20 conditions of a project and cost and exempt local
21 governments from the fees related to stormwater permits.

22 Thank you for this opportunity to appear before
23 you. I'd be delighted for any questions and will do my
24 utmost to answer them as best as I can.

25 MAJORITY CHAIRMAN METCALFE: Thank you, sir.

1 Questions? Representative Bud Cook.

2 REPRESENTATIVE COOK: [inaudible - no audio]

3 MR. WEBBER: I believe that the cost is initially
4 fairly significant. It's a shock to many municipalities.
5 I would also agree that it's probably going to stabilize as
6 certain programs get in place and training and the systemic
7 improvements as Ms. Ryan pointed out. As those systems
8 come into place, there would be some stabilization.

9 However, some of the unknowns that we don't have
10 answers to are the actual model requirements. There's a
11 large cast system, the cast model that we all have heard
12 about that would drive what the future requirements would
13 be. So we just don't know how high the lift is going to
14 be. How big the ask would be. So it's difficult to
15 predict if it's going to be a continued increase over time
16 or if it will remain stable.

17 REPRESENTATIVE COOK: [inaudible - no audio].

18 MAJORITY CHAIRMAN METCALFE: Representative Cook,
19 you need a microphone, sir.

20 REPRESENTATIVE COOK: With what we know today,
21 and I understand this is a guesstimation at best, do we
22 have a time period on what we know that we may achieve
23 stabilization?

24 MR. WEBBER: No, sir, I don't believe we do have
25 a timeframe.

1 REPRESENTATIVE COOK: Thank you.

2 MAJORITY CHAIRMAN METCALFE: Representative

3 Vitali?

4 DEMOCRATIC CHAIRMAN VITALI: Oh, thank you.

5 It might be a little bit of a tricky question.

6 So we have before us House Bill 2153 which diverts \$300
7 million to these projects. But I created a cheat sheet of
8 some of the other bills out there with similar goals.

9 There's House Bill 2020 and Senate Bill 525 which
10 diverts \$500 million to among many other things, MS4
11 funding. And then you have the Hershey Bill 1901 and
12 Senate Bill 832 which also diverts money to MS4. And then
13 there is the Quinn Bill, I can get that number somewhere
14 around here, that also diverts, it contemplates -- it's
15 1239. That there's a \$315 million investment which also
16 mentions MS4 plans.

17 I mean, do you have -- there's a lot -- there's a
18 number of bills out there with related goals. And I'm just
19 wondering, does your association have any preferences or do
20 you like one approach versus the other or maybe I'm not
21 asking the right person the --

22 MR. WEBBER: I think that's correct. I'm the
23 Township Engineer for just Lancaster Township.

24 REPRESENTATIVE COOK: Right.

25 MR. WEBBER: And other representatives from PSATS

1 who have studied those other bills would probably be better
2 able to answer the question, I'm afraid I can't.

3 REPRESENTATIVE COOK: No problem. Thank you.

4 And incidentally, I was in Lancaster City years
5 ago getting a tour of some of the things you're doing with
6 regard to MS4 and, you know, mitigating runoff and all the
7 rest, and I was very impressed and you guys seem like
8 you're doing a nice job.

9 MR. WEBBER: The green infrastructure plan, yes,
10 sir. It's very exciting. I'm -- we work with the city as
11 often as we can and I've great admiration for everything
12 the city officials are working on.

13 REPRESENTATIVE COOK: Yeah. They seem like they
14 have their act together.

15 Thank you.

16 MAJORITY CHAIRMAN METCALFE: Representative
17 Vitali, you need to turn you microphone off, please.

18 So at the end of your testimony, you had
19 mentioned that PSATS continues to support a flexible menu
20 of cost effective options to maximize the reductions in
21 pollutants and sediment in the state's waterways that
22 doesn't bankrupt communities or shutdown economic growth.

23 So, I mean, that statement essentially saying
24 that this MS4 is very expensive, very little return, and
25 that you haven't found that there is anybody that's working

1 with you in a flexible way is kind of surprising that
2 somebody from Colorado from the EPA is coming in to
3 evaluate what's happening in Pennsylvania. I thought they
4 would have had somebody closer.

5 I know we, in fact, had oh, one of the folks from
6 the EPA come in and meet as Cosmo Servidal, Devidio
7 [phonetic] had come in from the EPA back in 2019 to meet
8 with myself and some of my colleagues had concerns over
9 what was going on and how DEP was implementing it. And you
10 had mentioned that you could use more guidance from the
11 DEP, especially related to audits and that sort of thing.

12 So the EPA evaluation was a surprise based on
13 your testimony. And you obviously didn't receive any real
14 good direction from DEP on what to expect with an EPA
15 evaluation of your system and with your compliance.

16 MR. WEBBER: That's correct in short. The -- we
17 knew the EPA audits and inspections are to be expected.
18 That they will come whenever they come. We had a DEP
19 inspection roughly seven years ago, so we knew that it was
20 possible there would be another one that would come. But
21 we hadn't heard any announcement that more of these
22 inspections were coming in the short-term, so it was a
23 surprise.

24 They -- we had heard that EPA had been using --
25 I'm sorry, we learned that EPA had been using a consultant

1 or a team of consultants in other areas, so it's just a
2 matter of cost, I suppose of which ones that they would use
3 whether out of Colorado or Pennsylvania. It probably would
4 have been better to --

5 MAJORITY CHAIRMAN METCALFE: So are these EPA
6 staff or were they contracted --

7 MR. WEBBER: There --

8 MAJORITY CHAIRMAN METCALFE: -- from EPA?

9 MR. WEBBER: -- were several EPA employees that
10 were involved in the audit, but we were initially contacted
11 by the consultant out of Colorado.

12 MAJORITY CHAIRMAN METCALFE: Well, thank you for
13 your testimony today. We appreciate your joining us.

14 MR. WEBBER: Yes, sir.

15 MAJORITY CHAIRMAN METCALFE: Have a great day.

16 Our next testifier is Leigh Ann Urban, Council
17 Member from Marysville Borough. I understand that she is
18 also a constituent of Representative Stambaugh. Thank you,
19 ma'am. And before you -- I should have said before you get
20 seated, if I could ask you to raise your right hand. Thank
21 you very much.

22

23 [Witness Sworn]

24

25 MAJORITY CHAIRMAN METCALFE: Thank you very much.

1 And as you get settled in there, the green light will be on
2 as you have it there. It should -- the microphone should
3 be on and you can start when you're ready, ma'am. Thank
4 you for joining us today.

5 MS. URBAN: Thank you to the Committee and to the
6 Chairman for allowing me to be here this morning. And
7 thank you to Representative Perry Stambaugh for the
8 invitation to speak. Thank you to David McGee, Charles
9 Wentzel, fellow members of Marysville Council who are here
10 also with me this morning.

11 My name is Leigh Ann Urban. I serve as a member
12 of Marysville Council and I serve as the Chair of the newly
13 formed MS4 Commission in the borough.

14 I was appointed to Marysville Council, Borough
15 Council --

16 MAJORITY CHAIRMAN METCALFE: If you could maybe
17 just pull the microphone a little bit closer to you, I
18 think it will pickup. The green light looks to be on from
19 where I'm sitting.

20 MS. URBAN: Is that better?

21 MAJORITY CHAIRMAN METCALFE: Yes, ma'am. Thank
22 you.

23 MS. URBAN: I was appointed to Marysville Borough
24 Council on a Monday night in March of 2021. There was a
25 vacancy due to a recent resignation. At that meeting, I

1 was asked if I was going to run for council. Little did I
2 know the very next day petitions were due at the county to
3 be on the ballot. I had originally said no, but with some
4 coaxing, that no turned into a yes. And with some hard
5 work going door-to-door and two long 13-hour election days,
6 one year later, I had my very own seat on the council. So,
7 my time on council has been brief. I'm learning that local
8 government is not for the faint of heart.

9 In addition to serving on borough council, I
10 serve as the communications manager for Lower Paxton
11 Township which is the largest municipality in Dauphin
12 County with 53,000 residents. So I know firsthand the day-
13 to-day challenges that municipalities face with funding,
14 regulations, staffing issues, and the struggle to
15 communicate with residents.

