

Chester County Municipal Stormwater Summit Meeting Summary

The Municipal Stormwater Summit was held June 3, 2008 at the Carriage House Restaurant and Conference Center, West Chester Holiday Inn at 9:00 a.m.

The purpose of this meeting was to discuss municipal concerns as they relate to stormwater, including existing problems, ordinance implementation issues, NPDES Phase II and MS4 problems, individual Act 167 plan/ordinance implementation issues and Non-NPDES Phase II/MS4 municipal issues. Also discussed was the concept of the adoption of *Watersheds* as a PA Act 167 County-wide Stormwater Management Plan.

The Summit started with a PowerPoint presentation by Chester County staff aimed at identifying stormwater regulatory problems and challenges, highlighting responses to the May 2008 questionnaire circulated to all Chester County municipalities, and introducing the concept of adoption of *Watersheds* as a County-wide Act 167 Stormwater Management Plan.

Following the presentation, the Summit was broken into essentially two parts: 1) an Open Discussion of municipal stormwater concerns, and 2) a Focused Discussion regarding the concept of adopting *Watersheds* as a County-wide Act 167 Stormwater Management Plan.

Open Discussion – Municipal Stormwater Concerns

Several key themes emerged, among them:

- 1) Municipal involvement (or lack thereof) in runoff from existing development and/or roadways or other public projects not controlled by the municipality. Facilities are mostly owned and maintained by private entities; municipalities can require maintenance and hold private entities accountable (fines, court action, etc.), but do not have the resources to take over the management of such facilities. O&M programs, coupled with inspections, have shown that system owners do not cooperate without strong municipal oversight – costly and difficult.
- 2) The clear realization that stormwater does not conform to municipal boundaries and that multi-municipal watershed-based control and management strategies are imperative.
- 3) The costs of managing runoff and the likelihood of financing options or tools to raise revenue (stormwater authority/utility, fee-based services, etc.). The difficult task of selling infrastructure improvements when residents see the need for more “tangible” projects such as parks, streetscape/beautification improvements, etc.
- 4) Concern over the MS4 program and its applicability to very different municipalities. Example: illicit discharge detection is time consuming and costly and produces little

useful results –very few, if any, found considering time and effort spent. Concern that the program is one-size-fits-all.

5) Concern over TMDLs and what a municipal government can do to improve water quality when the source of problems comes from multiple sources.

Focused Discussion - The concept of adopting *Watersheds* as a County-wide Act 167 Stormwater Management Plan

Several key themes emerged during this discussion as well, including:

1) The value in having the County undertake a county-wide plan that requires municipalities to adopt or update their existing stormwater management standards for consistency. Such a program offers, among other things, the opportunity for consistent watershed-wide minimum stormwater management standards (municipalities may adopt stricter standards if they so desire); requires state-owned, operated, or financed projects to comply with the minimum standards; CC Conservation District and PADEP will enforce such standards; municipal costs in implementing an approved Act 167 are reimbursable by PADEP (and the County may be able to assist with partial funding or provide some grants); a County-wide 167 may assist with satisfying some of the requirements for MS4 communities (and potentially lower program compliance costs); the potential for the County and its municipalities to speak with one voice to PADEP; and the opportunity for the County to support municipal efforts to enforce standards and maintain existing systems, coupled with the provision of professional guidance through trained county staff.

2) Concern about whether this has been done before and whether the ordinance adoption/update process is achievable within the time required. Although 30 counties have MOUs with PADEP, Chester County's plan is already written – while some updating will be required, Chester County has completed the bulk of the work; the 6-month adoption deadline for ordinances should not be a problem – all municipalities will be involved in the process and the deadline will not come as a surprise.

3) How will a County-wide effort help those municipalities that conceivably have stricter standards now? A coordinated approach through state-approved planning would provide needed support to municipal efforts, regardless of whether the municipality's ordinance is more strict; the potential also exists for costs savings and cost sharing, as well as the ability to better coordinate with the County, other municipalities, and PADEP and share resources. State agencies will require adherence to minimum standards but presumably will not object to stricter standards unless such standards are seen as unrealistic.

4) Will the County have a role in local subdivision and land development plan approval? This process would not change – the County would continue its role through the Act 247 review process. Ordinance adoption remains at the local level.

5) Will the municipalities have input into the creation of the model ordinance/ minimum standards? The minimum standards are discussed in *Watersheds* and will be revised to reflect DEP requirements for 167 county-wide stormwater management planning – municipal guidance will be sought during this process. Municipalities will not be required to adopt the new ordinance provided their existing ordinance is revised to address the minimum standards.

6) Question regarding the timeline for putting a county-wide plan in place. Recent developments regarding the MS4 program, TMDLs and Act 167 have made it possible for the County to move forward with the planning process. Since *Watersheds* is already written, the County would need to prepare a brief addendum that addresses MS4 and TMDL issues, develop the minimum standards and model ordinance, and seek approval from PADEP and the County Commissioners. Should municipal support exist to move forward, the process could start soon.

7) Question regarding the difference between a model ordinance and minimum standards. The minimum standards are intended to provide guidance for ordinance drafting (in other words, they are the essential components of the ordinance). Municipalities can incorporate the minimum standards into their existing ordinance if they desire. The County will provide a model ordinance for those municipalities requesting it.

8) Ways to work together should be explored; duplications and overlap should be avoided. County should consider county-wide enforcement efforts. Consistent county-wide education program should be considered. County could create boiler plate documents, such as O&M Agreements, etc. Requirements for MS4 monitoring should be coordinated so as to pool resources and costs.

9) Funding Issues – If we pooled resources, would the County and municipalities all agree to contribute? (rhetorical question) Consider a tax/impact fee on those contributing runoff (proportional share, sliding scale or prorated costs). Would the County consider a stormwater utility?

At the conclusion of the meeting a poll was conducted to answer two questions:

1) Should we proceed with the process of pursuing adoption of *Watersheds* as a county-wide PA Act 167 plan? 38 yes; 0 no; 3 abstain

2) Should we explore a joint county-municipal stormwater management program? 31 yes; 0 no; 4 abstain

The Municipal Summit adjourned at Noon.