

**Stormwater and Development Workgroup
Preliminary Recommendations
to the
PA Chesapeake Bay Program Steering Committee
March 3, 2006 (revised July 18, 2006)**

1. The issuance of all state and local permits and authorizations required by the land development approval process should be better coordinated to ensure overall compliance with state and local obligations, and to minimize financial risk to builders.
2. Other Commonwealth agencies should become more engaged in the implementation of the Chesapeake Bay Tributary Strategy. They could be potential credit generators and offset producers for new development, and they could have offset needs of their own.
3. The department and municipal governments should actively encourage and support legislation that would specifically authorize creation of Stormwater Utilities that would be able to charge user fees, and manage and oversee local stormwater management facilities and practices.
4. To enhance continued operation and maintenance of post-construction stormwater BMPs, support should be given to House Bill 316 that would extend allowed performance bond requirements for developers from 18 to 36 months.
5. Funding to develop and implement Stormwater Management Plans under Act 167 should be increased to enable local government to better manage stormwater, reduce nutrient loading from runoff, and generate nutrient and sediment credits.
6. Minimum compliance baselines for trading need to be generated for stormwater and development activities. The department needs to define when and how municipalities and other governmental entities can generate credits.

7. DEP should improve its ability to track and account for nutrient reductions and credits generated by stormwater management practices.
8. A comprehensive credit tracking system needs to be developed.
9. The Chesapeake Bay model should be updated to take into account BMPs that are not currently included in the model.
10. The workgroup requests that it be authorized to continue to meet so that issues can be further examined and more detailed recommendations for resolution can be made.

Act 537 Related Recommendations

Note: these issues/recommendations were established prior to the issue of onlot systems being separated from the Stormwater workgroup. We submit these points for consideration to the recently formed Act 537 subcommittee:

1. The workgroup acknowledges the department's use of a conditional approval process for Act 537 planning requirements for new point source facilities, and it is recommended that the process be continually evaluated for effectiveness.
2. The workgroup supports the department's recommendation that only department-approved, large-volume subsurface on-lot disposal systems be required to meet the zero net-discharge requirements that will also be imposed on point source discharges. These permitted facilities should also be subject to post-construction maintenance requirements.
3. More attention must be given to help identify any potential unintended consequences resulting from implementation of the Chesapeake Bay Tributary Strategy. Examples include: 1) extending sewers to capture onlot sewage systems as a way to generate credits may result in increased development pressure due to the extended sewer line, ultimately increasing the potential for sprawl growth, (2) placing additional requirements for long term nitrogen mitigation on Large Volume Onlot sewage Disposal Systems (LV OLDS) may discourage

their use in “smart growth” enhancing cluster system type applications and, (3) placing nutrient reduction requirements on new point source proposals and on LV OLDS proposals may actually push development towards the use of individual on-lot sewage systems, resulting in conversion of greater amounts of rural land to urban use due to larger lot development associated with the individual onlot systems. In all three examples, nitrogen mitigation measures ultimately impact permanent land use decisions.

4. The workgroup discussed a number of sewage management issues (e.g. operation and maintenance requirements, denitrification system capability and use) that were important, but not key issues in the context of the workgroup’s charge. It is recommended that those specific issues be addressed through the Sewage Advisory Committee.