16 I'm here to express my concern. Concern for the
17 future of municipalities impacted by MS4 regulations.

18 As the communications manager for Lower Paxton
19 Township, I joined the Marysville Borough Council armed
20 with an extensive knowledge of MS4. At the township, I was
21 responsible for the public rollout of their stormwater fee
22 in 2019. From working with consultants on the original
23 impervious coverage studies, to the public meetings, to the
24 negative press responses, to the nine months of public
25 communication pieces that were created and pushed out prior

1 to their fee implementation, I was on the ground level
2 learning, interacting with engineers, and gaining knowledge
3 about MS4.

4 I recognize my experience with MS4 sets me apart
5 from my fellow council members at Marysville. And I feel
6 fortunate that my time at the township has exposed me so
7 immensely to garner such knowledge, but I -- because I
8 think it helps me in my role at the borough. But it
9 reminds me how challenging regulations like this are and
10 can be for small municipalities who just don't have the
11 manpower, nor the time, nor the funding to meet such
12 regulations.

13 To my knowledge currently, the Borough of
14 Marysville is the only municipality in Perry County that
15 must comply with the unfunded MS4 mandate which is pretty
16 hard to justify to our 2,500 residents.

17 I should note, the borough spent nearly \$8
18 million for its sewer and storm separation project.

19 Marysville entered into its MPDS permit in 2017.
20 It is now 2022 and only one project from our pollutant
21 reduction plan has been completed. I'm not trying to place
22 blame or callout staff our council, but what's the story?
23 What's taking so long?

24 When I joined council, that was one of my first
25 questions. Well, Marysville had an office staff of two; a

1 borough manager and a financial secretary. We have two
2 people that work in our public works crew. We have two
3 people that work in our wastewater treatment plant. And we
4 have a two-man police department. Our engineer is
5 outsourced and contracted through Pinone Engineering. Five
6 out of seven of our council members work full-time and yet
7 some play a very major role in the day-to-day operations of
8 the borough.

9 So while the borough has complied with creating a
10 PRP plan, starting the actual projects has been much more
11 difficult.

12 From my perspective, if a municipality of 53,000
13 people struggled through the process with several staff
14 members, plus outside paid consultants committed to the
15 progression, imagine how hard it is for the Borough of
16 Marysville with a staff of two.

17 If you review our pollutant reduction plan, you
18 will find that the project that would satisfy the majority
19 of our requirement is not on borough property, nor on a
20 property that was easy to get access to. It's on a non-
21 profit's land, the Lion's Club, known as Lion's Club Park.

22 Ironing out a lease with the Lion's Club took the
23 work of several council members, multiple Lion's Club
24 members, and over half a year of back-and-forth
25 negotiations. All that work, all those man hours were just

1 to get an easement to get to some fields and a pond. With
2 those fields and that pond, will help the borough meet 65
3 to 70 percent of its MS4 requirement.

4 So while it may seem simple to review a pollutant
5 reduction plan and approve it as it crosses someone's desk
6 at DEP, there are many more steps behind the scenes that
7 must take place.

8 In Marysville's case, those steps took many hours
9 and many people's time and energy and we haven't even
10 scratched the surface yet. How are we going to pay for it?

11 Last fall, we formed an MS4 commission. The
12 commission is a recommending body tasked with coming up
13 with a way to pay for the borough's MS4 projects, as well
14 as, assisting with the public outreach.

15 Just like with the Lion's Club lease, the
16 commission has gone back-and-forth for months on the best
17 way to come up with the money to pay for the unfunded MS4
18 requirements. The projects listed in the current PRP will
19 cost \$1 million. And while that may not sound like much,
20 it is for a borough who's general fund annual budget is
21 roughly \$1.1 million.

22 We have a portion of our population who is a
23 lower -- who is lower income. And our council members must
24 constantly think about what an additional fee would do to
25 their households. At our monthly meetings, we discuss

1 grants, loans, and potential fee structures, but it's
2 daunting.

3 I believe by gathering data and input from all
4 these impacted municipalities, Representative Boback's bill
5 could have a huge impact on places like Marysville and can
6 greatly assist councils like mine who continue to struggle
7 to decide how to come up with the funds to complete the
8 projects necessary to meet the MS4 requirements.

9 As I mentioned before, the borough permitting
10 cycle is 2017 to 2023 and our deadline is quickly
11 approaching. We've become more and more overwhelmed
12 wondering what is coming next. Will there be another five-
13 year permit? Is this a never-ending cycle? With such a
14 short window of time to navigate these everchanging rules
15 and regulations and limited communication from DEP about
16 what's to come next, it makes it very challenging for me
17 and my fellow council members to plan for the future.

18 The MS4 commission has spent many long evenings
19 deliberating about the funding stream and begin to roll out
20 our plan, we still have no guidance on what to tell our
21 residents about the future. We have one pond, one stream,
22 and two basins. What are we supposed to reduce next and
23 when will we know? Our permit expires in a year. Is this
24 unfunded mandate here forever? I sure hope not.

25 Thank you for your time and your efforts and your

1 commitment to the people of this Commonwealth.

2 MAJORITY CHAIRMAN METCALFE: Thank you.

3 As I'm reading this and I'm thinking about how
4 your council members, you, how your constituents might be
5 looking at this, if I lived in your borough, I would
6 probably be thinking to myself, so what if we can't pay?
7 What if we can't do this? Are they going to dissolve our
8 borough? Are they going to takeover our homes? I mean,
9 are they going to bring the National Guard in? I mean,
10 what's the threat? I mean DEP don't even communicate with
11 you --

12 MS. URBAN: Right.

13 MAJORITY CHAIRMAN METCALFE: -- as far as what's
14 coming next, so what in the world do they think they're
15 going to do to you if you don't comply?

16 And I know from hearing from one of my
17 colleagues, Representative Moul, I think he's had some
18 municipalities in his district that have rebelled against
19 some of the MS4 actions. I think Representative Schemel
20 has a similar situation with one of his municipalities that
21 is facing a doubling of their budget based on the
22 requirements.

23 So have they, I mean, what's their enforcement
24 mechanism? I mean, so they don't grant you a permit. Are
25 you going to stop, you know, are you going to stop actually

1 dealing with the issues a township has to under those
2 permits or --

3 MS. URBAN: So I think that's the struggle is
4 that we communicate through our engineer to DEP and every
5 time our engineer reaches out, there's a lack of
6 communication saying what's coming next. Do we get an
7 extension on our permit if we haven't completed the
8 projects? There's no response of what's going to happen.
9 We don't know.

10 So we're working hard to try and get our projects
11 completed that are listed in our PRP for this five-year
12 process, but we don't know. And --

13 MAJORITY CHAIRMAN METCALFE: And it seems as I'm
14 --

15 MS. URBAN: -- does it keep continuing?

16 MAJORITY CHAIRMAN METCALFE: Right. As I'm
17 listening to your testimony and I'm thinking to myself
18 well, for DEP not to communicate and to have municipalities
19 across the state under these threats of -- you don't even
20 know what the threat is.

21 MS. URBAN: Right.

22 MAJORITY CHAIRMAN METCALFE: It's like we have a
23 permit that's coming to an end, what's going to happen?

24 MS. URBAN: Right.

25 MAJORITY CHAIRMAN METCALFE: Well, we don't know

1 because they won't tell us.

2 MS. URBAN: Right.

3 MAJORITY CHAIRMAN METCALFE: And I think they're
4 actually banking on the fact that people will be committed
5 to trying to do the right thing and scrambling to do
6 whatever they can do.

7 MS. URBAN: Right.

8 MAJORITY CHAIRMAN METCALFE: With no regard for
9 the impact it's having on the people that actually you are
10 representing day-to-day that can't afford these huge
11 increases.

12

13 [Phone rings]

14

15 MAJORITY CHAIRMAN METCALFE: Too many spam calls.
16 Apologize for that. But thank you for your testimony
17 today, we really appreciate it.

