

RESIDENT Q & A

- 1. Resolution No. 20-07 adopting the Authority's Rates, Rules and Regulations states "to assess a reasonable, equitable, and uniform fee for all developed properties that are connected with, use, are serviced by, or are benefited by the West Hanover Township Stormwater Management System." My entire property along with those of my neighbors drain into a naturally occurring wetlands. Any water draining from the wetlands flows into an unnamed, unimpaired tributary of the Manada Creek. At no time does the stormwater from our properties flow into any facilities managed by the Township or regulated by the MS4 program. Why are we being billed a stormwater management fee when our properties aren't being served by the Township's stormwater system?**

The purpose of the regulations is to reduce the amount of Stormwater run-off and pollution load (sediment, nitrogen, phosphorous) to surface waters of the Commonwealth and ultimately the Chesapeake Bay. Under the PA Clean Streams Law, a wetland is considered Water of the Commonwealth. The runoff from your property carries a pollution load to the wetland and therefor fall under the regulations. According to DEP's BMP Effectiveness Values, a wetland that intercepts Stormwater and releases it at a specified flow rate is only effective in reducing 60% of sediment, 20% of nitrogen and 45% of phosphorus. A natural wetland would not release at a specified flow rate so its effectiveness would be even less than the previous sentence. All developed properties in the Township are being served and benefitted, either directly or indirectly, by the Stormwater System and therefore are being billed a Stormwater fee.

- 2. In order for this to be a management "fee", the Authority must provide me with a service. What service is the Authority providing me?**

The service includes the maintenance and improvement of the existing facilities such as existing pipes, culverts, roadways, swales, ditches, and other conveyances that comprise the stormwater system of West Hanover Township. These services were previously funded by the Township's General Fund and Liquid Fuels and Highway Aid Fund, but are now being funded by the fee collected by the Stormwater Authority (SWA) pursuant to the amendment to the MAA. The Township conveyed the stormwater facilities and the maintenance and operation obligations of the stormwater facilities to the SWA. Furthermore, the Municipalities Authorities Act ("MAA") was amended in 2013 to authorize municipal authorities to plan, manage, and implement storm water controls and to charge reasonable and uniform rates based upon property characteristics (i.e., impervious area) without limitation of such fees to the urbanized area of the MS4 permit.

- 3. The minutes from the July 31, 2019 MS4 Stakeholder Meeting state "If there is (sic) no stormwater facilities on property there will be no stormwater fee." There is no documentation of any Stakeholder meetings or discussions of this topic after this meeting. When did the Stakeholders change their position and why?**

The Stakeholders Committee met a total of four times during 2019, and although they were not a decision making body, they provided valuable feedback to the Township. Their position evolved as additional information and recommendations were received from the Township's consultants and advisors. The Authority also agreed the costs for the required operations, maintenance, and projects required to meet the MS4 permit and other Stormwater obligations would be best met by distributing them over all properties within the Township since all properties contribute runoff related to impervious and pervious surfaces on the property.

- 4. The December 4, 2019 Authority Meeting Minutes document a conversation between Chairman Fowler and Eric Harmon, representing Light-Heigel, the Authority's MS4 consultant. Mr. Fowler questioned Eric Harmon as to whether or not Fishing Creek Valley was included in the MS4 10% reduction requirement by March 2023. Eric Harmon stated it included the entire Township watershed, including the Fishing Creek Valley. That is not correct. Only outfalls from the urbanized area stormwater system are regulated under the MS4 Permit and required to meet the 10% reduction requirement. The CBPRP prepared by HRG, Inc. clearly states that nothing outside the Townships urbanized area is included in the plan. Is the Authority operating under the understanding the entire Township is required to meet the MS4 Permit requirements?**

The Planning Area used to determine West Township's pollutant load and associated pollutant load reduction requirement was comprised of the 2010 Urbanized Area located within the municipal boundary of the Township. The Authority recognizes that West Hanover Township, as the current MS4 permittee, is required to implement the projects proposed in the West Hanover Township Chesapeake Bay Pollutant Reduction Plan to achieve the required load reduction prior to the end of the 2022-2023 MS4 reporting year. The discussion at the Authority meeting did not involve any specific detail about the Township's PRP but rather was in regard to PADEP's PRP guidance documents pertaining to the determination of the PRP planning area.

