

**SPRINGETTSBURY TOWNSHIP
WORK SESSION – MS4; STORM WATER MANAGEMENT**

**OCTOBER 11, 2018
APPROVED**

The Springettsbury Township Board of Supervisors held a Work Session on Thursday, October 11, 2018 at 6:00 p.m. at the offices of Springettsbury Township located at 1501 Mt. Zion Road, York, PA.

MEMBERS IN

ATTENDANCE: Mark Swomley, Chairman
George Dvoryak
Charles Wurster
Justin Tomevi

ALSO IN

ATTENDANCE: Benjamin Marchant, Township Manager
Charles Rausch, Solicitor
Jessica Fieldhouse, Director of Community Development
Teresa Hummel, Finance Director
Andy Hinkle, Manager of Information Systems
Dan Stump, Chief, Police Department
Colin Lacey, Director of Parks and Recreation
John Luciani, First Capital Engineering
Jean Abreght, Stenographer

1. CALL TO ORDER

SWOMLEY Chairman Swomley called the Work Session to order and stated the purpose for the meeting was to discuss stormwater management.

2. NEW BUSINESS

A. Storm Water Management (MS4)

MARCHANT Mr. Marchant stated that there were several topics to cover beginning with the legal position of Springettsbury Township and covering the current stormwater management in the San Gabriel area of the township.

SWOMLEY Chairman Swomley noted that the planning transcends the San Gabriel matter, which is more like a poster child for other aging infrastructure.

RAUSCH Solicitor Rausch had investigated the county Stormwater Authority and to what extent the township could oppose the formation of a county Stormwater Authority. He noted that the township could send a Resolution; however, it would not have any legal impact or affect what the county wants to do. The county has the right to form its own Stormwater Authority and to assess a county-wide Stormwater Fee independent of what any other municipality does. Solicitor Rausch reported that he met with Felicia Dell and Pam Shellenberger of York County Planning Commission and learned the following:

- The county is not looking to take away anything from the municipalities; nor will they get involved in land development and subdivision.
- The county will not enforce the municipality's own stormwater management ordinances.
- The county's jurisdiction relates more to the broader context of stormwater and clean water being mandated by EPA and DEP; the water quality with all the York County streams.
- DEP will do measurements, through EPA Regulations, on a section of a stream, extrapolate that to a geographic area and issue mandates based on the results. One area might have better measurements than another. The county would like to have the municipality provide for its own testing.
- Testing is done by the Susquehanna River Basin Commission; Fish and Game Commission does its own measurements; different models going on.
- Not all streams are impaired.

RAUSCH Solicitor Rausch noted that the next aspect from a county-wide perspective is the MS4 Permitting, which involves the municipal separate stormwater. Springettsbury has its own MS4 Permit as does the county.

- Springettsbury's storm sewers are not connected to its sanitary sewer.
- Education is an important component of the MS4.
- Additional areas of concern involve agriculture, farmers, wastewater sewage treatment plants.
- Huge budget for the proposed authority - \$1 million for staff, a potential forecast for what the needs would be including extensive water quality testing which would require a lot of manpower.

WURSTER Mr. Wurster noted that DEP is a state agency. He questioned whether the state legislature could deal with the problem and represent the people to DEP.

MARCHANT Mr. Marchant's understanding is that the legislature does not oversee any departments, that it is an executive function and that a disconnect exists with the department heads. A lack of leadership exists due to more focus on politics. MS4 and pollution reduction is under the title law of the Clean Water Act with rules written by EPA and DEP. The perception is that the municipalities don't have the data to back up how well things are going with farmers, MS4 communities, sanitary treatment systems. Without that data there is no way to avoid the oppressive legislation that EPA is planning to impose on the communities that they deem noncompliant.

WURSTER Mr. Wurster noted that the data is needed and is the compelling reason why the Authority is needed to gather the data.