18 Members with questions? Representative Vitali.

19 DEMOCRATIC CHAIRMAN VITALI: Yeah. Thank you for
20 your testimony.

21 I'll just be frank, I know nothing about
22 Marysville or the larger community, but, you know, when I
23 hear a community of the 2,500 people, you know, it just
24 seems like it's tough. I just know my township, my area, I
25 have a 50,000 person municipality, but there are tiny

1 boroughs and it's very tough in these tiny little boroughs
2 to capture the economies of scale for many things, you
3 know, police forces and, you know, on, and on, and on.

4 So when I hear what you're saying, I'm thinking
5 does this MS4 program allow you to enter into some inter-
6 governmental cooperation agreement so that what you do can
7 be viewed in the larger context of the larger region so
8 that you can capture some economies of scale. You can
9 address it in a broader sense which might make the
10 requirements a little more reasonable.

11 In other words, is it possible to have the DEP
12 and the EPA do the larger region as a whole to see that
13 there's the necessary cooperation in stormwater -- you know
14 where I'm getting at?

15 MS. URBAN: I do. And I would hope so, but
16 because we are the only municipality right now in our
17 county that's been charged with that, I'd love to see our
18 neighbors if they were tasked with it, that we would work
19 together, that would be great. But because we're the only
20 ones in Perry that are working on it, there can't be a
21 cooperative effort with anybody else and cost savings
22 because we're the only ones doing it.

23 DEMOCRATIC CHAIRMAN VITALI: Well, I mean, so the
24 larger county you're in can't --

25 MS. URBAN: We're the only ones.

1 DEMOCRATIC CHAIRMAN VITALI: -- aren't they
2 required under the MS4 to --

3 MS. URBAN: They're giving us -- they're helping
4 out with some funding, but they can't --

5 DEMOCRATIC CHAIRMAN VITALI: But they're not
6 required to --

7 MS. URBAN: It's a large rural area and we're the
8 only ones been identified as urbanized for --

9 DEMOCRATIC CHAIRMAN VITALI: Understood.

10 MS. URBAN: -- this mandate.

11 DEMOCRATIC CHAIRMAN VITALI: Okay.

12 MS. URBAN: Yeah.

13 DEMOCRATIC CHAIRMAN VITALI: Okay. Thank you.

14 MAJORITY CHAIRMAN METCALFE: Does your county
15 have more than one light, one traffic light? It only has
16 one traffic light, right? So to help Representative Vitali
17 understand what kind of county -- two, there's two?

18 MS. URBAN: Two?

19 MAJORITY CHAIRMAN METCALFE: There's two.

20 REPRESENTATIVE STAMBAUGH: There's two now, Mr.
21 Chairman.

22 MS. URBAN: Did we add a second one? Okay.

23 REPRESENTATIVE STAMBAUGH: We have two now.

24 MAJORITY CHAIRMAN METCALFE: Okay.

25 MS. URBAN: Sorry.

1 MAJORITY CHAIRMAN METCALFE: I should have asked
2 Representative Stambaugh. It's his county.

3 MS. URBAN: Sorry, I didn't realize we added a
4 second one.

5 MAJORITY CHAIRMAN METCALFE: So two -- and
6 there's other counties around the state that have, you
7 know, it's mostly rural areas. And I think Forest County
8 is another one that's a very rural area. I remember when I
9 ran for Lieutenant Governor being through Forest County and
10 it was hard to find an intersection you could put a sign
11 at. I think most their population is from the prison
12 that's in Forest County. But in addition to that, they
13 have the bears and the deer which people like to go harvest
14 occasionally.

15 But thank you for your testimony today.
16 Representative Bud Cook would have a question for you
17 before we finish up with you.

18 REPRESENTATIVE COOK: Yeah, yes, and I appreciate
19 your testimony. You probably won't be able to answer this.

20 You know, as a representative, most of my
21 constituents are back to work, they're back in their
22 office, they're present and accounted for. Does anyone
23 here know whether the DEP is back in their office yet?

24 MAJORITY CHAIRMAN METCALFE: Well, I don't think
25 she was the right person to ask that question of,

1 Representative Cook.

2 MS. URBAN: I would go with no.

3 REPRESENTATIVE COOK: Well, I would really like
4 to know that, Mr. Chairman. I've been serving on this
5 Committee now for almost two years and DEP seems to be MIA
6 when it comes to this Committee and the input. And I can
7 tell you, my constituents in Southwestern Pennsylvania are
8 -- have had about enough and they better start showing up.

9 Appreciate it, Mr. Chairman.

10 MAJORITY CHAIRMAN METCALFE: Thank you,
11 Representative Bud Cook.

12 Any other questions for this testifier?
13 Representative Stambaugh, do you have any questions for
14 your constituent?

15 REPRESENTATIVE STAMBAUGH: Nope. I think you've
16 identified the big issue which is nobody knows where this
17 is going. I mean, at the end of the day, we don't know if
18 this is a five-year period.

19 I mean, my whole issue with the Chesapeake Bay
20 funding and, you know, the requirements with it is that,
21 you know, a lot of these issues came out 35 years ago and
22 we still don't have a handle on what the real problem is in
23 this state, where the biggest impact could be made on
24 reduction, and how that can be accomplished and the data
25 keeps changing every day. And a lot of it is because our

1 testing becomes better so, you know, the portion per
2 billion of, you know, pollutants in water, you know, always
3 increases, but the pollution problem really isn't getting
4 any worse. In many ways, it's just getting better. We can
5 just, you know, granularly sort of find out, you know, more
6 of the problem.

7 Anyway, I appreciate you coming in and --

8 MS. URBAN: Thank you.

9 REPRESENTATIVE STAMBAUGH: -- talking to us
10 because you're a very unique situation. You know, you're a
11 small borough in a small, rural county with no other, you
12 know, municipalities nearby that are, you know, required by
13 this. You'd have to reach across the river which is not
14 going to happen for assistance.

15 So thank you. Thank you for being here.

16 MAJORITY CHAIRMAN METCALFE: And I appreciate you
17 being able to share, you know, from your daytime job in
18 addition to your extracurricular activity as a council
19 member that you had a working understanding and experience
20 with MS4. So that's valuable to the Committee that you're
21 able to speak from both vantage points. We appreciate
22 that. Thank you, ma'am. Have a great day. You did a good
23 job. I appreciate it.

24 We had worked on this issue while I was still
25 Chairman of the State Government Committee. We actually

1 had moved House Resolution 284 which was authored by
2 Representative Moul back in June of 2017, so about a year
3 ago, it was June 7 of 2017 and we moved his resolution
4 asking Congress to repeal the MS4 mandate. That was five
5 years ago. It's still an issue.

6 It's been an issue that I've, as I said, I've had
7 the EPA folks in my office in the past meeting with
8 concerned members. We had a joint public hearing with a
9 local government committee back in '19 on the MS4
10 requirements. In November was when I had the meeting with
11 the APA folks of that year. And then we were doing, we
12 were having follow-up communications with the EPA and with
13 them with us afterwards.

14 Just in April of '20, we sent two letters, one to
15 the President, one to President Trump and the EPA and the
16 other to Congress calling for a moratorium on the MS4
17 requirements due to the economic impacts of COVID.

18 So we -- and we've really been working still even
19 after that to try and receive some direction from the EPA
20 as far as what's happening with the DEP because in behind
21 doors conversations, we were led to believe that there were
22 things that could be done and should be done and the DEP
23 was not doing them. But we were trying to get the EPA to
24 come out and actually put what they were telling us behind
25 closed doors in writing and we never received a

1 satisfactory communication to be able to go public with
2 that information.

3 But in either instance, I think what we're
4 hearing today from some of our testimony is that the DEP is
5 not communicating what could or should be done in an
6 effective way that's actually helpful to our citizens.

7 Our next presenter, next testifier is Mr. Charles
8 Brown, President with CW Brown Consulting Group and also
9 Mr. Rick Caranfa, Vice President, Akens Engineering
10 Associates. Gentlemen, thank you for being here. I hope I
11 didn't mess your name up too much there. And if you can
12 both raise your right hand.

13

14 [Witness Sworn]

15

16 MAJORITY CHAIRMAN METCALFE: Thank you, both.
17 And you can make yourselves comfortable.

18 We have Mr. Brown listed first, so if you can
19 start off, sir, and then you can pass the baton and we'll
20 enjoy both of your testimony prior to engaging with any
21 Q&A, if that's good. Thank you. Good morning.

