

York County Stormwater Authority: A proposal for York County to improve our streams, reduce flooding and meet Federal water quality requirements

This past summer many of our communities in York County experienced flooding from high intensity storm events. These events are becoming more frequent and cause expensive damage to an increasing number of properties. In addition, the stormwater runoff from these events pollutes our streams with sediment from our stream banks and chemicals and nutrients from our fields, yards and roadways. Community impacts from flooding and water pollution are a direct result of how we manage our land. Decades of development in York County occurred before stormwater management was required. In the 1970s and 80s, our 72 municipalities began to adopt ordinances to guide development including the volume and rate of stormwater runoff. It's only within the past decade that municipalities were also required to address water quality as part of their stormwater management ordinances. We also do not have an inventory of how many farming operations have an Agricultural Erosion Control and/or Conservation Plan that is being implemented, so we cannot determine the impact, or accomplishments, from suburban stormwater runoff as opposed to agricultural runoff. We do know that we have degraded water quality in many of our streams across all of York County that we are mandated to clean up.

Where do water pollution requirements come from?

The federal Clean Water Act (CWA) of 1972 establishes the basic framework to regulate pollutants discharged into our waterways, streams, and rivers. The CWA is administered through the United States Environmental Protection Agency (EPA). Many of the federal water regulations are carried out through state environmental agencies, which in our case is the Pennsylvania Department of Environmental Protection (DEP). In addition to federal water pollution requirements, Pennsylvania is required to meet additional requirements as part of a special water pollution plan to clean up the Chesapeake Bay called a Total Maximum Daily Load or TMDL Plan. The TMDL Plan limits the amount of pollution that can be discharged by each of the contributing states and still ensure the health of the Chesapeake Bay is maintained. In order for PA to meet their Chesapeake Bay TMDL Plan requirements, DEP has identified the type and amount of pollutants each County is contributing. In turn, DEP is requesting that each County develop a County-based Action Plan for Clean Water also known as a Watershed Implementation Plan (WIP) to clean up their share of the problem in a way that fits their local resources and capabilities. The goal is to reduce our water pollution to acceptable limits by 2025.

How is York County doing?

Through the development of the PA TMDL Plan for the Chesapeake Bay, York County has been identified as the second highest water polluting county, second only to Lancaster County. Our share of the problem has been identified as 4 million pounds of Nitrogen annually from agriculture practices and suburban stormwater runoff. In addition, DEP has also identified sediment runoff as a local source of pollution that needs to be reduced.

What happens if York County doesn't clean up our share of the problem by 2025?

EPA and DEP are the government agencies required to comply with the federal Clean Water Act and the PA Clean Streams Law. However, those agencies aren't enabled to take the actions needed for compliance. They impose regulations on other entities to ensure compliance. In this case, if York County doesn't clean up our share of the problem, DEP could impose further requirements on our municipalities and farmers to clean up local waterways. In addition, if Pennsylvania doesn't meet the federal requirements, EPA could impose penalties on the state which would be passed down to the local municipalities and farmers. Penalties could include: increasing the number of municipalities required to have a federal stormwater permit for Municipal Separate Storm Sewer Systems (MS4), reducing the number of animals required for a Concentrated Animal Feeding Operation (CAFO) permit, requiring York County municipalities to complete local TMDL plans for the four watersheds that are already identified for this requirement, as well as other penalties.

What are we doing about it?

The York County Coalition for Clean Waters (YCC4CW) is a local stakeholder group that is developing the York County Watershed Implementation Plan (WIP). The intent of the York County WIP is to: 1) identify the needed reporting methods to get us credit we deserve for existing efforts, and 2) identify the projects and programs still needed to reduce 4 million pounds of Nitrogen on an annual basis to clean up our share of pollution going to the Chesapeake Bay by 2025. Although

the plan is still under development, it is clear that additional resources are needed to meet these requirements, as well as maintain them into the future.

How could it be funded?

The York County Planning Commission has been tasked to explore proactive alternatives to help York County, its municipalities and agricultural community to meet these requirements, and avoid additional costly regulations. Through a grant secured from the National Fish and Wildlife Foundation, a team of consultants has been working with local stakeholders to identify funding options. A countywide stormwater authority offers one option to fund the needed projects and programs, as well as improve the reporting of our existing accomplishments. Most importantly, an authority can address the issues on a regional scale which is how our watersheds and streams function. The efforts of one municipality or one farmer will not meet the requirements for all of York County.

The current proposal is to create a countywide authority that would be funded through a fee assessed on each parcel in the tax assessment database. The fee would be based on the classification of the parcel: residential, commercial or agricultural. The fee could only be used to fund the programs and projects to meet water quality requirements though flooding and stormwater improvements. This is different than funding it through a property tax increase which would not include tax exempt properties and would be general fund revenue that can be used for a broad array of service depending on the priorities in the annual budget.

Credits to reduce the fee are also being considered for commercial and agricultural parcels that implement Best Management Practice (BMP) projects on their property. Due to the high number of residential parcels (161,000), credits for residential parcels are not being considered at the onset due to the administrative burden it would create. They could be considered at a later date.

What would be accomplished?

The majority of the fees generated through the authority are proposed for projects and programs that will reduce flooding, improve water quality from stormwater runoff, and develop local data to measure our improvement. Approximately 80% of the budget is proposed for capital needs including the construction of suburban and agricultural BMP projects, stream restoration, stream buffers, emergency response funds and 25 water quality monitoring locations throughout the County, in order to determine pollution sources to ensure implementation of effective solutions. Further, the intent is to leverage the funds generated to obtain matching grants in order to further extend financial resources.

The remaining budget is for technical staffing and administration. Three of the technical staff are proposed to be dedicated to the York County Conservation District to assist with the backlog of farmers on the waiting list to receive technical assistance for Ag E&S/Conservation Plan development.

This approach provides for developing and administering the program at the County and Local level rather than it being dictated by DEP or EPA.

Where can I learn more?

The details of how this would work are under development. It is very much a work in progress, and your ideas and constructive input are welcome. Feasible alternatives for funding the work that must be completed are welcomed and appreciated. To learn more, please visit our website: www.yorkstormwater.com

Also, mark your calendar for the third public meeting on November 8th at the York Learning Center, 300 E. 7th Ave, York PA 17404.