
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 145 Session of
2019

INTRODUCED BY FOLMER, SCARNATI, BAKER, BARTOLOTTA, MARTIN,
VOGEL, PHILLIPS-HILL, J. WARD AND HUTCHINSON, JUNE 5, 2019

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JUNE 5, 2019

A RESOLUTION

1 Urging the Congress of the United States to delay and review the
2 Environmental Protection Agency's MS4 program.

3 WHEREAS, In 1990, the United States Environmental Protection
4 Agency (EPA) began requiring urban areas with populations of
5 100,000 or more to obtain National Pollution Discharge
6 Elimination System (NPDES) permits for storm water runoff as
7 part of the Phase I Municipal Separate Storm Sewer System (MS4)
8 regulations; and

9 WHEREAS, In 1999, the EPA issued Phase II of the MS4
10 regulations, requiring small urbanized areas to obtain NPDES
11 permits for storm water discharges; and

12 WHEREAS, With more than 7,000 MS4s nationwide, the
13 Commonwealth of Pennsylvania is home to two Phase I and 953
14 Phase II MS4s in boroughs, cities, towns and townships; and

15 WHEREAS, NPDES permits for MS4s require permittees to develop
16 and implement storm water controls to minimize the discharge of
17 runoff from the rainwater sewer systems; and

18 WHEREAS, MS4s are designated in urbanized areas as determined

1 by the latest Federal decennial census and, accordingly, as
2 communities of the Commonwealth of Pennsylvania grow, they are
3 included in MS4 permitting requirements; and

4 WHEREAS, Controlling storm water runoff to comply with the
5 MS4 regulations has become a financial burden on many
6 communities of the Commonwealth of Pennsylvania; and

7 WHEREAS, The cost of compliance with the MS4 program has been
8 estimated to cost Pennsylvania taxpayers several billion
9 dollars; and

10 WHEREAS, This unfunded mandate has already caused additional
11 costs and increased taxes on residents and businesses and
12 restricted growth in our neighborhoods; and

13 WHEREAS, The Pennsylvania Storm Water Management Act, Act 167
14 of 1978, and 25 Pa. Code Chapter 102, Erosion and Sediment
15 Control, adequately address storm water within the Commonwealth
16 of Pennsylvania; therefore be it

17 RESOLVED, That the Senate of the Commonwealth of Pennsylvania
18 urge the Congress of the United States to delay and review the
19 EPA's MS4 program for a period of two years to develop a
20 coherent and equitable plan for the program's implementation;
21 and be it further

22 RESOLVED, That copies of this resolution be transmitted by
23 the Secretary of the Senate to the President of the United
24 States, the Administrator of the United States Environmental
25 Protection Agency, the President pro tempore of the United
26 States Senate and the Speaker of the United States House of
27 Representatives.