22 MR. BROWN: My name's Charles Brown --

23 MAJORITY CHAIRMAN METCALFE: Is the green light
24 on?

25 MR. BROWN: It is.

1 MAJORITY CHAIRMAN METCALFE: Great. If you can
2 hit the button there. Sometimes it looks like it's on, but
3 it's not.

4 MR. BROWN: Okay.

5 MAJORITY CHAIRMAN METCALFE: There we go. Thank
6 you.

7 MR. BROWN: My name is Charles Brown. In 2001, I
8 graduated with a Master's Degree in Geo Environmental
9 Sciences. I am currently the President of CW Brown
10 Consulting Group.

11 To give a brief background about myself, I have
12 spent the last 20 years performing a variety of
13 hydrogeologic assessments. This involves analyzing and
14 modeling the interaction between the subsurface geology and
15 the surface and groundwater.

16 I have located, tested, and permitted a variety
17 of public water supply wells for boroughs, resorts, and
18 hospitals. I have also designed irrigation systems for
19 golf courses, developed monitoring networks, and assessed
20 the hydrogeologic conditions for landfills.

21 In addition, I have delineated contaminate plumes
22 and designed systems to treat groundwater and restore
23 aquifers.

24 Over the last ten years, I have been focused
25 mainly on large non-coalmining. Specifically, performing

1 hydrogeologic studies that analyze the impacts of mining.

2 To give a background of that. These mines are
3 primarily extracting limestone and dolomite for the
4 production of aggregate concrete and asphalt. These mines
5 are very large and deep, some are 1,000 acres and extend in
6 excess of 500 feet deep.

7 For mining activities to occur, the area needs to
8 be dewatered. This dewatering not only removes the water
9 from the footprint of the mine, but also creates a cone of
10 depression in the surrounding area.

11 The delineation of the cone of depression is done
12 by the aid of three dimensional computer modeling. A
13 multitude of testing with tens of thousands of datapoints
14 are used to form this model. After the model is formed,
15 the data is continuously collected and used to make further
16 adjustments to the model. In other words, it's a dynamic
17 model that can change based upon empirical data.

18 The model helps us predict the amount of water
19 that will need to be pumped to keep the core dry and also
20 predicts the extent to which the aquifer will be impacted.

21 In order to complete these hydrogeologic
22 assessments, I assess all available data. This includes
23 reviewing TMDL studies within the project area. These TMDL
24 studies all have one thing in common. They are not
25 accurate. In fairness, many are decades old and use

1 antiquated data, but still contain many flaws. However, we
2 are forced to use these studies.

3 The TMDL studies are the driving force for many
4 decisions that are being at the regulatory level. These
5 studies desperately need reviewed and revised.

6 I want to talk briefly about how MS4 has affected
7 my clients in the mining industry. We secure NPDES
8 discharge permits that allow the mines to discharge to a
9 receiving waterway. This water is pumped from very large,
10 deep sumps. In all instances that I have been involved,
11 the discharge water is of better quality than the
12 background water of the receiving stream. Quarries already
13 have BMP's or best management practices in place.

14 A lot of sampling and analyzing of the data go
15 into obtain an NPDES permit. To maintain the NPDES permit,
16 continuous bimonthly sampling is required. If there is a
17 TMDL on the receiving stream, there are many more
18 restrictions placed on the discharge. Yet after all the
19 sampling, analyzing, studying, modeling, and permitting
20 fees, my clients are still responsible for millions of
21 dollars in MS4 fees.

22 Furthermore, every municipality is different. My
23 clients have quarries all over the state, country, and
24 world. It is difficult for them to keep track of the
25 different ways in which each municipality calculates the

1 MS4 fee.

2 I would like to point out that we have zero
3 discharge facilities. Which means we have quarries that
4 have stormwater that come into them, they never discharge
5 them. They are -- they can infiltrate back into the
6 system. And these quarries are still being charged tens of
7 thousands of dollars in MS4 stormwater fees. I don't
8 understand how a facility that captures stormwater and
9 never discharges is being charged a stormwater fee.

10 So what happens to these fees that my client's
11 pay? They're being passed on. Who is the largest
12 purchaser of concrete and aggregate in the State of
13 Pennsylvania? The State of Pennsylvania.

14 While the bulk of my clients are within the
15 mining industry, I have also been helping other businesses,
16 churches, and homeowners navigate the MS4 process. We have
17 churches that may have to close their doors because of
18 these fees. We have homeowners that are spending thousands
19 of dollars in engineering fees because they want to put in
20 a swimming pool. I'm still waiting for an explanation on
21 how a swimming pool is an impervious surface. When I drive
22 down the road, I don't see a lot of swimming pools
23 overflowing with stormwater after a rain event. I'm not
24 sitting here saying nothing needs to be done. I'm
25 questioning from a scientific perspective are we doing the

1 right thing.

2 I mentioned earlier, that I've reviewed TMDL
3 studies. I would just like to refer to a couple here. One
4 is the TMDL study for the Lake Ontelaunee Watershed. Lake
5 Ontelaunee is the public water supply system for the City
6 of Reading. They designate a total sediment load for their
7 lake at 68,634 tons per year. Of that 68,634 tons, the
8 TMDL study says that 127 tons are contributed by MS4
9 facilities. We're looking for a 10 percent reduction in
10 sediment. So we're looking to reduce 13 tons per year out
11 of the 68,634. We're hearing testimony about these
12 municipalities spending millions of dollars for a 13 ton
13 reduction out of 60, over 68,000.

14 Moving closer to the Harrisburg area, Trindle
15 Spring Run near Mechanicsburg shows approximately 2,950
16 tons per year of sediment of which less than 3 percent is
17 attributed to development while 96.6 percent is attributed
18 to form -- one form of farmland. Again, I ask are we
19 targeting the right industries?

20 Representative Gleim and Representative Keefer
21 have been asking these same questions for years now. In
22 reviewing Representative Gleim's House Bill 2331, it is
23 definitely a step in the right direction. We currently
24 have little to no data. How are we to know if we are
25 having any impact at all with what we are doing without

1 data? We have to start somewhere.

2 I strongly feel that we need to acquire accurate
3 data. We need to review and revise TMDL studies,
4 especially within MS4 areas. Let these studies be the
5 guide as to what the real problem is and then we can adopt
6 an appropriate plan to fix it. Spending money doesn't fix
7 the environment. We need to take a targeted scientific
8 approach.

9 I would like to thank Chairman Metcalfe, Chairman
10 Vitali, and the entire ERE Committee for allowing me to
11 speak today for considering my comments. Thank you.

12 MAJORITY CHAIRMAN METCALFE: Thank you, sir.

13 MR. CARANFA: Good morning. My name is Rick
14 Caranfa. I'm going to start with a brief discussion of my
15 background to understand how my opinion has been
16 formulated.

17 I have a BS in Geology and have been in the
18 engineering and environmental consulting business for
19 approximately 27 years. My focus is also on large non-coal
20 surface mines. My perspective comes not only from my
21 professional business experience, but also as a resident
22 that lives within MS4 area.

23 I understand the need for clean streams and know
24 it is difficult and a complicated task to create
25 regulations to ensure all people can enjoy their streams

1 for all purposes.

2 I am concerned that the current policy is not
3 creating an appropriate framework that will achieve the
4 necessary goals set out not only by Pennsylvania, but at the
5 federal level as well. I believe there are overlapping
6 programs which are making it overcomplicated and
7 unnecessary and will not achieve the environmental
8 protections our residents need.

9 To summarize the current regulatory laws and
10 programs, and I'm going to just discuss, you know, my
11 professional experience with the large non-coal mine
12 industry.

13 So that, you know, when we do a discharge from
14 one of our sites, the first thing that we have to obtain is
15 an NPDES discharge. And that's for a large non-coal surface
16 mine. They regulate discharge of rate and quality and
17 compliance is not achieved by doing just best management
18 practices alone, it is done by actual flow monitoring and
19 water quality monitoring.

20 Any discharge -- the next step would be any
21 discharge that has a total maximum daily load or TMDL, must
22 comply with that study as well. And those studies create
23 variable regulations for each different watershed. And my
24 colleague has already discussed in detail the TMDL's.