- RAUSCH** Solicitor Rausch provided additional information, summarized:
- The Regional Consortium costing \$200,000 a year would be folded into a county Authority. There is less and less benefit for involvement.
 - A county-wide Stormwater Authority could be more efficient; could take a broader approach and be more effective.
 - Stormwater Authority would be a separate entity independent of the commissioners; important to make certain of board representation from different interest groups, urban areas, agricultural areas.
 - Possibility for the Army Corp of Engineers to be engaged for flood control.
- WURSTER** Mr. Wurster stated that the reality is that in order to make meaningful MS4 improvement, it would be best to do a Springettsbury system and program as an MPDES municipality to make impact and focus on the effort.
- DVORYAK** Mr. Dvoryak commented that if there is a county Stormwater Authority formed, Springettsbury’s residents will be taxed twice, once by the county assessment and secondly by the township to recoup cost of the improvements. He noted that it appears it will happen regardless because whatever the county decided to do would not relieve the township of its legal responsibility under the MS4 program.
- RAUSCH** Solicitor Rausch agreed unless the township can convince DEP or EPA to give a county MS4 Permit so that the Stormwater Authority would be responsible to monitor pollution reduction throughout the whole county.
- WURSTER** Mr. Wurster questioned whether passing a Resolution would be of value to Springettsbury.
- RAUSCH** Solicitor Rausch responded that it would be, but he was concerned about the timing. He noted that it would be better to have multiple Resolutions from as many municipalities as possible.
- WURSTER** Mr. Wurster understood that, coming from the Authority and the municipality would command a county-wide MPDES Permit.
- MARCHANT** Mr. Marchant commented about the timing of the Consortium. The county is not going to have theirs up and running until 2022 to use for the next five-year permit cycle. The township will have to do what is necessary to get through this permit cycle first.
- WURSTER** Mr. Wurster reported that there is a meeting scheduled for October 18th at 7 p.m. at the County Learning Center. They will be discussing governance.
- SWOMLEY** Chairman Swomley noted that he would like to have a better understanding of the penalties and liabilities in the event of having to make financial decisions.
- MARCHANT** Mr. Marchant stated that they will do further research on that.

FIELDHOUSE Ms. Fieldhouse stated that she had created a presentation that may provide answers to Chairman Swomley’s questions in terms of implementing a pollutant reduction plan. She provided a PowerPoint presentation entitled, MS4 & CBPRP – Strategic Implementation Steps, which included the following:

- Legal Position of Township; Position of Consortium and County Stormwater Authority, Springettsbury Township Strategic Implementation and the Next Steps. Slides included:
- Map of impaired waterways of Springettsbury Township (18 in two watersheds - Codorus Creek and Kreutz Creek Watersheds).
- The Township’s 2018 – 2022 MS4 Program; Need for a reduction of 697,000 pounds of sediment from township waterways.
- Strategic Implementation Steps, Strategic Goals: MS4 Program Funding, Sustainable Stormwater Authority Budget. Strategic Goal 1 – The Fee; Objective 1 – Aerial Photography, Objective 2 – Impervious Coverage Analysis.
- Potential Fee – Establish an Equivalent Residential Unit (ERU); basic unit for computation of a stormwater program fee. The ERU is based on a statistically estimated impervious area found on the average sing-family home. Example: 1 ERU equals 3,800 sf of impervious area; 1 ERU represents a monthly fee of \$6.50 or \$78.00 a year.
- Potential Fee (cont’d) – Tier 1 – Less than 500 sf of impervious area (no fee); Tier 2 – 500 to 2,999 sf – 0.5 ERU’s; Tier 3 – 3,000 – 4,900 sf – 1.0; Tier 4 – 5,000 – 7,599 sf – 1.5 ERU; Tier 5 – Great than or equal to 7,600 sf – per ERU; Non-Single Family Residential are assessed a fee passed on a per ERU calculation.
- Strategic Goal 2 – The Budget: Objective 1 – Identify a cost per pound for sediment reduction, i.e., Project Management; Objective 2 – What is our annual maintenance responsibility for existing aging infrastructure?
- Goal 2 – CIP Outlined Steps: Project Management – Create/Let a P.M. RFP, contract award based on (realistic) lowest cost per pound for sediment removal; Line Televising – Estimate Annual Maintenance Responsibility based on actual conditions.
- Next Steps: 2018/2019 – BMP Construction Expense – Project Management RFP; 2019 – Income Development – Aerial Photography and Impervious Coverage Analysis; Annual Maintenance Expense – Line Televising and Existing Conditions Analysis.

