

Good Morning,

I am starting with a brief discussion on my background to understand how my opinion has been formulated.

I have B.S. in Geology. I have been in the engineering and environmental consulting business for approximately 27 years. My focus is Large Noncoal Surface Mines. My perspective comes from not only my professional business experience but also as a resident within an MS-4 area.

I understand the need for clean streams and know it is difficult and complicated task to create regulations to ensure all people can enjoy their streams for all purposes. I am very concerned that the current policy is not creating appropriate framework that will achieve the necessary goals set out not only by Pennsylvania but at the Federal level as well.

I believe there are overlapping programs which are making it overcomplicated, unnecessary, and will not achieve the environmental protections our residents need. To summarize the current regulatory laws and programs in place for Large Noncoal Industrial Mine Permit to discharge stormwater we have the following:

NPDES Discharges my specific references are based on a Discharges from Large Noncoal Industrial Surface Mine – this regulates rate of discharge and quality of discharge. Compliance is not achieved by just installing Best Management Practices (BMP's) it is done by actual flow and water quality monitoring.

Any discharge that has a Total Maximum Daily Load (TMDL) – a point source discharge must comply with that study. These studies create variable regulations which is different for each watershed. My colleague has already discussed these studies in detail.

Susquehanna River Basin Commission has consumptive use permits for using water in their watershed. They have groundwater withdrawal permits to withdraw water in the Susquehanna River Basin.

In areas where there is a municipal system. MS-4 fees are being charged for sites who are in compliance with all of the above permits. After treating, monitoring, and reporting the discharge, another fee is added to provide stormwater treatment. The MS-4 has different regulations and applications in each borough, municipality, or authority.

One example of fees:

One company - one township - three parcels = yearly MS-4 fee \$23,363.88 to discharge regulated, treated, and monitored stormwater from their site. There are numerous fees for this one company that are in this range.

The overlap of regulations and agencies make it expensive for a business owner to operate and resident to live and enjoy the beauty of Pennsylvania with providing a return on the investment from the MS-4 program. As a resident that is paying an MS-4 fee with a property that has no stormwater management I like many of the residents in my municipality wonder where the direct benefits are from my fee. It clearly appears to me as a tax. You can see a snapshot of the confusion this program caused by looking on social media. People in my township have a community group which you can put stormwater in the search page, and which will result in 80+ individual post with just under 2500 comments dating from April 2020 when most people in my township found out about MS-4 when they received their first fee through March of this year. My township is mostly rural with a small portion being developed. The Fees are variable rates in each municipality. What do you think is going to happen to those fees when nothing is improved because we continually go after the big tax targets but the lowest return on investments because it's easy or politically correct?

How did we go from a program designed to detect illicit discharges from small municipal stormwater systems to charging fees to residents based on impervious coverage? The fees are to be used to develop watershed projects to reduce Total Suspended Solids (TSS), Nitrates (N), and Phosphorus (P). I would be interested in understanding how impervious surfaces are creating TSS, N, P issues. I don't think reducing this will resolve anything.

From my perspective we are dumping millions of taxpayers' dollars no accounting for return on investment (ROI). I believe government continues to overlook this when developing policies and spending other people's money. In House Bill 2135 an administrative cap is added, and several provisions are included to reduce waste which are all steps in the right direction. This bill probably should have been introduced before the development of the Pollution Reduction Plans for MS-4 were being developed.

House Bill 2331 puts a focal point on water quality-based science in addressing the environment. Technology advancement in continuous monitoring and GIS applications are providing a low-cost opportunity to truly understand what the issues are and where they are coming from to allow meaningful environmental mitigation.

Both these Bills have the potential framework for meaningful improvement on environmental regulations.