25 And then once we're done with that, then we have

1 the Susquehanna River Basin Commission which has
2 consumptive use permits for withdrawing water and then
3 groundwater withdraw permits within the Susquehanna River
4 Basin.

5 And then after all that's done, in areas that
6 there is the MS4 systems, my clients are being charged for
7 doing that and that's after treating, monitoring, and
8 reporting the discharge. Another fee is being added to
9 provide stormwater treatment. And MS4 has different
10 regulations and applications in each borough, municipality,
11 and authority.

12 Just to give you an example of some of the fees,
13 and I know some were discussed earlier, but one of my
14 clients in one township they had three parcels, it's one
15 operation. Their yearly MS4 fee is \$23,363.88. And that's
16 the discharge from a regulated treated and monitored
17 stormwater site. There are numerous fees that the company
18 pays in that range in multiple municipalities and sites.
19 That's just one example.

20 The overlap of regulation in agencies make it
21 expensive for business owners to operate and residents to
22 live and enjoy the beauty of Pennsylvania with providing a
23 return on investment from the MS4 program.

24 As a resident that is paying an MS4 fee with a
25 property that has -- that is not connected to a MS4 system,

1 we're kind of confused about what's going on.

2 And I can, you know, I can go back through and
3 look at a snapshot of the program, the whole MS4 program on
4 social media. My township has a Facebook page that's
5 dedicated just for stormwater. And that particular thread
6 has over 80 different individuals posting threads with
7 2,500 comments dating from April 2020 which was in the
8 heart of the COVID pandemic, that's when most people found
9 out about the MS program, MS4 program when they received
10 their first fee in March of that year.

11 My township is mostly rural with a small portion
12 being developed. The fees are variable in each
13 municipality. My concern is that, you know, the whole MS4
14 program, everybody keeps saying there is no endgame, but I
15 don't know, see how, and Mr. Brown discussed with the
16 TMDL's, that the MS4 is contributing a very small portion
17 of the total suspended solids, nitrates, and phosphorus.
18 To the issue, you know, if -- even if we do reduce that 10
19 percent, it's not going to fix the issue. It's not going
20 to go away and it's not going to get any less, it's only
21 going to get more expensive.

22 From my perspective, we are just dumping millions
23 of taxpayer dollars in accounting for no return on
24 investment. I believe the government continues to overlook
25 this when developing policies and spending other people's

1 money.

2 In House Bill 2135, an administrative cap is
3 included in there and several provisions are included to
4 reduce waste which are all steps in the right direction. I
5 personally believe it would have been nice if this bill
6 would have been developed before the MS4 pollution
7 reduction plans were even started. That's when we needed
8 it.

9 House Bill 2331, puts a focal point on water
10 quality based science in addressing the environment. We
11 have technology and there's been advancements and
12 continuous monitoring and GIS applications that provide low
13 cost opportunity to truly understand what the issues are
14 and where they are coming from and allow for a meaningful
15 environmental regulations. Both of these bills have
16 potential framework for meaningful improvement on
17 environmental regulations.

18 You know, one of the other things I wanted to
19 point out. So, you know, the SRBC actually has a
20 continuous monitoring network in place, so they have
21 different points on the Susquehanna River that are
22 monitoring that you can monitor total suspended solids and
23 you can do it with turbidity. And that's something they
24 continuously monitor and throw up on a website and it's
25 just a very simple pressure -- or probe that monitors this.

1 They can do it for nitrates as well. Phosphorus is one
2 that they don't actually have a continuous way to do it,
3 but it's kind of related with the nitrates, so they can
4 determine that.

5 But I wanted to thank the Committee for their
6 time.

7 MAJORITY CHAIRMAN METCALFE: Thank you, sir.

8 And I'm familiar with the Susquehanna River Basin
9 Commission. We held some hearings when I was State
10 Government Committee Chairman both on some of their
11 activities and on the MS4 issues which you kind of took me
12 back to some of the discussion we had which I know the
13 Susquehanna River Basin Commission has made some good
14 changes since those hearings. But I know some of the
15 testifiers at that time had complained that they were being
16 charged for water that they paid for for their golf course
17 and being charged like an evaporation charge for water that
18 would evaporate off of their ponds or such which was
19 ludicrous that you had pay for the water, then you had to
20 pay for water that evaporated out of water you had already
21 paid for. It was really an interesting way to collect
22 money from people.

23 MR. CARANFA: I think they did fix that issue.

24 MAJORITY CHAIRMAN METCALFE: Yeah, I believe they
25 fixed that one. So they actually did a good job responding

1 to Members' concerns and to some of the concerns raised in
2 those hearings which I certainly appreciated with the folks
3 over there at the SRBC.

4 But what you raise related to the MS4 fee really
5 being a tax. Are you aware of any lawsuits that have been
6 put forward related to that?

7 MR. CARANFA: I think there's two. I don't know
8 if they're directed related to the tax, but there's two
9 lawsuits against MS4, but I know there's been discussions
10 with my clients and organizations about the -- whether it's
11 a fee or tax.

12 MAJORITY CHAIRMAN METCALFE: Because my staff
13 researched this. Our understanding is that state run
14 businesses and offices such as the state liquor stores have
15 refused to pay the MS4 fee referring to them as taxes which
16 I would agree with them if they, in fact, have assessed
17 these as taxes. I believe they're a tax also and that the
18 regulatory government has no power to tax, that comes from
19 legislative bodies like Congress and the Pennsylvania
20 General Assembly, not from bureaucrats that work in the DEP
21 and the EPA.

22 MR. CARANFA: I think that's a huge frustration
23 with the residents when they see stories like that come out
24 and they find out that the -- it's not just the state, it's
25 local government that aren't paying the tax as well.

1 MAJORITY CHAIRMAN METCALFE: Right.

2 MR. CARANFA: And the one reference I had, the
3 fee that I said my client's paying 23,000, they're not the
4 number one. It's the federal government that's the number
5 one impervious surface.

6 MAJORITY CHAIRMAN METCALFE: And the point that
7 was made in Mr. Brown's testimony toward the end about
8 spending money doesn't fix the environment, we need to take
9 a targeted scientific approach. I appreciate that. You
10 said what is very obvious, very concisely, and it should
11 our discussions, you know, with MS4.

12 If -- and you've heard for the last two years
13 people that want to claim they're following the science,
14 following the science, you know, with masking and vaccines,
15 and all the other battles we've had publicly during the
16 pandemic. And this has been around longer than the
17 response to the pandemic many, many years longer.

18 And Representative Moul, I recall during some of
19 our hearings and discussions we've had in the past, you
20 know, just trying to make that point. It's like what's the
21 -- what is the pollutant levels in these waters to begin
22 with? What's the pollutant level coming out of the
23 discharge to these waters? And once we've done a project,
24 have we improved either or do we not know?

25 And it seems like based on your testimony, based

1 on the outdated studies and flawed modeling that aren't
2 using the data that you have to use as a business person
3 for your clients that are business people, that you have to
4 use real science to produce real results, but the
5 government can get away with using fake science and not
6 even science. I mean, just numbers that are flawed and
7 models that are flawed based on inputs and not actually
8 able to be depended upon for the results that you're
9 required to give when building a project.

10 MR. BROWN: Correct. And like I said, the TMDL
11 studies, I do believe are flawed. Many of them are
12 outdated. You know, a lot of them are from the late 90's
13 to early 2000's.

14 So, you know, I live in Cumberland County. I can
15 tell you Cumberland County has changed greatly over the
16 last 20 years. So that's why I say, it's not 100 percent
17 fair for me to attack a study that was done 20 years ago.
18 While it's inaccurate now, it might have been accurate at
19 the time.

20 You know, but these TMDL studies, they do
21 highlight the problem. We say we use these studies to do
22 -- but we're not using the data within them. I mean, we
23 really need to revise these studies. We need to review
24 them, revise them, and then use the data from them.

25 I mean, just based upon what I heard today, I

1 heard, you know, some saying well, we don't know where's
2 the sediment coming from? We do know. We know that these
3 studies, I've seen -- again, the Lake Ontelaunee study,
4 0.19 percent come from MS4. In excess of 80 percent come
5 from farmland.

