

# Towns getting reprieve on costly rules for stormwater

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The flood of costly new stormwater regulations faced by townships and boroughs across the commonwealth was diverted this week as a state official confirmed a delay in implementing them.

William Rathburn, director of communications for the Pennsylvania Department of Environmental Protection confirmed Thursday that John Hines, deputy secretary for water management, said the state will hold off on implementing the new rules.

However, Rathburn said an official announcement is not due until August, and it is not until then that the length of the delay in implementing the rules will be made public.

The rules, actually the next phase in a permit process, are the result of the state's effort to comply with increasingly stringent requirements of the federal Clean Water Act.

Enacted in 1972, the Clean Water Act's provisions initially focused on industrial pollution which was easier to target because large amounts came from a single source — a plant or factory.

This was called "point-source" pollution because it could be pinpointed to a single source.

But that effort, largely successful, has now given way to efforts to control or eliminate water pollution from what is now the largest source — all of us.

Called "non-point source" pollution, the majority of pollution now in the nation's waterways comes from, well, everywhere.

Stormwater management is a problem of both quantity and quality.

When your car drips oil on your driveway or the Round-Up you sprayed on your sidewalk gets washed away in a rain storm or the salt spread on the winter ice gets carried away in the spring thaw — each of these tiny instances of pollution add up to big problems when they all end up in the same place — the nearest stream.

All of these pollutants degrade the quality of streams which, often enough, end up being the source of drinking water.

For instance, every local stream that drains pollutants into the Schuylkill River is polluting the drinking water of more than one million Americans.

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The other problem with stormwater is that there is too much of it.

Much like the tidal "storm surge" that causes the majority of damage from a hurricane, local streams must endure a surge of water when it rains due largely to the increase in pavement and development that intercepts rain water that would otherwise be absorbed into the ground.

Normally what water did not sink deep to become part of the water table would take months to seep through the ground into streams.

But thanks to modern stormwater engineering, it gets there in hours or in days. Instead of a dribble, the water arrives in a flood.

This sudden volume of water causes flash floods and erodes the banks of streams and the land around them.

The first phase of the state's effort to deal with this problem and the standards set up in the Clean Water Act, was to require municipalities to undertake an education effort to help residents understand their role in the problem and steps they could take to lessen their pollution burden on streams.

The "drains to river" medallions on Pottstown's storm drains are an example of that effort.

But this next phase of the permit each municipality must have includes what many local officials have called "draconian" regulations which could cost them millions and which they thus categorize as "unfunded mandates."

So many of those officials banded together and, led by Montgomery Township, formed the Southeastern Pennsylvania Stormwater Coalition. Their first effort was to seek a delay in the implementation of the new requirements, scheduled to be in place in September.

In an interview published in Wednesday's Philadelphia Inquirer, Hines said that effort had paid off and that the DEP wants to hear the concerns of the officials on the ground who have to implement these rules.

What the DEP is likely to hear are the kind of concerns offered Thursday by Amity Township Manager Charles Lyons.

Amity joined the coalition after Lyons attended a meeting of many of those township officials in Pottstown in April.

Aside from potential rules imposed on individual residents, such as not being allowed to wash one's car without capturing all the run-off, Lyons said the township's efforts to create a 600-acre industrial park off Limekiln Road could be hampered by new stormwater rules.

"They're telling us we're going to have to replace catch basins with ones that have filters and clean

them out after every significant storm," said Lyons, half-joking that such an effort could take all of the township's 30 employees.

All joking aside, rules like these will not be easy to manage for a township that has a \$4 million annual budget.

"They want us to do stuff like that and I can't even get PennDOT to come out here and cut weeds along their roads," said Lyons. "Things like this, it's just egregious the way we're treated by the state and federal governments."