

**TESTIMONY PRESENTED SEPTEMBER 9, 1997****ACT 167, STORM WATER MANAGEMENT****PREPARED FOR THE ENVIRONMENTAL RESOURCES AND ENERGY
COMMITTEE, PENNSYLVANIA HOUSE OF REPRESENTATIVES**

My name is Janet B. Thorne, and I am appearing today as representative of the Hollow Oak Land Trust. "HOLT" is a membership organization that is focused on the protection of open space and quality-of-life issues in western Allegheny County. Since our founding in 1991, HOLT has acquired forested hills and stream areas that have been dedicated as open space, and we are actively negotiating for additional acquisitions.

A central project for HOLT over the past few years has been promotion of a greenway, or protected corridor of open space, to buffer Montour Run and its tributaries. Montour Run essentially divides Moon Township from Robinson, and Findlay from North Fayette. Its 37-square-mile watershed contains much of the Pittsburgh International Airport as well as the Montour Trail, a Rails-to-Trails project. Resources also include a natural heritage area identified by the Western Pennsylvania Conservancy, and intensive retail and housing development. The proposed Montour Greenway would protect the steep slopes surrounding Montour Run and its tributaries as well as help to minimize flooding and erosion through maintenance of vegetation cover. Although the Storm Water Management Act does not mention projects such as ours, encouragement in storm water plans for creation of greenways to buffer streams like Montour Run would significantly increase the level of protection against floods and erosion that is provided to the State's waterways.

In 1988, eleven years after passage of Act 167, the Allegheny County Planning Department published a Montour Run Watershed Stormwater Management Plan. To my knowledge, only twelve watersheds in the County have such a plan, and since the new administration, the County has allocated no budget or staff for preparation of additional plans. In western Allegheny County the only watershed with a finalized and approved Plan is Montour Run. When no Plan exists for a watershed, there can be no enforcement of requirements for storm water controls.

The Montour Run Plan was approved in late 1989. All of the affected municipalities have adopted ordinances consistent with the Plan. Despite that, local residents know that the frequency of flooding and the velocity of water in Montour Run has increased. The problem is in the implementation of the Act through the ordinances.

The Act requires that Act 167 be reviewed and revised at least every five years [Section 5(a)]. The Montour Run Plan, however, has not been updated by Allegheny County during the eight years since its publication.

Presumably the enforcement required by the Act was assigned to the Department of Environmental Protection after the reorganization of the Department of Natural Resources. Since that time, it appears that DEP has been less than assertive in ensuring compliance under the Act. We recommend that correcting the current lack of enforcement of the existing terms of Act 167 should be a first priority of this Committee. Adequate funding must be provided immediately so that the Department of Environmental Protection has the staff and other resources to compel counties to prepare and adopt plans in accordance with the Act. The lack of enforcement undoubtedly has led to the lack of compliance that currently exists. The result is the tremendous bill to the taxpayer for flood control and repair, when far less could have been spent to prevent the problem in the first place.

In our area of western Allegheny County, substantial new development is taking place on previously undeveloped forest land and farmland. A suburban retail center, "The Pointe," on Route 60 covers over 250 acres of formerly forested hillsides and currently is the largest such development in the country. New single family housing developments sprawl out across the landscape and also add significantly to the amount of impermeable surface already being generated by commercial development. The clear cutting of trees and removal of other vegetation reduces the water-holding capacity of all of these acres.

If Act 167 were being implemented as intended, we could expect to see no increase in the amount of water carried by Montour Run following a rain. Theoretically, all of these developments would be retaining on site at least as much of the water that falls on their property as is added to the runoff because of the development. The reality is just the opposite.

On the next two pages I have included some pictures I would like you to see. The first two pictures show normal flow and a flooding event looking downstream on Montour Run. The second set of pictures are looking upstream. These pictures were taken in Moon Township during the spring of 1996 at the Forest Grove Sportsmen's Club near Hassam Road.