6 I'm not here to attack the Pennsylvania farmer.
7 My grandfather was a farmer. One of the people I respected
8 most in this world. We do need to separate the
9 Pennsylvania farmer from the corporate farming, number one.
10 But if we just take a targeted approach, keep livestock out
11 of the streams. Put in riparian buffers. Use the soil
12 conservation services. Fund the soil conservation
13 services. These people do great work. They're very
14 knowledgeable. They can help these farmers. I think we
15 need to start funding them more.

16 But with riparian buffers, with berming, with
17 ditches to not allow direct runoff coming off, we can have
18 such a great impact for a fraction of the cost. I started
19 adding up some of the bills that were gone over earlier.
20 \$300 million today, \$500 million in another bill, 315 in
21 another bill. We're over a billion dollars. And like I
22 said, out of the 68, 69,000 tons, 127 tons comes from an
23 MS4 facility.

24 As -- I was born in Pennsylvania. I will most
25 likely die in Pennsylvania. I love this state. We are

1 just throwing money away and we're not going to -- it's not
2 going to have any impact, but we'll never know that because
3 we're not doing any testing.

4 MAJORITY CHAIRMAN METCALFE: Thank you.

5 Representative Vitali?

6 DEMOCRATIC CHAIRMAN VITALI: Thank you for your
7 testimony.

8 I apologize again for the basic nature of my
9 questions, but you made reference to an MS4 area. What's
10 -- so my first part is like what's the criteria for
11 determining whether it's an MS4 area or not?

12 The second relates to fees. How are fees
13 determined? Who collects? Who pays? And how is the
14 amount determined?

15 And I'll just make a comment. People say where's
16 this going? I mean, I'm -- I assume the goal is to reduce
17 pollution and flooding. So as long as those problems
18 persist, efforts to address them are persisting.

19 And then maybe finally, I think, you know, we
20 mentioned a number of these bills. Maybe we ought to be
21 dealing with the bills that deal with nutrient management
22 and helping farmers deal with non-point sources as opposed
23 to point sources.

24 So maybe you can just kind of help with the
25 primer on all this and then give broad comments about

1 legislation and where the money should be going.

2 MR. CARANFA: Yeah. I can definitely attempt to
3 address where the fees are coming and what is supposed to
4 be in MS4 and I'll use an example of a recent project and
5 it's located in Luzerne County. They have an authority up
6 there. And when they did their -- the MS4 is supposed to
7 be within the municipal stormwater system area.

8 However, in this instance, you know, my client
9 has a quarry up there that's not located with -- or being
10 treated by any stormwater system, it's kind of on the
11 fringe. They're located in a watershed that's been
12 impaired. And that, you know, it could be from total
13 suspended solids. Up there, it's acid mine runoff, so
14 they're getting metals from historic mining.

15 Because the whole watershed was impaired, you
16 know, the engineering company threw the whole watershed
17 into the -- into their inclusion.

18 DEMOCRATIC CHAIRMAN VITALI: So if it's a
19 municipal water system, it's covered by MS4?

20 MR. CARANFA: It's supposed to be covered by MS4.

21 DEMOCRATIC CHAIRMAN VITALI: It's --

22 MR. CARANFA: But I'm telling you, they're
23 extending that out further based on --

24 DEMOCRATIC CHAIRMAN VITALI: Okay.

25 MR. CARANFA: -- because the whole watershed was

1 included in it.

2 DEMOCRATIC CHAIRMAN VITALI: Okay.

3 MR. CARANFA: So they're now part of this
4 process. And the fees, I don't have an answer on exactly
5 how they determine their fees.

6 MR. BROWN: Every municipality is different and
7 that's what we run into with our clients. I mean, we're
8 dealing with global companies here that have, you know,
9 North American offices that operate quarries in every
10 state, but within the Pennsylvania --

11 DEMOCRATIC CHAIRMAN VITALI: So the municipality
12 is the one who determines how much it is based on what
13 their costs are?

14 MR. BROWN: Correct. And so, but where it
15 becomes even trickier is some municipalities make if you
16 have an MPDS discharge permit, you're exempt, you don't pay
17 the fee because they recognize you're already going through
18 this. Other municipalities don't do that. It's up to the
19 individual municipality.

20 So my -- I have one client that owns a lot of
21 property and we're talking in excess millions of dollars in
22 MS4 stormwater fees. I mean, we're not talking -- I know
23 we're talking seven, you know, seven figures worth of MS4
24 stormwater fees for some of my clients and that's all being
25 passed on to us.

1 DEMOCRATIC CHAIRMAN VITALI: So the municipality
2 collects and they pay for their infrastructure wit this.

3 MR. BROWN: Correct.

4 DEMOCRATIC CHAIRMAN VITALI: Okay.

5 MR. BROWN: Their infrastructure and now also
6 their employees, their employee benefit programs. I mean,
7 I know my township has a full-time MS4 coordinator now.

8 DEMOCRATIC CHAIRMAN VITALI: Right. And just so
9 you know, I mean, when you talk about 500 million for this
10 bill, and 300 million for this bill, and 375 million for
11 this bill. They're essentially all -- it's not cumulative.
12 It's like an --

13 MR. BROWN: Okay. Sure.

14 DEMOCRATIC CHAIRMAN VITALI: -- either or because
15 they're all pooling from this federal money and frankly,
16 the ultimate amount they're going to get is probably much
17 less. I mean, they went in budget negotiations.

18 So, I mean, are -- what you're saying is maybe we
19 ought to be putting that money to again like the nutrient
20 management, you know, non-point source.

21 Okay. Okay. Thank you.

22 MAJORITY CHAIRMAN METCALFE: Thank you,
23 gentlemen. Appreciate you sharing your expertise with us
24 today through your testimony. Thank you, both. Thanks for
25 taking our questions.

1 Our next and last testifier is Ms. Donna Fisher,
2 District Manager, Blair County Conservation District and in
3 partnership with the Blair County Intergovernmental
4 Stormwater Committee. Thank you, ma'am for joining us.
5 Before you get seated, raise your right hand. Thank you
6 very much.

7
8 [Witness Sworn]

9
10 MAJORITY CHAIRMAN METCALFE: Thank you. You can
11 have a seat. Make sure the green light is definitely on on
12 your microphone there and you can begin when you're ready,
13 ma'am. Is the green light on?

14 MS. FISHER: It is. On again -- there we go.

15 MAJORITY CHAIRMAN METCALFE: There you go.
16 Sometimes it looks like it's on, but it's really not yet.

17 MS. FISHER: Perfect. Thank you, sir.

18 First of all, thank you for allowing me to
19 provide background information regarding Conservation
20 Districts and stormwater in Blair County and across the
21 Commonwealth. And also, the opportunity to comment on the
22 MS4 program compliance from a district and county
23 perspective.

24 My name is Donna Fisher. I am speaking today in
25 my capacity as District Manager of the Blair County

1 Conservation District and as a participant in the Blair
2 County Intergovernmental Stormwater Committee, ISC.

3 Conservation Districts are local units the
4 government established under state law to carryout natural
5 resource management programs. Districts work with land
6 owners and local governments to help them manage and
7 protect land and water resources on private and public
8 lands.

9 The County Conservation Districts are led by a
10 volunteer board of directors, consisting of farmers, public
11 members, and a member of the county government.

12 The board identifies local conservation needs,
13 decides which programs and services to offer, and develops
14 a strategic plan so the district can continue to assist in
15 their county natural resource projects.

16 Conservation District participation in the MS4
17 program as a local program, ours varied as a county
18 themselves. There are 40 counties within Pennsylvania that
19 have MS4 permittees. At the very least, most conversation
20 districts provide education and outreach activities related
21 to stormwater.

22 Sometimes districts assist municipalities and
23 their county who have MS4 programs. That assistance
24 includes memorandums of understanding with municipalities,
25 reviewing erosion and sediment control plans, implementing

1 MPDS stormwater permitting programs, and other types of
2 technical assistance.

3 In some counties, an MS4 permit is required and
4 then the district takes the lead in the role -- lead role
5 in all aspects of the program or participates in a
6 countywide advisory steering committee.