While the Authority is only undertaking mandated BMPs within the urbanized areas at this time, the Authority is applying the remaining obligations including, but not limited to, the operation/maintenance/repair of the existing stormwater system to the entire Township. Furthermore, the amendment to the MAA authorized municipal authorities to charge fees for the planning, management, and implementation of stormwater controls regardless of whether the controls are located within the urbanized area of the MS4 permit or in different areas of the authority's service territory. The Fishing Creek, Manada Creek, Beaver Creek, Kellock Creek, and Walnut Run areas of the Township all contribute stormwater to the stormwater system.

- 5. Based on HRG,s CBPRP, 68.5% of the township is rural and not regulated by the Township's MS4 Permit. The maintenance and repair requirements of the rural stormwater system are unchanged and have always been funded with property taxes**

and liquid fuels funds. Why are the rural property owners now being charged a tax based on ERU's to fund stormwater system improvements outside their service area?

West Hanover Township is responsible for the operation and maintenance of the stormwater collection and conveyance infrastructure within the regulated MS4, but also throughout the municipality. Aging stormwater infrastructure, regardless of the location within the Township, requires routine maintenance, repair, and replacement to provide adequate service for those properties using and benefitting from the stormwater system. Portions of the MS4 permit Minimum Control Measures require public education and outreach, which extend to all residents & businesses within the Township. Additionally, administrative efforts, stormwater facility inspections, and good housekeeping policies and procedures for the Public Works Department are examples of MS4 permit requirements that have a scope of services that extend beyond the urbanized area boundary. These services constitute planning, management, and implementation of stormwater controls under the MAA and a fee is, therefore, authorized by the amendments to the MAA. Funding for the operation and maintenance of the stormwater system will no longer be funded by the General Fund and Liquid Fuels and Highway Aid Fund which will help to mitigate or prevent future increases in the tax rate.

- 6. Only those properties served by the Sanitary Sewer System in the system's mandated service area are charged a fee for service. The same should be true for the Stormwater System, only those properties served by the regulated system should be charged a fee. How is the regulated Stormwater Sewer System service area any different than the service area mandated to be served by the Sanitary Sewer System?**

Stormwater utilities are somewhat different than a sewer authority. As stormwater travels to local creeks and streams, it picks up pollutants which degrade water quality. Additionally, stormwater utilities are often charged with operation and maintenance of the entire stormwater system within its service territory regardless of whether it is within the urbanized area. This service helps to eliminate localized flooding and other drainage issues throughout the service territory of the authority. Furthermore, the MAA authorized a fee for planning, management, and implementation of stormwater controls throughout the service territory of the authority without any limitation that such services be limited to the urbanized area.

- 7. At the January 2, 2020 Authority Meeting, Mr. Rosario proposed 3 bridges being inspected as part of SWM. They definitely aren't considered part of the Township's MS4 PRP submitted to DEP. In what way are bridges SWM facilities? Does the Township intend to fund all stormwater system maintenance and repairs with the SWM fee or just the activities required to meet the MS4 permit?**

The bridges are not included in any of the BMPs proposed to meet the mandated pollution load reductions. Certain components of the bridges are part of the Township's existing Stormwater System. To the extent that issues with the 3 bridges are related to Stormwater, the work is considered to fall under the SWA and paid for as part of the fee. Items such as

stream scour, rip rap replacement, inlet and storm pipes and discharges would fall under that category.

All of the bridge work will be done by the Township's Public Works department. The Stormwater work on the underside of the bridge will be billed to the Authority and paid from Stormwater Fees. All other bridge expenses will be paid out of revenues from the Township's general fund.