

TESTIMONY OF DAVID J. STEIL

HOUSE OF REPRESENTATIVES
31st District

ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE

July 15, 1996

STORM WATER MANAGEMENT

Thank you for the opportunity to testify before the Environmental Resources Committee regarding our efforts within the last year and a half to begin addressing the problems of the management of storm water throughout the State of Pennsylvania. I particularly want to thank the Committee for convening this public hearing giving us the opportunity to bring to your attention some of the problems we have identified and to begin addressing solutions which we hope will find their way into practice and law over the next several years.

This project began in late 1994 as the result of a conversation between Carl Tosi, District Maintenance Engineer for PennDOT and myself regarding the difficulties PennDOT was encountering in the flow of storm water onto and off of their roadways. Simultaneously our office had been receiving phone calls from concerned residents in the 31st District seeking to put the blame on PennDOT for roadside and off road erosion resulting from the flow of storm water coming off a roadway. Certain communities, within the district, also were expressing concern over the cleaning and maintenance of storm water facilities.

As a result Mr. Tosi and I assembled a group of municipal and county officials, municipal engineers, some legislators, soil conservation personnel and others to review the entire problem. As a result of this review we identified a number of significant problems. They are:

1. There is a very real question as to the ownership of storm water management facilities, especially those that parallel roadways:

- * PennDOT does not necessarily recognize ownership of storm water facilities even though they may have been dedicated by a developer or municipality, as part of a road rebuilding process. Who is responsible for maintenance and rebuilding?

- * Who is responsible for water flowing onto public roadways which is the result of failed or non-existent storm water management facilities outside of the roadway right-of-way.

2. Storm water management standards between municipalities and PennDOT are different. A mechanism whereby these differing standards are co-ordinated to ensure consistent application for municipalities, PennDOT and developers is required.
3. No complete inventory of existing storm water management facilities, within a particular water-shed, exists. Therefore, co-ordinating new storm water management facilities or connecting with down stream existing facilities, especially across municipal lines, does not occur.
4. EPA water quality standards have been incorporated into the Neshaminy Watershed Plan but have not been made applicable for storm water management outside of the Neshaminy Watershed.
5. The concept of regional storm water management facilities appears to be not practical, at least in Bucks County.

* Land development is occurring at a rate faster than such facilities can be put into place.

* The Bucks County Planning Commission has already adopted a local approach to implementing Act 167.

* Ownership and maintenance standards for existing retention or detention basins are inconsistent or non-existent.

* Considerable legislation and funding mechanisms would have to be developed to support regional detention of storm water. While not impossible, the length of time to implement would probably prevent the physical installation of such facilities, since land would have already been developed in other manners.

* Impact fees for regional storm water facilities would be required. Implementing legislation, however, would probably occur after considerable additional development, thereby, negating the opportunity to collect such fees.

6. There is an urgent need to resolve the foregoing issues:

* The problems are becoming worse as development occurs in a random pattern with un-coordinated storm water management facilities.

- * Existing planning approaches have failed since they addressed future problems only and did not address the existing problems.
- * Watershed Authority must include the responsibility to manage storm water past, present and future.
- * Legislation will have to be implemented defining the responsibility for all facets of storm water management.

As a result of these problems we organized four different task groups to begin addressing the issues, they were charged with the following responsibilities:

- 1/ To begin conversations with the municipal associations and PENNDot to address the issue of responsibility with regard to storm water facilities on and off of roadways. David Steil will take the responsibility for organizing this meeting, which will be held in Harrisburg.
- 2/ PENNDot in conjunction with municipalities and municipal engineers needs to address the issue of storm water management standards. In order to connect various areas, along storm water channels, it is important that each link within the channel is capable of managing the expected flows. Gary L. Hoffman of PENNDot will co-ordinate this effort, along with Ernest Knight, President of Knight Engineering, representing the municipalities.
- 3/ In order to make any storm water management plan work we will have to more clearly define the authority for implementation and enforcement of any storm water management plan. The Bucks County Planning Commission as represented by Vitor Vicente will take the lead in developing policy options in this area.
- 4/ We agreed we did not want to loose sight of the potential of regional storm water management, although, development of such a plan is long term, while the above issues have an immediate need. Senator Dave Heckler's Office will co-ordinate the long range issue with our short term solutions to avoid conflicts between the two.

You will hear today and tomorrow from members of these working groups of progress in developing recommendations and action plans.

The Committee would probably question why this problem remains so large in wake of Act 167. We believe Act 167 is working well for future planning and management of storm water but it has been underfunded resulting in slow development of watershed management plans. Further some technology has been found deficient especially in recognizing the timing of converging flows from multiple detention basins on the total volume and velocity of downstream water. This may create problems not previously existing.

The more serious issue however, is that much of the storm water problem is the result of pre Act 167 development. Most of this development was deficient in design and responsibility for managing storm water.

In seeking the resolution of these issues I offer my own thoughts and observations for the Committee's consideration:

- > Since the flow of water respects no municipal boundaries, overall responsibility must occur at a governmental level above the municipality but below the State.
- > A review of the municipalities planning code as it enables local government to protect flood sensitive and wetland areas should be undertaken.
- > Dedicated funding must be part of any management plan.
- > Since this is both an environmental and local government issue the legislative initiative should be a joint responsibility of the Environmental Resources and Local Government Committees.

Thank you and I would be happy to answer any questions.