7 Clearly, there is not a one size fits all
8 approach by Conservation Districts to tackle the difficult
9 stormwater challenge many of us face.

10 As you know, the MPDS MS4 program is a federal
11 program delegated to the states, then passed to the local
12 municipalities for implementation and compliance. Funds
13 are not attached to the permits to administer the program
14 nor to implement best management practices associated with
15 program compliance.

16 Staffing is a major challenge for many of local
17 entities. Funding is a monumental obstacle for compliance.

18 How do we get to our point of compliance through
19 collaboration in Blair County? The Environmental
20 Protection Agency performed MS4 file reviews at the state
21 level in 2020, resulting in deficiency letters being sent
22 to many municipalities across Pennsylvania to include many
23 in Blair County.

24 In 2014, the EPA conducted an inspection of the
25 MS4 program in the City of Altoona. Needless to say, our

1 collective attention to the MS4 program requirements were
2 heightened.

3 Meanwhile, as municipalities were scrambling,
4 Conservation District when delegated by DEP for Title 25,
5 Chapter 102 are able to serve a support role to local
6 municipalities for numerous targets and activities related
7 to their minimum control measures required by the MS4
8 permit.

9 When a Conservation District authorizes an MPDS
10 permit for stormwater associated with construction
11 activities, perform site inspections, or responds to a
12 complaint, the municipality is notified and thus our
13 actions can be attributed to the annual reporting required
14 for the municipal MS4 permit.

15 When a Conservation District provides an
16 education program or event related to construction, erosion
17 in stormwater, again this serves to meet the municipal
18 permittees MS4 public education minimum control measure
19 requirements.

20 The field staff -- excuse me. The field and
21 staff presence of individual Conservation District often
22 serves an integral role related to the municipal MS4
23 program. Compliance especially in rural areas where
24 municipal staff is limited is a great partnership and one
25 that has worked well in Blair County.

1 Blair County municipalities recognized a need for
2 collaboration related to the MS4 compliance starting in
3 2012 and have steadily worked toward a formalized approach
4 to jointly manage, implement, fund, and comply with federal
5 regulations.

6 In Blair County, the municipalities have chosen
7 to continue municipal specific permits applications, but
8 have undertaken many tasks related to the program on a
9 regional basis. Regionalization solidified partnerships
10 between municipalities and cooperating agencies.

11 In January 1, 2017, saw the formal creation of
12 the Blair County Intergovernmental Stormwater Committee on
13 a two-year trial basis. A DCED municipal assistance map
14 grant was received to hire Blair County's first stormwater
15 coordinator hosted by the Blair County Conservation
16 District to serve the ISC.

17 The regional approach has worked in Blair County,
18 however, each municipal -- each Blair County municipality
19 impacted by the MS4 regulations has participated in the
20 effort, has expended time, administrated funds, and more
21 recently, started contributing project funds for permit
22 compliance.

23 Regionalization maximized efficiency for the
24 program in Blair County, but it not -- did not eliminate
25 the burden for the individual municipalities. Rural

1 municipalities and small boroughs can easily become
2 overwhelmed by the enormity of the permit requirements.
3 Larger entities will struggle with the cost to implement
4 pollution reduction projects.

5 Effective January 1, 2019, the ISC was
6 reauthorized for a five-year time period through 2023 with
7 all permitted municipalities in the current MPDS MS4 permit
8 cycle participating. The County of Blair received a waiver
9 in the current permit cycle, but have continued, their
10 participation in the ISC.

11 The current five-year term stipulates that
12 municipal members will contribute administrative funds, as
13 well as, project funds regarding the implementation of the
14 collaborative pollution reduction plan.

15 For Blair County's pollution reduction plan,
16 municipalities are required to reduce a total of 1.4
17 million pounds of sediment per year by the year 2023.

18 The ISC laid the groundwork for the current five-
19 year MS4 permit cycle including establishing project
20 necessary to meet the required sediment reduction of the
21 pollution reduction plan, prioritizing the potential
22 projects and formulating a budget to design the
23 construction of the proposed projects.

24 To determine the five-year term budget to
25 encompass the PRP projects and the ISC administration, a

1 municipal percentage allocation formula was developed for
2 shared expenses. The allocation formula was originally
3 developed by the Environmental Finance Center and is based
4 on population, stream length, and impervious surface.

5 For the estimated cost of the pollution reduction
6 plan project at 6.9 million and \$500,000 in administrative
7 costs was divided on a percentage basis among the
8 municipalities to determine the financial responsibility
9 over the five-year term.

10 I would draw your attention to the table that was
11 part of the testimony, listing financial obligations for
12 each Blair County MS4 municipality. Dollars range from
13 \$43,000 to \$2.86 million per municipality. It is important
14 to note that currently, no Blair County municipalities have
15 adopted stormwater fees or rain taxes.

16 Project implementation too, off with the current
17 permit cycle and a steady stream of pollution reduction is
18 being accrued on a regional basis in Blair County.

19 Limited grant funding for project is available
20 and the ISC and the Blair County Conservation District have
21 been very successful in obtaining grants and we continue to
22 actively seek funding opportunities. However, no guarantee
23 exists as to whether funding will be obtained or allocated
24 at sufficient levels to fully fund projects.

25 A dedicated source of grant funding for municipal

1 stormwater projects as referenced in House Bill 2153 could
2 serve to alleviate some of the draw on municipal general
3 fund budgets.

4 It is also important to note, funds earmarked for
5 stormwater should be new money and that simply moving funds
6 from grant sources to fund new initiatives does not always
7 serve the common good. As a Conservation District
8 representative, this is of critical importance as we often
9 serve multiple resource concerns within our county.

10 House Bill 2153 provides 300 million in federal
11 funds to counties and municipalities to address municipal
12 MS4 compliance. Since some Conservation Districts assist
13 their local counties and municipalities with MS4 permits,
14 we can support federal funding going toward these
15 activities.

16 Regarding water quality. The Blair County
17 Conservation District has received funding in the past to
18 facilitate and advance our water quality monitoring
19 efforts. I am a believer in water sampling to determine
20 BMP implementation success. We have been -- excuse me. I
21 thought I was going to make it the whole way through. And
22 that may be the end.

23 MAJORITY CHAIRMAN METCALFE: I believe you've
24 made it through the majority there.

25 MS. FISHER: Yeah. It's going to continue to

1 cough and I apologize.

2 MAJORITY CHAIRMAN METCALFE: No, no problem. Did
3 you have a closing thought you wanted to wrap up your
4 testimony with or?

5 MS. FISHER: May she finish?

6 MAJORITY CHAIRMAN METCALFE: She can finish if
7 you'd like her to. Make sure the microphone is actually on
8 there.

9 MS. SHAMBAUGH: There you go. I'm Brenda
10 Shambaugh. I'm with the Pennsylvania Association of
11 Conservation Districts and I will finish for her if that's
12 okay with you.

13 MAJORITY CHAIRMAN METCALFE: Thank you.

14 MS. SHAMBAUGH: Okay. So Donna cautioned that
15 sampling, that water sampling does require resources
16 related to both personal -- personnel and financial. And
17 however, she believes that it would be -- it would be money
18 well spent -- be money well spent.

19 So House Bill 2331 allows Conservation Districts
20 and other entities to conduct water testing and provide the
21 results to DEP, showing that communities are compliant with
22 federal EPA water standards. Some Conservation Districts,
23 excuse me, conduct water quality testing in their county
24 and it makes sense to allow the test results to be utilized
25 by DEP.

1 As a partner for Donna, to the Blair County ISC,
2 the District understands the obligations set forth for MS4
3 communities and the requirements for compliance that need
4 to be achieved by the year 2023 and beyond. They hope that
5 through meetings such as the one today, that the
6 legislature and the regulatory agencies, DEP and EPA,
7 understand the magnitude of the financial obligations and
8 staff resources required to effectively manage a municipal
9 MS4 program.

10 So in conclusion, Donna believes that the Blair
11 County Intergovernmental Stormwater Committee will continue
12 to strive toward compliance of the MS4 program even though
13 the cost for implementation has dramatically increased.
14 Stormwater pollution is becoming -- is coming to the
15 forefront nationwide and it is only through collaboration
16 with these concerns that they will be fully addressed.

