

MAY 25 2010 STORMWATER MANAGEMENT PUBLIC HEARING MINUTES

Formally approved June 8, 2010 Meeting

FULL BOARD PRESENT: Also present: Betsy Hack, Planning Director; Ruth Sitler, DEP; Rebecca Warren, Planning Commission Solicitor; Brad Newlin, Ryan Frenya, HRG Engineering; Harry Milheim, Herbert Zeager, Limestone Township; Roger Wintersteen, Richard Shultz, Jay Starr, West Hemlock Township; Robert Dluge, West Hemlock Township Solicitor; Jay Wissler, Derry Township; Gene Crossley, Public.

Mr. Finn opened the hearing. Consultant Brad Newlin gave an overview of Act 167 goals: sound water and land use practice; to preserve and restore the flood-carrying capacity of streams; and local administration of storm water.

In explaining why a stormwater management plan is needed, Mr. Newlin pointed to data in the updated plan showing more than 90 existing problem areas in the county and the potential of a \$7 million economic loss from a 10-year storm event. Mr. Newlin also noted that nearly half of the streams in the county do not meet water quality requirements for their designated uses. If stormwater regulations are not implemented or enforced, future growth could exacerbate existing problems or cause new ones.

Mr. Milheim questioned the proposed requirement of a stormwater management plan for new impervious areas of 2,500-5,000 square feet, saying he felt it too restrictive, especially for structures in rural areas such as Limestone Township. He asked if the proposal could be revised to 5,000 square feet.

Attorney Dluge indicated West Hemlock Township, too, was in favor of a higher threshold.

Mr. Newlin said any municipality can be more restrictive than the model ordinance but not more lenient. He noted a full site plan is not required for impervious areas of 2,500-5,000 square feet.

Mr. Wintersteen said a design would still be needed, but Mr. Newlin explained in those cases a one-page document is all that is required.

Mr. Milheim suggested starting the threshold at 5,000 square feet and letting it up to individual municipalities to be more restrictive.

Mr. Newlin suggested getting a consensus from the plan advisory committee then waiting for the implementation workshops to address those concerns. However, Mr. Wintersteen pointed out the law would already be on the books by then.

Mr. Wissler said he understood the need for such a requirement in cities and for subdivisions, but for a farmer putting up a 10,000-square-foot barn on a 200-acre farm, it seemed too restrictive.

Mr. Zeager said he felt the proposal would place a burden on supervisors and that while it would help Mahoning Township and Danville Borough it doesn't make sense for other municipalities in the county.

Mr. Finn told Mr. Zeager the worst flooding does happen in Danville Borough and Mahoning Township. However, the most flooding occurs in Derry Township and Washingtonville Borough. Further, flooding in the latter areas used to occur with 5- 6 inches of rain. The areas now flood with just 2 – 3 inches of rain.

Mr. Finn questioned Ms. Sitler on what the Department of Environmental Protection is looking for in the update. Ms. Sitler said the goals are both for municipal implementation and additional water quality volume and rates developed. As for the numbers on impervious areas presented at the hearing, she indicated she had no problem with either one.

Attorney Dluge questioned how municipalities are supposed to determine violations of stream flow and what mechanisms they are supposed to use to enforce it.

Ms. Sitler said baseline figures for stream flow are in the update. In terms of regulations, by adopting the ordinance, municipalities would meet that obligation.

Mr. Wintersteen questioned the timing of the update. Mr. Ward replied that Mrs. Hack took the initiative as the county was long overdue for an update. The last update was done in 1995. Ms. Hack expedited the process in order to qualify for state funding for the project.

Mr. Gerst expressed concern over the potential cost to farmers with the lower impervious area threshold.

Mr. Newlin said if the plan advisory committee approves raising the threshold to 5,000, it could be changed in the plan. At the Board's direction, Mr. Newlin will contact plan

advisory committee members about increasing the threshold. Mr. Milheim said he would assist with that process.

A meeting was scheduled for 11:00 a.m. June 1 to adopt the ordinance.

There being no further business, the hearing was adjourned.

Submitted By:

Holly A. Brandon, Chief Clerk