Ms. Fieldhouse noted that the goal is that by the end of 2022 the township has projects on the ground with operation and maintenance cared for and the 697,000 pounds of sediment reduction is reached.

WURSTER Mr. Wurster questioned whether it would be a realistic goal.

FIELDHOUSE Ms. Fieldhouse responded that she does not have enough information to know whether it is realistic. She noted that the township is nine months into the five-year permit cycle and there is still time to get the projects on the ground. She added that the Gant Chart with the administrative tasks is realistic. Her proposal is to have information and infrastructure and foundation necessary to implement a Stormwater Fee by June to August of 2019.

WURSTER Mr. Wurster questioned whether it would be possible after the goals are met for 2022 that the township would need to continue having the Stormwater Management Fee imposed on township residents.

FIELDHOUSE Ms. Fieldhouse responded that it was a big question that can't be answered at this time as it is unknown whether there will be an overlap. The on-the-ground implementation steps to be taken are trying to meet the regulatory requirements that have been placed on the township so that there are no fines and penalties.

MARCHANT Mr. Marchant added that the assumption is that the next round is going to come with more obligations, not less.

TOMEVI Mr. Tomevi noted that this is just an interim five-year step.

FIELDHOUSE Ms. Fieldhouse shared a draft of the bid documents for Project Management,

SWOMLEY Chairman Swomley questioned whether anyone seriously thought that if there are \$1 million dollars' worth of new jobs created that a Stormwater Authority is going away at the end of the five years.

WURSTER Mr. Wurster responded that having one, probably not. He was just trying to be optimistic, to think maybe if the board does its job, it could relax on the residents.

3. PUBLIC COMMENT

STUHRE Charles Stuhre, Trout Run Road questioned whether, if Springettsbury develops its own Authority, will the county still invoice their fee on top of what is being done in the township.

The response is summarized:

- The county will invoice the township; requirements will be met; however, the county will be doing things differently than the township.
- There is no option to do nothing; township will be held individually responsible and fined.
- Lancaster County was fined \$450,000; York City fined over \$200,000.
- Board is attempting to stay ahead of the process.

San Gabriel Drive

MARCHANT Mr. Marchant brought up the subject of the stormwater issues within the township, whether it be San Gabriel or other subdivisions. He was looking for

guidelines as to conversations with residents. Mr. Luciani had offered to provide assistance in terms of representations that he is making or expectations that he could set. Solicitor Rausch had suggested the idea to treat this like a Stormwater District where the township fronts the expenses and the residents pay it off in their taxes over time.

A lengthy discussion took place, which is summarized:

- Township cannot fix every private property problem.
- Initial sewer installations were done by the township and residents paid for the infrastructure.
- Amendments were provided in the Development Authority that now include stormwater management.
- Considerations for violations of ordinances or regulations to be identified, as well as natural flows.
- Initial estimated cost for the San Gabriel Drive full-blown stormwater lines project of \$126,000.
- Continue facilitating conversation between property owners for solutions to the matter.
- Problem has increased over the years, but this year was an exceptionally rainy season.
- Any engineering fees are included as part of the normal budget for such items; varies year-to-year.
- Township staff spending a considerable amount of time on the frequent complaints.
- Stormwater District would identify the entire area responsible and distribute the cost.
- Private properties are involved in the overall San Gabriel matter; township study provided.
- Part of the MS4 Project will provide some insight into the neighborhood problems.
- No stormwater infrastructure is involved in the San Gabriel matter.
- A stormwater system-wide assessment will be done over several years.

SWOMLEY Chairman Swomley adjourned the meeting at 6:55 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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