17 So we both thank you very much for allowing us to
18 participate today and we would be happy to answer any
19 questions. I don't know if we have time to go through some
20 of the slides or not.

21 MAJORITY CHAIRMAN METCALFE: No, we don't.

22 MS. SHAMBAUGH: Okay. That's fine.

23 MAJORITY CHAIRMAN METCALFE: But appreciate that.
24 Appreciate your testimony today and thank you for stepping
25 up to finish it up for Donna. We appreciate it.

1 MS. FISHER: Thank you.

2 MAJORITY CHAIRMAN METCALFE: And appreciate you
3 sharing your experience and expertise with us.

4 And your -- one of your closing statements about
5 you hope that through these meetings, legislature, and
6 regulatory agencies will understand the magnitude of the
7 financial obligations and the staff resources required to
8 effectively manage the municipal MS4 program.

9 I guess, I mean, my hope would be that the
10 legislature more than understand it, but they recognize
11 that the way it's being gone about is not following the
12 science, but just following a mandate, spending money on
13 projects that without the testing don't necessarily show
14 that we actually deliver any real change to the water
15 resources that we're trying to effect a change in through
16 the projects that are being -- having money spent on them.

17 MS. FISHER: Correct.

18 MAJORITY CHAIRMAN METCALFE: So it's like we're
19 throwing money at a problem when we don't understand the
20 problem to begin with because you're not doing the proper
21 testing or modeling.

22 MS. SHAMBAUGH: Correct. And there are many
23 districts that do do testing, but some districts,
24 obviously, don't have the funding to be able to do that.

25 MAJORITY CHAIRMAN METCALFE: And the stormwater

1 pollution coming to the forefront nationwide is only too
2 clear. And it is. I mean, my township has enacted a fee
3 and I think the way they enacted it, it was more to target
4 and enact a very minimal fee on residential properties, so
5 they wouldn't get the voters stirred up to come out and
6 vote against them in the fall or in the elections. And
7 then assess a higher fee to businesses who might not even
8 get to vote in that township.

9 So I think the way -- when I saw the fee come
10 across on my bill, it's like oh, wow, they handled this in
11 a smart way, they don't get the voters irate, but you
12 probably have some businesses that might be deciding they
13 might move out of my township now as a result of it,
14 unfortunately.

15 But when it's mentioned about coming to a
16 forefront nationwide, I just sit here thinking of the price
17 at the gas pump today. You know, when I filled up
18 yesterday when I got here from my -- when I drove down last
19 night from Cranberry Township in Butler County where I live
20 and filled up here and found it was 4.89. I saved a dime a
21 gallon over what I paid in my township last week. I was
22 excited. You know, 4.89 a gallon, I got a good deal
23 tonight. Unbelievable, that you'd have that kind of a
24 thought, right, and be excited about saving a dime, but
25 nowadays, every dime counts when inflation's through the

1 roof and people are having a hard time affording to put
2 beef, or chicken, or pork on the table for their family.

3 MS. SHAMBAUGH: Right.

4 MAJORITY CHAIRMAN METCALFE: So I mean, this is
5 an additional cost and we had a recent informational
6 meeting on stream maintenance which you probably followed
7 also. And we had a press conference on it last week with
8 Representative Cause, our policy chair from the Republican
9 Caucus, Representative Allowet [phonetic] who was leading
10 the package. And when I gave my comments, once again its,
11 you know, the -- what's on everybody's mind is driving to
12 work, or driving home, or driving wherever they're going
13 today and the price of gas and trying to go buy groceries
14 this week for the family, the price has gone through the
15 roof and there's no end in sight. And then this is just
16 another cost on those same people because it's going to be
17 passed on from their municipality, or it's going to destroy
18 a business in their community, or it's going to hurt a
19 farmer and put him out of business in their county.

20 So thank you for taking time to testify today, we
21 appreciate it.

22 MS. SHAMBAUGH: Absolutely. And as a sidenote,
23 PACD does support that package of legislation that you just
24 referenced.

25 MAJORITY CHAIRMAN METCALFE: Thank you. Thank

1 you.

2 Representative Vitali, we have 2 minutes left.

3 DEMOCRATIC CHAIRMAN VITALI: Okay. Thank you for
4 your testimony.

5 And today, we've heard a lot of criticism of the
6 MS4 programs, the problems it causes and so forth. And I
7 certainly understand those thoughts. But on a positive
8 note, can you suggest ways this program could be adjusted
9 to accomplish its goals in more reasonable way?

10 MS. SHAMBAUGH: Well, as Donna mentioned, funding
11 is clearly one of the issues because whether it's the
12 district, whether it's the municipality, you heard the
13 woman from Marysville comment about the number of staff
14 people they have and districts are in the same boat. So if
15 there's funding for staff to work with, in this case, the
16 municipalities or the county, clearly, there would be a
17 more concerted effort to make sure these MS4 permits are
18 approved and implemented.

19 DEMOCRATIC CHAIRMAN VITALI: So it's not so much
20 the program that's the problem, but not, municipalities not
21 being provided the funding to pay for them?

22 MS. SHAMBAUGH: From the district standpoint. I
23 don't want to talk for the municipalities or the boroughs,
24 but from the district's perspective, yes.

25 DEMOCRATIC CHAIRMAN VITALI: Okay. Thank you.

1 MAJORITY CHAIRMAN METCALFE: But wasn't it also
2 part of the testimony that what's being used without, I
3 mean, your support of the sampling of the waters --

4 MS. SHAMBAUGH: Correct, testing.

5 MAJORITY CHAIRMAN METCALFE: -- so obviously,
6 it's just not funding because if we just fund it and we're
7 not doing the testing to understand how we're -- what
8 results we're getting for the money being spent for the
9 funding, then we've got a problem. It's just the funding,
10 it's the modeling, it's the data, it's the testing. Like
11 what change are we effecting? We don't know, right?

12 MS. SHAMBAUGH: Um-hum. That's correct.

13 MAJORITY CHAIRMAN METCALFE: Thank you.

14 MS. SHAMBAUGH: You're correct, sir.

15 MAJORITY CHAIRMAN METCALFE: Thank you. So I had
16 to redirect.

17 MS. SHAMBAUGH: I -- you know, I was working into
18 the testing and then it would, of course, translate --

19 MAJORITY CHAIRMAN METCALFE: I --

20 MS. SHAMBAUGH: -- into looking at the testing
21 and coming up with some solutions.

22 MAJORITY CHAIRMAN METCALFE: -- think we could
23 provide funding for the staff and the testing and save a
24 lot of money on the other end of not having to do projects
25 that aren't effecting the change that people are looking

1 for.

2 MS. SHAMBAUGH: Um-hum.

3 MAJORITY CHAIRMAN METCALFE: So we all like less
4 pollution, but when you have a waterway that's known for
5 fly fishing as Representative Gleim had said earlier in her
6 comments, how much improvement do they expect in that
7 waterway. Or one of the previous engineers that testified
8 that the percentage that they're actually looking at
9 effecting with the MS4 community into that body of water,
10 the lake that he referenced is a very small percentage.
11 They're never going to attain that through the MS4 changes
12 for the sediment alteration.

13 So thank you, both.

14 MS. SHAMBAUGH: Thank you, sir.

15 MAJORITY CHAIRMAN METCALFE: Hope you feel
16 better.

17 MS. FISHER: I apologize, again.

18 MAJORITY CHAIRMAN METCALFE: No, no reason to
19 apologize, that happens to all of us and it happens at the
20 worst time sometimes, but --

21 MS. FISHER: Always.

22 MAJORITY CHAIRMAN METCALFE: -- it's good to a
23 have friend step up and finish for you, so.

24 MS. FISHER: Appreciate it.

25 MAJORITY CHAIRMAN METCALFE: And we appreciate

1 you being willing to do that. Thank you. You all have a
2 great day.

3 This hearing is adjourned. Everyone have a great
4 day.

5 (The hearing concluded at 11:31 a.m.)

1 I hereby certify that the foregoing proceedings
2 are a true and accurate transcription produced from audio
3 on the said proceedings and that this is a correct
4 transcript of the same.

5

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