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Carnegie Mellon University

Sustainable Water Infrastructure Task Force

**Testimony**

To improve and sustain water quality and prevent floods, and for the well-being of thriving communities and for improved economies in poor municipalities, it is critical to level the playing field for high-quality land development, across the board, across the region. In my opinion, land use regulations must be taken away from the municipal level and be regulated from a broader perspective, a multi-municipal, and in many cases a multi-county watershed scale.

In Allegheny County alone, there are 130 municipalities, each with their own set of land development and subdivision regulations. There are 47 municipalities in Washington; 52 in Westmoreland; 5,000 in Pennsylvania. Few topics bring together an array of overlapping laws more than stormwater management: the combined sewage overflow policy, the floodplain management act, subdivision and land development regulations, hazard mitigation plans, stormwater planning, stormwater discharge permits, and sprawl.

The solutions are obviously not simple.....and nothing short of an integrated approach will suffice.....

Positive change is afoot, these are some of projects that I have worked on:

ALCOSAN and Corps of Engineers are daylighting a stream in Sheraden Park, removing 110,000 gallons / day from the combined sewer and its one outlet, it will be restored as a creek, an amenity in a city park.

Frick Park is a great model of a restored stream valley as a park amenity, and rain barrel conscience raising in upstream communities.

Pine Creek has one ordinance for multiple municipalities, thanks largely to undiminished efforts of one municipal engineer.

PEC has an excellent internet-based watershed education tool for the Allegheny and Monongahela Rivers that explains land use impacts on water quality.

Lower Chartiers Creek Watershed Association has a handbook that explains jurisdictional responsibilities for water quality issues, from the EPA, Corps, FEMA, DEP, County, municipality, to landowners.

In 2006, 3RRW and Washington County signed a bi-county agreement to manage stormwater in the Chartiers Creek Watershed.

Westmoreland Conservation District has numerous successful BMP demonstration projects.

*and, one I didn't work on.....*

Morgantown WV collects money for their stormwater management system based on impervious square footage.

There are numerous small success stories, all over the map. Separately, they are intelligent gestures of better ways to manage our impact on the environment. They prove a gestalt that we are capable of doing much, much better.

Yet the hard part, true systemic land development reform goes untouched. Upstream communities flood older downstream municipalities.

More than laws need to be changed, minds and behavior patterns need to be changed. Old dysfunctional paradigms need to fall away in decrepitude, or be surgically removed.

The PA Municipal Planning Code (MPC) needs to be re-written. Or overhauled.

The County needs to offer real fact-based guidance to municipalities. Instead of using taxpayer money for mountain top removal for retail development, the anchors of new sprawl.

A new entity needs to emerge that is science-based and non-partisan. It needs to boldly put forth policy and give guidance based on good objective data. It needs to derive its intelligence from multiple disciplines, such as natural sciences, civil engineering, watershed planning, computer modeling, and with a respect and understanding for all biotic communities.

To re-write ordinances, We need land planners that understand natural system functioning, environmental economics, and who can understand objective quality data (like from PaMaps).

Lawyers need to be proactive. They need to embody the precautionary principle (explain) instead of looking to the “Municipal Court Claims” where a municipality cannot be held responsible for an occurrence about which they had no former knowledge of potential failure, collapse, breakage. As an attorney explained to me in my research, “[the municipality had] no reason to know it’s going to break. It never had an event like it before.” Well, we are surrounded by crumbling infrastructure, ill-maintained detention ponds and dams—proclaiming ignorance no longer serves us.

Well meaning funding sources at the state level need to be rethought. DCED gives money to multi-muni planning but few examples in the state have adopted shared ordinances. DEP gives money for myriad small watershed-based projects, yet few non-profit directors share results of their findings.

Enforcement is critical, and can be practiced now. The municipal codes that I have read through recently in Turtle Creek all have provisions for levying fines, revoking development permits, even imprisonment. Yet none of them have exercised this right. I was also led to believe over a year and a half ago that DEP was going to reinstitute a stronger enforcement penalties for water quality infringements, but little has been done. More penalty monies would pay for more inspectors and add teeth to laws on the books today. The air of exhaustion needs to be replaced with a can-do attitude.

Finally, good developers will step forward in response to uniform, well-written codes. As one developer said to our focus group at the beginning of Allegheny County’s Comprehensive Plan, “we want uniform land development regulations, and we’re fine with them raising the environmental bar, just so they are consistent between municipalities”.

I think the governor’s next budget needs to do something different: a Summit on Radical Change in Land Use and Water Quality, put \$15 million toward integrated reform at the core of our water

quality dysfunction. Anticipated outcome: new MPC, new land development / stormwater management entity (ies), incentivized attorneys, educated and redirected municipal officials. Hammer it out in 6-9 focused months, with hard core phased-in implementation over the next 12-18 months.

As you can see, I'm a fan of surgical removal. As a consultant, an environmentalist, and citizen I'm losing patience with the old dysfunctional paradigms slowly crumbling away.

I just came back from 3 months in India developing landscape design responses to LEED-certified platinum buildings and consulting on rainwater harvesting. If in the last few years, India can make rainwater harvesting a mandatory requirement for all new development, then we can do it here, we have the money, less people, and more efficiencies.

In closing, in thinking about the future, with global climate change, when people are looking for better place to live, in a place with reasonable temperatures, ample water and a "green" city, they may look to this region, if we don't take our abundant water resources for granted.

Presented by:

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