

**Meeting Summary of Break-out Session #2:  
“Funding Stormwater Remedies – Municipal Brainstorming Session”  
Chester County Association of Township Officials (CCATO) Convention –  
March 12, 2009**

Speaker/Moderator: Janet L. Bowers, Executive Director, Chester County Water Resources Authority

Speaker: State Representative Chris Ross – 158<sup>th</sup> District

In Attendance: 33 CCATO participants

Attendees were provided with the attached one-page Session Handout.

**Purposes of Session:**

- to help advance the conversation among municipalities given the increasing need for developing sources of additional funding for stormwater management
  - to learn what municipalities consider to be “viable” (or desirable) avenues for funding stormwater management needs (i.e., repairs, O&M, upgrades/improvements, stream water quality restoration, regulatory requirements, etc.)
  - to better understand and be able to better support municipal interests regarding stormwater financing in various venues of discussion.
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**Feedback from Session Participants**

- Participants were in favor of addressing stormwater issues and improving water quality, but they were specifically voicing frustrations regarding the ambiguity and inefficiency of the current process to address the impacts of stormwater. They felt the MS4 and TMDL programs are not working effectively.
- Collectively as a group, they suggested we look to other states to see how they may be dealing with stormwater issues more effectively.
- Participants wondered if, perhaps, a watershed-wide approach or a multi-municipal cooperative arrangement may be more effective to address stormwater. They discussed the potential benefits of a watershed-wide permit with a watershed-wide entity or county authority to address stormwater management issues. An endowment would be essential for each new stormwater facility.
- The municipalities were concerned about state and federal expectations, since they have no enforcement capabilities to address HOA or homeowners who choose not to maintain a basin or implement essential stormwater solutions on private land.
- Participants felt residents were unaware of stormwater issues and the costs associated with addressing the consequences of stormwater. This makes matters all the more challenging for municipalities.

- Participants were concerned about the discharge from highways and would like to be reassured that PennDOT and the Turnpike Commission will address some of the problems associated with their roadways.
- Participants expressed apprehension about EPA and DEP and how they seem to lack concern about the difficulties municipalities currently face at the local level trying to implement and meet the EPA water quality regulations. Participants were frustrated that EPA and DEP provide little guidance or recognition that compliance is difficult at best, if not impossible to achieve, but never-the-less expects municipalities to accomplish specific target goals.
- Municipalities expressed that they would like Federal/State agencies to develop cost benefit analyses and study long-term maintenance and funding issues, before mandating further compliance.
- Municipalities fear that they will easily fall out of compliance. Municipalities cannot clearly project future costs to address their local stormwater needs since so much is unknown. Municipalities want to work through this process first and make sure it is effective, cost efficient and appropriate, before tough regulations are enforced.
- One participant preferred a watershed-based entity over a municipal entity, because municipal boundaries are too arbitrary.
- One participant suggested that an impact fee that used the square feet of impervious surface should be used to fund stormwater issues.
- One participant expressed that they felt continued water quality improvements may not be appropriate at all locations. The cleaner the water gets, the more expensive incrementally it will become to clean it further.
- One participant expressed that DEP/DOT should enact more through "regulations" and less through "policies," so it is better vetted through public engagement.

**Feedback from Representative Chris Ross:**

- Rep. Ross addressed the group and mentioned that he and his colleagues are working on legislation to better deal with stormwater issues and infrastructure. He explained that part of the proposed legislation would allow for county-based stormwater authorities to operate, should a county voluntarily choose to create one.
- Rep. Ross felt that addressing stormwater issues is more easily done on a watershed basis. He agreed that the attempts at federal, state and local collaboration on determining water quality standards and how to achieve them could be greatly improved. He understood the need for realistic goals that are understandable and implementable, and the importance of broad public support.

- To find a solution, he engaged the participants in a brainstorm session to devise a potential alternative compliance approach that would be voluntary and work on a watershed-basis. This approach would be discussed with EPA and DEP. One strategy offered was to develop a set of effective watershed BMPs that participating municipalities would sign on to and implement, jointly holding them in compliance. It would be aimed at improving water quality of streams in an achievable, incremental fashion. Everyone would need to look for financial assistance, grants and creative funding strategies to accomplish state water quality goals. Developing funding options could be created as part of this alternative process.
- The audience response was favorable. The Red Streams Blue program spearheaded by Brandywine Valley Association was discussed as a relevant source for current on-the-ground watershed-based implementation of effective BMPs that could be incorporated into this alternative approach. Perhaps, combining a few municipalities or starting with a small watershed could be a realistic first step in the development of a pilot stormwater management program, improving upon the current MS4/TMDL program.

#### **Group Feedback and Wrap-up:**

- Ms. Bowers asked the participants, "Is it just MS4 causing stormwater funding issues?" - -- Group generally answered "yes".
- The participants were also asked, "Or are non-MS4 stormwater problems causing funding issues?" --- A few indicated "yes".
- Some drainage/flooding problems also need funding, but for most, future MS4/TMDL requirements is really driving the cost issue.
- Ms. Bowers mentioned the potential concept of a small fee on water withdrawals paid by water suppliers to the river basin commission, who would pass the funds on to the local entities to install BMPs in the watershed. There was no audience support expressed for this concept. Concern was raised that the larger the loop of government involvement, the less efficiently the funding is used.
- Ms. Bowers thanked the group for participating and expressing their concerns. She assured the group that Chester County would continue to gather municipal feedback, and in partnership with others, work toward the development of sound stormwater management strategies and funding sources.
- Rep. Ross stated that he planned to discuss the participants' stormwater management and funding concerns with his fellow legislators, and would continue to seek opportunities to improve upon the current stormwater management policies and regulations.