Please pay particular attention to the top picture on the first page, because it shows the extensive system of riprap and concrete slabs that the Club has placed on the stream banks in an effort to keep the their property from being eroded away. You can see clearly how much effort and expense are being spent to battle the significant flooding events that are occurring more and more frequently in this part of the Montour Run Watershed.

The Montour Trail Council is finding portions of the Trail under increasingly frequent assault by flood waters and, like the Sportsmen's Club, is spending a considerable amount of time and money in an effort to protect this important recreational resource.

As is true with the collapse of most natural systems, destruction does not take place with a catastrophic event. Instead, one small activity or event combines with another and then with countless others until the combined force of all these activities results in the destruction of the system. Flooding occurs in the same way. Each section of impermeable surface, each cut tree, each





bulldozed hillside increases runoff some small and probably insignificant amount. It is the cumulative effect of all of these activities that results in the type of flooding you see in those pictures. Assuming the continuation of present ordinances and land use policies, and with the continuing development that is taking place in the Watershed, in a few years we are likely to look at those pictures and say, "Oh, back then the water only was that high!"

I want to call your attention to a report recently published by the Trust for Public Lands, entitled, "Protecting the Source." In a cover letter for this document, President Martin J. Rosen states that the study "underscores serious declines in both the quality and quantity of America's drinking water, and it traces those declines directly to ill-conceived and uncontrolled development in the watersheds that protect and replenish our water supplies." He goes on to note that, "Ground-water recharge zones are being paved over at an alarming rate." The report, "demonstrates that the preservation of critical buffer lands, filtration and recharge zones -- even in small amounts -- can generate enormous benefits through reduced levels of contamination and increased quantities of source water. Modest investment in watershed protection could not only significantly reduce capital construction costs, but could effect significant savings in operating costs for decades to come." The publication contains a tremendous amount of excellent information, primarily directed at drinking water issues, but including discussions of the importance of watershed resources and protection of recharge areas.

Recharge areas are restricted by impermeable surfaces. Watershed resources are destroyed by additional runoff and erosion. To avoid those impacts, Act 167 needs to be strengthened to be able to address all the small and insignificant development activities and halt runoff at that level before it is able to combine with water flows from other disturbed areas.

We recommend that the following specific amendments be made to Act 167:

1. Strengthen Section 3, Purposes and Policy, such that (1) "Encourage planning and management" be changed to "Require planning and management;" (2) "Authorize a comprehensive program" be changed to "Mandate a comprehensive program;" and (3) "Encourage local administration and management" be changed to ""Require local administration and management."
2. The watershed plan advisory committees should be permanently constituted to be advisory board to planning commission/governing body for municipalities within the watershed. One board in each watershed would provide information and advice to all municipalities within that watershed.
3. DEP could provide training and certification to bona-fide watershed groups so that they can "monitor" construction projects to help ensure proper erosion and sedimentation controls, and report any violations that are identified.
4. The Commonwealth should adopt legislation that sets up storm water management districts in PA. Such legislation already has been introduced in the General Assembly and was before this committee in July 1996.

In closing I would like to revisit the finding of the General Assembly that were stated in Section 1 of the Act. They found that, "(1) Inadequate management of accelerated runoff of storm water resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of streams and storm sewers, greatly increases the cost of public facilities to carry and control storm water, undermines flood plain management and flood control efforts in downstream communities, reduces ground-water recharge, and threatens public health and safety. (2) A comprehensive program of storm water management, including reasonable regulation of development and activities causing accelerated runoff, is fundamental to the public health, safety and welfare and the protection of the people of the Commonwealth, their resources and the environment."

These statements are as true today as they were in 1978. Legislation like Act 167 is desperately needed. It is needed, however, in strong and effective language that mandates implementation on the local level. It is needed in clear and enforceable terms that provide direction and support for local efforts to protect stream resources.

Thank you for giving me this opportunity to state our concerns.